# STILL CAUGHT IN THE MIDDLE: NUBA POLITICAL STRUGGLE AND FAILURE OF COMPREHENSIVE PEACE AGREEMENT IN SUDAN

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## Introduction

The contested nature of the state is at the heart of armed conflicts in the Horn of Africa. This applies to the complex landscape of ongoing large-scale violence in and between the two Sudans, the explanation of which requires understanding of the historical trajectory of the highly exclusive state in Sudan and the extraordinary permanence in power of sections of a narrowly based governing elite.

This chapter traces the latest trajectory of the Sudanese state in order to explain the conflict dynamics between the two Sudans. Given the complexity of the conflict, it concentrates on the political resistance of the Nuba peoples, which best represents the struggle of the marginalized peoples on the peripheries of the Sudanese state. Highlighting the Comprehensive Peace Agreement (CPA) period (2005-2010), the chapter contends that despite generating hopes for increased self-determination the CPA failed to address the political and security concerns and grievances of the Nuba. Instead, the implementation of the CPA and the resulting secession of South Sudan (2011) fell short of remedying the perpetual marginalization of the Nuba and other peripheral peoples in the Sudanese political system, and led to the re-deterioration of the security situation. A renewed armed struggle ensued in the South Sudan-Sudan borderlands and continues to undermine relations between the two states.

The chapter addresses the little-explored political opposition among the Nuba political leadership, which is directly linked to the exclusivity of the Sudanese state. By pointing out the importance of considering the process of state formation in understanding the armed conflicts since Sudan's independence, the chapter focuses on the historical development of the Nuba opposition, and also highlights implementation of the CPA, which failed to resolve exclusive governance and marginalization as major root causes of the armed conflict.

## The state, contested national identity and marginalization

There are distinct degrees of marginalization, which in the Sudanese case is socially and culturally derived and manifested at different levels of political and economic exclusion. Those originating from the state peripheries that maintain their culture have historically been fully politically and

economically excluded, while those adopting the peculiar "Sudanese" form of Arab-Muslim culture are partially incorporated but without full access to the narrow and highly exclusive elite largely defined by family, kinship, and narrow ethnic ties (Jok, 2007).

The current Sudanese state is a product of a historical process that began in the 19th century. The conquest of Sudan by the Egyptian viceroy of the Ottoman Empire, Muhamed Ali, initiated the process of forming a centralized colonial administration in most of the territory comprising contemporary Sudan as one entity, for the first time in the history of the region. Foreign Turkish-speaking elite, composed of a number of nationalities, arrived to direct the administration and allowed the slave trade in the state's southern periphery to prosper until the late 19th century. This consolidated a peculiar type of racial "social hierarchy" (Deng, 1995) as the source of social composition of the state as an imposed structure over the highly culturally and ethnically heterogeneous landscape.

The following period of revolutionary Mahdist rule (1885-1898) further consolidated the inherited form of exclusive governance, which was subsequently adopted to an extent by the British who became the *de facto* administrators of Sudan in the aftermath of the Anglo-Egyptian conquest. Although the slave trade diminished drastically during British colonialism, the social hierarchy remained, in which "Black" Nuba and southern peoples occupied the lowest position under the Arabized Muslim peoples of northern Sudan perceived as semi-civilized by the colonial authorities. While the late colonial period saw the ascension of the exclusive Western educated elite from northern Sudan into increasingly prominent roles in the state administration, it only allowed Western-educated "Blacks" limited opportunities at the very lowest levels of state institutions.

The Sudan decolonization process began in the late 1940s and expectedly led to a state dominated exclusively by individuals from the northern elite (Niblock, 1987). This governing elite defined the state as "Arab" and "Muslim" according to its self-constructed political identity despite the culturally and ethnically heterogeneous nature of the Sudanese polity. The projection of this perception enabled this elite to define political and economic power narrowly and anchor both to its dominant role, which it maintained by reconstructing myths of the supremacy of Arab culture and Islam through literature, language and use of other cultural strategies. This not only justified its exclusive power, but excluded other groups through the imposition ethno-culturally and regionally dividing governance methods emerging from colonialism that continued to emphasize ethnicity, race, religion, language and regional affiliation.

