

# Uncertain Future: Armed Violence in Southern Sudan

*By Claire Mc Evoy and Emile LeBrun*

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## Abbreviations and acronyms

<b>CAR</b>	Central African Republic
<b>CPA</b>	Comprehensive Peace Agreement
<b>DRC</b>	Democratic Republic of the Congo
<b>GoSS</b>	Government of Southern Sudan
<b>HSBA</b>	Human Security Baseline Assessment
<b>JIU</b>	Joint Integrated Unit
<b>LRA</b>	Lord's Resistance Army
<b>NCP</b>	National Congress Party
<b>NIF</b>	National Islamic Front
<b>SAF</b>	Sudan Armed Forces
<b>SPLM/A</b>	Sudan People's Liberation Movement/Army
<b>SSDF</b>	South Sudan Defence Forces
<b>UNMIS</b>	United Nations Mission in Sudan
<b>UPDF</b>	Uganda People's Defence Force
<b>WFP</b>	World Food Programme

# Abstract

For the four-year-old Government of Southern Sudan, 2009 was a punishing year. It struggled to manage multiple financial, governance, and security crises while fighting for implementation of the Comprehensive Peace Agreement. Looming large were CPA-mandated legislative and executive elections scheduled for April 2010 and a referendum on Southern self-determination in January 2011. For much of the year, tensions between the ruling National Congress Party and the Sudan People's Liberation Movement/Army were high, with mutual recriminations over stalled aspects of the peace process. Over the same period Southern Sudan experienced a wave of intense armed violence that swept through rural areas. The violence was well organized, involved multiple tribal groups, and exhibited a brutality not reported in recent years. By the end of the year, some 2,500 Southerners had been killed and 350,000 displaced, with no real progress made to address the conflicts. This *Working Paper* focuses on the violence of 2009, including its root causes and connections to political and power rivalries at the local and national levels. It highlights current and probable future sources of insecurity as the country moves to national elections and the referendum on Southern determination and beyond. 📄



# Preface

This *Working Paper* is an advance publication of a chapter in the forthcoming *Small Arms Survey 2010: Gangs, Groups, and Guns*. Given the rapidly changing events in Sudan, and as the first national elections for more than 20 years take place, the authors deemed that releasing the chapter early would provide Sudan watchers with valuable contextual information. The report is based on field research in Southern Sudan conducted in August and September 2009 and supplemented by extensive consultations and interviews through January 2010. The analysis has not been updated to reflect the current election fever or any other events that have taken place since mid-January 2010.

Following the introduction, the paper reviews the dynamics underpinning intra-Southern armed violence during the civil war era. This reflects the fact that Southern Sudan's history will continue to have a profound impact on its future (in)stability. This reality is often overlooked or ignored, in part because many of the Southern perpetrators of war-era violence are in power today, including at the highest levels of the Government of Southern Sudan and the Sudan People's Liberation Army.

This power structure is part of a deeply engrained culture of impunity. It is also characteristic of a deeply militarized society that sanctions the use, or the threat, of force. The 'post-conflict' political environment in the South is defined by a fragile balancing act between different ethnic groups and powerbrokers, combined with an ongoing focus on the 'enemy' in the North. Southern politicians have not sought justice for the victims of intra-Southern violence. Neither has there been an attempt to allow Southern Sudanese to come to terms with their past through a meaningful process of intra-Southern—not to mention national—reconciliation. Yet memories are long, and war-related bitterness runs deep. None of this bodes well for Southern Sudan's ability to stabilize itself, whatever the outcome of the referendum on Southern self-determination.

Matters are further complicated by the current elections, which are characterized on a national level by reports of intimidation and mass disenfranchisement leading to last minute boycotts, threats, secret deals, and great confusion. Southerners have reason to celebrate being able to vote, but the rancour and divisions within the Sudan People’s Liberation Movement are growing just as it needs to pull together ahead of the upcoming referenda. If half the resources and energy—both Sudanese and international—had gone into reconciliation activities as have been devoted to ‘democratization’, Sudan’s future might seem more promising. 🗳️

# I. Introduction

The optimism that followed the 2005 peace agreement between Sudan's governing National Congress Party (NCP) and the Sudan People's Liberation Movement/Army (SPLM/A)<sup>1</sup> has long faded. As the six-year 'interim period' following the signing of the Comprehensive Peace Agreement (CPA) winds down, implementation of several key provisions has effectively stalled and trust between the parties is extremely low. Both sides have upgraded their military capabilities in advance of the referendum on self-determination for the South, scheduled for January 2011 (Lewis, 2009, p. 16).

As of late 2009 many Sudan watchers viewed the CPA as little more than a temporary—and faltering—ceasefire (Ashworth, 2009, p. 5). Indications are that the NCP will continue to resist full implementation of the deal for as long as it can and that the SPLM/A will fight to defend it if necessary, in particular the referendum.<sup>2</sup> Dogged by allegations of corruption and poor performance, the Government of Southern Sudan (GoSS)—which was formed in 2005 with an SPLM majority—views the referendum as one of the few ways to re-establish its waning legitimacy.<sup>3</sup>

Meanwhile, security in the South deteriorated markedly in 2009 and is understood by the GoSS as an extension of the second civil war (Small Arms Survey, 2009, p. 1).<sup>4</sup> An array of armed ethnic or tribal groups with numerous grievances against the GoSS was involved, some manipulated by power-brokers jockeying for influence, control, and wealth. In September, the SPLA chief of staff estimated that there was a 50 per cent chance of a 'return to war with the NCP',<sup>5</sup> yet the likelihood of intensified (and related) inter-ethnic Southern fighting before and after 2011 appears even higher. Despite these tensions, as of the end of 2009 the peace process continued to lurch forward.<sup>6</sup> But both sides were keeping their military options open.

Key findings of the chapter are the following:

- The upsurge in intra-Southern violence in 2009 was directly linked to the conduct of the civil war and the history of Southern fragmentation.

- With the approach of the 2010 elections and January 2011 referendum,<sup>7</sup> Southern violence has become increasingly politicized, jeopardizing the fragile CPA.
- Powerbrokers appear to be actively stoking conflict in the South.
- The GoSS has been unable to stem the rising violence; its preferred approach—forcible disarmament—may actually exacerbate insecurity.
- As 2011 nears, the possibility of further politicized armed conflict in Sudan is significant.

This Working Paper reviews the history of proxy fighting in the South and the fragmentation of Southern Sudan's armed groups during the 1990s. It highlights key sources of insecurity as of late 2009, identifying the actors involved and setting these against the historical backdrop of the South's numerous 'interlocking' wars (Johnson, 2003, p. 13). It places the rising levels of violence involving tribal groups in the wider context of NCP–GoSS relations, the CPA stalemate, and the inability of the GoSS to provide meaningful governance and security. Finally, it highlights Sudan's lack of cohesion and uncertain, even bleak, future if the necessary steps are not taken to stabilize it.<sup>8</sup>

This study draws on more than three years' worth of qualitative and quantitative research on Sudan's security dynamics by a range of consultants for the Small Arms Survey's Sudan Human Security Baseline Assessment (HSBA) project.<sup>9</sup> Between August 2009 and January 2010, the authors undertook a series of additional interviews for this chapter with Sudanese officials and members of civil society as well as international staff working in Southern Sudan.<sup>10</sup> 📄

## II. The legacy of Sudan's civil wars: the SSDF and intra-Southern violence

Sudan's national governments have a long history of using proxies in Southern Sudan, the North–South border areas, and, more recently, Darfur to fight their wars and preserve their regular forces. These militias, recruited locally, and with covert ties to the national government, have engaged in mass murder, displacement, sexual violence, and looting at little expense to Khartoum.<sup>11</sup>

In Southern Sudan, the national Sudan Armed Forces (SAF) employed these tactics predominantly following the disastrous 1991 split in the SPLA rebel group.<sup>12</sup> A group of senior commanders in the Upper Nile region<sup>13</sup> defected in protest at the autocratic leadership style of the SPLA's founder, John Garang, a Dinka; Garang's support for a united 'New Sudan';<sup>14</sup> and SPLA abuses against civilians. This split led to multiple intra-Southern civil wars that 'fed into, and intensified, the fighting of the overall "North–South" war' (Johnson, 2003, p. 127). Khartoum successfully exploited ethnic and political divisions in the South and border areas, buying loyalty with material goods, arms, and ammunition. Dozens of competing Southern armed groups and government-backed militias proliferated, just as Garang's SPLA faction<sup>15</sup> was weakened by the loss of support from its patron, Ethiopia.<sup>16</sup>

Many of the Khartoum-aligned groups were created and then armed by the National Islamic Front (NIF)—the precursor to the ruling NCP—in a deliberate strategy of 'divide and rule'. By 1997, seven groups in the government camp signed the Khartoum Peace Agreement with the NIF, thereby forming the largely symbolic South Sudan Defence Forces (SSDF) umbrella.<sup>17</sup> Its members were directed and supplied by the SAF's Military Intelligence branch (Young, 2007, p. 17; Arnold, 2007, pp. 17–18).<sup>18</sup> Crucially, the peace deal recognized the SSDF as the sole security force 'representing' Southern Sudan, established a 'Coordinating Council' with devolved powers for the

South, and stipulated the right to a referendum on self-determination (Khartoum Peace Agreement, 1997, art. 10). The SSDF viewed the referendum as a much-desired opportunity for the South to secede.<sup>19</sup> The SPLM/A–United faction, led by Lam Akol, signed a separate agreement with the NIF in 1997—the Fashoda Peace Agreement—which also promised a referendum on self-determination<sup>20</sup> (Fashoda Peace Agreement, 1997, art. 2).

