

## **Conflict in South Kordofan / Nuba Mountains**

On 5 June 2011 fighting broke out in Sudan's South Kordofan state, centring on the the Nuba Mountains area. The fighting pits the Nuba Mountains section of Sudan People's Liberation Movement-North (SPLM-North)<sup>1</sup> against the Sudan Armed Forces (SAF) and aligned militias. The conflict has drawn international attention over allegations that the Sudanese forces are engaged in grave human rights abuses, such as mass killings of civilians.

### **Background to the conflict**

The conflict in the Nuba Mountains dates back to the 1980s and its genesis was closely tied to the growing SPLM rebellion in southern Sudan that started in 1983. Local discontent at political marginalization drove many Nuba to sympathize with the southern rebels, even though many of the conflict drivers were local. The scores of Nuba tribes that populate the Nuba Mountains have a culture and dozens of unique languages distinct from South Sudan's Nilotic and Bantu peoples. Although many Nuba are Muslim converts, many others subscribe to Christianity or traditional beliefs. Beginning near the end of President Jafaar Nimeiri's rule (1969–85), the Nuba's fierce cultural independence increasingly clashed with the government's Arabist policies and its conservative brand of political Islam.

Although the 2002 Nuba Mountains Ceasefire—an effort spearheaded by new US special envoy John Danforth—led into the Naivasha talks and eventually the 2005 Comprehensive Peace Agreement (CPA), the final agreement failed to resolve the conflict in the Nuba Mountains. The CPA called for a vague 'popular consultation' process in South Kordofan, leading to negotiations between the state and national government over specific state rights. After the death of SPLM leader John Garang in June 2005, the situation in the so-called Three Areas—Abyei, South Kordofan, and Blue Nile—became even more contentious, as South Sudan's secession grew increasingly inevitable.

The implementation of the CPA floundered in South Kordofan, especially in the area of improving the security arrangements. Although some Sudan People's Liberation Army (SPLA) troops were integrated into the Joint Integrated Units (JIUs), community security was often provided by unofficial SPLA forces in SPLM-controlled areas, and the old SPLA–SAF fault lines remained.

On the political front, tensions rose as state elections in South Kordofan were repeatedly delayed, even beyond the already delayed April 2010 national elections. The state elections eventually took place May 2011, just two months before South Sudan's scheduled secession and the end of the six-year CPA period. Elections were a crucial part of CPA implementation because the elected state government was to lead the popular consultations.

### **Disputed polls**

The South Kordofan gubernatorial race pitted Governor Ahmed Haroun (National Congress Party, NCP), earlier indicted for war crimes in Darfur, against Deputy Governor Abdul Aziz al Hilu (SPLM-North), who was close to Garang. Although



Haroun and Abdul Aziz had enjoyed a surprisingly effective partnership since they were each appointed to their posts in 2009, trust was shallow and the bond between them weak, as Abdul Aziz made clear in an April 2011 statement. Campaign rhetoric turned heated in the already tense atmosphere. When an Arab militia attacked Abdul Aziz's home village of Al Feid on 13 April, he publicly accused Haroun of being behind the attack in an effort to destabilize the vote. Although the SPLM had gained support among the non-Nuba populations in South Kordofan, such as the pastoralist Missiriya in the western part of the state, Haroun and the NCP publicly turned on Abdul Aziz and called the SPLM a South Sudan-aligned Nuba separatist group that was anti-Islam and anti-Arab.

The vote, which began on 2 May, started relatively peacefully. But during the tabulation process, SPLM-North accused the NCP and the state electoral commission of fraud. In the final tally, Abdul Aziz lost to Haroun by a margin of just 6,000 votes, or less than 1 per cent of the total vote. Despite commanding more overall votes in the parliamentary elections, SPLM-North also lost seats to the NCP, which won 22 seats to SPLM-North's 10.

The only international monitoring mission to observe the state electoral process, the Carter Center, declared the final vote flawed but 'peaceful and credible'.<sup>2</sup> According to a member of the Carter Center monitoring team, SPLM-North failed to provide observers with concrete evidence for the alleged cases of fraud. The Carter Center urged SPLM-North to take its complaints to court even though the Sudanese judicial system is not considered independent from NCP control. Privately, diplomats questioned the legitimacy of the poll but no major government or international institution challenged it. But a former senior staff member in the Carter Center's Sudan team has criticized the South Kordofan evaluation, arguing that—given the small margin of Haroun's victory—the final report did not give adequate weight to the irregularities during the entire electoral process.<sup>3</sup>

**Outbreak of violence**

After the elections, Abdul Aziz refused to negotiate another power-sharing arrangement with a government that did not accept him as governor. Both sides prepared for armed conflict.

