

## SUDAN'S OILFIELDS BURN AGAIN:

### BRINKMANSHIP ENDANGERS THE PEACE PROCESS

#### I. OVERVIEW

Sudan's peace process survived a major challenge in the first weeks of the new year. Indeed, signature by the parties of a strengthened cessation of hostilities agreement on 4 February and a memorandum of understanding codifying points of agreement on outstanding issues of power and wealth sharing two days later indicates that the momentum to end the twenty-year old conflict is strong. However, the crisis produced by a government-sponsored offensive in the Western Upper Nile oilfields at the end of 2002 and through January raised questions about the Khartoum government's commitment to peace and showed that much more attention needs to be paid to pro-government southern militias and the commercial and political agendas for which they are being used.

The fighting, the brunt of which was borne by those militias, with regular government troops in support and backup roles, highlighted three major obstacles in the path of a final peace deal:

- the willingness of the government to disregard signed agreements;
- the spoiler role that the government-supported militias can play in the peace process, including following conclusion of a formal peace agreement, if greater efforts are not made to encourage their reconciliation with the SPLA insurgents; and
- the ongoing danger that the dynamic of oil development represents for the peace process, at least so long as the government and a number of foreign oil companies with which it is in partnership are prepared to pursue that development by whatever means necessary.

Strong international engagement remains the key to buttressing a still fragile peace process and

seeing it through to success in the next several months. In the first instance that means insisting on full implementation of the newly agreed ceasefire provisions including an active role for the authorised verification team and the withdrawal of troops to the positions they occupied before the offensive. Holding the parties publicly accountable for violations will be key in ensuring their seriousness at the negotiating table.

The offensive from late December until the beginning of February was an extension of the government's long-time strategy of depopulating oil-rich areas through indiscriminate attacks on civilians in order to clear the way for further development of infrastructure. Eyewitness accounts confirm that the tactics included the abduction of women and children, gang rapes, ground assaults supported by helicopter gunships, destruction of humanitarian relief sites, and burning of villages.<sup>1</sup> A senior Sudanese civil society member concluded: "The Nuer militias are the most potent threat to human security and stability in the South, regardless of whether peace is concluded or not".<sup>2</sup>

The Khartoum authorities deny it, but their responsibility for the latest round of hostilities is clear. They and the other participants in the fragile peace process now face crucial decisions.

The government must choose between continued reliance on military brinkmanship, which would bring it renewed international condemnation and isolation, or the benefits of a peace that is within reach. The latest fighting reflected a calculated decision to violate the cessation of hostilities agreement signed on 15 October 2002. The signing of new agreements, therefore, does not guarantee their implementation.

<sup>1</sup> ICG interviews and correspondence, January and February 2003.

<sup>2</sup> ICG interview, February 2003.

The SPLA, which was forced onto the defensive by the attacks, must decide not only whether to keep its emphasis on the negotiating track but also whether to intensify its efforts to achieve reconciliation with the Nuer militia leaders who did most of the recent fighting for Khartoum. Despite the new agreements, many in the SPLA feel increasingly pessimistic about the intentions of the government, as well as about the commitment and ability of the international community to hold Khartoum to its word.<sup>3</sup>

The next several months will be decisive for the peace process. A looming crossroads date may be 21 April, when President Bush is required to report to the U.S. Congress on the state of progress in the negotiations. If Khartoum is assessed to be obstructing the process, that report could trigger new U.S. action under its recent legislation (the "Sudan Peace Act"). Because of the State Department's policy of engagement, "Khartoum is underestimating our response. That would be a mistake", said one well-placed U.S. official, citing Congressional and constituency pressure as unknown variables.<sup>4</sup> "The whole thing could blow up", a Western official close to the talks said in January 2003 out of concern for the consequences if the offensive continued.<sup>5</sup>

The peace process held together – narrowly – this time but the situation remains volatile.

## II. A DIFFICULT NEW YEAR

### A. DIPLOMATIC PROGRESS DESPITE THE FIGHTING

When the peace talks facilitated by the regional Inter-Governmental Authority on Development (IGAD) adjourned for Kenya's election in November 2002, it was anticipated that the parties would be back around the table by early January 2003. That schedule ran into problems at the same time as the guns began to fire again in the oil regions.

Negotiations were to have resumed on 15 January 2003 with the status of three contested areas – Abyei, the Nuba Mountains and Southern Blue Nile – first on the agenda. Due to government hesitancy to treat this subject within the IGAD framework,<sup>6</sup> the parties had reluctantly agreed before the November break to consider it in a forum that would be technically and physically distinct from the formal IGAD process that is conducted in the Kenyan town of Machakos. General Lazaro Sumbeiywo was to facilitate as a Kenyan representative rather than in his normal capacity as IGAD's chief mediator. However, as the starting date neared, the government reneged and demanded resumption of the official IGAD talks on power and wealth sharing.