The NIF did not honour its promises, however,<sup>21</sup> and the 1990s saw intensified intra-Southern, inter-ethnic fighting as the SPLA factions continued to split, and Khartoum persisted in its search for discontented groups to arm and support. This led to some of the worst atrocities of the civil war, including the ‘Bor massacre’ of Dinka civilians by Riek Machar’s Nuer forces in John Garang’s home district in Jonglei starting in 1991. Further examples include the war fought between forces loyal to Riek Machar and Paulino Matiep (both Nuer) over control of the oil fields in Unity State, the mass displacement of Southerners, and the misappropriation of food aid and resulting starvation caused by government-backed militias. The original SPLA split, which was driven by widely felt dissatisfaction with Garang, was essentially ‘diverted and obscured by the resurrection of a tribal idiom’ (Johnson, 2003, p. 115). Indeed, atrocities exacerbated inter-communal bitterness, leading Dinka–Nuer and Nuer–Nuer wars to unfold. These were fought parallel to wars against the NIF in other marginalized areas of (Northern) Sudan, including in the Nuba Mountains, Blue Nile, Eastern Sudan, and eventually Darfur.

Over time the numbers within the SSDF camp fighting proxy wars on Khartoum’s behalf grew significantly. An April 2001 conference added a large number of armed tribal groups to the umbrella; many of them had started out as village defence protection units against marauding SPLA. This significantly increased the SSDF’s size, areas of control, and ability to disrupt the SPLA. The new groups included armed ethnic forces, mostly former SPLA members, from the Bari, Didinga, Dinka, Fertit, Mundari, Murle, Nuer, and Toposa communities. Foreign armed groups such as the Lord’s Resistance Army (LRA) from Uganda were also used by Khartoum as proxy forces in the South, a relationship that was facilitated by SSDF members, including Riek Machar.<sup>22</sup>

The various elements of the SSDF were deliberately kept divided and in a constant state of flux. They were variably loyal to Khartoum; ultimately, however, the complex tapestry of alliances proved both strategically and tactically useful to the SAF. By the time of the signing of the CPA in 2005, they posed a significant threat to the SPLA, not least because they had the ability to recruit large numbers within their local communities (Arnold, 2007, p. 494). They controlled swathes of Upper Nile, parts of Northern and Western Bahr el Ghazal, and parts of Eastern Equatoria (Young, 2006, p. 19), provided 'protection' for the SAF garrison towns in the South, and permitted the movement of SAF troops through their territory. Crucially, they also facilitated Khartoum's development of the oil industry in central Southern Sudan by 'clearing' the oil-fields of local inhabitants in tandem with SAF helicopter gunships and government-backed Arab militias known as the *Murahil*. Never amounting to a coherent political or military movement, however, groups engaged in routine and pragmatic flip-flopping of allegiances, including to obtain ammunition and weapons from different sources: 'Tribal, clan, or regional loyalties and the pursuit of personal interest regularly trumped ideology' (Young, 2006, p. 19).

Ironically, the mainstream SPLM/A won both the propaganda and the military wars, in spite of Garang's unpopular vision of a united New Sudan. The SSDF acquired a pariah status (dubbed 'government stooges' by the SPLM/A), and received no international support for either the Khartoum or Fashoda agreements. Ultimately, the NCP—under intense pressure from the international community—and the SPLM/A signed the CPA, the latter on the South's behalf. Having deliberately excluded the SSDF from the peace negotiations, the CPA then outlawed *all* other armed forces (apart from the SPLA) operating in Southern Sudan. This forced SSDF members, as well as armed groups that fell outside the umbrella, to join either the SPLA or the SAF (or their respective security forces) or return to civilian life to join 'the civil service or civil society institutions' (CPA, 2005, Agreement on Security Arrangements, para. 7b). The CPA therefore cemented the SPLM/A's power base and, at the same time, sought to ensure that all 'Other Armed Groups' (mostly Southern pro-government militias) would not be able to destabilize the region in the post-CPA period. Isolated, and wishing to remain in the South, the disparate members of the SSDF were forced to adapt.

Even before the CPA was signed, a number of key militia commanders had returned to the SPLA fold, among them Riek Machar (Southern People's Defence Forces, among other groups); James Leah and Tito Biel (South Sudan Independence Movement); Lam Akol (SPLM/A–United); and Martin Kenyi (Equatoria Defence Force). Following Garang's unexpected death in August 2005, his deputy Salva Kiir inherited the role of GoSS president with a number of long-lasting repercussions. A 'power-centre' emerged around Salva, while supporters of Garang's united New Sudan project were isolated, and the SPLM–NCP political partnership deteriorated and became severely asymmetrical (Nyaba, 2009, pp. 4–5).<sup>23</sup>

Crucially, however, Salva broke almost immediately with Garang's policy of ostracizing the Southern militias, leading to the signing of the Juba Declaration in January 2006,<sup>24</sup> as part of which the SSDF and various Other Armed Groups officially aligned with the SPLA. By 2009, approximately 30 militias, officially numbering 32,000 fighters, had 'joined' the SPLA.<sup>25</sup> The deal was sweetened with food, cash, free accommodation during the official integration period, and the promise of regular salaries once the forces were 'integrated' (Arnold, 2007, p. 497). Paulino Matiep, former SSDF chief of staff, was rewarded with the position of deputy commander in chief of the SPLA (and has since been promoted to the rank of lieutenant-general), nominally taking second place after Salva in the SPLA hierarchy.<sup>26</sup>

Similarly encouraged by cash, arms and ammunition, a barracks in Khartoum, and positions in the CPA-mandated Joint Integrated Units (JIUs), approximately 10,400 Southern fighters officially 'aligned' with the SAF (Arnold, 2007, p. 505; Small Arms Survey, 2007a, pp. 340–44). Most of these came from forces that split, with the majority joining the SPLA and much smaller numbers remaining in the SAF camp. The 'bidding war' between the NCP and SPLA for force loyalty was especially intense in strategic locations such as oil concession areas.<sup>27</sup> The Juba Declaration was a significant diplomatic victory, therefore, in that it won over large numbers of key Southern commanders. But integration into the SPLA—a force numbering an estimated 125,000, about a quarter of which may be former SSDF—has been fraught with logistical difficulties and tensions between the former enemies (Small Arms Survey, 2009, p. 8). As a result, the fledgling Southern army has suffered defections and persistent command and control weaknesses.



As of late 2009, the impact of the intra-Southern fighting during the civil war was still deeply felt. Among the Khartoum-backed militia members who subsequently declared allegiance to the SPLA, long-standing grievances against the Southern army and the GoSS remain. These range from fears of the SPLA and GoSS being dominated by the Dinka ethnic group, personal animosities arising from wartime atrocities, concerns about the 2011 referendum,<sup>28</sup> and resentment at their marginalization within the army.