On 23 May the SAF chairman of the Joint Defence Board delivered a letter to SPLA headquarters in Juba demanding that the SPLA JIU forces north of the soon-to-be North-South border in South Kordofan and Blue Nile withdraw south of the border by 1 June. The SPLM in Sudan under Blue Nile governor Malik Agar and Abdul Aziz rejected the ultimatum, as its JIU cadres in these two territories are Sudanese from the Nuba Mountains or southern Blue Nile, not South Sudanese.

On 5 June fighting erupted in Kadugli, the state capital. According to eyewitnesses from the town, SAF appeared to orchestrate the outbreak by attempting to disarm an SPLA JIU, which resisted, leading to a firefight. Both sides were already mobilized in Kadugli. SAF-aligned Popular Defence Forces (PDF) units joined in the fight.



The SPLA in the rural Nuba Mountains areas quickly mobilized and consolidated control over its areas. If they had not already done so, most members of SPLA 9th Division—predominantly composed of Nuba and based in Jau below Lake Abiad on the border between South Kordofan and South Sudan’s Unity state—entered the state. At this point, SPLA headquarters in Juba publicly distanced itself from the fighting. SPLA spokesman Philip Aguer said that those who had left the Jau base to fight were ‘deserters’ acting on their own, but also called them ‘freedom fighters’.<sup>4</sup>

**Military forces**

The number of forces now fighting in South Kordofan is unknown. In the run-up to the May elections, Abdul Aziz declined to answer how many Nuba troops there were in the 9th Division base at Jau. Similarly, after the fighting started, SPLM-North has not disclosed the size of its army. One SPLM-North official estimated the number fighting in South Kordofan at no more than 20,000, including the 3,000 SPLA JIU troops, the units from Jau, and new recruits. Some media reports have put the number at up to twice this size.

The number of SAF engaged is also unclear. The same SPLM-North official claimed that, combined with the PDF, the government’s force fluctuates from 50,000 to 70,000 troops. The exact numbers are fluid due to SAF movements back and forth across state lines and because PDF militias have considerable independent latitude of movement. There is no independent confirmation of these estimates.

The PDF, which was originally created under Prime Minister Sadiq al Mahdi in the 1980s, was supposed to be disbanded under the CPA, but never was. Although there were significant Nuba components of the PDF during the civil war, many were disarmed and marginalized during the CPA period.<sup>5</sup> Missiriya, who are angry at the NCP for abolishing their West Kordofan state (now part of North and South Kordofan), are also less involved in PDF activities than before. Nevertheless, the PDF remains highly active among the Hawazma Arab communities and the Missiriya who have settled in the Nuba Mountains area. According to an SPLM-North official, the NCP is actively recruiting more Nuba back into the PDF to fight SPLM-North, largely through Kafi Tayara, a Nuba PDF commander from the Shatt tribe in Boram who lives in Kadugli.

The PDF are an inexpensive tactical complement to SAF units. They originate from local areas and know the terrain and community actors, and assist in security (such as checkpoints) and intelligence (infiltrating communities and identifying SPLM supporters). They also often fight as the front guards in battle. PDF fighters are not paid regular salaries, although sometimes a commander is given a lump sum for his men. They are compensated partly through a licence to loot civilians.

The government force has a significant tactical advantage in its complete control of the area’s airspace. According to eyewitness accounts gathered firsthand on the ground, the government air force uses Antonov aircraft (used as crude high-altitude bombers and for reconnaissance), MiG fighter jets (used for quick air-missile strikes), and helicopter gunships (for close-range missile and machine gun attacks). All of



these are being used regularly in South Kordofan, although air attacks have diminished since the outbreak of fighting in Blue Nile in early September 2011.

Other militia forces play a minor role. Telefon Kuku, a former Nuba SPLA commander who is imprisoned in Juba, ran in absentia against Abdul Aziz in the election and maintains a small political following, but if he still has a militia group it is not currently active. Daniel Kodi, the predecessor to Abdul Aziz as the head of the Nuba SPLM and an ex-governor, has announced plans to mobilize a ‘peace’ army, apparently to fight for SAF. Arab militia leader al Balula Hamid is recruiting in the eastern areas and possibly has a link with Telefon Kuku, according to an SPLM-North official. The atrocities and havoc from Balula’s rampages in Rashad could have triggered the SPLM-North’s offensive in that area.