Regional conferences in SPLA-controlled areas of the Nuba Mountains and Southern Blue Nile in late November and early December, respectively, appear to have shaken the government's confidence. Participants in both conferences unambiguously concluded that they wished to be represented by the SPLA and administered within the southern entity during the interim period that is expected to follow a final peace deal and precede a southern self-determination referendum. The parties finally compromised by holding a three-day symposium from 18 to 20 January 2003 that attempted, but failed, to agree on resuming discussion of the three areas.

The official IGAD talks finally restarted on 23 January and made considerable progress on the wealth sharing issue, under the continued able leadership of General Sumbeiywo, the chief mediator, and with helpful facilitation from World Bank and IMF officials. The parties signed on 6 February 2003 a memorandum of understanding elaborating points of agreement on both political and economic issues as a signal of continued seriousness about the negotiations.<sup>7</sup> (These will be the subject of

<sup>3</sup> ICG interviews, February 2003.

<sup>4</sup> ICG interview, January 2003. Since January 2003, President Bush's Republican Party has controlled both houses of the U.S. Congress. The new majority leader of the upper house is Senator Bill Frist, a medical doctor who has done volunteer surgery in a southern Sudanese mission hospital on several occasions over the past few years.

<sup>5</sup> ICG interview, January 2003.

<sup>6</sup> For the issues involved, as well as the wider matters that remain open in the government-SPLA negotiations, see ICG Africa Report N°55, *Power and Wealth Sharing: Make or Break Time in Sudan's Peace Process*, 18 December 2002.

<sup>7</sup> Under power sharing, the parties agreed on general principles; human rights and fundamental freedoms; the constitutional review process; and the national institutions that are to be established in accordance with the peace agreement. Under wealth sharing, the parties agreed on the establishment of a petroleum commission and on banking and monetary issues. Memorandum of Understanding Regarding Points of Agreement on Power Sharing and Wealth Sharing, 6 February, 2003. "Sudanese foes make headway on power sharing arrangements", Agence France-

the next ICG report.) The talks are now in recess and will resume in late February or early March. However, it remains unclear when and how the status of the three contested areas will be taken up. The war in Sudan will continue if these areas are left out of the IGAD process.

There has been encouraging news on the humanitarian side. Most importantly, an agreement by the parties to allow the UN-led Operation Lifeline Sudan (OLS) access to Southern Blue Nile and Kassala State in the Northeast in order to provide aid to areas that had previously been off limits to it. A meeting of the Technical Committee on Humanitarian Assistance (TCHA), originally scheduled for December 2002, was held from 18 to 20 January, separate from the abortive political symposium, and produced agreement by the parties on a number of issues, principally around the facilitation of cross-line access (i.e. between government- and SPLA-controlled areas) for humanitarian aid and aid workers.<sup>8</sup>

## B. TO THE EDGE AND BACK ON THE BATTLEFIELD

The political and humanitarian discussions occurred against a backdrop of an offensive by government-supported militias since the end of December 2002 in Western Upper Nile that threatened to make a nullity of the cessation of hostilities agreement and put the entire peace process at risk. Western Upper Nile, which is home to most of the oil resources in the Sudan, has produced some of the fiercest fighting and worst humanitarian conditions in the world over the past decade.

### 1. Khartoum's Strategy

The defection of Commander Peter Gadet from the SPLA to Khartoum in early December 2002 provided a trigger, and a cover, for the proxy offensive.<sup>9</sup> Gadet

led the first attack in the new campaign when he struck at his former base of Tam on 24 December. Having returned to Khartoum without soldiers, Gadet has borrowed troops from another militia leader, Paulino Matiep<sup>10</sup>, until he can muster his own force, mostly through forceful abductions encouraged by the government in its garrisons and in Khartoum among the internally displaced.<sup>11</sup>

The pattern of the militia attacks was consistent with the government strategy of the past several years that has been directed at clearing civilian populations out of the oil rich areas of Western Upper Nile.<sup>12</sup> The offensive had two prongs. One, led by the militia of James Lih Diu, pushed south from Bentiu along the road to Leer. When fighting began on 31 December, the road reached approximately sixteen kilometres north of Leer, and at least two SPLA-held villages, Reang and Kouk, stood between its southernmost point and that town.<sup>13</sup> The objective was to push the SPLA out of the way and extend the road eventually beyond Leer, southeast to Adok, along the Nile. The government would then be able to re-supply and transport its forces in Western Upper Nile first by barge along the river to Adok, subsequently by road north to Bentiu and west to Mankien and Mayom, all the while facilitating exploration for new oil reserves.