The narrow elite's project aimed at maintaining exclusive political and economic power has continued to fragment the Sudan by maintaining identity politics based on ethnicity. This dynamic that has dictated the prevailing "big man" politics based on hierarchical and horizontal networks of social legitimacy

and provision of resources forms the heart of exclusivist and divisive political behaviour along 'tribalism' and hampers the rise of parties as the focus of political competition.[1]

In response to these realities of the Sudanese state and political system, a number of marginalized peoples from the geographical and social peripheries have engaged in resistance. Ethnic and/or regionalist opposition movements have been the norm, some engaging in armed struggles. These groups have often sought to construct narratives that celebrate their local identities and traditions in their opposition to the prevailing state order and to contest the exclusive power of the governing elite. While most of these movements have demanded a federal solution or greater regional autonomy, with a real and effective devolution of the highly centralized government power, some have emphasized their right to self-determination and secession.

**Armed conflicts and the Nuba struggle**

Sudan has been at war with itself for most of its independence. Two highly devastating long-term armed conflicts have taken place in southern Sudan (1955-1972 and 1983-2005), which have been linked with instability and large-scale violence in the southern Blue Nile, southern Kordofan, Darfur, and eastern Sudan. Although armed conflicts have taken place in the peripheries of the Sudanese territory, the state itself having been affected mainly by occasional coups by the competing sections of the Arab-Muslim elite, these conflicts are intimately related to the nature of the "marginalizing state".[2] A narrow, exclusive conception of this identity justified marginalization of the "other", the most drastically different form of which was the *janubi*, the southerner, and the peoples of the Nuba Mountains, who, following the racial conceptions arising from pre-colonial and colonial legacies of slavery and subjugation, have been perceived physically different and culturally inferior in northern Sudan and have continued to be associated with servile connotations.

After Sudan's independence, this prevailing attitude in northern Sudan resulted in growing political confrontation between part of the Nuba intelligentsia and the Arab-Muslim governing elite. The Nuba politicians increasingly demanded improved social status and material life, which starkly contrasted the ruling elite's attempt to maintain its exclusive political and economic power and the social status quo, by limiting development in the marginalized areas and peoples in the state's periphery unless they fully subscribed to cultural assimilation through Arabization and Islamization. Although many Nuba are Muslims due to the gradual process of acculturation, this situation has encouraged others to adopt Islam superficially as part of an effort to ascend in the "social hierarchy", while at the same time retaining their older cultural customs and beliefs (Insoll, 2003: 124).

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[1] For an overview of "big man" politics in Africa, see various chapters in Utas (2012). It could be argued that transformation to party politics as a major mobilizing force is even more unlikely today due to the decline of political ideologies since the Cold War. See e.g. Kaldor (1999) and Chandler (2006).

[2] It can be argued that a particular kind of 'marginalizing state' exists in Sudan, which to a large extent is a continuation of the specific historical social, economic, and political processes. See e.g. i.e. Ylönen (2009a).

1964 witnessed the collapse of the military regime of Ibrahim Abboud, which had taken power in a 1958 coup and engaged in violent imposition of Arabization and Islamization in the context of the war in southern Sudan. The military government was succeeded by a period of multiparty politics, but prior to this some members of the Nuba intelligentsia had founded the General Union of the Nuba Mountains (GUN), headed by Philip Abbas Ghaboush, which was subsequently registered and won eight parliamentary seats in the 1965 elections (African Rights, 1995: 54). The stated purpose of this political organization was to improve the general wellbeing of the Nuba, although personal aspirations of some in the Nuba leadership also played a significant role. However, despite the high expectations and collaboration with southern and eastern Sudanese political formations, the GUN achieved little at national level towards raising living standards in the Nuba Mountains (Johnson, 2003: 34).

This was in part because, following the 1965 elections, the GUN had split into two factions. While Abbas' group emphasized the common Nuba identity and African solidarity, working closely with some southern leaders, Mahmud Hasib's faction formed an alliance with groups associated with the governing elite (Saavedra, 1998: 223-52),[3] and catered particularly to Nuba migrants to north-central Sudan who felt closer to the Arab culture and Islam. Sections of the governing elite often manipulated these divisions in which some Nuba politicians' personal aspirations regarding jobs, personal influence and enrichment played a major role. These divisions in the Nuba political leadership prevailed.

The multi-party interlude following Abboud was short-lived as a group of army officers took power in 1969 and established another military regime headed by Jaafar Nimeiri. The Nuba political leadership suffered a major setback around this time since Abbas was forced to flee the country and was sentenced to death *in absentia* following an aborted coup scheduled before power was seized by Nimeiri (Aguda, 1973: 177-200).