The Justice and Equality Movement (JEM), the strongest of the Darfur armed opposition groups, has fought alongside SPLM-North on the ground in a few battles, but this joint military coordination appears to have stalled. JEM fighters did not come from Darfur but were part of the JEM-Kordofan branch, which has been active especially among the Missiriya for the past several years.

**Military lines**

SPLM-North quickly won gains in territory after the outbreak of violence, thus turning the military momentum in its favour. As of the end of August 2011 the SPLA controls all of the Heiban, Boram, and Um Durmain areas; the vast majority of Dalami; a large part of Kadugli (but not Kadugli town); a large part of Dilling (but not Dilling town); large parts of Talodi (Talodi town is under active siege by SPLM-North); less than 50 per cent of Laghawa; and a small part of Rashad.

Altogether, SPLM-North now controls more territory than the SPLA ever did during the civil war—twice as much or more, according to one senior SPLM-North official. These substantial gains explain the military confidence of SPLM-North leaders, particularly Abdul Aziz, since the fighting began, and account for some of the political pressures within the NCP since June.

Near the beginning of the war, the heaviest engagements were fought in Kadugli and vicinity, including an especially bloody battle at Al Hamra. As of the beginning of September 2011 the western fronts had cooled down as the government consolidated its control of Kadugli town and the immediate surroundings. As of early September 2011, the most active military fronts were in SPLM-North’s new eastern fronts: the battle for Talodi and its advance into Rashad.

On 23 August President Bashir declared a unilateral two-week ceasefire in South Kordofan. SPLM-North immediately denounced it as a deception. Reports from local humanitarian agencies operating in SPLM-North-controlled areas say that aerial bombings continued that day. In the following week, 15 bombing incidents and two ground attacks carried out by SAF-aligned forces took place, according to a foreign aid worker in close contact with those on the ground.



Armed conflict has decreased during the region's rainy months, which usually extend into late September and mid-October. Typically, ground fighting escalates in the dry season when ground movement becomes easier.

**Alleged atrocities**

Immediately after fighting broke out, reports began streaming out of South Kordofan that Nuba were being targeted for arrest and/or execution. Reports of incidents came mostly from Kadugli, although other government-held towns or localities also seemed to be affected. Eyewitnesses describe door-to-door searches carried out by the PDF, often using lists. Many Nuba civilians were also targeted in Kadugli's streets while trying to flee and were killed by throat slitting or gunfire, say eyewitnesses. Others who made it out of the city by vehicle were stopped at checkpoints. Nuba eyewitnesses say that the PDF and SAF forces were targeting anyone who was 'black', which included South Sudanese living in Kadugli. Church groups and others alleged 'ethnic cleansing'.

Eyewitness accounts from politically engaged Nuba SPLM-North supporters paint a more complex picture. They say PDF militiamen carried execution lists of SPLM-North supporters in their area. These lists were drawn up in advance of the fighting (another indication that the 5 June clashes were not spontaneous), and the roundups began as soon as hostilities broke out. As the military situation escalated and SPLM-North began a strong counter-offensive, these targeted killings seemed to degenerate at times into indiscriminate killings of any Nuba civilians perceived as SPLM-North supporters. Other eyewitnesses said helicopter gunships strafed fleeing civilians.

More than 10,000 civilians took refuge outside the UN Mission in Sudan base on the outskirts of Kadugli. Government agents continued the hunt for known SPLM-North supporters there by infiltrating the camp, with some Nuba being taken into custody or executed. Nuba eyewitnesses say members of the Egyptian UN peacekeeping force were at times complicit in government forces' actions. Government intelligence agents coercively dispersed Nuba in the camp in late June. According to leaked UN reports, these agents posed as Sudanese Red Crescent workers, although the UN has since backed away from this claim.

There are unconfirmed reports of mass graves, especially in the vicinity of Kadugli. The Sudan Sentinel Project (SSP) has identified eight sites of turned earth in the Kadugli area that appear to match the locations of eyewitness descriptions of mass burial sites.<sup>6</sup> The SSP cites eyewitness accounts of Sudanese Red Crescent workers burying white body bags at some of the sites. In an 18 July email, a representative of the International Committee of the Red Cross (ICRC) said that no bodies were buried in mass graves and that ICRC burial guidelines were followed. Greater investigation is needed into these allegations, but Kadugli remains inaccessible to outside actors.