As the Juba Declaration offered a blanket amnesty for all war-related activities, many influential commanders who fought one another during the civil war, and have long and brutal war records, have also become part of the GoSS and SPLA elites. These individuals continue to feud and compete for status, influence, and access to resources in their new positions, rendering both the GoSS and the SPLA profoundly factionalized and unstable. Meanwhile, deep war-related ethnic divisions are aggravated and exploited by politicians, military elites, and intellectuals alike.<sup>29</sup>

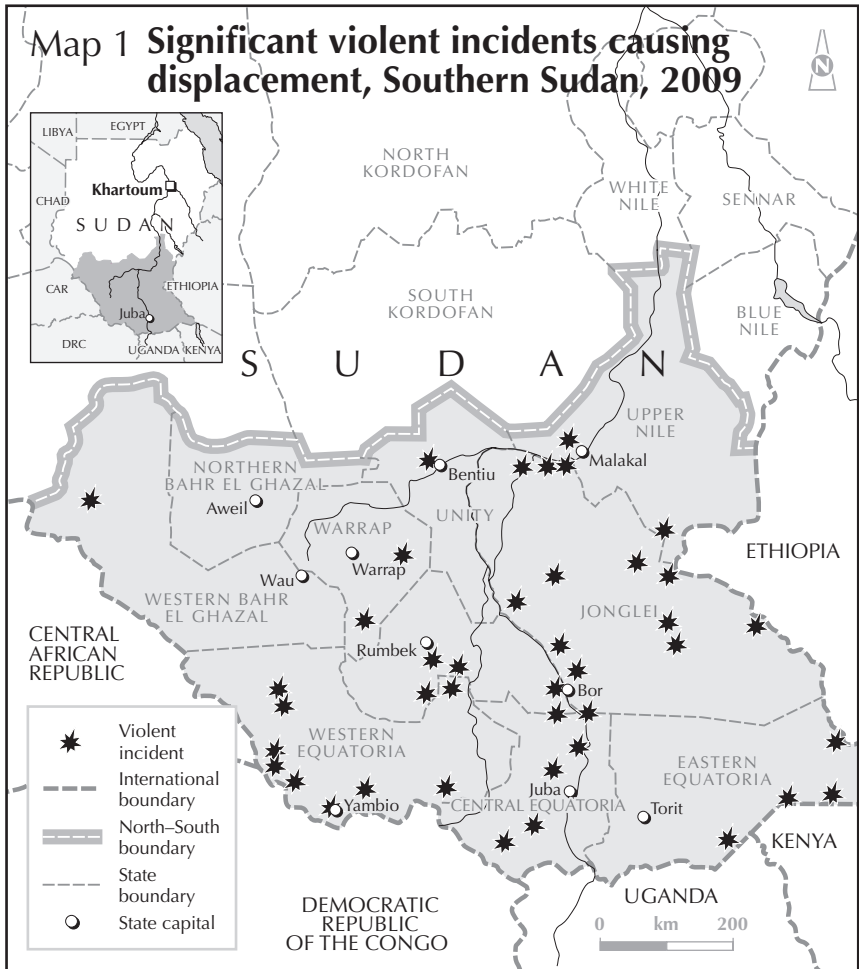
Just as there has been no attempt to promote national reconciliation since the CPA, despite its explicit inclusion in the Protocol on Power Sharing (CPA, 2005, art. 1.7), there has been little effort to advance sustainable Southern reconciliation in the aftermath of the Juba Declaration.<sup>30</sup> The continuing deep divisions weigh heavily on Southern Sudan's future. 🗣️

### III. Dynamics of insecurity in Southern Sudan

In 2009, Southern Sudan experienced a major spike in armed violence, causing some 2,500 deaths and displacing 350,000 (Oxfam, 2010, p. 1; see Map 1). The violence took place as implementation of the CPA reached crisis point,<sup>31</sup> with the GoSS almost exclusively preoccupied with countering perceived Northern aggression, at the expense of security and governance issues closer to home (Small Arms Survey, 2009, pp. 3–4). This section notes the numerous structural factors that have underpinned and exacerbated the recent violence and then identifies key armed actors who are or may become involved in armed violence in the run-up to 2011 and beyond. Structural factors are grouped under the broad headings of ‘governance’, ‘ethnicity’, ‘economy’, and ‘society’.

#### *Governance*

- Five years after the signing of the CPA, the GoSS is struggling to develop accountable, democratic state institutions and to provide basic services such as health and education. There are many reasons for this, including a profound lack of capacity, but anger at what is seen as an exploitative, corrupt, unrepresentative, and ill-performing Juba government is widespread and growing.
- Disenfranchised communities are competing fiercely over the most basic resources and are unable to appeal to legitimate institutions to resolve their disputes. Increasingly, they are taking matters into their own hands, as growing food insecurity exacerbates existing tensions.
- Post-CPA violence is largely attributable to the inability of the GoSS to maintain law and order. The fledgling Southern Sudan Police Service, mandated to provide internal security and respond to tribal violence, numbers about 28,000, but most of its members are untrained, irregularly paid, and have little or no equipment, vehicles, facilities, or infrastructure to aid their work.<sup>32</sup>



Source: UN OCHA (2009)

- Southern Sudan’s long-standing culture of impunity is aggravated by the absence of a functioning legal system and the unwillingness of the GoSS to identify and hold the instigators of recent violence to account.
- Land policy and administration is extremely weak or non-existent. Contested land, property, water, and migration rights exacerbate problems at the local level.<sup>33</sup> The demarcation of electoral constituencies, seen as a key means of obtaining resources and funding for communities, has become an additional source of inter-communal tension.

## *Ethnicity*

- Communities' mistrust of the GoSS is rooted in a perception of tribal bias within the Southern government. It is widely accused of being dominated by the Dinka and of favouring clansmen and others loyal to it through a discriminatory patronage system.

## *Economy*

- The GoSS faces significant budgetary problems—the treasury remains wholly dependent on volatile oil prices.<sup>34</sup>
- There is an almost complete absence of livelihoods and infrastructure combined with a hugely disempowered male population with little formal education and few marketable skills. Many of these men are willing recruits of armed ethnic groups and raiding parties.
- Cattle, central to pastoralist culture, are at the centre of numerous inter-communal conflicts. Large-scale cattle raiding is deeply engrained for both cultural and economic reasons.

## *Society*

- The widespread availability of firearms within communities and beliefs surrounding the 'power of the gun' fuel conflict.
- The erosion of traditional authority and practices concerning reconciliation and customary law has rendered communities unable to control their heavily armed youths.

Not surprisingly, the GoSS is overwhelmed by the complexity of building up Southern Sudan literally from scratch after the devastation of the civil war. It has little or no presence outside of many cities and towns and finds itself lurching from crisis to crisis. Adding to the problem is the well-entrenched mentality among many of the political and military elites that objectives are best achieved by using, or at least threatening the use of, force—including forcible disarmament (see Box 1). The result is a zero-sum game of competition between powerbrokers amid a patchwork of interrelated conflicts. A wide range of actors drives insecurity in Southern Sudan. Since the CPA

### Box 1 **GoSS responses to tribal violence: the ‘disarmament’ mantra**

In the absence of a holistic strategy to combat the violence, the GoSS favours the strong-arm approach: forcible disarmament of the population first, long-term arms control and intra-Southern reconciliation later.<sup>35</sup> The stated aim is to save lives in the short term,<sup>36</sup> and to prevent Khartoum from waging another proxy war through armed Southern groups. Fewer weapons in circulation could also help to restore the authority of traditional leaders and resolve inter-communal conflicts.

As more lives are lost, there is a sense of urgency about the task: the leadership of the SPLA, the GoSS's Security Council, the Southern Sudan Legislative Assembly's Peace and Reconciliation Committee, and traditional leaders all came out in favour of disarmament in 2009 (Kings, Chiefs, and Traditional Leaders, 2009, s. 5.2). Crucially, a May 2009 traditional leaders' conference in Bentiu called for 'drastic measures' to be taken against anyone resisting, thereby effectively giving the GoSS a mandate to continue its militaristic approach to disarmament.

The GoSS, however, is unable to undertake disarmament in a manner that is conducive to improving long-term security. This would require a legal framework governing the control of firearms,<sup>37</sup> a trained and professional police force, established security and law enforcement institutions, interim protection corridors for the disarmed, controlled international borders, simultaneous disarmament of feuding communities across the entire region (as well as in neighbouring states), and community trust in the GoSS. All of these are lacking.

The GoSS's fragmentation also makes disarmament risky. While it desperately needs to gain control over the use of force in Southern Sudan and would equally like to neutralize potential CPA 'spoilers', in reality it is powerless to disarm many Southern armed groups and communities. Harsh tactics used by the SPLA against communities—many of which already see the army as the 'enemy'<sup>38</sup>—could invite resistance and heavy fighting, providing ample opportunity for 'enemies of peace' to become involved.

With high levels of support for disarmament among Southern Sudan's leaders and despite not having an overarching policy or plan, the GoSS (at the state level) will undoubtedly pursue ad hoc campaigns into 2010 and beyond. This is already taking place in some states in a pre-election disarmament drive. In the current security climate it is unlikely that comprehensive security promotion strategies will be introduced;<sup>39</sup> local-level resistance and fighting can be expected.

was signed there have been a number of open clashes between the parties, involving the SPLA on one side and Khartoum-aligned forces on the other.<sup>40</sup> In addition, there has been a dramatic spike in so-called 'tribal violence' or clashes, with many observers believing that these are increasingly fuelled by powerbrokers for political gain.<sup>41</sup>

## Armed tribal groups

Tribal violence was particularly pronounced in Jonglei and Upper Nile states in 2009, and to a lesser degree in Lakes and Eastern and Central Equatoria. The violence is both inter-tribal—such as between the Murle and the Lou Nuer—and intra-tribal, such as between the Lou Nuer and the Jikany Nuer (see below). Many of these conflicts are long-standing and stem from the civil war, but they are being exacerbated by drought and food shortages, and related migration conflicts among pastoralist communities and between pastoralists and agriculturalists. The United Nations estimates that the ongoing food crisis and absence of rains in 2009 will force pastoralists to move their animals farther in search of water and pasture, increasing the likelihood of continued clashes in 2010 (UNOCHA, 2009, p. 1).

