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The significance of state elections and the popular consultations for peace in Sudan:

Analysing the failure to implement the Comprehensive Peace Agreement protocols in Southern Kordofan and Blue Nile States

Introduction

Right from the beginning of the Comprehensive Peace Agreement (CPA) negotiations, the so called 'three areas' comprising of Blue Nile, Southern Kordofan and Abyei have been amongst the most contentious challenges in the process. But while Abyei still benefits from at times frustrated international and regional attention, it is disquieting to see a corresponding lack of engagement on the CPA dynamics in Southern Kordofan and Blue Nile States – which has wider implications for the North. While the Interim Period is, albeit insufficiently, addressing the North-South dispute (ultimately through the referendum); and we have witnessed contentious South-South dynamics being partially addressed under the GOSS; critical North-North dialogue is not taking place under the CPA. The original (some argue naïve) hope that the CPA would precipitate political reform in the North has long disappeared, and the imposed elections in 2010 resulted in cementing the dominance of the northern ruling party to the exclusion of others. International attention is understandably fixed on the referendum in the south, because the process is not assured. At the same time, there is a conspicuous lack of proportionate international attention and engagement in the North, where future security and stability is just as uncertain as in the South.

At a time when resolution of the Darfur conflict remains elusive, Southern Kordofan and Blue Nile states present a promising opportunity to address many of Northern Sudan's regional tensions in a constructive and peaceful manner, while there is still time. First of all, the states encapsulate Sudan's social and cultural diversity in distinctive ways, and it was not surprising that during the Sudan People's Liberation Army/Movement (SPLA/M) resistance, these areas stood for alternative and more inclusive ways to govern Sudan in the future (in many respects, adopting John Garang's vision of a New or transformed Sudan more eagerly than the SPLM in the South). The strategic relevance of Blue Nile and Southern Kordofan to the attainment of long term peace and security in all of the disputing 'Sudans' was agonizingly overlooked during the CPA negotiations, and continues to be so today.

With six months to go before the end of the Interim Period, there is still no settlement on Abyei and it is clear one will not be found before the southern referendum – increasing the risks of triggering renewed conflict. Knowing that Southern Sudan is determined to secede – at any cost – the use of Abyei as an emotive bargaining chip is advantageous to the National Congress Party (NCP) leadership. Just as troubling is the fate of the northern SPLA frontline areas as they struggle to avert a growing threat of renewed conflict and cling on to disintegrating promises contained in their respective peace agreements. This is all the more frustrating given the significance the protocol agreements potentially have for Northern Sudan beyond these states. If implemented fairly and with care, the agreements could present a tested mechanism to address similar grievances in other parts of the country. Southern Kordofan keenly captures this predicament.

Southern Kordofan

Southern Kordofan State under the CPA is made up of what was South and West Kordofan before the war – putting an even greater number of charged political issues under one administration. The underlying causes of the conflict have their source in historical Nuba grievances over economic, social and political marginalisation, manifested in issues over land governance and the inequitable distribution of resources; the lack of recognition of cultural diversity; and the role of religion and education in the state. During the war, the state hosted a complex series of garrison and rebel strongholds which caused death and major displacement – the aggrieved Nuba tribes being worst affected. The war also caused divisions within and between Nuba and non-Nuban groups and caused many young men of all ethnic backgrounds to also join the Sudanese Armed Forces (SAF) or Popular Defence Forces (PDF) because of either economic necessity (they had no alternative sources of income) or political manipulation (being promised land, property, rights over resources or vague opportunities for retribution). For many, the determination of these issues in Southern Kordofan (and Blue Nile) following the Interim Period will shape future peace and security across the North and the areas bordering the South.

