

Unfinished Business: The May 2011 State Elections in Southern Kordofan

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The May 2 state legislative and executive elections in Southern Kordofan are the final electoral events required by Sudan's 2005 Comprehensive Peace Agreement (CPA). The vote in Southern Kordofan, due to have been held concurrently with national elections in April 2010, was postponed over disputes arising from the 2008 census. Since then, the process has continued to suffer from disputes over constituency demarcation and voter registration. Largely out of the spotlight with most focus on the conclusion of arrangements for Southern Sudan's impending independence, polls in this key north-south border state have already raised local tensions. If they fail, Southern Kordofan's elections may yield localized violence, derail the popular consultation and destabilize the state, historically the site of some of the fiercest conflict of the north-south civil war.

The legislature elected in May will oversee Southern Kordofan's delayed popular consultation, an exercise to determine whether the CPA has met the aspirations of citizens and resolve any outstanding concerns related to the agreement's implementation. The popular consultation may well fall short of people's expectations, and continued delays to the elections have squeezed to the limit the time available for the exercise.¹ But the elections in Southern Kordofan have other far reaching implications. The negotiated political arrangement of the elites of the National Congress Party (NCP) and the Sudan People's Liberation Movement (SPLM) faces its most severe test, as the two state party leaders, International Criminal Court (ICC) indictee Ahmad Muhammed Harun of the NCP and Abdulaziz Adam al-Hilu of the SPLM face off in the contest for governor.

Riven by internal tensions, the state wing of the SPLM faces a serious test of cohesion, in its first political competition in Northern Sudan after South Sudan's January independence referendum. Legally, the representatives to be elected in May are due to serve at least four years until the next scheduled nationwide general elections in 2015. They will have the responsibility of navigating the state through the post-CPA period, the breakup of Sudan, and must work to resolve Southern Kordofan's status in Sudan's future federal structure.

To date, there has been limited oversight of Southern Kordofan's electoral process. The credibility of the new census or the current voter registry has not been established and may provide new grounds for disputing the result. The UN, through its electoral division, has provided technical support to the process but has not been successful in assuaging the suspicions of those convinced the process will be flawed. There is but a single independent international election observation mission present in Southern Kordofan, managed by The Carter Center, which has described the process to date as having faced "several shortcomings."² Some national monitors will be in place on election day, but have limited credibility in the eyes of the political parties, particularly the NCP.

1 Following elections, only two months will remain in the CPA period, during which the popular consultation is supposed to be completed. With Blue Nile's popular consultation already underway, politicians in Southern Kordofan are likely to emulate some of the strategies used in that state. For more on the popular consultation process, please see Gluck, Jason, Why Sudan's Popular Consultation Matters, United States Institute of Peace, November 2010, www.usip.org/publications/why-sudan-s-popular-consultation-matters Also see: The Significance of State Elections and the Popular Consultations for Peace in Sudan, Saferworld, December 2010, www.saferworld.org.uk/Southern%20Kordofan%20and%20Blue%20Nile%20briefing_December%202010.pdf

2 Preliminary Statement on the Voter Registration Process for the Postponed Elections in South Kordofan, The Carter Center, March 28, 2011, <http://cartercenter.org/resources/pdfs/news/pr/sudan-statement-032811.pdf>

Southern Kordofan still matters

Southern Kordofan, Sudan's fifth largest state by area, is at the centre of Sudan's north-south axis, and its people remain today, as a Nuba leader once described, “prisoners of geography”. During the north-south civil war, the region was one of the principal battle fronts between the Sudanese Armed Forces (SAF) and the Sudan People's Liberation Army (SPLA), a legacy that continues to scar the state. With an approximate population of 2.5 million according to the latest census,³ the state fully incorporates the Nuba Mountains, which roughly make up its northern and eastern quarters. It borders South Darfur, immediately adjoins the contested district of Abyei, and neighbours three of Southern Sudan's most volatile states – Unity, Upper Nile and Northern Bahr el Ghazal.

In addition to the Nuba tribes, Southern Kordofan is home to a large Misseriya and Hawazma Arab population, and hosts some of the major seasonal migration corridors for Northern pastoralists moving their animals to the more fertile lands of the South.

