

Mapping Conflict Motives: the Sudan - South Sudan border

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Editorial

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- The Cross-Border Peace Committee of Northern Bahr-el-Ghazal contributed to the research of the chapters on Northern and Western Bahr-el-Ghazal.

Front Cover image: Deserted area in Abyei town (IPIS 2013)

Antwerp, January 2014

Acknowledgments

This study was produced with financial contributions from the Belgian Ministry of Foreign Affairs. Our gratitude goes to all individuals who have contributed to this study, first and foremost all interviewees and organisations in Sudan and South Sudan who offered their knowledge, shared their views and provided logistical support.

The authors are also grateful to UNDP Sudan and South Sudan, UNHCR Sudan, OCHA and the UNMISS and UNISFA missions.

Finally, the authors thank Saferworld South Sudan and Justice Africa for their assistance.



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International Peace Information Service (IPIS) is an independent research institute, providing governmental and non-governmental actors with information and analysis to build sustainable peace and development in Sub-Saharan Africa. The research is centred around four programmes: Natural Resources, Business & Human Rights, Arms Trade & Security, and Conflict Mapping.

Report highlights

Given the depth and length of this report, we would like to direct readers with limited time to some key sections. These either provide crucial analysis on conflict motives in the border area or information that has thus far received limited attention in the press or other research reports.

- Subchapter 1.3 contains an overview of political developments in Juba, describing the chain of events that led to the recent outbreak of intra-SPLA civil war between units who remained loyal to President Salva Kiir, and supporters of former Vice President Riek Machar.
- Subchapter 2.1 describes how warfare between the SRF and the SAF shifted to northern South Kordofan and North Kordofan.
- In Subchapter 2.3 a detailed analysis of the SPLM-N's discourse and political agenda is presented. The end of this subchapter concludes with an analysis of whether the movement's actions, including its human rights record, are in line with said discourse.
- Subchapter 3.3 provides detailed information on the economic interests of the NCP in Blue Nile State, including mechanised farming, gold and chrome mining, and the Roseires dam.
- Subchapter 4.2 provides insight into the claims of the Misseriya over Abyei and their grievances regarding both access and ownership of the area.
- Subchapter 4.4 explains why claims that the Abeyi area contains important oil reserves, and claims of the opposite, are both right.
- Subchapters 5.3 and 6.1 discusses how and why Sudan's support to South Sudanese militias in Upper Nile and Unity ended, leading to these militias' integration within the SPLA, and revealing their meagre political agendas.
- Subchapter 5.4 sheds light on a contested border area in Eastern Rank that witnessed repeated inter-government clashes in 2013, but is rarely reported on.
- Subchapter 7.3 describes how border communities manage to improve cross-border relations despite being surrounded political and military conflict, and how they benefit from increased interaction through trade and cattle migration.
- Chapter 10 discusses how the military and diplomatic strategies of the relevant warring parties often focus on obtaining or retaining power. Access to power seems to be more valuable to them than quick gains from control over natural resources.

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Introduction

In the following report IPIS will analyse the conflict dynamics in the wider border area between Sudan and South Sudan. The analysis specifically looks into the motivations and interests of the parties involved in the interstate, intrastate and local conflicts. The main questions this report will cover are: Where are conflict parties focussing their efforts? Which strategic interests do they prioritise and ignore? What do they want to achieve? And do their actions correspond to their rhetoric?

Although older events are occasionally discussed, the report specifically focuses on the period spanning September 2012 – December 2013. The geographic areas covered include the South Sudanese states of Western Bahr-El Ghazal, Northern Bahr-El Ghazal, Warrap, Unity and Upper Nile, and the Sudanese states of South Kordofan, Blue Nile, and the Abyei box. A chapter is dedicated to each of these areas.

To place the above in context, a first chapter provides background information on bilateral Sudan-South Sudan relations, and political developments within Juba and Khartoum that impact on the border conflicts. A final chapter explains the links between the conflicts in the different states, and elaborates on the most significant findings of the report.

Research activities and collaborations

Approximately one year of research has preceded the publication of this report. A significant part of this research has been desk-based. The references throughout the text indicate that this report has been grounded in the consultation of a wide variety of existing sources, including books, official documents, reports and press articles.

IPIS has also conducted original field research, collecting what has proved to be crucial information from interviews and observations in the region. In March 2013, IPIS researchers made their first preparatory visit to the region. In the following months, three separate research trips to the border area were completed. In aggregate, IPIS researchers spent an approximate of six months in the region conducting more than 200 interviews with refugees, IDPs, local chiefs, administrators, community representatives, politicians, commanders, traders, civil society organisations and others.

Importantly, several local organisations have contributed to the text. The Sudd Institute gathered information for the chapter on Unity State and drafted the Warrap State chapter.¹ The Upper Nile chapter benefited from additional information gathered by the Upper Nile Youth Development Association (UNYDA). Both the SUDD Institute and UNYDA followed a Justice Africa-IPIS training on IPIS' 'mapping conflict motives' research methodology and the use of GIS software. Furthermore, the Northern and Western Bahr-El Ghazal chapters partially rely on additional research from the Cross-Border Peace Committee of Northern Bahr el Ghazal. Together, these organisations spent a valuable additional two to three months on field research.

IPIS was not able to visit Khartoum or any other Sudanese Government-controlled areas. Despite several direct requests to Sudan's embassy in Brussels and indirect requests from third parties (potential partners) in Khartoum, IPIS researchers were unable to obtain a visa allowing them access to the country. This lack of access has of course limited IPIS' capacity to reflect the opinions and motives of a number of parties and communities involved in the border conflicts, thereby increasing the risk of bias. IPIS was not the first research organisation to struggle with this problem and believes that all reporting on Sudan would benefit from increased GoS-interaction with the research community.

The methodology behind the 'mapping conflict motives' research

The current report fits in a wider series of 'mapping conflict motives' reports, which IPIS began publishing in 2007. Previous reports have discussed armed conflicts in the Central African Republic and the DRC provinces of Katanga, North Kivu and Orientale. The series is characterised by a common methodology

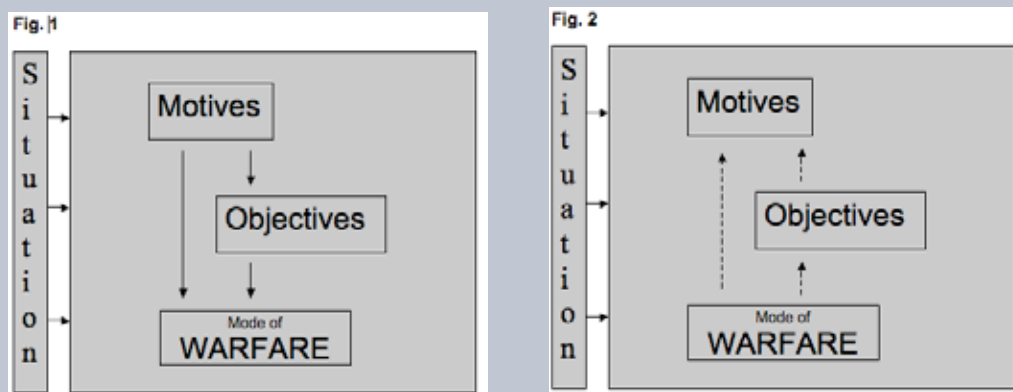
¹ Unity State and Warrap State have not been visited by IPIS.

involving the use of a map collection (presented online) as an evidence base to sustain the analysis of the motives of parties to an armed conflict (Box 0.1).

Box 0.1: Abridged methodology of the mapping conflict motives reports series

Our conflict-mapping is based on a simple and intuitive model. We understand armed conflict as a tool that is used to attain a goal or objective, such as secession from a State. Such objectives are driven by a motivation - for example people want to secede because they feel they are being discriminated against and oppressed.

Motivations and objectives are the drivers of war and, as such, they will influence the way(s) in which a war is being waged (Fig. 1). If we want to reveal the drivers of warring parties, we need to investigate facts and events in the field. Based on the assumption that the motives and objectives of warring parties shape their mode of warfare, we analyse concrete military actions and/or diplomatic decisions, and trace these back to what provoked them (Fig. 2).



When applying its model, IPIS uses GIS data to produce two different sets of maps. The first set presents the location of parties to a conflict's possible interests. The second shows conflict incidents, or the areas in which the warring parties concentrate their efforts.

During our analysis we overlay the two sets of maps to ascertain which targets are present on a territory where violent incidents occur, or tough negotiations are being held. From this comparison we endeavour to deduce the intentions of warring parties, accompanied by the consultation of a number of other sources. In addition, we compare the behaviour of the conflicting parties to the claims they make in their discourse. For example, does a map with combat incidents show that an ethnic militia is trying to protect its people?

The above approach is explained in detail in a methodological handbook published on the IPIS website (see: www.ipisresearch.be/maps/Handbook_Aug2008.pdf). In collaboration with the Political Science Department of the University of Antwerp, IPIS is currently revising and updating the methodology, based on recent academic evolutions in the field of peace research and a cross-case analysis of its 'mapping conflict motives' publications.

The *Mapping Conflict Motives series* originates from IPIS' conviction that a correct assessment of the motivations of armed groups is essential to conflict prevention and resolution. It is a crucial element in the formulation of appropriate strategies when dealing with armed groups in the context of peacekeeping, negotiations or stabilisation.

In the course of 2014, with World Bank funding, IPIS plans to apply the same methodology to the motives of parties involved in the recent escalation of violence in the Central African Republic.

Introduction to the web maps

Together with this text, a series of maps of the area of focus has been published at www.ipisresearch.be/mapping/webmapping/bordersudans. The web maps include information on security incidents, development, cattle migration, natural resources, agriculture, in addition to a number of other features. They are an integrated part of the research methodology and have been a crucial source for IPIS' analysis.

Given the difficulty of gathering precise geographic data and the poor quality of the information available, the maps inevitably contain inaccuracies and cannot be comprehensive. Therefore, all of the maps are to be considered indicative and limited, rather than an exact representation of the geographic features presented. It should furthermore be noted that the location of certain features, such as disputed areas, is inherently open to discussion. **IPIS wishes to stress specifically that none of the information on our maps should be considered to reflect the organisation's opinion on ongoing border negotiations. IPIS welcomes any feedback or corrections at mapping@ipisresearch.be.**

For its maps IPIS has made extensive use of the GIS data included in two digital atlases: for Sudan, the IMWG (Information Management Working Group) Digital Atlas, Version 9, May 2013, produced by the Crisis and Recovery Mapping and Analysis (CRMA) Project of UNDP Sudan; for South Sudan, the South Sudan IMWG Digital Atlas, Version 5, July 2012, produced by the National Bureau of Statistics (NBS) with support from UNDP (CRMA Project). The information included in these atlases was provided by a variety of international and national actors, including UN agencies, INGOs, universities, government and local institutions.

The base layers map shows general geographic features such as settlements, road infrastructure, hydrology and administrative borders. The map is based on data from the above-mentioned atlases.

The incidents data layer shows the approximate location of violent incidents, while giving a short description of the events as reported on by secondary sources such as UN agencies, UN missions, local and international NGOs, as well as in newspaper articles.

The natural resources data layer indicates locations of ongoing artisanal mining activity near frontlines, mining concessions, and mineral occurrences. It also shows oil fields in the border area, and oil pipelines. The map data comes from a variety of sources including IPIS interviews, company websites, the Geological Map of the Republic of Sudan (Khartoum, 1981), and the European Coalition on Oil in Sudan (ECOS).

The data layer on cattle migration and grazing is self-explanatory. It is based on the above digital atlases, on the comprehensive reports of Concordis International (2010, 2012) and on field research conducted by IPIS and its partners.

The agriculture data layer shows the location of a number of mechanised farming concessions as well as areas designated for the revitalization of Sudanese acacia gum production. Data originates from UNEP, IPIS interviews and the Sudanese Ministry of Trade.

The data layer on contested border areas includes both the 'disputed' and 'claimed areas', giving a short explanation of their origin. The areas were copied from a GoSS map, supplemented by an approximate location of additional areas that were missing. The use of GoSS data does not imply either support for, nor rejection of, the GoSS position in the border negotiations. The map also shows several SAF and SPLA positions within the SDBZ, based on satellite imagery from the Satellite Sentinel Project.

The data layer on schooling shows the location of secondary schools in Sudan and uses data from the Sudan Digital Atlas.

The hide-out data layer shows elevation values, and buffer zones of 10 km around important roads and 20 km around major towns, to indicate the best areas for conflict parties to retreat into hiding, whether under military pressure or when using guerrilla tactics.

1. A general overview of the South Sudan-Sudan border

1.1 Post-referendum relations between Sudan and South-Sudan

When South Sudan became independent on the 9th of July 2011, a number of unresolved issues remained, despite being necessary to conclude the split from the rest of Sudan. The main stumbling blocks included agreement on the use of oil infrastructure, the division of State debts, the status of nationals of one country in the other, and the demarcation of the common border. Upon both parties' request it was decided that the African Union High-Level Implementation Panel (AUHIP) would facilitate the negotiation of these questions.²

However, deteriorating relations between the two countries quickly superseded these proceedings. In the first half of 2012 both the Sudan Armed Forces (SAF) and the Sudan People's Liberation Army (SPLA) carried out a series of cross-border attacks (see chapters 2.1 and 6.1). Whereas the SAF discharged more than a dozen air strikes on South Sudanese territory, the SPLA attacked, alongside Justice and Equality Movement (JEM) and the SPLM-N 1st Division, Sudan's biggest remaining oilfield at Heglig. Interstate violence peaked in March and April 2012; the international diplomatic community, fearing an unstoppable escalation, issued weekly statements calling for a cessation of hostilities and a political dialogue.³

Conflict between the two countries was not limited to clashes between the two armies. Frustrated by the AUHIP process⁴ and in an attempt to take an economic swing at Sudan, South Sudan had already shut down its oil production in January. The measure severely affected the state budgets of both countries, which both heavily rely on oil revenues.

The prospect of further escalation and a new full-out interstate war in Africa caused a flurry of diplomatic activity. On the 24th of April the African Union Peace and Security Council (AUPSC) adopted a road map to resolve the outstanding issues between Sudan and South Sudan. On the 2nd of May the road map was included in UN Security Council resolution 2046(2012).

In the following months the situation calmed down significantly and only a few cross-border attacks were reported. Although it would take another few months before the two countries would sign their first cooperation agreement, resolution 2046 marked the start of a cautious *détente* in the interstate relations.

On 27 September 2012 a breakthrough was reached when the GRSS and the GoS signed a series of nine bilateral agreements under the auspices of the AUHIP and IGAD (Intergovernmental Authority for Development). The agreements tackled sensitive issues such as oil, security, trade and borders. The AUHIP also attempted to reach an agreement on the final status of Abyei, but its proposal was rejected by Khartoum (see chapter 4.3.).

Despite what seemed like a diplomatic milestone, the implementation of the cooperation agreement was immediately delayed. Interstate violence flared up again in November 2012 when the SAF bombed Kiir Adem in Northern Bahr-El Ghazal for three consecutive days. It was only in March 2013 that the countries adopted an implementation matrix to facilitate the coordinated enactment of their commitments. The matrix set concrete and ambitious deadlines for each of the nine "issues" included.

Again, the implementation stalled. The African Union (AU) described the stalemate as "a continuing disagreement between the Governments of Sudan and South Sudan over the implementation of the security arrangements."⁵ Throughout the whole process two main security obstacles have remained:

² Report of the Secretary-General on the Sudan and South-Sudan, 26 November 2012, *UN Doc. S/2012/877*.

³ Global Centre for the Responsibility to Protect, *Timeline of International Response to the Situation in South Kordofan and Blue Nile States, last updated on 26 October 2013*.

⁴ Report of the Secretary-General on South Sudan, 7 March 2012, *UN Doc. S/2012/140*.

⁵ African Union Peace and Security Council *Report on the activities of the AUHIP and other related issues, 23 September 2013, AU*

firstly, the mutual accusations of support to rebel groups fighting the other government; secondly, the difficulties of establishing a Safe Demilitarized Border Zone (SDBZ), monitored by a Joint Border Verification and Monitoring Mechanism (JBVMM).

The Government of Sudan (GoS) has repeatedly accused the Government of the Republic of South Sudan (GRSS) of providing support to rebels from Darfur, South-Kordofan and Blue Nile States. Khartoum's complaints include the hosting of key rebel leaders, the provision of logistical military support, and the participation of SPLA forces in rebel operations.⁶ It has been especially adamant about stopping alleged SPLA support from areas within Pariang County in Unity State, to Sudan People's Liberation Movement/Army – North (SPLM-N) and JEM operations in South Kordofan.⁷ This partially explains why the GoS has repeatedly bombed Pariang County.

From its side, the GRSS has complained about GoS support to militias in Jonglei, Upper Nile and Unity States. Juba has reported cases of military support, such as the airdropping of supplies to David Yau Yau in Jonglei State in September 2012.⁸ Furthermore, it has claimed that nine top commanders of South Sudanese militias, including George Athor, Gordon Koang, Johnson Ulony, Ayuok Ogat and Bapiny Monytuel have met in Khartoum to discuss the unification of their groups into one rebel movement.⁹

In May and June 2013 the issue of armed group support dominated the Sudans' relationship a (potential) last time when Sudanese President Bashir threatened to stop the flow of South Sudanese oil exports through Sudan.¹⁰ However, from July 2013 onwards the Sudanese and South Sudanese Chiefs of Intelligence started meeting each other on a regular basis in the framework of a Joint Security Committee (JSC) to investigate allegations of rebel support. By the end of November the JSC had met on five occasions and it appeared that the complaints had decreased.¹¹

The SDBZ was the most prominent feature of the 27 September 2012 Agreement on Security Arrangements between the Republic of Sudan (RoS) and the Republic of South Sudan (RoSS). The process should result in a 10 km wide demilitarised zone to prevent further cross-border armed conflict between the two countries as was witnessed in March and April 2012.

The SDBZ issue is closely linked to the issue of support to armed groups because both parties have been reticent towards allowing for such an area as long as domestic rebel groups operate along the border. In addition, the SDBZ is politically sensitive because, both locally and nationally, fears exist that the demarcation of the centre-line for such a zone would establish the de facto future border between the two countries. In September 2013 the Small Arms Survey reported a series of difficulties relating to the demarcation of the zone and the deployment of JBVMM monitors, concluding that the "SDBZ is neither safe, nor demilitarized".¹²

Nevertheless, the first signs of increased cooperation have appeared. In April, South Sudan partially restarted its oil production. In the following eight months President Bashir visited Juba on two separate occasions and President Kiir travelled to Khartoum once.

Doc. PSC/AHG/4.(CCCXCVII).

⁶ Implementation Modalities for Security Arrangements agreed on 27 September 2012 Between The Republic of the Sudan and the Republic of South Sudan; *Concerns and Complaints submitted to JPSM Co-Chairs*, Addis Ababa, 8 March 2013.

⁷ Throughout the text the rebel movement will be referred to using the acronym of its political wing the SPLM-N, not its military wing SPLA-N, so as to avoid confusion.

⁸ Implementation Modalities for Security Arrangements agreed on 27 September 2012 Between The Republic of the Sudan and the Republic of South Sudan; *Concerns and Complaints submitted to JPSM Co-Chairs*, Addis Ababa, 8 March 2013.

⁹ Letter from Ambassador Dr. Francis Nazario of the Permanent Mission of the Republic Of South Sudan to the United Nations addressed to President of the UN Security Council, 30 May 2012

¹⁰ Reuters, *Bashir threatens again to stop oil exports from South Sudan*, 21 June 2013.

¹¹ Sudan Tribune, *Khartoum, Juba reach understanding on rebels*, 28 November 2013.

¹² HSBA, *The Safe Demilitarized Border Zone, Updated 13 December 2013. In the same period, convincing satellite imagery on SAF and SPLA positions in the SDBZ was also provided by the Satellite Sentinel Project: Satellite Sentinel Project, Continued Violence. Both Sudans Still Violating Demilitarized Border Zone*, September 2013.

1.2 The border file

In December 2013, there was no official border demarcation between the countries of Sudan and South Sudan. When travelling through the border area, one could not determine where precisely one country began and the other ended. Although the border demarcation process was initiated back in September 2005, in the wake of the Comprehensive Peace Agreement (CPA), it has not yet reached its conclusion. The process has become entrenched, and in the near future, there appears to be no end in sight.

Unfortunately, the limits of the border discussion itself are not clearly defined. On the one hand, the African Union and other international diplomats usually limit the problem to five officially disputed areas and the Abyei box; from West to East: the Kafia Kingi enclave, the “14-mile area”, Kaka town, Jebel Megeinis and Jodah. However, in practice, the GoS and the GRSS have argued, and sometimes fought, over several additional areas including Heglig, the wider Kaka area, and Eastern Rank County. In addition to the five disputed areas, a second category of so-called ‘claimed areas’ came up after the GRSS contested more territory during border negotiations. More information on all contested and claimed areas is provided below. They are also indicated on the web maps ipisresearch.be/mapping/webmapping/bordersudans.

Many contributing factors explain the failure to resolve the border issue, but arguably the most important one is the initial decision of both parties to resolve the issue through a technical committee whilst using a single criterion: the 1st of January 1956 internal border line.¹³ These choices deny the reality that both Sudan and South Sudan have considerable strategic, symbolic, economic and political interests in the area. The loss of a few hundred square kilometres in a relatively densely populated, resource rich area with an uneven access to water can be, and have been, sufficient to block an entire agreement. Any solution almost inevitably implies a political negotiation with demands, concessions and compromises. Unfortunately, although the negotiation process has evolved, it is still mostly treated as a legal/technical issue¹⁴ (Box 1.1).

In addition, a technical approach inherently excludes any involvement of, let alone ownership by, local communities. However, a sustainable border solution would certainly benefit from the support of local populations, with interests of their own, especially in a region with a widespread circulation of small arms and a large presence of armed groups and militias.

In September 2010, Concordis, an organisation running a cross-border peace building programme, found that “the whole North-South border area carries potential for local contestation”, while adding that “local communities do not feel consulted in the definition of the North-South border”.¹⁵ Such sentiments continued into 2013, despite the appointment of the AU team of border experts.¹⁶

Both the border negotiations and the general relationship between Sudan and South Sudan are influenced by, at times turbulent, political developments within both countries. These are discussed in the following paragraphs.

¹³ This is the date of Sudan’s independence. However there is no comprehensive map from that period, showing the border area in sufficient detail. An extensive overview of the available maps can be consulted at: <http://lewis.dur.ac.uk/apps/maps/Sudan250000/index.html>

¹⁴ It is worth pointing out that the technical delimitation, delineation and demarcation of the 1956 Sudan-South Sudan border is an extremely complicated exercise in itself, regardless of the interests of countries and populations. A useful insight from the US State Department’s Office of the Geographer into this complexity is available online at: <http://wiki.openstreetmap.org/w/images/7/7d/SudanBoundaryReport.pdf>

¹⁵ Concordis International, *More than a line: Sudan’s North-South border*, September 2010, p.10 and p. 15.

¹⁶ Sudan Tribune, *SPLM office in Upper Nile denies questioning impartiality of AU border experts*, 24 August 2013.

Box 1.1: The post-2011 border demarcation process

In the run-up to South Sudan's independence the African Union High-Level Implementation Panel on Sudan (AUHIP) became involved in the border case as a facilitator.

Despite the AUHIP's involvement, there have still been no credible political negotiations since. Indeed, the SPLM has consciously steered away from them. In its own words the GRSS is "not willing or able to simply do political "swaps" around the rights of local communities to their lands and the corresponding sovereign rights of the its new State over specific territories that the GoS has misappropriated and annexed".¹⁷

Diplomats following the process have explained that the GRSS has long tried to avoid negotiations because it believes the GoS, which has a reputation for not honouring agreements, would use them to further stall the process.¹⁸ However, in recognition of the reality that the deadlock must be broken somehow, Juba has advocated for further international mediation. It has also appeared convinced that such a process would work in its favour.¹⁹

Consequently, in July 2012, Juba demanded a solution through international arbitration.²⁰ However, such an arbitration process would not only take a long time but would also not guarantee a politically acceptable and workable solution to the problem.

The AUHIP therefore formulated an alternative strategy. In August 2012, it suggested the appointment of a panel of three "independent experts" to draft a non-binding but weighty opinion on the border deadlock. The experts were to finish their work in less than a year and publish their final conclusions by the 15th of May 2013, which was an extension of the original deadline. Whereas initially the experts would focus solely on the 'disputed areas', they were later expected to look into the 'claimed areas' as well, during a second phase²¹

Border issues also formed part of the agreements between Sudan and South Sudan signed on the 27th of September 2012. The part on borders confirmed the delimitation of the border following the 1st of January 1956 borderline. It established a Joint Demarcation Committee (with a technical team) and announced a demarcation period accompanied by a series of deadlines.²² The text seemed to assume political agreement had been reached and mostly focused on the procedures for technical demarcation.

The deadlines for both the independent AU Experts and the Joint Border Committee have now long passed, but neither process has managed to generate concrete results. By November 2013 negotiations over a SDBZ had taken priority over border demarcation.²³

1.3 Post-independence political developments in South Sudan

The outbreak of intra-SPLM/A fighting in Juba in December 2013 was an example of a political development in Juba having a profound impact on North-South relations and, by extension, the border dynamics. In this case, the conflict between President Kiir and Riek Machar, led Khartoum to opt for

¹⁷ Republic of South Sudan Negotiation Team, *Border: Disputed and claimed areas, Briefing #3*.

¹⁸ Interviews IPIS with observers border negotiations, Addis Ababa, March 2013. A UN observer who was previously active in Darfur added that even the notorious Janjaweed leader Musa Hilal explained to him that too many agreements and deals signed by the NCP were later violated by the regime.

¹⁹ Craze J., *Dividing Lines. Grazing and conflict along the Sudan-South Sudan Border, Small Arms Survey report, July 2013, pp. 38-39*.

²⁰ Republic of South Sudan Negotiation Team, *Border: Disputed and claimed areas, Briefing #3*.

²¹ Interviews IPIS with observers border negotiations, Addis Ababa, March 2013.

²² Agreement between the Republic of Sudan and the Republic of South Sudan on border issues, 27 September 2012.

²³ Interview IPIS with diplomat, Addis Ababa, November 2013.

increased cooperation with the incumbent regime.²⁴ Intra-SPLM tensions had been palpable before this point, generating impacts on conflict in the border region. The political tug of war over the Abyei referendum was another case in point.

Re-emerging divisions

Pre-independence, internal divisions within the SPLM were suppressed, as unity was seen as essential to withstanding pressure from the NCP. However, as soon as the country became independent in 2011, these divisions came to the fore. Within the SPLM's highest political organ, the Political Bureau, there are, broadly speaking, two factions opposing a third, led by President and SPLM chairman Salva Kiir. The first is the so-called Nasir faction led by Riek Machar.²⁵ The second is the faction of the 'Garang Boys' revolving around former Secretary General Pagan Amum and Rebecca Nyandeng Mabior, the widow of the late John Garang.²⁶

In 2011, the Political Bureau was reduced from 27 to 19 members as the SPLM-N split from the party after South Sudan's independence. This would prove to be detrimental to the party's stability, as a shift in the alliance of only a few bureau members could alter the balance of power within the SPLM's decision-making organ.

From the end of 2012 onwards, competing ambitions in the party's leadership increasingly determined intra-party dynamics. Ahead of the 2015 Presidential elections, discussions on party chairmanship as well as the composition of its Political Bureau and National Liberation Council were crucial, as their terms would end in 2013 according to the party statutes. Moreover, stakes within the Political Bureau were particularly high, as it had to agree on a new draft party constitution, political programme, code of conduct and rules and regulations.²⁷ Salva Kiir's opponents started to capitalise on discontent within the SPLM, and publicly criticised him for his lack of achievements.²⁸

Open opposition leads to drastic measures

Tensions reached a new high at the Political Bureau meeting of March 2013, when Pagan Amum and Riek Machar openly challenged Salva Kiir, leaving little doubt about their ambitions to lead the country and the party. Riek Machar, in particular, made his intentions explicit by enumerating six 'challenges' facing the country, such as corruption, tribalism and a lack of vision.²⁹

Unsurprisingly, the meeting ended without an agreement on the party's constitutive documents. Over the course of the following months, senior party members called repeatedly to reconvene the Political Bureau; Salva Kiir declined.³⁰ With the party's institutions in a complete deadlock, a public power play unfolded with each of the protagonists exploiting their relative strength. Whereas Salva Kiir capitalised on his authority as President and party chairman, Riek Machar turned to soft power strategies, seeking to influence the public opinion and the SPLM's parliamentary caucus.

On the 15th of April 2013, Salva Kiir withdrew the executive powers of Riek Machar as Vice President in a move that was followed by a series of suspensions and dismissals in the Government and Political Bureau. At the end of June, President Kiir suspended the then Minister of Finance, Kosti Manibe, and Minister of Cabinet Affairs, Deng Alor Kuol, both Political Bureau members, on the grounds of allegations

²⁴ Financial Times, *Sudan's President backs Salva Kiir against rebels*, 8 January 2014.

²⁵ The group and its name find their origins in the 1991 split from the SPLM by influential figures such as Riek Machar, Taban Deng and Lam Akol. Before rejoining the SPLM/A in 2002, Riek Machar aligned with the government in Khartoum in 1997. Many within the SPLM have never forgiven him and his followers for what they perceive to be a double act of treason.

²⁶ Awolich A. and Ding Akol Z., *The SPLM Leadership Contest: an opportunity for change or a crisis of governance*, The Sudd Institute, 23 July 2013, p. 5.

²⁷ This a prerequisite to register the SPLM as a political party and participate in the elections, as the party was still operating on a registration certificate issued in Khartoum before independence.

²⁸ A. Awolich and Z. Ding Akol, *The SPLM Leadership Contest: an opportunity for change or a crisis of governance*, The Sudd Institute, Juba, 23 July 2013.

²⁹ Sudan Tribune, *Vice President (VP) Machar speaks on hopes to lead South Sudan*, 5 July 2013.

³⁰ Interview IPIS with international diplomat, Juba, November 2013.

of corruption. Shortly afterwards, he relieved Taban Deng Gai, part of the Nasir faction in the Political Bureau and Unity State Governor, of his function.

On the 23rd of July 2013, Salva Kiir surprised many observers by signing a series of Presidential Decrees, relieving not only Riek Machar from his position as Vice President, but the entire Government.³¹ At the same time, he issued an order as Chairperson of the SPLM suspending Pagan Amum, who had criticised the investigation against Kosti and Deng Alor as politically motivated. An internal investigation was started against him on allegations including “insubordination to the SPLM leadership by using the public media to discredit the SPLM and its leadership.”³²

Over the course of a month, Salva Kiir thus had either suspended or relieved eight members of the Political Bureau from their function in the Executive or the party. He also called on his opponents to leave the SPLM and start their own party if they did no longer agree with the party line.³³

Kiir’s sudden move seems to have been a calculated attempt to reach several goals. Firstly, he weakened intra-party opposition by sidelining his most vocal and influential critics. Secondly, reshuffling his cabinet allowed him to reward loyalists and reach out to new allies by offering them the vacant positions. Thirdly, it offered him an opportunity to placate Khartoum by offering several positions to politicians with an NCP background, such as the new Minister of Health and the Caretaker Governor of Unity State.

Lastly, Kiir had been under pressure to increase the performance of his government. Consequently, he appointed new Ministers with a more technocratic orientation, less likely to be subject to allegations of inertia and corruption. This was also the way in which Kiir represented the shuffle to the public.³⁴ In the same spirit, one of the four decrees Salva Kiir issued on the 23rd of July dealt with the restructuring and rationalisation of the Ministries.³⁵

The criticism continues and the power struggle escalates

President Kiir’s actions did not silence his opponents. Headed by Riek Machar, Pagan Amum and Rebecca Nyandeng Mabior, they denounced what they called Kiir’s increasingly ‘dictatorial tendencies’ and accused him of transgressing his constitutional powers and bypassing the party institutions and Parliament. Moreover they alleged that he conspired with the NCP, endangering the independence of the country.³⁶

Confrontation further escalated in August, when political wrangling ensued within the SPLM dominated Parliament, especially over the appointment of Wani Igga as Vice President. When he risked lacking the necessary parliamentary support, Salva Kiir reportedly threatened to “dissolve the Parliament and make the lawmakers roam in the streets.”³⁷ In October Kiir’s political rivals saw another opportunity to challenge his leadership when the government did not recognise the referendum organised by the Dinka-Ngok on the final status of Abyei (see chapter 4.3).

President Kiir continued to dismiss repeated calls to convene the Political Bureau, announcing instead that the National Liberation Council (NLC) would convene on the 23rd – 25th of November in an attempt to circumvent the Political Bureau.³⁸ On the 15th of November, Salva Kiir further brought the situation to a head by publicly stating that the SPLM’s party structures were dissolved. One week later, he confirmed

³¹ Republican Decree No. 49/2013 for the Relieve of the Vice President of the Republic of South Sudan 2013 AD; Republican Decree No. 50/2013 for the Relieve of all the National Ministers of the Government of the Republic of South Sudan, 2013 AD; Republican Decree No. 51/2013 for the Relieve of all the National Deputy Ministers of the Government of the Republic of South Sudan, 2013 AD

³² The Chairperson’s Order No. 01/2013 for the Suspension and Formation of the Committee to Investigate the SPLM Secretary General, 2013 AD

³³ Sudan Tribune, *Form your own party, Kiir tells SPLM contenders*, 30 July 2013.

³⁴ Sudan Tribune, *President Kiir’s decree was in response to public calls and austerity measures: official*, 26 July 2013.

³⁵ Republican Decree No. 14/2013 for the Reduction and Re-structuring of the Ministries of the National Government of the Republic of Sudan, 2013 A.D.

³⁶ See for instance Sudan Tribune, *Commentators warn of Juba re-submission to Khartoum*, 20 October 2013.

³⁷ Sudan Tribune, *Kiir threatens to dissolve parliament unless it supports Wani Igga’s appointment*, 24 August 2013.

³⁸ Interview IPIs with international diplomat, Juba, November 2013. This further provoked the Bureau members opposing him, who insisted that it was up to the Bureau to submit a draft to the NLC, which would then convene the National Convention for approval by the party base.

the dissolution ex officio of the Political Bureau and the NLC, invoking the justification that the mandate of the institutions had ended in May 2013. In spite of the supposed dissolution of the NLC, Wani Igga announced that the NLC was rescheduled to meet on the 9th of December 2013.

In the weeks leading to the meeting of the National Liberation Council, party members continued to throw mud at each other in public statements but the meeting eventually took place on Saturday 14 December. Kiir's critics withdrew from the meeting as they accused him of lacking a 'dialogue spirit'.³⁹ The meeting continued on Sunday, but none of the dissidents were present.

In the evening of Sunday 15 December, members of the presidential guard clashed in the barracks of the former Joint Integrated Unit in Juba.⁴⁰ The following day, fighting spread through the capital and President Kiir addressed the press in full military attire, accusing Machar of having plotted a coup attempt.⁴¹ The latter denied, but later assumed the *de facto leadership of the intra-SPLA rebellion*.⁴² Gunfights continued, mainly at night, and at least 20,000 people sought refuge in the two main bases of the United Nations Mission In South Sudan (UNMISS) in Juba.⁴³ The authorities began arresting senior SPLM members aligned with Machar, amongst whom several former ministers.⁴⁴ Suspended SPLM secretary-general Pagan Amum was arrested a couple of days later, but Riek Machar remained at large. In the meanwhile, reports started to emerge about mass extrajudicial killings by both sides, arrests based on ethnicity and mass graves.⁴⁵

The SPLA retained control of Juba and the security situation in the capital stabilized but remained tense. However, fighting spread to other parts of the country. On the 18th of December 2013, Peter Gadet, commander of the 8th SPLA Division defected and took control of Bor.⁴⁶ Briefly afterwards, armed Nuer youth attacked a UN base in Bor, killing two Indian peacekeepers and dozens of Dinka who had sought refuge in the camp. On the 21st of December, the commander of the 4th SPLA Division in Unity State, defected, occupying Bentiu.⁴⁷ Fierce fighting between SPLA loyalists and defectors also took place over control of Malakal and the city changed hands several times. By the end of December 2013, the UN estimated that over a thousand people had been killed and that an estimated 194,000 people were displaced, 57,500 of which sought shelter in UN bases.⁴⁸ In the first week of January 2014, the parties started peace talks in Addis Ababa.⁴⁹

1.4 Post-independence political developments in Khartoum

As opposed to Juba, Khartoum has faced both vocal political and military opposition for years. Consequently they have always been part of NCP calculations on border issues.

Indeed, the signing of the CPA and the independence of South Sudan did not stop the contestation of the incumbent regime in Khartoum. Previous rebel pressure on the NCP from within (what is now) South Sudan shifted after independence to the 'new South' in the Nuba Mountains and Southern Blue Nile State – both SPLA strongholds from before the CPA – whilst the conflict in Darfur continued. The various rebel groups managed to form an increasingly unified front under the banner of the Sudan Revolutionary Front (SRF), and have since demonstrated clear political ambitions.

Concurrently, an economic crisis emerged in Sudan, following the regime's loss of about 75% of its oil revenue. This fuelled popular discontent and sparked protests, strengthening the political opposition.

³⁹ Sudan Tribune, *SPLM leaders pull out of NLC meeting over "lack of dialogue spirit"*, 15 December 2013.

⁴⁰ Sudan Tribune, *South Sudan's presidential guards clash in Juba*, 16 December 2013.

⁴¹ Sudan Tribune, *Kiir says former VP behind Juba gunfire, declares curfew*, 16 December 2013.

⁴² Sudan Tribune, *EXCLUSIVE: South Sudan ex-VP denies coup attempt, labels Kiir 'illegal president'*, 18 December 2013.

⁴³ OCHA, *South Sudan Situation Report as of 23 December 2013*, p.1

⁴⁴ Sudan Tribune, *S. Sudan arrests 10 senior officials over failed "coup attempt"*, 17 December 2013.

⁴⁵ UN Secretary-General, *Note to Correspondents on South Sudan*, 24 December 2013; Human Rights Watch, *South Sudan: Ethnic Targeting, Widespread Killings*, 16 January 2013.

⁴⁶ For a background on Peter Gadet, see chapter 6.1

⁴⁷ See chapter 6.3

⁴⁸ More recent estimates put the death toll much higher, to up to 10,000 people. UN, *South Sudan: UN mission cites 'clear indications' death count much higher than early estimates*, last accessed on 25 January 2014. OCHA, *South Sudan Situation Report as of 1 January 2014*, p. 1

⁴⁹ Sudan Tribune, *South Sudan rivals set for direct peace talks in Addis Ababa*, 3 January 2013.

Whilst the NCP was internally divided, the opposition sought, but (so far) largely failed, to forge a unified front and strengthen ties with the SRF.

Armed and political opposition: alliance and divergence

The large majority of Sudan's armed opposition is unified within the SRF. The four founding members are the Sudan Liberation Army - Abdel Wahid (SLA-AW), the Sudan Liberation Army-Minni Minawi (SLA-MM) and JEM from Darfur, and the SPLM/A-N from the Nuba Mountains and Blue Nile.

A few smaller rebel groups remain outside of the coalition. The Darfur movement Sudan Liberation Army – Unity (SLA-Unity), for example, is not part of the SRF. The SLA-Unity leadership claims it has been discussing membership with SRF whilst trying to resolve some 'internal problems'.⁵⁰ However, representatives from the rebel coalition explain that they cannot accept SLA-Unity as a separate member, because broadening the membership with smaller splinter groups would offer Khartoum opportunities to create divisions that could lead to disintegration.⁵¹

On the other hand, the SRF has reached out to several political opposition movements to enlarge its membership and combine efforts to oust the incumbent regime. Not only was the SRF a co-signatory to the New Dawn Convention (NDC) in Kampala in January 2013 (see below), it also toured across Europe with several opposition politicians in November 2013 to discuss the group's political plans after the regime would change (see box 2.2).