Diu's troops reportedly captured Kouk on 9 January 2003, allowing the road to be built behind them as they advanced.<sup>14</sup> The push toward Leer continued from 20 to 22 January 2003 with attacks on the villages of Rubnor, Pantot, Tutnyang, Nyal and Kangoi, all of which were reportedly burned to the

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Report, *Power and Wealth Sharing*, op. cit. Gadet envisioned himself as one of the top Nuer leaders within the SPLA. When Machar accepted the number three overall position in late November, and thus finalised his merger with the SPLA, Gadet began to contemplate offers to return to the government side. ICG interview in southern Sudan, 19 January 2003. See also "Key Rebel Commander Defects to Sudanese Government", Agence France-Presse, 10 December 2002.

<sup>10</sup> Matiep is one of the central figures in the government's militia strategy, and unlike most others he has actually been integrated into the government army as a Major-General.

<sup>11</sup> ICG interviews in southern Sudan, January 2003.

<sup>12</sup> Ibid.

<sup>13</sup> ICG interview in southern Sudan, 19 January 2003.

<sup>14</sup> ICG interviews, January 2003; ICG correspondence, 27 January 2003. For a more detailed description of the government's strategy and campaign targets in Western Upper Nile, see ICG Africa Report N°48, *Dialogue or Destruction: Organising for Peace as the War in Sudan Escalates*, 27 June 2002, and ICG Report, *Ending Starvation*, op. cit.

Presse, 6 February 2003.

<sup>8</sup> The agreement to allow humanitarian access to Southern Blue Nile and Kassala State was negotiated through separate, bilateral discussions that took place outside of the TCHA. For more on the background, and importance of these agreements, see ICG Africa Report N°54, *Ending Starvation as a Weapon of War in Sudan*, 14 November 2002.

<sup>9</sup> Peter Gadet's defection back to Khartoum was believed to be linked to the conclusion of the merger between Riek Machar's Sudan People's Democratic Front (SPDF) and the SPLA in late November 2002 that is discussed in the ICG

ground by the militia, with government forces in support.<sup>15</sup> Leer itself was captured on 26 January, and the road had reached that town by the early days of February, just before the ceasefire was reinstated.

The second prong of the offensive, conducted by Gadet and Matiep's militias, drove south out of Mayom and Mankien, concentrating initially in and around the towns of Tam and Lare, and then Lel.<sup>16</sup> According to an observer, they were "burning everything that could act as a relief centre, or alternate relief centre".<sup>17</sup>

The attacks formed a pattern, falling on or around proposed dates for humanitarian aid deliveries by international agencies.<sup>18</sup> An observer noted that the militias appeared to be "deliberately targeting relief centres in Western Upper Nile, in a bid to depopulate the region".<sup>19</sup> For example, Lel was hit at 4:00 a.m. on 21 January, the day a UNICEF team was due to distribute relief kits. As a result, the UNICEF action was cancelled. Captured militia soldiers told of receiving instructions to burn the relief centres at Mayen Jur and Lel.<sup>20</sup> The population was left with the choice of walking north to a government-controlled garrison town or west to Bahr al-Ghazal.

Although the fighting was largely confined to Western Upper Nile, there were multiple eyewitness reports of a significant military build-up in government-held towns throughout the South subsequent to the October cessation of hostilities agreement.<sup>21</sup> That agreement stated (point 3) that the parties would hold their positions without reinforcing them or repositioning military supplies, as well as refrain from any offensive action. However, military analysts noted that after the agreement was signed, at least 26 barges with military equipment travelled to Juba; government forces in Adok increased at least

three fold, and those in Wau and Gogrial also became noticeably bigger.

Similarly, there were repeated accounts of horse-mounted militia reinforcing government troops in Wau.<sup>22</sup> All this suggests that Khartoum was prepared to extend its offensive considerably had the SPLA broken off the IGAD-mediated negotiations.<sup>23</sup>

The answer is complex as to why the government put so much at risk to launch this latest offensive. Part of that answer lies in the fact that the fighting allowed it to extend the important all-weather road deeper into the oilfields and build garrisons along its course into which it repositioned significant numbers of troops while systematically depopulating the adjacent areas. This should enable it to offer greater opportunities to the international companies with stakes in identifying and developing the local oil resources.<sup>24</sup>

The government was also probably attempting to strengthen its dominance of the southern militias it has frequently used as battering rams for clearing the oilfields in order to ensure its control of that vital resource regardless of whether there is war or peace in Sudan. The militias provide an element of plausible deniability for the government, which can claim that fighting is intra-ethnic while it exploits the continued instability of Western Upper Nile to accelerate and expand oil development. Government-aligned militias in Equatoria and Bahr al-Ghazal pose a similar, if less immediate, threat in other areas of the South, if a serious effort at southern reconciliation is not pursued.

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<sup>15</sup> ICG correspondence, 27 January 2003.