The politics of Southern Kordofan are therefore crucial to that of a large swath of Southern Sudan, as well as to Darfur, and by implication, to Sudan as a whole. As one recent report put it, Southern Kordofan (and the Nuba Mountains) have always been, and will remain, “central to Sudan's stability.”⁴

In 2008, the International Crisis Group described “[k]ey provisions of the Protocol on the Resolution of the Conflict in South Kordofan/Nuba Mountains and Blue Nile States [as not] implemented. Reconciliation and community peace dividends have not been prioritized, and both sides [the NCP and SPLM] continue to co-opt and divide tribes in pursuit of victory in the elections meant to be held in 2009.”⁵ Such a situation persists. There is tremendous resentment amongst Nuba and Arab tribes alike that they have been neglected and manipulated by the two poles of power in Khartoum and Juba. Despite the early if limited promise of popular consultations, the process in Southern Kordofan is now widely perceived to have been stripped of its full potential and will fall far short of the radical change accomplished by the referendum organized in neighbouring Southern Sudan, which some still expect.⁶

Southern Kordofan remains one of Sudan's most heavily militarized regions. In addition to the official SAF and Joint Integrated Units present in the state, there are credible reports of recent military buildup in the state, largely linked to the situation in nearby Abyei.⁷ The SPLA has yet to withdraw all of its forces in the state located north of the official 1/1/56 north-south border, in

3 The new census was conducted in June 2010. The release of results was delayed from July to October 2010, further delaying the elections. The 2010 count recorded 2,508,268 persons, a 78% increase over the 1,406,404 enumerated in 2008. In common with the 2008 census, ethnicity was not recorded in the 2010 count.

4 The Nuba Mountains: Central to Sudan's Stability. Alert no. 3, IKV Pax Christi, January 2011 www.ikvpaxchristi.nl/UK/below_regional_africa_sudan_sudan_documentation.htm

5 Sudan's Southern Kordofan Problem: The Next Darfur, International Crisis Group, October 2008, www.crisisgroup.org/~media/Files/africa/horn-of-africa/sudan/Sudans%20Southern%20Kordofan%20Problem%20The%20Next%20Darfur.ashx

6 In 2006, former SPLM party chair and deputy governor Daniel Kodi went as far as to say: “And the popular consultation, if you go about it very carefully, could be even better than self-determination, because the people can include self-determination. You can make amendments to the agreement, you can add things, you can reduce others. In a way it is better than self-determination and it comes with the choice of the people.” Interview with Daniel Kodi Angelo Comba, 17/18 April, 2006, www.occasionalwitness.com/Articles/20060605.htm. With the delay in Southern Kordofan's elections, the prospect of asymmetric popular consultations is likely, with the respective process in Blue Nile now far advanced relative to Southern Kordofan, if still beset with its own difficulties.

7 Armed Entities in South Kordofan, Small Arms Survey, March 2011, www.smallarmssurveysudan.org/pdfs/facts-figures/armed-groups/three-areas/HSBA-Armed-Groups-South-Kordofan.pdf

violation of CPA commitments.⁸ In addition, numerous militias have historically been active in the state, both throughout the war and after the CPA came into force. Estimates count up to 47,000 men in the Popular Defence Forces, an official Khartoum backed paramilitary force.⁹ The Darfur rebel Justice and Equality Movement has been active in the state, conducting operations both in Kordofan and as a rear base for activity in Darfur.¹⁰

A disputed electoral process

At every stage, the electoral process in Southern Kordofan has been bitterly contested. The SPLM originally boycotted the April 2008 census on the grounds that the state still suffered from insecurity, most Nuba IDPs had not returned, there was a lack of English language census forms and the SPLM was inadequately represented in the state's census management bodies.¹¹ Although it resumed official participation in the census two days later, the situation remained confused and participation in SPLM-controlled, predominantly Nuba areas was only partial.

Following the census, the demarcation of geographic constituencies saw similar disputes. In January 2010, the SPLM threatened to boycott the elections unless constituencies were redrawn.¹² Following receipt of the new, 2010, census data, the Khartoum based National Elections Commission (NEC) redrew the constituencies in November and December 2010.¹³ Despite the new boundaries, the SPLM renewed its concerns, claiming that the NEC failed to comply with the necessary legal conditions for delimitation.¹⁴ The NEC rejected the SPLM objections. During a meeting in Khartoum on January 20 with senior NEC officials, political parties, including the SPLM, agreed that the electoral process would continue, with a rescheduled voter registration beginning on January 24.¹⁵ Registration concluded on February 12, and the final registry was published on March 4, after the NEC dismissed several complaints of registration irregularities from the SPLM and other political parties.¹⁶ The final register includes 642,558 voters out of an estimated eligible 1,172,406, a significant decrease from the number of voters registered in November 2009 (in anticipation of the 2010 elections) of 749,232.¹⁷

Additionally, and though its precise boundaries are unclear, Southern Kordofan's constituency 32 also includes part of Northern Abyei. In light of tensions in the Abyei region, local elections will be another complicating factor in what is already a highly volatile environment.