It is important to note that the SPLM-N is an important driver of the SRF's interaction with Sudan's political opposition. In fact, its contacts with the opposition parties predate the creation of the SRF. The SPLM-N was itself first created as a political party, gathering together the Northern constituency of SPLM. The party ran in the 2010 elections and Malik Agar became the only elected Governor in the whole country who was not an NCP member.

During the ongoing coalition-building of the armed opposition, the political opposition also increased its collaboration and sought to combine forces through forming an alliance including the National Umma Party (NUP) of Sadiq Al-Mahdi⁵², the Popular Congress Party (PCP) of Hassan Al-Turabi⁵³, the Sudanese Communist Party (SCP) and the Democratic Unionist Party (DUP).⁵⁴ Such alliances had already been established in 2008, against the backdrop of the NCP's failure to implement the provisions on democratisation and human rights contained in the CPA and Cairo Agreements.⁵⁵ It adopted its current name, the National Consensus Forces (NCF), after a conference in Juba in September 2009. However, the NCF broke apart in the run-up to the 2010 elections due to internal disagreement.

Amidst mounting street protests against austerity measures in June and July 2012, the NCF leaders renewed their collaboration and adopted the Democratic Alternative Charter (DAC), wherein they called for a "peaceful mass struggle" through civil disobedience and popular uprising to topple the regime. The charter envisaged a three-year transitional period, leading to democratic elections. However the NCF failed to capitalise on the momentum of the street protests, which were violently repressed.⁵⁶

Although the SRF was not a signatory to the DAC, declarations by both sides made clear that there was an on-going rapprochement between the political and armed opposition. According to Mubarak Al-Fadil, the leader of the Umma Party Reform and Renewal, the SRF was 'part and parcel' in the consultations on

⁵⁰ Interview IPIS with SLA-Unity leadership, confidential location, April 2013.

⁵¹ Interviews IPIS with SRF representatives, Kampala, December 2013.

⁵² Sadiq Al-Mahdi was Sudan's prime minister before the 1989 coup by the National Islamic Front

⁵³ Hassan Al-Turabi is an Islamist politician and a former leader of the National Islamic Front, the forerunner of the present-day NCP. He formed the PCP after splitting from the NCP in 1999 as a result of a confrontation with President Bashir and his allies, partly over the power and role of the military in the regime.

⁵⁴ The Al Mirghani faction of the DUP joined the government late 2011, which led to strong divisions within the party. These were further exacerbated when Al Mirghani refused to leave the government after a unanimous recommendation by an internal committee to do so. (See Sudan Tribune, *DUP dismisses reports it has withdrawn from Sudanese government*, 22 December 2013)

⁵⁵ At that time the alliance also included the SPLM and several civil society groups. (Source: International Crisis Group, *Sudan: Major Reform or More War*, Africa Report No. 194, 29 November 2012, p. 17).

⁵⁶ *Ibid*, p. 18.

the DAC.⁵⁷ Yasir Arman, the SRF secretary of External Affairs, confirmed these exchanges and called for a common manifesto on democratic change between the NCF, the SRF and civil society representatives.⁵⁸

This aim was reached when, on the 5th of January 2013, the New Dawn Charter (NDC) was adopted in Kampala, Uganda.⁵⁹ In the Charter, the signatories advocated for regime change and laid out the principles of a four-year transitional period that should lead to a constitutional democracy. These principles included the separation of religion and state, respect for human rights, and a federal structure based on eight regions.

The NCP immediately heavily criticised the Charter, condemning the parties' plans for a secular state and for consorting with rebels to overthrow the regime. On the 10th of January 2013, Omar al-Bashir threatened to ban all political activities of parties that signed the charter. The National Intelligence and Security Service (NISS) organised a crackdown on the NCF, arresting six prominent opposition members and detaining them for several weeks without formal charges.⁶⁰ The NISS director, Mohamed Atta Abbas Al-Moula, officially requested the Political Parties Affairs Council (PPAC) to ban the NUP, the PCP and SCP.

The regime's reaction caused unrest and divisions both between and within the opposition parties. Soon, several started to distance themselves from the NDC. The PCP reiterated its commitment to an Islamic state in Sudan, while Sadiq Al-Madhi, the leader of the NUP, stated that his party wanted regime reform through an inclusive process with the NCP.⁶¹ For its part, the SCP stated in a letter to the PPAC that it had not authorised its delegate to the negotiations to sign such a document, and was hence not party to the charter

By November 2013 the political opposition remained divided and the ambitious programme put forward in the NDC had become a mere symbol of a failed attempt to unite. The impact of the NDC on the SRF was more significant; the dialogue with the political opposition strengthened the rebels' legitimacy. This was illustrated on the aforementioned SRF Europe tour, where it announced its intention to transform its coalition into one political party (see box 2.2).⁶²

A multi-fractured NCP

The NCP is also faced with the weight of internal struggles. One division revolves around security issues and strategies for responding to the armed opposition in old and new peripheries. This division is personified by the rift between Nafie Alie Nafie and Ali Osman Taha. The security hardliners' camp is headed by Nafie Ali Nafie, until recently a Presidential Adviser and considered to be the informal head of the security apparatus.⁶³ This camp believes that internal resistance should be dealt with by decisive military action: accommodating demands for reform only weaken the NCP's grip on power. Before and after the independence of South Sudan, this group played a pivotal role in the regime's strategy to groom and support armed groups against the SPLM.⁶⁴

Nafie's opponent, Ali Osman Taha, was until recently the First Vice President of Sudan and is one of the co-architects of the CPA. His group advocates for accommodating talks and a limited number of concessions to divide and temper the opposition. He has openly accused Nafie Ali Nafie of fuelling the resistance against the NCP. For his part, Nafie has accused Taha of having sold off South Sudan through the CPA.⁶⁵

This deep-seated disagreement regarding how to handle the security question is but one key example of intra-party struggle. In addition both civilian party members and military cadres are increasingly discontented with the party's corruption, the country's economic situation, and the lack of political

⁵⁷ Sudan Tribune, *Sudanese opposition forces sign charter on "democratic alternative" to NCP*, 5 July 2012.

⁵⁸ Yasir Arman, *The SPLM-N Position on the National Consensus Forces Democratic Alternative Charter*, Sudan Tribune, 9 July 2012.

⁵⁹ For the full text, see: <http://justiceandequalitymovement.com/values-post/western-facing/>, last accessed on 25 January 2014.

⁶⁰ Human Rights Watch, *World Report 2013*, 2013.

⁶¹ Sudan Tribune, *Sudanese opposition leader says "New Dawn" charter full of mistakes*, 27 January 2013.

⁶² Sudan Tribune, *Sudanese rebels seek to transform SRF alliance into one party*, 25 November 2013.

⁶³ International Crisis Group, *Divisions in Sudan's Ruling Party and the Threat to the Country's Future Stability*, Africa Report No. 174, 4 May 2011, p. 14.

⁶⁴ International Crisis Group 2012, *cit.*, pp. 12-13;

⁶⁵ *ibid.*

reform. Throughout 2011, several NCP branches, including the youth wing, the Islamic Movement and the army, addressed several memos to the NCP leadership, denouncing the way in which the party was heading.⁶⁶ Ghazi Saladeen Al-Atabani, the then leader of the NCP parliamentary caucus and presidential adviser at the time, became one of the most senior critics within the party and repeatedly called for economic and political reforms.⁶⁷

The 8th General Conference of the Islamic Movement in November 2012 turned out to be a contest of influence between the different NCP tendencies, especially the conservatives close to Al Bashir and the broader movement of reformists.⁶⁸ During the Conference, the adoption of a new constitution and the election of the new Shura Council and Secretary General were on the agenda. The defeat of Ghazi Al-Atabani over Ali Osman Taha for the position of Secretary General, illustrated the conservative domination of the Conference.

The conservatives' victory was followed by further intervention from the party establishment against the disgruntled reformists. On the 25th of November 2012, in what observers labelled as a 'pre-emptive strike', the NISS arrested its former director Salah Abdallah Gosh and Brigadier General Mohammed Ibrahim Abdul-Jalil (Wad Ibrahim), together with other security officers and civilians, while summoning Ghazi Al-Atabani for questioning.⁶⁹

After more than six months in detention, the alleged coup-plotters were formally indicted for *inter alia* undermining the constitutional order and inciting violence to topple the legitimate government – charges incurring a possible death sentence.⁷⁰ Within the same period, the NCP adopted a set of Bills transferring authority over a number of crimes to the military justice system: harbouring a fugitive, undermining the constitutional order, and dealing with an enemy state.⁷¹

In July 2013, in an unanticipated move, the Minister of Justice dropped the charges against Salah Gosh while the other 'coup plotters' were convicted, but then immediately released them after they saw their sentences commuted by President Bashir.⁷² This unforeseen change of tune epitomised the regime's approach to security and countering dissent: a balancing act.

Economic crisis, popular protests and political fall-out

The loss of approximately 75% of its oil revenues led to a 55% decrease in Sudan's fiscal revenues and to a loss of two thirds of its foreign exchange reserves.⁷³ Subsequently, inflation rose dramatically to over 30% in 2012. This, combined with the impact of prolonged economic sanctions, propelled Sudan into a severe economic crisis. In an attempt to counter the crisis, the Sudanese Government tried to increase its exports and foreign exchange earnings, notably by boosting the production of gold and other minerals (see box 1.2). In addition, Sudan tried to reduce expenditure by cutting subsidies for fuel and other basic commodities.⁷⁴

The first cut in subsidies came in mid-2012, sparking several weeks of small-scale protests.⁷⁵ However, when on the 22nd of September 2013 the President announced further cuts, fuel prices hiked by nearly 100% overnight and large protests immediately broke out in several parts of the country, including

⁶⁶ Sudan Tribune, *Mysterious "reform memo" mirrors split of Sudan's Islamists*, 11 January 2012.

⁶⁷ El Gizouli M., *The NCP: clamour and glamour of dissent*, *Still Sudan*, 2013, last accessed on 25 January 2014 (<http://stillsudan.blogspot.be/2013/04/the-ncp-clamour-and-glamour-of-dissent.html>); For the series of memos Ghazi Atabani published since the second half of 2011, see <https://www.facebook.com/ghaziatabanifans> (in Arabic)

⁶⁸ International Crisis Group 2012, *cit.*, p.11.

⁶⁹ Sudan Tribune, *Sudan's NCP power struggle comes to surface, Bashir's aides suspected of involvement in coup attempt*, 23 November 2012; Sudan Tribune, *SUDAN: NCP insider says coup plot "charade" targeting dissidents*, 25 November 2012.

⁷⁰ Sudan Tribune, *Sudan's former spy chief speaks of "conspiracy" against him by Bashir's aides*, 17 July 2013.

⁷¹ Gramizzi C., *At an Impasse: the Conflict in Blue Nile, Small Arms Survey*, December 2013, p. 61.

⁷² Sudan Tribune, *Sudan's Bashir commutes jail sentences of coup planners*, 17 April 2013; Sudan Tribune, *Sudan's ex-spy chief freed after coup charges dropped*, 10 July 2013; Sudan Tribune, *Sudan's NCP makes U-turn on former spy chief*, 14 July 2013.

⁷³ International Monetary Fund, *Sudan: Article IV Consultation, IMF Country Report, 13/317, October 2013*, p. 4.

⁷⁴ The decision followed recommendations made by the International Monetary Fund, which deemed these subsidies to be inefficient and to disproportionately advantage the richer population. (Source: International Monetary Fund, *Sudan: selected Issues Paper, IMF Country Report 12/299, November 2012*, pp. 4-12).

⁷⁵ Khalid Abdelaziz, *Protests erupt as Sudan's Bashir unveils austerity plan*, *Reuters*, 18 June 2012.

Omdurman, Port Sudan, Atbara, Sinnar, Kosti and Khartoum. Several opposition parties called upon the citizens of Sudan to join the protests.⁷⁶ The regime, feeling threatened by the prospect of an Arab Spring-style revolt, reacted fiercely and used deadly violence to quell the protests and curb the opposition.⁷⁷

After ten days of protests, more than 210 protesters had been killed in Khartoum alone, according to Amnesty International.⁷⁸ Many more casualties were reported in the other cities, with sources in Omdurman counting 36 casualties in a single day. Furthermore, the majority of people treated for gunshot wounds were shot in the head or the chest, suggesting that the security forces intended to kill.⁷⁹

The Sudanese Government denied these allegations, stating that the SRF had infiltrated the demonstrations and announcing that it had arrested over 700 people in connection with the protests.⁸⁰ Civil society sources put the arrest figures much higher, and alleged that the NISS targeted figures of the political opposition and youth activists during the round-ups. Internet access was cut nation-wide and several newspapers were either shut down or received instructions not to report on the protests unless the information came from the authorities.⁸¹

The violent oppression of the protests had a considerable political ramifications, when on the 28th of September 2013, 31 NCP officials and supporters sent a memo to Omar al Bashir, denouncing the killing of protesters and calling upon the Government to reinstate the fuel subsidies. The memo was signed by prominent reformists, such Ghazi Al-Atabani, former Presidential Adviser and former head of the NCP parliamentary caucus, and Brigadier General Mohamed Ibrahim Abdel-Jalil, who had been detained in connection with the 2012 alleged coup attempt.

The NCP subsequently established an inquiry commission that recommended expelling three party members, including Al-Atabani, and suspending nine others who had signed the memo.⁸² After the party leadership endorsed the recommendation, Al-Atabani announced on the 3rd of December 2013 that he would establish a new political party, the 'Reform Now Movement', thereby causing the second important split from the NCP since Islamist Al-Turabi formed the Popular Congress Party in 1999.⁸³

Briefly afterwards, the NCP announced a cabinet reshuffle, replacing several long-standing and influential cabinet members.⁸⁴ Among the most notable replaced were Ali Osman Taha and Nafie Ali Nafie.⁸⁵ The newly appointed ministers were mostly fairly low-profile NCP loyalists groomed within the party. However, the appointment of Lieutenant-General Bakri Hassan Saleh, former Minister of Presidential Affairs, as First Vice President could be indicative of preparations for President Omar Al Bashir's succession after the 2015 elections.

Bakri Hassan, a close ally of Omar Al Bashir since the 1989 coup, has recently been appointed to the leadership council of the NCP and as Deputy Secretary General of the Islamic Movement.⁸⁶ Putting this senior military figure forward could prevent an exacerbation of the competition between the Taha and Nafie factions over the Presidency, whilst protecting Omar Al-Bashir from being extradited to the International Criminal Court once he steps down from power.

⁷⁶ Sudan Tribune, *Two major Sudanese opposition parties call on supporters to join protests*, 1 October 2013.

⁷⁷ *Sudan: September Uprising*, Africa Confidential, Vol. 54., No. 20, 2013.

⁷⁸ Amnesty International, *Sudan escalates mass arrests of activists amid protest crackdown*, 2 October 2013.

⁷⁹ Amnesty International, *Sudan: Security forces fatally shoot dozens of protesters as demonstrations grow*, 26 September 2013.

⁸⁰ Sudan Tribune, *Sudan raises death toll in fuel subsidy protests to 84*, 6 November 2013.

⁸¹ Human Rights Watch, *Sudan: Dozens Killed during Protests*, 27 September 2013; Sudan Tribune, *Sudan cuts internet for next 48 hours as fears mount of new post-Friday prayers protests*, 27 September 2013.

⁸² Sudan Tribune, *Al-Attabani says Bashir's decision to form inquiry commission is "unfortunate"*, 7 October 2013. ; Sudan Tribune, *Bashir pledges major changes in Sudan's government*, 17 November 2013.

⁸³ Sudan Tribune, *Sudan's NCP splinter group applies for registration of new party*, 4 December 2013.

⁸⁴ Sudan Tribune, *Sudan's NCP preparing to endorse new cabinet: official*, 24 November 2013.

⁸⁵ Sudan Tribune, *Sudan's 1st VP Taha Confirms Resignation to Allow for 'Change'*, 5 December 2013.

⁸⁶ Sudan Tribune, *Bashir's close minister picked deputy secretary general of Islamic Movement*, 30 December 2012 ; El Gizouli M., *Sudan's NCP, reshuffle and recharge*, Sudan Tribune, 16 December 2013

Box 1.2 The Sudanese Gold Sector

With gold as a possible replacement for oil as an export earner, the Sudanese Government has increasingly prioritised gold production and export, which, as a result, has gone through a tremendous increase over the last five years.

The value of exported gold rose nearly twentyfold between 2008 and 2012, when an estimated 2.2 billion USD worth were exported.⁸⁷ With production amounting to approximately forty tonnes in 2012, gold comprised almost 42 percent of Sudanese export value that year.⁸⁸ In order to further develop the gold sector, Sudan faces serious challenges; to boost industrial mining on the one hand, and to strengthen control over artisanal mining on the other.

In 2013, according to the Government, thirteen industrial gold mining companies were already at the production stage.⁸⁹ The Sudanese State has a stake in several of these, including the Hassai mine in Red Sea State - Sudan's largest gold mine - and the recently opened Qbgbig Mine in Nile River State. In addition to the existing 40 firms then prospecting, the Sudanese authorities issued prospection licenses to a further 80 firms throughout 2012.⁹⁰ In order to create more added value and increase government revenue from the sector, Sudan opened a gold refinery in Khartoum in September 2012, capable of processing 270 tonnes a year.

In spite of the growing industrial mining sector, artisanal miners, estimated to number between 500,000 and 750,000, still account for the large majority of gold production.⁹¹ To assert control over the artisanal sector and increase much needed foreign currency reserves, the Sudanese Central Bank acts as a large-scale exporter of gold, buying directly from artisans. To prevent smuggling, the Bank reportedly pays a premium on top of market prices, thereby further fuelling inflation.⁹² Although gold thus constitutes an important foreign exchange earner, the gold trading activities of the Sudanese Central Bank only have a slight impact on state revenue.⁹³ In a further effort to tighten control over the artisanal sector, the Government has prohibited the export of crude gold without a license, and imposed heavy restrictions on the import and export of refined gold.⁹⁴

Another major challenge facing the Government is the location of many gold deposits and artisanal mining sites: the conflict-affected regions of Darfur, the Nuba Mountains and Blue Nile. In the Jebel Amer mine, North Darfur, this has allegedly led to recurrent State-sponsored violence and the death of over 840 people in intertribal clashes.⁹⁵ For an in-depth analysis of the impact of the presence of gold on conflict dynamics in the South Kordofan and Blue Nile States, see chapters 2 and 3.

⁸⁷ IMF, *Sudan: 2013 Article IV Consultation*, IMF Country Report No. 13/317, October 2013, p. 11.

⁸⁸ This figure was particularly high due to halted oil production in South Sudan that year (source:*ibid.*).

⁸⁹ Sudan Tribune, *Sudan expects to increase gold production to 150 tonnes, worth \$8 billion*, 21 February 2013; Sudan Tribune, *Sudan's 2012 gold exports top \$2.2 billion: Bashir*, 1 April 2013.

⁹⁰ African Development Bank Group, *African Economic Outlook 2012: Sudan*, 2012; Reuters, *Sudan made \$2.2 billion from gold exports in 2012*, 1 April 2013.

⁹¹ Rose Z., *Sudan's Gold Rush*, in *Geopolitical Monitor*, 23 April 2013.

⁹² Financial Times, *Sudan looks to fill coffers with gold*, 17 June 2012; Africa Confidential, *Sudan Analysis: the New Gold Rush*, Vol. 53, No. 24, 30 November 2012.

⁹³ IMF 2013, *cit.*

⁹⁴ Sudan Tribune, *Sudan's central bank places moratorium on gold ore exports*, 12 December 2012; Sudan Tribune, *Sudan's central bank restricts gold imports & exports*, 7 June 2013.

⁹⁵ Omer Ismael, *Darfur's Gold Rush. State-sponsored atrocities 10 years after the genocide*, Enough Project, May 2013; Radio Dabanga, *'Gold tax to recompense 839 Abbala-Beni Hussein dead': North Darfur Minister*, 22 August 2013.

2. South Kordofan

In brief

The most active frontline has shifted to the northern border of the state;

Both the SPLM-N and the SAF show limited interest in the natural resources of the Nuba mountains, despite the area appearing to be rich in gold;

The SRF rebels have a well-defined set of grievances which is reflected in their military and diplomatic actions;

The SRF and the SAF are involved in an ambitious power struggle. They use an array of strategies to undermine each other's power base and show little intention to compromise.

2.1 Shifting frontlines and important incidents

After almost three years of warfare between the SPLM/A-N rebels and the SAF, both armies are heavily entrenched in their respective positions. Aside from the initial months of combat, neither of the warring parties has since managed to capture and retain important positions. Even though it appears that a stalemate has been reached, the conflict dynamics have changed significantly and reveal a lot about the motives driving both the SAF and the SPLM-N. This shift entails two important developments: on the one hand, the separation of the Nuba rebellion from the border conflict between Sudan and South Sudan, and on the other, coalition-building between the different Sudanese rebel groups.

Initial operations

In a first phase of the Nuba war, the SAF and the SPLM-N 1st Division fell back to their pre-CPA positions. From April 2011 onwards the SAF reinforced its positions in El Obeid, Kadugli and Delling with tanks, artillery and other heavy material.⁹⁶ At the same time, the SPLA had been moving some heavy artillery towards the Sudanese border for later use by the SPLM-N, whilst thousands of former SPLA fighters from South Kordofan returned from Jau in Unity State to the Nuba mountains with their individual weapons.⁹⁷

The SAF and the SPLM-N first clashed in Kadugli and Umm Dorain on the 5th of June 2011. Following the first clashes, the SPLM-N retreated to the mountains to the West of Kadugli. Upon taking control of the state capital, the SAF and Popular Defence Forces (PDF) actively targeted and hunted SPLA sympathizers.⁹⁸ Meanwhile and into July, the SAF started a continuous campaign of mortar attacks and air strikes in Nuba populated areas of South Kordofan. On the 28th of June a ceasefire signed by Malik Agar (SPLM-N Chairman and, at that time, still Governor of the Blue Nile State where the SPLM-N 2nd Division was deployed) and NCP's chief negotiator Nafie Ali Nafie was rejected by President Bashir, who stated he would not negotiate with people carrying arms.

While the SPLM-N controlled a lot of the countryside, the SAF controlled most of the town centres. The SPLM-N tried to attack several SAF-controlled towns but failed to take any additional large settlements after June 2011. It did however, strengthen its positions surrounding Kadugli.

⁹⁶ The Signal Program on Human Security and Technology, *Sudan: Anatomy of a Conflict*, p 48-49.

⁹⁷ Gramizzi C. and Tubiana J., *New war, old enemies: Conflict dynamics in South Kordofan*, HSBA report, pp. 15-16.

⁹⁸ The Signal Program on Human Security and Technology, *Sudan: Anatomy of a Conflict*, p. 58.

A coalition against the SAF

Until mid-2012, it was difficult to distinguish between SAF vs. SPLA cross-border inter state fighting and SAF vs. SPLM-N internal warfare. The SPLM-N rebels controlled a small part of what would quickly become the international border with South Sudan, and the SAF desperately tried to cut the rebels' access to support from their former SPLA 'comrades'.

At the same time, Sudan and South Sudan were involved in a border conflict over demarcation and the final status of Abyei. On the 9th of June 2011 the SAF launched a first air strike in Unity State of South Sudan, targeting SPLA positions in Yau at the South Sudanese border. A few months later – after South Sudan's independence had been proclaimed – the Sudanese army bombed the Nuba refugee camp of Yida further South. In December 2011 the SAF marched on Jau in an attempt to dislodge the rebels from their hideout.⁹⁹ The SAF dry season¹⁰⁰ offensive continued into 2012, when they launched an unsuccessful campaign in collaboration with the PDF against Kauda. Throughout these operations the SAF repeatedly accused the SPLA of fighting alongside the SPLM-N.¹⁰¹

In the mean time the Justice and Equality Movement (JEM), an armed group from Darfur which had previously been recruiting in South Kordofan, engaged in the conflict and joined forces with the SPLA and the SPLM-N against the SAF. It announced its first joint operation with the SPLM-N on 19 July 2011.¹⁰² In the following months the new alliance would claim several victories in battles with the SAF, capturing considerable amounts of weapons and equipment. The most remarkable operation was the 2012 dry season's joint attack by the SPLA, the SPLM-N and JEM on Heglig, Sudan's most important remaining oilfield. Not only did the attack strike directly at Khartoum's strategic interests, it also demonstrated that the three attacking armies could quickly attain operational coordination.

On the 10th of April the SPLA took full control over Heglig and on the 11th it advanced further North into Sudanese territory. During the operations several oil installations were affected.¹⁰³ Following considerable diplomatic and military pressure, the SPLA announced its retreat from Heglig on 20 April 2012 and announced the day after that it would pursue its claim on Heglig through legal means.¹⁰⁴ It is worth noticing that, in retaliation, the SAF bombed a number of oilfields across the border in Unity State of South Sudan.¹⁰⁵

The frontline shift

The Heglig attack marked a turning point in the conflict and the start of a second phase. As the border conflict between the two Sudans escalated, leading to fighting at several areas along the border, Juba was put under increasing international pressure to cut ties with the SPLM-N. In fact, the SPLA's withdrawal from Heglig heralded their disengagement from the conflict in South Kordofan. On the rebels' side, the SPLA's retreat created considerable frustration, as they considered Heglig a legitimate target for their own cause.

In the same period, the collaboration between the SPLM-N and armed groups from Darfur increased. Consequently, the coalition started to present itself as the SRF instead of using names of the individual movements. By the end of the 2013 rainy season approximately 1,500 men in 140 vehicles, the majority of JEM's troops, had deployed in South Kordofan.¹⁰⁶ SLA-MM and SLA-AW both claimed to have troops in the area too, ranging from 500 to 1000 men.¹⁰⁷ SLA-AW participation in an SRF operation was indeed

⁹⁹ Reuters, *Sudan military says overrun key rebel base*, 3 December 2011. Jau is of major strategic importance, as the road axis enabling supplies to reach SPLM-N controlled areas in South Kordofan lies through the town.

¹⁰⁰ The dry season in the border area roughly runs from November until June.

¹⁰¹ International observers explain that, until March 2012, several dozens of South Sudanese combatants were still in the ranks of SPLA-N, while Nuba soldiers were deployed in SPLA units in South Sudan, illustrating how blurry the distinction between the SPLM-N and the SPLA was over the first months of the conflict.

¹⁰² AFP, *Darfur rebels claim joint S. Kordofan attack on Sudan army*, 19 July 2011.

¹⁰³ The Signal Program on Human Security and Technology, *Sudan: Anatomy of a Conflict*, p. 110.

¹⁰⁴ HSBA, *The Conflict over Hejlij*, 26 April 2012.

¹⁰⁵ Sudan Tribune, *Sudan's air forces bombs oilfields in Unity State*, 27 March 2012.

¹⁰⁶ Interview IPIS with former SPLM-N commander, South Kordofan, November 2013.

¹⁰⁷ Interview IPIS with SLA-AW and SLA-MM representatives, Kampala, November 2013.

reported in May 2013.¹⁰⁸ However, there have been no public reports on SLA presence following this attack. Furthermore, military observers agree that these figures are likely to be an exaggeration.¹⁰⁹

The separation of the SRF rebellion from the SAF/SPLA border conflict resulted in the movement of the most important frontlines. In 2011 and 2012 the busiest front lines appeared to be around Kadugli (West of the Nuba mountains) and in the south of the Sate, near the Border with South Sudan. During the 2013 dry season, the SRF launched a series of attacks that sealed the shift of the major frontline to South Kordofan's northern state border. On the 26th of April the SRF attacked Abu Karshola in South Kordofan and gained temporary control over Um Ruwaba, the second largest town in North Kordofan. With SPLA support for the SRF having become less of a threat and the fighting approaching Khartoum, the SAF concentrated more of its efforts on the northern front. After the Um Ruwaba event, for example, the Sudanese army redeployed five out of nine battalions from its Southern stronghold of Talodi to the North.¹¹⁰

The shift in dynamics was confirmed at the start of the 2013-2014 dry season, with SRF offensives in northern areas such as Abu Zabad in North Kordofan and Deleima near Delling.¹¹¹ While by November 2013 a build-up of SAF troops and a sharp increase in aerial bombardments were reported in frontline areas West of Kadugli, there had been no large-scale ground attacks.¹¹²

By early January 2014, the SAF had started countering the rebels by launching an operation entitled "Decisive Summer".¹¹³ The operation comprised a series of simultaneous attacks on several fronts. Operations at the southern front were concentrated on the road leading from Buram to Jau. In the northeast, the government forces activated a new front in Abu Jibeha locality. According to the SPLM-N, SAF forces also tried to advance on Kauda from Talodi in the South. Nuba Reports also signalled a build-up of SAF troops in Farsha, north of Heiban, further increasing the pressure on Kauda.

2.2 The role of natural resources in military strategies

With West Kordofan State being reinstated, South Kordofan's importance in terms of natural resources has diminished significantly. In its reduced size, the area lost all of its active oil fields, such as Heglig, Bamboo and Neem, to its Western neighbour. In 2013, all the West Kordofan wells remained under the control of the SAF without suffering rebel attacks, contrasting with the intensive fighting around Heglig in the year before.

Within its current borders, South Kordofan contains a number of active gold mining sites, some of which are controlled by the government and others by the SPLM-N. The most active gold mining area within the SPLM-N's "liberated areas" is located in Heiban County. There used to be at least six gold mining sites throughout the county, the biggest being Eieri. Before the war, the latter was frequented by at least 160 teams, searching for gold with a metal detector. To maximise production, around 60 stone crushers operated at the mining site. According to a traditional leader, the local population owned none of the detectors or crushers.¹¹⁴ In November 2013 an estimated 5,000 artisanal miners were working in Heiban County in areas safe from SAF attacks.¹¹⁵ Several gold mines were not operational because of their proximity to the front lines or due to persistent air strikes by the SAF.

Um Dulu in Um Dorein County is a second operational gold mining area within the "liberated areas". Approximately 3,000 artisanal miners were active at Um Dulu in November 2013, utilising over 100 metal detectors. Individual buyers from Khartoum are no longer allowed at mining sites in SPLM-N areas. Miners are encouraged to sell their production to the Mountains Trade and Development Bank

¹⁰⁸ Radio Dabanga, 'Fierce fighting' in battle for Al Dandor garrison, South Kordofan, Sudan, 27 May 2013.

¹⁰⁹ Interview IPIS with regional armed groups expert, Brussels, January 2014.

¹¹⁰ Interview IPIS with a high-ranking SPLM-N commander from Talodi, South Kordofan, November 2013.

¹¹¹ Radio Tamazuj, SRF claim attack on two Sudanese army battalions in South Kordofan, 12 November 2013.

¹¹² Interviews IPIS with the SPLM-N administrators from Umm Dorein and Buram county, South Kordofan, November 2013.

¹¹³ Sudan Tribune, Sudanese army recapture rebels' area in South Kordofan, 1 January 2014.

¹¹⁴ Interview IPIS with a displaced traditional leader from Heiban County, Unity State, November 2013

¹¹⁵ Interview IPIS with SPLM-N mining official, South Kordofan, November 2013.

(MTDB), who appear to hold the monopoly over gold trade in the area. The MTDB is headquartered in Juba, where it opened its doors in August 2010.¹¹⁶

Gold mines are also situated within the government-controlled parts of South Kordofan. Considerable activity is reported around the town of Talodi near the border with South Sudan. The biggest mining operation is located at Um Doual. Reported to be run by a company entitled MAM, it is allegedly frequented by a planes twice a week.¹¹⁷ The area also appears to be popular amongst artisanal miners; in February 2012 'Sudan Vision' reported an incident in which 22 miners died following the collapse of two caves.¹¹⁸ Artisanal mining is also concentrated between Heiban and Kadugli. Since 2010, thousands of miners have been digging for gold at Dendor, Mehedan and El Fengalu.¹¹⁹

Since the outbreak of war in September 2011, both the SAF and the SPLM-N have conducted a number of military operations in mining areas. However, in analysing the entire series of conflict events, this does not appear to be a tactical priority. Both groups direct the majority of their efforts towards other targets. When rebels do attack Sudanese oil installations, or when the SAF does launch an air strike against artisanal mining areas, the intention of these operations is to disrupt ongoing exploitation rather than capturing these areas. As such, the main objective is not to increase economic income through military gains, but rather to prevent the other party from generating an income.

Mining areas are ultimately perceived as strategic targets contributing to military victory or defeat. This does not, however, prevent the parties from maximising income from mining activities under their control.

An illustrative example of these dynamics is the gold mining area to the North and North East of Rashad town. There, (semi-)industrial gold mining took off around 2008-2009.¹²⁰ When war in the Nuba Mountains broke out, the SPLM-N moved onto these sites, which were close to its positions, to disturb ongoing exploitation benefitting Khartoum.¹²¹

The gold mines under SPLM-N control (such as Zalataya and Jebel Mahala) are near the heavily contested northern front line. Consequently, they are affected by the violence from which the whole area suffers. Regardless of this insecurity, the SPLM-N claims that it intends to "regulate" the exploitation in this area. In so doing it has dispatched a geologist for prospecting, meanwhile attempting to prevent the activities of "Arab" gold traders.¹²²

By November 2013 an estimated 1,000 artisanal miners, working on their own account, were digging for gold.¹²³ Government forces have challenged the SPLM-N control over the mines, albeit without major military operations. A local chief has for example reported minor SAF/PDF infiltrations with the aim of sabotaging the ongoing mining activities.¹²⁴

2.3 Longstanding grievances

The SPLM-N's ideology and discourse are loaded with references to (being on the receiving end of) racism, marginalisation and other grievances. Discussions of such injustices pervaded their interaction with IPIS, and were cited as motivating their armed struggle. These grievances are described in both

¹¹⁶ According to the bank's board of trustees chairman, the bank was established with an aim to finance economic activity in the Nuba Mountains. Gurtong, *New Bank In Town*, 12 August 2010.

¹¹⁷ Interview IPIS with the SPLM-N commissioner for Talodi, South Kordofan, November 2013.

¹¹⁸ Sudan Vision, *Talodi Authorities Continue Efforts to Recover Bodies of Gold Prospectors*, 5 February 2012.

¹¹⁹ Interviews IPIS with IDP's from Delami County, South Kordofan, November 2013.

¹²⁰ Interview IPIS with a traditional leader from El Abassiya, South Kordofan, November 2013. At least a part of these gold mines appear to be located in the "Nuba Mountains Concession" of Star Petroleum Mines, which reported ongoing company exploitation in 2011. Star Petroleum's Facebook page announced on the 19th of November 2013 that its website is under construction: <https://www.facebook.com/pages/SP-mining-SL/337466626368381>. The information is taken from an older version of its website which could be consulted on the 15th of December 2013 at: <https://gomaespuma.com/spmining/sudan.php>

¹²¹ Interview IPIS with a traditional leader from El Abassiya, South Kordofan, November 2013.

¹²² Interview IPIS with SPLM-N mining official, South Kordofan, November 2013.

¹²³ Interview IPIS with the SPLM-N commissioner for Rashad, South Kordofan, November 2013.

¹²⁴ Interview IPIS with a traditional leader from El Abassiya, South Kordofan, November 2013.

political documents and personal stories (Box 2.1). Whereas the latter might explain why individuals take up arms, the former potentially provides more insight into the motives of the rebel groups.

Box 2.1: Personal narratives from SPLM-N members¹²⁵

Recognising the personal stories of SPLM-N members can offer a valuable insight into their personal motives. Generally speaking, these accounts can be grouped into three persistent themes.

A first subject is the lack of development in members' home areas. Interviewees specifically emphasised to IPIS the lack of schools, health facilities and general infrastructure such as roads. Furthermore they claimed that whenever economic investments are made, for example through mechanised farming or mining, these hardly benefit the local communities in terms of employment or revenues. On the contrary, such projects often imply the displacement of local populations from traditional lands without compensation.

Whereas the latter concerns "marginalisation" on a material level, the second relates to psychological and cultural harms. One interviewee from a women's association asserted that, "The NCP wants us to be second class citizens. They treat us as slaves and leave us no dignity". This appeared to be a general feeling amongst interviewees. Other illustrative claims included the disadvantageous treatment of "black" children who do manage to go to school, cases of discrimination during job applications, discrimination at the mosque and the use of racist language.

A third series of grievances focuses on perceived political oppression and lack of freedom. Most interviewees related stories about friends or family members who had been arrested because of their political affiliation or views. Within the same realm, interviewees denounced what they felt was a lack of political representation and access to power.

It is interesting to note that, overall, grievances relating to education were recounted the most. The varying narratives put forth by interviewees on this topic can be summarised as follows: Even when children have physical access to a school with teachers and equipment, and even when they receive the same treatment as "Arab" children, they are still confronted with a curriculum that is based on a specific interpretation of Islam, which, irrespective of their own religion, promotes values that are not their own.

How grievances shape the movement's propagated political agenda

The SPLM-N has not issued a separate list of grievances or political agenda. On its website it has published the last SPLM manifesto, which dates from 2008.¹²⁶ However, it has co-signed a number of political declarations together with other rebel movements and unarmed opposition groups.

In January 2013 the SPLM-N signed the "New Dawn Convention" (NDC) in Kampala.¹²⁷ In November 2013 SPLM-N chairman Malik Agar and Secretary General Yasir Arman travelled through Europe with an SRF delegation carrying the October 2012 "Document of Restructuring of the Sudanese State" (DRSS). Both texts differ on a few significant points,¹²⁸ but are on the whole quite similar. Bearing in mind the personal

¹²⁵ The information in this box is based on over 20 interviews with SPLM-N members from various levels within the organisation in Yida and South Kordofan in November 2013. Similar stories were told by representatives from the Hawazma, Rizeigat and Misseriya tribes.

¹²⁶ For the full text see: <http://splmnsudan.net/en/the-manifesto-of-the-sudan-peoples-liberation-movement/>, last accessed on 25 January 2014.

¹²⁷ Izzadine A., *The New Dawn Convention*, unofficial English version, 5 January 2013.

¹²⁸ For example, whereas the NDC mentions a 4-year transitional period, the DRSS envisages 6 years. Other significant differences include (but are not limited to) more emphasis on a federal system and transitional justice in the NCD and a list

narratives above, it is worth pointing out some important, recurring themes that provide more insight into the group's priority grievances.

Following its denouncing of the lack of development, the DRSS stresses the need for wealth sharing in a federal, decentralised state. Interestingly, it calls for "affirmative action" on the issue, prioritizing "war-affected areas which are most backward". In addition, the SRF also wants to address some bad examples of development that have negatively affected local populations. For example, the rebels intend to establish commissions to "restore usurped communal lands," and they want to review "all approved contracts regarding lands, mining, oil, institutions and public sector companies."

On the issue of cultural marginalisation the DRSS stresses the necessity for "separation of religious institutions from state institutions." Moreover, it envisages "a culture of love and coexistence" instead of the current culture of "supremacy and racism" described in the NDC. It appears that the SRF expects this change of culture to be driven through education and justice. While the DRSS states that education should "ingrain behaviour which trend to justice, equality and peaceful coexistence," the NDC envisages a transitional justice that "approves laws that criminalize those who use racist labels and also those who deny that the genocide is committed by National Congress Regime".

Regarding the problem of state repression and the lack of (political) freedom, the DRSS calls for "the immediate annulment of laws and regulations which restrict freedoms, in top of which is the national security law." The text asserts that "respect for human rights and insuring supremacy of rule of law" is an essential cornerstone of the transition towards a democratic system. It elaborates on four particular freedoms: freedom of organisation, freedom of expression, freedom of unions' work and freedom of women. References to women's rights in particular permeate the text.

The problems raised in the personal narratives described above, are clearly reflected in the political agendas presented in the NDC and the DRSS. As with individual grievances, education is the most central issue within the DRSS, described as a "fundamental pillar to resolve the present-day issues and achieve future goals." The current system is described as an "ideological weapon" of the NCP that needs to be reformed and rehabilitated. The text calls for free basic and secondary education and "affirmative action" for students from Darfur, South Kordofan, Blue Nile and eastern Sudan to "close the education gap."