Striking features of the wave of violence in 2009 were the increased frequency of the attacks, the deliberate targeting of villages (as opposed to cattle camps for raiding purposes), and the fact that women and children made up the majority of the targeted victims (MSF, 2009, pp. 14–15; see Table 1). A typical attack of this kind—on Kalthok village in Lakes State in November 2009—saw 41 people killed, 10,000 displaced, and about 80 per



The village of Duke Padiet, Jonglei, in the wake of a September 2009 attack by Lou Nuer tribesmen that left 160 dead © Tim McKulka/UNMIS

Table 1 **Notable violent clashes targeting women and children in 2009**

Month	Location	State	Wounded	Killed	Displaced
March	Lekwongole	Jonglei	45	450	5,000
April	Akobo	Jonglei	70	250	15,000
May	Torkej	Upper Nile	57	71	10,000
June	Nyaram	Upper Nile	38	60	10,000
August	Mareng	Jonglei	18	185	n/a
August	Panyangor	Jonglei	64	42	24,000
September	Duk Padiet	Jonglei	100	160	n/a
October	Terekeka	Central Equatoria	n/a	30	22,000
<b>Totals</b>			<b>392+</b>	<b>1,248</b>	<b>86,000+</b>

Source: adapted from MSF (2009, p. 15)

cent of dwellings burnt to the ground. The fighting can involve hundreds of well-armed youths engaging in coordinated, militarized attacks. Increasing numbers of SPLA, police, and local officials have also been killed (UNSC, 2009b, p. 1). Much of the worst violence occurred in remote and inaccessible areas, where the GoSS has little or no presence.

Consistent with civil war-era violence, political factors are exacerbating the insecurity. There are widespread allegations of arms and ammunition being supplied within Southern Sudan by elements of the NCP/SAF in an effort to destabilize the South. Based on the North's conduct during the civil war, these seem plausible; they hold wide currency in Southern Sudan, although neither the GoSS/SPLA nor the United Nations Mission in Sudan (UNMIS) has produced any documented evidence to date.<sup>42</sup>

In a region where tribal identities carry over into the political realm, there is also the widespread perception that Southern politicians are using and provoking tribal conflicts to consolidate their support bases.<sup>43</sup> In the incendiary environment prevailing in Southern Sudan, perceptions alone—whether justified or not—are sufficient to instigate local violence. Given the retaliatory nature of many of the conflicts, the struggle over natural resources,

the structural weaknesses discussed above, and the lack of a security framework to address them, ‘tribal’ political violence appears set to continue.

The following sections examine two of the ongoing feuds in Jonglei and Upper Nile States in more detail.

### *Murle–Lou Nuer conflict*

The Murle–Lou Nuer conflict in Jonglei State is indicative of how tribal and political dynamics are intertwined in the post-CPA period. Long-standing conflict exploded into a series of massacres and retaliatory attacks in 2009. Following Murle attacks in January, a massive Lou Nuer retaliation caused around 450 Murle and 300 Nuer deaths. A Murle reprisal in April killed another 250 and displaced some 15,000 (*Sudan Tribune*, 2009b; MSF, 2009, p. 15). Further clashes in August and September killed hundreds more, with SPLA, local police, and state officials also targeted. Village huts have been routinely burned to the ground in the attacks, along with police stations and state offices.

Political divisions between the communities stretch back decades to the first civil war (1956–72), when the government armed the Murle against the mainly Nuer Anyanya rebels. In the second civil war, SAF-supported tradi-



The family of slain SPLA Major Maboir Mading, killed in the September 2009 attack by Lou Nuer on Duk Padiet, Jonglei, gather around his coffin © Tim McKulka/UNMIS



tional leader Sultan Ismael Konyi created a Murle 'self-defence' militia, the Pibor Defence Forces, to protect Murle assets and territory from the SPLA. He then changed tack in the post-CPA period, officially aligning with the SPLA in 2006 and becoming a GoSS presidential adviser on peace and reconciliation. His GoSS badge may not be a true reflection of his loyalties, however. He spends considerable time in Khartoum and remains close to some of his officers who joined the SAF. It remains unclear to what extent he may be involved in the ongoing Murle attacks against the Lou Nuer and other groups.<sup>44</sup>

The Lou Nuer received weapons from both the SAF—via the SSDF—and the SPLA at different times during the civil war. But in contrast to most tribal 'defence groups', the Nuer so-called 'white army' (a loose coalition of armed groups comprising mostly youths from local cattle camps) was largely independent, often offensive in nature, and extremely violent (Young, 2007, pp. 9, 26). A GoSS post-war disarmament effort, in 2006, was supposed to put an end to the force, but instead led to heavy fighting, at least 1,600 deaths,<sup>45</sup> and only the temporary suppression of the Nuer 'army' (Small Arms Survey, 2007b).<sup>46</sup>

Since then this army has re-emerged for a number of reasons, including a widespread perception among the Lou that the state-level government is unwilling to protect them from ongoing raids<sup>47</sup> and the kidnapping of their children despite repeated pleas. Key grievances include an attack in January 2009 on a convoy delivering salaries (some USD 35,000) to Lou-dominated Nyirol county state employees as well as the reported theft of more than 20,000 cattle in May 2007 by Dinka of Duk county (ICG, 2009b, p. 3). Analysts had predicted that the army would re-emerge unless former SSDF commanders were effectively integrated into the SPLA and the GoSS established functioning local government structures (Young, 2006, p. 10). Neither of these conditions has been met. Since the earlier incidents tensions with neighbouring Dinka, Jikany Nuer, Gawaar Nuer, and Murle have escalated over grazing rights. The youths have rearmed, with supplies coming from a number of sources.<sup>48</sup>

There is little evidence to suggest that former SSDF leaders are in direct command of this resurgent Nuer 'protection' force, but it is clear that key

leaders can mobilize hundreds (some say thousands) of fighters from local cattle camps and that the violence has now become politicized. During the war, 'white army' fighters were known to follow former SSDF high command member Simon Gatwich, a Lou Nuer and now a senior SPLA officer, into battle. A Lou Nuer attack on 20 September 2009 in which 1,000 Lou Nuer youths killed some 160 people (Dinka Bor) in Duk Padiet, Jonglei, as well as an earlier attack in Wernyol in Twic East county killing at least 40 were reportedly led by 'Chibetek' Mabil Thiep, who was formerly under Simon. Chibetek remained unaligned following the Juba Declaration and was involved in a raid on an arms cache in Khorfulus (*Sudan Tribune*, 2009a).<sup>49</sup> The victims of the attack, which occurred shortly after the Dinka-led state government blockaded a key trade route for the Nuer, included 11 SPLA fighters and five Southern police. This dealt a serious blow to the state's authority (*Sudan Tribune*, 2009a).

### *Lou Nuer–Jikany Nuer conflict*

A second significant tribal conflict with political overtones rages on and off between the Lou Nuer and Jikany Nuer of Nasir county, Upper Nile State. The Lou and Jikany were in open conflict in 1993–2004 in the wake of the SPLA split, but violent clashes were infrequent in the post-CPA period until 2009. A number of factors have led to a deterioration in relations, including the displacement of Jikany by Lou during the war and resulting land disputes, and a series of cattle thefts and abductions targeting Lou in mid-2009 (ICG, 2009b, p. 7). On 8 May 2009, armed Lou (many in uniforms) killed 71 Jikany, primarily women and children, in a military-style retaliatory attack. Subsequently, on 12 June, the Jikany intercepted a UN World Food Programme (WFP) convoy travelling along the Sobat River corridor to deliver food to 19,000 displaced Lou (UNMIS, 2009a, p. 1). Reports indicate that three additional boats had been added at Nasir;<sup>50</sup> local Jikany suspected that these contained ammunition or arms.<sup>51</sup> They were also unhappy about food aid being delivered to their Lou enemies. The boats were attacked by an armed Jikany force as they proceeded South to Akobo, sparking three days of fighting with the SPLA.<sup>52</sup> As many as 119 may have been killed, including 89 SPLA (ICG, 2009b, p. 8). Sixteen of the boats were reportedly looted and five destroyed.<sup>53</sup>

The WFP boats had been chartered by Riek Gai Kok, a Jikany Nuer with a long background in intra-Southern conflict.<sup>54</sup> Following the end of the war he split with SSDF leader Gordon Kong and took some of his men with him into the SPLA.<sup>55</sup> It appears that some of them subsequently defected from the SPLA and participated in the attack on the WFP convoy.<sup>56</sup> Many questions about the attack remain unanswered, including why the extra barges were added to the convoy and why the SPLA was accompanying a UN food convoy. The resulting closure of the Sobat River corridor—used to transport food and goods—for two months placed severe pressure on local communities, exacerbating local conflict (ICG, 2009b, p. 7).