8 Report of the Secretary General on the Sudan, S/2010/681, 31 December 2010. UNMIS has been continually frustrated in accessing all of Southern Kordofan, so full and conclusive verification of what presence the SPLA has north of the 1/1/56 border is impossible.

9 Armed Entities in South Kordofan, Small Arms Survey, March 2011

10 JEM has been active in Southern Kordofan since late 2007, when it targeted Chinese managed oil facilities. In April 2009, JEM announced its merger with the Kordofan Development Alliance (KAD). In November and December 2010, clashes with the government throughout Northern and Southern Kordofan left at least 200 dead.

11 For a fuller description, see "Census concerns," in Sudan's Southern Kordofan Problem: The Next Darfur, International Crisis Group, October 2008

12 SPLM will not participate in South Kordofan state elections: official, Sudan Tribune, 23 January 2010

13 An average of 78,573 residents per constituency, ranging from a low of 55,200 in Kalogi to a high of 101,742 in Hibeila and Dalam. NEC figures, 2011.

14 SPLM against current geographical constituencies in S Kordofan, Miraya FM, 22 November 2010.

www.mirayafm.org/index.php?option=com_content&view=article&id=4504:south-kordofan-splm-against-current-geographical-constituencies&catid=85:85&Itemid=278

15 NEC Decision 98, 20 January 2011. According to an earlier calendar, voter registration was due to begin on 8, and then 16, January. Originally, the NEC planned to conduct only an update of the November 2009 registry, but was lobbied by the parties to start the registry afresh in Southern Kordofan.

16 Preliminary Statement on the Voter Registration Process for the Postponed Elections in South Kordofan, The Carter Center, March 28, 2011

17 NEC statistics, 2009, 2011

Electoral process ahead

The NEC, and its subsidiary committees, are responsible for administering the elections. Southern Kordofan's electoral system is consistent with that in use throughout Sudan, meaning that on election day, voters will be asked to cast four ballots: one in the state-wide contest for governor and three for the legislative assembly; one each for geographic constituency, women's list, and political party list. The state is divided into 32 geographic constituencies (60% of seats), determined on a first past the post basis. There are an additional 14 seats (25%) reserved for women, and 8 seats for political parties (15%), for a total of 54 representatives. Approximately 200 candidates, including a number of independents, are contesting the geographic constituencies; the women's and political party seats are determined by proportional representation.¹⁸

27 March 2011	Publication of final candidates' list
28 March 2011	Deadline for withdrawal of candidature
29 March 2011	Electoral campaign begins
1 May 2011	Electoral campaign ends
2 May 2011	Election Day
8 May 2011	Announcement of results (tentative)

As the two largest and best resourced parties, the NCP and SPLM will dominate the campaign. Senior NCP and SPLM figures are expected to visit the state to rally support. Long marginalized and excluded from the state assembly, the other parties contesting the election will likely struggle, but could hardly worsen their position in formal representation. Discussions are ongoing as to whether the SPLM, National Umma Party (NUP), and Justice Party may endorse single anti-NCP constituency candidates from amongst their ranks, to improve their chances at defeating the larger ruling party. The International Republican Institute has trained political party agents to represent the parties at polling stations on election day, although once more, as the better resourced parties, the NCP and SPLM will likely have better deployment of agents throughout the state.

The gubernatorial contest

Originally, five candidates announced they would compete for the office of governor, but two, Mekki Ali Balail and Al Tahir Khalil Hammouda, have subsequently withdrawn. There are two obvious frontrunners, Ahmed Muhammed Harun and Abdulaziz Adam al-Hilu. An anti-NCP alliance may emerge to present a unified front against Harun, but it is difficult to see how this would be fully successful absent a serious attempt at reconciliation between al-Hilu and Telefon Kuku.