It is interesting to note that both the NDC and the DRSS pay considerable attention to the "mutual interests" and "historical relationship" shared with South Sudan, a subject that was never broached in the personal interviews.

Is the SPLM-N's behaviour in line with its proclaimed agenda?

The SPLM-N has a comprehensive and ambitious political agenda. Yet the question remains as to whether this agenda is really the driving force behind its existence and, as such, shaping its behaviour.

To answer this question, one could firstly take a closer look at the military actions expended by the SPLM-N. These are, at least partly, in accordance with their proclaimed agenda. On the one hand the SPLM-N (through the SRF) has indeed increased its military pressure on Khartoum since the 2012-2013 dry season. As shown by operations around Delling and in North Kordofan, it has specifically directed its attacks against strategic targets on the way to the capital. Abu Zabad, for example, is strategically located along the road and railway between El Fula and El Obeid. Rebel control over the town would have cut the major transport links between the state capitals of North and West Kordofan.¹²⁹ It is therefore important to note that the rebels are mainly attacking SAF positions. They do not appear to be interested in other targets such as economic assets, nor are they targeting specific ethnic groups.

On the other hand, the rebels demonstrate less ambition in their military operations than their discourse. A large part of their military efforts appears to be focussed on consolidating the areas under their control.

of revolutionary means/tools in the DRSS.

¹²⁹ That said, the attack made clear that while the SRF could operate far to the north of its stronghold in the Nuba mountains, it appears not to have the strength to seize and hold sizeable towns. JEM retreated after eight hours and saw its second deputy to JEM's commander-in-chief killed.

The SPLM-N does not often engage in offensive operations and keeps a large number of troops in reserve to be deployed should the need arise.¹³⁰ Furthermore, within its 'liberated area', it endeavours to govern, setting up both a centralised and local governments and even ordaining an interim constitution.¹³¹ The SPLM-N's efforts to consolidate its area could be an indication of a secondary agenda, separate from the SRF and other allies (see chapter 2.4).

Turning attention to the SPLM-N's diplomatic and political actions, these appear to be in line with its proclaimed agenda and grievances. Although it attended the AU mediated talks with the GoS in Addis Ababa in April 2013, it refused to solely discuss "the two areas" but insisted on a wider process involving the entire SRF and discussing a complete reform of the Sudanese state (see box 3.3). In the proceeding months the SPLM-N pursued the same strategy by strengthening political and military alliances while looking for external support for their cause. The SRF tour of Europe was very significant in this regard (see Box 2.2).

Box 2.2: The SRF tour of Europe

In the first week of November 2013 the SRF sent a delegation to Europe. Chairperson Malik Agar explained to Radio Dabanga that their intention was "to explain the vision of the SRF for solving the problems of Sudan, with a focus on the humanitarian situation and the search for a peaceful solution. We also want to discuss the scenarios after the regime has changed."¹³²

The different rebel factions were each represented by their top leadership: Jibril Ibrahim for JEM, Abdelwahid El Nur for SLM-AW, Minni Arco Minawi for SLM-MM, Yassir Arman for the SPLM-N (South Kordofan) and Malik Agar for the SPLM-N (Blue Nile). Upon their arrival, they were joined by the UK based Zeineb Kabashi, representing the United Popular Front, the SRF's latest member from Eastern Sudan.¹³³ In addition, two politicians travelled with them: El Tom Haju of the Democratic Unionist Party and Nasreldin El Hadi El Mahdi of the National Umma Party.

Increasing its political capital through acting as a unified front is a crucial condition to SRF increasing its credibility as an opposition platform. The armed factions themselves cannot rely on a solid, popular constituency, in particular outside of their own tribal areas. Furthermore, it appears that international support is conditional upon the capacity of the SRF to articulate credible policy proposals for the transition period, should the NCP regime collapse. As a Western diplomat stated while discussing on the SRF, "Even if some governments don't see the NCP regime positively, none will offer support to a regime-change programme if, first, there are no clear indications on what should come afterwards."¹³⁴

Meanwhile, there is little prospect of the resumption of peace negotiations between the NCP and the SPLM-N. The GoS unconvincingly announced renewed talks in November 2013, repeating its intention to only negotiate on the "two areas".¹³⁵ The SPLM-N immediately replied through its chief negotiator Yasir Arman that it stuck to its demand for a 'holistic approach' based on the 2011 Framework Agreement between the GoS and the SPLM-N.¹³⁶ Analysts have explained this stands as a lesson learnt from the past, when the second civil war and the Darfur conflict were systematically dealt with through separate negotiation processes, thereby diverting efforts and international attention. Many members of the armed movements (the SPLM-N and Darfurian ones) are indeed of the opinion that engaging in

¹³⁰ Interviews IPIS with SPLM-N members, South Kordofan, November 2013.

¹³¹ For the full text of the interim constitution see: https://twitter.com/Yassir_Arman/status/394667607841710080, last accessed on 25 January 2014 (in Arabic).

¹³² Malik Agar, as quoted by Radio Dabanga: Radio Dabanga, *Sudan Revolutionary Front delegation starts European tour*, 7 November 2013.

¹³³ Interview IPIS with SLA-AW and SLA-MM representatives, Kampala, November 2013.

¹³⁴ Interview by regional expert with diplomat, Juba, February 2012.

¹³⁵ Sudan Tribune, *Sudan, SPLM-N expected to resume talks in Addis Ababa: negotiator*, 19 November 2013.

¹³⁶ Sudan Tribune, *Sudan: SPLM-N Denies Peace Talks On South Kordofan and Blue Nile Conflict*, 19 November 2013.

separate negotiation processes would duplicate this history and put Khartoum in a relatively stronger negotiating position.¹³⁷

Perhaps emboldened by the massive anti-government protests of September and October 2013, the entire political leadership of the SPLM-N appears set on regime change in Khartoum. Their position mirrors the NDC and the DRSS, which both clearly argue that the only way to achieve the coalition's objectives is to topple the current regime and replace it by a transitional government in preparation for "democratic elections". The SRF's and the SPLM-N's current focus on overthrowing the Bashir regime is further discussed in the next chapter (see chapter 3.4).

Practice what you preach

Finally, the question of whether the SPLM-N 'practices what it preaches' in terms of respect for rights and freedoms must be asked. This appears to be mostly the case. Generally speaking, discipline in South Kordofan, among the SPLM-N's 1st Division, is high.

However, cases of serious abuses do exist. On several occasions, in particular in late 2012, indiscriminate shelling of civilian areas in Kadugli by the SPLM-N was reported.¹³⁸ A recent case in which the SPLM-N human rights record was questioned was the SRF attack on Abu Karshola (and Um Ruwaba) in April 2013.¹³⁹ Several sources concur that in both towns a number of civilians were killed. There were also reports of sexual violence.¹⁴⁰

Following the attacks, tens of thousands of people fled the area, a clear indication of mistrust and fear among, at least a part of, the population towards the SRF troops. According to some sources, the greater part of the abuses was committed by JEM fighters, which caused tensions within the SRF.¹⁴¹ Nevertheless the ultimate responsibility lies with overall SRF commander General Abdel Aziz, who is also the highest-ranking SPLM-N officer in South Kordofan.

That said, the SPLM-N appears to be aware of the problem. In October 2013, in an attempt to address the issue of human rights violations committed by its troops and probably also to restore its reputation, the SPLM-N issued two resolutions. The first announced the creation of a Commission for the Protection of Civilians, Women and Children (CPCWC).¹⁴² The second, the establishment of a Human Rights Court, accompanied by the appointment of two judges.¹⁴³ The resolutions explained that, whereas the former body is intended for policy support, the latter should function as a full court with the authority to conduct investigations, issue arrest warrants and make rulings.

Although only time will tell whether the implementation of said resolutions takes place, and whether the Court will, for example, pass verdicts on SPLM-N abuses, the resolutions do confirm the rebels' intention to improve Sudan's current poor human rights record.¹⁴⁴

Finally, it is worth pointing out a recent, question-invoking incident regarding the SPLM-N's consideration for its own population during the organisation of a polio vaccination campaign in November 2013. According to John Ging, the OCHA Director of Operations, the SAF had offered a window for the cessation of hostilities between the 5th and 12th of November 2013.¹⁴⁵ With a previously declared 'humanitarian' ceasefire by the SPLM-N, and an agreement by all parties involved on the technical modalities of the campaign, it seemed that the campaign would go through. However, the SPLM-N in extremis insisted on having a meeting with the GoS under the auspices of the AUHIP to sign a formal ceasefire. This was declined by Khartoum and the campaign could thus not go ahead. Thereafter, the SPLM-N put the blame

¹³⁷ Interview IPIS with regional armed groups expert, Brussels, February 2013.

¹³⁸ Amnesty International, *Sudan's civilians in crisis: Indiscriminate attacks and arbitrary arrests pervade Southern Kordofan*, public statement, 11 December 2011.

¹³⁹ SUDO, *Huge Displacement in South and North Kordofan after Sudan Revolutionary Front (SRF) Attacks*.

¹⁴⁰ Interview IPIS with human rights observers, Kampala, December 2013.

¹⁴¹ Interview IPIS with human rights observers, Kampala, December 2013.

¹⁴² SPLM-N, Resolution No. 5-2013 of the Office of the Chairperson

¹⁴³ SPLM-N, Resolution No. 6-2013 of the Office of the Chairperson

¹⁴⁴ Human Rights Watch, *World Report, Sudan, 2013*

¹⁴⁵ Ging J., *Press Conference*, 11 November 2013, (<http://webtv.un.org/>); Sudan Tribune, *Sudanese rebels to observe cessation of hostilities in S. Kordofan, Blue Nile*, 1 November 2013.

for the failure of the campaign on the 'genocidal and ethnic cleansing' regime.¹⁴⁶ However, by insisting on a formal ceasefire although there was no objective need to do so, the SPLM-N bears an important part of the responsibility for the failed campaign.¹⁴⁷

2.4 Power and self-determination for the SPLM-N

Above, it has been illustrated that the SPLM-N's actions are shaped by the grievances it puts forth. That said, the rebels are also clearly keen on exercising authority. Since the creation of the SRF in November 2011, but especially since the NDC of January 2013, the SPLM-N has increasingly manifested its intention to topple the Bashir regime and participate in a transitional government.

As a founding member of the Sudan 'Revolutionary' Front the SPLM-N tries to create a revolution through a variety of means. Negotiations are clearly not a priority.¹⁴⁸ Instead, the DRSS lists a number of strategies, ranging from peaceful demonstrations, strikes and civil disobedience, media campaigns and diplomatic lobbying, to armed struggle.¹⁴⁹ Indeed, the self-proclaimed revolutionaries and their political allies have used a wide variety of strategies to put pressure on the regime in Khartoum, several of which have been discussed in this report.

The SRF has not only made plans on how to change the regime and what a new regime should do to tackle Sudan's most pressing problems, but has also defined what the new regime should look like and who can participate. Clearly, it intends to play an important role in this envisioned transitional government.

After the NCP regime has fallen, the SRF's DRSS plans for a transitional period of no less than six years, during which it will be part of a transitional cabinet, together with "other political forces, civil society organizations, women and youth movements and independent professional figures."¹⁵⁰ At the end of this period it will hand over power to a democratically elected government.

Despite the SPLM-N's 'national' commitment within the SRF, it also continues to strengthen its political organisation locally. On the 30th of October 2013 it announced a reshuffle of its administration in South Kordofan, indicating that the SPLM-N had come to a position where it could increasingly separate its political and civil institutions from the military.¹⁵¹ A few weeks before, the movement had already announced the adoption of an SPLM-N Constitution¹⁵² and the establishment of the aforementioned human rights court. These are all signs that the SPLM-N is not only concentrating on governing from Khartoum but also from Kauda.

In the areas of South Kordofan under its control, it is increasingly building the institutions of its own administration. Its organisation of an executive power is the most developed. Thematic competences are distributed over a team of secretaries responsible for issues such as agriculture, local government and animal health. The "liberated areas" are divided in counties, each of which is administered by a commissioner. The political activity described above reveals the SPLM-N's drive for self-government. Senior Nuba party members indicate that they would be open to negotiating separately from the SRF with the NCP on the independence of the Nuba Mountains.¹⁵³ This appears to be at least a 'plan B', in case the SRF coalition falls apart.

¹⁴⁶ Sudan Tribune, *Sudanese army failed to observe humanitarian truce: rebels*, 16 November 2013; Sudan Tribune, *Two children killed in bomb attack in S. Kordofan: SPLM-N*, 19 November 2013.

¹⁴⁷ Ging J., *cit.*, 2013; *Interview IPIS with diplomat, Addis Ababa*, November 2013.

¹⁴⁸ The deadlock in the peace process is not only the responsibility of the SRF, as Khartoum has always refused to engage in direct talks with the rebel coalition.

¹⁴⁹ SRF, Document of Restructuring of the Sudanese State.

¹⁵⁰ The way the SRF formulates the composition of such a transitional government is telling; no other political forces are specifically mentioned. In that regard it is worth pointing out that the NDC mentioned a "transitional government of national unity." Moreover, the text envisaged a transitional period of four years instead of six.

¹⁵¹ Sudan Tribune, *SPLM-N announces formation of new administration in S. kordofan*, 31 October 2013.

¹⁵² The SPLM-N interim constitution was in November 2013 only available in Arabic at: <http://www.scribd.com/doc/179486557/SPLM-N-Interim-Constitution-pdf>.

¹⁵³ Interviews IPIS with senior SPLM-N politicians, South Kordofan, November 2013.

Having established that the SPLM-N is motivated by the strive for power, it is difficult to assess whether this originates from its initial grievances. It is possible that the SPLM-N believes it can only address problems such as the lack of education and the violations of women's rights from a position of authority. In this case, their striving for power is subordinate to their grievance-based agenda. On the other hand, it is also possible that gaining power is (or has become) a motivation in and of itself to the rebels, regardless of their views and complaints.

2.5 The SAF's failed containment strategy

Since the start of the conflict, the regime and the SAF have not shied away from strong rhetoric, containing an expression of confidence in their ability to totally defeat the SRF militarily. In a speech issued in April 2011, Omar Al Bashir stated that he would chase down the SPLM-N mountain by mountain, cave by cave if need be ("jebel-jebel, karkur-karkur").¹⁵⁴ He thereafter repeatedly called upon the army to crush the rebellion. Ahmed Haroun, the NCP governor of South Kordofan, from his side, called the SAF troops to "hand over the place clean, swept, rubbed, crushed. Don't bring them back alive, we have no space for them."¹⁵⁵

As the conflict unfolded, however, it became clear that their stated objective of military defeat against the entrenched rebels would not be reached soon. In response, the SAF adopted a strategy of containment by trying to sever SPLA-SPLM-N ties whilst maintaining military pressure. The SAF tried to keep the rebels in the strategically and economically less important Nuba mountains and cut their support base through frequent aerial bombardments (Box 2.3).

Khartoum's switch to a containment strategy was especially apparent at the start of the 2012-2013 dry season when the SAF, sometimes with the PDF, carried out only a limited number of ground attacks and their battalions remained mostly entrenched in their positions. Only a few offensives throughout November and December were reported south and east of Kadugli, with the largest attack, directed against the SPLM-N in Daldako, 20 km east of Kadugli.

While the SAF tried to pin down and weaken the enemy, the NCP left a small diplomatic window open by expressing its willingness to negotiate on the 'two areas' with the SPLM-N (not the SRF) in the margins of the peace talks with Juba.

Khartoum's strategy of smoking out the rebels failed. The government forces lost significant amounts of military hardware to the rebels. As a consequence, the loss of support from the South posed few problems for the rebels.¹⁵⁶

Towards the end of the 2012-2013 dry season, the SAF was pushed in the defensive by the SRF, which opened up a northern front by staging attacks on Abu Karshola, Rashad locality, and in the area surrounding Um Ruwaba in North Kordofan (see chapter 2.1). With the war moving closer to the capital, the NCP increased its military efforts and reinforced the Northern front. In October 2013, the Enough Project reported a heavy military build-up in El Obeid. Nevertheless, by mid-November it was the SRF that took the dry season initiative by staging an attack in the area around Delling.

Following its repeated failures to contain the rebels, the SAF countered them in January 2014. Attacks on multiple fronts sought to increase the military pressure on Kauda, the SPLM-N's administrative capital in South Kordofan. The attacks show a renewed vigour, supporting the regime's claimed intention to defeat the rebellion militarily. On the other hand, the timing of the renewed intensity of the military campaign, in the run-up to a possible new round of talks in early 2014, suggests that the attacks could equally be an attempt to strengthen the government's negotiating position. At the end of November 2013, the AUHIP invited the parties for peace talks on the 12th of December. Thabo Mbeki postponed the talks following the death of Nelson Mandela without announcing a new starting date.

¹⁵⁴ International Crisis Group, *Sudan's Spreading Conflict (I): War in South Kordofan*, Africa Report No. 198, 2013, p. 19.

¹⁵⁵ Al Jazeera, *Sudan governor to troops: 'Take no prisoners'*, 1 April 2012.

¹⁵⁶ HSBA, *Comparable SPLM-N arms and ammunition stocks in South Kordofan and Blue Nile*, April 2013.

Box 2.3: Aerial attacks

Reports from the SPLM-N's relief agency and local human rights observers trained by an international NGO indicate that bombings are largely concentrated in four counties. Most targeted was Umm Dorein County, a strategic area between the government controlled capital Kadugli and the rebels' political headquarters at Kauda. Within Umm Dorein, Umm Serdiba is one of the most frequently bombed settlements.

Another heavily bombed County is Heiban. The towns of Kauda and Heiban, in particular, are regularly targeted. At the southern front, the County of Buram is heavily affected, as it connects the Nuba Mountains with South Sudan through the border crossing of Jau. At the northern front, the settlement of Tunguli in Delami County is the most affected. This area hosts one of the largest Internally Displaced Person (IDP) populations in the region, raising concerns about 'indiscriminate attacks'.¹⁵⁷

Although the bombed settlements are of military strategic interest and often do hold an SPLM-N presence, they are foremost civilian areas. The crude methods used by the SAF, predominantly the dropping of barrel bombs from an altitude of more than two kilometres, do not allow for the singling out of specific military targets and thus amount to indiscriminate attacks, mostly harming the civilian population. In addition, the aerial attacks do only minimal direct damage to the SPLM-N. Therefore the main purpose of the attacks appears to be to limit the movements of the SPLM-N and cut their support base by forcing people to flee and disrupting food production.

The main harvest season corresponds with the beginning of the dry season, traditionally the start of new military campaigns. This period is therefore marked by a strong increase in bombardments, preventing civilians from tending to their fields. As the population has developed coping strategies such as digging foxholes and moving to areas in close proximity to caves, the direct casualties and injuries resulting from the bombardments are limited.



Unexploded bomb, presumably a Russian made general purpose bomb (OFAB-500) containing 126 kg of explosives, Buram locality, (Nuba Relief Rehabilitation and Development Organisation-NRRDO 2013)

¹⁵⁷ About 35,000 according to the SPLM-N affiliated Sudan Relief and Rehabilitation Agency (source: Sudan Relief and Rehabilitation Agency, *Humanitarian and human rights situation of the IDPs and war affected civilians in the SPLM/A-North controlled area of South Kordofan and Blue Nile States*, 2013, p. 12).

3. Blue Nile

In Brief

- The number of military clashes on the ground has been limited;
- Evidence supporting the SPLM-N's discourse on economic marginalisation is stronger than that of ethnic persecution;
- Khartoum has extensive economic and strategic interests in the north, east and centre of the State, all of which it has secured militarily;
- An intransigent SPLM-N is unwilling to compromise during negotiations and counts on the larger SRF coalition to advance its ambitious agenda.

3.1 Conflict events

Much more so than in South Kordofan, the fighting in Blue Nile State has developed into the stereotypical stand off between a regular army and a guerrilla movement. The SPLM-N in Blue Nile (the SPLM-N's 2nd Division) does not have the capacity to regularly engage the SAF in open combat, lacking weapons, supplies and numbers.¹⁵⁸ The area under rebel control is limited to an elevated area in the southern corner of Blue Nile; there may also be a number of dormant units in a few scattered pockets. This relative weakness of the SPLM-N's 2nd Division, matched with the SAF's greater military priorities in other states, has rendered the number of conflict incidents limited. That being said, the SAF aerial bombardments are frequent, and ground fighting is occasionally reported.

Initial SAF operations

Throughout 2010 and early 2011 there were reports of both the SPLA and the SAF strengthening their positions in Blue Nile State. While Khartoum was said to have deployed militiamen from Darfur in Ad Damazin, SPLA allegedly reinforced its presence in Kurmuk. In addition, both armies regrouped around Dindiro. Meanwhile, the SPLA, under the leadership of Governor Malik Agar, reportedly created a militia of Ingessana tribesmen.¹⁵⁹

The war between the SAF and the SPLM-N in Blue Nile broke out on the 1st of September 2011 in Ad Damazin and spread immediately to surrounding towns including Ganis and Roseires. With the whole area north of Ad Damazin already under its control, the SAF quickly moved west into Al Tadamon county and south in the direction of Dindiro, Kurmuk, Bawkori, Geissan, Menza and Ulu.¹⁶⁰

The SAF clearly made establishing full control over the two banks of the Blue Nile River a military priority. They used ground troops and gunships to capture Geissan, whilst pushing the SPLM-N and tens of thousands of civilians into Ethiopia. On the 21st of September the SAF and PDF took control over Dindiro, from where they prepared a large-scale attack on the SPLM-N's headquarters in Kurmuk. After weeks of persistent Antonov bombings on the wider area, the SAF launched a decisive operation in the first week of November. The SPLM-N's traditional stronghold was brought under SAF control; the SAF had symbolically won the fight against the rebels.

In 2012, successive operations to drive the SPLM-N from the Southern tip of Blue Nile faltered in Deim Mansour. However, the SAF did manage to capture additional terrain in the Ingessana hills in the East.

¹⁵⁸ International Crisis Group, *Sudan's Spreading Conflict (II): War in Blue Nile*, Crisis Group Africa Report N°204, June 2013, p. 25

¹⁵⁹The Signal Program on Human Security and Technology, *Sudan: Anatomy of a Conflict*, p. 81.

¹⁶⁰ Interview IPIS with former SPLM-N intelligence officer, confidential location, May 2013.

In early May they took the town of Bau, and a few weeks later they chased the SPLM-N from Soda, the birthplace of ex-Governor Malik Agar.

Current frontline and attacks

During the 2012-2013 dry season most skirmishes were concentrated around Kurmuk, Mofu, Deim Mansour, the Ora mountains, and Ulu but yielded few results in terms of territory gained or lost. The SAF did not succeed in pushing the SPLM-N further out of Blue Nile. For example, its attempts to capture the towns of Mofu and Ulu failed. Although the SPLM-N could not significantly alter the balance of power either, it did manage to regain limited territory it had lost in the previous two years. The SPLM-N's attack on Kurmuk in February was most notable – it arrived at the outskirts of the town and temporarily occupied the airport before retreating.¹⁶¹

The SPLM-N pursued its ambition to retake Kurmuk during the 2013 wet season. In August, it attacked and captured SAF positions north and northeast of the town in the District of Geissan. SAF spokesperson Col. Alsoarmi Khaled Saad announced that his forces regained control over these areas within the following week.¹⁶² However the SPLM-N denied the SAF's statement, and in November 2013 it claimed that it was retaining control over the towns of Dokan and Ashimbo so as to besiege Kurmuk and cut off its supplies.¹⁶³

Aerial bombardments by SAF Antonov planes have been concentrated on combat areas, but have also fallen far behind the frontlines. Within SPLM-N controlled territory, the SAF have heavily bombed Yabous at the Southern tip of Blue Nile State and New Quffa at the South Sudanese border. However the Antonov bombings have occasionally also targeted areas within the SAF's part of Blue Nile, namely the Ingessana hills, where isolated groups of IDPs remain and where SPLM-N units conducted rescue operations until at least December 2012.¹⁶⁴

3.2 The SPLM-N's proclaimed grievances

The SPLM-N's grievances and its political program were discussed in the South Kordofan chapter (see chapter 2.3). Generally speaking, the movement's discourse in Blue Nile is largely similar. SPLM-N interviewees equally denounced the lack of development and equal rights, and asserted that past experiences have shown that these can only be obtained through regime change.¹⁶⁵

However, contrary to South Kordofan, such beliefs are much less evident from conduct on the battlefield. As discussed below, the relatively weak military position of the SPLM-N's 2nd Division does not allow them to seriously challenge the SAF (see chapter 3.4). As a result of this, the drive for survival often shapes the movement's behaviour. If the SRF coalition indeed wants to achieve its goal of overthrowing the Bashir regime (as argued above), it will need to focus its efforts on other areas, such as North Kordofan.

That said, Blue Nile is a good case in point upon which to expand on the issue of whether the SPLM-N's grievances are based on facts. Indeed, a question that has remained unanswered thus far in this document is whether the rebels are motivated by real or perceived grievances.

SPLM-N community leaders from all over Blue Nile State use a two-layered discourse when explaining their motivations for fighting the GoS. Firstly, they point to ethnic and religious grievances such as discrimination against "black people" and the introduction of radical Islam.¹⁶⁶ They feel they have become the victims of a deliberate policy of persecution targeting non-Arabs, often referring to speeches by prominent NCP members for proof.¹⁶⁷ Secondly, the SPLM-N leadership claims to fight against the marginalisation of its areas.

¹⁶¹ Reuters, *Sudan rebels launch attack to retake border town*, 20 February 2013.

¹⁶² Radio Miraya, *Renewed clashes reported in Blue Nile*, 26 August 2013.

¹⁶³ Interview IPIS with SPLM-N official, confidential location, November 2013.

¹⁶⁴ Gramizzi C., *At an Impasse: The Conflict in Blue Nile, Small Arms Survey report*, pp. 24-27.

¹⁶⁵ Interviews IPIS with SPLM-N members (civilians), Maban County, May 2013. There are, however, subtle differences. One rather striking example was how Blue Nile interviewees persistently stressed how they believe they are actively persecuted by Khartoum and the SAF. Obviously, the weaker military position of the SPLM-N in Blue Nile partially explain this tendency.

¹⁶⁶ Interviews IPIS with SPLM-N members (civilians), Maban County, May 2013.

¹⁶⁷ For example President Bashir's notorious speech in Khartoum after the SPLA had taken control over Heglig, in which he

Evidence of discrimination and ethnic violence

So far, there is little evidence for a deliberate NCP policy of ethnic persecution. There is no doubt that the SAF and PDF have been hunting down suspected SPLM-N supporters since the moment war broke out, while committing serious human rights violations including arbitrary arrests and extra-judicial killings.¹⁶⁸ However, there have been no reports of persistent ethnic violence in SAF controlled areas, let alone extreme cases such as mass killings. That being said, it has to be taken into account that the extent of ethnically motivated violence is difficult to assess, as the access to the whole of SAF-controlled Blue Nile is completely blocked to the UN, NGOs or any other outside observers.

From the information available¹⁶⁹ it seems that SAF and PDF violence is political in nature, as they have specifically committed abuses against known or suspected opposition members (see chapter 3.5). These targeted attacks could feed the perception amongst the “black people” of an organised campaign of ethnic cleansing against them.

Such fears are undoubtedly reinforced by the brutality of the war. Specifically instilling fear in the population within the SPLM-N controlled areas of Blue Nile are the frequent aerial bombardments and shelling. Data on the location and results of SAF bombing and shelling indicate that these attacks are indiscriminate (see web maps). Not only are some of the utilised bombs indiscriminate by nature of their design, but the attacks themselves are regularly directed against civilian targets such as villages, fields or mining sites.

As a consequence, many places have become uninhabitable because of both the security risks and the destruction of housing and crops. This has led to the massive displacement of populations within rebel-held areas and across the South Sudanese and Ethiopian borders.

In a well-documented case study, Amnesty International (AI) presented extensive satellite imagery showing the systematic destruction and abandonment of a series of villages in the Ingessana hills. Villagers, who fled the area for refugee camps, explained to AI that after the bombing, the SAF and PDF raided the villages, burning down houses and several other buildings.¹⁷⁰ The ensuing displacement of the local population has caused a large number of secondary casualties – possibly even higher than those killed from the bombings themselves.¹⁷¹ The young, old and weak often cannot survive the lack of water, shortage of food, and the harsh living conditions of displacement. Their resilience is further tested when they try to complete the long trek necessary to reach refugee camps.

Additionally, the refusal by the GoS to allow any outside observers in the area, accompanied by the frequent use of inflammatory language such as the words “infidels” or “insects”, has further reinforced the suspicions of local people of ethnic or religious warfare against their population groups.

Even though the Blue Nile population is diverse in terms of tribal composition, the perceived threat against the survival of ‘its’ communities is certainly an important motivator for the SPLM-N, especially for the rank and file. It explains why the rebels can recruit new combatants with relative ease, an effort in which they are assisted by traditional chiefs. The rebels attract people from amongst ‘their’ IDP and refugee population, which mostly includes members of so-called ‘indigenous’ tribes such as the Ingessana and the Uduk (‘Arab’ peoples from other regions of Sudan or from Islamised tribes from West Africa generally support the government).

From all available accounts it appears that the rebels have a positive relationship with both the local population in their zone of control in Blue Nile and with those who fled to the refugee camps.¹⁷² For the time being, the refugee population seems to be of the opinion that the SPLM-N is acting in its common interest.

referred to the latter as “Insects that must be eradicated”: BBC, *Sudan president seeks to ‘liberate’ South Sudan*, 19 April 2012.

¹⁶⁸ Human Rights Watch, *Sudan: Blue Nile Civilians Describe Attacks, Abuses*, 13 April 2012.

¹⁶⁹ The available information mostly comes from testimonies of refugees who have fled Blue Nile for South Sudan.

¹⁷⁰ Amnesty International, *We had no time to bury them. War crimes in Sudan’s Blue Nile State*, Amnesty International report, June 2013.

¹⁷¹ *ibid.*, p. 30.

¹⁷² IPIS interviews with refugees and human rights investigators, Maban County, May 2013.

Evidence of marginalization

In addition to discrimination, the issue of marginalisation of the “indigenous” people of Blue Nile State features prominently in the SPLM-N’s leadership discourse as well. Additionally, there is considerable evidence to sustain this claim. The SPLM-N denounces the lack of investment in Blue Nile, specifically pointing out the state’s largely poor infrastructure, as well as the virtual absence of secondary and higher education.¹⁷³

The available data on schooling and infrastructure show that government investment in Blue Nile State is indeed very limited. For example, there appears to be only one secondary school in the whole of Bau County – an area with a population of up to 165,000.¹⁷⁴ Furthermore, apart from a few neighbourhoods in Ad Damazin and Roseires there is no public supply of electricity despite the presence of Sudan’s biggest power plant at the Roseires dam (see chapter 3.3). In fact, 70% of the country’s total energy production – mostly from oil and hydropower– is consumed in the Khartoum area.¹⁷⁵ Finally, road infrastructure in Blue Nile is also poor, especially in the south. The last time significant road works were carried out was in the early 1990s, by Osama Bin Laden’s Al-Hijrah Construction and Development Company, which built a road between Damazin and Kurmuk.¹⁷⁶

An important frustration that adds to the native population’s sense of marginalisation is that they can hardly participate in, let alone profit from, business investments being made in the State. Whether concerning large-scale farms or the Roseires Dam, local people claim they are only allowed to take up the lowest levels of employment, often facing harsh and humiliating working conditions. For example, former miners from Bau county explained how they were subjected to bodily inspections on a daily basis.

Ex-Blue Nile Governor and SPLM-N chairman Malik Agar has denounced the fact that the income generated through these businesses only profits Khartoum and the North, without any significant redistribution.¹⁷⁷ Khartoum’s large-scale projects often also lead to forced displacements and can be both environmentally careless and damaging.

Although several areas of Sudan lack development, Blue Nile (and South Kordofan) indeed appears to be among the worst. Development indicators on life expectancy, poverty and literacy rates, which could be used to assess the SPLM-N’s grievances regarding marginalisation are scarce. Moreover, the analytical value of the data available is constrained by several factors. Firstly, data collection has been very limited in former SPLM controlled areas. Secondly, there is only very little data available to disaggregate information below the State level. Thirdly, the population estimates on which the indicators are based are often outdated.¹⁷⁸ Nevertheless, there are some illuminating and fairly recent studies, such as those carried out by UN agencies to measure progress towards the Millennium Development Goals.

Development indicators for the Blue Nile and South Kordofan States are consistently significantly below the national average. In 2008, life expectancy in Blue Nile stood at 50.1 years; in South Kordofan, 56.7 years. These are compared to a Sudanese national average of 60.2.¹⁷⁹ These two states’ under-five mortality rates are amongst the highest in the country as well.¹⁸⁰ Under-five mortality rates in both North and West Kordofan States are considerably lower.¹⁸¹

¹⁷³ IPIS interviews with SPLM-N leadership, Blue Nile, May 2013.

¹⁷⁴ UNDP Sudan, *Blue Nile State: Situation Analysis*, March 2010, p. 14.

¹⁷⁵ Unknown author, *Country Energy Profile: Sudan* (<http://ssafta.org/wp-content/uploads/2011/05/Sudan-Energy-Profile1.pdf>).

¹⁷⁶ People from Kurmuk explained to IPIS that additional road works were planned further south of Kurmuk town, but were never completed because Khartoum did not pay Al-Hijrah what had initially been agreed.

¹⁷⁷ Interview IPIS with SPLM-N Chairman, Blue Nile, May 2013.

¹⁷⁸ A population census was carried out in 2008. Central Bureau of Statistics and the Southern Sudan Centre for Census, Statistics and Evaluation, *5th Sudan Population and Housing Census - 2008*, 24 April 2009.

¹⁷⁹ These are the 2008 figures (source: UNFPA, *An Update of Reproductive Health, Gender, Population and Development Situation in Sudan*, 2011, p. 57).

¹⁸⁰ 172 deaths per thousand children in Blue Nile and 147 in South Kordofan, against a national average of 104. (Source: UNDP Sudan, *Millennium Development Goals Interim Unified Report*, December 2004, p. 19).

¹⁸¹ *ibid.*

The Sudanese average literacy rates for women lies around 50 percent. However, in Blue Nile and South Kordofan, only 36.7 and 35 percent respectively of women over 15 know how to read.¹⁸² Primary school enrolment rates in these two states were also at the lower end of the spectrum (Blue Nile: 27.9%, South Kordofan, 36.6%, unweighted state average: 48.8%), although 2008 data suggests considerable progress on these 2000 indicators.¹⁸³

A preliminary conclusion that can be drawn from these indicators is that the Blue Nile and South Kordofan States are significantly less developed than most other parts of the country.¹⁸⁴ This being said, indicators for most Sudanese states in Sudan are particularly low. There also remains a considerable gap in development indicators between Blue Nile and South Kordofan on the one hand, and South Sudan on the other, which scores far worse.¹⁸⁵ Moreover, the data does not allow us to differentiate between the causes and effects of the armed conflicts in the two States.

3.3 Khartoum's interests in Blue Nile

In spite of its relatively small size, Blue Nile State is of great economic importance to Sudan. Having lost three quarters of its known oil reserves after the independence of South Sudan in 2011, the regime in Khartoum devised alternative policies to ensure further economic growth and a continued inflow of foreign currency through mining and agriculture. In this regard, the north and centre of Blue Nile State – the localities of Tadamon, Roseires, Damazin and northern Kurmuk – hold sizeable economic potential. Not only are the Blue Nile River and all of the State's large-scale agricultural concessions located in this area, but so are the chromite mines and the bulk of gold-mining sites.

Since the outbreak of hostilities in September 2011, it appears that the SAF have secured the GoS' strategic interests in terms of national revenues and the financial interests of the Sudanese elite in Blue Nile State. Not only has the SAF consolidated its control over the Roseires dam and the State's agricultural schemes, but also the chrome and most of the gold mines. The SPLM-N-controlled areas are considerably less important to the regime in Khartoum. In addition, it would prove difficult to capture them, given the concentration of SPLM-N troops and the allegiance of the remaining local population groups.

This at least partially explains why the SAF appears to currently be satisfied with maintaining the status quo. They are preventing the SPLM-N from gaining strength, whilst continuing to carry out aerial bombardments that are both prevent civilians from returning, and destabilise local food production. Following the symbolic capture of Kurmuk, the SAF also effectively cut off SPLM-N road supplies via Ethiopia.¹⁸⁶ Thus, with the SPLM-N's operational capacity seriously hampered, and their own resources secured, the SAF can allocate more military resources to the other fronts in South Kordofan and Darfur.

In this regard, it is interesting to note that when SAF took control over Sali, several top commanders asserted that this meant the end of the SPLM-N's presence in Blue Nile, as if the rest of the territory was not worth mentioning.¹⁸⁷

¹⁸² UNDP 2004, *cit.*, p. 14.

¹⁸³ UNDP 2004, *cit.*, p. 9. This can be referenced against: The Sudanese Ministry on General Education, *Baseline Study on Primary Education in the Northern States of Sudan*, 2008, p. 32.

¹⁸⁴ The same goes for South and West Darfur.

¹⁸⁵ In 2000, South Sudan had a life expectancy of 42 years, an under five mortality rate of 250 per 1000 births, an adult literacy rate of 24%, and a primary school enrolment rate of 20% (source: UNDP 2004, *cit.*, p. 51).

¹⁸⁶ Food and generic commodities to Yabus sector are still 'imported' from Ethiopia, but they serve Yabus and the surrounding area only through paths in the mountains.

¹⁸⁷ The Signal Program on Human Security and Technology, *Sudan: Anatomy of a Conflict*, p 90. It is also worth noting that the current division of Blue Nile State more or less reflects earlier divisions of the territory. Under colonial rule (1938-1953) the southern part of Blue Nile was administered from Upper Nile State. Furthermore, during the North-South wars, the SPLM controlled the southern part of Blue Nile as well. The area is therefore not only less interesting to Khartoum in terms of benefit from investments. Because of its historic ties to the SPLM and the South, it would require a sustained effort from the NCP to keep it under its political and military control, something it cannot afford given that its resources are already over-stretched.

Agricultural investments and the Roseires dam

The majority of Sudan's mechanised farming schemes are situated in the plains wedged between the Blue and White Nile rivers. In Blue Nile State, around 10,500 km² are allotted to approved agricultural schemes, exceeding one quarter of the state's surface.¹⁸⁸ However, only about half of these schemes are already in use (Box 3.1).

Box 3.1 : Examples of large-scale agricultural schemes

The largest concession in Blue Nile State is the Arab Sudanese Blue Nile Agricultural Company, 49 percent of which is owned by Sudan and 51 percent by the Arab Authority for Agricultural Investment and Development (AAAID). The scheme is 924 km² large and located near Ed Damazin, the state capital. Most of the schemes produce sorghum, groundnuts, sesame, cotton and millet. In spite of their proximity to the Blue Nile river, they are not irrigated, but typically rain-dependent.

Apart from the aforementioned scheme, other major concessions in Blue Nile State are owned by Arab companies (e.g. from Saudi-Arabia and Egypt) and by Sudanese companies (such as the Switch Group¹⁸⁹), which often have links with the national political establishment. The agricultural sector in Blue Nile State is therefore not only strategically important to Sudan's GDP, but also because of its direct effect on state revenues through state-owned enterprises, on regional foreign investments, and on the assets of the Sudanese elite.