Heightened economic growth in the early Nimeiri period facilitated assimilation of migrant Nuba into the Arab culture and Islam. New opportunities, particularly in north-central Sudan, encouraged labour migration. The Nuba generally provided low-level labour as workers, assistants and members of the security services, including the military, which indoctrinated many to fight against armed opposition on the periphery. After the regime's increasingly Islamic orientation from the mid-1970s onwards, it provided grants to Nuba to study Islam and return to their communities to proselytize. Yet, penetration of Islam, and Christianity, continued to be hindered by the prevalence of traditional beliefs and customs (Baumann, 1987).

In the course of the late 1970s the national economic situation deteriorated. At the same time, the covert Nuba political movement gained momentum in part because of frustration about lack of opportunities among the Nuba political class. The cultural estrangement and employment difficulties

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[3] During the 1970s, Hasib used his ties with the Baggara and jallaba to become Governor of Kordofan after which he was at odds with the regime over his demands for regional autonomy.

resulting from the deemed low status of the Nuba fed such feelings among the intelligentsia, particularly in the conditions of general economic decay.[4] The growing disenchantment was also largely related to the confiscation of land in the Nuba Mountains to extend mechanized farming ventures owned by the ruling elites.

In 1972, the Nuba League (*al-Abna Jibal al-Nuba*) was formed by secondary school students in Kadugli to counter Islamist influences in the Nuba Mountains. Five years later those members of the Nuba League who had entered Khartoum University in 1976 and 1977 formed *Komolo*, a group led by Yousif Kuwa Mekki. Prominent Nuba leaders, including Abdelaziz al-Hilu, Daniel Kodi, Ismael Khamis Jelab, Telefon Kuku and Neroun Philip, joined the movement.

In 1981, Kuwa was elected to the recently established regional government of Kordofan and became the Deputy Speaker. However, he was outnumbered by representatives from semi-nomadic Baggara Arab groups from both North and South Kordofan, who sided with the ruling elites and used their political influence to distribute material benefits, land and government relief during the shortages in the early 1980s (African Rights, 1995: 56). Meanwhile Nuba concerns about education and development remained largely ignored.

At this juncture, another Nuba party, the Sudan National Party (SNP), appeared. It was led by Philip Abbas who sought to form a regional movement at national level. The SNP became a rallying point for those Nuba who believed that they had been marginalized, while collaboration was sought with southern as well as western and eastern opposition organizations. It later joined a coalition, the Union of Sudan African Parties (USAP), in the national parliament, with Abbas becoming the Chairman, and maintained contacts with the remaining armed southern factions (African Rights, 1995: 57-8). The USAP campaigned against the regime's Islamic laws decreed in 1983, which even most Nuba Muslims rejected, and for the redistribution of wealth and political power.

Members of the Nuba political leadership had maintained close ties with southern insurgents in the 1960s. These contacts, and the supply of weapons (SV, 2004), laid a basis for a continued relationship. For instance, during the Nimeiri regime, individuals such as Abbas and Kodi maintained contacts with southern underground groups and encouraged Nuba to join southern rebel training camps based in Ethiopia. Kodi was also in contact with the secret officers' group that later became the SPLM/A and was aware of the plan of simultaneous mutinies that triggered the war in southern Sudan in 1983. In this context he met Lam Akol, the SPLM contact in Khartoum, Edward Lino, a recruiter for the movement who belonged to the same secret cluster as Akol, and another recruiting officer, Peter Nyot (SV, 2004). Kamil Kuwa's role in the establishment of the local SPLM/A office in Libya, which channelled military aid

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[4] It has been argued that: "…Nuba graduates were frustrated further as they found themselves not considered for high prestigious jobs. This in turn led to frustrated Nuba intellectuals participating in the civil war that broke out in 1983" (Koinonia Nuba, s.a.).

from Libya's leader Muammar al-Gaddafi to the movement, is another indicator of the close links of some in the Nuba leadership to the SPLM/A.

After being persuaded by the highest SPLM/A leadership during his visit to Ethiopia in 1984, Yousif Kuwa decided to officially join the SPLM/A. Announcing his decision on the SPLA radio, he invited the Nuba to join the liberation war (SV, 2004). However, although not all Nuba and not even some *Komolo* members approved Kuwa's decision, it resulted in all Nuba being stereotyped as rebel collaborators and becoming the targets of regime persecution and military and militia operations, which, in turn, pushed more Nuba to join the SPLM/A (Kaballo, 1993: 114). Subsequently, Kuwa was assigned to direct the SPLA office in Yemen and was appointed an alternate member of the SPLA High Command. While this boosted Kuwa's prominence among the Nuba, the SPLM/A leadership used these developments strategically as evidence for the national extent of the SPLM/A struggle to seek support in other areas of the Sudanese periphery by citing the conditions of exclusive power of the Arab-Muslim elite and perpetual marginalization of the majority.