## The Lord's Resistance Army

The LRA, led by Joseph Kony, remains a serious threat to security and stability, both in Southern Sudan and regionally. While the LRA was originally a northern Ugandan rebel group of ethnic Acholi with grievances against the Kampala government, more recently it has recruited an unknown number of Sudanese Acholi and Congolese and maintained an itinerant existence in border areas with Southern Sudan, the Democratic Republic of the Congo (DRC), and the Central African Republic (CAR). It has long engaged in opportunistic violence in Southern Sudan, terrorizing communities and maintaining its numbers through kidnapping and the theft of ammunition and food. Khartoum supported the LRA against the SPLA during the civil war—countering support of the Uganda People's Defence Force (UPDF) for the SPLA—and though its forces in Southern Sudan reportedly numbered fewer than 50 out of a total of 250–300 as of late 2009, the group is still widely feared.<sup>57</sup>

While the early post-CPA period saw a gradual move towards a Juba-mediated peace process between the Government of Uganda and the LRA, Kony failed on a number of occasions to turn up to the signing of the so-called Final Peace Agreement. In response, the UPDF, the SPLA, and the forces of the DRC, with the strategic support of the United States Africa Command,<sup>58</sup> reverted to using military tactics by launching 'Operation Lightning Thunder' in December 2008, a military offensive that began with the bombing of the main LRA camp in Garamba National Park (DRC)

(Schomerus and Tumutegereize, 2009, p. 1). The attack damaged the rebel group and led to the recovery of numerous abductees, though Kony, who may have been warned in advance, escaped. More significantly, however, it scattered the LRA into small groups throughout Southern Sudan, the DRC, and CAR, creating a regional conflict zone and resulting in a series of vicious reprisal attacks from the LRA and mass displacement in late 2008. By November 2009, more than 220 people had been killed, at least 157 abducted, and more than 80,000 displaced (of which 17,000 were Congolese) by the LRA in attacks in Sudan's Western and Central Equatoria states (IRIN, 2009).

By late 2009 Kony had reportedly fled to CAR, just as a second US-supported joint SPLA–UPDF military operation got under-way. Initial reports suggested that the second campaign showed a stronger resolve to eliminate the group once and for all. By the end of the year, 400 LRA, including a number of commanders, had been killed or captured, or had defected, according to the Ugandan army chief. There were, however, also unconfirmed reports of the LRA regrouping and gaining training in camps in South Darfur with the support of the SAF (Ruati, 2009; 2010).

The LRA's ability to survive and regroup should not be underestimated. Military tactics alone are unlikely to defeat the group. Previously poor coordination between the SPLA and the UPDF,<sup>59</sup> as well as the SPLA's lack of capacity, also suggest that the group may remain a serious security threat in Southern Sudan and regionally.<sup>60</sup> SAF support—which is reportedly ongoing—would also enhance its chances of long-term survival.

## The Joint Integrated Units

The CPA-mandated JIUs, conceived as a joint SAF–SPLA force during the interim period and the nucleus of a national army in the event of future North–South unity, have not developed as intended. They are currently composed of some 32,700 troops, roughly 83 per cent of their mandated force strength. In most, if not all, locations throughout Southern Sudan and the three border areas of Abyei, South Kordofan, and Blue Nile, the SAF and SPLA components of these forces remain under the control of their respective armies. They have been almost completely ineffective in providing

security and have in some cases generated considerable *insecurity*, including by reportedly distributing arms to local communities.

Twice in Malakal, in 2006 and 2009, the JIUs were at the centre of orchestrated and politically motivated violence that resulted in major ceasefire violations. Both SAF and SPLA components of the Malakal JIU are made up of the largely Nuer Fangak Forces, a civil war-era SSDF militia that was led by Maj.-Gen. Gabriel Tang Gatwich Chan, popularly known as ‘Tang-Ginye’ or ‘Tang’. After the war, Tang became a SAF major-general, while his second in command, John Both, aligned with the SPLA. The two commanders split acrimoniously, and their divided supporters now make up a significant proportion of the SAF and SPLA components of the Malakal unit.<sup>61</sup>

The two forces clashed first in 2006 when the SPLA tried to woo Tang with the governorship of Upper Nile. When the GoSS balked at his demand to keep his ‘personal’ SAF forces while acting as GoSS governor, tensions led to an exchange of fire with the SPLA, during which an UNMIS soldier was killed. Subsequent violence led to 150 deaths before his former deputy’s forces blockaded Tang, forcing him to retreat to Khartoum.

In February 2009, violence erupted again when Tang insisted on visiting Malakal to see relatives. This inspired his former militiamen in the SAF component of the JIU (at least 50 per cent of the SAF JIU component) to go on a rampage against the SPLA and local civilians, leaving 57 dead—one of the most significant violations of the ceasefire since the signing of the CPA. In the melee, a SAF tank was reportedly used to fire indiscriminately into a civilian area (HRW, 2009). The violence took place shortly after the announcement of the International Criminal Court arrest warrant for President Omar al-Bashir for alleged crimes committed in Darfur, leading observers to believe that Tang was sent to Malakal by elements within the NCP/Military Intelligence as a warning to the GoSS not to support the warrant.<sup>62</sup> After the violence the SPLA reinforced its capabilities by bringing ten new tanks to Malakal, facing the SAF’s eight tanks on the other side of the town.

The Malakal JIU is not the only holding place for former SSDF militiamen. UNMIS estimates that there are 983 SAF-aligned former SSDF in the SAF JIU components in Upper Nile and Jonglei. Though the SPLA denies it, SPLA-aligned SSDF elements have also reportedly been transferred to

the JIUs. This appears to have been motivated by the desire to keep the main body of the SPLA free from armed group influence and infighting.<sup>63</sup>

Crucially, in each of the three most significant ceasefire violations since the CPA (twice in Malakal and once in Abyei in May 2008), the JIU components split and fought against one another. Their near-total lack of integration remains a huge concern. They also pose a risk in the likely event of a vote for Southern secession, since the SAF will have more than 15,000 JIU members stationed in Southern Sudan and strategic border areas.<sup>64</sup> These disgruntled (and probably unpaid) soldiers could easily become entangled in fighting.

## The SPLA

The Southern army is not a unitary actor but rather a heterogeneous collection of soldiers from a wide range of ethnic groups with different histories, experiences, and understandings of the civil war. The SPLA today includes many former enemies who were absorbed following the Juba Declaration, as well as fighters with vastly different levels of experience. Although the leadership has sought to modernize and professionalize the army, this process is in its infancy, jeopardizing security in the South in the meantime.<sup>65</sup> Crucially, SPLA leaders reportedly admit that they may control as little as 30 per cent of the force and are unsure what the other 70 per cent would do should they be called upon to fight in the future.<sup>66</sup>

One major security concern is the overall organization of the army, which is increasingly top-heavy after the promotion of the numerous militia and armed group commanders to maintain their loyalty. A widening command and communication gap is apparent between the higher-level commanders and the rank and file. Due in part to the Southern police's capacity problems, the army remains the *de facto* principal security provider in Southern Sudan. In practice it responds to localized violence in an *ad hoc* and militarized manner and without civilian oversight, creating confusion within communities about its mandate and leaving it open to accusations of bias (ICG, 2009b, p. 21). Indeed, in many cases, local SPLA are semi-autonomous, responding to these conflicts as members of their own tribes rather than as



members of a professional, unified force. Perhaps more crucially in the context of North–South tensions, the decentralization of the SPLA puts the organization at risk of at least partial collapse in the event of future intra–Southern armed conflict, or for more mundane reasons such as the failure to provide salaries.<sup>67</sup>

The SPLA is also unable to respond to insecurity like a conventional army because it lacks mobility and logistical support. This lack of capacity makes the long-distance movement, feeding, and housing of large numbers of troops extremely difficult. While the army is fully committed to professionalizing itself, it cannot remedy these weaknesses without money to buy essential assets, the development of operational systems, and sustained training (not to mention roads). Since most of its budget is spent on salaries, and the remainder on food and fuel, it will be impossible to do this in the short term.<sup>68</sup>

### *Personal forces/‘private armies’*

Within the SPLA, the personal forces or ‘private armies’ that remain loyal to former SSDF commanders also present a threat. Although the commanders

and their men are officially SPLA, personal and historical lines of authority often trump loyalty to the army. To take one example, the late John Garang appointed Clement Wani, former commander of the Mundari Forces component of the SSDF, governor of Central Equatoria State. The Juba area had been under SAF control for most of the war and the local population was considered hostile to the Dinka and the SPLA. Clement, once aligned with the SPLM/A, has been able to facilitate the stationing of SPLA troops in Central Equatoria and provide security for the fledgling GoSS (Young, 2006, p. 34). In exchange, the GoSS has allowed him to retain his personal forces, which have since become an official state police force and continue to be controlled by him.<sup>69</sup>

Former SSDF commander Paulino Matiep also retains his former (now formally SPLA) forces in Bentiu and Central Equatoria. As of late 2009, Paulino and Vice-President Riek Machar were seeking to oust the governor of oil-rich Unity State, Taban Deng Gai—Riek’s brother-in-law who has his own personal force, reportedly supported by SPLA tanks, and is a long-time enemy from their SSDF days.<sup>70</sup> GoSS president Salva Kiir has signalled his support for Taban, and Paulino’s agitation is seen as a direct challenge to SPLA authority in the state. This power struggle erupted into violence between men loyal to Paulino and Taban in early October 2009, killing 13 and wounding 19 (*Sudan Tribune*, 2009d).