A key element of Khartoum's agricultural plans is the Roseires dam, close to the state capital of Damazin. In an effort to boost agricultural productivity and investment, works started in May 2008 to heighten it by 10 metres. The project was of paramount national importance – plans for its augmented form enabled Kartoum to promise to provide water and electricity to concessions in Blue Nile State and improve the irrigation of large agricultural schemes further north.¹⁹⁰ Arab funds and development banks financed the project at an estimated cost of around 540 million dollars.¹⁹¹

In January 2013, the Sudanese President inaugurated the renewed dam. The additional ten metres of height more than doubled its storage capacity and increased its electricity output. The GoS asserted that, during the construction, 20,000 families were relocated to newly built towns.¹⁹² However, not all affected populations received government aid. According to the SPLM-N, the overall number of displaced population due to the elevation of the dam is higher than 20,000 and relocation was not always followed by fair compensation mechanisms, in particular when communities affected were from the indigenous tribes. Furthermore, in order to compensate for lost land, the families would have been offered work in cooperatives on new agricultural concessions in which the Dams Implementation Unit, has a stake.¹⁹³

In terms of electricity production, the heightened dam is a valuable asset as well, with officials claiming a maximum capacity of 1,800 MWh.¹⁹⁴ Although the actual average production will be significantly lower,¹⁹⁵ the quoted figure does point to the dam's central role in Sudan's energy infrastructure, because in 2011

¹⁸⁸ UNDP Sudan, *Blue Nile State: Situation Analysis*, March 2010, p. 13.

¹⁸⁹ Several SPLM-N politicians alleged to IPIS that Ali Osman has a share in the Switch Group company.

¹⁹⁰ Notably the state administered Gezira and New Halfa schemes.

¹⁹¹ Arab Fund for Economic and Social Development, Republic of Sudan: Heightening of Roseires Dam (Phase II), last accessed on 25 January 2014 (www.arabfund.org).

¹⁹² Sudan News Agency, *The Heightening of Roseires Dam*, 7 January 2012; Radio Tamazuj, *Mass arrests in Roseires in Blue Nile*, 1 September 2013.

¹⁹³ The Dams Implementation Unit is a government agency headed by the Minister of Electricity and Dams, Osama Abdullah M. El Hassan, the brother-in-law of President Bashir.

¹⁹⁴ Reuters, *Sudan launches major dam to boost agricultural production, investment*, 1 January 2013. In addition, the operations in Roseires will increase the productivity of Sudan's second largest dam in Merowe.

¹⁹⁵ For one, the productivity is dependent on water levels, see: <http://works.bepress.com/cgi/viewcontent.cgi?article=1077&context=issamawmohamed>.

Sudan and South Sudan's total installed capacity was estimated at 3,040 MWh.¹⁹⁶ Oil and hydroelectricity are Sudan's most important energy sources. However, since its 2005 Renewable Energy Master Plan, Khartoum has tried to lessen its dependence on oil-based energy production¹⁹⁷.

Clearly, the GoS could not afford to lose control over such an important investment to the SPLM-N. It was therefore no surprise that, following the outbreak of war in Blue Nile, the SAF quickly secured the site. It also appears that, in consecutive offensives, the SAF and PDF have captured an important number of mining concessions from the SPLM-N, including all operational industrial gold and chromite mines in Blue Nile (see below).

Gold mining investments

During the previous war, the division of territory between the Sudanese government and the SPLA constituted considerable impediments to the development of an industrial gold mining sector in Blue Nile State. Until recently, gold mining in Blue Nile State was almost exclusively artisanal and at many sites it still is. For example, at least 1400 diggers were reported to be active in traditional alluvial gold mining in the Ingessana Mountains before September 2011. Rough estimates made in 2003 put the annual gold production from the surrounding areas of Gugub, Khor Gidad and Taga at around 450 kilograms per year.¹⁹⁸

Estimates indicate that current production in artisanal mining areas is rather modest. However, the potential for gold exploitation in this largely unexplored region is considered to be high because it is located on the south-western limits of the Arabian-Nubian Shield – a geological formation that hosts several very productive large-scale gold mines. An example: the Hassai mine in Red Sea State – the largest gold mine in Sudan, producing over 28,000 ounces in 2011.¹⁹⁹

The end of the second Sudanese civil war, and the ensuing reorientation of the country's economic policy towards large-scale agriculture and mining, gave a first impetus to the industrialisation of the gold mining sector in Blue Nile State. As a consequence, in recent years (at least) two large Sudanese companies have started operations in the area (Box 3.2). Local administrators have asserted that the beneficiaries of these companies include members of the political elite in Khartoum. The areas in which both companies' concessions are located were brought under SAF control in the first weeks of the war. However, even before that time, their corporate properties have always been heavily protected by private security forces, described by local administrators as "NCP personnel".

Box 3.2: Examples of GoS and foreign interests in industrial gold mining

Red Rock Mining Company operates a concession in Belguwa, 60 km northeast of Ed Damazin in Roseires locality. Local populations describe the company premises as a small city with professional machinery that receives frequent visits by helicopter. Red Rock is a subsidiary of Sudan Master Technology, a government-owned company placed on the U.S. sanctions list pursuant to Executive Order 13067 blocking Sudanese government property.²⁰⁰

Eyat Mining and Exploration has an active concession close to Amora and Beldebro, in the south of Geissan locality. Eyat Mining and Explorations was established in 2005 as a division of Eyat Oil Services, a company active in the oil, agriculture and infrastructure sectors in both Sudan and South Sudan. Reportedly, the company also has concessions on the Agadi scheme west of Ed Damazin.²⁰¹

¹⁹⁶ <http://www.eia.gov/countries/country-data.cfm?fips=SU> .

¹⁹⁷ Unknown author, *Country Energy Profile: Sudan* (<http://ssafta.org/wp-content/uploads/2011/05/Sudan-Energy-Profile1.pdf>).

¹⁹⁸ Ibrahim M., *Information about Ingessana Hills Gold Mining Sites chosen for the Environmental and Health Assessment, UNDP and UNIDO: Global Mercury Project*, November 2003, p. 3.

¹⁹⁹ The mine is owned by the Ariab Mining Corporation, in which Sudan has a 56% stake. (sources: La Mancha, *Hassai Mine Technical Report*, 2006, (and Africa Confidential, *Sudan: the New Gold Rush*, 2012).

²⁰⁰ U.S. Office of Foreign Assets Control, *Report to Congress: Effectiveness of U.S. Economic Sanctions towards Sudan*, January 2009, p. 19; Yager T. R., *The Mineral Industry of Sudan*, U.S. Geological Survey Yearbook, 2004, p. 1.

²⁰¹ Interviews IPIS with SPLM-N politicians, Blue Nile and Maban County, May 2013. In addition, these sources, who previously

In addition to the aforementioned Sudanese companies, opportunities for gold exploitation in Blue Nile State have also attracted foreign interest and investment. For example, a large concession for gold exploration has been awarded to ASCOM Precious Metals Mining. The Egypt-based company is currently conducting an advanced exploration program in its 3000 km² concession, located in northern Kurmuk locality, stretching all the way to the southern end of the Ingessana Hills in Bau.²⁰²

SPLM-N involvement in gold mining

Gold is also present in SPLM-N controlled areas, namely Mofu and Yabous. Although many civilians have fled SPLM-N areas, artisanal gold mining has continued, and in some areas even increased.²⁰³ The miners make use of crushers, which greatly increases their productivity. Nevertheless, the production seems to be modest. In Mofu up to 2000 people occasionally partake in gold mining, meanwhile in Yabous their numbers are limited to approximately 200. The gold mining present in these areas seems to be more a matter of survival than enrichment. Much of the mined gold is traded locally for basic products. The traders, who are often Ethiopian, pay a relatively low price for the gold, compared to market rates in Uganda, Ethiopia or Khartoum.²⁰⁴

Capturing other mining assets does not appear to be the SPLM-N's biggest priority. The rebel group primarily remained in a defensive position throughout the 2012-2013 dry season. It did attack Kurmuk, where another gold mine is located. However, this was more likely to be a strategic decision: capturing its former headquarters on the Ethiopian border would allow the group to control a major border crossing and benefit from more consistent supplies from Ethiopia. It would also increase the rebels' chance of breaking free from their cornered position in the southern tip of Blue Nile.

Gold mining activities in the SPLM-N-controlled areas of Blue Nile do not appear to be strictly monitored, nor controlled, by the armed group, even though small numbers of SPLM-N elements may be involved in artisanal extraction in Mofu and Yabus areas. Such artisanal mining is, however, undertaken in the SPLM-N's members' personal capacity, alongside relatives or friends. Rebel commanders consider it an opportunity for individuals to replace pre-war livelihoods such as agriculture or trade.

Chromite mining interests

In early 2012, the SAF captured another lucrative mining area when it drove the SPLM-N out of the Ingessana hills. Undoubtedly, motives for the operation went beyond securing an economic asset: the hills also have strategic importance because they border the state capital of Damazin. Additionally, their loss dealt a psychological blow to the SPLM-N who count many Ingessana amongst their ranks, including chairman Malik Agar. Nevertheless, the operation's successful outcome gave the GoS renewed access to a profitable area.

Since the 1960's, industrial chromite mining has been developed in the Ingessana hills, although production came to a near standstill during the second Sudanese civil war. In the past decade, annual production of the ore has hovered around 15,000 tonnes. In 2010 and 2011 there was a marked increase

were members of the Blue Nile State government or members of the State Assembly, allege that President Bashir has a stake in Red Rock Mining, while Ali Osman Taha, until recently Sudan's First Vice President, holds considerable financial interests in Eyat Mining.

²⁰² ASCOM PM was established in 2009 as a subsidiary of the Egyptian ASCOM Geology and Mining Company, which in turn is 39% owned by Citadel Capital. Citadel Capital is one of the Middle-East's largest private equity funds and has extensive interests in the oil and agricultural sectors, both in Sudan and South Sudan (source: Citadel Capital, *Current investments: ASCOM Geology and Mining*, last accessed on 25 January 2014 (www.citadelcapital.com)).

²⁰³ Interview IPIS with trader from Yabus, Maban County, May 2013. Traders frequenting SPLM-N controlled areas explained that many people turn to gold mining because aerial bombardments are limiting their access to their fields. Furthermore, in the absence of cash, gold is increasingly used as a currency in everyday transactions.

²⁰⁴ Interview IPIS with Ethiopia-based Sudan expert, Addis Ababa, May 2013.

in production to around 57,000 tonnes annually.²⁰⁵ The Ingessana Hills Mines Corporation produced the majority of this output,²⁰⁶ a fully government-owned enterprise, with the Sudanese Mining Corporation as its mother company.²⁰⁷

Several private companies have also acquired licenses to mine chrome in the area. Based on world prices for Sudanese chrome ore (42-44% grade) at 286 USD per metric tonne in February 2013, annual revenues for the chrome mining sector could currently amount to about sixteen million USD at 2010 output levels.²⁰⁸ Currently, the existing reserves in the area are estimated to be around two million tonnes.²⁰⁹ Recent data on chrome production, which has been adversely affected by hostilities since 2011, is not available.

Finally, it is worth pointing out a second chrome mining area in the east of Blue Nile around Geiri and Jebel Kirma. Former civil servants from Roseires claim that in 2010 companies were producing up to 25,000 tonnes of high-grade chrome from these mines (up to 70% grade).²¹⁰

Other strategic interests

In comparison to areas such as Abyei and Unity State, pastoral migration has never been a particularly contentious issue in Blue Nile. Nevertheless, the current division of territory suits the pastoral communities, which often side with the Khartoum government. Maps of cattle migration routes show that the South and West of Kurmuk County are not crucial for seasonal grazing. They have alternative routes and pasture throughout the rest of the State. In addition, the government-controlled area of Blue Nile encompasses the large majority of water points.

3.4 SPLM-N intransigence while cornered

The SPLM-N in Blue Nile is on the defensive. Not only has it had to concede a lot of terrain to government forces, but supply problems also leave slim prospects for immediate improvement of its military situation. The Small Arms Survey has described the rebels' difficulties in gaining access to arms and ammunition since 2012 (when they had 'inherited' the stocks of the SPLA's 10th division).²¹¹ As a consequence, many of the SPLM-N's strategic choices are based on calculations to ensure survival.

However, the group's leaders also make clear that they have an agenda that goes beyond mere survival.²¹² On the ground, the group remains within the boundaries of Blue Nile State, holding its positions and occasionally launching a counter-offensive, despite continuous aerial attacks. A point in case is its August 2013 operation in the area of Dokan and Ashimbo indicating its continuing intention to retake Kurmuk.

The SPLM-N Blue Nile also shows purpose at the negotiation table where it sticks to its position (Box 3.3), despite the prospect of prolonged fighting and additional casualties.

²⁰⁵ U.S. Geological Survey, *The Mineral Industry in Sudan 2011*, U.S. Geological Survey Minerals Yearbook 2011.

²⁰⁶ According to SPLM-N politicians from Blue Nile interviewed by IPIS, the subsidiary was recently renamed to 'Progressive Mining Work'.

²⁰⁷ The Ingessana Hills Mines Corporation has an annual capacity of 48,000 Mt., Yager, T., *The Mineral Industry of Sudan 2002*, U.S. Geological Survey Yearbook 2002, pp. 27.1-27.2

²⁰⁸ Sudan chrome ore lumpy market price on 20 Feb-2013, Mining Bulletin, updated on 20 February 2013.

²⁰⁹ Scott N., *Sudan, in Mining Annual Review*, Mining Journal Ltd. 2002.

²¹⁰ Interviews IPIS with former mine company employees, Maban County, May 2013.

²¹¹ Gramizzi C., *At an Impasse: The Conflict in Blue Nile*, HSBA report, December 2013, pp. 49-53.

²¹² That being said, small groups of SPLM-N fighters remaining in the Ingessana hills and near the Ethiopian border are simply trying to hold out. According to an SPLM-N relief agency Official, interviewed by IPIS in November 2013, these units are not even strong enough to protect civilian SPLM-N supporters in their areas, let alone launch attacks against SAF. There are indeed no recent reports of SPLM-N operations being carried out in the Ingessana hills.

Box 3.3: The SPLM-N position during negotiations, and UN resolution 2046 (2012)

With almost two months of delay, the first negotiations between the SPLM-N and the government of Sudan started in Addis Ababa on 23 April 2013. It was a small success to have both parties attending the talks, however they were suspended after less than two days because the starting positions of both delegations seemed to be too difficult to reconcile. In particular, two issues raised by the SPLM-N were unacceptable to Khartoum.²¹³

Firstly, the SPLM-N stressed its intention to extend the scope of the negotiations beyond the “two areas” to include the countrywide issue of “misgovernance and institutional reform” mirroring Paragraph 6 of its June 2011 Framework Agreement with the GoS.²¹⁴ Notably, this could also be interpreted as a reaffirmation of its loyalty to its partners within the SRF coalition.

Secondly, the SPLM-N reiterated its support for UN resolution 2046 and its demand for a cessation of hostilities and access for humanitarian relief efforts. UN resolution 2046 does indeed include a reference to the AU, UN and League of Arab States tripartite proposal for “Access to Provide and Deliver Humanitarian Assistance to War-Affected Civilians in Blue Nile and South Kordofan States”, urging both the SPLM-N and the GoS to accept it.²¹⁵

A new round of negotiations was announced several times at the end of 2013 but has yet to materialise.²¹⁶

The rebels’ course of action comes at a cost. While both warring parties appear to leave little space for negotiations, the population in SPLM-N controlled areas continues to be exposed to a humanitarian crisis. The majority of people are displaced and face a struggle for adequate nutrition, health and shelter. In June 2013 the SPLM-N Sudan Relief and Rehabilitation Agency estimated that 119,220 people were displaced within Blue Nile. At the same time, more than 160,000 Blue Nile inhabitants were living as refugees in South Sudan and Ethiopia.²¹⁷ A recent humanitarian needs assessment predicted continuing food insecurity in SPLM-N controlled areas for 2014, after a 2013 rainy season that combined a dry spell in June and July with heavy flooding in August.²¹⁸

3.5 Blue Nile’s relevance in the national power struggle

From the scarce conflict data available, it appears that, with the exception of aerial bombardments, fighting was less intensive in Blue Nile in 2013 than at other frontlines such as South Kordofan or Darfur. Nevertheless the state remains an important factor within the overall power struggle between the NCP and the SRF rebels. As such, one conflict party’s loss of control increases the power position of the other.

On the one hand, Blue Nile holds an important symbolic value: as long as the SRF remains active in the State, it contributes to the rebels’ credibility as a national movement. The more (peripheral) states the SRF can claim to represent, the stronger its position when dealing with Khartoum or the international community. In this regard, Blue Nile is especially important because it is the home region of its Chairman.

²¹³ The SPLM-N was very explicit in these demands, as shown by a public statement from their delegation leader at the outset of the talks (available at: <http://petergume.wordpress.com/2013/04/24/tatement-by-leader-of-the-splm-n-delegation-to-addis-ababa-talks/>).

²¹⁴ Framework Agreement between Government of Sudan and Sudan People’s Liberation Movement (North) on Political Partnership and Security Arrangements in Blue Nile and Southern Kordofan States, 28 June 2011.

²¹⁵ The SPLM-N accepted the proposal and signed an MoU regarding implementation with the tripartite on the 4th of August 2012. The GoS, on the other hand, has never agreed to the proposal. Interestingly, Resolution 2046 also includes the language: “condemning actions by any armed group aimed at the forced overthrow of the Government of Sudan”.

²¹⁶ For example AUHIP announced the resumption of negotiations by the 9th of December: Radio Tamazuj, *Direct negotiations between Sudan and SPLA-N soon*, 6 December 2013.

²¹⁷ SRRA, *Six monthly report on Humanitarian and human rights situation of the IDP’s and war affected civilians in the SPLM/A-North controlled areas of South Kordofan and Blue Nile States*, January-June 2013.

²¹⁸ Enough Project, *Humanitarian Needs Assessment in Sudan’s Blue Nile State*, December 2013.

On the other hand, the relevance of Blue Nile to Khartoum lies in the GoS' strategic interests in the state. In chapter 3.3 key examples, such as mechanised farming and the Blue Nile River-basin and its Roseires dam, were discussed. The latter area, in particular, is critical to Khartoum to claim full state authority. Although, in November 2013, all of these strategic interests were under its control, the NCP maintained military pressure on the SPLM-N so as to prevent the rebels from attacking these important investments.

Khartoum's crusade against the SPLM-N

A closer look at conflict events in Blue Nile shows how calculations of political control are central to NCP and SAF strategies. The SAF is primarily waging a war against a politico-military opponent, the SPLM-N, which is a potential threat to the NCP's control over power. Before the 2010 elections, the NCP's stance towards the SPLM-N had already radicalised. After the initial clash between the SAF and the SPLM-N on the 1st of September 2011, Khartoum immediately dismissed Governor Malik Agar, banned the SPLM-N, arrested its members, seized the party's properties and declared an Emergency Law.²¹⁹

The move was in total contradiction of the NCP/SPLM-N framework agreement of June 2011 – signed by Nafie Ali Nafie but later rejected by President Bashir – which recognised “the right of the SPLM-N to continue as a legal political party”. Moreover, the actions against SPLM-N politicians were not limited to Blue Nile but occurred throughout the country, indicating that the NCP was not just responding to a local security situation in Blue Nile but specifically targeting the membership of a political party.

In the following weeks, the government forces continued their persecution of SPLM-N members.²²⁰ Several reports collected by Human Rights Watch described how many of the arrested individuals were only released after they had renounced their political affiliation.²²¹

In addition, one NCP defector interviewed by the Small Arms Survey even suggested that the NCP used the 2010 election results to map popular support for the SPLM-N, allowing it to identify and target their political opponent's constituencies.²²²

If the NCP is indeed targeting Blue Nile populations on political grounds rather than as part of a land grabbing campaign of ethnic violence against 'indigenous' peoples, this could explain an obvious contradiction in some of the recorded incidents. On the one hand we have discussed the SAF's brutal attacks on villages in the Ingessana Hills, burning all structures and chasing away the civilian population (see chapter 3.1). On the other, there are several accounts of the SAF or the PDF trying to prevent IDP's from fleeing across international borders or to SPLM-N controlled areas and keeping them under their own influence.²²³

Indeed it is not in the SAF's strategic interest to reunite the SPLM-N with a population from which it could recruit and increase its strength. Apparently keeping down its politico-military opponents is more of a priority to the NCP than “cleaning the state” from “infidels”.²²⁴

That said, Khartoum does not eschew using all means to attack its opponents, including the deployment of militias, which it sometimes whips up with fundamentalist and racist rhetoric. The SAF's use of militias in Blue Nile is well documented by the Small Arms Survey.²²⁵ Khartoum reactivated pre-CPA militias and created new groups of so-called Popular Defence Forces (PDF) to fight the SPLM-N. Most of its members

²¹⁹ Gramizzi C., *At an Impasse: the Conflict in Blue Nile, Small Arms Survey*, December 2013, p. 19. The move was comparable to their past approach in South Kordofan.

²²⁰ Human Rights Watch, *Sudan: political Repression Intensifies*, 21 September 2011 and Human Rights Watch, *Sudan: Blue Nile Civilians Describe Attacks, Abuses*, 23 April 2012.

²²¹ Human Rights Watch, *Under Siege: Indiscriminate Bombing and Abuses in Sudan's Southern Kordofan and Blue Nile States, 2012*.

²²² Gramizzi C., *At an Impasse: the Conflict in Blue Nile, Small Arms Survey*, December 2013, p. 34.

²²³ IPI interview with SPLM-N intelligence officer, Blue Nile, May 2013. See also: International Crisis Group, *Sudan's Spreading Conflict (II): War in Blue Nile*, Africa Report N°204, 18 June 2013, p. 27.

²²⁴ Quotations taken from: Gramizzi C., *At an Impasse: the Conflict in Blue Nile, Small Arms Survey*, December 2013, p. 36 and Human Rights Watch, *Under Siege: Indiscriminate Bombing and Abuses in Sudan's Southern Kordofan and Blue Nile States*, 2012, p. 47.

²²⁵ Gramizzi C., *At an Impasse: the Conflict in Blue Nile, Small Arms Survey*, December 2013, pp. 35-40.

originated from areas north of Blue Nile, which explains why local populations consistently refer to them as “Arabs” or “Felata”.

By the end of 2011 the PDF groups numbered several thousand men, who received a salary, arms and basic training from the SAF. There are reports of PDF rallies where participants were called to join the Jihad. Indeed, PDF militias are known to sometimes attract Islamic fundamentalists. However such units also appeal to opportunists, who are swayed by promises of monetary and other rewards.

PDF units have participated in military operations since the last active SPLM-N fighters were pushed from the Ingessana Hills to the southern tip of Blue Nile. As such, local leaders have described how a militia group assisted the SAF during their February 2013 attack on Mofu.²²⁶

Although the militias are armed by Khartoum and often act on its orders, it is worth pointing out that the GoS does not always have direct and strict control over them. Military observers explain that even local SAF commanders sometimes act without consulting their military hierarchy, especially when they do not agree with decisions or policies from the capital.

The SRF as the caretaker of SPLM-N Blue Nile power objectives

Previously the issue was discussed of the SPLM-N 2nd Division being geographically cornered and lacking the military strength to break free from SAF pressure. Nevertheless, the rebels’ political activity, diplomatic intransigence, and sporadic military operations indicate the clear existence of objectives beyond mere survival. In practice, they appear to consistently adhere to the SRF’s agenda for regime change and therefore to aim for political influence in Khartoum themselves.

Indeed, despite its weaker military position, the SPLM-N Blue Nile has been, at least until November 2013, a loyal SRF member, by supporting the coalition’s strategy of issue linkage in its negotiations with Khartoum (see chapter 3.4). It has maintained its discourse of marginalisation of the entire Sudanese periphery by Khartoum, and has shown a remarkable intransigence –given its precarious military situation – in demanding the broadening of the geographical and political scope of the negotiations.

Meanwhile, the SPLM-N 2nd Division also continues to make a moderate contribution to SRF strategies by maintaining a third front for the SAF and increasing the SRF’s geographical scope. By being part of a stronger alliance, the SPLM-N in Blue Nile has sought to increase its leverage at the negotiation table. Consequently, Malik Agar has invested a lot in his role as SRF chairman.

That being said, the SPLM-N in Blue Nile is militarily completely cut off from the other SRF partners. It therefore cannot rely on them for any assistance in achieving its objectives on the battlefield. Given that several sources have questioned the morale of the Blue Nile rebels,²²⁷ it remains to be seen whether their SRF membership is broadly supported, especially as long as the rank and file are not presented with tangible results from the rebel collaboration.

²²⁶ Interview IPIS with local leaders from Mofu, Maban County, May 2013.

²²⁷ Gramizzi C., *At an Impasse: the Conflict in Blue Nile, Small Arms Survey*, December 2013, pp. 28-29.

4. Abyei

In Brief

- The UN Interim Security Force for Abyei (UNISFA) is succeeding in managing cattle migrations but, despite the creation of a buffer zone, cannot prevent all inter-community violence;
- The Misseriya's claim over Abyei is founded on a survival strategy and a number of grievances;
- Dinkas, traumatised and displaced after the May 2011 SAF attack on Abyei town, are using a broad range of strategies to join their territory to the South, which is their single focus;
- Although the Diffra oil field does not produce that much oil in absolute terms, its output is important to the GoS in relative terms.

The Abyei area has customarily hosted the semi-sedentary Dinka Ngok and Arab pastoralists of the Misseriya, who migrate through the area on a seasonal basis to let their cattle graze. After the outbreak of the first civil war, their strained relationship became increasingly violent throughout the 1960's, when many of the Dinka's northernmost settlements were razed and clashes between the Dinka and Misseriya were frequent.

The 1972 Addis Ababa agreement put an end to the first civil war, but did little to ease these tensions. The Dinka Ngok were promised the possibility of joining the Southern Region through a referendum, and the area south of the Kirr/Bar-el-Arab was brought under Southern Regional administration. Although Khartoum made sure the referendum did not take place, these developments caused unrest amongst the Misseriya Humr, who found their access to southern pastures increasingly fraught at a time when agricultural schemes were encroaching their northern grazing land.²²⁸

By 1980, the Misseriya had organised themselves into militia groups, razing northern Dinka settlements with a view to repopulating them with their kinsmen and thereby secure pastures. These militias were increasingly supported by the Government, especially once oil was discovered in northern Abyei in the late 1970s. During the second civil war, the SAF and the militias continued their forced displacement of Dinka Ngok, who became increasingly active within the SPLM/A.

In 2004, at the end of the second civil war, the Abyei Protocol was concluded in Naivasha, Kenya. According to the Protocol, the residents of Abyei would be able to vote (concurrently with the independence referendum for Southern Sudan) on joining the Southern region or remaining within the North. The Protocol further delimited the Abyei area as the 'Area of the nine Ngok Dinka chiefdoms transferred to Kordofan in 1905'.

To turn the delimitation into a delineation, the Parties agreed to establish the Abyei Boundaries Commission (ABC), which presented its report in July 2005. However, according to the GoS, the Commission had exceeded its mandate and the Parties agreed to refer the question to the Permanent Court of Arbitration (PCA) in The Hague. The PCA rendered its final award on 22 July 2009, reducing the area that was defined by the ABC. As a result of this award, several strategic oil fields, such as Heglig, were placed outside of the Abyei Area, also referred to as the 'Abyei box'.

4.1 Conflict events

Renewed fighting broke out in Abyei in early 2011, around the same time that the referendum was held in Southern Sudan. It also coincided with the yearly dry season arrival of nomadic pastoralists from the

²²⁸ Douglas Johnson, *The Road back from Abyei*, *The Rift Valley Institute*, 14 January 2011, p. 3.

Misseriya tribe in areas populated by semi-sedentary Dinka Ngok. The violence went far beyond the seasonal cycle of tensions between the two groups, causing hundreds of casualties and widespread accusations of military support on both sides.

Despite early diplomatic efforts to solve the emerging crisis, the situation escalated throughout the rest of the dry season, with several clashes in villages north of Abyei town between the SPLA and the SAF and both of their proxies. The implication of both governments' forces was apparent. Multiple accounts and reports indicate that the SPLA had been building up its "police" presence in the area, increasing its numbers from 300 to up to 1200 heavily armed men. The SAF, on the other hand, organised the evacuation of wounded by helicopter and deployed equipment such as vehicles and tanks.²²⁹

The rapid movement of the frontline to the south shows that the SAF and the Misseriya were leading the offensive. The fighting was not limited to military confrontation: several hundred civilian structures were burned during each of the SAF attacks on the Dinka settlements of Todach, Tajalei, Dungop and Makir.

On the 21st of May 2011 the SAF and its allies launched a coordinated assault on Abyei town. After a series of aerial bombardments, a ground offensive followed. The attackers used weaponry such as tanks, mortars and heavy machine guns.²³⁰ When Abyei was captured, President Bashir dissolved the Abyei administration and declared military rule under a brigade commander.

As a result of the attack, Abyei town virtually emptied. Approximately 30,000 of its majority Dinka Ngok population fled across the Kirr river towards the border with South Sudan. Meanwhile, Misseriya militias and the SAF looted the entire town, including compounds of NGOs and UN agencies. Whole areas of dwellings and commercial buildings were razed to the ground. In addition, Abyei town's power infrastructure was effectively destroyed when the cables from the grid were looted. On the 26th of May the SAF blew up "Banton Bridge" on the Kirr River, cutting off virtually all of the Abyei area from South Sudan.

In May 2012, the Abyei area was almost entirely demilitarised after mediation by the AU. Meanwhile over 4,000 peacekeepers from Ethiopia were deployed within the framework of a new UN mission entitled the United Nations Interim Security Force for Abyei (UNISFA). UNISFA was given a robust mandate, including on the use of force, and is considered by international observers to be one of the most effective UN peacekeeping missions to date.²³¹

Following the May 2011 invasion of Abyei by the SAF and PDF militias, it is estimated that between 85,000 and 120,000 Dinka Ngok were displaced, seeking security south of the river Kiiir, mainly around Agok in southwest Abyei, and Twic county in Warrap.²³² By June 2013, up to 27,000 displaced returned.²³³ Most settled around Abyei town in the Mayak Payam, an administrative unit situated to the east of Abyei town.

However the rate of return remains relatively low, both due to the perceived insecurity and to the lack of access to basic services north of the river; these are provided for by international organizations and NGOs further south.²³⁴ So far there has been reluctance amongst these organizations to expand schooling, food support and medical assistance to the north. Aid workers explained this by stating that the situation in the area remains volatile. Moreover, increasing the rate of return by providing services in the area might be perceived by Khartoum as a political move to increase the number of Dinka voters in a referendum.

²²⁹ Harvard Humanitarian Initiative, *Sudan: Anatomy of a Conflict*, The Signal Program on Human Security and Technology, 2012, pp. 16 and 21.

²³⁰ UNMIS Human Rights Section, *Update on the attack and occupation of Abyei by SAF*, 29 May 2011.

²³¹ Interview IPIS with diplomat, Addis Ababa, March 2013.

²³² International Organisation of Migration (IOM) Mission in the Republic of South Sudan, *Abyei Area of Return Tracking Report*, June 2013, 1; Interview IPIS with IOM and UNHCR staff, Abyei, July 2013.

²³³ UNISFA estimates that there were up to 27,000 returnees in total, (source: Report of the Secretary-General on the situation in Abyei, 17 May 2013, *UN Doc. S/2013/294*, p. 2); According to a partial monitoring of returnees carried out during a verification exercise by IOM in June 2013, 16,000 individuals had already returned to their home settlements (source: IOM 2013, cit.).

²³⁴ The impending rainy season then also had an influence on IDP's decisions to postpone their return.

Recent events

The 2012-2013 dry season and following Misseriya migration was characterised by relative calm. Nevertheless, a number of striking incidents occurred.

In November 2012 UNISFA reported the entry of a JEM-affiliated militia group into the Abyei area.²³⁵ Estimates of their numbers vary; whereas UNISFA reports the presence of 35 armed men, international aid workers related significantly higher numbers.²³⁶ In the months following its appearance, the group appeared to have split. Nevertheless, throughout May 2013 the group retained a presence at a base near Um Harieth.

The JEM-affiliated group has not been the only armed group trespassing on the demilitarised Abyei Area. In the following months UNISFA will report the passage of a large SSLA unit and the occasional presence of the SAF or the SPLA.

The arrival of Misseriya cattle herders on their seasonal trek south in January 2013 provoked a significant increase in security incidents. Dinka Ngok community leaders reported several cattle thefts by Misseriya in February and at least five killings of Dinka in April.²³⁷ In addition, they denounced one case of organised destruction when, during the night of 27 April, 21 thached huts, or tukuls, were burned during a raid on Galar. For their part during this period, UNISFA reported three possible cases of Dinka Ngok involvement in cattle theft, and one killing of a Misseriya cowherd.

The most striking case of inter-community violence occurred on the 4th of May 2013 when Dinka Ngok Paramount Chief, Kuol Deng Kuol, was killed by a Misseriya youth. The Chief had been travelling to Diffra in a convoy organised by the Abyei Joint Oversight Committee under the protection of UNISFA. On its way back to Abyei town the convoy was stopped by a small group of armed Misseriya. The incident attracted a larger crowd and the standoff ended with a gunfight initiated by one militia member who opened fire, killing the Chief and a UNISFA peacekeeper. Several Misseriya were also killed in the incident. Reacting to the incident, the Misseriya population fled Abyei town and Goli for Diffra. On the 5th of May, in an act of revenge, a group of Dinka Ngok youth burned down Abyei market and the mosque.

On the 13th of June 2013 unknown assailants blew up an oil pipeline near Ajaj in the Northeastern corner of Abyei. The pipeline linked the Diffra oil field in Abyei to the processing plant in Heglig. Although clearly directed against the Khartoum regime, none of the main rebel groups claimed responsibility for the attack.

After the migration season only few further incidents were reported. However, tension mounted throughout September and October 2013 in the run-up to a referendum on joining the South, unilaterally organised by the Dinka Ngok.

4.2 The Misseriya: from Khartoum's proxy militia to a minority with a clear grievance

The coordinated PDF/SAF assault on Abyei in May 2011 is an emblematic example of how the Misseriya can be mobilised by Khartoum to help it fight its battles. On the other hand, and certainly in this case, the collaboration with Khartoum allows them to advance their own agenda. An agenda which is based on survival strategies and a clear set of grievances.

Misseriya livelihoods and related grievances

Together with the Dinka Ngok, the Misseriya from the Humr subgroup are the main stakeholders in the decision regarding the final status of the Abyei area. Their main interest lies in the fact that Abyei is a crucial gateway to their traditional dry season pastures. UNISFA estimated that at the end of the 2013

²³⁵ In later reports, UNISFA refers to them as 'Tora Bora'. See for instance: Report of the Secretary-General on the situation in Abyei (27 September 2013), *UN Doc. S/2013/577*, p. 14.

²³⁶ Interviews IPIS with OCHA and IOM staff, Abyei, July 2013.

²³⁷ Interviews IPIS with Dinka Paramount Chief and community representatives, Agok and Abyei, July 2013.

dry season 140,000 Misseriya nomads and 1,65 million head of cattle had to return from Abyei.²³⁸ Some of them had remained in the area for a few days, others for several months.

The Misseriya are increasingly dependent on Southern pastures because of pressures on pastoralist livelihoods in West Kordofan, an area which is characterised by erratic weather patterns and suffers from increasing droughts.²³⁹ Moreover, the region has been subject to the steady encroachment of the oil industry. Whilst traditional migration routes are sometimes blocked by oil infrastructure, road and pipeline construction have negatively impacted water levels. Pastures and water sources in West Kordofan have further degraded due to the overuse of the remaining resources and an increase in population. This has led to structural resource competition between pastoralist groups and farmers.²⁴⁰

Whilst the seasonal migration to and through the Abyei box is thus essential for the Misseriya, their access has been severely restricted since the CPA. In spite of the explicit recognition of the Misseriya's traditional grazing rights in the Abyei Protocol,²⁴¹ in reality, herders have met with serious restrictions on their movement whilst being subjected to harassment and heavy taxation imposed by the SPLA/M. As a consequence, between 2008 and 2011, most Misseriya stayed North of the Kirr/Bar-el-Arab, suffering a shortage of water and pasture and increasingly weakening their herds.²⁴² During the 2010-2011 dry season, they were not even able to reach the river.²⁴³

Following the 2011 invasion of Abyei by the SAF and Misseriya PDF militia and the subsequent deployment of UNISFA, Misseriya access to Abyei has improved in the past years. However, their relation with the Dinka Ngok has not developed. If not for UNISFA controlling the migration movements and preventing the Misseriya from taking the central corridor leading through the most densely populated areas, the 2012-2013 migration would either have been violent or not have taken place at all. In addition, the Twic Dinka continue to refuse the Misseriya access to pastures immediately South of Abyei, in Warrap State, an area beyond UNISFA's mandate.

These post-CPA experiences fuel the Misseriya's grievances and fears of seeing their access to essential grazing land blocked should Abyei be formally part of South Sudan and UNISFA no longer present. As a consequence, the Misseriya are very hostile to the prospect of a referendum as proposed in the Abyei Protocol.²⁴⁴

In September 2012, the AUHIP presented a plan to organise such a referendum. The proposal set the referendum deadline for October 2013 and granted exclusive voting rights to those with a "permanent abode" in the area. Abyei's sedentary Dinka Ngok people, estimated to number over 100,000, were expected to vote en masse for joining the South. On the other hand, only 15,000 Misseriya are estimated to have a "permanent abode" in the area; their votes would be insufficient to ensure that Abyei stays within Sudan.²⁴⁵ For this reason the Misseriya leadership has argued that (some of) their migratory kinsmen should be granted voting rights too, especially those remaining in Abyei for three months or more each year.

The Misseriya's discontent is also reflected in their criticism of the delimitation of the Abyei Area by the PCA. The Misseriya community unanimously rejected the 2009 PCA ruling, maintaining that their land

²³⁸ Report of the Secretary-General on the situation in Abyei (28 March 2013), *UN Doc. S/2013/198*, p. 2.

²³⁹ Pantuliano S. et al., *War, Oil and Decline of Misseriya Pastoralism*, Humanitarian Policy Group, 2009, p. 10.

²⁴⁰ International Food Policy Research Institute, *Managing Conflict over Natural Resources in Greater Kordofan, Sudan*, August 2007, pp. 12-13; UNDP Sudan, *Reduction of Resource Based Conflicts among Pastoralists and Farmers: project proposal document, 2004-2007*; S. Pantuliano et al. 2009, *cit.*, pp. 5-6; For the Muglad and Fula areas in West Kordofan, see also UNDP Sudan, *Pastoral Production Systems in South Kordofan*, 2006, pp. 10-11; Such issues are further exemplified by the acute shortfall in feed production registered in 2006 by the Western Sudan Resource Management Programme (study cited in Pantuliano S. et al. 2009, *cit.*, p. 14), according to which actual feed production for livestock in the West Kordofan falls short of feed requirements by nearly sixty percent.

²⁴¹ Comprehensive Peace Agreement, Chapter IV, 1.1.3.

²⁴² Pantuliano S. et al. 2009, *cit.*, p. 25.

²⁴³ HSBA, *The Crisis in Abyei, Update March 2013*, p. 5.

²⁴⁴ Sudan Tribune, *Misseriya threaten to wage war against South Sudan*, 24 August 2013; Sudan Tribune, *Arab Misseriya reiterate rejection of AU plans for referendum in Abyei*, 13 July 2013.

²⁴⁵ Interview IPIS with IOM staff, Abyei, July 2013.

ownership was at stake and not merely their access to it (see box 4.1).²⁴⁶ Moreover, they claimed to have been barely consulted throughout the delimitation process both at the ABC and PCA levels.

Box 4.1: Land access vs. Land ownership

With the Final Award having been recognised both by the SPLM and GoS, the ultimate delimitation of the Abyei box is rarely, if ever, called into question by the international community. In so doing, traditional ownership of the Dinka Ngok over the entire area is implicitly recognised and Misseriya claims dismissed.