The situation in the government-held areas has stabilized. Most of the surviving vulnerable Nuba SPLM-North supporters have fled into SPLM-North-controlled areas. Many Nuba fear that if the tide of war turns against SPLM-North and the government takes back territory, the same sort of targeted or mass killings will follow.



Ongoing aerial bombings continue in civilian areas controlled by the SPLM, often targeting villages with no military assets. After the eruption of war in Blue Nile state in early September, an SPLM-North official reported a decrease in aerial missions over the Nuba Mountains. If this is correct, air force aircraft have been likely diverted to Blue Nile.

**Humanitarian situation**

Assessments conducted by local aid agencies in the Nuba Mountains estimate that more than 200,000 South Kordofan civilians have been displaced in the Nuba Mountains area since the fighting broke out. The Sudanese government is blocking humanitarian assistance from reaching SPLM-North-controlled areas.

As of mid-September the displaced have been largely absorbed into host communities. While markets are emptying and food stocks are running low, so far the situation has not fallen to the level of a full-scale humanitarian crisis. Aid agencies warn about rising malnutrition levels among children. Many expect a food crisis before the end of the year. Aid workers project a very poor harvest, since many fled their homes and others planted fewer crops or did not plant at all for fear of aerial bombings. SPLM-North fears that the government may use food access as a weapon of war in the coming months to try to force Nuba into government-controlled areas.

Despite some diplomatic rebukes, international donors or aid partners have yet to place significant pressure on the government to allow humanitarian access to SPLM areas. Some aid workers recall to Operation Lifeline Sudan, a UN relief operation to SPLM-controlled areas during the civil war, as proof that diplomatic pressure could persuade the government to allow in some relief.

Some refugees have been fleeing into South Sudan's Unity state. The UN Office for the Coordination of Humanitarian Affairs says that it expects 10,000 refugees in Unity state by mid-September.

**Overarching political context and international response**

On 28 June 2011, under the mediation of the African Union High-level Implementation Panel in Addis Ababa, Blue Nile governor Malik Agar (SPLM-North) and the NCP's Nafie Ali Nafie signed a framework agreement<sup>7</sup> that was to lead to a ceasefire in South Kordofan. The agreement recognized SPLM-North's right to continue as a legal party and called for the eventual integration of SPLM-North forces into the SAF. In views expressed in Kauda, a base of SPLM-North support in the Nuba Mountains, in early July, SPLM-North rank-and-file members and party officials denounced the agreement as unrepresentative of their views and as a futile attempt at peacemaking. NCP hardliners did not like it either, as the deal gave the perception of capitulation to SPLM-North, which many in the capital perceive as a South Sudanese proxy force.

A few days after the agreement was signed, Bashir reneged on the accord and rejected outside mediation. SPLM-North said it would only negotiate further through an outside third party, and only on the basis of the Addis Ababa framework agreement. Ethiopian president Meles Zenawi met President Bashir and Governor Malik in

Khartoum for several hours on 21 August to attempt to stop the conflict from spreading to Blue Nile. The meeting failed to produce any breakthroughs.

As of mid-September 2011 there are few foreseeable paths towards a short-term peaceful solution to the South Kordofan conflict. Prospects for a negotiated political settlement withered after war broke out in Blue Nile on 2 September, SPLM-North's other stronghold. Blue Nile governor Malik, who is also the chairman of SPLM-North, had acted as liaison between Abdul Aziz and Bashir. After the fighting began in Blue Nile, Bashir sacked Malik and replaced him with a military governor. The Khartoum government then banned SPLM-North as a political party, arresting its members across the country, and raiding its offices. SPLM-North is now on a full war footing, with Malik to become commander-in-chief and Abdul Aziz the chief of staff.

Bashir's declaration of a unilateral two-week ceasefire on 23 August was met with ridicule by SPLM-North. Despite SPLM-North's political rhetorical, many Nuba are wary of a ceasefire, given SPLM-North's military gains and momentum, and believe that the government will not honour whatever deal is struck. In a public statement, the US State Department spokesperson called Bashir's ceasefire action 'positive' and called on SPLM-North to 'show the same leadership'.<sup>8</sup> This drew the ire of SPLM-aligned US advocacy groups who believe the ceasefire to be disingenuous.