Ahmad Muhammed Harun (NCP), 46, originally from North Kordofan state, was appointed governor of Southern Kordofan by President al-Bashir in May 2009, and is the chair of the state branch of the NCP. A lawyer by profession, he studied at the University of Cairo. Immediately prior to his appointment as governor, he was a federal minister of state in the Ministry of Humanitarian Affairs, where he helped supervise the notorious Humanitarian Affairs Commission (HAC). From April 2003 to September 2005, he led the Darfur Security Desk in the Ministry of the Interior, where he directed counterinsurgency operations against suspected rebel sympathizers. As a result of his alleged involvement in the Darfur conflict, the ICC issued a warrant for his arrest in

¹⁸ For a full list of candidates (available only in Arabic), see the National Election Commission's website at www.nec.org.sd

April 2007 on 51 counts of war crimes and crimes against humanity.¹⁹

Since he assumed the office of governor, Harun has won praise for his ability to manage the sometimes unruly forces of the local NCP, while still managing a constructive relationship with the SPLM's al-Hilu. He has played a crucial role in several reconciliation conferences between the Misseriya and Dinka, and was a leading participant in the various governors' conferences that have attempted to bridge differences between the border states.

Abdulaziz Adam al-Hilu (SPLM) has served as deputy governor of Southern Kordofan since April 2009, and is chair of the state SPLM. Immediately prior to his appointment, he was secretary for political affairs and mobilization in the SPLM's national secretariat, and previously deputy secretary general for organizational affairs. Of a Darfuri father and a Nuba mother from Rashad, al-Hilu distinguished himself as one of the SPLA's most successful military commanders, gaining the loyalty and respect of many Nuba, and establishing himself as the political and military heir of Nuba hero Yousif Kuwa Mekki.²⁰ He previously served as SPLA governor of the Nuba Mountains, and signed the 2002 Nuba Mountains Cease-fire Agreement for the SPLM, prior to the CPA in 2005.

Al-Hilu has been criticized by some for his heavy-handed approach to managing SPLM affairs in the state, brooking little dissent from the party rank and file. Still, al-Hilu remains a popular figure within the national SPLM. He appears to have rebuilt his relationship with Salva Kiir, and should benefit in the campaign from the organizational skills of other key northern SPLM figures. Al-Hilu is, and will continue to be, a prominent player in the new northern party that emerges from the SPLM's northern sector.

Telefon Kuku Abu Jalha (independent) is an imprisoned SPLA commander running as an independent candidate. A Nuba from Buram, in late February he was reportedly sentenced to a six year prison term for dereliction of duty and military insubordination.²¹ Kuku has long criticized the SPLM for betraying Nuba interests in its implementation of the CPA, and lost the battle with al-Hilu to lead the SPLM after Mekki's death in 2001. Although it is difficult to assess how many are truly loyal to him, the best estimates suggest he has a personal following of around 1,000 soldiers.²² Kuku has used his candidacy to lobby for his release from prison, and on March 2 called on the UN to intervene to allow him to freely campaign and contest the polls. If he stays in the race, Kuku may siphon key support from the SPLM's al-Hilu, potentially easing the way to the election of Harun. This possibility has given rise to accusations that Kuku's candidacy is a NCP-backed tactic to weaken the SPLM.

Mekki Ali Balail (Justice Party), who withdrew his candidacy on March 29 due to his party's financial limitations,²³ is a former presidential advisor to Omar al-Bashir and has led the Justice Party since its formation in 2004. A Nuba, he previously won election for the NCP in the state's Dilling area. Mostly comprising disaffected members of the NCP, the Justice Party has drawn support from Kordofan and Darfur, although it has distanced itself from the Darfuri rebel

19 Warrant of Arrest for Ahmad Harun, International Criminal Court, <http://www.icc-cpi.int/iccdocs/doc/doc279813.PDF>

20 Nuba analyst Nanne op't Ende describes al-Hilu as the "driving force behind the SPLA successes in the Nuba Mountains from 1987 to 1989," Making Sense of Sudan, <http://blogs.ssrc.org/sudan/2009/05/13/ahmed-haroun-in-south-kordofan-making-the-peace-or-breaking-it/>

21 A SPLA spokesman was unable to confirm Kuku's current status at the end of March. Research interview, March 2011.

22 Armed Entities in South Kordofan, Small Arms Survey, March 2011

23 As reported by Al Sahafa, March 29, 2011

movements. In 2007, the party was reported to have begun negotiations with the NCP to support the objectives of national unity and democratic transformation. The party failed to make a significant impact in the April 2010 national elections. Although Balail previously made statements supportive of Telefon Kuku, he never formally endorsed Kuku. Balail has since suggested he may support the SPLM's al-Hilu.

Al Tahir Khalil Hammouda (NUP), of Misseriya dissent, studied business administration at the University of Khartoum. From Lagawa in the western part of the state, he has worked extensively in the financial and banking sector and was formerly a civil servant at the Ministry of Industry. The Umma Party has historical strength throughout Kordofan and Darfur, but using the April 2010 elections as a crude barometer, its organizational and mobilization abilities are greatly weakened. Hammouda has since withdrawn from the elections and is reportedly in discussions to endorse the SPLM's al-Hilu.