However the issue of Misseriya land ownership has been raised in a dissenting opinion to the Final Award by H.E. Judge Awn Shawkat Al-Khasawneh, one of the five Arbitrators and a permanent Judge at the International Court of Justice. He supported the view that the Misseriya land ownership claims over a part of the Abyei Area have, at least, an objective basis and that they have not been duly taken into account by the Tribunal.²⁴⁷

In his conclusion he states: "Today, we are more remote from achieving a durable peace than before the rendering of this Award, because of the very simple fact that the Award failed utterly to take the rights of the Misseriya into consideration [...] Therefore, the question that will never go away is who [...] gave the Experts or this Tribunal the right to reduce the Misseriya to second class citizens in their own land and to create conditions which may deny them access to water."²⁴⁸

Not just a SAF proxy force

The PCA ruling also caused the Misseriya to further estrange from the NCP, which they felt did not defend their interests during the process. The potential loss of Abyei to South Sudan would further decrease Misseriya control over their traditional area of influence after the Sudanese Government had merged the Western and Southern Kordofan States.²⁴⁹

As a consequence, the Misseriya have increasingly outgrown their pre-CPA role of mere proxy force of the SAF. They do not trust the SPLM to look after their interests, but increasingly oppose the NCP as well. Politically, they denounce issues such the lack of development in their areas. Misseriya explained that they have not yet seen the development dividend of the 2% of Abyei's oil revenues the CPA entitles them to, and have staged several protests denouncing the absence of employment prospects within the oil sector.²⁵⁰ Moreover, since the CPA, many former Misseriya PDF members complained not having received the financial support promised to them by the Government.²⁵¹

Due to this growing discontent with the NCP, several Misseriya have joined rebel groups fighting the regime, notably the SPLM-N and JEM.²⁵² By May 2012, the SPLM-N reportedly had a 1000-men strong Misseriya brigade in the Nuba Mountains. In Abyei, Misseriya youth have formed the so-called 'Tora Bora' group, which is anti-government and loosely linked with JEM.²⁵³ As a result, it also has become increasingly difficult for the regime to mobilise the Misseriya in their offensives against the SPLM-N or JEM, as the Misseriya leaders do not want militia to fight their own kin.

²⁴⁶ US Embassy in Sudan, *Misseriya in Muglad reject PCA Decision, 13 December 2009*, 09KHARTOUM1389_a.

²⁴⁷ Dissenting opinion of His Excellency Judge Awn Shawkat Al-Khasawneh, Member of the International Court of Justice (www.pca-cpa.org).

²⁴⁸ *ibid.*, pp. 66-67.

²⁴⁹ Whereas they had dominated the latter, they were a minority to the Nuba in the united Southern Kordofan State.

²⁵⁰ Concordis International, *More than a line: Sudan's North-South border, September 2010*, p. 60; *Radio Tamazuj, Misseriya allegedly threaten to expel oil companies*, 7 October 2013.

²⁵¹ Interview IPIS with Misseriya intellectual, Bruges, Belgium, October 2013.

²⁵² International Crisis Group, *Sudan's Spreading Conflict (I): War in South Kordofan, Africa report No. 189, 14 February 2013*, pp. 8-9.

²⁵³ Report of the Secretary-General on the situation in Abyei (25 January 2013), *UN Doc. S/2013/59*, p. 2.; Interview IPIS with Misseriya intellectual, Bruges, Belgium, October 2013.

Despite the above, the Misseriya will not hesitate to collaborate with Khartoum if they believe this will serve their interests.²⁵⁴ The last time the NCP and the SAF could capitalise on Misseriya grievances and mobilise their militias was in the run-up of their joint attack on Abyei in May 2011, when both parties hoped to establish full and permanent control over Abyei through military means.²⁵⁵ Since the establishment of UNISFA, the Misseriya have had temporary and partial access to their grazing areas, meanwhile the SAF has, apart from the 'oil police' at Diffra, retreated from the area. The Ethiopian peacekeepers have created a buffer zone blocking the Misseriya's access to the central corridor, which leads through the Dinka populated areas around Abyei town, while keeping the eastern and western corridors open. While UNISFA's dry season management has removed the Misseriya's primary conflict motive, frustrations linger.

Misseriya behaviour throughout the 2012-2013 migration season reflects the tribe's ambiguous position *vis-a-vis* the temporary resolution of their grievances. While they continue to insist on access to the land and remain involved in a series of violent incidents, there are no indications that they are currently involved in an organised campaign to settle in Abyei and push out their Dinka Ngok neighbours.²⁵⁶ In all, the number of incidents between Misseriya and Dinka Ngok during the 2012-2013 dry season was relatively limited. Most incidents occurred around villages and settlements within the UNISFA buffer zone, such as Todac, Noong, Dokura, Tajalei, Marial Achak and Mabok, and were related to cattle rustling.

However, isolated cases of targeted attacks against Dinka settlements have been reported. The new Dinka Paramount Chief, Bulabek Deng Kuol, alleged that on the 27th of April 2013, 21 tukuls were burned in the area of Galar, Kar Allei and Karmanyuwar. The attackers were reportedly wearing military fatigues.²⁵⁷ Five weeks later, unidentified men wearing military uniforms reportedly attacked Galar a second time.²⁵⁸ Despite their heavy impact on a traumatised community, such sporadic incidents are insufficient to indicate that the Misseriya pursue a terror campaign against the Ngok Dinka.

The highest profile security incident has been the killing of Paramount Chief Kuol Deng Kuol, which is still the subject of a joint AU, UN, Sudan and South investigation, was the unintended result of a standoff between the AJOC delegation and armed Misseriya, protecting their claim on the northern Abyei area.²⁵⁹ In this case, the quick escalation would be another example of the high volatility in the area, the widespread availability of small arms, and the ease by which the Misseriya youth is mobilised (see Box 4.2).

However, should the Paramount Chief's tragic death turn out to be the result of a politically ordered assassination, the incident could indicate the existence of an aggressive Misseriya agenda to target the Dinka leadership and their lands.

Box 4.2: Misseriya gangs

Without a clear allegiance, the Misseriya, many of whom have served in PDF forces and are acquainted with weapons, have become a highly volatile element. This is especially the case for the large numbers of unemployed youth. Instances of theft and violent robberies have become a serious issue in West Kordofan and considerable numbers of young Misseriya have joined militia groups without clear goals or purpose.²⁶⁰ The combination with competition over resources is particularly combustible. In December 2013, for instance, 80 Misseriya were killed following clashes between the Awlad Serur and Awlad Metanin sub-clans in Al-Fula over the ownership of a plot of land.²⁶¹

²⁵⁴ *ibid.*

²⁵⁵ However, they failed, for example, to mobilise them against the Dinka Malwal in the 14-mile area in 2012.

²⁵⁶ Interview IPIS with IOM staff, Abyei, July 2013.

²⁵⁷ Interview IPIS with Dinka Paramount Chief and community representatives, Abyei, July 2013.

²⁵⁸ Report of the Secretary-General on the Situation in Abyei (29 July 2013), *UN Doc. S/2013/450*, p. 2.

²⁵⁹ A UN source interviewed by IPIS asserted that the initial youths blocking the convoy did not even recognise the Chief.

²⁶⁰ Interview IPIS with Misseriya intellectual, Bruges, Belgium, October 2013 Pantuliano S. *et al.* 2009, *cit.*, p. 8.

²⁶¹ Sudan Tribune, *80 killed in Misseriya clan clashes in South Kordofan – witness*, 9 January 2013.

The NCP is well aware of its waning popularity amongst the Misseriya and has tried to regain their favour. During the 2011 Gubernatorial elections in South Kordofan, one of the electoral pledges of the NCP was to re-establish West Kordofan. The law re-establishing the province was enacted in April 2013 and in July 2013, Ahmed Khamis Bakheet, a Misseriya, was appointed as Acting Governor of the State.²⁶²

Notably, the GoS invited a number of UN agencies for a meeting in Khartoum to present its plans to invest approximately 5,000,000 USD into the development Northern Abyei including the construction of schools and hospitals.²⁶³ Although the Misseriya Humr are far from Sudan's most numerous ethnicity, they are an important constituency, as the GoS needs stability in the strategic, oil producing area.

4.3 The single focus of the Dinka Ngok

As a result of their violent history, the Dinka Ngok maintain a strong discourse of victimisation and commonly refer to an ongoing strategy by the Misseriya and the Sudanese Government to drive them of their land using violence. With the May 2011 assault on Abyei Town fresh in their minds, this is not surprising. The killing of the Paramount Chief in May 2013 by armed Misseriya was another stark reminder of the latter's continued territorial claims and insecurity in the area.

The Dinka Ngok also allege that the Misseriya are trying to influence the outcome of a referendum by settling in large numbers in northern Abyei. This causes the Dinka Ngok to interpret almost every security incident, such as cattle rustling, as part of an orchestrated effort by the Misseriya and the Sudanese Government to retain control over the area. Although such a strategy certainly existed in the past, the number and nature of incidents recorded since UNISFA took control over the area suggest that the situation is now different, as indicated above. Moreover, there are currently no indications that a new wave of Misseriya settlers is moving into the Abyei box.²⁶⁴

After a long history of past traumas caused by the SAF and Misseriya militia, the overriding priority of the Dinka Ngok is to become part of South Sudan. Apart from culturally identifying themselves with the country, they also perceive it to be a better guarantor of their security. Being far more numerous than the Misseriya inhabiting the northern part of Abyei, the Dinka Ngok know that they would win the referendum, should only 'inhabitants' be permitted to participate. They therefore, heavily invest in political and diplomatic efforts to push such a referendum through.

As mentioned above, on the 21st of September 2012, in a move to break the deadlock in the negotiations over the area, the AUHIP proposed to organisation of the referendum on the final status of Abyei in October 2013. In this referendum, all of those with a permanent abode in the area would be eligible for voting. However, the GoS immediately rejected the proposal and alleged that by requiring a 'permanent abode', the AUHIP had copied the SPLM position on the issue.²⁶⁵

When the proposed date for the referendum approached with no agreement between the two countries in sight, the Dinka Ngok community started to mount pressure upon the AUPSC and the GRSS. In a letter to the AUPSC dated the 20th of August, the Dinka Ngok community stated that the "Abyei referendum, [...] is a right of the Ngok Dinka community and other eligible Sudanese that was provided by the 2005 Comprehensive Peace Agreement and is not contingent upon approval of or implementation by either government."²⁶⁶ They also addressed another letter to US President Barack Obama, asking for his support in encouraging the AUPSC to outline a specific timeline for the conduct of the referendum and "to include measures that will be taken if the timeline is not adhered to strictly, such as to request the UN SC to adopt a resolution to declare Abyei as a UN protectorate area."²⁶⁷

²⁶² Sudan Tribune, *Sudan shuffles governors of Kordofan states including ICC suspect*, 12 July 2013.

²⁶³ Interview IPIS with UNDP staff, Abyei, July 2013

²⁶⁴ Interviews IPIS with staff members of several international organisations, Abyei, July 2013.

²⁶⁵ The GoS has stated that it is up to the Abyei Referendum Act Commission to decide upon the requirements for the 'residency' criterium used in the Abyei Protocol. In its letter, the GoS also declared that it was willing to accept a presence of 185 days in the area as a requirement for residence, as had been proposed by the US Envoy in 2011 (Source: Government of Sudan, *Response to the AUHIP possible options of the final status of the Abyei Area and proposal on the referendum presented to the Addis Ababa Summit 23-25 September 2012*, Addis Ababa, 25 September 2012).

²⁶⁶ Sudan Tribune, *Abyei community petition AU security council over voting rights*, 22 August 2013.

²⁶⁷ Sudan Tribune, *Abyei community petitions Obama over proposed referendum*, 11 September 2013.

Following this pressure from the Dinka Ngok, the South Sudanese government took several steps to prepare for the referendum. These included releasing civil servants to register for the referendum and launching a diplomatic offensive to have the referendum imposed by the AUPSC and the UN Security Council. In its Communiqué of 24 October 2012, the AUPSC stated that if the parties failed to reach agreement over the final status of Abyei within a six-week period, it “will endorse the 21 September 2012 Proposal as final and binding, and would seek the endorsement by the UN Security Council of the same”.²⁶⁸ The campaign of the GRSS was aimed at convincing the AUPSC to act on this statement and was timed to coincide with the September 2013 UN General Assembly meeting in New York, during which the AUPSC would also convene.²⁶⁹ However the PSC merely reiterated its support for the AUHIP Proposal and called upon the parties to continue their negotiations, whilst urging them not to undertake any unilateral actions concerning Abyei.²⁷⁰

On the 18th of October 2013, with no diplomatic breakthrough achieved, the Dinka Ngok community decided to unilaterally go through with the referendum. Five days later, after a meeting with President Al Bashir, Salva Kiir stated that South Sudan did not support such a unilateral referendum and that the GRSS was not taking part in any of the preparations.²⁷¹ In spite of the stance taken by the GRSS and the international community, the Abyei Area Community Referendum Commission opened the poll on the 27th of October 2013. Over 63,000 people voted, with reportedly only twelve votes cast in favour of joining Sudan.

In organising the unilateral referendum, the Dinka Ngok community aimed to put the Abyei issue back on the table internationally, and increase pressure on the GRSS to prioritise the issue and take a tough stance in the negotiations. However, achieving the objective of getting the AUHIP proposal endorsed by the PSC, or imposed on the parties under Chapter VII of the UN Charter, is deemed unrealistic by international observers.²⁷² The PSC and the United Nations Security Council (UNSC) have consistently stressed the importance of obtaining a negotiated solution.²⁷³

At the national level, an important aspect of the Dinka Ngok’s strategy has consisted of harnessing support amongst the National and State Assemblies, as members of these are less susceptible to making concessions than those from the executive branch. This was exemplified in a joint statement from the major political parties, including the SPLM, expressing their support for the referendum and calling upon Salva Kiir, Sudan, the AU and the UN to recognise its outcome.²⁷⁴

In this way, the political build-up to and fallout from the referendum also reflected the power struggle within the SPLM. Former Vice President Riek Machar, who was vocal in his support for the referendum, stated that the “parliament should now make a position to recognize the outcome of the Abyei referendum. The position of the executive is not necessarily the position of the parliament (...)”.²⁷⁵ This statement illustrates Machar’s efforts to reposition himself within both the legislative branch and the party, and to put pressure on Salva Kiir.

Moreover, Deng Alor, the former Minister of Cabinet Affairs who was sacked by Salva Kiir in June 2013 over an alleged financial scandal, was also the chair of the Abyei High National Committee of the

²⁶⁸ Communiqué of the 339th meeting of the AUPSC on the situation between Sudan and South Sudan, 24 October 2012, *AU Doc. PSC/MIN/COMM/1(CCCXXXIX)*, p. 2.

²⁶⁹ Sudan Tribune, *Kiir seeks urgent foreign intervention over Abyei conflict with Sudan*, 18 September 2013; Sudan Tribune, *Kiir writes to AU over Abyei conflict with Sudan*, 12 October 2013.

²⁷⁰ Communiqué of the AUPSC on the situation between the Republic of Sudan and the Republic of South Sudan and other related issues (23 September 2013), *AU Doc. PSC/AHG/COMM/2.(CCCXC VII)*

²⁷¹ During this summit on the 22nd of October 2013, the two countries agreed to prioritise the establishment of the Abyei Administration, Council and Police, as well as the development of the area, including through transferring two percent of the oil revenue of the Area to the Administration as provided under the Abyei Protocol.

²⁷² Interviews IPIS with diplomats, Addis Ababa, November 2013.

²⁷³ Communiqué of the AUPSC of the 397th meeting on the situation between Sudan and South Sudan and other related issues (23 September 2013), *cit.*; UN Security Council Resolution 2046 (2 May 2012), *UN Doc. S/RES/2046 (2012)*; UN News Centre, *Abyei: Security Council ‘gravely concerned’ about highly volatile situation*, 24 October 2013.

²⁷⁴ Radio Tamazuj, *SPLM Recognizes Abyei Referendum Results*, 15 November 2013.

²⁷⁵ Sudan Tribune, *Machar calls on S. Sudan to recognise Abyei referendum*, 14 November 2013; Sudan Tribune, *Machar urges Sudans to recognise referendum outcome in Abyei*, 28 October 2013.

Referendum. Alor, an influential Dinka Ngok politician, pushed for the organisation of the referendum regardless of support from the GoS or GRSS.

Box 4.3: Bashir's proposal to avoid a referendum

When it became increasingly clear that Sudan would never accept the AUHIP Proposal, nor that the AUPSC or the UNSC would pressure Sudan into doing so, the two presidents reportedly came close to an agreement to *de facto divide Abyei into two for fifty years during the October 2013 Summit*.²⁷⁶

Under the plan presented by Bashir, 40 percent, including the Diffra oil field, would be administered by the North and the South would administer the remaining 60 percent, where almost all Ngok Dinka live, and where the best pastures lie. The deal allegedly did not go through due to Salva Kiir's reluctance. He considered the deal to be unacceptable to public opinion, and reckoned that he would meet fierce political resistance at a time he felt his position challenged.²⁷⁷

4.4 Abyei is (not) important in terms of oil

The Abyei area, as defined by the Permanent Court of Arbitration (PCA) in The Hague in July 2009, is not particularly rich in terms of natural resources. Besides a small deposit of oil at Diffra, no minerals are exploited. Even though there are indications of additional oil deposits, there is no public evidence that their extraction would be economically viable.²⁷⁸ Nevertheless, Diffra's small oil deposit is clearly part of some of the parties' calculations. President Bashir, for example, has reportedly proposed to President Kiir that he could give up the Southern part of Abyei, representing 60% of the total surface and the best pastures, but excluding Diffra. Dinka Ngok SPLM politicians, on the other hand, do not want to compromise on the PCA-delimited borders, even though the Dinka do not appear to have strong ties to the land of the Northern 40% (see chapter 4.3).

The Diffra oilfield is estimated to produce around 4,000-5,000 barrels per day (bpd).²⁷⁹ In 2010, before South Sudan's independence, Sudan produced more than 450,000 bbl per day in total. Consequently, the Diffra oilfield accounted for approximately 1% of Sudan's oil production at the time. However, following the 2011 separation, Sudan's production dropped to approximately 130,000 bbl per day.²⁸⁰ The relative importance of Abyei in terms of Khartoum's oil production has therefore increased from 1% to almost 4% of their daily output.

Sudan also channels crude oil from its Neem oil wells of Block 4 in South Kordofan through the Abyei area to Heglig. In 2006, the Neem oilfield reportedly produced around 24,000 barrels per day (bpd). Consequently, including the production at Diffra itself, up to 25% of Sudan's oil production relies on Abyei's infrastructure for further transport to Khartoum and Port Sudan. Should Abyei be attached to South Sudan, it would create a partial reversal of the current situation, wherein South Sudan is completely dependent on infrastructure in the North for the export of its oil production (see Box 4.4).

Oil from both Diffra and Neem oilfields is traded on the international market as "Nile blend", the best quality oil to be found in both Sudans. In July 2013 one barrel of "Nile blend" was priced at 104,16 USD.

²⁷⁶ Interview IPIS with diplomat, Addis Ababa, July 2013.

²⁷⁷ Interview IPIS with SPLM politician, Juba, November 2013.

²⁷⁸ The Christian Science Monitor, 'Oil-rich' Abyei: Time to update the shorthand for Sudan's flashpoint border town?, 2 November 2010

²⁷⁹ *Ibid.*; Interviews IPIS with SPLM politician, Abyei, July 2013.

²⁸⁰ In the second quarter of 2012 the daily exports temporarily dropped even further to slightly over 50,000 bpd, which appeared to be a direct consequence of the SPLA attack on Heglig (source: The Sudanese Ministry of Petroleum, last accessed July 2013 (<http://www.spc.sd>); Clayton B., *The IEA on Sudan and South Sudan*, 10 August 2010, (<http://blogs.cfr.org/levi/>))

Based on this figure, the daily turnover of Diffra is potentially around 500,000 USD, amounting to 182.5 million USD a year. Sudan's yearly income is around 5.675 billion USD. Its 2013 draft budget projected a 1.5 billion USD deficit.²⁸¹

Box 4.4: The arduous negotiations on oil between Juba and Khartoum

Although the oil reserves were divided together with the rest of the country in July 2011, the issue remains very contentious. Conflict potential stems from the fact that both countries can still influence the oil revenues of the other. Whereas South Sudan retained over 70% of the common oil production, the North still controls the only conduit for oil exports and three refineries. For both countries to maximise profits, they need to collaborate. Yet two years after independence their interaction on the issue remains largely hostile.

Tensions became apparent less than seven months after independence when South Sudan announced in January 2012 that it would halt its oil production. Juba held Khartoum responsible for the measure after the latter seized several shipments of South Sudanese oil. For its part, Sudan explained its actions by claiming that South Sudan was not paying the necessary "oil transit fees" for making use of its transport infrastructure.

The oil trade disagreement turned temporarily violent in April 2012 when the SPLA and the SAF clashed over the Heglig oilfield in the south of South Kordofan. The SPLA took control over Heglig for more than a week, destroying crucial infrastructure including the installation's control room.²⁸² The SPLA retreated after strong international pressure but the attack temporarily reduced Sudan's oil export capacity by more than 50%.

In November 2012, after mediation by the AU, both parties agreed on an "oil transit fee" of between 9.1 USD and 11 USD per barrel for exporting Southern oil through the North. In addition, Juba agreed to pay over 3 billion USD to Khartoum to compensate its loss of oil production after the South's secession.²⁸³ However, the decision to resume the production of oil was only taken after another round of negotiations in March 2013 when an implementation matrix, including 20 deadlines on oil, was adopted.²⁸⁴ South Sudan initially would pump up between 150,000 and 200,000 bpd – about half of its total production capacity. By the end of May, the first oil would arrive in Port Sudan for export. Khartoum expected to collect a total of 1.2 billion USD in transit fees for the remainder of 2013.²⁸⁵

However, the oil conflict resurfaced less than two months later when Sudan's President Bashir threatened to block the entire export of South Sudanese oil if Juba continued to "back Sudanese rebels from the SPLM-N or Darfur". A renewed crisis seemed unavoidable when South Sudanese President Kiir denied the allegations, in turn accusing Khartoum of supporting rebels in the oil-rich Jonglei State.²⁸⁶

After diplomatic pressure from the AU and China, President Bashir extended his initial deadline of 60 days.²⁸⁷ In July 2013 further escalation was averted when both parties reached an agreement on stopping all forms of support to rebel groups, including the creation of a joint investigation team.

From the above it is clear the potential loss of Abyei will have a significant negative impact on Sudan's economy, most specifically, through the loss of oil income. Nevertheless, this loss needs to be put in

²⁸¹ Sudan Tribune, *Sudanese government approves 2013 draft budget, says no lifting of fuel subsidies*, 3 December 2012.

²⁸² Sudan Tribune, *South Sudan: Machar Admits Nation's Poor Diplomacy Over Heglig Occupation*, 22 April 2012.

²⁸³ Laessing U., *Sudan, South Sudan agree on metering to avoid disputes*, Reuters, 28 September 2012.

²⁸⁴ Implementation Matrix of the Cooperation Agreement of 27 September 2012, 12 March 2013.

²⁸⁵ Reuters, *South Sudan restarts oil production*, 7 April 2013.

²⁸⁶ SPLM, *President Kiir refutes Bashir's rebel support allegations*, 12 June 2013 (www.splmtoday.com).

²⁸⁷ Sudan Tribune, *Juba optimistic of resolving allegations of rebel support with Khartoum*, 31 July 2013.

perspective. When South Sudan became an independent country, Khartoum lost more than 70% of its oil exports to Juba; the additional loss of Abyei will have a somewhat marginal impact.

For the NCP, the loss of a few additional wells is probably much tougher to digest politically than economically.²⁸⁸ Following the proclamation of the South's independence, many Sudanese have grown to fear something of a balkanization of Sudan. Giving up Abyei would almost certainly reinforce this apprehension and the NCP would risk dishonouring itself as the party that progressively lost the country.

In the meantime, and as long as the referendum on the final status of Abyei fails to be organised, Khartoum is comfortable with the status quo. Sudan can continue exploiting the Diffra oilfield and use Abyei to transport its oil from Neem to Heglig. That the relatively small site is still of strategic value to Khartoum is apparent from Sudan's determination to retain a police force of up to 150 armed officers at the Diffra oil complex, in violation of five consecutive UN Security Council resolutions.

As with NCP, the SPLA has only a modest interest in the small oil reserves of Abyei which would account for approximately 1.5% of its total production. A secondary advantage of retaining Diffra for South Sudan would be an increase in their volume of Nile Blend oil production. Every nine barrels of Nile Blend from Blocks 1, 2 and 4 allow South Sudan to export one barrel of their Dar Blend from Block 5a. Block 5a's heavily paraffinic and highly acidic Dar Blend needs to be mixed with 90% of Nile Blend before transport, due to inadequate pipeline infrastructure.²⁸⁹ Gaining control over the much more productive Heglig site would therefore be more economically important for the SPLA, and might partially explain Juba's efforts to claim the area during the border negotiations.

4.5 Suspicions around JEM presence

In addition to small bands of armed cattle raiders, UNISFA has reported the presence of several other armed groups in the Abyei box. In most cases, these groups seem to merely be passing through the area, however one group has a more permanent presence.

In November 2012, UNISFA reported the appearance of 35 armed men in the East of Abyei near Dumboloya and Um Harieth.²⁹⁰ Later, these men were identified as a group of (principally) Misseriya affiliated with JEM.²⁹¹ International aid workers explained that a group of at least a few dozen fighters (presumably the same) was in the area until as late as April 2013.²⁹² UNISFA, who has also referred to the group as 'Tora Bora', assert that the rebels have not operated in the Abyei area, but rather use it for transit or falling back.²⁹³ The rebels have also been reported as extorting money from vehicles travelling the Diffra-Thurpader road.

Earlier in 2012, JEM incursions had been reported in the thinly populated northwest of Abyei. UNISFA has explained that these movements are very difficult to track and control as JEM units are extremely mobile. In principle, JEM units could cross Abyei from its border with south Darfur in the east, to the west, in a few hours.²⁹⁴

Contrary to UNISFA, Khartoum has accused JEM of conducting an operation within Abyei. On the 13th of June near Ajaj, at approximately 62km East of Diffra town, an explosion took place at the oil pipeline to Heglig. Khartoum asserted that this constituted a deliberate attack, executed by JEM, launched from a base in Unity State in South Sudan, with logistical support from the SPLA.²⁹⁵ The matter is still under investigation but observers seem to assume the reported incident was indeed an attack. In July 2013 UNISFA organised preventive patrols near Dumboloya, where armed group activity was reported near another pipeline. The report did not discuss possible links with Tora Bora/JEM activity in the same area.

²⁸⁸ Interview IPIS with diplomat, Addis Ababa, March 2013.

²⁸⁹ European Coalition on Oil in Sudan, *Sudan's Oil Industry on the Eve of the Referendum: facts and analysis IV*, December 2010, p. 9.

²⁹⁰ United Nations Security Council, *Report of the Secretary-General on the situation in Abyei*, November 2012.

²⁹¹ United Nations Security Council, *Report of the Secretary-General on the situation in Abyei*, January 2013.

²⁹² Interviews IPIS with staff members of several international organisations, Abyei, July 2013.

²⁹³ Interview IPIS with UNISFA officer, Abyei, July 2013.

²⁹⁴ *Ibid.*

²⁹⁵ Reuters, *Khartoum says rebels based in South Sudan caused oil pipeline blast*, 13 June 2013.

5. Upper Nile

In brief

- 2013 saw both a sudden decrease in militia activity, and a number of isolated SAF/SPLA clashes;
- Despite cross-border tensions and objective reasons for discontent, there are few reported acts of violence between border communities;
- The mainstream SPLM is not popular among the Shilluk, but opposition by the community is peaceful after the demobilization of two remaining militias;
- Repeated interstate clashes in the 'claimed' area of Eastern Rank are seldom picked up by international media.

5.1 Conflict events

In 2011, at the time of South Sudan's independence, the SPLA regularly clashed with the militia of Major General Johnson Olonyi, whose combatants are predominantly of the Shilluk ethnicity, in Western Upper Nile. By the 3rd of June 2013, the majority of the militia, including Olonyi himself, had accepted an amnesty offer from the South Sudanese Government and were awaiting integration into the SPLA.

A smaller group of Shilluk rebels, commanded by Aywok Ogat and estimated at a few hundred fighters, remained active, operating at the South Kordofan Upper Nile border area in Manyo County. There have been only a few reported security incidents involving Ogat's group, the most recent being an attack against Wadakona village in June 2013 and a large cattle theft on the 17th of July in Hamera village. On the 29th of September 2013 it was reported that Ogat and an unconfirmed number of fighters handed themselves over to the SPLA in Kaka.²⁹⁶

Clashes between the SPLA and the SAF are more frequent, especially in the contested and claimed border areas. Despite limited, often only temporary, progress on demilitarising some of the other contested areas, the SPLA and the SAF retain a number of positions in Upper Nile's border region.²⁹⁷ The Small Arms Survey has reported that the SAF maintains at least two companies in the Jordah border area and an infantry company at Jebel Megeinis, while SPLA units continue to be deployed at Kwek and Wunthou on the Upper Nile-White Nile border.²⁹⁸

A case in point is the SPLA base in Bebnis, which was targeted by SAF gunships and planes on several occasions in February and March 2013.²⁹⁹ Bebnis lies in an area East of Renk County and partly bordering Blue Nile State. The area, although not recognised by the AU as officially contested, is still considered by them to be disputed, due to being claimed by South Sudan. The most recent SAF attack on the SPLA base occurred on the 3rd of July 2013 when units from the SAF's 17th Division advanced on the area via Gong Bar in the North, before they were repelled by the SPLA.

Other examples of interstate incidents have taken place in the Northern areas of Jebel Megeinis and Jordah, which are officially contested. The latter witnessed a sudden build-up of army troops in the last week of August 2013. Residents explained to the press that hundreds of soldiers from both Sudan and South Sudan had entered the disputed zone.³⁰⁰

²⁹⁶ Sudan Tribune, *Rebel leaders abandon rebellion in Upper Nile*, 30 September 2013.

²⁹⁷ Satellite Sentinel Project, *Continued Violence. Both Sudans Still Violating Demilitarized Border Zone*, September 2013.

²⁹⁸ HSBA, *The Safe Demilitarized Border Zone*, Updated 13 December 2013.

²⁹⁹ Reuters, *South Sudan accuses Sudan of bombing; Khartoum denies*, 3 February 2013.

³⁰⁰ Africa Review, *Tension as troops mass on disputed Sudanese border area*, 30 August 2013.

SAF operations on uncontested South Sudanese territory have become rare and limited in scale, a notable exception being a SAF air strike on the New Quffa market in Maban County on the 4th of March 2013.³⁰¹

Concerning violence against civilians, a notable incident has been the killing of eleven Sudanese traders in Renk Payam of Renk County on the 1st of May 2013. The traders were travelling the road from Kosti (Sudan) to Renk in a convoy of three trucks, which were completely looted. Such a case of brutal banditry, with such a large death toll, was exceptional if not unprecedented in the area.

5.2 Limited community violence despite scarce resources

South Sudanese Upper Nile State shares an international border with four Sudanese States: South Kordofan, White Nile, Sennar and Blue Nile. A number of border sections along the international line are not clearly delimited, as they are still contested between Juba and Khartoum. With the White Nile cutting through the State from the Southeast to the Northern tip, the territory has traditionally been of economic importance in terms of its agriculture, cattle migrations and trade. Before South Sudan's independence, (now) Sudanese were very active in such industries. Consequently, the creation of a new international border has created a considerable potential for local conflict because they have been cut off from their livelihoods.

A number of studies and reports have analysed the grievances of, and areas of contention between, some of the population groups living on both sides of the border. A first group are the Seleim, which are pastoralists moving between Sudan's White Nile and Upper Nile States. The Seleim annually trek Southwards through Upper Nile, moving along the west bank of the White Nile River. In the same area, some Seleim have invested in agriculture schemes, renting land from the local Shilluk population.

Seleim interests are increasingly under pressure. On the one hand, they fear losing access to farming and grazing land in the new South Sudan because of their new status as foreigners. On the other, their amicable dealings with Southern peoples raise suspicions in Khartoum concerning the Seleim's loyalties.³⁰² Moreover, Seleim's political clout is very limited; in South Sudan they have none, in Sudan it is mostly limited to the local level.

Other Sudanese pastoralist groups also cross into Upper Nile during the dry season. Officials estimate that around 5,000,000 heads of cattle arrive annually into Upper Nile from Sudan. Most of them enter through disputed border areas. Groups passing through Jodah include the Fellata, the Nazi and the Rufa'a. As with the Seleim, the Nazi are involved in agriculture. On the White Nile's West Bank, the wider Kaka area is frequented by the Hawazma and Awlad Hamayd.³⁰³

The Shilluk are a third group that could face negative consequences from the establishment of a new international border. Since 1991, the Shilluk have had a strained and at times overtly hostile relationship with the SPLM in general and the Dinka leadership in particular.

The rift stems back to an attempt by SPLA Shilluk commander Lam Akol -together with the Nuer Upper Nile zonal commander Riek Machar - to oust the Dinka, John Garang, from SPLA leadership. When the attempt failed, the SPLA split into different factions. Akol's faction - "the Nasir command" - received direct military support from the government in Khartoum.³⁰⁴ In addition, during the following two decades, Shilluk militias have regularly allied themselves with Khartoum.

Because of this open conflict with the SPLA, the Shilluk population has been obliged to either retreat to the West Bank of the White Nile or further into Sudan; as a result, it has lost some of its traditional land to Dinka settlers.³⁰⁵ Since the independence of South Sudan, the Shilluk feel politically marginalised and increasingly cornered by the geographical changes (see chapter 5.3).

³⁰¹ The bombs fell on the outskirts of the village and caused no casualties. New Quffa is located at the border with Blue Nile State, which has been systematically bombed since September 2012.

³⁰² Craze J., *Dividing Lines. Grazing and conflict along the Sudan-South Sudan Border, Small Arms Survey report*, July 2013, p. 131.

³⁰³ Concordis International, *Crossing the line: transhumance in transition along the Sudan-South Sudan border*, October 2012, pp. 76-77.

³⁰⁴ Johnson D. H., *The root causes of Sudan's civil wars*, pp. 91-110.

³⁰⁵ Craze J., *Dividing Lines. Grazing and conflict along the Sudan-South Sudan Border, Small Arms Survey report*, July 2013, p. 131.

Overall, and despite the existing conflict potential, it appears that the local population in Upper Nile is rarely involved in the county's security incidents for the time being.

Cases in point include the 2011-2012 and 2012-2013 cattle migrations, which proceeded without major difficulties, except for Upper Nile's Eastern and Southeastern borders. There, armed conflict in Blue Nile significantly reduced the pastoralists' movements. SPLA harassment of nomads crossing into Manyo County was also reported. However, in comparison to the highly contentious movements of pastoralists in the Abyei area, and to a certain extent Unity State, the migration into Upper Nile was relatively peaceful.

Local authorities seem to understand that the migrations are beneficial to the Upper Nile counties' treasuries - they generate tax income and reduce market prices. It also appears that decades of war have not entirely destroyed the social fabric uniting local and migrating communities, who often demonstrate strong commitment to a peaceful coexistence.³⁰⁶

Maban's refugee camps are another example of the relatively peaceful cohabitation of local communities, despite the existence of significant conflict potential and the availability of firearms. The massive influx of Blue Nile refugees into Maban has had a big impact on the Mabaan host community, which was in the process of rebuilding its livelihoods after having been displaced in previous wars. Most significantly, the presence of approximately 120,000 refugees has created severe shortages of resources (e.g. pasture, water and timber), whilst causing widespread infections amongst both people and cattle.³⁰⁷ Violent incidents between the host community and refugee groups have been reported, but they have been limited in both scale and frequency. Since September 2012 one death from intercommunity violence has been reported.³⁰⁸

5.3 Pacification of Shilluk grievances

Until recently, rebel groups have been a major source of insecurity in Upper Nile State. Before September 2013, two Shilluk militias were active in or around Upper Nile and were involved in a number of violent incidents. The first was led by Captain Johnson Olonyi, the self-proclaimed leader of the multi-ethnic South Sudan Democratic Movement/Army (SSDM/A), following the death of its President George Athor and the defection of his successor. Olonyi's group was largely composed of his Shilluk kinsmen. Estimates of the group's strength ranged between 800 and 2500 men.³⁰⁹ Olonyi's group was most active in 2012 when it launched several attacks against localities in the counties of Manyo and Malakal.³¹⁰

In June 2013, Olonyi accepted an amnesty offer from Juba, after which his troops awaited integration into the SPLA at Lul village in Fashoda County.³¹¹ In late November President Kirr ordered the full integration of Olonyi's forces into the SPLA, while appointing Johnson Olonyi himself as a Brigadier General.³¹²

The second Shilluk militia group, commanded by Lieutenant Colonel Aywok Ogat, was much smaller with an estimated strength of 200-400. The last reported confrontation with the SPLA took place in April 2013. The last report of a security incident in which Aywok's troops were involved was a case of cattle raiding on the 17th of July 2013.³¹³

In the meantime, Aywok has also accepted President Kiir's amnesty offer. In the last week of September 2013, 200 of his combatants surrendered to the SPLA, constituting a large part, if not all, of his forces.³¹⁴ On the 9th of October the group, which was presented as (a part of) the South Sudan Defence Forces (SSDF),

³⁰⁶ Concordis International, *Crossing the line: transhumance in transition along the Sudan-South Sudan border*, October 2012, p 81.

³⁰⁷ Danish Demining Group, *Displacement, disharmony and disillusion. Understanding host-refugee tension in Maban County, South Sudan*.

³⁰⁸ A member of the Mabaan host community died during clashes at the Gendrassa refugee camp on 17 January 2013. Information collected by UNYDA.

³⁰⁹ Information collected by UNYDA.

³¹⁰ Confidential UN report.

³¹¹ Information collected by UNYDA.

³¹² Sudan Tribune, *Promotion of former rebels sparks tension in South Sudan military*, 2 December 2013.

³¹³ Information collected by UNYDA.

³¹⁴ Sudan Tribune, *Rebel leaders abandon rebellion in Upper Nile*, 30 September 2013.

signed a memorandum of understanding with a Government delegation in Manyo County, committing to demobilise. It appears that one of the most difficult issues on the table was the recognition of ranks.³¹⁵

The demobilisation of the 'Shilluk rebellions' has marked an important breakthrough in the stabilisation of the Upper Nile province. In addition, the process has confirmed suspicions that these groups could not be considered advocates for Shilluk interests nor revolutionary movements with a wider political program.

Initially, international observers such as the Small Arms Survey perceived the rebellions of Johnson Olonyi, Aywok Ogat and Robert Gwang as different to the likes of George Athor's and Peter Gadet's. Whereas the latter groups' rebellions were considered to originate from personal and opportunistic motives related to the loss of power or influence, the former were seen as intended to genuinely draw attention to the Shilluk's community-wide, land-related grievances (see below).³¹⁶ However, the so-called 'Shilluk rebellions' have clearly switched purpose in the past years, especially after aligning with the SSDM in 2011. As a result, they have never been able to articulate a convincing grievance-based agenda.

A statement, released by "Lt. General" Olony on the 3rd of May 2013 to decline surrendering to President Kirr's amnesty offer, is telling.³¹⁷ The text shows Olony's inability to formulate any concrete grievances or political agenda. In the beginning of the statement Olony asserts that:

We are Revolutionary movements and in Revolution; there [is] nothing like amnesty and surrender. Amnesty is meant for criminals and vision-less organization because true Revolutionary is caused by grievances that demands change.

Further on, a section of the text summarizing those grievances of the SSDM/A is highlighted:

To achieve lasting peace as well political and economic self-determination of the people of this Great Nation, it is vital for the SPLM's regime to call for Comprehensive Peace Talks with Inter-Revolutionary Leadership Council that should be mediate by International Community because this is the only way, for us to reach common ground that will give birth to everlasting Peace, security and socio-economic and end the Country's political crisis, which becomes the major causes of our revolt against the regime of SPLM.

