

**SUDAN'S SOUTHERN KORDOFAN PROBLEM:
THE NEXT DARFUR?**

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SUDAN'S SOUTHERN KORDOFAN PROBLEM: THE NEXT DARFUR?

EXECUTIVE SUMMARY AND RECOMMENDATIONS

The Comprehensive Peace Agreement (CPA) that ended Sudan's generation-long North-South civil war in 2005 is at risk in Southern Kordofan state, where many of the same ingredients exist that produced the vicious Darfur conflict. Both parties to that agreement, the National Congress Party (NCP) and the Sudan People's Liberation Movement (SPLM), who together form the Government of National Unity in Khartoum, have been guilty of mistakes and misjudgements there as they manoeuvre for partisan advantage in advance of national elections scheduled for 2009. Any strategy for addressing the problems must recognise that time is short. Concrete progress on integration and reform is essential to address the prospect of what could be a devastating new conflict. Rapid interventions are needed, well before the national elections.

Southern Kordofan is a new state, created by the CPA, in the critical border area between North and South, a zone of ethnic interaction between Arab (mainly Misseriya and Hawazma) and indigenous African (mainly Nuba) tribes. Inadequate implementation of the CPA's special protocol relating to the region has led to insecurity and growing dissatisfaction. Tribal reconciliation based on negotiation of a common agenda, establishment of an efficient state government administration and adherence to the CPA's principles of power and wealth sharing have to be fostered from Khartoum and pushed forward by the international guarantors. There has been some limited recent progress, but much more is urgently needed.

The state's inhabitants were mobilised by the opposing sides during the North/South war and despite the CPA remain deeply scarred by that conflict, polarised and fragmented along political and tribal lines. They are armed and organised and feel increasingly abandoned by their former patrons, who have not fulfilled their promises to provide peace dividends. Return of internally displaced persons (IDPs), development projects and creation of an integrated state government administration have all stalled. Hundreds of people have died in disputes over land and grazing rights, with no comprehensive or sustainable local or national response. Efforts

by the NCP and SPLM to co-opt Arab and African tribes, respectively, prior to elections by politicising development policies are aggravating tensions.

Tribal and communal reconciliation to foster peaceful coexistence is a daunting but essential task. More is at stake than the prevention of a local conflict. The fate of peacebuilding in this front-line state will say much about the viability of Sudan's entire peace process and in particular whether the CPA genuinely offers an effective framework for resolving the Darfur conflict and satisfying all those in the country who do not belong to core SPLM and NCP constituencies.

Moreover, if peacebuilding fails in the transitional areas of the 1956 North-South border, where the majority of the two armies' troops are still concentrated, it is highly unlikely the secession option the CPA gives the South can be implemented peacefully. Though more than half the six-year transition period has already been lost, there is still time to implement key steps to calm the situation prior to national elections, which may have to be postponed to 2010. In addition to producing an integrated state administration, the NCP and the SPLM need to accelerate the integration of combatants within the Joint Integrated Units provided for by the CPA and otherwise pursue disarmament, demobilisation and reintegration (DDR) programs, including for the many militias. They must also immediately release the accumulated 2 per cent share of oil revenue for Southern Kordofan so major development projects can be carried out, based on an inclusive consultative process involving tribal authorities.

The Nuba are bitter at their SPLM allies, believing they did not negotiate a better deal for them in the CPA because they prioritised getting Abyei territory and its oil and an independence referendum commitment for the South. But the special protocol provides for a public consultation to be held after the elections to consider revision of the peace agreement's terms for the new state and address unresolved issues (for example, land ownership and use). Financial aid is needed for the organisation of inter-tribal dialogue aimed at fostering reconciliation and producing a common agenda for that

consultation. Discussions should be held in particular on creation of a formal state mechanism dedicated to resolving tribal disputes over land use and livestock migration (transhumance) routes, such as the Southern Sudan Peace Commission created for the Southern states, and on identifying principles for the commission that is supposed to address the deep land grievances accumulated by the Nuba, in particular since the early 1970s.

The UN Mission in Sudan (UNMIS) and other members of the international community have vital roles to play in the stabilisation of the new state. UNMIS should not just observe and register violent incidents, but also follow the example of the Joint Military Commission (JMC) established in the Nuba Mountains after the 2002 ceasefire agreement and become an active partner in local conflict prevention, in cooperation with the tribal authorities. If its local leadership is incapable of this, it should be replaced. Simultaneously, the CPA's international guarantors and Sudan's bilateral partners should press the national unity government to pay more attention to peacebuilding in the state. It is not yet too late to show the front-line populations that a new war is not the way to address their grievances.

RECOMMENDATIONS

To the Government of National Unity and the NCP and SPLM leaderships:

1. Give political support for full participation of African and Arab populations in the Southern Kordofan government.
2. Accelerate the integration of ex-combatants into the police and the Joint Integrated Units.
3. Establish a civil service committee to integrate the administrative systems in both zones of the new state and bring qualified Nuba into the civil service of the state government.
4. Release immediately the accumulated 2 per cent share of oil revenues and funds from the Rehabilitation and Reconstruction Fund to the Misseriya people and to the Southern Kordofan state government to accelerate development.
5. Establish an executive development committee, with strong representation from each locality in the state, to oversee equitable distribution of resources, establish priorities and a plan of action and monitor eventual implementation.
6. Support a concerted effort by the state government, with help from UN agencies, to improve basic services, in particular in areas under SPLM control.

7. Establish proper anti-corruption mechanisms to ensure an accountable disbursement of development funds in the state and otherwise discourage fraud.

To the Government of Southern Kordofan:

8. Provide financial support to facilitate inter-tribal dialogues and to establish an institutional mechanism for achieving and sustaining tribal reconciliation between the Nuba and Misseriya tribes.
9. Encourage a Southern Kordofan dialogue process between the representatives of all tribes to produce a common agenda, endorsed by the legislative council, that:
 - a) sets out the primary objectives of the post-elections public consultation process and identifies the principles to guide it;
 - b) identifies the shortcomings of the CPA protocol, as stipulated in its Article 3.6;
 - c) agrees on formal state mechanism(s) for the resolution of tribal disputes over land use and livestock migration routes; and
 - d) identifies key principles for the establishment of the land commission.

To UNMIS:

10. Become an active partner in local conflict prevention, in cooperation with tribal authorities, following the example of the JMC established in the Nuba Mountains after the 2002 ceasefire agreement.
11. Establish a conflict prevention early warning system with the national police and representatives of the native administrations.
12. Provide immediate support for implementation of DDR activities in the state.

To Donors:

13. Increase conflict-sensitive recovery and development funding to the state.
14. Give immediate technical support for the administrative integration of former SPLM areas with the government of Southern Kordofan.

Khartoum/Nairobi/Brussels, 21 October 2008

SUDAN'S SOUTHERN KORDOFAN PROBLEM: THE NEXT DARFUR?

I. INTRODUCTION

Southern Kordofan state is a region of ethnic interaction, mainly between Arab and African tribes, principally the Misseriya and Nuba respectively.¹ Its society has been polarised by conflict, politics and ethnic favouritism since the independence of Sudan in 1956, and it was on the front lines of the generation-long North-South war that was ended in 2005 by the Comprehensive Peace Agreement (CPA). Accumulated grievances run deep in the collective memory. Nuba populations have been subjected to displacement policies under the pretext of modernisation, their land expropriated

¹ Southern Kordofan is about 120,000 sq. km (more than three times the size of the Netherlands), with the Nuba Mountains in the east half). The plateau of the Nuba Mountains is 48,000 sq. km. Two thirds of the state is arable land, largely a sandy-mud mix known as *goz* plains; the rest is mountainous. During the rainy season, from June to September, the *goz* is fertile, with plenty of surface water, but during the rest of the year, it is virtually dry. The diverse population speaks more than 50 languages and follows Islamic, Christian and traditional faiths. The Nuba are the largest group, an amalgamation of central highland tribes. They are of indigenous African origins and mainly sedentary, not unified by language, faith or ethnicity but sharing common history. The second largest group of tribes, ethnic Arab, settled in the region hundreds of years ago. Known as Baggara pastoralists (cattle herders), they are divided into the Misseriya, concentrated in the west of the state, the Hawazma around the central Nuba hills and the Awlad Himaid in the east of Southern Kordofan. During the dry season the largest concentrations are in the grazing areas east and south of the Eastern Jebels (mountains) between Lakes Lieya and Keilak, and south east and south of the Western Jebels. Other minority communities mainly originated from West Africa (the Berno, Bargo and Hausa) or are small, Arabic-origin camel herders such as Shanabla, Ma'aliya, Kebabish, Kenena and Beni Jerar. A small area rich in oil, the Abyei territory, is inhabited mainly by Ngok Dinka together with other minority tribes including Arabs. The "Jellaba", from the North, who have historically controlled trade through large parts of Sudan and owned large agricultural lands, are another important component of the state.

for national development projects and their culture targeted for homogenisation.

In the early 1990s, the Nuba took up arms and joined the Sudan People's Liberation Movement (SPLM) to resist marginalisation. Simultaneously, successive Khartoum governments co-opted the Misseriya and other Arab tribes, to maintain a buffer zone intended to protect Northern Sudan and the oil fields adjacent to their homelands from the rebellion and to fight proxy wars against their African neighbours. A pan-Arabist and Islamist ideology was used to mobilise support and promote divisions between Nuba and Arab tribes.

The CPA brought the region a semblance of stability, but the national unity government it created has not radically improved the political, security and economic situation. Most importantly, neither the long-time ruling party in the North, the National Congress Party (NCP), nor the SPLM have yet to genuinely embrace power sharing. Key provisions of the Protocol on the Resolution of the Conflict in South Kordofan/Nuba Mountains and Blue Nile States have not been implemented. Reconciliation and community peace dividends have not been prioritised, and both sides continue to co-opt and divide tribes in pursuit of victory in the elections meant to be held in 2009.

The frustration growing in the state over the peace-building failure poses a serious challenge to the credibility of the CPA as a framework to resolve Sudan's other conflicts, including Darfur and those that straddle similar ethnic divides or the 1956 border between North and South. Disputes between and within tribes over land and use of seasonal routes for livestock that cut across traditional tribal lands are a major threat to stability. In the absence of sufficient national and international attention, they risk provoking a resumption of hostilities, following a pattern similar to Darfur, that would destabilise the entire country.

The oil-rich Abyei territory, the borders of which are contested by the NCP and SPLM, lies north of the 1956 dividing line and is part of Southern Kordofan. The dispute over Abyei territory is covered by a special

CPA Protocol on the Resolution of the Abyei Conflict, major provisions of which have not been implemented, leading to serious violence between the Sudan Armed Forces (SAF) and the Sudan People's Liberation Army (SPLA). As a result of clashes in May 2008, the town of Abyei is almost totally destroyed and approximately 50,000 from the Dinka Ngok and other tribes have been displaced.² To avert escalation of the conflict and save the CPA, the parties have agreed on a roadmap for the return of internally displaced persons (IDPs) and implementation of a new Abyei Protocol, signed in Khartoum on 8 June 2008. The parties are to seek the assistance of the International Court of Arbitration to settle their disagreement over the finding of the Abyei Boundaries Commission (ABC). This report does not deal with Abyei, which has been the subject of earlier Crisis Group reporting.³

This report analyses the growing frustrations and grievances of the Nuba and Misseriya and the potential for renewed conflict, focusing on two main geographical regions of the state: the eastern sector, mainly inhabited by the Nuba tribes but including some Arab tribes, and the western sector, mostly inhabited by the Misseriya and other Arab tribes. The Nuba are split between government- and SPLM-controlled areas. Crisis Group was not able to extend its fieldwork earlier in 2008 into the SPLM areas due to insecurity, but representatives of those sectors were interviewed in and around Kadugli town and in Khartoum.