On the SPLA/M side during the war, many of the traditional barriers between Nuba tribes were relaxed or broken. This was partly due to the need to work together for survival, but it was primarily due to the Nuba leadership seeking to promote a more united and rights-based society. This has been seen as an unforeseen 'positive' outcome from the tragic war. The first steps towards a peaceful settlement came in 2002, when a cease-fire was brokered between the SPLA/M and the Government of Sudan. This was followed by an accompanying programme, the Nuba Mountains Programme Advancing Conflict Transformation (NMPACT), to promote equitable access to basic services across the divided line. Shortly afterwards, the IGAD sponsored peace negotiations started and in 2005, the SPLM in Blue Nile and Southern Kordofan signed up to a special power sharing agreement for the states.

Present context

The initial years of the Interim Period were characterised by insecurity and tense NCP/SPLM relationships, but this has been reversed over the last two years. Some positive benefits have reached the state, and civil society groups have observed a growing political awareness that in fact all indigenous peoples of Southern Kordofan have suffered similar fates in the past – marginalisation as a result of centralist policies. Almost six years on, citizens from different ethnic and political backgrounds see peaceful coexistence as their best option, and no one wants to see a return to violence. Although memories of mass killings in the 1990s are fresh, people still want a successful CPA process and outcome. Public expectations are high therefore that their aspirations will be met (complicated by the fact that despite numerous awareness campaigns by the NCP and SPLM, many still believe this is a vote on secession).

Set against these positive developments, current trends are worrying. In Southern Kordofan, as the CPA process seems increasingly likely to be frustrated, tensions are rising. Conflicts, mostly exacerbated by political interference, are causing increased friction across ethnic groups (whether Nuba-Nuba, Nuba-Arab or Arab-Arab). The distribution of weapons to armed groups has been reported, as has increasing military presence in the State – significantly beyond the levels permitted under the CPA. On land issues, a key and contentious driver of conflict, although there has been a positive slowing in contentious allocations of land, at the same time the promised Land Commission has not been formed. Anxiety has also been expressed over the perceived reduction in civilian protection, and the challenges that may be faced by international agencies delivering basic services in the midst of a potentially volatile period. For example, one hospital in Kauda, Southern Kordofan is currently closing down because of registration difficulties.

Elections and the popular consultation

Central to the CPA in Blue Nile and Southern Kordofan is the holding of elections followed by a 'popular consultation'. The elections are key, because representatives of the state parliament are

the ones mandated to lead the popular consultation process. Pointing to the National Elections in April this year, civil society representatives suggest that the current voting system will favour the ruling party and not reflect diverse constituencies. If this is the case, it will be so in spite of new census results (October 2010) reflecting a greater share of likely SPLM supporters in the local population. Hampered elections on the other hand would conceivably become a tipping point: the peace process could collapse and conflict break out if this stage is perceived to be manipulated. It is critical therefore that the authorities demonstrate political will and reassure the States' citizens that the political process agreed is sufficiently respected and fair to offer a real alternative to the previous armed struggles. If elections are not perceived to be fair, and to result in representation by the electorate's chosen parties in State Government, the popular consultation may be meaningless as an instrument for change.

The popular consultation mechanism is intended to solicit the views of people on preferred future governing arrangements within the state and between it and the centre. The results are then intended to feed into a constitutional review process set out under the CPA. Its success depends on how the constitutional process will be conducted after the CPA: will the promised Constitutional Review Commission be legitimately formed or will the north revert to the 1999 constitution. Should the outcome lead to an alternative system of governance that respects diversity, promotes greater integration and addresses the grievances of the past, then the prospects for peace are encouraging.

However, SPLM constituencies in Blue Nile are already sensing a lack of political will to implement the popular consultation as intended, through tactical delays such as the release of funds. And in Southern Kordofan, although some preparatory work has commenced, the consultation has not started because earlier census results were called into question and had to be conducted again, thus delaying elections there until April 2011.

There is growing uncertainty that the processes will be completed in Blue Nile before the southern referendum, as stipulated in the CPA, and both States only have six months in total to complete everything. If delayed, South Sudan will no longer be represented in the national level, and the SPLM in Southern Kordofan will be more isolated (northern representation on the Council of States, which could be tasked with mediating between the state and the centre, is composed of 29 members of the NCP and 1 member of the SPLM). There is increasing doubt in circulation that a conducive environment to conclude a satisfactory political settlement (based on the consultations) will exist after the end of the Interim Period.