The references to self-determination, peace, socio-economic problems and a political crisis are very vague. Overall, the text is neither coherent nor convincing. This is especially so in light of the fact that two months after Olony released the statement – in which he claimed that total regime change was the only option left – he decided to accept the amnesty offer and integrate into the SPLA. Moreover, it appears that the ensuing negotiations between Olony and the SPLA have focussed exclusively on military integration, ignoring the proclaimed political and other grievances.³¹⁸

The lack of credibility of the SSDM/A's assertion to fight for a grievance-based agenda is reinforced by two other factors. On the one hand, the rebels appear to have lacked significant popular support in recent years. This seems to have even been so among the Shilluk population, as demonstrated by the ultimatum issued by the Shilluk King (Reth) Kwongo Dak Padiet to force the rebels to accept President Kirr's amnesty offer in May 2013.³¹⁹

On the other hand, there are several reports of the SSDM/A receiving support from Khartoum and acting as a proxy force for Sudanese interests. In June 2013 Olonyi declared on a State media broadcast that Khartoum "cooperated with us in all areas. They provided any support we needed including logistics and training when we were with them."³²⁰

³¹⁵ Radio Tamazuj, *Upper Nile rebels ink memorandum with juba*, 9 October 2013.

³¹⁶ Small Arms Survey, *Fighting for spoils. Armed insurgencies in Greater Upper Nile*, HSBA Sudan issue brief, 18 November 2011, p. 7.

³¹⁷ South Sudan Inter-Revolutionary Leadership Council, *Joint Statement on the Presidential Amnesty & ongoing Negotiation between South Sudan Liberation Army/Movement (SSLA/M) & SPLM's Regime in Juba*, 3 April 2013.

³¹⁸ One SPLA observer of the negotiation process explained to IPIS that the Shilluk militias were initially 'disappointed with the rewards they received in Juba'.

³¹⁹ HSBA, *Pendulum swings. The rise and fall of insurgent militias in South Sudan*, November 2013, p. 7.

³²⁰ Sudan Tribune, *"I was in Sudan" admits Uliny as rebels accept amnesty in Upper Nile*, 7 June 2013.

Aywok Ogat does not appear to have managed to formulate a coherent agenda either. On a radio interview in October 2013, after his surrender, Ogat stated that he took up arms to fight “the corruption and injustice that has killed our country.”³²¹ His affiliation with the SSDF rebels does not help to find further information on his intentions. The movement, which had been dormant for several years, does not have a clear leader, potentially aside from veteran Gordon Kong who is reported to be in poor health.³²² The movement’s website contains an incoherent collection of documents including an old Constitution (1999), a Position Paper (2000), and other out-dated documents referring, for example, to the non-implementation of the CPA.³²³

Despite the false pretences of the groups above, a genuine discontent does linger among parts of the Shilluk population. Their grievances are concentrated around land issues, political representation and past violence against their community. Two main land issues present themselves. The Shilluk claim to have lost two areas within Upper Nile State to the Dinkas: the first, between Baliet, Akoka, Malakal, Dolieb Hills and Nagdiar; the second, along the border with Jonglei State in Panykang County at the confluence of the Bahr el Ghazal, Sobat and White Nile rivers.³²⁴ Secondly, the status of several traditional Shilluk areas is uncertain as a result of the ongoing border demarcation negotiations between Sudan and South Sudan (Box 5.1).

Box 5.1 : Potential territorial losses of the Shilluk community after border demarcation

As with the Dinka Mawal in Northern Bahr-El Ghazal and the Dinka Ngok in Abyei, the Shilluk population of the contested areas of Kaka town and the Megeinis hills are still unsure of their territorial and political future. They risk being cut off from the rest of their tribe when South Sudan reaches a compromise with Sudan in the African Union-mediated border demarcation process. Their potential lack of political clout in Juba, following the suspension of SPLM Secretary General Pagan Amun (see chapter 1.3), has further reduced the Shilluk’s influence on the border negotiations.

Regardless of the outcome of the above process, the Shilluk population is already divided, following the independence of South Sudan. Shilluk representatives estimate that up to 200,000 of their kinsmen are currently living in Sudan, beyond the contested areas.³²⁵ Most of the Sudanese Shilluk reside in the El Salam Locality of White Nile State, an area from which some of their most prominent political figures, such as Musa Mek Kur,³²⁶ originate. Consequently, the Shilluk strongly oppose the possibility of a further division of ‘their land and people.’³²⁷

Shilluk complaints on political representation originate from both the arrest of four newly elected Shilluk SPLM-DC parliamentarians in Upper Nile in May 2010, and the general suppression of SPLM-DC activities. The SPLM-DC is a political party that split from the mainstream SPLM under the leadership of Shilluk commander Lam Akol, who decided to run against Salva Kirr in the 2010 presidential elections.³²⁸ Although Shilluk support for the SPLM-DC is not unanimous – the king has called upon the Shilluk to vote for the mainstream SPLM in the 2010 elections - it is considerable.³²⁹ Election results show that virtually all Shilluk representatives in both the Upper Nile State and the National Parliament are members

³²¹ Radio Tamazuj, *Exclusive: SSDF prepared for security talks with Juba*, 8 October 2013.

³²² HSBA, *Pendulum swings. The rise and fall of insurgent militias in South Sudan*, November 2013, p. 7.

³²³ <http://southsudan.net/web/SSDFSPDF/index.html>

³²⁴ Information collected by UNYDA.

³²⁵ Interview IPIS with Shilluk representative, Juba, November 2013.

³²⁶ Musa Mek Mur served as Minister of Animal Resources under Bashier and co-signed the Fashoda Agreement with SPLM-United on behalf of the Sudanese Government in 1997.

³²⁷ Interview IPIS with Shilluk representative, Juba, November 2013.

³²⁸ HSBA, *SPLM/A-Shilluk Conflict in Upper Nile*, Updated March 2010.

³²⁹ Interviews IPIS with Shilluk representatives, Juba, November 2013.

of the SPLM-DC.³³⁰ Consequently, the SPLA's attempts to undermine the SPLM-DC generated discontent among a significant part of the Shilluk population.

Meanwhile, the Shilluk feel underrepresented in the Upper Nile State government, which some claim to be dominated by the Nuer Governor Brigadier General Simon Kun Puoc.³³¹ Such frustrations surfaced in September 2012 when Governor Puoc decided to create a City Council and appoint the Nuer, James Chuol Puot, as Mayor of Malakal town.³³²

Finally, the Shilluk's feelings of injustice are also fed by memories of violence against their community. In a 2010 open letter, the 'Shilluk Community in Diaspora' denounced what they called "the continued devastation, killings, gang-rape and torture of untold proportion in the Shilluk Kingdom carried out by none other than their own government of South Sudan."³³³ In April 2011, Human Rights Watch reported that, "the Shilluk community has borne the brunt of political violence and human rights abuses, fuelled in large part by rivalries between the ruling SPLM and the SPLM-DC over the last two years."³³⁴ However, for the focus period of this report (post-September 2012) we have not come across any reported cases of communal or anti-Shilluk violence.

5.4 Clashes between the SPLA and the SAF over the disputed areas

Generally speaking, diplomats tend to downplay the importance of the Upper Nile disputed areas compared to bones of contention such as the "14-mile area" and Abyei. The contested areas of Kaka town, the Megenis mountains and Jodah, and the claimed area around Bebnis in the Northeast are indeed small. In addition, as discussed above, there are presently no entrenched and violent conflicts between communities living in these areas.

Nevertheless, throughout 2012 and 2013 the SAF and the SPLA have clashed on several occasions. The Northeastern border in particular appears to be important to both groups. On the 3rd of July 2013 both armies battled for the fifth time in less than a year in the areas of Bebnis and Gong Bar. The SPLA accused the SAF's 17th division of "crossing deep into the SPLA position."³³⁵

There are several explanations for the strategic value of this area. Firstly, given the ongoing conflict between the SPLM-N and the SAF in neighbouring Blue Nile, the area is of military importance. In principle, the whole border between Blue Nile and Upper Nile, including the areas of Gong Bar and Bebnis, is subject to a 20km wide safe demilitarised border zone between Sudan and South Sudan. However, among other reasons, the establishment of such a zone is complicated by the presence of the SPLM-N in this area.³³⁶ The withdrawal of the SAF would allow the SPLM-N to move freely along the Blue Nile border, and this would surely provoke an immediate response by the SAF. This is especially the case in light of Khartoum repeatedly accusing Juba of backing the SPLM-N. A complete demilitarisation therefore requires the inclusion of the SPLM-N in the whole process. Until then, Upper Nile's Eastern border remains of critical military importance. In addition, the area will continue to suffer from spillover effects, such as the SAF bombing of New Quffa in March 2013 (see chapter 3.1).

From an SPLA viewpoint, a somewhat similar security interest exists, because the area is used by South Sudanese armed groups affiliated to the loosely organised SSDF. The remnants of Gordon Kong's forces, in addition to several other armed groups from Upper Nile, are suspected to operate together under the SSDF flag from a base in Bwat, across the border in Blue Nile State. Although there are no reported security incidents involving the SSDF within South Sudan in 2013, SPLM-N sources have accused them of participating in attacks on Bebnis and other Blue Nile border towns in February 2013.³³⁷

³³⁰ <http://www.goss-online.org/magnoliaPublic/en/Parliament/Members.html>

³³¹ Interviews IPIS with Shilluk representatives, Juba, November 2013.

³³² Sudan Tribune, *Upper Nile governor denies dividing people over creation of city council*, 3 September 2012.

³³³ Shilluk Community in Diaspora, Open Letter To UN, 19 July 2010.

³³⁴ Human Rights Watch, *Southern Sudan: Abuses on Both Sides in Upper Nile Clashes*, 19 April 2011.

³³⁵ Sudan Tribune, *South Sudan accuses Khartoum of new attacks on its territories*, 5 July 2013.

³³⁶ International Crisis Group, *Sudan's Spreading Conflict (II): War in Blue Nile*, Africa Report N°204, June 2013, p. 37.

³³⁷ HSBA, *Pendulum Swings. The rise and fall of armed militias in South Sudan*, Issue Brief No. 22, November 2013, p. 8.

A second explanation for the SAF and SPLA interest in the north-eastern border region is the concentration of mechanised agricultural schemes in the area. In 2010, 2,940 square kilometres of land in Renk county were used by North Sudanese farmers who were leasing it from the Upper Nile State government.³³⁸ A UNEP map of mechanised agricultural schemes shows how such schemes cover the entire Eastern half of Renk.³³⁹ In addition, 22% of the territory of Manyo County is also used for mechanised farming, including the Western part of the Megenis mountains contested area.

Before South Sudan's independence, these schemes were very profitable for businessmen from the North. A fixed system dictated how a concession could be obtained. Interested farmers had to attain a loan from the Jebel Megeinis bank, which was based in Kosti, but owned by the government in Khartoum, and had branches in Rank, Melut and Kaka. Failure to pay the hefty interest fees – easily up to 10% – would result in the loss of the title.³⁴⁰

Following independence, the Upper Nile State Government cancelled all existing contracts for agricultural projects, whilst announcing its intention to redistribute 60% of the land to the local communities and 40% to the government of South Sudan, effectively blocking all access for Sudanese citizens.³⁴¹ Any additional agricultural land from contested areas that Sudan should lose to South Sudan would undoubtedly result in a further loss of access.

On the other hand, the size of the Upper Nile's schemes is a rather modest 1,000 feddan (420 hectares) per individual farmer.³⁴² Consequently, there are no large business interests at stake and any pressure on Khartoum from current title holders is more likely to originate from communities, such as the Seleim, than powerful individuals.

5.5 The absence of oil-related violent incidents.

In the previous subchapter the importance of northern Upper Nile in terms of mechanised farming has been discussed. From IPIS' web maps it appears that some violent incidents have occurred in mechanised farming areas, but other areas of strategic economic interest have remained largely peaceful.

Oil is easily Upper Nile State's most valuable commodity. However, during the period covered by this research, no violent incidents related to the exploitation of oil or geographically within the oil production areas have been reported. This is remarkable given the incidents recorded in other oil-rich areas along the border. In addition, Upper Nile's oil production is considerable, as (largely) within its borders are the oil producing PDOC Block 3 and Block 7 concessions. Furthermore, Upper Nile's Melut Basin is also considered one of the two most important oil reserve areas of South Sudan.³⁴³

Unrelated to any of the conflicts discussed above, in January 2014, Upper Nile became one of the major battlegrounds of the intra-SPLM war, with control over Malakal changing hands several times. At the time of writing, insufficient information from the ground was available to fully assess the dynamics at play. Whereas a lot of the fighting was concentrated within the oil-producing states of Upper Nile and Unity, these were also the most logical areas for the new rebels to regroup. Both Unity and Upper Nile have a large Nuer constituency, the ethnic group to which former Vice President Riek Machar belongs, as well as most of his supporters.

Nevertheless, there are several reports of rebel control over oil areas.³⁴⁴ The possibility should therefore not be excluded that control over oil is one of the main stakes in South Sudan's latest civil war – either to increase the parties' leverage in negotiations, or as an end in and of itself.

³³⁸ Deng D. K., *The new frontier. Baseline survey of large-scale land-based investment in Southern Sudan*, Norwegian People's Aid, 2011.

³³⁹ UNEP, *Sudan: Post-Conflict Environmental Assessment*, June 2007, p. 162.

³⁴⁰ Information collected by UNYDA.

³⁴¹ Sudanese Online, *Upper Nile state decided to cancel contracts for agricultural projects for the citizens of Sudan*, October 2012.

In October 2013 a total of 450,000 feddan had been redistributed by the South Sudanese government in Upper Nile County.

³⁴² Deng D. K., *The new frontier. Baseline survey of large-scale land-based investment in Southern Sudan*, Norwegian People's Aid, March 2011, p. 34.

³⁴³ South Sudan Oil Almanac. An OpenOil Reference Guide, p. 26

³⁴⁴ For example: BBC, *South Sudan rebel Riek Machar 'controls key state'*, December 2013, or HSBA, *The Conflict in Unity State*, Updated 11 January 2014.

A brief note on acacia gum

Another resource worth mentioning is acacia gum. The natural thickener – better known as ‘gum arabic’³⁴⁵ – is a popular Sudanese export product, used in the manufacture of soft drinks, pharmaceuticals and cosmetics. Although its contribution to Sudan’s revenues is relatively modest, its importance appears to be growing. The total production was expected to quintuple from less than 20,000 tons in 2010 to 100,000 tons in 2013.³⁴⁶ In addition, prices paid for acacia gum are on the rise, creating more opportunities for middlemen to make considerable profits and the Sudanese government to levy higher taxes.³⁴⁷

Many small operators are now active in the production of acacia gum as a result of Khartoum’s decision to lift the State monopoly on production in 2009. The exploitation of acacia gum in the county of Manyo in Upper Nile is rather recent. It was only in 2005 that a gum-trading company based in Rank and run by “Arab merchants, including Seleim”, sent lorries down to Manyo and Fashoda Counties to collect gum.³⁴⁸ Access to the acacia gum in the latter areas, including Kaka, is clearly of economic interest to the Seleim. However, no violent incidents linked to gum production in this area have recently been reported.



Statue of former SPLA leader John Garang de Mabior in Doro, Maban County (IPIS 2013)

³⁴⁵ The name ‘gum arabic’ has become a contentious issue in itself with ‘African’ farmers from South Sudan or areas such as South Kordofan claiming that the term is no longer acceptable because it symbolizes “the exploitation of people and resources of the marginalized areas by a racist regime”. Consequently, some farmers use other names such ‘African gum’ and ‘Sudanese gum’. So as to avoid the use of any loaded terminology, we will refer to the product as acacia gum throughout this report.

³⁴⁶ Bloomberg, *Sudan Boosts Gum-Arabic Exports 20% as Far East Demand Grows*, 15 March 2013.

³⁴⁷ Reuters, *FEATURE-West’s sweet tooth gives Sudan gum Arabic export success*, 2 January 2013.

³⁴⁸ Information collected by UNYDA.

6. Unity State

In Brief

Since March 2013, the strategy of both the GoS and the GRSS has shifted from confrontation towards cooperation around their shared interest: security and oil;

Both parties refrain from military provocation and have ostensibly cut ties with rebel groups, but the contested status of Heglig remains an important security risk;

Most of the non-state violence occurs between South Sudanese communities, often cases of cattle rustling linked to greed motives.

6.1 Summary of recent conflict Events

SPLA and SSLA Clashes

Peter Gadet, a Bul Nuer from Mayom County, was a prominent SSDF commander, who integrated in the SPLA after the 2006 Juba Declaration. In March 2011, he defected again from the SPLA, allegedly due to discontent over a series of army promotions wherein he felt disadvantaged.³⁴⁹ On the 4th of April 2011, Gadet issued the Mayom Declaration, denouncing what he called the discriminative promotion system within the SPLA, “rampant corruption at the top echelon of GRSS”, and politics of exclusion pursued by the SPLM, both “within itself and outside it.”³⁵⁰ The South Sudan Liberation Movement/Army (SSLM/A) that he subsequently organised became a fragile umbrella movement, joined by other Nuer militia commanders, such as James Gai Yoch, Kolchara Nyang, Matthew Puljang and Bapiny Monytuel.

In April 2011, his forces attacked Mankien, Mayom County, burning several houses alleged to belong to SPLA officers. Fighting between his forces and the SPLA 4th Division subsequently spread along the road to Mayom town. On the 20th of May 2011, his militia staged another attack on the SPLA in Mankien.³⁵¹ The timing of the attack, taking place just one day before the SAF’s invasion of Abyei, raised suspicions amongst observers that the SSLA had coordinated its offensive with the SAF in order to divert the SPLA’s attention.³⁵²

SPLA forces allegedly responded by razing over 7,000 houses in four villages to the south of the town, in order to punish the civilian population, whom they suspected of supporting the rebels. Charles Machieng, the then Mayom commissioner, publicly denounced the incident. He was removed from his post shortly afterwards when he refused to withdraw his statements.³⁵³ Gadet’s forces and Nuer youth armed by them were allegedly also involved in a series of cattle raids in northern Unity State throughout May and June 2011.³⁵⁴

In August 2011, Gadet signed a ceasefire with the SPLA and reintegrated into their ranks, together with approximately 1,000 of his combatants. The other aforementioned Nuer commanders immediately distanced themselves from the ceasefire, denounced Gadet for having been corrupted and put James Gai Yoch at the head of the SSLM/A.³⁵⁵ In addition to some clashes in Mayom county, the movement

³⁴⁹ HSBA, *Fighting for Spoils: armed insurgencies in Greater Upper Nile*, Issue Brief, No. 18, November 2011, p. 4.

³⁵⁰ SSLA, Mayom Declaration, 11 April 2011, <http://southsudan.net/SouthSudanLiberationArmy.html>

³⁵¹ HSBA 2011, *cit.*, p. 5.

³⁵² Sudan Tribune, *S. Sudan: Nine killed and over 80 wounded in clash between SPLA and Gadet’s militia*, 21 May 2011.

³⁵³ Amnesty International, *South Sudan: Overshadowed Conflict. Arms supplies fuel violations in Mayom County, Unity State*, 2012, p. 13.

³⁵⁴ International Crisis Group, *South Sudan. Compounding instability in Unity State, 2011*, Africa Report No. 179, 17 October 2011, p. 14.

³⁵⁵ Sudan Tribune, *Rebel South Sudan Liberation Army distance themselves from Peter Gadet*, 4 August 2011.

reportedly staged attacks against the SPLA at a time that clashes erupted between the SPLA and the SAF leading to the battle over Heglig, or Panthou as it is called by the South. For instance, the SSLA claimed to have attacked the SPLA in Lalob on the 23rd of March 2012 and to have deployed five battalions towards Rubkona to capture Pariang County and advance to Bentiu.³⁵⁶ Thereafter, internal friction reportedly rose following disagreement over the control of arms delivered by the SAF, leading to armed confrontation and the death of Kolchara Nyang during a clash in Kilo 23, located between Heglig and Kharasana.³⁵⁷

The SSLA's reliance on support from Khartoum was made apparent by (widely reported) arms deliveries, the coordination of attacks with the SAF, and their role in the battle for Heglig. Moreover, they used several back bases in South Kordofan such as Nyama and Kilo 23. From their base in Kilo 23 they organised incursions into Unity State, and were involved in SAF's offensives against the SPLM-N in South Kordofan.³⁵⁸

The extent of Khartoum's influence over the SSLA was underscored again in May 2012. On the 26th, 700-800 SSLA troops, equipped with over 60 vehicles, heavy machine guns and rocket launchers, entered the Abyei box from the direction of Ras-al-Jamus in South Kordofan. The UNISFA force managed to secure the SSLA's withdraw by engaging directly with government officials in Khartoum, rather than by conducting negotiations with the SSLA elements present.³⁵⁹

However, dynamics took a turn when, following the conclusion of the 27th of September 2012 Cooperation Agreements between Sudan and South Sudan, there was an ostensible reversal of Sudanese support to the SSLA, with the arrest of Gai Yoach in Khartoum three days later.³⁶⁰

On the 24th of April 2013 Salva Kiir renewed his 2011 amnesty offer, and soon after SSLA troops started moving back into Unity State to await the outcome of peace talks between their leaders and the GRSS. According to the SSLA, the rebel group's commanders moved with over 2,000 troops into Mayom County, although this figure is disputed.³⁶¹ As of December 2013, the combatants under the command of Matthew Puljang and Bapiny Monytuel were still assembled in three camps – two in Thurabit and one in Tomur, along the Rubkona-Mayom road – awaiting their formal reintegration into the SPLA.³⁶²

Box 6.1: Nuer militia in Unity State during the second civil war.

The Nuer militias during the second civil war in Unity State, then called Western Upper Nile, have two different origins. The first were combatants who started fighting the regime in Khartoum in 1978 under the name of Anyanya II. Although most of them were later absorbed into the SPLA, some, notably under the command of Paulino Matiep, refused to join and later aligned with the GoS.

The second militia emanated from the 1991 split within the SPLA. Several prominent SPLA cadres, such as Riek Machar - a Dok Nuer, and Lam Akol - a Shilluk -, founded the SPLA-United (SPLA-U). Their motivation stemmed from discontent with the leadership of Garang and his call for a federal New Sudan, rather than Southern independence.

Following tension within the SPLA-U, Riek Machar founded the South Sudan Independence Movement (SSIM) in 1995, which was later joined by Paulino Matiep. Meanwhile, Lam Akol became the chairman of the SPLA-U.

³⁵⁶ Harvard Humanitarian Initiative, *Sudan: Anatomy of a Conflict*, The Signal Program on Human Security and Technology, 2012, p. 108.

³⁵⁷ HSBA, *Pendulum Swings. The rise and fall of armed militias in South Sudan*, Issue Brief No. 22, November 2013, p. 9.

³⁵⁸ *ibid.*; *Written confidential UNMISS source*, August 2012.

³⁵⁹ Report of the Secretary-General on the situation in Abyei (25 July 2013), *UN Doc. S/2012/583*, p. 1.

³⁶⁰ Initial reports stated that he managed to escape (source: Sudan Tribune, *Sudanese security storm South Sudanese rebels in Khartoum*, 1 October 2012); HSBA, *SSLM/A*, last update on 6 November 2013 (<http://www.smallarmssurveysudan.org/facts-figures/south-sudan/armed-groups/southern-dissident-militias/sslma.html>).

³⁶¹ HSBA 2013, *cit.*, p. 9.

³⁶² Research commissioned by IPIS, conducted in July 2013 by Sudd Institute.

In 1997, these movements were amongst the rebel groups that signed the Khartoum Peace Agreement after having aligned with the GoS. The agreement established the Southern Sudan Coordinating Council to administer the South and entailed the prospect of a referendum after an interim period of an undetermined duration.

The rebel forces were brought under the umbrella of the South Sudan Defence Forces (SSDF). Riek Machar became the SSDF commander-in-chief and President of the aforementioned Council. The SSDF forces of Machar and Matiep were stationed in Unity, where they protected the oil concessions against the SPLA.

Following increasing competition between Matiep and Machar, the former broke away from the SSIM in 1998 and founded the South Sudan United Movement/Army. Heavy fighting between the two factions ensued over control of the Thar Jath oil fields and the GoS switched support to Paulino Matiep, while Riek Machar rejoined the SPLM with the Nairobi Declaration of 6 January 2002. Paulino Matiep later signed the Juba Declaration with the SPLM in January 2006 and became an SPLA lieutenant general. He died in August 2012.

Clashes between the SPLA and the SAF

Armed conflict began in South Kordofan between the SAF and the SPLM-N in June 2011. The SAF soon started bombing the strategic location of Jau, a contested settlement on the border between the two countries. Jau lies on the main road running between the SPLM-N controlled-areas in the Nuba Mountains and South Sudan. Jau therefore serves as an important crossing point for refugees heading to the refugee camp in Yida, Pariang County – allegedly also a source of supplies and combatants for the SPLM-N. Bombardments were particularly intense throughout June 2011, but continued on a regular basis thereafter. An SAF aerial bombardment also directly targeted the refugee camp at Yida on the 10th of November 2011.³⁶³

After this, November 2011, bombardments were less frequent for a time. However hostilities flared up again in February 2012: tension mounted against the backdrop of halted oil production in South Sudan. The SAF aerial bombardments targeted the road between Jaw and Yida. On the ground, the SPLA - reportedly with SRF support - and SAF forces fought for control over Jau, with SPLA ultimately winning³⁶⁴. The SAF thereafter intensified its bombing campaign, targeting Panakuac, Teshwin and Lalob – SPLA-held border areas, throughout March 2012. In the second half of March, clashes broke out between the SPLA and the SAF in the area of Teshwin, with the SPLA advancing on the road towards Heglig.³⁶⁵

In early April, the SPLA took Heglig, together with JEM fighters.³⁶⁶ The SAF responded with several aerial bombardments deep in Unity State, targeting Bentiu, the state capital, on three occasions and installations in the Unity oil fields.³⁶⁷ On the 20th of April 2012, the SPLA retreated from Heglig. The SAF continued bombing and shelling the border on a regular basis until the beginning of May 2012, a couple of days after the UNSC voted resolution 2046. The Heglig oil field resumed production on May 2nd 2012 after reparations.

Thereafter, limited skirmishes along the border area continued. On the 3rd of July 2013, the SAF conducted an aerial bombardment on Jau. On the 5th of August that year, the SAF alleged that an SPLA patrol killed a SAF soldier and wounded two others at Teshwin. On the 8th of September 2013, the SAF carried out another aerial bombardment on Jau, reportedly killing one SPLA soldier and his spouse.³⁶⁸

³⁶³Sudan Tribune, *US condemns SAF's aerial bombardment inside South Sudan*, 11 November 2011

³⁶⁴The Signal Program on Human Security and Technology, *Sudan: Anatomy of a Conflict*, p 68-69.

³⁶⁵*ibid.*, pp. 106-116

³⁶⁶The Signal Program on Human Security and Technology, *Sudan: Anatomy of a Conflict*, p 48-49.

³⁶⁷Sudan Tribune, *South Sudan Accuses Khartoum of New Attacks on its Territories*, 4 July 2013

³⁶⁸Sudan Tribune, *SAF bomb attack in Unity state leaves two dead, six injured*, 9 September 2013

Alleged JEM Presence

With the formation of the SRF, JEM reoriented its operations towards the conflict in South Kordofan (see chapter 2.1). When tensions between the SAF and the SPLA mounted in February 2012, JEM was sighted in Yida camp, reportedly sending reinforcements to Jau to support the battle over control of this strategic location.

JEM, being tactically aligned with the SPLA during this period, maintained a visible presence in Bentiu, using Unity State as route through which to move troops and vehicles during the attack on Heglig in April 2012.³⁶⁹ According to the UN Panel of Experts on the Sudan, there was clear and compelling evidence that JEM had at that time some 800 fighters and 60 to 80 vehicles based in a former chicken farm between the town of Rubkona and the Bentiu airstrip.³⁷⁰ After the attack, the interests between JEM and the GRSS diverged, especially after the Cooperation Agreements were signed. There have been no confirmed reports of a JEM presence in Bentiu afterwards.

On the 16th of March 2013, briefly after the GoS and GRSS signed the implementation matrix, a Darfurian armed group was allegedly involved in a shooting incident with the SSPS in Yida camp, killing one police officer and two children. Although initial reports indicated that it concerned JEM, both the rebels and the SPLA denied the allegations.

6.2 Economic resources leading to both local and interstate violence

A crossroad for cattle Migration

Unity State is characterised by a high level of inter-communal clashes. These can be between Sudanese pastoralists and host communities, but are mainly amongst South Sudanese communities themselves. The frequency and scale of the latter have now moved beyond tensions around scarce resources and access to water points, indicating greed motives linked to personal and group enrichment.

Unity State has traditionally been an important cattle-grazing area, not only for the local Nuer and Dinka, but also for different Misseriya clans and Fellata migrating from Sudan. Since the conclusion of the CPA, this practice has been severely hindered because of insecurity, mutual distrust between nomads and host communities, limited resources, and a resulting lack of concluded and implemented migration agreements. Restricted movement through the Abyei area also puts considerable strain on traditional migration.

The most recent grazing seasons were characterised by limited access to the Abienmom and Mayom counties for the Misseriya entering from Abyei. Access to Pariang County for the Misseriya Zuruq, Fellaita and Eastern Fellata was considerably more restricted.³⁷¹ The different migration dynamics in these counties can be traced back to the second civil war, when the Bul Nuer of Mayom County (which did not fall under SPLA control) maintained better relationships with the Misseriya. Instrumental to this was the alliance between the SSDF, which controlled Mayom, and the SAF (see Box 6.1). This allowed for local agreements and a general peaceful coexistence between the Misseriya and the Bul Nuer until 2006, when the Juba Declaration was signed.

The Rweng Dinka of Pariang County, on the other hand, long-endured raids by PDF militia during the second civil war, because their area was controlled by the SPLA. As a result, the Rweng Dinka carry with them a feeling of injustice at the hands the Misseriya and, as a result, have become particularly sensitive to instances of cattle rustling and security concerns.

Relationships between the Bul Nuer and the Misseriya became increasingly strained after the signing of the CPA. This was caused by increased nationalism amongst the South Sudanese, who felt antagonised

³⁶⁹ HSBA, *Justice and Equality Movement (AKA JEM-Jibril)*, last accessed on 27 January 2014 (<http://www.smallarmssurveysudan.org/fileadmin/docs/facts-figures/sudan/darfur/armed-groups/opposition/HSBA-Armed-Groups-JEM.pdf>), p. 2.

³⁷⁰ Report of the Panel of Experts on the Sudan established pursuant to resolution 1591 (2005) (12 February 2013), *UN Doc. S/2013/79*, p. 18.

³⁷¹ Concordis International, *Crossing the Line. Transhumance in transition along the Sudan-South Sudan border*, October 2012, p. 62.

by strengthened Misseriya land claims extending to the Bahr-el-Arab River.³⁷² Cattle rustling, the proliferation of small arms, and perceived complicity of Misseriya in attacks on Mayom County by rebel groups operating from South Kordofan worsened relations, and caused the SPLM to make the nomad's entry conditional upon a no arms policy.³⁷³ Moreover, a crisis in food production caused the host communities to be even more reluctant to share their scarce resources with the Misseriya.³⁷⁴ The Misseriya, from their side, complained of illegal taxation and mistreatment by SPLA soldiers and of cattle theft. They were therefore highly reluctant to enter the country unarmed.

These tensions were exemplified throughout recent grazing seasons. In February and March 2010, Misseriya nomads of the Awlad Omran sub-clan clashed with the SPLA, which was trying to prevent them entering the State through Abyei. Dozens of casualties were reported.³⁷⁵

The 2011-2012 grazing season took place into Abiemnom and Mayom Counties, in spite of the hostilities in the border region, but reportedly only 10 -15% of the usual 1-2.5 million heads of cattle could enter Unity State.³⁷⁶ As soon as fighting erupted around Heglig, the security situation forced the Misseriya to move north, straddling the northern border of Abiemnom – pastures further north of this were still too arid.

The 2012-2013 grazing season in Mayom County was forced to end abruptly in January, when the Misseriya moved back into Abyei, troubled by several violent incidents in Mayom County.

Tension between the Misseriya and the South Sudanese communities became apparent again in November 2013, when a series of attacks against Misseriya traders, led by a resident of Abyei, left at least eight people dead. The perpetrator declared his acts to be a result of discontent regarding a series of migration agreements that had been concluded between the Misseriya and the Unity State authorities.³⁷⁷

Over the last grazing seasons, migration has thus been limited to non-existent. Unfortunately, despite the conclusion of several grazing agreements between Misseriya, Dinka and Nuer representatives, the agreements' contents have never been properly implemented. This has been due to State authorities' lack of means to ensure implementation and security, in particular, with a functional police service. Authorities have also not succeeded in harnessing the support of host communities hostile to the migration. The failure of these agreements as a solution to migration difficulties shows once again that formal agreements cannot be separated from the socio-political context in which they have to be implemented.³⁷⁸

This being said, ethnic tensions in Unity State are not limited to those between host communities and Sudanese pastoralists, but also include intra-South Sudanese conflicts. Tensions revolving around cattle and land access regularly result in violent clashes between the Dinka and Nuer subgroups in Unity State and its surrounding areas, especially in the border areas of the Unity, Warrap and Lakes States. Such tensions currently lead to significantly more cattle-theft, casualties, wounded and displaced than those linked to Sudanese pastoralists.

Some of these dynamics, especially between Sudanese and South Sudanese ethnic groups, can be traced back to the legacy of the second civil war; then, communities were pitted against each other via or victim of proxy forces, such as the PDF and SSDF. Some clashes can also be attributed to resource-scarcity. However, the incidence and well-coordinated nature of the deadly cattle-raiding attacks between South Sudanese communities indicate that these are caused by greed motives on a group and personal level.

³⁷² Craze J., *Dividing Lines. Grazing and conflict along the Sudan-South Sudan Border, Small Arms Survey, July 2013*, p. 110.

³⁷³ The Misseriya having a strong presence in Kilo 23 as well led to accusations by the Unity State population that they jointly organized raids, which further deteriorated the relation between the two groups (source: Craze J., 2013, *cit.*, p.125.) There were reports of forced recruitment of Misseriya nomads by the SSLA in an attempt to increase their troop numbers (source: written confidential UNMISS source, August 2012).

³⁷⁴ See e.g. Famine Early Warning System (FEWS) Net, *South Sudan Food Security Outlook, February – June 2011, April-September 2012, January-June 2013*.

³⁷⁵ Sudan Tribune, *18 people killed in clashes between south Sudan army and Misseriya*, 6 February 2010.

³⁷⁶ Concordis International 2012, *cit.*, p. 60.

³⁷⁷ Sudan Tribune, *Eight killed in Unity state border attacks*, 19 November 2013.

³⁷⁸ J. Craze, 2012, *cit.*, p. 112.

A striking instance of large-scale cattle rustling took place in late January 2012 in Tonj East, Warrap State.³⁷⁹ There, armed men from Unity State stole 17,800 heads of cattle, killing 78 people and displacing 3,000 in the process. According to UN OCHA, over 40,000 people were affected by the loss of livestock.³⁸⁰ When local authorities came together in Mayendit town, Unity State to resolve the ethnic tensions, clashes broke out nearby. Initial estimates put the death toll at twelve, although County authorities later stated that 37 people died.³⁸¹

Deadly inter-community violence revolving around cattle continued in Unity throughout 2013. In July 2013, for instance, a serious incident of cattle rustling sparked a series of attacks between communities of Pariang and Guit Counties, leaving at least four people dead. Allegedly, this included children and women burnt to death inside their tukul.³⁸² In November 2013, Leek and Jikany Nuer clashed in Guit and Rubkona Counties over a disputed piece of land situated to the east of Rubkona town.³⁸³ Throughout the incident, seven people reportedly died and at least nine were seriously injured. Although the SPLA managed to stop the cycle of attacks and revenge attacks, two weeks later, a group of 20 Leek youth attacked an SPLA base in Chaalual, Rubkona, killing up to eleven soldiers and several civilians.³⁸⁴

State interest over oil wells right on the border

Oil Blocks 1 and 5A make Unity State the most important oil producing state in South Sudan after Upper Nile. At full production, the wells in these blocks produce 115,000-120,000 bpd.³⁸⁵ Moreover, the Heglig, Bamboo and Toma fields in Block 2 are located in an area over which South Sudan maintains territorial claims. The enormous financial impact of these wells on both countries' revenues through production and transit fees renders Unity one of the most strategically important border States.

After releasing the Implementation Matrix of the Cooperation Agreements in March 2013, South Sudan partially resumed its oil production in Unity State in April. Initially only the smaller Thar Jath oil field in Block 5A was producing. Unity oil field resumed shortly afterwards, whereas the other fields in Block 1 could only become operational after inspection and reparation of the pipelines that were damaged during the clashes in the Heglig border area in April 2012.³⁸⁶

Production was gradually increasing when, on the 9th of June 2013, Sudan gave notice to South Sudan that it would close its pipelines for South Sudanese oil in sixty days, in reprisal of alleged support to the SPLM-N. When, at the end of July 2013, the oil-operating companies in Unity State started implementing preparations for the operational shutdown, Omar Al Bashir extended the deadline until 22 August 2013, under pressure from Thabo Mbeki and the Chinese government. Thereafter, the deadline was extended again by two weeks.

After a meeting between the two Presidents in Khartoum three days before the new deadline was due to expire, Omar Al Bashir announced that the pipelines would remain open, given the 'positive environment' and 'political will' he had seen during the summit. Shortly thereafter, the El Toor and Toma South fields were reopened after 22 months of inactivity. As of September 2013, the oil fields of Unity State have accounted for 60,000 bpd of the national production of 240,000 bpd.³⁸⁷

The aforementioned oilfields are located in the Muglad basin, which extends across the border into Sudan. Producing around 55,000 bpd of high-quality Nile Blend crude, the Heglig oil fields account for nearly half of Sudan's oil production and are therefore currently Sudan's most important producing block. However production at the well is reported to be in decline. According to a 2010 report by the European Coalition on Oil in Sudan (ECOS) the oil field could run out of profitable reserves over the

³⁷⁹ For an overview of community violence and cattle rustling in Warrap State, see Chapter 9 of this report, by A. Ting Mayai, Sudd Institute

³⁸⁰ UN OCHA, *Weekly Humanitarian Bulletin*, 2 February 2012, p. 3..

³⁸¹ *ibid.*; Sudan Tribune, *Warrap parliament discuss 70 deaths as 70,000 cattle stolen*, 9 February 2012.

³⁸² Radio Tamazuj, *Four dead, including child, in Unity rustling*, 18 July 2013.

³⁸³ Sudan Tribune, *Nuer clans clash in Unity state, 7 dead, 9 wounded*, 21 November 2013.

³⁸⁴ Sudan Tribune, *Five dead, seven injured in attack on SPLA base*, 1 December 2013.

³⁸⁵ Radio Tamazuj, *Three oilfields in Unity State stop production*, 23 December 2012.

³⁸⁶ Voice of America, *South Sudan Oil Flows Again*, 8 April 2013.

³⁸⁷ Reuters, *South Sudan raises oil output to 240,000 bpd, most since shutdown*, 20 September 2013.

course of the next years if no additional investments are made to improve the recovery rate, or if the contract between Sudan and GNPOC would not be renegotiated to the latter's advantage.³⁸⁸

Aside from its oil reserves, Heglig derives its importance from being the main pumping station of the Greater Nile Oil Pipeline, connecting the oil fields in Unity State, the Heglig area, West Kordofan and the Abyei Area to Port Sudan over Khartoum. This further increases the strategic importance of the area for both countries, especially Sudan.

The PCA Ruling of July 2009 placed Heglig outside the Abyei Box, thereby delinking the resolution of the final status of Abyei from the oil interests in Heglig. However, this ruling does not attribute Heglig to Sudan.³⁸⁹ In fact, Heglig is still claimed by the GRSS, which maintains that its border goes as far north as Kharasana, which would place all of the oil fields in the area, including Bamboo, in South Sudan.³⁹⁰

The large oil wells are the most strategic asset in the area for both the GoS and the GRSS. Both governments have pursued strategies to control them – by diplomatic means and by force, the battle for Heglig and the contested status of the area being a point in case. As mentioned above, they have also tried to damage and pressure each other economically by halting production, threatening to stop the transit of oil, or attacking installations. However, as will be discussed under 6.3, having an uninterrupted flow of oil has become an issue of paramount importance to both countries. Currently, this short-term economic consideration has taken precedence over long-term desire to secure territorial control over the fields. In turn, this has led to a decrease in armed-conflict incidents.