II. NUBA FRUSTRATIONS

Nuba populations were among the biggest victims of the North-South war and hold multiple grievances. Their leaders feel the SPLM used them as a bargaining chip to assert the South's right of secession and its access to Abyei's oil. Nuba communities originally from the SPLM-controlled areas were not able to return to their homes after the war because their land had been occupied by others, they feared widespread insecurity or they lacked the basic means to sustain themselves. Many were thus absent when the population and housing census provided for by the CPA was conducted in April 2008, and are worried about the implications of that exercise for both political representation and fair allocation of national resources.⁴ Unless addressed, such concerns could lead to a new insurgency and widespread inter-communal violence.

A. DISSATISFACTION WITH THE CPA AND THE SPLM

Before the CPA was signed, there were three administrations in what is now Southern Kordofan state: the government of West Kordofan, with Al-Fula as its capital; the NCP-led government of South Kordofan, with Kadugli as its capital; and the parts of the Nuba Mountains with Kouda and Jullud as their centres, controlled by the SPLM and its military wing, the SPLA.⁵ The peace agreement provided for West Kordofan to be dissolved into Northern and Southern Kordofan and a single, representative state government to be established to integrate the three systems. Due primarily to mutual mistrust between and lack of commitment within the NCP and SPLM, however, this administrative integration has only begun to materialise more than halfway into the agreement's six-year transition period, after a high-level joint delegation visit to SPLM-controlled areas in July 2008 produced a breakthrough. Much remains to be done to meet Nuba grievances and prove that the CPA is indeed a sufficient framework for peacebuilding.

²"Situation Report", UN Office for the Coordination of Humanitarian Affairs (OCHA), no. 29, 16 September 2008; and "Abyei Displacement", www.reliefweb.int/rw/rwb.nsf/db900sid/TUJA-7JQ7PU?OpenDocument.

³The original protocol gives Abyei inhabitants the right to a referendum on whether to remain part of the North or join the South and simultaneously take part in its 2011 self-determination referendum. See Crisis Group Africa Briefing N°47, *Sudan: Breaking the Abyei Deadlock*, 12 October 2007.

⁴Some of the inhabited areas and those under SPLM control were not visited and counted during the April 2008 census. Crisis Group interview, *meek* (paramount chief) of a Nuba tribe, Khartoum, June 2008.

⁵The SPLA controls four counties in Southern Kordofan: Lagawa (administrative centre in Tima), Kadugli (administrative centre in Kurchi), Rashad (administrative centre in Kauda) and Dillinge (administrative centre in Jullud), the latter two in effect garrison towns.

1. CPA uncertainties

Nuba Mountains leaders feel that the CPA cost them key benefits they had gained from the local ceasefire brokered by Switzerland in February 2002, most notably the ability to negotiate a peace deal on their own terms. They agreed to allow the SPLM to negotiate on their behalf at the CPA table in Naivasha (Kenya) since their grievances were similar: marginalisation; loss of land rights to Arab tribes; and representation in local and national institutions. But the SPLM delegation, composed mainly of Southerners, though with Nuba advisers, emphasised the revival of Nuba culture and identity rather than concrete political issues.⁶

The resulting protocol provides for initial power sharing on a rotational basis between the NCP and SPLM, followed by a general election, then a popular consultation to renegotiate the protocol if necessary. It stipulates that a commission is to be established to resolve land disputes and that cultural heritage and local languages are to be developed and protected by the state.⁷ Yet, the Nuba feel that the SPLM let them down so as to improve its negotiating position on Abyei in particular as well as to gain a guarantee that the South can hold a binding referendum on secession in 2011.⁸

The SPLM accepted the absorption of Arab-settled parts of West Kordofan into Southern Kordofan and agreed to defer the most pertinent constitutional and political issues – including self-determination and even the name of the state – to the post-election popular consultation, without guarantees of fair process or outcome. Many Nuba view the dissolution of the West Kordofan state and the addition of new Arab-dominated localities into what they consider their state as a continuation of wartime NCP policies to produce demographic change and maintain tensions between communities and ethnic groups in the region. In their eyes, adding Arabs to Nuba-dominated areas weakens Nuba chances to obtain constitutional and political gains from the eventual popular consultation.

Some Nuba elites argue that they have lost the opportunity to negotiate their autonomy from the central govern-

ment. They see the present process as part of an NCP strategy to keep control of the region and disempower them.⁹ The fact that the Nuba Mountains were confirmed to be part of the North during the six-year transition also raised concerns whether the region would have a chance to develop, given the history of NCP preferential treatment for Arabs over Africans and the dominance of the former in the state government. Some Nuba leaders argued that the SPLM should have supported their demand for a confederation rather than the federal system adopted in the CPA, so that the Nuba would have the same rights as the South Sudanese.

During the negotiations which produced the protocol on 26 May 2004 – seven months before the CPA was signed – disagreement emerged between the NCP and SPLM on the name of the state, with the former pushing for South Kordofan and the latter for Nuba Mountains. This reflected deep divisions about the religious and ethnic make-up of the state and the conflicting interests of its communities. The SPLM believes that the majority are non-Arab and its supporters. The NCP, relying on the last general census (1994),¹⁰ believes the majority are Arab and its supporters. When published, the results of the general housing and population census conducted in April 2008 will affect both calculations and be contentious.

At the time of the 2004 protocol, the SPLM thought calling the state Nuba Mountains might help win support from non-Arabs and non-Muslims, in particular the Nuba, in the general elections.¹¹ Calling it South Kordofan would curry favour for the NCP with Arab inhabitants, reaffirm the party's local pre-eminence and imply the Nuba would remain second-class citizens, with lesser rights to resources and representation. During the protocol negotiations, it was only possible to agree on using the term South Kordofan/Nuba Mountains and to defer a decision to the popular consultation. However, in the last days before the CPA's signing on 9 January 2005, the parties agreed to name the state "Southern Kordofan".¹²

The NCP has continued to use religion and ethnicity to divide citizens and foster its political survival in the

⁶Crisis Group interview, Nuba SPLM member, Khartoum, March 2008.

⁷Article 1.2, Protocol on the Resolution of the Conflict in Southern Kordofan/Nuba Mountains and Blue Nile States, Naivasha, Kenya, 26 May 2004, available at [www.reliefweb.int/rw/RWFFiles2004.nsf/FilesByRWDocUNIDFileName/SZIE-5ZJRBQ-gossplm-sdn-26may2.pdf/\\$File/gossplm-sdn-26may2.pdf](http://www.reliefweb.int/rw/RWFFiles2004.nsf/FilesByRWDocUNIDFileName/SZIE-5ZJRBQ-gossplm-sdn-26may2.pdf/$File/gossplm-sdn-26may2.pdf).

⁸Crisis Group interview, Nuba tribal leaders, including senior member of the NCP Southern Kordofan, Kadugli, February 2008.

⁹Crisis Group interview, *meek* (paramount chief) of the Nuba sub-tribe and two leaders of community-based organisations (CBOs), Kadugli, February 2008.

¹⁰Crisis Group interview, senior director, a Southern Kordofan ministry, March 2008.

¹¹Crisis Group interview, senior SPLM adviser, Kadugli, February 2008.

¹²CPA, list of corrections, Section 5 (5.1), p. 237. The text of the CPA is available at www.reliefweb.int/rw/RWFFiles2004.nsf/.

new state, as well as in Sudan at large.¹³ Potential gains brought by the CPA such as establishing functional and representative government to improve Nuba economic life and security and the conditions for voluntary return and resettlement have not been felt on the ground. According to Nuba elites and senior SPLM figures, the Nuba made a strategic mistake in allowing SPLA commanders to play tribal politics, instead of working with other groups, including NCP affiliates, to improve their situation during the first stages of the peace agreement's implementation.¹⁴

According to the protocol, the popular consultation will give citizens of Southern Kordofan state (as well as those of Blue Nile state) the opportunity to rectify shortcomings in the CPA's constitutional, political and administrative arrangements, while respecting its general framework. The elected members of the new legislative council are subsequently to take up the conclusions of the consultation with the central government. But the Nuba tribes' ability to make their weight felt in the popular consultations and subsequently depends on whether they can establish themselves as the state's dominant community. At the least, continued deep tribal divisions risk weakening the force with which any of the state's claims can be advanced in Khartoum.

2. Discontent with SPLM leadership

A year after the CPA was signed, the SPLM began to restructure its organisation. Its leader, John Garang, wanted Abdel Aziz Al-Hilu – representative of the Nuba – to lead the implementation process as head of the northern sector rather than accept appointment as a federal minister in the national unity government.

Al-Hilu agreed and remained outside the executive national framework. When he demanded the necessary resources, though, the SPLM leadership withheld full support.¹⁵

Frustrated, Al-Hilu went to the U.S. to study, returning only in late 2007.¹⁶ After his departure, no senior Nuba figure represented the communities' interests at the top of the SPLM. This led to the feeling Nuba issues were being neglected in Juba, where the main focus was on the new Government of Southern Sudan. This perception was shared in Blue Nile and motivated its leader, Malik Aggar, at the end of 2007, to focus on peacebuilding in his own region. He became the Blue Nile governor and during his first months in office, negotiated soft loans for state development with the Gulf States, without the national unity government's involvement.

The Nuba Mountains leaders' sense of alienation also comes from a disconnect between the southern Sudanese SPLM leadership in Juba, and their Nuba counterparts in Kadugli and Kouda. This is perceived as the main reason behind the failure to put consolidated pressure on the NCP to establish a functioning state government. After the Nuba disappeared from the SPLM's strategic decision-making process and leadership, a rift developed between the movement's representatives in Kadugli and Juba. The former accused the latter of having no interest in their plight. Nuba field commanders deployed in Nuba SPLM-controlled areas like Kouda accused the SPLM in Kadugli of corruption and parochialism.

¹³ Ethnic groups use certain words to degrade other ethnic groups. *Aab* (slave) is often used by ordinary Sudanese from the North to describe a person from the South or with black skin when in a dispute, though it is a crime to call someone this. In their discourse of anti-Arabism and anti-Islamism, Southerners speak of *mun-du-kuru* ("Arab" in the Dinka language); *jal-laby*, one who brings ("brought", *jalab* in Arabic) goods for trade from the north to other parts of Sudan and historically wear the *Jalabeya*, the customary dress of Northerners; and *wad-arab/awlad-arab* (sons of Arabs). Other derogatory terms used in disputes or time of war include *Jan-guy* (by Darfurians/Kordofanians for a Southerner), *az-rag* (by northerners Arabs to describe black indigenous Sudanese), *Ghar-rabi* (by Northerners for a westerner from Darfur), and *Ha-la-be* (a Middle-Eastern-looking person). During the NCP regime, politics have been dominated by the Arabic Nile riverian tribes of the North, who have used such phrases as, "I am a *Jaali*", (from Dar Jaal, Nile state) to describe themselves as courageous and affiliated with the ruling party.

¹⁴ Crisis Group interview, senior SPLM adviser, Kadugli, February 2008.

¹⁵ Before the illness that led to his death in 2001, Yousif Kuwa, the main leader of the Nuba insurgency, faced a split with some of his military commanders. In 1997, a group led by Mohamed Haroun went to Khartoum and signed an agreement with the government. This weakened the Nuba insurgency. Yousif Kuwa took many commanders to the South to avoid further splits. At this time the group was considered to be fully under SPLA command and gave John Garang the right to negotiate for it. Since the Nuba wanted to rule themselves and their areas, Garang withdrew SPLA forces from the Nuba Mountains in early 2002. Leadership disputes continued to aggravate the command situation, especially when Yousif Kuwa fell ill. After his return from London for treatment and at the time of the ceasefire signed in February 2002, he appointed Abdel Azziz Al-Hilu as his successor, who was seen as a neutral figure acceptable to all. Under the agreement, the western sector of the Nuba Mountains (Al Miri) was handed over to the government, bringing greater stability to the area and dramatically reducing insecurity. But development money for social services was stolen by local government officials, leaving peace dividends elusive.