For this objective, it also designed a political agenda around the concept of "New Sudan" that was successful in attracting support in other parts of Sudan's marginalized periphery. The "New Sudan" approach essentially aimed at democratization of the Sudanese state and wider distribution of political and economic power, to ensure a degree of local autonomy and self-determination within a unitary state. Similar views to those pronounced by Kuwa about seeking to correct the Nuba second-class citizen status, right to justice and equality and demand for decentralization and self-determination were voiced in other parts of Sudan's marginalized periphery (Rahhal, 2001). This perception converted the traditionally viewed "southern problem" into a "problem of all Sudan" (Khalid, 1987).

Part of the Nuba leadership's participation in the SPLM/A led to a serious conflict in the Nuba Mountains in 1985-2002. In the early 1990s the Nuba faced extreme violence as the Islamist National Congress Party (NCP) regime waged a widely documented campaign for wholesale eradication of the Nuba and their culture.[5] Although the war owed largely to a section of the Nuba leadership shifting to an armed struggle, and involved local inter-group animosities between the Baggara and the Nuba, it was perceived increasingly as "Arab" versus "African" in the context of the wider conflict between the NCP and the SPLM/A. Both parties established positions in southern Kordofan in the course of the conflict and became increasingly internalized in the local context as polarizing forces, obliging the local groups to side with either one or seek safety by displacement away from the Nuba Mountains.

By the end of 1990s the war in the Nuba Mountains had led to an almost total defeat of the SPLM/A-Nuba. However, the rebels continued the struggle until a ceasefire agreement was signed in Bürgenstock, Switzerland in January 2002. Largely a product of international pressure on the NCP regime,

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[5] Salih (1995, 1999) and others have characterized this as attempted genocide or ethnocide in the course of which a holy war, jihad, was waged against the SPLM/A Nuba in the 1990s. See e.g. African Rights (1995).

headed by the recently appointed US Special Envoy, John Danforth, it led to initial improvement of conditions in the Nuba Mountains and enabled many of the estimated 289,000 Nuba displaced by the conflict (IRIN, 2009a) to begin their journey home.

**The Comprehensive Peace Agreement: an inadequate solution for the Nuba**

In 2005, the CPA, which marked the formal end of the most devastating conflicts in the peripheries of the Sudanese so far, was initially regarded as an answer to political and economic grievances of at least some of the marginalized peoples. However, although it did end the most devastating large scale hostilities and stipulated that general and presidential elections would take place in 2009, it was a piecemeal approach to peace that ignored the centre-periphery nature of the war and granted only southern Sudanese and the people of Abyei the possibility to exercise their right to self-determination through referendums to be celebrated in 2011. The international actors, headed by the United States, which were instrumental behind the deal, were aware of its limits but preferred to concentrate on an exclusive agreement while paying lip service to the agreement's capacity in to effecting democratic change (Young, 2012). In fact, instead of implementing power-sharing, the NCP, which had been forced to agree to the treaty, used it to divide the armed opposition from the peripheries along regional lines as it negotiated two separate peace agreements in Darfur and eastern Sudan in 2006.

In the context of the CPA negotiations, the Nuba opposition had remained divided on the objectives of their political struggle. This was despite the position expressed by Kuwa and endorsed widely among the Nuba social organizations, according to which the Nuba should be allowed to decide between remaining part of northern Sudan, becoming part of a possibly independent South Sudan, or becoming independent (Sumbeiywo, 2002; NRRDO, 2002; Nuba Vision, 2002). There were those headed by Yousif Kuwa, a political leader and a respected war hero, advocating adherence to SPLM/A policy for a new unified Sudan, those led by Suleiman Musa Rahhal, a diaspora politician, demanding an independent Nuba state, and those aligned with the NCP regime drawing constituents mainly from the Nuba migrants in the north-central Sudan. A number of differing opinions were addressed at two conferences, in 2002 in Kampala and Kauda respectively, but the leadership concluded that while the Nuba's aspiration for self-determination should be pursued, this should occur within the framework of a united Sudan.