Potential future agricultural interests

Since 2005, a number of foreign investors have leased considerable tracts of land in Gwit and Pariang counties.³⁹¹ The two largest schemes are 105,000 hectares each, but only one company, Concord, is slowly developing its leased land, and producing crops, albeit at a limited level.³⁹²

Many challenges presently inhibit the profitability of large-scale agriculture aimed at export. Amongst other issues, the near-absence of a skilled workforce and limited transport infrastructure render production costs uncompetitive. The South Sudanese Government has therefore set about making the rivers of the greater Bahr-el-Ghazal and Unity State navigable by boat as a development priority³⁹³

In 2009, Jarch Capital, a US-based investment company, announced that they had leased 400,000 hectares in Mayom County – nearly eighty percent of the County's surface. Jarch reportedly try to secure the deal through an agreement with Paulino Matiep, whom they courted by leasing the land through a joint venture company with his son Gabriel. Jarch Capital reportedly also offered them seats in Jarch's advisory board. The company allegedly had contact with Peter Gadet as well to secure its interests.³⁹⁴

Eventually, the deal didn't go through, as the GRSS never recognised the agreement between Jarch Capital and Matiep. The putative deal, which would have been the largest in Africa that year, sparked controversy over fears that it would cause massive displacement for the local population and that none of the revenues stemming from the land would benefit either them or the Government.

³⁸⁸ ECOS, *Sudan's Oil Industry on the Eve of the Referendum: facts and analysis IV*, December 2010, p. 15.

³⁸⁹ The Permanent Court of Arbitration was only competent to determine whether the Abyei Boundaries Commission had exceeded its mandate to delimit the area of the nine Dinka Ngok chiefdoms that were transferred to Kordofan in 1905, and if so, to delimit this area themselves.

³⁹⁰ For a background to the history of the area, see Johnson, D., *Note on Panthou/Heglig*, 2 May 2012.

³⁹¹ Deng, D., *The New Frontier. A baseline study of large-scale land-based investment in Southern Sudan*, Norwegian People's Aid, March 2011, p. 18.

³⁹² Concord, which is developing activities around Manga, Pariang County, is fully owned by WAFRA - a portfolio company of Citadel Capital (see chapter 3.3). The company's stated strategy is to slowly develop capacity by producing food for the local market, such as for the SPLA. The land is in close proximity to a river port owned by Keer Marine, another of Citadel's portfolio companies, which also operates a port in Kosti, White Nile State, Sudan. Citadel Capital, WAFRA: 2012 Operational Update, last accessed on 27 January 2014 (<http://citadelcapital.com/current-investments/sabina-agriculture/>).

³⁹³ An Egyptian dredging company (MAM Group) is currently carrying out a project of over 26 million USD to achieve this goal by 2017 (source: Sudan Tribune, *Egyptian company begins river clearance project in Unity State*, 22 March 2012).

³⁹⁴ D. Deng 2011, *cit.*, p. 18. ; G. Lavalée, *US eyes future oil deals in southern Sudan*, Middle East Online, 18 February; *Jarch Capital has friends in the South*, Africa Confidential, Vol. 51, No. 22, 2010. ; *Bargaining with warlords*, Africa Confidential, Vol. 50, No. 2, 2009.

Mechanised agriculture in the area is thus still limited and does not seem to affect conflict dynamics between the two countries. However, the profitability of land in the area will eventually increase as a result of public and pioneer private investment. This will raise the demand for land leases, together with pressure on local livelihoods. This could cause or exacerbate resource-based conflicts between communities if not managed appropriately.

6.3 The countries' changing strategy: from military confrontation to limited cooperation in areas of shared interest.

Increased Khartoum-Juba cooperation

South Sudan's halted oil production, and armed conflict in the Heglig and Unity oil fields, seems to have led to the growing political realisation that an open conflict in the area leads to a suboptimal outcome for both parties. Both countries are in urgent need of money; further stunted oil production would risk increased damage to the weakened NCP-regime and Salva Kiir's position (see chapter 1.3-1.4). As a result, since the signing of the Implementation Matrix in March 2013, there has been a marked change in strategy of the GoS to safeguard its economic, and to a certain extent security, interests.

The speed and ease by which the SSLA troops under Monytuel and Matthew Puljang accepted the renewed amnesty offer are an important indication that the SSLA was feeling increasingly isolated, while at the same time, the regime in Khartoum backed the offer. This was accompanied by an important shift in the regime's discourse regarding using economic means to pressure the South.

A case in point has been Omar Al Bashir's threats to close down the pipelines for South Sudanese oil for alleged non-compliance with agreements made on a security related issues, rather than pursuing the former tit-for-tat strategy of stirring up armed opposition against the GRSS. He further made tactical use of this threat, extending the deadline until just after the scheduled summit between the presidents in September 2013.

Salva Kiir mirrored Sudan's rapprochement by resuming oil production and replacing Unity State Governor Taban Deng Gai with Joseph Nguen Monytuel in July 2013. This move firstly allowed Salva Kiir to consolidate the integration and allegiance of the SSLA troops that had recently accepted the amnesty offer, as the latter is the brother of SSLA commander Bapiny Monytuel. A second important consideration was that Joseph Nguen Monytuel has an NCP background, as he had been the Governor of Unity State, appointed by the NCP before the 2005 CPA. In this way, Salva Kiir could reassure the Sudanese regime about the governance of this important State.

As a result, the mutual dependence on the production and transportation of oil has become a stabilising factor along the South Kordofan-Unity State border. This was recently illustrated by events following the defection of Fourth Division Commander James Koang, a Bul Nuer, in December 2013. After defection, he took control of Bentiu, the State capital, and skirmishes took place around the oil fields. The SSLA combatants still awaiting integration in Unity State, rather than joining the rebellion, sided with the Government and staged joint attacks against the mutinied soldiers.³⁹⁵ Moreover, the GRSS stated that it could request SAF assistance to jointly protect the oil fields against the rebels if needed, while the GoS was receptive to this idea.³⁹⁶

Continuing strategic considerations

Despite the evolutions described above, the continuing, limited, armed skirmishes in the border area, illustrate the limits of the ongoing rapprochement based on shared interests. So do the difficulties of implementing the SDBZ.

³⁹⁵ All Africa, *South Sudan: Defected Commander in Unity State Confirms Presence of Sudanese Rebels*, 28 December 2013. Radio Tamazuj, *Unity State: Forces loyal to Kiir moved to Abiemnhom*, 22 December 2013.

³⁹⁶ Sudan Tribune, *South Sudan May Ask for Sudan's Help to Secure Oil Fields: Report*, 18 January 2014.

Although briefly after signing the Implementation Matrix, both parties claimed to have withdrawn their troops, they thereafter repositioned themselves in the area and a number of clashes and aerial bombardments ensued, most notably around Teshwin and Jau in July, August and September. According to the Satellite Sentinel Project and the Human Security Baseline Assessment for Sudan and South Sudan (HSBA), the SPLA still maintained positions in Jau and Teshwin throughout these months, meanwhile the SAF was present in Heglig and, according to the SPLA, also in Teshwin.³⁹⁷

In implementing the SDBZ, the interests of the parties are not necessarily aligned; worse, they can often conflict. Firstly, both countries are concerned that the SDBZ would make the border more porous for armed groups. The SAF is, for instance, highly reluctant, as it could allow the SRF to continue their use of Jau as a transit point unabated, and offer them more freedom of movement. Before the demobilisation of the SSLA combatants last April, the SPLA was facing a similar problem. Secondly, the public of both countries are very reluctant to accept the SDBZ's implementation for obvious security reasons. Whilst the Sudanese have not forgotten the SPLA invasion in Heglig, the South Sudanese living along the border region fear being unprotected against SAF attacks or cattle raids.

Finally, the interests of the parties remain opposed concerning South Sudan's claim on the area around Heglig, extending to Kharasana and Talodi locality. The area is strategically very important, both from an economic and security perspective. It holds oil wells and is in close proximity to the insurgency in the Nuba Mountains. Moreover, the Rueng Dinka population has a strong and intransigent stance on ownership over the area.³⁹⁸ This makes concessions by either party very politically difficult.

A military strategy has been abandoned for the time being, and the issue lingers in the background as the parties await the outcome of the opinion of the independent AU experts (see chapter 1.2). Negotiators from both sides prefer to discuss win-win areas of cooperation, such as the resumption of oil production, cross-border trade, and severing ties with armed groups, rather than zero-sum games revolving around borders. However, disagreement over this highly contentious issue currently seems to be the highest risk-factor for renewed and large-scale armed conflict between the SPLA and the SAF over the medium to long term in the area.



Bomb crater, Buram County, (Nuba Relief Rehabilitation and Development Organisation-NRRDO 2013)

³⁹⁷ *Continued Violations :Both Sudans Still Violating Demilitarized Border Zone*, Satellite Sentinel Project, September 2013; HSBA, *The Safe Demilitarized Border Zone*, last updated 27 September 2013 (<http://www.smallarmssurveysudan.org/facts-figures/borderdisputed-areas/sdbz.html>).

³⁹⁸ Their position is to be from dynamics understood can be better understood by consulting dynamics stemming from the second civil war. During this war, the Rueng Dinka in the area were particularly affected by attacks from SAF forces and militia, aimed at driving them further south, away from the oil-producing areas. (See: G. Gagnon and J. Ryle, *Report of an Investigation into Oil Development, Conflict and Displacement in Western Upper Nile, Sudan*, October 2001, p. 24.) The local population thus sees their own history as one of forced displacement from villages that are now in Sudan's claimed territory, much like the Dinka Ngok in Abyei.

7. Northern Bahr-El Ghazal

In brief

- Since early 2013 the security situation in Northern Bahr-El Ghazal has been stable, and no SAF air or ground operations have been reported;
- As a consequence of the area's strategic value and the commercial interests of political elites, future escalation around the '14-mile area' remains a possibility;
- Improvements in the security situation have led to increased interaction between the border communities.

7.1 Overview of conflict events

Violent conflict in Northern Bahr-El Ghazal has mostly been limited to the Northern parts of the Aweil North and Aweil East Counties in the contested '14-mile area' (see chapter 1.2). On several occasions, the SPLA has clashed with the SAF or allied militias in these zones. The rest of the State is largely peaceful and stable. Even the outbreak of violence in December 2013 between the mainstream SPLA and the army defectors loyal to Riek Machar had only limited ripple effects in Northern Bahr-El Ghazal, which saw a handful of desertions.³⁹⁹

Northern Bah-El Ghazal witnessed a series of SAF attacks right before the 2011 referendum, but it was one of the last areas to be pulled into the border conflict after independence. The strongest escalation of violence occurred after Juba and Khartoum signed their Cooperation Agreements on 27 September 2012. This agreement included security arrangements on the SDBZ, which would lead to the SPLA's withdrawal from the 14-mile area. This prospect prompted a very vocal protest from the population of Aweil.⁴⁰⁰ Previously, Northern Bahr-El Ghazal governor Paul Malong Awan had stated that "we are in 14-mile and we will be there to stay", thereby announcing the non-withdrawal of his troops.⁴⁰¹ However, the agreement was eventually ratified by the South Sudanese Parliament on 16 October 2012 despite the protests. President Kiir assured that it was only a temporary arrangement for an area which undoubtedly belonged to the Dinka Malwal.⁴⁰²

At the end of November 2012 the NCP, in turn, made clear its claim over the area by launching a series of air strikes on SPLA positions near Kiir Adem for three consecutive days.⁴⁰³ In the following months, the SAF bombed the Kiir Adem bridge and village on two additional occasions while small bands of Northern militias were regularly involved in violent attacks against South Sudan civilians.⁴⁰⁴ The majority of militia attacks appeared to be cases of brutal and lethal violence. Whereas some acts suggested no clear motive, in many cases they included theft or looting of properties indicating personal greed motives. One militia, for example, was reported to have specifically targeted South Sudanese gum pickers in the Malual Akwong gum forest.⁴⁰⁵ Locally, such attacks are interpreted as SAF infiltrations with the aim of instilling fear and making a claim over territory.⁴⁰⁶

³⁹⁹ Telephone interview IPIS, *security situation in Northern Bahr-El Ghazal*, December 2013.

⁴⁰⁰ Sudan Tribune, *Aweil Community Rejects claims of Mile-14 South of river Kiir*, 12 October 2012. Sudan Tribune; *Aweil Diaspora: Do not cede our land to Khartoum*, 12 October 2012.

⁴⁰¹ Sudan Tribune, *Northern Bahr el Ghazal governor objects to "demilitarization" Mile 14 area*, 30 September 2012.

⁴⁰² Sudan Tribune, *S.Sudan parliament ratifies cooperation agreement with Sudan amid protest*, 16 October 2012.

⁴⁰³ The SAF confirmed the attacks but stated they had aimed their attacks at an SRF position in Eastern Darfur, while adding that any SPLA units present during the bombardment had been on Sudanese territory and providing support to the Sudanese rebels. Sudan Tribune, *SAF deny bombing South Sudan saying they attacked rebels*, 22 November 2012.

⁴⁰⁴ Information collected by the Cross-Border Peace Committee of Northern Bahr el Ghazal.

⁴⁰⁵ *Ibid.*

⁴⁰⁶ Interviews IPIS with local population, Northern Bahr-el Ghazal, November 2013

Sporadic incidents continued into later months, however a small spike of further violence was reported in March 2013. Coincidentally or otherwise, it was during this period that Khartoum and Juba were negotiating the implementation matrix of their cooperation agreement. One incident that received substantial press coverage was the 26 March attack by a Rizeigat militia group on horseback near Kiir Adem. The incident was followed by SPLA statements containing threats of a return to its former positions within the SDBZ, having only announced withdrawal the previous week.⁴⁰⁷

In practice, the SPLA has retained a strong military presence in the 14-mile area. Throughout 2013 it sustained large army units deployed at the three crossings of the Kirr River at Sumaya, Kiir Adem and the Warguit railway bridge.⁴⁰⁸ Although the practice seems to have lessened in the course of 2013, the SPLA control over the 14-mile area and its border markets (see chapter 7.3) involves systematic 'parallel' taxation of cross-border trade activities at a number of illegal checkpoints.⁴⁰⁹ This has led to a series of smaller security incidents, of which the killing of a trader near Malek Gumel on 20 December 2013 is one of the most serious.⁴¹⁰

7.2 The strategic '14-mile area' remains a bone of contention

The area between the River Kiir and the 1924 Munro-Wheatley line⁴¹¹ has been under the military control of SPLA troops since South Sudan's pre-independence era. Yet the SAF has challenged the SPLA control on several occasions, especially in 2012. While it has launched multiple aerial bombardment campaigns, there are also indications of attempts to instigate militia attacks. That said, the last time the GoS launched any significant ground operation in the area dates back to early 2012. From its side, the SPLA has tenaciously maintained its positions within the 14-mile area, despite both pledges of retreat (within the framework of the SDBZ) and complaints by Khartoum about non-compliance.

The violence in Northern Bahr-El Ghazal is, for the time being, primarily driven by State interests. However, there is little doubt that the 14-mile issue is also important among communities on both sides of the border. On the part of Sudan, it has, for example, been reported that some Rizeigat elite have asked for the SAF to deploy at the river Kiir and attempted to organize ethnic militias.⁴¹² Meanwhile, the South has seen very vocal protests against possible territorial compromises on the 14-mile area by Dinka Malwal communities. That being said, the border communities from both countries have not mobilized against each other. In fact, significant numbers from both communities interact peacefully on a daily basis. This is striking and in sharp contrast with other areas such as Abyei.

Clashes between government forces appear to be driven by strategic considerations. Khartoum's attacks on SPLA positions at the Kiir River can be explained from a military viewpoint. SAF attacks could have been launched in order to convince the SPLA to withdraw from its positions above the 1956 border line. In addition, the GoS has claimed repeatedly that the area is used as a transport and supply route for Darfur rebels, mainly JEM, operating in South Kordofan under the SRF umbrella. Indeed, several international sources reported a JEM presence in Northern Bahr-El Ghazal until at least 2012.⁴¹³ SAF control over the River Kiir and its crossings would allow them to better control any further movement between the two rebel areas.

The SPLA also prioritises border control, as evidenced by their position at the river, which enables them to monitor migrations and keep cross-border trade going.⁴¹⁴

⁴⁰⁷ Sudan Tribune, Sudan: 'SPLA will return to borders if Sudan army attacks continue', 20 March 2013.

⁴⁰⁸ Satellite Sentinel Project, *Continued Violence. Both Sudans Still Violating Demilitarized Border Zone*, September 2013.

⁴⁰⁹ IPIS interviews with traders and UN official, Northern Bahr-El Ghazal, November 2013.

⁴¹⁰ Information collected by the Cross-Border Peace Committee of Northern Bahr el Ghazal.

⁴¹¹ The Southern border defining the 14 mile area is sometimes referred to as the 'Munro-Wheatley line' after the two British colonial governors who established the area for Rizeigat grazing, 14 miles South of the Kiir River, between the provinces of Darfur and Greater Bahr-El Ghazal in 1924.

⁴¹² Gramizzi C. & Tubiana J., *Forgotten Darfur: Old Tactics and New Players*, Small Arms Survey report, July 2012, p. 68.

⁴¹³ Interviews IPIS with diplomats, Brussels and Juba, January/March 2013.

⁴¹⁴ In addition, it should be noted that during the dry season, Dinka Malwal cattle rustlers sometimes move North to the River Kiir with their livestock, where they have a better access to water. The Dinka also use the river as a fishing ground. The 14 mile area has also become something of a symbol, and the Sudanese territorial claims are portrayed by South Sudanese communities as another attempt by Arabs to take land from black people - a move which should be thwarted at any cost.

The 14-mile issue seems particularly important to the SPLM within Northern Bahr-El Ghazal, especially to the Governor. After the signing of the 27 September cooperation agreement, it even led to a temporary standoff between the SPLM/A in Juba and their counterparts at the State level. When faced with a possible retreat of his units, Governor Malong, despite being a special advisor to President Kiir, threatened to “fight the person who will give our land (away)”.⁴¹⁵ Given that the SPLA (unofficially) retained its presence throughout 2013, it appears that the powerful Governor got what he wanted for the time being.

Although the strategic importance of the 14-mile area is clear, the influence of economic interests should not be discarded. Earlier, Governor Malong’s intransigence in the SDBZ discussion was highlighted. Malong, an SPLA General with a long military track record, has operated in the border area for decades. The SPLA’s 3rd Division remains loyal to him and he is the de facto military commander of Northern Bahr-El Ghazal.⁴¹⁶ International observers agree that his personal support for cross-border trade and cattle migrations has been key to their successful realisation. At times he has personally intervened to ensure that incidents between communities were settled and damages paid.⁴¹⁷

Yet observers claim that Malong’s engagement is not solely for the common good, and that he profits from the trade and smuggling networks.⁴¹⁸ While there is no immediate proof of his personal involvement with such networks, it is indeed likely that, as the 3rd Division de facto commander and political strongman, he has organised or given permission for the informal taxes levied at SPLA checkpoints and takes a percentage from their revenue.⁴¹⁹

On the Sudanese side it is worth mentioning that the 14-mile area crosses an oil concession: APCO’s Block C.⁴²⁰ The ownership structure of Block C’s titleholders warrants attention. Some sources report that the CEO of majority shareholder Hi Tech Petroleum (65%) is Ali Hassan Ahmed Al Bashir - President Bashir’s brother⁴²¹ - whilst others claim it is former Energy and Mining Minister, Abdel Aziz Osman.⁴²² Either way, it is doubtful that any shareholder could have profited from the concession as of yet because in 2010 it was reported that no oil had been found in Block C and that investors had lost hundreds of millions of dollars.⁴²³ In addition, the High-Tech Group and several related companies⁴²⁴ are on the US Office of Foreign Assets Control (OFAC) sanctions list.⁴²⁵

7.3 Local communities’ interests are better served by peace

Although both the GoS and the GRSS have exhibited resolve to claim the 14-mile area through military actions, the interests of communities on both sides of the border are better served by peace. What is more, it appears that local communities such as the Dinka Malwal, Rizeigat and Misseriya are increasingly aware of this. Despite serious tensions between the two governments over areas such as Kiir Adem, the 2011-2012 and 2012-2013 dry seasons saw considerable cattle migration from Sudan, especially by East and South Darfur Rizeigat. At the start of the 2013-2014 dry season additional steps forward were made

⁴¹⁵ South Sudan News Agency, *Who will have the final word over the “Mile 14 Area”!*, 25 October 2012.

⁴¹⁶ IPIS interview with UN staff, Juba, November 2013.

⁴¹⁷ IPIS interview with local population, Northern Bahr-El Ghazal, November 2013.

⁴¹⁸ IPIS interviews with international observers, Juba and Aweil, November 2013.

⁴¹⁹ Malong’s authoritarian control over Northern Bahr-El Ghazal has been denounced on several occasions by political opposition groups from the Aweil community, including from within the SPLM. Statements have contained such expressions as, “running the state like a one man property”. Sudan Tribune, *N. Bahr el Ghazal community reiterate calls for governor’s removal*, 22 December 2013.

⁴²⁰ <http://www.ecosonline.org/oilmap/>

⁴²¹ The Indian Ocean Newsletter, *SUDAN: The Local Oil Magnates*, 14 April 2007.

⁴²² Flint J., *Reports of Oil in Darfur are Exaggerated*, *African Arguments blog*, 7 August 2009.

⁴²³ ECOS, *Sudan’s oil industry on the eve of the referendum*, p.24.

⁴²⁴ According to the website of one of the companies of High Tech Group (<http://www.hc-sdn.com/company.html#>), it is the biggest business group in Sudan, consisting of four business sectors: the petroleum sector (High Tech Petroleum and its subsidiaries Ram Energy and Petrohelp Petroleum Services), the telecommunication sector (Hicom), the trading and service sector (Advanced Engineering Works, Advanced Trading and Chemical Works, High Consult, and others) and the medical sector (Alfarchem). In addition, High Tech Group is a shareholder in other Sudanese companies such as Sudatel, Giad Industrial Complex, Heglig Petroleum and many others.

⁴²⁵ Available at: <http://www.treasury.gov/resource-center/sanctions/OFAC-Enforcement/pages/20070529.aspx>

to also facilitate the crossing of Misseriya nomads. Throughout, the efforts have chiefly been locally driven.

As opposed to other areas in South Sudan, notably the tri-state area between Lakes, Unity and Warrap, there are very few cattle-rustling related incidents in Northern Bahr-El Ghazal. Within the area there is a longstanding tradition of managing relations between the different communities, notably on the issues of cross-border cattle migration and trade. The current system of annual pre- and post-migration conferences was established in 1991. Pertinently at that time, the signatory and guarantor on the South Sudanese side was SPLA commander Malong, the same commander who is the incumbent Northern Bahr-El Ghazal's Governor and considered by many to be an important contributing factor to the relative success of cross-border relations.

Rizeigat support for a peaceful management of inter-community relations is not unanimous, but has nonetheless grown in recent years. Several sources have reported that their support for the NCP has waned and this appears to have resulted in attempts to improve and repair relations with the Dinka Malwal.⁴²⁶ The Rizeigat have a clear motive to pursue good neighbourly relations: they need access to Dinka Malwal-inhabited areas for cattle-grazing during the dry season, claiming there is simply not sufficient pasture in the North. They have also explained that the cost of cattle vaccination in the South is less expensive.⁴²⁷

Despite notable progress, the process of confidence building between the Rizeigat and the Dinka Malwal remains fragile. On the one hand, certain factions within the Rizeigat community claim absolute ownership over the 14-mile area and do not accept the current situation of negotiated access.⁴²⁸ On the other, Khartoum appears to have actively lobbied the Rizeigat to confront the Dinka (at least until March 2013). Several sources within the Rizeigat community report that NCP politicians have tried to instigate military actions by militias in the 14-mile area to strengthen their claim. Specifically, that Rizeigat paramount Chief Saeed Mahmoud Musa Madibu has been under great pressure to mobilise against the Dinka but has refused. In addition, community members have asserted that Khartoum's resistance to cooperation with Southern communities prompted Eastern Darfur Governor Abdel Hamid Musa Kasha to offer his resignation on 16 November 2013.⁴²⁹ Traditionally, the Rizeigat have used two additional corridors to migrate with their cattle into South Sudan via Western Bahr-El Ghazal. In the past years, this crossing has been much more problematic (see chapter 8.4).

Like the Rizeigat, the Misseriya Humr rely heavily on access to Northern Bahr-El Ghazal pastures and water points. Given their difficulties in other border areas, in particular Abyei, their migration routes into Aweil East County have become even more important. The Misseriya were virtually absent during the 2011-2012 and 2012-2013 dry season, faced with obstruction from Khartoum, whilst fearing for their security within South Sudan. However, they were expected to cross into Northern Bahr-El Ghazal in significant numbers in January 2014⁴³⁰ - the participation of the Meyram county administrator in the pre-migration conference indicates Sudanese political support, which is indeed promising.

Misseriya representatives claim that Major General Ahmed Khamis Bakheet, the Governor of the reinstated State of West Kordofan, has been key in creating an opening for the pre-migration negotiations. They allege that Khamis has expressed his readiness to resign should Khartoum push for renewed confrontation with the Dinka of Northern Bahr-El Ghazal.⁴³¹

In addition to cattle migrations, the Misseriya have an interest in the favourable functioning of the Peace Markets (see below), which they co-manage with the Dinka Malwal in the framework of a Joint Peace Committee.

⁴²⁶ Unpublished report on water conflicts by an International NGO, August 2013.

⁴²⁷ Interview IPIS with pastoralists, Northern Bahr-El Ghazal, November 2013. Apparently prices are up to 5 times lower for a batch of 100 tablets.

⁴²⁸ Craze J., *Dividing Lines. Grazing and conflict along the Sudan-South Sudan Border*, Small Arms Survey report, July 2013, p. 65.

⁴²⁹ Interview IPIS with Rizeigat representative, Northern Bahr-El Ghazal, November 2013. It remains to be seen whether his successor, Colonel al-Tayeb Abdul-Karim, will be equally supportive of Rizeigat movement into Northern Bahr-El Ghazal.

⁴³⁰ Interview IPIS with the Cross-Border Peace Committee of Northern Bahr el Ghazal, Northern Bahr-El Ghazal, November 2013.

⁴³¹ Interviews IPIS with Misseriya representatives, Northern Bahr-El Ghazal, November 2013.

The Dinka Malwal constitute the large majority of the population of Northern Bahr-El Ghazal, especially in the most populous border counties of Aweil North and East.⁴³² They have a clear economic interest in both a stable border area and improved relations with their Northern neighbours, as markets throughout Northern Bahr-El Ghazal rely heavily on traders from Sudan for their supplies. As opposed to border towns further East, road access to Wau and Aweil from Juba and Rumbek is very poor. Traders from Darfur and Misseriya (from Kordofan) cross the border to sell items such as soap, batteries, clothing, food and diesel (Box 7.1). Some of the more important markets they frequent include Majok, Wanyjok, War Awar and Gok Machar. When Sudanese traders fail to reach those markets, many goods become scarce quickly and increase in price dramatically.⁴³³ Traders in Mayok explained this by illustrating that the price of soap can quintuple from 4 SSP to 20 SSP.⁴³⁴

Box 7.1 : Fuel and diesel trade in Majok

The border market of Majok is the single most important source of fuel within Northern Bah-El Ghazal. On a busy day up to 800 jerry cans are traded, representing a total volume of almost 15,000 litres. A 16-litre jerry can of diesel is traded at 70 SSP, which is very inexpensive compared to other areas throughout South Sudan. In times of conflict, when the Sudanese fuel does not reach Northern Bahr-El Ghazal, prices rise up to 300 SSP for the same jerry can. All of this fuel is imported by Misseriya traders, who transport it straight from the refinery in El Obeid, North Kordofan, thereby explaining the relatively low price. Out of Sudan's three refineries, El Obeid has the lowest capacity and its product appears to be mainly intended for the national market.

The trade does not only benefit sellers and buyers. It also ensures a steady flow of tax income for the Northern Bahr-El Ghazal budget. In addition, the SPLA appears to levy additional taxes at checkpoints along the road.⁴³⁵ On the Sudanese side of the border the SAF collect taxes at checkpoints as well. This is a notable improvement upon 2012, when the border was closed and the SAF tried to stop the trade altogether by tracking down the traders and confiscating all of their goods. A Misseriya trader described how those who were caught attempting to cross the border received fines or prison sentences, after which they had to take an oath on the Quran to never go to South Sudan again.⁴³⁶ In the course of 2013, the re-opening of the border was announced on several occasions. By October it appeared that implementation would start at some of the ten agreed border points.⁴³⁷ During the same period, trade activities at Northern Bahr-El Ghazal border crossings – officially open or otherwise – were tolerated by the SAF, whose interference was limited to tax collection.⁴³⁸

⁴³² The most populous minority group are the Luo, who primarily live in Aweil Centre and who are estimated to constitute less than 10% of the total State population.

⁴³³ Traders from Kenya, Ethiopia and Uganda frequent the open-air markets as well. They access the area from the South via the Rumbek/Wau road and are therefore not impeded by border closures or conflicts. Their trade volumes are, however, rather limited and they specialise in other items such as beer and liquor.

⁴³⁴ Interviews IPIS with traders, Northern Bahr-El Ghazal, November 2013.

⁴³⁵ Interviews IPIS with traders, Northern Bahr-El Ghazal, November 2013.

⁴³⁶ Ibidem.

⁴³⁷ Sudan Vision, *Sudan Embarks on Preparations to Resume Trade with S. Sudan*, 29 October 2013.

⁴³⁸ Interviews IPIS with traders, Northern Bahr-El Ghazal, November 2013.

8. Western Bahr el Ghazal

In brief

- The discovery of the Lord's Resistance Army (LRA) in the Kafia Kingi enclave confirms this rebel group's continuing survival mode;
- The mining potential of Kafia Kingi is unclear but could nevertheless partly explain the interests of both Sudan and South Sudan;
- Community perceptions of ethnic dominance in South Sudan's politics warrant monitoring.

8.1 Overview of recent conflict events

Due to the remoteness of the area and the absence of international organisations aside from those within Wau and Raja town, information about conflict incidents and strategic interests in Western Bahr el Ghazal is both scarce and difficult to verify. IPIS will endeavour to further analyse conflict dynamics in this region in future research.

SAF-SPLA Clashes

Although SAF-SPLA clashes have been fairly limited over the course of the last two years, there have been some notable upsurges in hostilities. On the 12th of February 2012, SAF troops allegedly attacked Balbala, located between the Kiir River and Kitkit. In May 2012, briefly after the hostilities around Heglig, Unity State, SPLA forces reportedly moved into the disputed area of Kafia Kingi, clashing with the SAF in the area and occupying several villages, including Kafia Kingi town, all of which they reportedly left later that year (see chapter 6.1).⁴³⁹ In June that year, the SPLA alleged that the SAF had carried out aerial bombardments to the east of the Kafia Kingi enclave in Sir Malaga, Firka and north of Boro Medina.⁴⁴⁰

In the last week of 2012, the SAF and PDF forces allegedly attacked Abu Juku, southwest of the Munro-Wheatly line bordering Western Bahr-el-Ghazal (see chapter 7.1). A couple of days later, in the beginning of January, they staged attacks on the nearby settlements of Timsah and Kitkit, where SPLA bases are located. According to the SPLA 5th Division, 32 SPLA soldiers and several civilians were killed during the attack, and another 128 civilians abducted and held by Rizeigat militia. They were released at the beginning of July 2013. According to UNMISS, no new incidents were reported after the January 2013 attacks.

In terms of intercommunity violence, Western Bahr-El Ghazal appears to be relatively calm compared to other States, such as Unity and Warrap. Few incidents were reported in the 2012-2013 period, except for a series of clashes in and around the State capital of Wau in December 2012 (see below).

8.2 Kafia Kingi as the ideal hideout area

According to an April 2013 report by the *Enough Project* based on defected combatants' witness accounts, the Lord's Resistance Army (LRA) maintained a presence in Kafia Kingi from late 2009 up until early 2013.⁴⁴¹ The LRA camp was reportedly located in the vicinity of the SAF garrison at Dafak, which apparently condoned their presence and provided them with limited food and medical support. In December 2009, the LRA combatants attacked Boro Medina, killing one SPLA soldier. In September and

⁴³⁹Al Arabiya News, *Sudan complains over south 'aggression': media*, 27 May 2012

⁴⁴⁰ Confidential UN Document, June 2012

⁴⁴¹ Enough Project, *Hidden in Plain Sight. Sudan's harboring of the LRA in the Kafia Kingi Enclave, 2009-2013*, April 2013.

October 2010, the LRA combatants reportedly staged several attacks on villages across the border in the Central African Republic (CAR).

The witnesses alleged that Joseph Kony, the LRA commander indicted by the ICC, stayed in the encampment for prolonged periods. Further to the witness accounts, the LRA left the encampment in February 2013 following reports that about 200 Ugandan troops accompanied by Caucasian soldiers with sniffer dogs were searching for them in the vicinity. According to the commissioner of Raja County, Caucasian men also arrived in the County by air for what he reported to be an operation to convince the combatants to demobilise.⁴⁴² Thereafter, some LRA combatants, including Joseph Kony, reportedly returned to the area to camp there during the rainy season.⁴⁴³ It was unclear whether the LRA combatants still had a presence in the Kafia Kingi enclave by the end of 2013.⁴⁴⁴ The SAF has consistently denied harbouring the LRA combatants.⁴⁴⁵

In previous IPIS reports (2009/2010) focusing on CAR and DRC's Orientale Province, IPIS analysed the behaviour and motives of the LRA and described their adoption of a survival mode.⁴⁴⁶ In *Mapping Conflict Motives: Province Orientale*, it was concluded that, "The LRA seems to be almost exclusively focused on survival. It does not attack strategic targets, does not fight over the control of natural resources and, if it was ever driven by a political or social agenda, such grievances are no longer reflected in its behaviour in the field."

The LRA's decision to establish a base in the Kafia Kingi enclave, a remote area with an uncertain status, appears to be a continuation of the same strategy. The rebels likely sought to hide in the enclave to escape the intensive international military campaign against it. This explains why there are virtually no reports of violent incidents involving the LRA in the wider area.

Although they attacked an SPLA-controlled village in December 2009, there are no indications that the LRA has acted as a proxy force of or coordinated with the SAF in military operations in the 2009 - 2013 period.

Apart from the LRA, other armed groups might also have used remote areas of Western Bahr-EI Ghazal as a rear base. According to the February 2013 report of the UN Panel of Experts on the Sudan, credible and compelling testimonies have been collected, alleging that JEM had a base at Timsah, Raja County in 2012. However both their period of stay and troop strength remain unclear.⁴⁴⁷ According to the information available, there have been no new sightings of JEM combatants in the area since the signing of the Cooperation Agreement in September 2012.

8.3 Economic interests in Kafia Kingi partially explain interstate violence

The Kafia Kingi enclave has a long history of traditional copper exploitation in the area around Hofrat en Nahas, or 'hole of copper' in Arabic. In spite of copper exploitation predating colonial times, it is unclear whether the reserves would be profitable to exploit on an industrial scale. In surveys conducted at the end of the colonial era, estimates of the reserves largely diverged, but suggested that they would not be economically viable.⁴⁴⁸ In the sixties, several companies conducted studies without ever starting production. This was according to a 1973 UNDP report an indication that copper production at Hofrat en Nahas would not be economically viable.⁴⁴⁹ In the late nineties, BHP Billiton PLC, a large resource

⁴⁴² Interview IPIS with Raja County commissioner, Wau, November 2013.

⁴⁴³ HSBA, *Lord's Resistance Army Update*, August 2013.

⁴⁴⁴ According to UNMISS, there was no evidence for their ongoing presence (source: interview IPIS with UNMISS State Coordinator, Wau, November 2013) The county commissioner stated that they had left the area.

⁴⁴⁵ Sudan Tribune, *Sudan denies harboring Uganda's LRA fugitive leader*, 28 April 2013.

⁴⁴⁶ See Spittaels S. & Hilgert F., *Mapping Conflict Motives: Central African Republic*, International Peace Information Service, February 2009; and Spittaels S. & Hilgert F., *Mapping Conflict Motives: Province Orientale (DRC)*, International Peace Information Service, March 2010.

⁴⁴⁷ Report of the Panel of Experts on the Sudan established pursuant to resolution 1591 (2005) (12 February 2013), *UN Doc. S/2013/79*, p. 18

⁴⁴⁸ Thomas E., *The Kafia Kingi Enclave. People, history and politics in the north-south boundary zone in Western Sudan, Rift Valley Institute, Contested Borderlands*, 2010, p. 23

⁴⁴⁹ UNDP, *Mineral Survey in Three Selected Areas, Sudan. Technical Report 4, Copper Exploration in the Hofrat En Nahas Area, Western Sudan, an Interim Report*, 1973, p. 101 referred to by Thomas E. 2010, *cit.*, p. 24

company based in London, carried out an exploration program in the area. The company withdrew from the prospect in 1999, after reportedly revising its estimates of copper deposits considerably downwards.⁴⁵⁰

The withdrawal of Billiton did not deter other investors from acquiring large concessions in the area and carrying out their own preliminary assessments. SP Mining, registered in Singapore, acquired a concession in the southern half of Kafia Kingi before Southern independence. According to its website, the company intends to mine both copper and uranium there. The concession covers an area of 7,000 km², which is more than half of the total surface of the contested territory. However, no recent information on the concession's status or on the results of its preliminary investigations is publicly available.⁴⁵¹

The presence of uranium in the area has been reported, but detailed information is scarce. According to the Sudan Atomic Energy Commission, a U.S. company discovered uranium in Hofrat en Nahas in 1977.⁴⁵² However, it still remained unclear whether uranium deposits present in Sudan would be commercially viable.⁴⁵³ Since the mid-90's, there have been several detailed studies of the quantity, quality and economic potential of uranium deposits in different regions of Sudan, such as in the Nuba Mountains and Jebel Mun. Most of these studies concluded that the economic potential of the deposits is low to non-existent.⁴⁵⁴ However, no publicly available study has yet covered Hofrat en Nahas.

There is also anecdotal evidence of the occurrence of gold. Reportedly, the precious mineral is present in the rivers west of Raja, where the local population participate in alluvial exploitation.⁴⁵⁵ According to a witness account quoted by Edward Thomas, Billiton was industrially extracting gold in Kafia Kingi in the early eighties.⁴⁵⁶ Kafia Kingi is furthermore located in the westernmost oil block along the border region, but no discoveries have been reported so far. In addition, the Sudan National Museum in Khartoum has a sign on display stating that the "Hofrat Enahas (*sic.*) Area in South western Sudan is suspected to host Kimberlite pipes".⁴⁵⁷ Although only a fraction of the Kimberlite pipes discovered in Africa actually contains diamonds, the possibility further adds to Kafia Kingi's reputation as a source of mineral wealth.⁴⁵⁸

Box 8.1 : History of the Kafia Kingi Enclave

The Kafia Kingi enclave covers an area of approximately 12,500 km² and is located to the east of the Central African Republic. The border marks the Congo-Nile watershed, in accordance with a 1924 agreement between the French and British colonial powers regarding their respective spheres of influence. The enclave itself is rooted in the British 'Southern Policy' (1930-1946) that aimed inter alia to create a no man's land between Northern and Southern Sudan. The area was depopulated and its inhabitants were resettled in Darfur or Raja County, Western Bahr el Ghazal, depending on their 'ethnic classification'.⁴⁵⁹ As a result, the enclave is currently very sparsely populated with estimates ranging between 5,000-15,000 inhabitants.⁴⁶⁰

⁴⁵⁰ The company invested 1.8 million USD in the exploration programme. (source: Neil Scott, *The Mining Annual Review 2000: Sudan*, The Mining Journal Ltd, 2000, p. 1)

⁴⁵¹ The website of the company has not been updated since 2011 (see: <https://gomaespuma.com/spmining/sudan.php>)

⁴⁵² Hajo Idriss Mohamed, Sudan Atomic Energy Commission, *Uranium in Sudan, presentation given at the Interregional IAEA-CYTED-UNECE Workshop on Recent Developments in Evaluation of Uranium and Thorium Resources*, Portugal, Lisbon, 2012; Some sources assert that uranium was discovered in the area as early as 1961 (see: Sharaky A., *Oil, Water, Minerals and the Crisis in Darfur, Sudan*, Institute of African Res. and Studies, Cairo University, 2005, p. 49)

⁴⁵³ Ministry of Energy and Mining of the DR of the Sudan- Geological & Mineral Resources Department, *Explanatory Note to the Geological Map at the Scale of 1:2,000,000*, 1984.