¹⁶ See Crisis Group Africa Briefing N°50, *Sudan's Comprehensive Peace Agreement: Beyond the Crisis*, 13 March 2008.

SPLM Nuba supporters also became disillusioned by their experience with the movement's leadership during the first phase of CPA implementation, during which they accepted the lead of SPLA military commanders. Instead of promoting capable leaders who could advance socio-economic needs and address political grievances, those commanders were too often politically weak, inexperienced and intent on serving their own interests, including by corrupt means.¹⁷ Khamis Galab, a Nuba military commander and the first SPLM governor of the state after the CPA was signed, has been accused by community leaders, NGOs and CBOs of failing to put pressure on the national unity government to deliver constitutional and administrative arrangements to meet the Nuba Mountains' immediate needs, such as forming the state land commission. Instead, military leaders focused on tribal politics, based on land ownership claims and African identity, and instigated violence.¹⁸

During the war, most Nuba, including Muslims, argued that Africanism¹⁹ was their link with the South, a notion which distanced them from the Arabs, whom they and the SPLA perceived as their common enemy. These feelings persist; party leaders have used African solidarity for social mobilisation to ally the Nuba in a common struggle with the South.²⁰ Nuba intellectuals and Nuba leaders in the SPLM want to cultivate the distinction between Arabs and Africans so as to assert their rights under the CPA and gain more autonomy.²¹ However, many Muslim Nuba – despite the appeal of African solidarity – believe that, after the CPA, joining the South is not productive, and progress will only

be achieved if they are united with the North,²² where most of them live.

Instead of focusing on their party's stated goals – rural development, reconciliation and a viable state government to address security – the SPLM state leadership concentrated after the CPA on countering the NCP's divisive policies by consolidating its base along the old divisions.²³ It has promoted the stereotyping of Arabs as invariably NCP supporters, advanced the argument that non-land-owning outsiders should leave the area,²⁴ increased tensions between communities and created splits within the SPLM leadership, including between representatives of Kouda and Kadugli.

B. NCP MANIPULATION

The protocol stipulated that during the first half of the six-year interim period, the state governor would be appointed by the central government institution of the presidency (president, first vice-president and vice-president), and the state executive and legislature would be allocated in a 55:45 NCP/SPLM ratio, with each holding the governorship for half the pre-election period. The legislative council was formed in the first year after the national unity government passed the interim national constitution and the state constitution, but the first government was not fully established until ten months into the eighteen-month term of the new SPLM governor. This delay was mainly due to mutual negligence and mistrust by the NCP and SPLM at the national level.

1. Keeping control over state finances

NCP lack of goodwill and politicking has also undermined the new state authority. For a year and a half after the signing of the CPA, the state governor was an SPLM appointee, Khamis Galab (with an NCP deputy), who was unable to establish full executive council. Seven months were needed to agree on a finance minister.²⁵ The first, Al-Amir Abdella Kambal (NCP), had a monopoly over the financial portfolio and gave little access to Galab or department heads.²⁶ With cen-

¹⁷ Crisis Group interviews, non-governmental organisation (NGO) and CBO leaders and SPLM members, Kadugli, February-March 2008.

¹⁸ International agencies encouraged the Nuba communities and SPLM leaders to pursue communal land ownership. Crisis Group interview, senior state ministry director, Kadugli, February 2008.

¹⁹ The term Africanism in this context refers to the Nuba belief they are indigenous African tribes like most of the people of the South and indigenous tribes in other parts of Sudan such as the Fur, Massalit and Nubians of the North. They argue they have distinct cultures from the Arab ethnic groups, particularly those of the North. They associate the majority of NCP leaders with the people of the states of North Sudan, called *jal-laba* (plural of *jal-laby*) by many in Kordofan, Darfur and elsewhere.

²⁰ Crisis Group interview, Nuba *meek* (paramount chief), Kadugli, February 2008.

²¹ The Nuba believe that since independence, all central governments have repressed them in order to change their cultural identity. Culture and identity were central during the talks in Nairobi on settlement of the Southern Kordofan/Nuba Mountains conflict. Crisis Group interview, son of a Nuba *meek* (paramount chief) in SPLM-controlled areas, Kadugli, February 2008.

²² Crisis Group interview, SPLM Nuba senior member of the state government, February 2008.

²³ Crisis Group interview, senior state ministry director, Kadugli, February 2008.

²⁴ Crisis Group interview, director, state government, Kadugli, February 2008.

²⁵ Crisis Group interview, NCP and Southern Kordofan member of national assembly, Khartoum, August 2008.

²⁶ Crisis Group interview, senior state ministry director, Kadugli, February 2008.

tral financial ministry support and without following governmental tender procedures, he approved construction contracts for companies probably affiliated with the NCP.²⁷ The central finance ministry did not even sign most contracts. When the NCP governor, Omer Suleiman, and his SPLM deputy, Daniel Kudi, took over, the paralysis continued.

NAPCO, a company which later became NAPTA and is reportedly run by the intelligence and security apparatus, was awarded a contract worth 32 million Sudanese Ginah (SDG, \$16 million) in 2007 to drill 165 wells and supply 110 vehicles to the state. This contract did not go through proper tendering procedures.²⁸ Developmental projects for roads, water reservoirs, clinics and hospitals were also started by the state government, but mostly in the Arab-dominated central and western Nuba Mountains (formerly West Kordofan). No contracts were signed for the Nuba-dominated areas of east and south east Nuba Mountains. Only 30-40 per cent of the 115 contracts signed under the initiative of SPLM Governor Galab have been implemented three years after the CPA was signed.²⁹

In the first half-year of Galab's term, salaries of teachers and health workers were not paid for four consecutive months. Early in his term Galab said the NCP was deliberately not releasing the salaries so as to undermine the new SPLM administration.³⁰ The NCP deliberately delayed the release of development money,³¹ releas-

ing it only in January 2008, six months after the new NCP governor took office.³²

State finances depend heavily on federal transfers, so are very vulnerable to national-level manipulation. According to the World Bank, despite substantial federal funding, the new state still receives a lower share than South and West Kordofan states did prior to the CPA.³³ Furthermore, most allocations either do not arrive or are not spent in the state. More than 70 per cent of the budget stays in Khartoum, without reaching the state treasury, and is used to pay contractual obligations. The awarding of these contracts by the central government without state government consent facilitates institutional corruption in favour of NCP-related companies and individuals.

With the arrival of the NCP Governor Omer Suleiman, that party tried to divide the functions of the minister of finance. It proposed a new ministry for development planning to take responsibility for managing development funds. The idea was for the NCP to retain control of the monies allocated to companies affiliated with it.³⁴ This would reduce the role of the SPLM finance minister to basic accountancy.³⁵ The SPLM rejected this suggestion. After eight months, an agreement was reached and two ministries created. The formula was that the economy and investment minister would plan development projects, including construction and public works, while the finance minister would manage all implementing processes – tendering, allocation, transfers of monies and expenditures.

The finance ministry is headed by Dr Ahmed Saeed (SPLM) and the economy and investment ministry by Mohammed Nile (NCP). The governor refused to

²⁷ Crisis Group interview, senior official, office of the governor, Kadugli, February 2008

²⁸ Though the contract under the letterhead of a Khartoum lawyer indicated that the agreed work must be completed by 1 March 2008, it was signed on November 2007, when it was already impossible to meet that deadline. There was no mention of payment terms. NAPCO sub-contracted to a company called Awaab, also allegedly run by the interior ministry. Similarly, a contract worth SDG 35.4 million (\$17.7 million) was awarded to a company (Ithar) known to be run by the Popular Defence Forces (PDF) to drill 100 *haffir* (surface water reservoirs). A company called Jawharat al-Atshan (the Jewel of the Thirsty) signed a contract with the finance minister in Khartoum in November 2007 for water construction, a month before it was registered at the trade ministry. Crisis Group review of government documents; interview, senior government official, February 2008.

²⁹ Crisis Group interview, senior official in the office of the governor, Kadugli, February 2008.

³⁰ Crisis Group interview, director of local NGO, Kadugli, February 2008

³¹ Under the CPA protocol, the state is to receive 2 per cent of oil revenue produced on its territory and in Abyei.

³² Crisis Group interview, senior SPLM figure in the state government, February 2008.

³³ Jeni Klugman and Asbjorn Wee, "South Kordofan: A Growth Diagnostic", Sudan Multi Donor Trust Funds, World Bank, 2008, p. 30.

³⁴ Crisis Group interview, senior state ministry director, Kadugli, February 2008

³⁵ Before the finance minister was in place in March 2008, the new governor sent a letter dated 7 November 2007 to the central finance ministry requesting funding for development projects in the state on condition that the projects have no budgetary constraints and the money be transferred whenever asked for without further approval. The ministry immediately approved the equivalent of \$10 million, with guarantees for the contractors. In March 2008, armed persons reportedly broke into the liaison office of the state government in Khartoum and took documents related to the award of development projects. Rumours suggest that anti-NCP elements sought evidence of corruption against the governor. Crisis Group interview, senior state government administrator, Khartoum, May 2008.

allow Saeed to appoint his own staff, leaving him with no choice but to work with his predecessor's appointees. Due to the mistrust created by the division of the original ministry, the state government has been unable to take important executive decisions on reconstruction priorities. The state legislative council has also been paralysed. In September 2008, serious disagreement over control of the budget between the governor and the economy and investment minister on one side and the finance minister on the other side led the governor to fire Saeed and close the finance ministry for several weeks in September. While the governor, who also felt threatened by Saeed's investigation of construction contracts, said the dismissal was based on a decree from First Vice-President Salva Kiir, the SPLM state leader Daniel Kodi insisted the decision was taken without consulting the party.³⁶

Power sharing has been implemented at legislative and executive levels but not in the civil service. The civil service commission is still not functioning, either in the state or countrywide. A prominent businessman in Kadugli told Crisis Group: "The NCP does not want transparency, and that is why it has delayed civil service reform to incorporate SPLM personnel".³⁷ The state's senior civil servants are affiliated to the NCP and serve its interests.³⁸ Delay in establishing the commission is a key issue in the Nuba Mountains, reinforcing a wide belief that the NCP is blocking accountability and transparency in governance, which in turn is a major obstacle to stability in the state.³⁹ As a result, it has not been possible to unify government structures and combat corruption in the west, south and SPLM-controlled areas, leaving the state government in chaos and at the mercy of the NCP-appointees. Closure of the finance ministry and dismissal of its minister was a serious backward step, with potential to aggravate further the fragile NCP-SPLM relationship in the Nuba Mountains and paralyse the state government.

Post-war recovery programs are not in place to alleviate poverty and respond to the needs of IDPs returning to their communities and militias going through demobilisation and reintegration. This has left a limited number of international and local civil society organisations to cope, while causing the tribes to feel their livelihoods are threatened. The absence of equitable resource distribution feeds growing mistrust

between communities. This is likely to further hinder implementation of the protocol, including ultimately a productive post-election popular consultation, while possibly leading to a resurgence of wider violence in the state.⁴⁰

Without well resourced, representative and effective state government, disputes over land ownership and use, seasonal routes for livestock and access to grazing land and water and social and civil services carry serious risk of conflict. Though Abyei is the most visible problem in the region, the latent conflict in the Nuba Mountains and the western areas of the Misseriya tribe also have the potential to destabilise the country.⁴¹ The way these matters are resolved will influence other areas with similar troubles along the North-South border, such as those between the Rezeigat of south Darfur and Dinka of Bahr Ghazal over Huftrat al-Nehas (the copper mines), and the Shuluk and Dinka with the Arabs of White Nile over the areas of Wad-Dakuna.