Even though the conflict remains highly localized contextually, the South Kordofan war could slide into a proxy war between Sudan and South Sudan. The Sudanese government has lodged a complaint with the UN Security Council, accusing the South Sudanese government of supporting the SPLM-North forces. South Sudan denies the claim. Strong ties remain between the SPLM/A in Juba and SPLM-North, however, as they were part of the same organization until just months ago. SPLM-North and some Darfur rebel leaders use Juba as a hub, and SPLM-North needs South Sudan to allow the passage of supplies. South Sudan counters by accusing the NCP of supporting insurgents in its territory.<sup>9</sup> In both cases, if proxy activity exists, the effect is to exploit, rather than create, primarily local conflicts.

SPLM-North and Darfur rebel groups have been meeting to try to forge a broad alliance, and possibly a unified political and military structure, to overthrow the NCP. These talks have made strong initial headway between SPLM-North and the Sudan Liberation Army factions under both Abdul Wahid al Nur and Minni Minawi. Talks with JEM have stumbled over the place of religion in public life. SPLM-North and the SPLM/A demand a secular government; JEM wants one based on Islamic law.

The international community continues to be engaged on the South Kordofan conflict only marginally, despite its earlier role in brokering the 2002 ceasefire. Bashir now rejects even the mediation of the African Union under former South African president Thabo Mbeki. The US response has been limited to muted public rebukes. The US special envoy to Sudan, Princeton Lyman, said that the United States cannot proceed on its roadmap to a normalization of ties with Sudan until the conflicts in South Kordofan and Blue Nile are resolved. This provides only limited leverage, as the ascendant hardliners in the NCP do not trust the US to fulfil its normalization pledges.



On 13 September SPLM-North announced that Abdul Aziz had met with Ambassador Lyman in Kampala, Uganda on 11 September about the humanitarian situation and avenues to a peaceful settlement of the conflict. But overall, Western diplomatic activity in Sudan has dropped significantly since the flurry of high-level visits prior to the January 2011 referendum on South Sudan's secession. There is substantial diplomatic fatigue among Western nations given the unending stream of Sudanese crises, which already include Darfur, the acrimonious relations and negotiations between Sudan and South Sudan, and the conflict in Abyei. There is little appetite for substantial engagement in or responsibilities for additional internal Sudanese issues and little space for that engagement given Bashir's hostile relations with the West.

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<sup>1</sup> SPLM-North is the political party formed by the northern members of the SPLM, South Sudan's ruling party and former Sudanese rebel group, after South Sudan voted for secession in January 2011. SPLM-North's military (rebel) forces are referred to as the Sudan People's Liberation Army-North. The political and military high command in the SPLM/A-North significantly overlaps, and the political and military goals of the organization can be viewed as one, since it is now an armed opposition movement in Sudan. For the sake of consistency, SPLM-North will be used in this paper to encompass all elements that could be considered SPLA-North as well. Early in the conflict, media reports and statements referred to SPLM-North in South Kordofan as simply 'SPLM'. Although the political and military ties between the SPLM/A in South Sudan and SPLM/A-North have not been fully severed, the two are now separate entities with distinct leaderships.

<sup>2</sup> See <<http://www.cartercenter.org/news/pr/sudan-051811.html>>.

<sup>3</sup> See Aly Verjee, *Disputed Votes, Deficient Observation: The 2011 election in South Kordofan, Sudan*, Rift Valley Institute, August 2011. Available at <<http://www.riftvalley.net/?view=publications>>.

<sup>4</sup> From this point forward, it is fair to refer to the (former) SPLA units there as SPLM-North.

<sup>5</sup> For a detailed account of the origins and development of the PDF, see <<http://www.smallarmssurveysudan.org/pdfs/HSBA-SWP-10-Paramilitary-Revolution.pdf>>.

<sup>6</sup> See <<http://www.satsentinel.org/press-release/satellites-confirm-sudanese-red-crescent-burial-body-bags-mass-graves>>.

<sup>7</sup> See <<http://www.smallarmssurveysudan.org/pdfs/facts-figures/armed-groups/three-areas/Two-Areas-Agreement-signed.pdf>>.

<sup>8</sup> See <<http://www.state.gov/r/pa/prs/ps/2011/08/171058.htm>>.

<sup>9</sup> For more information on the insurrections in South Sudan, see <<http://www.smallarmssurveysudan.org/facts-figures-armed-groups-southern-sudan-emerging.php>>.