The Nuba issue had been problematic in the peace negotiations from their outset in 1994. It had created divisions within the SPLM/A leadership regarding the position of the Nuba Mountains as part of southern Sudan or not. By including it, as Kuwa insisted, some in the SPLM/A leadership feared that the movement would risk its objective of gaining a self-determination referendum and possible independence for southern Sudan since the Nuba Mountains are generally considered part of northern Sudan, while the NCP feared a secessionist domino effect in the Sudanese periphery (Kodi, 2009; op 't Ende, 2009). Although Kuwa chose not to stand in the way of southern Sudan's demands by insisting that the Nuba

mountains should be included, his successor since 2001, Abdelaziz al-Hilu, was less accepting and was pressured to comply by the SPLM/A supreme commander John Garang and international actors headed by the United States (Kodi, 2009; ICG, 2013: 6-7).

As a result, the Nuba Mountains gained a weak and relatively vague *Protocol on the Resolution of Conflict in Southern Kordofan/Nuba Mountains and Blue Nile States* in the final CPA signed in January 2005. Instead of the Nuba achieving a direct right to decide upon their political future, the Nuba Mountains and South Kordofan were joined with West Kordofan, including predominantly Baggara areas of which the population largely sided with the NCP, and diminished the proportion of the Nuba population within the state. This generated further resentment.

In addition, the claims for self-determination were only addressed by 'popular consultations' with a vague right to express views regarding South Kordofan's desired future position *within* the Sudanese political system. These consultations were to be channelled through the state parliament to be elected in the 2009 general elections and aimed at determining whether South Kordofan as a whole endorsed the whole CPA, or rejected parts thereof that should be renegotiated (Ylönen, 2009b: 10), and to bring out other issues that the agreement had disregarded.

The other main features of the protocol dictated the state's political arrangements to be implemented in the course of the so-called Interim Period over six years, ending in southern Sudan's referendum of self-determination referendum. The agreement in South Kordofan included reform of structures of the state government, legislature, and the judiciary; political power sharing on 55 per cent NCP and 45 per cent SPLM/A basis at the state level; and financing of South Kordofan from the national budget including 2 per cent of the oil produced within the state and shared allocation (with the Blue Nile) of 75 per cent of the total fund destined intended to for war affected areas (CPA, 2005). South Kordofan was also divided between government-held and SPLM/A administered areas, a division first monitored by the Joint Military Commission that was subsequently replaced by 10,000 blue helmets of the UN Mission in Sudan (UNMIS) backed by Joint Integrated Units (JIUs), composed of 6,000 SPLM/A and government troops (CPA, 2005).

Essentially a two-way power-sharing agreement that excluded other political forces from political and economic power at the national level, the CPA changed the political reality in Sudan only to the extent that it recognized the SPLM/A as a legitimate political force. This, however, did not alter the NCP's dominant role except in the southern Sudan and in the SPLM/A areas of the Nuba Mountains and southern Blue Nile, where the movement remained as the main political force. The NCP strategies of the NCP to maintain its power over the 'marginalizing state' prevented a full commitment to the pledged "making unity attractive" (Ylönen, 2011), and contributed to dynamics conducive to the disintegration of the Sudanese state after the celebration of the 2011 self-determination referendum in southern Sudan.

*CPA implementation and deteriorating security*

After the signing of the CPA the Nuba demonstrated their dissatisfaction. Many Nuba claimed that the CPA failed to address issues of identity, territory, and political destiny, by reducing the political objective for self-determination into an vague, inferior and vague political arrangement, the "popular consultation", with other aspects of the agreement also having a number of grey areas (op 't Ende, 2006; Pronk, 2007). Following Garang's death in a helicopter accident, the SPLM/A's new supreme leadership pushed subsequent reorientation of the movement to concentrate its political efforts almost exclusively to secure its supremacy in southern Sudan. In this context the southern Sudan's backing of the Nuba political cause became less apparent.

At the same time the divisions within the Nuba leadership especially between the NCP and the SPLM/A supporters continued to be problematic. In 2005 the All Nuba Second Conference in Kauda was convened to search seek further cohesion among the Nuba opposition. The main issues addressed included the evaluation of the CPA, which was viewed as positive but inadequate to address Nuba grievances, the unity of the Nuba, land and territory, heritage and cultural identity, and development. The CPA was criticized for failing to endorse self-determination for the Nuba and restoring the official name of the region to Nuba Mountains, lacking provisions to recompense local communities affected by mechanized farming and oil industry, and ignoring human rights violations and the attempted genocide the Nuba had been subjected to during the war (All Nuba Second Conference, 2005).