2. Census concerns

The Nuba further argue that in the current environment of insecurity and with many IDPs not yet back home, the April 2008 census results do not accurately reflect their size and their claims to representation and resources. Before that census, many Nuba in SPLM-controlled areas insisted it be delayed, arguing that the NCP was deliberately creating conditions that made return difficult, and there was no guarantee it would be thorough and fair. But, they eventually concluded that they could only get to elections, which were in their interest, by participating.

Nuba IDPs who failed to return before the census were not counted as living in the Nuba Mountains, to the advantage of the Arabs there. Those Arabs, though affected by the war, had not experienced the same levels of displacement. The Nuba fear the NCP, with its history of manipulation of such processes, might rig the census to make Arabs appear in the majority, not only in the state, but also within the Nuba Mountains. A director of a local NGO working to establish and support community-based organisations said, "we believe that our communities are not ready for the census, but when it happens, it must be seen as fair and well monitored, because it is important for us to have our

³⁶ Kodi said this to Miraya FM radio, <http://home.kpn.nl/ende0098/Articles/20081003.html>.

³⁷ Crisis Group interview, civil engineer and contractor, Southern Kordofan, February 2008.

³⁸ Ibid.

³⁹ Crisis Group interview, National Council (national parliament) member from Nuba Mountains, Khartoum, April 2008.

⁴⁰ Crisis Group interview, NCP senior state government official, Kadugli, February 2008.

⁴¹ Crisis Group interview, senior state government official, February 2008.

complete rights in the future. If the NCP rig it in a bad way, our people will not stand still...⁴²

It remains to be seen what the results of the still unpublished April 2008 census will be, but after the counting was finished, many Nuba were persuaded that insecurity in the Nuba Mountains was being deliberately maintained by the state government and the NCP in order to keep IDPs from returning before the general elections. According to a Nuba SPLM leader in Kadugli, many IDPs will wait for those results before deciding whether to resort to "other means" – meaning a possible resumption of hostilities.⁴³ Some Nuba argue that the July 2008 visit by a senior NCP/SPLM delegation to the Nuba Mountains, three months after the census was conducted, was essential but three years late.⁴⁴ The progress it produced, had it come earlier, would have made the census acceptable to the Nuba, particularly those living in SPLM-controlled areas.

3. Real progress?

In July 2008 Malik Agar (governor of Blue Nile state and SPLM vice-president) together with Ahmed Haroun (state minister in the humanitarian affairs ministry) and Governor Omer Suleiman and his cabinet visited the SPLM-controlled areas of the Nuba Mountains – the first time a governor from the NCP had done so since the SPLA captured them during the war – and opened space for dialogue between the state government and SPLM-controlled areas. Until then, the NCP governor and his officials had been kept out by SPLM obstruction and the precarious security situation.

The main focus of the delegation, which visited Jullud and Kauda, was on integration of the government and civil services and energising the DDR process for both government- and SPLA-affiliated militias. The two parties also agreed to form a joint state committee to integrate the civil service, including police. The disarmament, demobilisation and reintegration (DDR) commissions for North and South followed with similar visits and will soon start a pilot project aided by UNMIS.

In August 2008 the joint state integration committee⁴⁵ spent ten days in SPLM-controlled areas and interviewed SPLM administrative personnel who had been proposed for integration. The committee intends to visit all areas under SPLM control and then submit its findings to the council of ministers. According to a senior Western diplomat, the state is prepared to integrate 4,400 administrators from the SPLM areas, but despite overall satisfaction with this, SPLM administrators remain uncertain that the integration plan will be fully implemented.⁴⁶

The summer developments disguise extensive technical difficulties in the integration process. Until August, areas such as Kouda and Jullud remained under SPLM control, with separate systems for implementing the rule of law and providing social services, including public health and education. Primary health care is free in SPLM areas but not in NCP-controlled areas. In areas under SPLM control, schools follow south Sudanese, Kenyan and Ugandan curriculums, which differ from those in the North. Many Nuba fear their children in government-controlled areas risk being influenced by the NCP's Islamist agenda.⁴⁷ Some argue that maintaining their own school system restores Nuba pride, by facilitating recovery of cultural rights and identity. However, this is not sustainable without institutional support. The current system is built on voluntarism, supported by temporary relief programs.

The state has no funds to accelerate integration or start rehabilitation aimed at providing services. Resources are consumed by the inflated administration's salaries.⁴⁸ The central government should be prepared to allocate funds for social services in the newly integrated areas, while embarking on state administrative reform.⁴⁹ Equitable distribution of resources, peace dividends and proper integration would bolster effectiveness and help reduce corruption, as well as address insecurity and tribal reconciliation. The national unity government should establish an executive development committee, with strong representation from each locality in the state, to oversee equitable distribution of resources,

⁴² The director was alluding to renewed insurgency in the Nuba Mountains but declined to give more details. Crisis Group interview, general director, local NGO, Nuba Mountains, Kadugli, February 2008.

⁴³ Crisis Group interview, senior Nuba SPLM figure, Kadugli, June 2008.

⁴⁴ Crisis Group interview, director of an NGO working in Nuba Mountains, Nairobi, October 2008.

⁴⁵ In July 2008, the NCP and SPLM agreed to form a joint committee to oversee integration of the various administrations into the Southern Kordofan state government.

⁴⁶ Crisis Group interview, senior diplomat, Western embassy, Khartoum, August 2008

⁴⁷ The two education systems are supported by UNICEF and other international agencies.

⁴⁸ The many superfluous positions in the local and central administrations eat up money that could otherwise be used to finance the newly integrated posts. However, this is unlikely without a lengthy process of administrative reform.

⁴⁹ Crisis Group interview, Western diplomat, Khartoum, August 2008.

develop priorities, plan action and eventually institute implementation.

The relationship between Kouda, Jullud, Kadugli and Juba has improved, and the disconnect between the SPLM-controlled areas and the SPLM in Kadugli and Juba has been reduced, by the gradual implementation of the protocol, including integration of government administrations, not least the police. Reconciliation between communities will be more difficult, however, and the prospects for political mobilisation on ethnic/racial lines ahead of the general elections (whether those are held in 2009 as envisaged in the CPA or postponed) has not disappeared. The gains from administrative integration are thus extremely fragile.

C. LAND GRIEVANCES

The native administrations⁵⁰ were designed during the Anglo-Egyptian condominium primarily as an instrument of rural pacification, with responsibility for local and tribal conflict prevention and reconciliation. As such, alongside limited judicial authority on issues related to customary law, its leadership held key functions in the allocation, regulation and enforcement of land rights. Since 1989, Khartoum has used native administrations to further a state-led policy of military mobilisation, granting authority to native administrations and giving land to tribal populations willing to ally with the government against rebels. This has politicised land claims and explains the failure of traditional conflict resolution mechanisms to prevent the degradation of inter-tribal relations.

Many Khartoum government policies against the Nuba were first instigated in Southern Kordofan by the current state governor, Omer Suleiman, when he directed the peace department in the Greater Kordofan government in the early 1990s. He has been accused by both Arab and Nuba tribal leaders of responsibility for implementing the regime's policy of dismantling the native administration system in the Nuba Mountains as well as in other *dars* (homelands) such as Dar Misseriya.⁵¹ He facilitated Arab resettlement in Nuba territory there – and expanded NCP control – by trans-

forming their small *omudiyat* (sub-chiefdoms) within the Nuba territories into emirates.⁵²

In fact, both Nuba and Arab chiefdoms were divided, weakened or dismantled by removing them from tribal leadership. The *oumda* became an *amir* (prince) in his own right, reporting directly to the local government. In the case of the Nuba, each emirate has been allowed autonomy from the Nuba tribal chiefdoms. The newly-settled Misseriya dominated the Abu Junuk area, undermining the native administration of the local Nuba.

Moreover, during the early stages of the NCP regime and the intensification of the civil war, Arabs were mobilised and armed to fight. Nuba communities in the lowlands had to flee, and their land was redistributed without proper compensation as part of large agricultural schemes for mechanised farming.⁵³ Up to 1996, the Nuba Mountains were subjected to a scorched earth policy of forced migration implemented by the social planning ministry which amounted to ethnic cleansing. Between 1991 and 1996, teachers, native leaders and other local elites were targeted and disappeared.⁵⁴ Children were taken by government forces or Arab militias to Hamash-kureb and Bara (North Kordofan) under the pretext of social planning.⁵⁵

⁵⁰ A Sudanese state is headed by a *wali* (governor) and divided into localities, each administered by a commissioner. A locality is sub-divided into units administered by an executive manager. The native administration is integrated into the locality and administrative unit system, with its own department in the local government ministry.

⁵¹ Crisis Group interview, Nuba *meek* (paramount chief), Kadugli, February 2008.

⁵² In the NCP's early years, the demographic policy was widely attributed to the social planning ministry, which it formed in 1990/1991, with the aim of weakening the foundations of traditional parties and advancing what was known as the Arab Civilisation Project. The first minister was Ali Osman Taha, now vice president of both Sudan and the NCP. Crisis Group interviews, academics and politicians, Khartoum, 2005-2006.

⁵³ This policy was premised on laws passed in 1970-1971 by former President Jafaar Nimeri, the Unregistered Land Act (1970) and the People's Local Government Act (1971), which abolished the native administration system and returned all unregistered land to the government. During Nimeri's regime, Khartoum distributed unregistered fertile land in the Nuba Mountains to big farmers, mainly from outside the region. For a reference to both acts in the context of developments in Sudanese land reform policy, see David William Pearce et al, *Sustainable Development: Economics and Environment in the Third World* (1990), pp. 140-141.

⁵⁴ See also Alex de Waal, "Averting Genocide in the Nuba Mountains, Sudan", Social Science Research Council blog, 22 December 2006.

⁵⁵ In 1992-1993, the regime took 196 boys and girls from the region and put them in a ruined house in Obeid city, next to a building owned by the Sheikhan insurance company. The children subsequently disappeared and cannot be traced. Crisis Group interview, a resident in the neighbourhood of the house and witness of the events, Obeid city, February 2008.

The government shut all big enterprises that existed prior to the NCP regime, such as the Nuba Mountains Cotton Production Corporation, the Textile Factory, the Mechanised Farming of Habela, the South Kordofan Agricultural Development Project funded by the African Development Bank (ADB) and the Rural Development Project funded by the European Commission, among others. In 1996/1997 the regime redistributed the fertile lands used for mechanised farming to people from outside the region. According to some Nuba leaders, it refused access to international NGOs that sought to assist the Nuba in order to give the lands to allied businessmen from the North.⁵⁶ As the war worsened, these northerners maintained ownership of the land but did not cultivate it and became known as absentee farmers.⁵⁷

Instead of reviving the old projects and factories and attempting to build peace in the Nuba Mountains after the war ended, the central government put money into oil investments in Abyei and elsewhere in the South. The native administrations continue to be fragmented by political interference designed to secure tribal support for the elections. This has dramatically reduced the legitimacy of their leaders in community eyes and limited their role in tribal affairs.⁵⁸ Traditional authority is further undermined by the proliferation of armed militias and the new resistance movements in the region discussed below.