Salva has tried to disarm these ‘private armies’, issuing a special directive in early 2008, but with no success to date. Besides Clement and Paulino, Riek Machar, Ismael Konyi, and Abdel Bagi (GoSS presidential adviser for border demarcation) have all openly defied the order.<sup>71</sup> A second similar edict was reportedly issued in 2009 with no concrete results.<sup>72</sup>

These forces could be mobilized by their leaders in the event they decide to become political spoilers. Although officially part of the SPLA, many of the personal forces maintain links to former SSDF colleagues in the SAF, or could renew these ties easily. These wartime alliances can also be exploited—and may already have been—to facilitate arms flows and build up the military capacity of community youths. The long-term aspirations of these players remained unclear as of late 2009, but the possibility that some of them may mobilize their private armies for political gain remains high.<sup>73</sup> 📌



## IV. Southern Sudan's security pre- and post-2011

With multiple sources of insecurity—both actual and potential—the outlook for Southern Sudan is not positive. Mutual economic interests, as well as diplomatic carrots and sticks, may yet prevent the collapse of the CPA, but Southern Sudan will remain profoundly fragile. The common enemy in the 'North' and the desire to secede from Northern Sudan are still holding Southerners together—just—but this may change in the future. The root causes that led to the South's fragmentation have not been meaningfully addressed, while the structural weaknesses underpinning the violence will take decades to remedy. In this precarious environment, any number of issues, or a combination thereof, could spark localized or large-scale *political* violence before, during, or after the referenda.

Key CPA milestones that could underpin future conflict are the following:

- a failure to reach agreement on the 2008 census results;
- a failure to hold 'fair' elections, contested election results, or obvious rigging (see Box 2);
- contested North–South border demarcation;<sup>74</sup>
- a failure to hold the referenda on self-determination for the South (or Abyei), obvious rigging, or a unilateral declaration of independence by the South in protest;<sup>75</sup>
- a failure to respect or faithfully implement the referenda results;
- a failure to hold meaningful CPA-mandated 'popular consultations' on the CPA in South Kordofan and Blue Nile;<sup>76</sup>
- a failure to reach agreement on the sharing of Sudan's resources in the likely event of secession.

Other matches in the tinderbox could include forcible, ethnically targeted disarmament campaigns in the South, or the GoSS's continued inability to provide basic services. Any of the armed entities reviewed in the study could be exploited by local, national, or regional powerbrokers in a return to

## Box 2 **Sudan's election and census woes**

The CPA-mandated elections will almost certainly be contentious. As April 2010 draws closer, a growing number of voices are expressing concern over such things as the complicated voting system, the almost complete absence of voter education, and the high risk of malpractice and administrative failure during the electoral process (Willis, el-Battahani, and Woodward, 2009). No less crucial, the NCP has failed to undertake the necessary reforms to allow the elections to be fair and transparent.<sup>77</sup>

The elections will be held at six separate levels: for the presidencies of the Government of National Unity in Khartoum and the GoSS; for the National Assembly (Khartoum) and the South Sudan Legislative Assembly; and for the governorships and state legislatures in all of Sudan's 25 states.<sup>78</sup> In practice this will require each voter in the North to cast eight ballots under three different voting systems;<sup>79</sup> in the South, voters will have to cast 12 ballots (Willis, 2009, p. 4)—notwithstanding the fact that the population of Southern Sudan has extremely high levels of illiteracy and practically no experience of voting.<sup>80</sup>

Heightening tensions, the 2008 census results—which have been used to demarcate electoral constituencies and will be used to allocate National Assembly and state assembly seats—have also resulted in a standoff. The GoSS rejected the results outright due to the undercounting of various populations to the advantage of the NCP and the refusal of the Central Bureau of Statistics to allow it to examine the raw data (Bure, 2009, p. 6). The figures indicated that Southerners constituted just 21 per cent of the total Sudanese population, much smaller than the one-third on which the SPLM insists. The population of Darfur was found to have increased by 60 per cent since the 1993 census—with a huge increase in the (Arab) nomadic population—despite the fact that internally displaced persons residing in camps were not included. The population in SPLM-controlled areas of the Nuba Mountains in South Kordofan was not counted at all due to an election boycott.

The flawed registration process in November 2009 also fuelled discontent by leaving large numbers of potential voters—including in the diaspora—disenfranchised. Among them are more than two million displaced in Darfur, where members of the SAF, police, and agents of the National Intelligence and Security Service were present at registration centres along with vehicles with heavy mounted weapons (ICG, 2009a, p. 4; Carter Center, 2009, p. 8). As of late 2009, the SPLM's position was that fair elections were impossible; it was therefore appealing to the international community to pressure the NCP to make concessions while engaging in intensive talks with the NCP to break the impasse. In particular, the SPLM was demanding a suspension or abrogation of Northern Sudan's 'draconian' security and public order laws that control the media and freedom of assembly and speech,<sup>81</sup> as well as a resolution of the census debacle in the South's favour.<sup>82</sup>

As of late 2009, there were a number of options on the table. The SPLM could choose to boycott the elections in an effort to push the NCP to make the necessary democratic reforms; barring that, both parties could agree to postpone, or even cancel, the elections but, in so doing, they would set a dangerous precedent for other CPA 'exceptions'. Alternatively, they could decide to hold the elections, flawed as they may be, with the possibility of large numbers of disenfranchised Sudanese rejecting the results (Willis, 2009, p. 1). If the SPLM loses a significant number of seats in the elections, it may also reject the results, or it could rig the results to prevent such a loss. Violence could easily erupt, which in turn could affect the holding of the referenda.

full-scale armed conflict. The list is long and includes armed groups backed by Southern politicians, the SAF, SAF proxy forces, the SPLA, 'private armies', ex-SSDF factions within the SPLA, JIU components, and armed tribal groups and communities.

Areas along the 2,000-km North–South border are most likely to be immediately affected by any renewed armed conflict. Rizeigat, Misseriya, Dinka, and Nuer communities compete and clash regularly over water, grazing areas, and cross-border migration rights, tensions that have historically been manipulated by Khartoum. Land rights are disputed in many areas and borders are unclear, leading to regular friction, including at Kharasana (on the border between Unity State and South Kordofan), in the Magenis area (bordering Upper Nile, White Nile, and South Kordofan), in the greater Malakal area, and around Abyei, where some 85 per cent of the Ngok Dinka community was displaced in the May 2008 fighting. Without clarity on who qualifies as a 'resident' of Abyei and is therefore entitled to vote in the Abyei referendum, the area is likely to see escalating tensions and violence. Meanwhile, the Technical Ad Hoc Border Committee, which officially started mapping the border in 2007, has recently made progress, despite being deadlocked for part of 2009 over accusations of political interference.<sup>83</sup>

Wherever there are strategic or economic assets, disputes may be expected. Oil is the most significant of these border resources and the stakes are extremely high.

The parties are currently wrangling over the location of the Heglig and Bamboo oil fields,<sup>84</sup> with the GoSS claiming they are in Unity State (Southern Sudan) and the NCP saying they are in South Kordofan (Northern Sudan) (Hemmer, 2009, p. 12). An estimated 82 per cent of Sudan's oil fields are deemed to be located in Southern Sudan, excluding these two. If the North–South boundary is determined in the future to run north of Heglig/Bamboo, Southern Sudan will possess about 95 per cent of total current production.<sup>85</sup> Any future military confrontations between the parties to the CPA are highly likely to be around the oil fields, despite the risks to oil production. There is a strong possibility of attempted annexations by the SAF and NCP-controlled oil police (which are already present around Heglig in violation of the CPA) if a border demarcation deal is not struck.

The cross-border annual migration of Misseriya Arabs is also extremely tense and politicized.<sup>86</sup> Local authorities insist that Misseriya migrating from South Kordofan into Southern Sudan must come unarmed, lest the SAF use the migration to foment violence or transport arms.