Testing elite political accommodation and worries for internal SPLM cohesion

For the period until elections, the CPA established a power sharing formula for Southern Kordofan, with a rotating governorship and 55% of executive and legislative seats held by the NCP, with the remaining 45% for the SPLM.²⁴ Despite criticism, the Harun-al-Hilu partnership has endured, and has brokered important deals on Abyei, cross-border reconciliation and seasonal migrations. Still, as Julie Flint describes, “the Haroun-al Hilu partnership is viewed with suspicion by Nuba, who denounced the NCP governor as “a criminal (and) mass murderer of Darfurians” ...[and has] failed to dispel suspicions that Haroun’s alliance with al-Hilu is little more than smoke and mirrors. It has been unable to dispel fears that the NCP will declare the CPA dead and annul all its provisions.”²⁵

Whatever successes Harun and al-Hilu have achieved, the elections formally pit the two in direct competition for the first time. With the threat of ICC action always looming, the success of Harun's political career is the best insurance for his personal survival. Although it has been alleged that no matter the outcome of the vote, the two rivals and occasional allies will continue their collaboration, the flexibility for manoeuvre will only be more limited, with immediate demands concerning the popular consultation mounting. Even if the relationship survives the popular consultation, it is unlikely that the NCP and SPLM in Southern Kordofan will be able to constructively manage their relationship until the next elections in 2015.

In Southern Kordofan, the SPLM's northern sector faces its greatest challenge since the 2010 elections. If the party performs poorly, al-Hilu and other local SPLM officials will face the recriminations of disappointed candidates and party faithful. Al-Hilu's deal with Harun may leave him in an influential position regardless of the vote's result, but that may be little consolation to those that believe the NCP has again profited at their expense and are convinced that they are rightfully the state's strongest party. Further, the SPLM's inability to reconcile with Kuku and his supporters will continue to be divisive for the party base. The Nuba have long demonstrated “rugged individualism in their political affairs,”²⁶ and a further fracturing of Nuba interests may easily occur if historic supporters of the SPLM believe the party's ability to represent them is exhausted or fatally compromised.

24 Art. 11, Pre-Election Arrangements, The Resolution of the Conflict in Southern Kordofan and Blue Nile States, Chapter V, Comprehensive Peace Agreement. Prior to the NCP assuming the governorship, the SPLM's Ismael Khamis Jallab served as governor, from 2005-2008. While the interim state legislative assembly was seated, a series of disputes over the nomination of ministers has plagued Southern Kordofan's interim government.

25 The Nuba Mountains: Central to Sudan's Stability. Alert no. 3, IKV Pax Christi, January 2011, p13

26 Collins, Robert, A History of Modern Sudan, 2008, p251

Tipping the balance on the popular consultation and the risk of pushing politics outside of parliament

The NCP historically opposed any inclusion of Southern Kordofan in a political peace deal with Southern Sudan, and only agreed to the popular consultation mechanism as a compromise. Privately, senior NCP officials in Khartoum have long admitted that they see the popular consultation as a narrow exercise that explicitly leaves out any right to greater autonomy or self-determination.²⁷ Simply put, the easiest way to limit the scope of Southern Kordofan's popular consultation is to ensure that the NCP holds the majority of positions in the state legislature and the popular consultation commission. Given the level of mistrust between the parties, it is almost certain that accusations of irregularity and electoral fraud will be levelled at the NCP by the SPLM, at the SPLM by the NCP, and by all other parties against the NCP and SPLM. Still, given that the popular consultation process in Blue Nile has shown more independence than NCP officials first imagined,²⁸ there is a real temptation for the ruling party to guarantee that the legislative election comes down in its favour. Some in the SPLM fear that manipulation of constituency boundaries and voter registration tallies has already ensured NCP victory, leaving election day as a mere formality.

Whatever the elections' merits, a vote that is perceived to lack legitimacy could be seriously destabilizing. There is a serious danger that if unfairly excluded from formal positions of power, the supporters of the SPLM and other opposition forces including those not contesting the elections will again conclude that democratization and political liberalization in Sudan has again failed, and that the only possible ways to pursue political change are outside the democratic instruments of competition.

²⁷ Research interviews, senior NCP officials, Khartoum, January 2011.

²⁸ Research interviews with persons familiar with the popular consultations, Khartoum and Juba, March 2011.