Encouraged by their gains in the CPA and by suggestions from international agencies, the Nuba held tribal conferences after the peace agreement was signed on how to regain their land. But they tried to resolve this sensitive issue too quickly, while at the same time other important matters such as tribal reconciliation and peaceful coexistence were hardly addressed, even though small wars were being fought by Nuba sub-tribes and between Nuba groups and Arabs. The conflict between the al-Lakouri and the adjacent Teis – both Nuba – received no response from either the state government, the SPLM or UNMIS, and the conferences isolated the Nuba from both the Arabs and other minority tribes.⁵⁹

Tensions remain high between Nuba and Arabs over land ownership and livestock migration routes, as well as within these groups. There have been more than ten deadly inter- or intra-tribal armed clashes over land since 2007. The areas affected include Dabri, between Dar Neila Arabs and Nuba Gulfan, Koalak, between Howazma Arab (Dar Jamee) and Nuba Kega, Jangaoro, between Misseriya Arabs and Nuba, Um Heitan, between Ruwawga Arab nomads and Nuba Um Heitan, and Melem al-Khor, with Kenana, Howazma and Kawahla against Hawazma landowners. The state administration of Southern Kordofan – with no support at local government level and without strong native administrations – is incapable of resolving these tribal problems.

The Nuba feel that the Arabs of the region who cross their territory in search of grazing lands and water have become more aggressive towards them since the CPA; land disputes have become more pronounced, with each group wanting to consolidate gains before the land commission is formed. A leader of a *murhal* (a migrating livestock herd) said, “because the Nuba think they won the war with the signing of the CPA, they now think they can take the land. We will not allow them, and we will fight them if they try. It is government land, and they do not own it...”⁶⁰ The Nuba SPLM worsened tensions by promoting the idea that the large mechanised farms of Habela held by the absentee owners from the North could be quickly recovered by their traditional owners, who were not compensated in the 1990s.⁶¹

However, the CPA protocol stipulates that it is for the land commission to review the state's land ownership and use laws.⁶² Its establishment needs to be premised on good faith between the NCP and SPLM and to go hand in hand with reconciliation efforts. It can only be effective if there is inter-tribal dialogue and processes led by truly representative individuals. Any reform prior to the elections would likely be unsustainable due to disputed tribal representation and mutual mistrust. Without the proper conditions, a land commission, no matter how well-meaning, will not be considered legitimate by the state's communities and will be unable to carry out its mandate.

⁵⁶ Crisis Group interview, two senior Nuba leaders, March 2008.

⁵⁷ See also “Sudan: Rich farms, conflict and climate change”, IRIN, 22 May 2008.

⁵⁸ The regime has divided native administrations of both the Misseriya and Ngok Dinka into emirates, dismantling the *nizarat* (chiefdoms) of both tribes. The new leaders are not widely accepted because the people consider them to be opportunists co-opted by the NCP and distant from the norms, culture and conduct of their traditional systems.

⁵⁹ Crisis Group interviews, senior Nuba leader critical of how inexperienced SPLM politicians approached the conferences,

directors of two local NGOs and the regional manager of an international NGO, Kadugli, February-March 2008.

⁶⁰ Crisis Group interview, *murhal* leader, Al-Deleng, February 2008.

⁶¹ During the war many farmers and business people abandoned their farms due to insurgent raids and general insecurity.

⁶² Article 9.3 of the protocol provides for a state land commission to review existing land leases and contracts, examine the criteria for land allocations and recommend to the state government changes, including restitution of land rights or compensation.

The state administration is presently encouraging conferences to resolve tribal disputes and promote reconciliation.⁶³ However, the native administrations lack the resources and popular legitimacy to play their historic role in dispute settlement and reconciliation. For such efforts to succeed, tribal administrations must be linked to a rapid response mechanism for emerging conflicts that includes the authorities and UNMIS, and a formal reconciliation mechanism linked to the legislative council of the state government is needed after the elections.

D. STALLED DDR AND RISK OF NEW INSURGENCY

The Special Representative of the UN Secretary-General (SRSG), Ashraf Qazi, said in April 2008 that the Sudan DDR program was expected to gain new momentum in the spring.⁶⁴ A roundtable, convened on 9 April and including the national unity government, the UN and the donor community, agreed the DDR commissions for North and South would demobilise and reintegrate 182,900 ex-combatants over four years, including the SPLA's Nuba forces. The UN is also pushing for all children still associated with armed forces and groups to be demobilised in 2008.⁶⁵ DDR requires general trust that the CPA will hold, that prospects for a new war are remote and local inter- and intra-tribal conflicts are being efficiently managed. But the trends in this respect are not encouraging.

The security situation in the Nuba Mountains improved dramatically after the 2002 ceasefire agreement. The absence of an effective and integrated government and the continuation of tribal and community disputes over land were disincentives for IDP returns, but in the circumstances, the Joint Military Commission (JMC) established under that agreement performed well.⁶⁶ This is in stark contrast to the current period under UNMIS.⁶⁷ The JMC was directly involved with the native administrations in resolving disputes. It usually did so effectively and in a timely manner that prevented escalation. Though UNMIS has more capacity than

the JMC, it has not been able to monitor the security situation effectively and respond immediately to disputes and incidents. It has limited its operations to reporting rather than actually stopping violence. Its leadership in the Nuba Mountains will probably need to be changed if UNMIS is to fulfil its peacekeeping, not just its conflict-recording mandate.⁶⁸

The official Nuba SPLA forces were redeployed back to the 1956 border in early 2008,⁶⁹ but the DDR program has not been implemented. A mid-ranking SPLA officer estimated the number of such troops in the Nuba Mountains, some of whom may not have military uniforms, at between 3,000 and 5,000. With the Nuba SPLA forces in Equatoria numbering more than 10,000, the Nuba still make up the largest contingent of non-Southern SPLA forces. Many of these troops are frustrated the CPA has not brought concrete benefits for their people. Many commanders believe they must retain their military capability for possible future use. They suggest they have avoided integrating their administrative system with the state government's because they want to avoid DDR programs and remain armed within the SPLA and deployed south of the 1956 border.⁷⁰

Many educated Nuba expect the South to vote to separate from the North in 2011. This raises deep resentment among the Nuba, many of whom believe the New Sudan vision of majority rule in a democratic environment the SPLM still formally espouses is slipping away from them. They fear that if the South secedes, they will be left behind as the losers in the truncated Sudan, so they must prepare for a new war.

On 16 February 2008, a new Nuba Mountains resistance movement, based along the border between Darfur and Kordofan, appeared, the "Central Movement for Sudan's Liberation – The Nuba Mountains Region". It demanded self-governance and basic services for the region, and its leader, Juma al-Wakil, said it would target oil fields and government institutions. It announced it rejected the CPA and said, "they do not rule out the possibility of coordinating militarily with rebel factions from Darfur – SLM, with whom they agree ideologically".⁷¹

⁶³ Crisis Group interview, senior director of a ministry in the state government, Kadugli, February 2008.

⁶⁴ See www.un.org/apps/news/story.asp?NewsID=27990&Cr=sudan&Cr1=.

⁶⁵ UNMIS-organised DDR roundtable, 9 April 2008, <http://reliefweb.int/rw/rwb.nsf/db900sid/EGUA-7DJNTN?OpenDocument>.

⁶⁶ Crisis Group interview, director of local NGO, Kadugli, February 2008.

⁶⁷ Crisis Group interview, deputy head of the chamber of commerce, Kadugli, February 2008.

⁶⁸ Crisis Group interviews, Nuba tribal leaders, government officials, local UNMIS staff and NGOs, Kadugli, February 2008. This falls within UNMIS's mandate, as determined by UN Security Council Resolution 1590, 24 March 2005.

⁶⁹ They are at Lake al-Abyaed, close to the border. Crisis Group interview, senior SPLM adviser, Kadugli, February 2008.

⁷⁰ Crisis Group interview, SPLA major, Kadugli, February 2008.

⁷¹ Cited in a message signed by Juma Wakil to international journalists and read by Crisis Group, April 2008.

Al-Wakil, who was previously the SPLM's chairman in Al-Jazirah state,⁷² indicated the movement was born in response to the marginalisation of the Nuba Mountains people within the SPLM. He strongly criticised that the CPA reduced the interests of the people of the Nuba Mountains and Blue Nile to a seven-page protocol, which, he said, sold out those interests.

Telephone Kuku, an ex-SPLA general, is very critical about the southern SPLM leadership's passive role in the Nuba Mountains and is actively recruiting among the Nuba. He has called for a new resistance movement separate from the Southerners and has made numerous media statements critical of the SPLM for marginalising the Nuba and calling for an armed rebellion. The SPLM, he said, should not count on support in the coming elections from the Nuba Mountains and Southern Kordofan, which after twenty years of alliance with the SPLM has concluded the South has betrayed them. He called on his fellow Nuba citizens to end their dependence on the SPLM, consider themselves part of the North and oppose the idea of independence in the 2011 referendum.⁷³

A third movement is led by Al Balola Hamid Abdel Bagi, a member of the Hawazma Arab tribe and formerly of the Popular Defence Forces (PDF),⁷⁴ who switched sides in 2007 and joined the SPLA forces in Debab. He has recruited from the Arab Aiadga and Hawazma of Um Barambita, as well as from the Nuba (Kawalib).⁷⁵ The SPLA arrested him in 2007 but then released him, after which he moved his office to Amarat in Khartoum, where he has continued to recruit. His group, called SPLM/A-2, is tapping into the disillusionment of the Nuba Mountains' many unemployed young people and, according to some reports from within the local SPLM, has the backing of Dr Riek Machar, the vice-president of the Government of Southern Sudan (GoSS) and the deputy leader of the SPLM.⁷⁶

These movements – as many as nine by one count⁷⁷ – which are increasingly vocal, all criticise the lack of movement on CPA implementation, CPA shortcomings in addressing the needs of the people in the Nuba Mountains, and manipulation of the CPA to serve agendas unrelated to improvement of the situation in the Nuba Mountains. They also all point to what they consider a decrease in development – even from war-time levels – in the Nuba Mountains. They are readying for the possibility of the South's secession in 2011. If this happens, the Nuba could mount their own campaign for self-determination rather than entrust their future to a mere popular consultation over which they are not united and which they fear will be manipulated by Khartoum.

⁷² Unpublished UNMIS report, July 2008.

⁷³ See www.alwatansudan.com/index.php?type=3&id=10024&bk=1.

⁷⁴ He is a former army sergeant in the Sudanese army, and former member of the popular militias established by the central government in the early 1990s to fight alongside the Sudan Armed Forces (SAF), known as the Popular Defence Forces. Al Balola Hamid is originally from the Arab tribe of Hawazma in Umm Barambita in the locality of Rashad. http://groups.google.co.za/group/sudan-john-ashworth/browse_thread/thread/db1e900f65f0c501.

⁷⁵ A few members of the Darfuri rebel faction SLA-Minni Minawi have joined him.

⁷⁶ http://groups.google.co.za/group/sudan-john-ashworth/browse_thread/thread/db1e900f65f0c501.

⁷⁷ "The Drift back to War: Insecurity and Militarization in the Nuba Mountains", Small Arms Survey, August 2008.

III. MISSERIYA GRIEVANCES

Ten years after the greater Kordofan region was divided into three states, the CPA protocol split one (West Kordofan) into two states, Northern Kordofan and Southern Kordofan.⁷⁸ Four new localities mainly inhabited by the Misseriya were added to Southern Kordofan; the remaining localities, mainly inhabited by the Hamar, an Arab tribe were added to Northern Kordofan. The Misseriya feel they lost more than they gained by the divisions and betrayed by the NCP and their elites who represented but did not adequately consult them during negotiations. Seeking to retain power and wealth in Khartoum, Misseriya elites, including intellectuals, are caught up in party politics, rather than catering to the needs of their people back home.⁷⁹ Consequently, the chance that grievances will transform into local insurgencies against the central government is fairly high.