Indeed, the entire border area has become heavily militarized and unstable, as both sides compete for strategic resources. In 2008 the SAF and SPLA established bases in Tishwin (on the South Kordofan–Unity border, controlling a main road from Khartoum to the South), within 300 m of each other.<sup>87</sup> Some observers estimate that as much as 70 per cent of the SPLA is deployed in border areas.<sup>88</sup> Oil-rich Unity and Upper Nile states on the southern side of the border are particularly volatile, with both forces maintaining a strong presence around key oil fields such as Heglig.

A further potential complication in Unity State is the leasing in 2009 of a reported 400,000 hectares of land by Paulino Matiep’s son (CEO of Leac for Agriculture and Investment Company Limited) to Jarch Management Group, a company registered in the British Virgin Islands and run by a US businessman. Jarch purchased a 70 per cent share in Leac in return for the land lease, which is ostensibly for a joint agricultural venture, but appears to be about oil.<sup>89</sup> The legal basis under which Paulino’s son is leasing the land, which Paulino himself controlled during the war as part of his ‘protection’ of the oil fields for the NCP, remains opaque. What is clear, however, is that large amounts of money and foreign businessmen banking on Southern secession will almost certainly complicate Southern Sudan’s fragile political and security landscape. 📌

## V. Conclusion

As the referenda approach, Southern Sudan sits at a crossroads. The GoSS and the SPLA are ill-equipped to meet the security challenges they face, and the 2010 elections and 2011 referenda bring further, serious risks of destabilization and violence. It is clear that the CPA has done little to address the many causes of the protracted civil war, yet the international community is only now waking up to this fact—with the CPA soon to expire, and few plans in place for the post-CPA period.

The next 12 months are crucial to the future of Southern Sudan and the wider region. While UNMIS's capacity problems and the risk-averse demands of contributing states have so far hampered implementation of its Chapter VII mandate 'to protect civilians under imminent threat of violence' (UNSC, 2005, para. 16(i)), a more dynamic approach could help to prevent or contain future violence.<sup>90</sup> The mission has on occasion responded decisively to localized violence. Following fighting in late August 2009 in Mereng, Jonglei, for example, it provided low-altitude flyovers, flew in fully armed and operational SPLA, and conducted dynamic long-range foot patrols in the area.<sup>91</sup>

A range of other measures needs to be applied by the GoSS. Of particular importance is internal security. Expanded SPLA deployment in areas affected by violence appears essential in the short term but must be accompanied by clear and transparent rules of engagement, better civilian oversight (accountability), and improved training (including on law enforcement). A more visible and non-partisan security presence could dramatically ease tensions. Identifying the instigators of localized conflicts and holding them to account for their actions (including the incitement of violence) is also key, alongside renewed attention to inter-communal reconciliation. In the long term, a much greater focus on police reform is needed, with special attention to training and recruitment of qualified personnel.

In addition, thoughtful, practical planning is urgently needed for post-2011 given that Southerners will almost certainly vote for secession.<sup>92</sup> Aside from

resolving remaining CPA-related disputes, cooperation is required on a host of other issues, including: North–South debt- and asset-sharing, including the oil pipeline and other infrastructure;<sup>93</sup> citizenship rights (in particular the status and rights of Southerners living in the North and Northerners in the South); the status of the JIUs; future currency; the status of international treaties signed by Sudan; and future relations between the two ‘new’ states. The two parties desperately need to identify areas of common interest and to plan ahead to allow for a ‘peaceful divorce’ (Bure, 2009, p. 14).

As of late 2009, distracted by the upcoming elections, the parties appeared unprepared for the future and in need of targeted international support. The needs are many, ranging from a continued focus on providing aid to the building of infrastructure and sustained training and logistical support for the GoSS’s struggling security forces. As the parties begin to discuss the mechanics of separation behind closed doors, the international community also has a role to play in continuing to push them to plan ahead. This needs to be undertaken in conjunction with *coordinated* international pressure, using the numerous financial and diplomatic incentives at donors’ disposal. Sudan’s willingness to respond to such pressure led to the signing of the CPA. It is now urgent that it be reapplied to prevent the agreement’s collapse and the South’s implosion. 🗨️

# Endnotes

- 1 The SPLA, the Southern army, is the military wing of the SPLM political party; collectively, they are sometimes referred to as SPLM/A. Practically all senior SPLM members are former SPLA leaders.
- 2 See the Machakos Protocol (CPA, 2005, art. 2.5).
- 3 Interview with Sudan peacebuilding adviser, Nairobi, November 2009.
- 4 The civil wars took place in 1956–72 and 1983–2005.
- 5 Author interview with SPLA Chief of General Staff Lt.-Gen. James Hoth Mai, Juba, September 2009.
- 6 In December 2009, the parties reached agreement on several key laws, including one governing the Southern referendum.
- 7 A second referendum on whether Abyei will join Northern or Southern Sudan in the event of secession will take place at the same time as the Southern referendum. See the Protocol between the Government of Sudan and the SPLM/A on the Resolution of the Abyei Conflict (CPA, 2005, art. 1.3).
- 8 See de Waal (2009) on the need for a mutually advantageous agreement—either on unity or ‘consensual separation’—among Sudanese elites by 2011 to avoid a disastrous new war.
- 9 For reports and information on the HSBA project, see HSBA (n.d.).
- 10 The Working Paper takes account of developments up to the end of 2009, prior to planned national elections. The extremely fluid security situation may well have changed in the interim.
- 11 ‘Each time they sought out a local militia, provided it with supplies and armaments, and declared the area of operations an ethics-free zone’ (de Waal, 2004, pp. 25–27). See also, African Rights (1995) on the *jihād* in the Nuba Mountains.
- 12 The SPLA was formed in 1983.
- 13 The group was led by Riek Machar (a Dok Nuer, who has since become Vice-President of the GoSS), Lam Akol (a Shilluk), and Gordon Kong (a Jikany Nuer).
- 14 The vision of a New Sudan entailed an autonomous Southern government within a greater republic of Sudan.
- 15 Garang’s faction was first called SPLA–Torit or SPLA–Mainstream; hereafter it is referred to simply as the SPLA.
- 16 The SPLA lost support from Ethiopia after the fall of Mengistu Haile Mariam in 1991. See Johnson (2003, p. 88).
- 17 The signatories of the Khartoum Peace Agreement were the South Sudan Independence Movement/Army (Riek Machar); the SPLM/A faction led by Kerubino Kawayn Bol; the South Sudan Independents Group (Kawac Makwei); the Equatoria Defence Forces (Thiopholus Ochang Loti); the Union of Sudanese African Parties (Samuel Aru Bol); and the Bor Group (Arok Thon Arok). See Khartoum Peace Agreement (1997).
- 18 The origins of some of these SSDF members lie in Anyanya II, which took up arms against Khartoum in 1978, before the formation of the SPLA. (The Anyanya guerrilla army, also known as Anyanya I, fought the first civil war.)

19 The referendum was supposed to have taken place within an interim period of four years after the signing of the Khartoum Peace Agreement.

20 The right to self-determination for the South has long been cherished by Southern Sudanese. See the Declaration of Principles (IGAD, 1994), the Asmara Declaration (1995), the Khartoum Peace Agreement (1997), and the CPA's Machakos Protocol (CPA, 2005).

21 This was not without historical precedent. See Alier (1999).

22 See Schomerus (2007) on the history of the LRA operating in Southern Sudan with Khartoum's backing.

23 Note that this Working Paper follows Southern Sudanese convention by referring to individuals by first name. The exception is John Garang.

24 See Juba Declaration (2006).

25 Interview with SPLA Chief of Military Intelligence Brig.-Gen. Mac Paul, Juba, September 2009. The SPLA claims an additional 34,000 armed group members were integrated into the police, wildlife, and prison services. This figure updates the estimate of 47,440 reported in Small Arms Survey (2008).

26 While Paulino is nominally Salva's second in command, their relationship is reportedly poor.

27 Internal United Nations reports reviewed by the authors, November 2009.

28 Many of the Khartoum-backed militias are separatists. For the first time, in late October 2009, Salva effectively called for Southern secession. Until then he had stuck to the official SPLM position of favouring a united Sudan, in keeping with the vision of the SPLM/A founder, the late John Garang (Reuters, 2009).

29 Author interview with a Sudan peacebuilding adviser, Nairobi, November 2009.

30 Author interviews with Mary Nyaulang, chairperson, Peace and Reconciliation Committee, Southern Sudan Legislative Assembly, and Louis Lobong, chairperson, GoSS Peace Commission, Juba, August and September 2009.

31 As of late 2009, the parties continued to wrangle over key issues, including CPA-mandated border delineation and demarcation, the disputed findings of the 2008 census, and key reforms necessary for fair and transparent elections to take place in April 2010.