The CPA had a polarizing effect in local politics in South Kordofan. While there was minimum cooperation among the main protagonists, their local representatives developed personal interests in maintaining power (IRIN, 2009b). For instance, in 2008 the competition for local influence between the SPLM/A and the NCP was personified at the highest levels of state government with the sacking of the SPLM/A state finance minister, Ahmed Saaed, by the NCP-appointed governor. This was followed by the contentious appointment of Ahmed Haroun[6] as the new governor and al-Hilu, who had initially refused the governorship due to his disenchantment with the CPA, as his deputy. The NCP's motivation to appoint Haroun was related to expectations about tensions and the resumption of armed violence during the post-elections and post-referendum period, since he had earlier mobilized and conducted militia warfare against the SPLM/A in Kordofan and had experience from Darfur.

During the CPA Interim Period, political stability in South Kordofan was also affected by the lack of integration between the government and SPLM/A-held areas. Two local government structures with

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[6] The appointment of Haroun, an NCP official from North Kordofan, followed an NCP reshuffle prompted by pressure from Arab states after Haroun's and President al-Bashir's indictment by the International Criminal Court for war crimes in Darfur, where the former had served as the acting state Minister for Humanitarian Affairs.

separate education, health, judicial and administrative policies ran in parallel (ICG, 2008: 8),[7] which prevented the adoption of laws and hindered reintegration of returnees. Lack of goodwill and mistrust continued to obstruct work in the area and commerce was discouraged by a system of double taxation of traders crossing from one area to the other. In the SPLM/A territories the lack of improvement in transportation and communication left some areas largely isolated, raising levels of discontent. This encouraged some hard-line elements, especially among youth, as many were upset with the SPLM/A leadership in Kadugli that had allegedly continued to direct resources to finance the administration or corrupt practices (ICG, 2008: 4 and 8; Pantuliano, 2008) mostly in NCP-held areas in detriment of local development in the SPLM/A-aligned areas.

The division of power between two parties also had a direct impact on economic development. The 55-45 representation ratio in the state government in favour of the NCP complicated the situation because it allowed neither party a significant majority to implement policies. A lot of controversy existed over development financing, mostly controlled by the NCP as the main party in the government of national unity, as "only 30 to 40 per cent of the 115 contracts … [were] implemented three years after the CPA was signed" (IRIN, 2009a). Accordingly, frustrations over CPA implementation ran deep.

In addition, the return of the massive number of displaced Nuba became a destabilizing factor. The return of hundreds of thousands was complicated by the need to ensure livelihoods and land issues which became a destabilizing security issue since land claims and rights remained unclear in the post-war situation in which land initially vacated by the displaced have often been settled by others. The resettlement of this large number of people put a strain on resources such as water and land, especially as there was little development in other aspects of life of the local people after the signing of the CPA. For instance, progress in the SPLM/A areas was largely dependent on the efforts of NGOs, which ran services and small-scale development projects.

The CPA failed to define land rights and whether land was formally or customarily owned. Because the dispossession of Nuba lands was at the heart of the tension in the late 1970s and early 1980s that led to the war in the region, emotions over land use ran high. Tensions were increased by the return of the Baggara to their transhumance pasture routes, further expansion of mechanized farming and the return of displaced people who attempted to protect themselves by curbing the economic activity of the Misiria and Hawazma or by forming alliances with sections of Shanabla that competed with the two Baggara groups over land (SAS, 2009: 3, 5). This denied sections of Baggara access to their traditional pastures.

In this political context, tensions in the Nuba Mountains heightened towards the end of the CPA Interim Period. Violent incidents persisted and mobilization and arming among local groups continued.

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[7] For example, school curricula differ substantially between areas and health care is free in the SPLM/A zone, unlike in the government-administered region.

General elections held in other parts of Sudan in April 2010 were postponed in South Kordofan due to disagreements on the national census results which the Nuba leadership claimed missed many of its constituents particularly in the SPLM/A areas of the Nuba Mountains. It suspected widespread fraud in the November 2009 voter registration (Reuters, 2010; ST, 2010). The Nuba opposition leaders feared that the elections would not reflect the will of the state's majority Nuba population since the census failed to recognize this. For instance, South Kordofan's significant Baggara population would be unlikely to support any process for Nuba self-determination because it might undermine their interests, particularly access to land (op 't Ende, 2009) they expected to use for pasture and agriculture.