A. NCP DIVIDE-AND-RULE TACTICS

The Misseriya and Nuba both cite the dissolution of West Kordofan as a significant source of resentment against the NCP.⁸⁰ The Misseriya in general and the Misseriya Humur in particular⁸¹ believe the NCP wanted to dissolve West Kordofan to create a demographic balance more favourable to it in national elections. Lagawa locality, mainly inhabited by the Misseriya Aurug, was returned to the Nuba Mountains from Al-Fula in the former West Kordofan. The Misseriya say West Kordofan state gave them a sense of belonging as well as shared jurisdiction over its land and other resources with their Arab neighbours, the Hamar of Nuhud. They feel they lost this in the NCP and must now struggle with Nuba to protect their interests in

the new state. A Misseriya paramount chief told Crisis Group:

We thought in the beginning the NCP wanted to give us [Arabs] more control, but then we discovered that the NCP was trying to create instability in all the areas dominated by their opponents [traditional political parties like the Umma] and attempting to cause demographic changes if they can, like in Darfur....without considering the real substantive problems and needs of the people....Awlad al-Bahr [riverines] just don't care.⁸²

During the North-South war, the region was in a continuous state of mobilisation, and tribes were not given an opportunity to clarify their positions for possible negotiations. Assertions of Islamic and Arab identity were used to appeal for loyalty. The regime promoted jihad to mobilise people to defeat their opponents from the South, the Nuba Mountains and the Blue Nile. The call to jihad framed political loyalties and manipulated understanding of Islam. Non-Muslim Nuba were generally considered SPLA supporters, labelled infidels, persecuted and treated as second-class citizens.⁸³ Muslim Nuba were co-opted to fight in the PDF, along with Arab groups, against the SPLA. Tribal leaders were given material incentives (cars, money, weapons and small improvements in social services).

But after the CPA, Arab tribes started to question the relationship with the NCP, especially when it became clearer the ruling party was trying to co-opt the tribes for its own gains. Kordofan historically supported the Umma Party. Most of the traditional tribal leadership still does, but it has been weakened by the NCP's divide-and-rule tactics.⁸⁴

As described above, the NCP created a new system of native administration, sub-dividing the three *nizarat*

⁷⁸ Five years after the NCP took power in Sudan, Greater Kordofan was sub-divided into three states by presidential decree 14 (1994) – North, South and West Kordofan states. Kordofan is the only region the CPA redrew. The protocol assigns Southern Kordofan the boundaries of the former South Kordofan province, which was created when Greater Kordofan was sub-divided into two provinces some twenty years ago. The Protocol on the Resolution of the Conflict, op. cit.

⁷⁹ Crisis Group interview, senior tribal leaders from Misseriya Humur, Al-Muglad, Al-Fula, February 2008.

⁸⁰ Another issue cited by the Misseriya is the NCP's stance on implementation of the Abyei Protocol. Crisis Group interview, fifteen native leaders from the Misseriya, western sector, February 2008.

⁸¹ The Misseriya Humur own most Misseriya cattle and use routes that pass through areas affected by the protocols for both Abyei and South Kordofan/Nuba Mountains.

⁸² Crisis Group interview, senior native leader (*amir*) of Ajaira, a leading figure in the tribal political disputes between the NCP and SPLM regarding the central and western livestock migration routes, Al-Muglad, February 2008.

⁸³ Some Nuba tribal leaders allege a *fatwa* urging Nuba expulsion was issued in 1992, at the height of the war in the South, by religious persons linked to the NCP, including Hassan and Sheikh Nayer. Crisis Group interview, Kadugli, February 2008.

⁸⁴ Historically, the Misseriya have three *nazirs*, two Misseriya Humur and one Misseriya Zurug. These are Nazir Babu Nimr of the Humur – Ajaira; Nazir Al-Serear Al-Hag of the Humur – Felaita; and Nazir Ez al-Deen Gadum of the Misseriya Zurug. After the NCP took power, it divided the chiefdoms of the Misseriya into sixteen Misseriya paramount chiefs. All became independent of the others, and each deals directly with the government.

(chiefdoms) of the Misseriya into emirates on the pretext of empowering local governance. Today there are sixteen Misseriya emirates, each reporting directly to the local government, not the *nazir* (paramount chief of an Arab tribe), thus rendering the paramount chief position redundant. This has weakened the unity and thus strength of the tribe as a whole.⁸⁵ With an ineffective local government and fragmented native administration, native leaders have become less influential in their communities, which has made social coexistence between the communities in the region more difficult.

By sub-dividing the native administrations, the government established a new cadre of leaders, loyal to the NCP, in place of the traditional leadership affiliated with the Umma Party. This also facilitated establishment of the first PDF training camps in South Kordofan.⁸⁶ However, the inexperienced cadres were unable to provide guidance on fundamental issues affecting their tribes such as conflict resolution, peace dividends and sharing of oil wealth. After the CPA, tribes searching for more direction looked back to traditional leaders only to find them preoccupied with their own political survival with the NCP, even if they claimed a residual loyalty to Umma.⁸⁷ Some Misseriya argue, however, that the Abyei crisis since late 2007 and the heightened risks to their livelihoods represented by the prospect of the South's secession may

yet bring the divided Misseriya native administration closer together.⁸⁸

Because the Misseriya worked with the NCP during the war, many in the SPLM came to view them as one body. The Misseriya insist, however that they fought not for the NCP but for their own livelihoods and that their interests only temporarily coincided with those of the ruling party. They also say that though they support Sudan's unity as provided by the CPA, they disagree on two points: the Abyei Protocol and the dissolution of West Kordofan state. Many young Misseriya, supported by influential community leaders, claim that the elites who went to Naivasha to negotiate the CPA endorsed the NCP agenda to maintain their positions, rather than defend tribal concerns.⁸⁹

The Misseriya now accuse the NCP of using them in the war and neglecting them once a degree of stability was restored. The CPA's signing was meant to be followed by DDR programs, but instead active support to Misseriya militias has reportedly been halted without any help on disarmament and reintegration. The native administrations lack the capacity to reintegrate these fighters, primarily because the resources they were given during the war are no longer available.⁹⁰ With the NCP no longer supporting the tribal and militia leaders and promises of development still unfulfilled, the grievances of fighting militias against Khartoum have been building.⁹¹

High unemployment, absence of cattle and of family responsibilities and a PDF past form an environment conducive for mobilisation. More than 14,000 Misseriya men from the PDF in Debab, including several tribal leaders, joined the SPLA in 2007 and were given good ranks and salaries. In effect this substituted for DDR programs. According to some of these men, their food and other supplies were provided by Taaban Deng, the governor of Unity state. But the SPLM was unable

⁸⁵The Hamar of North Kordofan and the Rezeigat of Darfur are an exceptions, who have maintained their chiefdoms and unity. Crisis Group interview, a Misseriya *nazir*, Al-Muglad, February 2008.

⁸⁶By weakening and replacing the paramount chiefs with inexperienced community leaders indoctrinated with extremist ideas, young men from these communities were easily mobilised into the PDF. The first two PDF training camps were founded in the region. The first was in Kadugli, guided by Ghalyoun, a Misseriya Humur and close friend of President Bashir, and led by al-Kalas, who was killed in Tima in the western mountains in 1992 after twelve military operations. Al-Muglad camp, opened after the Kadugli sector was established, was the first responsible for operations in the Nuba Mountains. Groups from the Hawazma tribes fought in greater numbers than the Misseriya Zurug, al-Khuzam, Awlad Humeid and Kenana tribes. The group from the second camp primarily operated along the railway line to Wau, under the command of Ibrahim Shams el-Deen, whose widow is now President Bashir's second wife. Crisis Group interview, ex-PDF sector commander under al-Kalas, al-Keilek, February 2008.

⁸⁷The native administration leaders and other elites were given incentives to stay loyal to the NCP. Each senior leader has received an expensive 4x4 vehicle and easy access to bank loans. They are accused by the people in the region of corruption and selfish behaviour. Crisis Group interview, lecturer, University of Al-Fula, February 2008.

⁸⁸Crisis Group interview, *amir* of a sub-section of the Misseriya tribe, Al-Muglad, February 2008

⁸⁹Educated young people such as bankers and university lecturers from the Misseriya argue that their elites such as Abdel Rasoul Al-Nur and al-Derderi have become detached from the hardships of daily life in their areas and are guided by Khartoum politics rather than their people's needs. Crisis Group interview, youth and native leaders, Al-Fula, Al-Muglad and Debab, February 2008.

⁹⁰Crisis Group interview, *amir* of sub-section of the Misseriya tribe, Al-Muglad, February 2008.

⁹¹Misseriya PDF were not paid by the government for more than a year and half, and the DDR program was not implemented to help them return to civilian life. Crisis Group interview, members of the Misseriya PDF, Al-Muglad and Debab, February 2008.

to pay the new recruits' salaries, and the NCP persuaded many to return to its side by offering financial incentives. The Debab SPLM camp was subsequently dismantled, while some of the recruits who remained with the SPLA are now deployed along the 1956 border.⁹²

The Misseriya claim that most of these fighters are no threat to them. A senior Misseriya leader said, "our boys need to live, but they will never fight us. That is why many of them came back when the problem of Abyei escalated, to support their communities".⁹³ In the face of NCP neglect and the possibility of southern secession – the Misseriya seem increasingly to understand the need to come together as a tribe, speaking and acting in unity. This has raised the question of reconciling the local leaders and elites in Khartoum. But the Misseriya's educated youth have a different approach; if their grievances remain unanswered, they may opt for violent mobilisation.

B. THE EMERGENCE OF GRASSROOTS OPPOSITION MOVEMENTS

Educated Misseriya youth have already established new forums demanding immediate action from the central government. When the decision was made to dissolve West Kordofan in May 2005, Khartoum sent Salman Suleiman (replacing Governor El-Tayeb Abdel Rahman Mukhtar) to carry out the order.⁹⁴ On arrival in Al-Fula, he was met with demonstrations. Youth groups seized the podium to prevent him from speaking. The government then dispatched the former governor, Mukhtar, to restore calm. Soon after he met with the youth leaders, some were suspected to have been co-opted by the NCP. One prominent figure Humeidan Ali Humeidan, was appointed commissioner of Dar al-Salam locality, then moved to the office of the presidency as commissioner.⁹⁵ The NCP injected large amounts of money – some of it said not to have been properly accounted for – for patronage purposes.

⁹² Misseriya leaders seem to agree that not more than 1,500 of their young men are still with the SPLM. They do not possess cattle or education. Crisis Group interviews, Al-Fula, Al-Muglad, Keilek, Kharasana, February 2008.

⁹³ Crisis Group interview, *meek* (paramount chief), sub-tribe of Misseriya Ajaira, Al-Muglad, February 2008.

⁹⁴ The previous governor, el-Tayeb Abdel Rahman Mukhtar, opposed dissolving the state, arguing that West Kordofan state gave Arabs an adequate share of wealth and power per the Machakos Declaration of Principles, signed on 20 July 2002, which established the framework for the negotiations that led to the CPA. Crisis Group interview, university lecturer, al-Fula, February 2008.

⁹⁵ Crisis Group interview, senior member of the Shaman, Al-Muglad, February 2008.

Projects were carried out directly by the governor's office instead of through the relevant ministries.⁹⁶

The state was officially dissolved on 20 August 2005. Nine months later, in May 2006, the Shamam movement began to take shape.⁹⁷ It considers Dar Misseriya (the Misseriya homeland) its area of operation, which includes Abyei, and presents problems in an analytical way designed to engage the central government constructively, demand a reasonable response and avoid armed confrontations. A memorandum it submitted that reached Nafie Ali Nafie (assistant to the president, vice-president of the NCP for organisational affairs and responsible for the Darfur dossier) detailed twelve demands on development and views on Abyei and gave Khartoum 30 days to respond.