⁴⁵⁴ Hajo Idriss Mohamed, 2012, *cit.*

⁴⁵⁵ Interview IPIS with Kreish elder, Wau, November 2013.

⁴⁵⁶ Thomas E., 2010, *cit.*, p. 24.

⁴⁵⁷ Pictures shown to IPIS by regional expert Brian Johnson-Thomas, January 2014

⁴⁵⁸ Dr. Moberly R., *What reconnaissance techniques are used by diamond mining firms to successfully search for productive kimberlite pipes? And after discovery what techniques are used to exploit the deposits? Could you provide references, and/or sources of information?*, last accessed on 27 January 2014.

⁴⁵⁹ Robert Collins, *The Southern Sudan in Historical Perspective*, 2006, p. 54

⁴⁶⁰ Edward Thomas, 2010, *cit.*, p. 24.

At independence in 1956, the largest part of the enclave, to the south of the Umbelacha seasonal river, was part of Western Bahr-el-Ghazal. In 1960, the enclave was transferred to the administration of the Buram District in Darfur.⁴⁶¹ According to the 1972 Addis Peace Agreement, governance over the enclave should have been reverted to the Southern Region, but this was never implemented and Khartoum kept control over the area. Currently, South Sudan also claims an area northeast of the Umbelacha river, which is not part of South Sudan according to the 1956 border.

Kafia Kingi's potential economic value might partly explain why it is claimed by both Sudan and South Sudan and why both countries have clashed in the area on several occasions. However, the majority of SAF – SPLA clashes and SAF bombardments that have taken place along the border in Western Bahr el Ghazal also reflect the broader conflict dynamics between both countries. In this respect, the February 2012 SAF attack on Balbala and the alleged SPLA incursion in Kafia Kingi coincided with renewed hostilities along the South Kordofan – Unity State border, and in Heglig, amidst tension over the halted oil production in the South (see chapter 6.1). When the SAF bombarded SPLA positions and villages in the 14-mile area at the end of 2012, it also staged attacks on Abu Juku, Timsah and Kitkit, all located near to the contested area in Northern Bahr el Ghazal (see chapter 7.1).

Although no further such clashes have been reported since the beginning of 2013, the area remains heavily militarised, with both countries maintaining military positions in or close to the Kafia Kingi enclave and in the border region. The risk of renewed hostilities here therefore remains very real should the relationship between the two countries deteriorate, particularly regarding negotiations over the contested border.

In this respect, conflicting claims over the Kafia Kingi enclave could prove to be a particularly serious cause of contention. On the one hand, the enclave is valuable to both parties because of its strategic location and the potential economic value of its underexplored mineral wealth. On the other, the fact that the enclave is only very sparsely populated could be a facilitating factor in resolving its status through negotiations. Unlike Abyei, for instance, there is no constituency able to significantly influence election outcomes. This makes the enclave more suitable to use as a bargaining chip in broader political negotiations between the GoS and GRSS.

8.4 A flare up of intercommunity violence that merits further monitoring

Even though there are only a few reports of intercommunity violence in Western Bahr-El Ghazal, a number of potential conflicts exist, requiring conscientious peace and conflict management.

An example of this is the seasonal migration of cattle into Western Bahr el-Ghazal from Darfur. As opposed to the neighbouring state of Northern Bahr-El Ghazal, these migrations are not actively encouraged nor managed. For the past few grazing seasons, migration into Western Bahr el Ghazal has either been blocked or extremely limited, as no annual grazing agreements had been negotiated.⁴⁶² Some of the pastoralists therefore migrated to Northern Bahr el Ghazal instead. Traditionally, migration routes avoid the Kafia Kingi enclave, which is infested with tsetse flies. A part of the migration routes therefore cross the South Darfur – Western Bahr el Ghazal border, turning eastwards into Northern Bahr el Ghazal. Rizeigat groups migrate up to the northwest of Raja town and Fellata pastoralists go to grazing areas south of Raja.

Unlike their neighbours in Northern Bahr el Ghazal, the inhabitants of Western Bahr el Ghazal barely engage in cattle keeping. Although this reduces problems of cattle raiding associated with the seasonal migration, it causes the local population to be less receptive to the pastoralists as they do not share their interest in finding pasture for cattle. According to the Commissioner of Raja County, the local authorities

⁴⁶¹ Gramizzi C. and Tubiana J., *Forgotten Darfur. New tactics and old players*, HSBA Working Paper 28, Small Arms Survey, July 2012 p. 59.

⁴⁶² Concordis International, *Crossing the Line. Transhumance in transition along the Sudan-South Sudan Border*, October 2012, pp. 5-18.

are nevertheless willing to negotiate cattle corridors and terms of access with their counterparts in South Darfur. No political contacts have yet been established, in spite of several attempts made by Concordis.⁴⁶³

As a separate matter to the cross border migration, significant tensions exist between population groups within Western Bahr el Ghazal, notably between the Fertit and Dinka communities.

In October 2012, Rizik Zakaria Hassan, the State Governor, issued a decree relocating the Wau County headquarters from Wau to Bagari, some 20km outside the State capital. This was met by fierce resistance from the Fertit community, who perceived the move to be designed to reduce their political influence, whilst reinforcing that of the Dinka. The Fertit is an umbrella term for the ethnic groups in Western Bahr el Ghazal that do not fall under Dinka, Fur, Jur nor Arab. For example, it includes the Kreish and Balanda. During the second civil war, relations between the Fertit and the Dinka were strained, and the Fertit formed the support base of the 'Peace Forces', a Khartoum sponsored militia led by Al-Tom Al-Nur.⁴⁶⁴

By the beginning of December, protesters blocked several roads leading from Wau to Bagari, Raja and Yambio. On the 8th of December 2012, when the South Sudanese Police (SSPS) failed to remove the roadblocks, they opened fire on the protestors, killing two people. The following day, the SSPS started shooting at a march of people denouncing the deaths, killing another eight and injuring over twenty.⁴⁶⁵ Amidst mounting tensions, assailants killed six Dinka farm workers on the 15th of December in Faradjallah.⁴⁶⁶ This sparked a series of revenge attacks by Dinka youth in non-Dinka areas of Wau town, killing seven and leaving over 100 wounded. Over 400 houses were reportedly destroyed. According to Amnesty International, the authorities responded with a series of arbitrary and politically motivated arrests.⁴⁶⁷ It is unclear to what extent the protests were spontaneous or the result of political incitement (as alleged by the state authorities). Either way, the protests clearly demonstrated the ease by which people are mobilized by ethnic fault lines.⁴⁶⁸

Although the year following the December 2012 violence was relatively peaceful in Wau, the aforementioned incidents still deserve some further thought, especially in the light of the outbreak of civil war in South Sudan in December 2013. The Wau protests showed a lingering frustration amongst the Fertit, who felt politically dominated by Dinka. It is not essential to determine whether their perceptions were accurate or falsely instigated by ambitious politicians. The more important fact is that frustration over Dinka dominance exists throughout South Sudan, and needs to be cautiously monitored and managed lest they escalate and serve as a critical mobilising factor for violence.

⁴⁶³ According to the commissioner, Concordis was not allowed into South Darfur to facilitate the political process. (source: interview IPIS with Raja County commissioner, Wau, November 2013)

⁴⁶⁴ Institute for Security Studies, *The South Sudan Defence Force (SSDF): A challenge to the Sudan Peace Process, Situation Report, 8 April 2004, pp 12-13*; Thomas E., 2010, *cit.*, pp. 115-128; Concordis International, *cit.*, p. 12.

⁴⁶⁵ Amnesty International, *South Sudan: Civil Unrest and State Repression. Human rights violations in Wau, Western Bahr el Ghazal State*, 2013.

⁴⁶⁶ The Wau Special Court sentenced eleven of the accused in this case to death by hanging. The defendants lodged an appeal (source: Radio Tamazuj, *11 men sentenced to hang for killings near Wau*, 9 June 2013).

⁴⁶⁷ Amnesty International, 2013, *cit.*, p. 5

⁴⁶⁸ Radio Tamazuj, *WBG governor accuses commissioner of incitement*, 19 November 2012.

9. Warrap⁴⁶⁹

In brief

- Incidences of large-scale cattle rustling in Warrap are on the rise;
- Cattle-related interests almost entirely motivate conflicts in the State due to the livestock's economic value and symbolic significance.

9.1 Inter-clan violence 2006-2013

Clashes over resources are common in Warrap state - its six counties have long experienced grave levels of conflict and violence, largely relating to cattle rustling and competition over water points and grazing lands. This volatility is exacerbated by the widespread ownership of arms, which state authorities seem unable to control.

Since South Sudan's liberation war, the state has suffered particularly severe strife, including forced migration, instability, the decimation of their property, and fatalities, much of it inflicted from within. Peace has been elusive.

Between 2006 and 2007, deadly violence rocked Gogrial western and eastern counties. The year-long conflict between the western and eastern Gogrial Dinka (Aguok and Apuk Giir), resulted in the loss of over 100 citizens, with hundreds more displaced and much property destroyed. Likewise, fighting between the Lou Ariik and Apuk Padoc in Tonj North County between 2008 and 2010 left hundreds dead and displaced. In March 2013, inter-clan violence, in the form of a revenge attack by Jalwau on Luackoth in Tonj East County, left eight dead – mostly women and children.⁴⁷⁰

Tensions have elevated between a number of Warrap communities and their neighbours in Unity and Lakes states over recent years. For example, relations between the Tonj South and Tonj East, both Warrap counties, and Cueibet County in Lakes state, have been increasingly hostile, culminating in powerful confrontations over the last five years. In May 2013, youth from Tonj South attacked Cueibet, killing five people, wounding dozens of others, and looting 50 heads of cattle.

National security forces have regularly sought to intervene, however their presence has often resulted in more civilian deaths. In February 2010, for example, a clash involving SPLA soldiers and the Cueibet community resulted in the death of the county's Paramount Chief.⁴⁷¹ The involvement of the SPLA created a sense of resentment and hostility against the national army in Cueibet County.

9.2 Cattle is the main source of wealth in an area with limited livelihoods

Small-scale agriculture (mainly subsistence farming) and cattle rearing are Warrap's major economic activities. These activities often take place in response to seasonal changes. Crop production follows traditional methods, and is rarely associated to violence. Cattle rearing, on the other hand, is much more closely linked to armed conflict.

Some of Warrap's wet and grazing lands are shared between and within communities. The migratory aspect of attending to cattle keeps their guardians in search of water and grazing lands during the dry season. Such activities necessitate interactions with many other communities. Coupled with the economic value attached to cows in South Sudanese society, cattle migration can lend itself to conflict.

⁴⁶⁹ This chapter was written by Augustino Ting Mayai from The Sudd Institute.

⁴⁷⁰ Mayai A., *Managing the Communal Violence in Tonj East County*, The Sudd Institute, 2013.

⁴⁷¹ Sudan Tribune, *Lakes: investigation begins into the killing of Cueibet paramount chief*, 14 April 2011.

As a result, several reports have indicated an increasing level of cattle thefts or raiding, becoming a leading source of state violence in recent years.⁴⁷² Illustrating this, conflicts peak in the dry season.

Cattle rustling is most common in the Warrap counties that border other states, namely Tonj North, Twic, Gogrial East, and parts of Tonj East and Tonj South. Still, there have been a few intra-state cases, with the conflict involving Gogrial East and Gogrial West being a prime example.

Cattle raiding within Gogrial East County and spill-over from Mayom

Gogrial East County is predominantly inhabited by Dinka as are most of the surrounding counties. To the northeast of Gogrial East lies Mayom, a predominantly Nuer County in Unity State. Relations between the two counties and ethnicities are reported to have increasingly soured in recent years. SUDD Institute interviews affirmed that incidents in Gogrial East County have increased in recent years and conflicts currently occur at least once per month.

An interview with the County Commissioner, Akot Lual, revealed a number of conflict dynamics in the area.⁴⁷³ Like many rural parts of South Sudan, Gogrial East's political economy is cattle-centred, with seasonal, pastoral migration inextricably linked to grazing and water points. This has led to the above-mentioned poor relations with neighbouring communities. Much of the violence in Gogrial East surfaces in the dry season, when the communities migrate to wetlands and settle for a few months (between January and April annually) in search of water and pasture. Moreover, the lack of a proper and comprehensive disarmament process has left the county extremely vulnerable. The Commissioner cited a February 2013 confrontation that left 35 people dead, many of them women and children, and several heads of cattle seized.

In the last two years, the County has experienced a particularly notable number of attacks on cattle camps north of Liethnom, the county's administrative centre. These incidents were allegedly perpetrated by Unity State citizens, motivated by, amongst other factors, long-standing ethnic discontent.⁴⁷⁴ The county is reported to have lost hundreds of herds in the process, increasing economic vulnerabilities in an already impoverished community.

The reported increase in cattle raiding can arguably be partly associated with traditional cultivation methods becoming out-dated and unsustainable.⁴⁷⁵ As customary farming techniques have become less useful, fewer people now depend on agricultural activities, and more on cattle. Consequently, both greed and survival motivated resource conflicts in the only functioning sector have multiplied.

Finally, it is of note that land-grabbing in areas of Gogrial East close to Unity State is an emerging concern. More specifically, members of the neighbouring Nuer ethnic group of Mayom County are reported to have settled in areas claimed by Gogrial East County, inflaming already acrimonious relations between the groups.⁴⁷⁶

Cattle rustling between Twic County and Mayom County

Twic County also possesses a traditionally ethnic Dinka community, whose economic wellbeing heavily relies on subsistence farming and cattle rearing. However, owing to changes in the regional and global economy, a great deal of this community is now engaged in monetary trade, with some combining both economic activities. Still, during the dry season nearly half Twic County's community migrate to the northeast, seeking greener pastures and water points to meet animal and fishing needs.

⁴⁷² UNDP *et al.*, *Community Consultation Report: Warrap State*, 2012; Jok J., *Insecurity and Ethnic Violence in South Sudan. Existential Threats to State?*, The Sudd Institute, 2012; Jok J., *Mapping the Sources of Conflict and Insecurity in South Sudan. Living in fear under a newly-won freedom*, 2013.

⁴⁷³ Interview Sudd Institute with Akot Lual, Gogrial East County Commissioner, Liethnom, July 2013.

⁴⁷⁴ Interview Sudd Institute with Akot Lual, Gogrial East County Commissioner, Liethnom, July 2013. The Commissioner reported that he could not be certain as to how many conflict events on average do occur in the border due to lack of systematic recordings. Often, the county's office records those attacks that are much closer to the county center, leaving those occurring in the periphery not comprehensively documented.

⁴⁷⁵ Blench R., *Aspects of Resource Conflict in Semi-Arid Africa*, The Overseas Development Institute, 1996.

⁴⁷⁶ Interview Sudd Institute with Akot Lual, Gogrial East County Commissioner, Liethnom, July 2013.

Twic county shares these points with Gogrial East, Abyei, and neighbouring counties of Unity State. In the two years period preceding this research, the County's community has been largely at peace with its neighbours, with the exception of Mayom County. However, the County had started to witness land disputes against Aweil East County, Northern Bahr el Ghazal State; these have not sparked any serious incidents as of yet.

Twic County's administration lacks detailed records of conflict episodes. However, the SUDD Institute was able to obtain information on recent events through an interview with the Commissioner, who related them from memory. In March 2013, for instance, Ajak Kuach, a subsection of Twic Dinka, which lies north of the County, was attacked by youth from neighbouring Mayom County. Over 300 heads of cattle were taken, however no deaths were reported. Some of the cows were later returned to their owners following a collaborative effort of the County Commissioners. This effort resulted in some of the perpetrators being jailed, fined, or both. In July 2013, youth from Twic County stole seven cows from Mayom County as an act of retaliation. The Twic County Commissioner, however, returned the cattle to the owners in Mayom County; again the perpetrators were jailed.

Notably, the SPLA is present in Twic County. Troublingly, the County Commissioner who observed that some SPLA members seem to be also engaged in cattle theft within the County and across its borders.⁴⁷⁷

Dinka-Nuer conflicts over cattle in Tonj North County

In Tonj North County, the SUDD Institute interviewed chiefs and informed youth of Akop Payam.⁴⁷⁸ The latter, inhabited by Apuk Padoc, an ethnic Dinka community, is surrounded by numerous other Dinka communities and ethnic Nuer of Leer and Koch counties of Unity State. Like its sister counties in the region, the community practices seasonal migration in pursuit of water and grazing lands, and migrates to wetlands close to Koch and Leer Counties in Unity State in the dry season. The most pertinent security threats faced by the Apuk Padoc are occasional attacks, seemingly orchestrated by youth from Bul and Kuac Nuer of Unity State, north of Akop Payam. Despite fears of conflict, it seems that economic circumstances force members of Akop Payam to migrate to these grazing areas.

Conflict-rousing factors in Tonj North County are numerous. Although access to land was previously the main cause, it now seems to be cattle, often pitting ethnic Nuer against Dinka. Citing continuing hostilities, Chiefs have recommended border patrols by the Government, taking inspiration from Warrap State's former Governor, Tor Deng Mawien, who tried to install border police, leading to a temporarily improved security situation in the area. The proliferation of small arms has also played a negative role in increasing insecurity, suggesting an inadequate disarmament exercise in the country.

Relations between Apuk Padoc Dinka and the two Nuer communities in Unity State continue to be considerably strained and characterised by frequent cattle rustling. By the time SUDD Institute conducted this research, insecurity in Akop Payam was on the rise and interactions with the neighbouring communities from Unity State were extremely confrontational, often resulting in gunfights, injuries, and deaths.

Akop Payam and Tonj North County at large rely on cattle and subsistence farming for their economic survival. SUDD Institute Interviewees expressed concern that the current economic system is insufficient and fuels violence and competition over limited resources such as cattle. Interviews suggested that these economic uncertainties threaten stability across and within communities.

⁴⁷⁷ On the question of recent violence in the county, Commissioner Malek Ring described on going insecurity as a result of cattle theft between his county's youth and those from neighbouring Mayom County. He also added that some of the SPLA soldiers have also been engaged in cattle theft, increasing insecurity in the area. Interview Sudd Institute with Twic County Commissioner, Twic County, July 2013.

⁴⁷⁸ Interviews Sudd Institute with Apuk Padoc chiefs and youth, Warrap Town,, July 2013.

9.3 The interplay between ethnic rivalries and resource conflict

In this analysis, the Sudd Institute has explored the scale and motivating factors of conflict in Warrap State, South Sudan. Here, South Sudan's independence has brought about a decrease in violent conflicts. Death statistics dropped and conflict-induced displacements almost halted.

However, in the counties studied, incidences of large-scale cattle rustling are on the rise. These exacerbate ethnic tensions, repeatedly cause casualties, and further impoverish the local population. Cattle almost entirely motivate conflicts in Warrap State due to their economic value and symbolic significance.

Ongoing conflicts in Warrap suggest deficiencies in the country's policy capacity, but also imply the impact of a long war, which seriously hampered cohesion among various communities in South Sudan. Ethnic rivalries may be rooted in distant history, but have been furthered by the decades of war.



Acacia gum tree (IPIS 2013)

10. Cross-State Analysis and Conclusions

Natural resources explain individual incidents, but not the conflicts in general

Given the limited diversification of the economies of both Sudans, access to natural resources is crucial to both States' budgets, and therefore regime survival. Consequently, control over oil fields and infrastructure is an important factor shaping both countries' military and diplomatic decisions. When, for example, Khartoum lobbies for the division of Abyei, control over the Diffra oil field is certainly part of its calculations. Similarly, when the SPLA decides to strike at the SAF in Heglig, the presence of important oil installations is no coincidence.

The same applies to non-state actors, especially in the conflict between the SAF and the SPLM-N. SAF forces have presented their clear intention to protect strategic interests in Blue Nile and South Kordofan, including several mining areas where activities are ongoing. Meanwhile the SPLM-N has taken control of a number of artisanal gold mines, where it has attempted to redirect the gold trade away from Khartoum and via its own channels. Although it does not appear that the rebels have established mechanisms to control and tax the extraction, they do help organise the trade of what is extracted in areas under their authority. This is especially the case in South Kordofan, where the gold trade has been redirected from Khartoum to Juba.

It is worth stressing that the current mining activity and additional deposits in the border States appear to be significant. In the Nuba Mountains, for example, data from interviews suggest that, although the war has interrupted mining activity in some areas, in others it has continued, attracting thousands of artisanal miners to these locations. The reported use of up to 60 crushers at the Eieri mine reveals a scale of activity that is actually comparable to the bigger artisanal gold mines in neighbouring DRC.⁴⁷⁹

Moreover, the border area has attracted a number of investors and prospectors. Whereas major oil companies such as Petronas and CNPC have had a presence at the border for years, there is also a clear international interest in other minerals. International investors have spanned from less-experienced Spanish SP-Mining to, up to July 2012, the French giant Areva.⁴⁸⁰

Acknowledging all of the above, the presence of Sudan and South Sudan's considerable mineral wealth does not sufficiently explain current fighting in the border area. The large majority of violent incidents occur away from the mining areas and appear to be unrelated. Moreover, in the case of the Sudan-South Sudan conflict, the resumption of oil production has been one of the (few) outstanding issues upon which the two countries have reached an agreement. After two years of economic boycotts and threats, both parties now appear to be convinced that they have to cooperate on issues such as natural resources (oil) and security. The pendulum has swung to such an extent that South Sudan, following the December 2013 outbreak of civil war, appears to be considering establishing a joint force with the SAF to protect its oilfields.⁴⁸¹

Despite clear indications that control over natural resources is not the primary motivation of the SAF, the SPLA, rebel groups or militias, the issue does require monitoring. Examples from other countries in the region, such as the DRC, have shown how rebel groups can become obsessed with control over mining and mineral trade, significantly extending groups' lifespan, even after they have lost their cause and most of their support. Furthermore, government forces risk becoming involved in business activities as well, often with detrimental effects on security, human rights and business itself. Such practices have spurred a flurry of measures from regional bodies such as the ICGLR and other international players as the US Senate to tackle the issue of 'conflict minerals' in supply chains.

⁴⁷⁹ The use of 200 crushers is for example reported at the gold mines around Misisi in the Fizi territory of South Kivu, arguably the largest artisanal gold mining area of DRC. (data gathered by IPIS in the framework of its *interactive map of artisanal mining areas in Eastern DRC, 2013-2014*, available at: <http://www.ipisresearch.be/mapping-eastern-drc-2013.php>).

⁴⁸⁰ In July 2012 Areva announced that it had sold its majority share in 'La Mancha' to the Egyptian 'Weather II investments'.

⁴⁸¹ Sudan Tribune, *S. Sudan may ask for Sudan's help to secure oil fields: report*, 18 January 2014.

In the case of both Sudan and South Sudan, whose extractive sectors will undoubtedly expand beyond oil exploitation, it would be better to prevent than to remedy such problems. More information on artisanal and semi-industrial mining activities in areas such as Blue Nile, South Kordofan and Kafia Kingi would greatly enable this.

In addition to or aside from access to minerals, other economic interests can shape specific actions of warring parties, although it does not appear to be decisive in their overall strategies. Amongst the larger armed conflicts, the continued clashes between the SAF and the SPLA over mechanised farming in Eastern Rank are a possible indication of economically driven warfare. At the local level, inter-community incidents such as cattle raiding are sporadically reported, as are fights over acacia gum harvesting areas. However greed-driven conflicts between border communities are currently less violent than those within the two countries (see below).

Rebels without a cause can be swayed by promises of positions

Both the SPLM-N and Johnson Olony's Shilluk militia, the latter under the SSDM/A flag, became military active (again) in 2011, before South Sudan's independence. The agendas of the two movements are strikingly different and deserve some further thought.

The SPLM-N, as the leading member of the SRF, has shown a remarkable consistency in both its demands and behaviour. It has maintained a discourse of national grievances, also reflected in its elaborate political agenda. Its end goal is unambiguously formulated as regime change. SPLM-N delegations have participated in talks with the NCP in which they have refused to limit the negotiations to their own territories. Its precarious position in Blue Nile by itself, would not allow the SPLM-N to aim so high. This is only possible because of its solid military control in areas of South Kordofan. Yet, their tenacity comes at a price for the civilian population in their areas and the large numbers of refugees.

In contrast, Olony's faction of the SSDM/A has shown little purpose and consistency. Originally perceived to be a Shilluk militia grown from a land conflict, Olony later claimed the leadership of the wider SSDM/A rebel movement against the regime in Juba. Despite public statements describing his armed group as revolutionaries seeking comprehensive peace talks, Olony's surrender appears to have been settled through the recognition of his rank as a Major General within the SPLA.

The comparison of the two cases shows the importance of a correct understanding of armed groups' motives. The SPLM-N has shown repeatedly that attempts to quick-fix the conflicts in Blue Nile and South Kordofan through less than ambitious negotiations are unlikely to succeed. As long as their position on comprehensive negotiations is not sufficiently recognised in both Khartoum and Addis Ababa, the only remaining option for both parties is continued fighting and boisterous claims of impending victory by both sides. With both parties, pursuing the military option at the start of the 2013-2014 dry season, the resolution of the conflict seemed more elusive than ever. The only expected outcome was more human suffering.

Although the December 2013 outbreak of civil war in South Sudan has not been the focus of this report, it is interesting to include the case in the comparison above. Whereas the SPLM-N is clearly driven by a grievance-based, ambitious political agenda and Olony demobilised after negotiations focussing on integration and the recognition of grades, the motives of Riek Machar's forces are still difficult to assess.

On the one hand, the former Vice President maintains a similar political discourse to the one he used before his conflict with President Kiir turned violent. He continues to challenge Kiir's leadership whilst trying to unite SPLM heavyweights who are critical of the President as well.⁴⁸² Indeed, Machar appears to pursue his power struggle through military means. On the other hand, the scarce information available from the ground indicates the widespread occurrence of brutal ethnic violence by both sides, as reported by Assistant UN Secretary General for Human Rights Ivan Simonovic.⁴⁸³ Besides power motives, ethnic

⁴⁸² VOA, 'We Want Peace' but Kiir Must Go, *South Sudan's Machar Says*, 1 January 2014. One of the main obstacles for negotiations between Kiir and Machar has been the latter's insistence on releasing a number of high profile SPLM political prisoners and the former's refusal to do so.

⁴⁸³ BBC, *South Sudan conflict: UN says atrocities on both sides*, 17 January 2014.

grievances based on long-standing animosities inherited from the previous war influence the conflict as well. Any solution to the current crisis has to tackle both issues.

Power motives pervade several of the ongoing conflicts

It appears that the diplomatic and military actions taken by the NCP, the SPLM and the SPLM-N⁴⁸⁴ can be best understood when looked at from the perspective of ongoing national power struggles.

Negotiations on security and the common border between the two Sudans have dragged on for the more than two years that have passed since South Sudan's independence, with both countries reluctant to compromise on key issues. Observers commented that the smallest of issues have risked provoking vehement, at times even emotional, reactions in both of the camps.

Nevertheless, the border conflict between the two countries appears to be of decreasing importance. In fact, several actions by both the NCP/SAF and the SPLM/SPLA indicate that, for now, the border conflict has become secondary to their strategies of dealing with internal armed and unarmed opposition.

The SAF has, for example, largely (perhaps entirely) ceased supporting South Sudanese rebel groups. From the relatively little information available, it even appears that after the outbreak of the South Sudanese civil war in December 2013, the NCP offered its support to President Kiir. Moreover, since the signing of the cooperation agreement between the two countries in September 2012, the SAF has explained most of its clashes with the SPLA in terms of anti-insurgency operations against the SRF. Weakening the SRF had become a military and diplomatic priority for the SAF. Indeed, during negotiations, the Sudanese government repeatedly reported and denounced SPLA support for the Sudanese rebels.

Khartoum's change in priorities was further confirmed at the start of the 2013-2014 dry season, when the SAF announced a new large-scale military offensive against the SRF rebels. Although the new operation does not exclude the resumption of talks with the SPLM-N, it is a clear attempt to strengthen the regime's negotiation position. Furthermore, it indicates that Khartoum is leaving little diplomatic opening for comprehensive peace talks, let alone a discussion on state reform or power sharing.

On the political front, these priorities have also been visible. Faced with intra-party divisions and declining popular support, the NCP has made several attempts to placate sections of its electorate. A remarkable example has been the case of the Misseriya. Khartoum reinstated West Kordofan State and consented to Misseriya movements and migration into Northern Bahr-El Ghazal.

From SPLA's side, support to the SPLM-N has never appeared to be a priority; although many officials in Juba consider sympathy towards those who fought with them the civil war a moral obligation, the huge majority of them do not consider the SPLM-N and Darfurian struggles worth justifying the direct involvement of South Sudan in Sudanese internal affairs. The South Sudanese border with Blue Nile is open to the rebels at Maban, but there are no reports of tangible support, and relatively few complaints by Khartoum. In South Kordofan, the SPLA's main intervention dates back to the joint SPLA-SRF attack on Heglig in April 2012, which signified the peak of the post-independence border conflict, but was also a watershed, marking its decline as a priority issue.

In the wake of the December 2013 intra-SPLA rebellion, border security and the conflict with Khartoum have seemingly become even less important. Instead, there appears to be a cautious rapprochement between the two governments.

In terms of diplomatic priorities, a good example of the prominence of internal power dynamics within the SPLM is the discussion on the final status of Abyei. Whereas several sources concur that Presidents Kiir and Bashir reached a compromise on the 60/40 division of the territory in 2013, Kiir later went back on the agreement when faced with strong opposition from within the SPLM – opposition he could not afford at a time when several SPLM heavyweights were openly challenging him over the leadership of party and country. Kiir faced a similar strong reaction when the 14-mile area was included in the SDBZ.

⁴⁸⁴ The SPLM-N's political ambitions have been extensively discussed in several sections of this report (see for example chapter 2.4).

Presently, the border discussions are pending and their conflict potential remains. Given that the current focus on domestic opposition in both Khartoum and Juba could shift again, attempts to reach a solution for the outstanding issues should be actively pursued by all stakeholders involved.

Finally, it is worth expanding on the reflection that the prominence of power motives in the border conflicts does not preclude the existence of others. Although being in power can be a goal in itself, it can also be a means to attain other goals. All of the warring parties discussed in this report have, to some extent, multiple motives for participating in the armed conflicts.

For example, in the case of the SPLM-N, we have seen that its ambitions to change the current regime and participate in the next one are also motivated by its extensive list of grievances. The NCP holds multiple motives too. When Sudan's ruling party reacts militarily to discontent in the capital and the peripheries, it does not only try to stay in power to retain control over politics, it also knows that any loss in power entails a loss of influence over the profits of the country's natural resources.

Despite conflict potential the actual violence between cross-border communities is limited

The IPIS web maps illustrate that incidents involving government forces or rebel groups are much more frequent than violence by militias or between cross-border communities.⁴⁸⁵ This is striking, given the considerable potential for such conflict between border communities on a wide array of issues such as border demarcation, land access and cattle migration.

A partial explanation comes from the fact that the most antagonised communities, the Misseriya Humr and the Dinka Ngok in Abyei, are separated and policed by an international force, UNISFA. Nevertheless, even the blue helmets could not prevent a series of violent incidents including the high-profile killing of the Dinka Ngok Paramount Chief.

It is therefore all the more striking that other disputed areas, in particular the 14-mile area but also the Northern and Western edges of Upper Nile, have seen such limited militia activity and inter-communal violence. It shows that the scarcity of resources such as water, pasture and land, does not necessarily lead to violent confrontation, even within a politically hostile interstate context witnessing occasional military clashes. On the contrary, despite such challenges, communities of Northern Bahr-EI Ghazal, Eastern Darfur and West Kordofan, albeit cautiously and with setbacks, increasingly appear to cooperate.

The increasing access of Misseriya and Rizeigat pastoralists and traders to Northern Bahr-EI Ghazal relies first and foremost on their security and the deterrence of potential peace spoilers. Such security is not only provided through the active mediation of the Cross-Border Peace Committee of Northern Bahr el Ghazal but also because the Northern Bahr-EI Ghazal state, embodied by the Governor, is fully engaged in the process and has sufficient political and military control over the territory to be so.

In addition, it appears that throughout 2013 peace spoilers have been less active across the whole border area. In Upper Nile, for example, communities saw a significant improvement in their security situation after the demobilisation of several militias/rebel groups.

It is a hopeful observation that the scarcity of resources can lead to increased (or renewed) cooperation, instead of the outbreak of inter-community armed conflict. At the same time, this case confirms the decisive influence on community relations of the local and national political leadership.

Inter-community violence within South Sudan has surfaced in several States

The relatively limited number of incidents involving cross-border communities is contrasted by frequent clashes between South Sudanese ethnic groups, especially in Unity, Warrap and Lakes States. Throughout 2012 and 2013, conflicts over land and cattle left dozens of people dead and displaced entire villages (see chapter 9). The causes of these incidents are sometimes similar to those pitting Sudanese pastoralists

⁴⁸⁵ IPIS and the other contributors to this report have consulted a wide range of sources including local administrators, the press, and international organisations. Although underreporting of community violence cannot be excluded, considerable efforts were made to prevent imbalance in the relevant data.

against their host communities in South Sudan, including competition over resources and weak state authority.

However, several incidents of large-scale cattle theft indicate that the sometimes-brutal violence can have an economic dimension as well. Indeed, some of the 'cattle wars' in Unity and Warrap States are cases of greed-based banditry. Whether they are motivated by scarcity, banditry or both, the management of cross-border migration in Northern Bahr-El Ghazal has illustrated that these conflicts can be prevented or remedied, provided improvements in local governance and increased state authority can take place.

Other serious instances of violence between ethnic groups in South Sudan seem to have been triggered by political events exacerbating previous tensions. A case in point was the death of 24 people in Wau in December 2012, as the result of a deadly crackdown on protesters who had been denouncing what they perceived to be the political marginalisation of the Fertit by the Dinka. Their death sparked a series of reprisal attacks, mainly along ethnic fault lines (see chapter 8.4).

The most brutal example of ethnic violence was the spill-over effect of the December 2013 intra-SPLA rebellion, leading to clashes between Dinka and Nuer civilians, including summary executions by both camps. Such cases of quick ethnic mobilisation are, in part, a legacy of the second civil war, as a result of which South Sudanese party politics, the support base of political leaders, the army, and other state institutions, are all fractured according to ethnic allegiance.

Resolving ethnic suspicions and animosity requires more than establishing State authority. It can only be achieved through an inclusive, long-term and difficult process of political transformation and nation building in the fragile, newly independent State. South Sudan only needs to look across its northern border for examples of failed cohabitation of different population groups. Both in the Nuba Mountains and Blue Nile, 'indigenous people' and 'newcomers' have been involved in decades of inter-tribal violence.

Regional interests and the limitations of the AU driven peace process

Finally, an issue that has not been the focus of this report – the impact and motivations of 'third parties' intervening diplomatically or militarily in the on-going armed conflicts – needs to be highlighted.

Conflicts in the Sudans' border region generate effects beyond the boundaries of both countries. Consequently, the international community is heavily involved in efforts to mediate and influence the situation. The SAF-SPLA, SAF-SPLA-N and SPLA-SPLA armed conflicts are, for example, all on the table at the African Union, which is trying to organise negotiations between all the parties involved. In addition, three different UN missions (UNMISS, UNISFA and UNAMID) have deployed troops along the contested border.

Several neighbouring countries and regional and international powers have stakes in the outcomes of those conflicts. These interests shape their interventions. At the level of the UN Security Council, permanent members have a long history of disagreeing on resolutions concerning the Sudan, with the P3 countries being traditional allies of Juba, and the P2 more inclined to support Khartoum. Consequently, neighbouring countries are able to exert important diplomatic influence through regional/international organisations such as the African Union, IGAD (Intergovernmental Authority on Development), the Arab League, or the UN. For example, Ethiopia's Prime Minister, Hailemariam Desalegn, holds the chairmanship of IGAD, while Eritrean diplomat Haile Menkerios is Ban Ki Moon's Special Envoy for the Sudan and South Sudan.

In addition, Ethiopia has troops on the ground, both within UNAMID (alongside Egypt) and through its leading role in UNISFA. Recently, Uganda deployed government forces in South Sudan as well, fighting together with the SPLA against dissident units loyal to Riek Machar.

The countries mentioned above have multiple interests in intervening in the ongoing armed conflicts. These include matters such as regional stability, strategic interests in the (Blue) Nile River, being awarded contracts for pipeline construction and oil transport, controlling radical Islam, and so on. As mentioned, the focus of this report does not permit space to identify third parties' motives. However a thorough examination of the main interests and motives of intervening countries and international organisations would be desirable, as it would enable an evaluation of these interventions. Lastly, such an analysis is

needed because, put bluntly, decades of negotiations, agreements and even the split of a country have not succeeded in pacifying this war-torn area and end the suffering of its peoples.



Members of the Misseriya delegation that participated in pre-migration conference, East Aweil County (IPIS 2013)

List of acronyms

ABC	Abyei Boundaries Commission
AU	African Union
AUHIP	African Union High-Level Implementation Panel on Sudan
AUPSC	African Union Peace and Security Council
CPA	Comprehensive Peace Agreement
DAC	Democratic Alternative Charter
DRSS	Document of Restructuring of the Sudanese State
DUP	Democratic Unionist Party
ECOS	European Coalition on Oil in Sudan
GoS	Government of Sudan
GRSS	Government of the Republic of South Sudan
HSBA	Human Security Baseline Assessment for Sudan and South Sudan
IDP	Internally Displaced Person
IGAD	Intergovernmental Authority for Development
IPIS	International Peace Information Service
JBVMM	Joint Border Verification and Monitoring Mechanism
JEM	Justice and Equality Movement
JPSM	Joint Political & Security Mechanism
JSC	Joint Security Committee
NCF	National Consensus Forces
NCP	National Congress Party
NDC	New Dawn Convention
NISS	National Intelligence and Security Service
NLC	National Liberation Council
NUP	National Umma Party
OPEC	Organization of the Petroleum Exporting Countries
PCA	Permanent Court of Arbitration
PCP	Popular Congress Party
PDF	Popular Defence Forces
PPAC	Political Parties Affairs Council
SAF	Sudan Armed Forces
SCP	Sudanese Communist Party
SDBZ	Safe Demilitarized Border Zone
SLA-AW	Sudan Liberation Army-Abdel Wahid
SLA-MM	Sudan Liberation Army-Minni Minawi
SPLA	Sudan People's Liberation Army
SPLA-N	Sudan People's Liberation Army- North
SPLM	Sudan People's Liberation Movement
SPLM-DC	Sudan People's Liberation Movement-Democratic Change
SPLM-N	Sudan People's Liberation Movement-North
SRF	Sudan Revolutionary Front

SSDF	South Sudan Defense Force
SSDM/A	South Sudan Democratic Movement/Army
SSLA	South Sudan Liberation Army
SSLM/A	South Sudan Liberation Movement/Army
UNAMID	African Union/United Nations Hybrid operation in Darfur
UNISFA	United Nations Interim Security Force for Abyei
UNMISS	United Nations Mission in the Republic of South Sudan
UNSC	United Nations Security Council
UNYDA	Upper Nile Youth Development Association
VP	Vice President