The CPA Interim Period left the Nuba marginalized, without significant economic development and politically insecure and discontented. Not only did the partisan manoeuvring by the NCP and the SPLM/A sever Nuba-Baggara relations, but it also created fragmentation within these larger ethnic agglomerations. The abolition of Western Kordofan exposed fissures among the Baggara, and the Misiria leadership was affected by the July 2009 Permanent Court of Arbitration award that reaffirmed the Ngok Dinka authority over traditional Baggara grazing lands and routes in the southern part of South Kordofan and Abyei. While the decision was favourable for the NCP because it recognized the national government's authority over Heglig oilfields in detriment of the interests of the SPLM/A controlled Government of Southern Sudan, it, together with the NCP's failure to provide for the Baggara, exacerbated grievances that alienated sectors of the latter and allowed the SPLM/A to gain Baggara recruits among the Misiria and Hawazma (ICG, 2013: 8-10). Meanwhile, some Nuba commanders, unconvinced of future southern support after the SPLA withdrew large part of its force from South Kordofan in 2007 and 2008, reportedly stored arms and trained recruits for a possible return to war in 2011 when southern Sudan and Abyei were set to vote for self-determination (Mohammed, 2008; SAS, 2009: 5). Overall, the manoeuvring of the two national protagonists in local-level politics encouraged radical elements, feeding the polarizing "Arab" versus "African" antagonism emanating from the war.

*Re-escalation of the armed conflict*

As the end of the CPA Interim Period and the possible independence of southern Sudan drew nearer, the NCP's and the SPLM/A's attention focused increasingly on their shared borderland areas. This attention concentrated on South Kordofan and the Blue Nile, where opposition aligned with SPLM/A against the NCP remained strong, and less so on Abyei, which from June 2011 hosted the United Nations Interim Security Force for Abyei (UNISFA) composed of almost 4,000 men that separated the warring parties in the area.

In South Kordofan, the dynamics described above led to a deterioration in the security situation particularly near the SPLM/A-Nuba strongholds. From 2008 onwards, the NCP was accused of provoking instability and conflict to prevent the presidential and parliamentary elections conditioned by a successful

north-south border demarcation, and stalling a resolution of the dispute over national census results (Flint, 2008; ST, 2009). It stepped up recruitment as part of a strategy to ensure its position in the region after any undesirable outcome in the general elections. The NCP armed and trained the police force and the Popular Defense Force militias (Flint, 2008; Mohammed, 2008), the latter of which drew from sections of the Misiria, Hawazma, and the Nuba (Gramizzi and Tubiana, 2013: 25-26), continued to form an important part of its security strategy as an extension of the formal army. Strengthening the fighting capacity of government-aligned elements in South Kordofan became increasingly important after the January 2011 CPA-stipulated referendum of self-determination in southern Sudan returned an almost 99 per cent vote for independence (BBC, 2011).

In May 2011, the legislative and gubernatorial elections in South Kordofan were held after having been continuously postponed. The stakes in the gubernatorial race were high. While losing the governorship would have made the incumbent NCP governor Haroun available to answer the charges made by the International Criminal Court for crimes against humanity allegedly committed under his supervision in Darfur, his SPLM/A deputy al-Hilu needed to prevail in order to strengthen the SPLM/A-Nuba's effort to secure the 'popular consultation' and the right to renegotiate the inadequacies of the CPA in South Kordofan (Gramizzi and Tubiana, 2013: 15). The vote polarized between the two, and led to Haroun's victory with a 1,5 per cent margin according to official results, while the NCP gained 31 and the SPLM/A 21 seats in the state's legislative assembly (Verjee, 2011: 2 and 4). However, the election result was immediately disputed and became a bone of contention. It was accompanied by developments in the security sector which led to the escalation of armed violence.

The CPA stipulated that southern military elements in South Kordofan would withdraw to South Sudan by the end of its implementation. Although this troop withdrawal had taken place to a large extent during the Interim Period, except in the case of fighters incorporated into the JIUs composed of an equal number of government and the SPLA fighters, the period of preparation for South Kordofan elections had witnessed a return of many southern soldiers and movement of the SPLM/A artillery towards the border with Sudan (Gramizzi and Tubiana, 2013: 15-16). In this situation, the government sent Sudan Armed Forces (SAF) to occupy the southern part of Abyei (from where it subsequently withdrew ahead of UNISFA) and presented an agreement signed with Daniel Kodi, a senior member of SPLM/A-Nuba and former Deputy Governor of South Kordofan, which stated that all SPLA elements including those of SPLA-JIUs would withdraw to southern Sudan by 9 April (Gramizzi and Tubiana, 2013: 16). The SPLM/A-Nuba leadership disputed the validity of the deal as part of the NCP's security plan, which also included a heavy military concentration in South Kordofan ahead of the independence of South Sudan in July 2011.