As the government did not react, Shamam organised civil disobedience in Al-Fula on 16 December 2006. Dubbed "Mourning Day" to signify NCP neglect of the Misseriya, these brought banks, public offices and private business to a halt and established the group as a force to be reckoned with.⁹⁸ The intelligence and security services associated Shamam with the "Tora-Bora", the name used to describe the Darfur insurgency. It was accused of planning to extend that insurgency into the state, targeting oil fields and pipelines. In early 2007, the government sent a delegation of senior Misseriya elites to calm the situation, which it considered a tribal uprising rather than a political issue.⁹⁹ The delegation addressed the people in Lagawa, Babanusa, Al-Fula

⁹⁶ Crisis Group interviews, trade unionist, youth and Shamam leaders, Al-Fula, February 2008. The government sent more than 50 tractors, though these are hardly used in the region because of the type of the soil (called Goz).

⁹⁷ Shamam is an Arabic acronym for Free Forum of the People of the Areas of Misseriya. It has grown through the support of more educated youth in the western sector's major towns. At its first convention, 16 May 2006, it presented four major discussion papers, on the CPA and the Abyei problem; oil-share distribution and the environment; native administration and relevant laws; and natural resources. Over 3,000 persons attended. Crisis Group interview, Al-Fula, February 2008.

⁹⁸ The Misseriya argue they supported the government's war against the South but also protected their land, making it possible for the government to invest in oil production beneficial to the whole country. Some say their problem should be the concern of all Sudanese because the country would not otherwise have the oil. Crisis Group interview, tribal leaders, al-Fula, February 2008.

⁹⁹ This is the same group of Misseriya elites – Hureika Ez al-Deen (*amir* of the Misseriya Zurug), Mahdi Babu Numer from Awlad Kamel (Ajaira), and Abdel Rasul al-Nur from Fayareen (Ajaira) – that supposedly represented Misseriya interests at Naivasha. Young people distrust them for selfishly affiliating with the NCP. Crisis Group interview, senior Shamam figure, al-Fula, February 2008.

and Al-Muglad, but youth committees led by Shamam frustrated the initiative by organising counter forums.

With the youth groups gaining support, the government sent a presidential envoy, Al-Dirdiri Mohamed Ahmed.¹⁰⁰ The youth leaders handed him their demands, including a meeting with the president. The envoy organised a visit by President Bashir in June 2007, who made expansive development promises including roads and power stations.¹⁰¹ He also instructed the government to form the Kordofan Development Authority (KDA) and the young people to form a committee to follow up.¹⁰² But after nine months, the youths felt little had happened and demanded dissolution of the committee. The president responded by asking them to restructure it. They agreed but compared the development of their region with accelerated projects in the North (for example, in Nile state), and claimed the NCP had deceived them. A youth leader told Crisis Group: "The NCP has spent much money on people who did not fight the war [meaning the people of the Nile and Northern states], and we who fought it got false promises".¹⁰³

Young people from various political parties have joined a movement now called Youth. This has made them key players in addressing the region's problems and is testing as well the prejudice against youth among politicians of the NCP, the Umma Party and native administration leaders alike. As early as 16 May 2006, they organised a convention that included Shamam members and formed a council of 50 representing the area's major towns and large villages. The movement has support across the political spectrum, including from former NCP, Umma and Communist Party members.

¹⁰⁰ He is a Misseriya elite, representing Al-Fula in the National Council (parliament). He was the chief negotiator in charge of the Abyei file for the NCP during the talks that led to the CPA and former ambassador to Kenya.

¹⁰¹ Letter, Al-Fula commissioner to the Kordofan Development Association, reviewed by Crisis Group, Al-Muglad, February 2008.

¹⁰² Some youths argue that the KDA is no substitute for the lost state of West Kordofan, which they consider necessary to serve the interests of the Misseriya and Arabs. Crisis Group interview, Youth leaders, Al-Fula, February 2008.

¹⁰³ The Youth movement's leadership believes accelerated development of dams, roads, bridges, irrigation pumping stations and electricity for smaller populations in the North (Nile state, Merowe, Shendi) is the best proof of the NCP's unjust distribution of wealth. It also believes that the so-called Triangle of Hamdi thesis is part of the NCP agenda, referring to the ex-finance minister's paper at the last NCP convention, in 2006, arguing that a Sudan consisting of a triangle with its corners at Dongola, Sinnar and Kordofan would be viable. Crisis Group interview, Youth and Shamam leaders, Al-Fula, February 2008.

It claims to seek to address the needs and rights of the Misseriya people and has started working with communities in the major cities of western Southern Kordofan, such as Al-Fula, Babanusa and Al-Muglad.¹⁰⁴

The youth leaders believe benefits have begun to trickle down in the region, for example that the beginning of road construction – Al-Debabat to Al-Fula – drilling of wells for drinking water and erection of power stations has been due to their stand against the government and ability to negotiate with senior elites and officials. They are gaining wider acceptance from their communities and PDF militias, and it is possible they could become the new local leaders in western Kordofan, superseding traditional administrators and elites. They are well educated and articulate and understand politics at the centre. They claim they can lead their people in addressing their problems, whether Abyei, the sharing of oil revenue, or compensation for environmental damage caused by oil spills and pipeline construction.

In the period following the convention and the civil disobedience in Al-Fula in 2006, however, there were disagreements in the Youth leadership over the way forward. Many thought more dialogue would not produce the desired response from Khartoum.¹⁰⁵ Some wanted to increase their options, to include the use of force. At the beginning of 2007, secret meetings between Youth and young Misseriya leaders in the PDF led to an agreement that the PDF would be the movement's military backbone. But this has not translated into violent action.¹⁰⁶

¹⁰⁴ A movement with similar aims is the Kordofan Alliance for Development (KAD). Formed in July 2006, KAD is seen as a diaspora-based organisation but is said to include representatives from several tribes, including the Hamar, Kababish and Misseriya, who reportedly have links with rebel groups in Darfur, though they are openly against JEM and speak of alliances with other Kordofani groups including the Shahama. The latter are militants who have targeted oil installations and are generally rejected by the Misseriya because of their violent tactics, links with Darfur rebels and rejection of tribal administration. The Misseriya leadership is not supportive of this group because it has little influence over it, and it includes many non-Misseriya.

¹⁰⁵ According to senior figures in Shamam, the movement believes that dialogue is the best way forward, and the use of force can only bring destruction to the region, as in Darfur. Crisis Group interview, Shamam leaders, Al-Fula, February 2008.

¹⁰⁶ Ali Ismail and Ramadan Nur al-Safa, among the main Youth founders, are known Islamists in the region. They were part of the NCP but disagreed with it over the dissolution of West Kordofan. Crisis Group interview, a senior figure in the Youth Movement, Al-Fula, February 2008.

Some of the traditional native leaders are sceptical about the movement. They consider that Shamam was addressing regional issues constructively, without advocating force, but believe some of Youth's leadership are inclined towards violence.¹⁰⁷ While they recognise that together Youth and Shamam have won the loyalty of many Misseriya, they are concerned the former may act independently and seek to take over their own roles, risking further Misseriya fragmentation. They suspect links between some Youth elements and the Darfur rebel groups and the consequent possibility that the insurgency will be brought to western Kordofan in coordination with JEM.¹⁰⁸

Nevertheless, the Abyei crisis has drawn Youth and native administrations together in a need to unite the Misseriya leadership free of NCP or Darfur rebel influence. Yet, senior Misseriya native administration officials say, if Khartoum continues to neglect demands for an equitable share of development projects and does not resolve the Abyei issue, there is no guarantee that Youth, with PDF support, will not mobilise the Misseriya against the NCP.¹⁰⁹

In mid-2007, Youth tried to address the conflict between its tribes and the Ngok Dinka of Abyei through shared cultural and social activities. Misseriya youth from Al-Muglad and Al-Fula were to visit Abyei town and other Dinka villages for dances and sports. It was hoped this could help bridge the trust gap and foster social coexistence. However, the events did not take place, because the Ngok Dinka was suspicious of Youth.

According to an international aid agency's unpublished report, the Ngok Dinka believe the Misseriya Ajaira did not support their efforts to return home after the CPA. They argue that if the Misseriya genuinely want improved relations, they should first, as a token of good faith, demand an administration from the central government that would give Abyei equal access to resources.¹¹⁰ Building social coexistence among the Ngok Dinka and Misseriya groups in the area will only be possible if both agree to coexist, which in turn is dependent on the final Abyei political settlement, as well as on their tribal representatives agreeing to talk.

¹⁰⁷ In June 2007, the native administrations, in a meeting with the state authorities including the security committee, agreed not to support any military action against the state. Crisis Group interview, committee of Misseriya leaders, al-Fula, February 2008.

¹⁰⁸ Crisis Group interview, a group of native leaders, Al-Fula, February 2008.

¹⁰⁹ Crisis Group interview, a Misseriya representative in the National Council, Khartoum, June 2008.

¹¹⁰ Crisis Group interview, staff member of an international development agency, Khartoum, March 2007.

The crisis in Abyei town in May 2008, which saw the national army (SAF) supported by PDF militias clash with the SPLA and renewed Ngok Dinka displacement, undoubtedly aggravated the animosity between the two tribes that has existed since the war.

IV. PREVENTING RESUMED CONFLICT

By manipulating ethnic rifts and pursuing divide-and-rule tactics both the NCP and SPLM have weakened the foundations of social peace that once existed in Southern Kordofan between Muslims and non-Muslims and between Arabs and non-Arabs.¹¹¹ One way to start mending the rift is through genuine implementation of the CPA protocol by the government of national unity, aiming at inclusive dialogue in Southern Kordofan between the major tribes with a view to reconciling interests and aspirations. But time is short. Concrete progress on integration and reform is needed, at least before the potentially polarising national elections.

Southern Kordofan is part of the so-called Savannah belt,¹¹² characterised by ethnic interaction between Arabs and Nuba, Arabs and Southerners and Nuba and Southerners. These groups have social and economic exchanges; their livelihoods are interlinked, and they share both common and competing interests. The long war accumulated grievances, which have been expressed through racial and ethnic identities – Arabs versus Africans – as in the Darfur conflict. Successive governments failed to address the problems, particularly the NCP regime in Khartoum, which instead institutionalised racism premised on Arabism and Islamism.

This racial divide continues to pose a real threat to Sudan's existence which the national unity government has completely failed to address. Its NCP and SPLM partners are not genuinely adhering to the CPA principles of democratic transformation and reconciliation as foundations for conflict resolution and peaceful co-existence among Southern Kordofan groups. A consequence is the lack of trust those groups have in both parties to advance the peace agenda beyond their partisan interests. Unless this mistrust is counter-acted, it may well cause the CPA to fail. Southern Kordofan was the front line during the war; it is now the front line for peacebuilding and reconciliation.

¹¹¹Crisis Group interview, two senior native leaders from Nuba tribes, Kadugli, February 2008.

¹¹²The savannah region in Sudan is inhabited by both sedentary and nomad groups, divided along ethnic lines of Arabs and indigenous African tribes. South and West Darfur, Southern Kordofan, southern parts of White Nile and Blue Nile states, and northern parts of the South Sudan states along the 1956 borders dividing the North and South are part of this belt, which also extends east, into Ethiopia, and west to several West African countries.

Stabilisation of the region is thus paramount if there is to be greater stability in the country. The situation closely parallels Darfur prior to the eruption of conflict there. Failure to implement the CPA provisions for the transitional areas – Southern Kordofan, Blue Nile and Abyei – is critically undermining the credibility of the North-South peace agreement as a realistic framework to settle Darfur and other similar conflicts that are latent along the 1956 border.