Conclusion

There is a real danger that the closing chapters of the peace agreement in Southern Kordofan and Blue Nile will narrate the failure to grasp an opportunity that will be strongly regretted thereafter. The nature of the consultative process has already dramatically changed because of delays and the failure to establish key institutions under the CPA such as the land and constitution review commissions. There are mixed opinions amongst northerners more generally over their fate following the CPA. Without opportunity to influence the outcome, realisation that the South has gone with much of Sudan's natural resources will penetrate deeply. A minority will see this as a chance to reclaim the Islamist agenda. For many others, there is an expectation that the post-Interim Period will usher in a hardening of the centre's control, imposing conformity rather than encouraging diverse groups to co-exist on an equal basis. For those at the periphery especially, there is anxiety that the NCP will continue to promote a dominant Arab and Islamic character at the expense of other Sudanese identities.

Both Blue Nile and Southern Kordofan states are in a strategic position to contribute to wider conflict transformation processes in Sudan. This is especially clear given their geographic position and the unique combination of issues at stake (ethnic, religious, economic, political). They can only play this role, however, if the popular consultations are undertaken legitimately and fairly. Such a process could have the potential to grow into a mechanism for other parts of the country addressing similar grievances in the search for equitable and inclusive models of governance that could have great benefits for the North as a whole.

Recommendations

Regional and international third parties, with a stake in the success of the CPA, have played an important role in the implementation of the CPA to date. Concerted efforts by these actors in support of the process in Southern Kordofan and Blue Nile states will be critical at these final stages of the Interim Period. Consequently:

- 1.** In order to reduce the threat of recurring violence and promote opportunities for long term peace the Sudan, central authorities must ensure **the parties work constructively according to the terms of the agreement and free and fair elections take place**. International actors with a stake in the success of the CPA – based on clear analysis of the challenges facing election processes to date – should **also ensure the election process is sufficiently resourced, voter education and registration takes place, support and preparations for monitoring of the registration and voting processes increase, including ballot casting, counting and recording**.
- 2.** The popular consultation processes in Southern Kordofan and Blue Nile states have potential to lead to a negotiated peaceful settlement and demonstrate positive peaceful ways of addressing grievances between the centre and the periphery. International actors with a stake in the success of the CPA **should work for its success and support its adaptation as a mechanism for dispute resolution in other parts of North Sudan, providing support and engagement with the follow up constitutional review process**. The current **ruling party should also be encouraged to be aware of the political benefits of multiparty rule in the states**, and the possibility of an SPLM State majority.
- 3.** Communication with and therefore understanding of grass-roots perspectives is diminishing at this critical time. Local civil society organisations working closely on the ground see clearly that conflict can be avoided and peaceful co-existence achieved. International actors with a stake in the success of the CPA **should make sure community-based civil society organisations are fully supported to play an active and positive role in preventing conflict and building peace at the local levels**.
- 4.** Humanitarian agencies require help to maintain continued delivery of essential relief and basic services. National authorities should facilitate their access where it is needed to respond equitably to the needs of local communities. Meanwhile, such agencies and the international community should undertake outreach and advocacy towards all actors to **guarantee humanitarian access and decent treatment of and assistance to the civilian population regardless of other dynamics and possible escalation of conflict in the three areas**.

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This briefing was prepared by Paul Murphy and Hesta Groenewald of Saferworld, based on consultations with stakeholders in Southern Kordofan and Central Equatoria states in December 2010. It contributed to and complements Saferworld's preliminary analysis of conflict dynamics, post-referendum developments and resultant priorities entitled 'Sudan: hoping for the best, preparing for the worst?' available at:
<http://www.saferworld.org.uk/smartweb/resources/view-resource/496>