The situation escalated further after the SAF viewed that its demand that all SPLA-related fighting units should leave South Kordofan by June had not been met. Consequently, Sudanese units began disarming SPLA soldiers, skirmished against SPLA-JIUs and attacked al-Hilu's residence in Kadugli a day

after he had fled to the mountain region to lead armed opposition to the government (Gramizzi and Tubiana, 2013: 16; ICG, 2013: 17). Systematic arrests and killings of SPLM/A sympathizers followed and despite its presence in Kadugli the UNMIS failed to protect civilians (ICG, 2013: 18). This outburst of armed violence, which was answered by the SPLM/A-Nuba that organized its resistance from bases in the mountains as during the first war, led to a resumption of armed conflict.

The ongoing war in South Kordofan since June 2011 has had grave humanitarian consequences. The violence and aerial bombing have disrupted economic activities and subsistence farming, which has resulted in the lack of access to food for a large part of the population. According to a Sudan Relief and Rehabilitation Agency report, over 1 million people in South Kordofan have been affected by the war, with the number of internally displaced persons in the SPLM/A-Nuba areas alone amounting to over 436,000 and over 70,000 seeking refuge in South Sudan and other countries (SRRA, 2012: 11-12). Human Rights Watch has further denounced the Sudanese government for indiscriminate bombing of civilians, arbitrary arrests and detentions, sexual violence and deliberate denial of access to essentials of life by destroying food and water supplies, looting livestock and blocking humanitarian aid (HRW, 2012).

Since the resumption of war, the SPLM/A-Nuba has established itself as the main armed threat to the NCP in Sudan. Although Khartoum has sought to prevent it from strengthening, the SPLM/A in South Kordofan has continued to gain support from South Sudan and forge increasingly credible alliances with armed groups mainly based in Darfur. In November 2011 the Sudan Revolutionary Front (SRF) was formed. It seeks to end NCP rule by installing an inclusive transitional national unity government through armed and non-armed opposition. The SRF includes the SPLM/A-Nuba, other elements of the SPLM/A operating in Sudan as SPLM-North, along with the Justice and Equality Movement, factions of the Sudan Liberation Army, and individuals from the Umma and Democratic Unionist parties (Gramizzi and Tubiana, 2013: 30; ICG, 2013: 21-22). The military force of this opposition has been stronger than the Nuba fighting force during the earlier war, and its capture of war material and supplies from the government and cooperation with Darfurian groups, has led to a degree independence from external material support and capacity to confront the SAF also in the low lying areas of South Kordofan, particularly when operating with the SPLA (Gramizzi and Tubiana, 2013: 29-39, 49-50).

**Concluding remarks**

The resumption of war in South Kordofan has presented a challenge to the Sudanese state. Although some in the ruling elite regarded South Sudan's independence as necessary for the successful implementation of the NCP's Islamic project in the perceivably more culturally similar northern Sudan, the current armed conflict in South Kordofan points to the perpetual structural flaw of the Sudanese state that imposes socially and culturally exclusionary political and economic order on a highly heterogeneous and ethnically diverse population.

The renewed war has left the NCP ruling elite few alternatives but to fight to maintain its political power and the state has described the SPLM-North as an illegal political formation that needs to be confronted by military means. Particularly the NCP hardliners have been uncompromising in their refusal to agree to negotiate with the armed opposition, although some attempts by third parties to bring the NCP and SPLM-North together took place in 2012. On the other hand, the SRF's success in bringing about regime change through military means is so far unlikely despite the strength of the armed opposition and the success in overcoming some of its divisions.

The African Union High-Level Implementation Panel on Sudan, formed initially to facilitate negotiations on South Sudan's independence, has been active in its attempts to find a solution to the current crisis. Reflecting the vision of the late supreme leader of the SPLM/A John Garang for a democratic "New Sudan" (Gibia, 2008), it has recommended to the African Union Peace and Security Council that the resolution of conflicts in South Kordofan, the Blue Nile, and Darfur inevitably requires an inclusive process of national democratic transformation (AUHIP, 2013). However, in the current context of ongoing war, replacing the government with a democratic one, and, more importantly, any change in the exclusivist governance logic of the "marginalizing state", remains as little more than a distant hope for many Sudanese.

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