A. PREPARING THE POPULAR CONSULTATION

The Protocol on the Resolution of Conflict in South Kordofan/Nuba Mountains and the Blue Nile States lays down a process of popular consultation, through which views can be democratically ascertained and grievances addressed. It stipulates that the consultations should take place after general elections which are meant to be held in 2009 but may have to be put off to 2010. Article 3.3 provides that the elected legislators are to establish a Parliamentary Assessment and Evaluation Commission to consider the protocol's implementation and submit a report one year after the election. It is likely the first report will not be released earlier than just one year before the end of the interim period in 2011. The delays to implementation have further fed especially Nuba frustration and reinforced the perception that the protocol and popular consultation are unlikely to produce positive outcomes.

Nevertheless, the popular consultation is an important opportunity for the people of Southern Kordofan to set their own agenda for negotiations with Khartoum. One aspect of this is the possibility to renegotiate autonomy. Many Nuba are not optimistic about the process, though, because of the inclusion of Arab-dominated localities in the state after the dissolution of West Kordofan. They also feel they have been at the mercy of NCP manipulation on the census, and the only way for them to secure their interests is to win a reasonable majority in the elections, particularly in the legislative council. SPLM affiliates and supporters believe their party will gain a majority in the legislative council, despite a perceptible cooling toward the party, particularly among the Nuba tribes. The SPLM needs to recognise it has no platform as yet capable of bringing together the different tribes in the state to address their problems and goals.

It is thus very important that the people of the state prepare the consultation by generating a common working agenda. The politically segregated communities need to see that they will be best served by reconciling differences and aspirations and utilising common resources,

even if the South secedes in 2011. Southern Kordofan communities should open a dialogue on principles for peaceful coexistence to complement the protocol. Without a common agenda, none of the groups will be able to benefit from the popular consultation process.

The new state should organise an all-Southern Kordofan dialogue involving representatives of all tribes, the product of which should be endorsed by the legislative council and express the primary objectives of the eventual public consultation. This agenda should include: identification of CPA protocol shortcomings, as stipulated in its Article 3.6; identification of the guiding principles for the consultation process; discussion on establishment of a formal state mechanism like the South Sudan Peace Commission dedicated to resolving tribal disputes, notably over land use and live-stock migration routes; and, most importantly, identification of the key principles guiding the establishment of the land commission.

B. A PEACEBUILDING ACTION PLAN

To avoid further degradation of the situation, concrete measures are needed that provide immediate peace dividends on the ground. Without an effective, accepted state government capable of reconciling citizens' demands, management of security is left to unaccountable militias or the communities themselves. The national unity government, particularly the national army and the SPLA, must expedite inclusion of fighters in the Joint Integrated Units under the CPA and enhance command structure unification. Equally important, the government must make funds available to start DDR. Loose and uncontrolled militias including PDF members, are a real threat to security and peace and reconciliation efforts. Administrative integration should also be accelerated and a civil service commission created to guarantee that only competent and qualified state employees are recruited.

The national unity government must hold members of the Southern Kordofan state government accountable for corruption, which is widespread, including at high levels where money needed for peace dividends is being misappropriated. The state needs an anti-corruption commission and an adequate legislative and regulatory framework to combat graft. Equitable release of resources to the region over a longer period is also crucial if people are to feel hope. Khartoum should immediately disburse the accumulated 2 per cent share of oil revenue and funds from the Rehabilitation and Reconstruction Fund to the Misseriya people and to the Southern Kordofan state government to accelerate development.

There are government structures and people's committees especially formed to monitor the release and use of such funds in the state's western region, but no such administration has been formed in Abyei, and there is no administration capable of distributing them in SPLM-controlled areas. To expedite similar inputs for SPLM-controlled areas, the national government partners must agree on immediate establishment of a joint committee able to make use of them as well as to work closely with government institutions to identify the most vulnerable areas and ensure proper planning and distribution of peace-dividend projects.

Though the NCP and SPLM agreed to allocate 75 per cent of the National Reconstruction and Development Fund to the transitional areas, including Southern Kordofan, only meagre amounts are being spent in the state. The refusal of donors to support the fund until the Darfur crisis is resolved has aggravated the search for money to implement peace-dividend projects in the state. Humanitarian aid and the limited number of development projects have contributed to improving small communities and saved lives but have mostly short-term objectives. Once basic accountability mechanisms are in place, donors should fund quick impact projects in the new state.

For longer-term rehabilitation and reconstruction, there is need to engage those who hold power as well as the people at large to determine political, economic and social aspirations. This requires greater funding and all parties to agree on a development policy in the new state. The plan the state government has submitted for inclusion in the five-year national strategic plan is the result of mostly desk work, a collation of old documents and data including the 2005 recommendations of the Joint Assessment Mission (JAM), conducted by the central government and the UN in 2006. The JAM report tabulated the needs for rehabilitation and reconstruction throughout Sudan and was endorsed by the national parliament. Despite the inclusion of its recommendations for Southern Kordofan, the state government's plan initially did not include SPLM areas. It still needs revision, based on a comprehensive, inclusive community consultation.

The polarisation of society, though harmful, had a brutal logic when used during the war by all sides to mobilise support for their cause; in what is meant to be a time of peacebuilding, however, the NCP in particular, but also the SPLM, should halt such practices. They need to encourage the holding, as soon as possible, of dialogue between the Nuba tribes and between the Nuba and the Arab inhabitants of the Nuba Mountains to produce common priorities for achieving stability in the region and to encourage the Government of National Unity to respond to local needs and aspirations. Such

dialogue before the election could lay the foundation for a successful post-election consultation. Conclusions from a process not dominated by party agendas are likely to be the most sustainable.

The region has a wealth of experience from previous tribal conferences to resolve Nuba-Arab and Ajaira-Ngok Dinka disputes. Native administration leaders, the organisations of young people (Shamam and Youth), elites and educated persons in both regions should encourage their people to work together towards reconciliation and peaceful cohabitation, first, to counter partisan party efforts directed solely at winning elections and secondly, to contribute to social peace.

UNMIS should review operations in the Nuba Mountains to enhance its ability to prevent tribal conflicts and participate actively in establishing a conflict prevention early warning system with the national police and native administration representatives. It should also support DDR in the state. If its local leadership is incapable of fulfilling the mission's mandate, it should be replaced. Likewise, donors need urgently to give technical support for the administrative integration of former SPLM areas into the state government. Successful peacebuilding in the new state is critical for the CPA and consolidation of the Sudan peace process as a whole. It needs more international support, both political and financial.

V. CONCLUSION

The CPA partners have neglected an important aspect for achieving peace in Sudan. Overwhelmed by the Darfur crisis and Abyei and their mutual mistrust, they have allowed the situation in Southern Kordofan to reach a dangerous level. The Nuba and Misseriya have been used as pawns in a bigger game. Since the signing of the CPA in 2005, the NCP and SPLM have abandoned their war-time allies and instead of delivering on war-time promises – particularly desperately needed development – have pursued national agendas they hope will win them the elections in 2009 or 2010.

Nuba and Misseriya leaders have become increasingly intolerant and frustrated at their marginalisation by the centre and the lack of peace dividends. They could well resort to armed insurgencies if their needs are not met soon. If the NCP, SPLM and international community fail to pay the required attention to the divided region, their inaction could come back to haunt them in a way that threatens the stability of the already divided country. Prevention of a new conflict in Southern Kordofan needs to be placed prominently on both national and international agendas.

Khartoum/Nairobi/Brussels, 21 October 2008

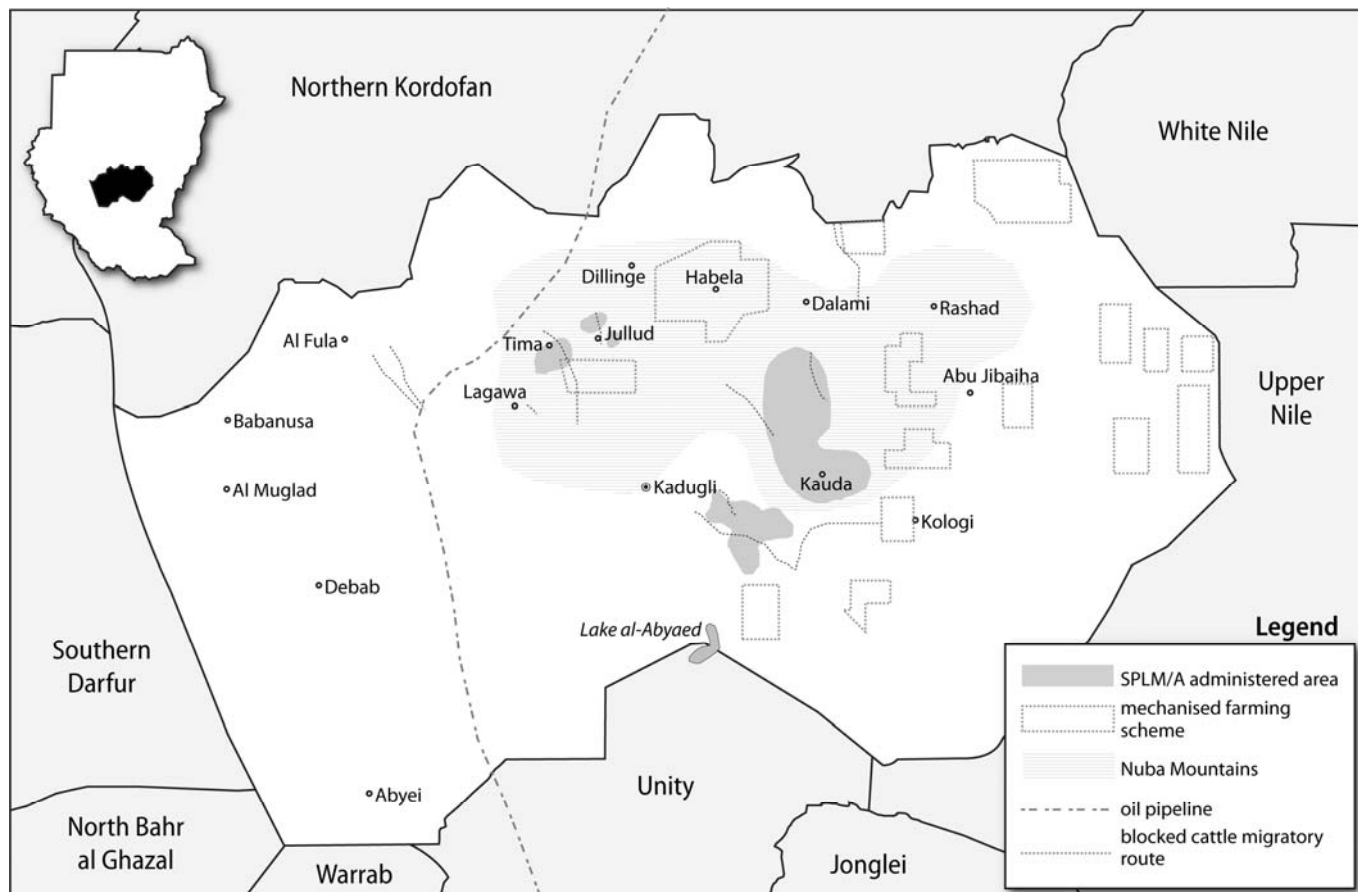
APPENDIX A

MAP OF SUDAN



APPENDIX B

MAP OF SOUTHERN KORDOFAN



This map has been produced by the International Crisis Group. The location of all features is approximate and for illustration only. Certain information included is from "Southern Kordofan and Abyei: Transhumance and land use", map by Threat and Risk Mapping and Analyses (TRMA), United Nations Development Programme, Khartoum, Sudan, 17 October 2007, available at www.uncrisisgroup.org; and from the European Coalition on Oil in Sudan.

APPENDIX C

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