32 Most members are ex-SPLA who were rejected by the army in the post-CPA period, resulting in a severe lack of capacity and morale (ICG, 2009b, p. 19).

33 These conflicts involve agriculturalists and pastoralists, as well as returnees (former refugees and internally displaced persons) and 'residents'.

34 The GoSS was 98 per cent dependent on oil revenues in 2009. Oil prices fluctuated between more than USD 140 to less than USD 50 per barrel in 2008, resulting in a massive reduction in projected revenues (Mawien, 2008, para. 13). The projected price per barrel in the 2009 budget was USD 50.

35 Author interview with Minister for Regional Cooperation Oyai Deng Ajak, Juba, September 2009.

36 'It is better to kill ten, to save 100.' Author interview with SPLA Chief of General Staff Lt.-Gen. James Hoth Mai, Juba, September 2009.

37 For example, it is unclear under what circumstances it is legal to possess a firearm, used by some communities for hunting (or gathering food) as well as protecting their cattle and livelihoods.

38 In the absence of salaries or provisions, the SPLA lived off and brutalized Southern populations during the war. Levels of war-related trauma are 'absolute' (author interview with a long-time humanitarian worker in Sudan, Nairobi, July 2009).



39 Author interview with a Sudan conflict analyst, Juba, November 2009.

40 The Khartoum-aligned forces included the SAF, the National Intelligence and Security Service, the Popular Defence Forces (a paramilitary group), and the Petroleum Police (Grawert, 2009, p. 3).

41 Author interviews, Juba and Nairobi, August 2009–January 2010.

42 UNMIS is tasked with monitoring arms flows into the ceasefire zone.

43 Author interview with a Southern Sudan conflict analyst, Juba, November 2009.

44 Internal UN documents reviewed by the authors, November 2009.

45 Two SSDF commanders—Thomas Maboir and Samuel Wijiiong—‘influenced’ the resistance that led to the fighting. See Arnold (2007, fn. 46).

46 The SPLA claims it was forced to halt its campaign because of an outcry from the international community over its forcible disarmament tactics (author interview with SPLA Chief of General Staff Lt.-Gen. James Hoth Mai, Juba, August 2009).

47 For example, in May 2007 Dinka of Duk county reportedly stole more than 20,000 cattle from the Lou Nuer community. See ICG (2009b, p. 3).

48 The sources include: looted SAF stocks following fighting between the SPLA and SAF in Malakal in November 2006; Akobo Commissioner Doyak Chol opening stores of collected weapons in late 2006 to allow his people to ‘defend’ themselves; and an April 2008 raid on an SPLA weapons cache in Khorfulus following fighting between the SPLA and local police (ICG, 2009b, p. 3).

49 Chibetek was reportedly to be integrated into the SPLA or go through disarmament, demobilization, and reintegration, but he refused because his rank would have been reduced (author interview with a UN official, Juba, September 2009).

50 Some reports indicate that there were four—not three—additional suspect boats.

51 According to WFP’s head of security in Sudan, proof of weapons or ammunition on the barges was never established (author interview with WFP’s head of security, London, October 2009).

52 See ICG (2009b, pp. 7–8) for a detailed description of the attack.

53 Some 735 metric tons of food aid was stolen or lost in the raid.

54 Riek Gai Kok is former chairman of Khartoum’s Southern Coordinating Council and an NCP member.

55 Internal UN documents reviewed by the authors, November 2009.

56 Internal UN documents reviewed by the authors, November 2009.

57 Author interview with a military source, November 2009.

58 Created in 2007, the US Africa Command ‘conducts sustained security engagement through military-to-military programs, military-sponsored activities, and other military operations as directed to promote a stable and secure African environment in support of US foreign policy.’ See AFRICOM (n.d.).

59 See Schomerus and Tumutegereize (2009).

60 During Operation Lightning Thunder the SPLA presence was thin and the force lacked basic communications equipment and vehicles (author interview with Sudan security analyst II, Juba, September 2009).

61 Internal UN documents reviewed by the authors, November 2009.

62 Author interview with a UN official, November 2009.

63 Internal UN documents reviewed by the authors, November 2009.

- 64 As of December 2009, there were 16,641 (verified) SAF deployed to the JIUs, including 1,500 in Khartoum (UNMIS, 2010, p. 29).
- 65 Although professionalization has lagged, the SPLA has continued to acquire light and heavy weapons in the post-CPA period. See Lewis (2009).
- 66 Author interview with a UN official, November 2009.
- 67 Author interview with Sudan security analyst II, Juba, September 2009.
- 68 In 2009 there was a significant increase in international support for SPLA training and development programmes, with more planned for 2010 (author interview with Sudan security analyst II, September 2009).
- 69 Author interview with a Sudan security analyst, October 2009.
- 70 The dispute between Taban and Paulino over the governorship of Unity goes back to the late 1990s. See Johnson (2003, p. 123).
- 71 Clement Wani's brown-uniformed 'state police'—in effect his personal army—maintain a visible presence in Juba (author interview with a Sudan security analyst, Juba, October 2009).
- 72 Author interview with a UN source, Nairobi, October 2009.
- 73 Internal UN report reviewed by authors, November 2009.
- 74 The CPA-mandated Technical Ad Hoc Border Committee started work in January 2007, but by August 2009 it had yet to reach agreement on two-thirds of the border. See UNMIS (2009b, para. 45). Progress accelerated in the last part of 2009, with more than 80 per cent reportedly delimited by year's end. Significant disagreement remained, however.
- 75 There are strong voices in the Southern Sudan Legislative Assembly calling for a Unilateral Declaration of Independence if necessary. See Nyaba (2009, p. 7).
- 76 The Three Areas of Abyei, South Kordofan, and Blue Nile are part of Northern Sudan but were central battlegrounds during the civil war. In contrast to Abyei, which was granted a referendum on whether to be part of Northern or Southern Sudan, the two other border areas were granted the right to vaguely defined 'popular consultations' on the CPA, which will allow elected representatives to effectively renegotiate the terms of the CPA protocol that relate to their areas. See the Protocol between the Government of Sudan and the SPLM on the resolution of the conflict in South Kordofan/Nuba Mountains and Blue Nile states (CPA, 2005, s. 3).
- 77 On 2 October 2009, 28 political parties in Sudan, including the SPLM, threatened to boycott the elections if the National Security Law, Criminal Procedures Law, Trade Unions Law, Immunities Law, Personal Status Law, Press and Publications Law, and Public Order Laws were not amended. See *Sudan Tribune* (2009c).
- 78 See USIP (n.d.) for background on the elections.
- 79 The three 'systems' to be used are first-past-the-post ballots, proportional representation, and women's lists elected on a proportional basis at state level (Willis, 2009, p. 4).
- 80 Ninety-two per cent of women in Southern Sudan cannot read or write, compared to 62 per cent in Darfur and 54 per cent nationwide (UN, 2008, p. 2).
- 81 Author interview with John Andrugua Duku, head of GoSS Mission, Nairobi, January 2010.
- 82 In particular, the SPLM was demanding that it keep 28 per cent of the seats in the National Assembly, as per the CPA formula for power-sharing. It needs at least 25 per cent of these seats to be able to block any changes to the constitution (Thomas, 2010, p. 8).
- 83 The political interference includes accusations that key documents were 'forged' by the chairperson and that minutes of meetings had been manipulated to erase the views of

- Southerners, resulting in the committee stopping work entirely for two months prior to September 2009 (author interview with a GoSS member, Nairobi, October 2009).
- 84 Since the CPA, the status and administration of the Abyei area has remained a significant bone of contention. In July 2009, the Permanent Court of Arbitration in The Hague ruled that Abyei's borders had to be redrawn, thereby overruling an earlier decision by the CPA-mandated Abyei Boundaries Commission. Both parties initially welcomed the ruling but the debate then shifted to the crux of the matter: the locations of neighbouring oil fields.
- 85 Only around five per cent of Sudan's oil fields (Block 6) are located squarely in the North (author interview with Luke Patey, Ph.D. candidate, Danish Institute for International Studies, Copenhagen, September 2009).
- 86 Author interview with a UN worker, Nairobi, December 2009.
- 87 Internal UN documents reviewed by the authors, November 2009.
- 88 Author interview with a UN worker, Nairobi, December 2009.
- 89 A Jarch press release declares: 'We expect to lift the light, sweet crude from areas in the state once South Sudan secedes from Khartoum' (Jarch Management Group, 2008).
- 90 See also UNSC (2009a, paras. 3, 7, 14-15).
- 91 Author interview with a senior UNMIS official, Juba, September 2009.
- 92 Author interview with John Andrugá Duku, head of GoSS Mission, Nairobi, January 2010.
- 93 The oil pipeline currently pumps north to Port Sudan. Possible solutions include exchanging pipeline access for oil rights.

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