<sup>16</sup> Tam and Lare were both attacked once the fighting recommenced. Lel was attacked for the first time on 21 January 2003. ICG interview in southern Sudan, 21 January 2003.

<sup>17</sup> ICG interview in southern Sudan, 21 January 2003.

<sup>18</sup> IRIN, "Heavy Fighting in Western Upper Nile", 27 January 2003.

<sup>19</sup> ICG correspondence, 27 January 2003.

<sup>20</sup> Ibid.

<sup>21</sup> ICG interviews and correspondence, January 2003. The capture of Akobo by government forces and allied militia on 31 January 2003 marks the first fighting in Eastern Upper Nile in the new year.

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<sup>22</sup> ICG interviews in southern Sudan, January 2003 and ICG correspondence with Khartoum, February 2003.

<sup>23</sup> ICG interviews, January 2003.

<sup>24</sup> The offensive triggered what appear to be increased divisions within the ruling National Congress Party (NCP) between advocates of the primacy of oil development and advocates of the primacy of an intensified peace negotiations. However, the NCP has long been adept at portraying internal divisions, whether real or feigned, as a reason for outsiders to resist pressuring Khartoum lest they weaken the position of moderate elements. It is unclear whether this is another use of that tactic, or the divisions are real. The firms that might benefit from the recent developments include Canada's Talisman, whose U.S.\$750 million sale of its stake in Sudan's oil sector to India's national oil company still is not final, Austria's OMV, and Sweden's Lundin, which has returned to Sudan quietly after a highly publicised departure in 2002 in response to insecurity and embarrassment over association with government human rights abuses (ICG interviews, January and February 2003), as well as the China National Petroleum Company and Malaysia's Petronas.

Using the militias to create havoc in the oilfields has had additional benefits for the government:

- The fighting undermined efforts to expand dialogue between the SPLA and those militias, widening fissures the peace process was meant to close and frustrating for the moment at least further intra-South reconciliation initiatives. The government probably calculates it needs a divided and weakened South to cope with the SPLA and to ensure maximum exploitation of the oil.
- The fighting increased the chances that key SPLA leaders will oppose allowing the pro-government militias to re-join their movement or even remain independent but reconciled, thus leaving the militias nowhere to go but the government, whether there is war or peace.
- Government support provided the militias an outlet for their anger at being excluded from the peace negotiations and their resentment of what they perceive as years of marginalisation by the SPLA within the South. By trying to deliver the message that they should not be ignored, the militias contribute to that southern destabilisation that strengthens Khartoum's hand both militarily and diplomatically.

The government further sought – unsuccessfully – to tempt the SPLA into either walking away from the negotiating table, and thus drawing down on itself a considerable share of the international blame if the peace process then collapsed, or sending Dinka forces into Western Upper Nile to restore a balance but risk renewed Dinka-Nuer fighting of the sort that has longed bedevilled efforts to establish southern unity.<sup>25</sup> Neither occurred.

More generally, and disturbingly, the government probably calculates that a proxy militia offensive is a spoiler card it can still play at will during the climactic phase of the negotiations. If the process heads in a direction considered unsatisfactory, the government would have some cover if it should

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<sup>25</sup> After nearly withdrawing its full delegation in the face of the offensive, the SPLA remained in Machakos but reduced its presence significantly. Many SPLA military commanders who were attending the negotiations have gone back to southern Sudan to plan defensive operations in case the government resumes a wider offensive. For background on the devastating Dinka-Nuer violence in the 1990s, see ICG Report, *God, Oil, and Country: Changing the Logic of War in Sudan*, 28 January 2002.

decide to put the entire enterprise at risk. If those talks go well, it can pull the card back while never acknowledging the play.

## 2. The SPLA's Response

The SPLA's fundamental military objective in the Western Upper Nile is to deny the government the prize of developing the area's oil wealth by weakening its military positions and persuading oil companies that it is physically unsafe and morally reprehensible for them to operate there. During the recent fighting, however, the SPLA was generally on the defensive. There were reports that it was having trouble getting enough new recruits to mobilise against a potential expansion of the offensive.<sup>26</sup> Nevertheless, the SPLA was mobilising and had concentrated considerable forces in Bahr al-Ghazal and around Juba. By the beginning of February 2003, there was a highly dangerous prospect of further escalation, with well armed forces in close proximity to each other on a number of southern fronts.<sup>27</sup>

## 3. The New Agreement to Stop the Fighting

The government and SPLA pulled back from the brink of such an escalation, and the likely collapse of the peace negotiations, by signing an "Addendum" to the 15 October 2002 cessation of hostilities agreement. Under the terms of the new document, the fighting is to end, and both sides are to return their forces to where they were on that earlier date. They have also obliged themselves to report on the locations and movements of their troops.<sup>28</sup> The

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<sup>26</sup> The SPLA has used proxy militias itself in the war. In Western Upper Nile over the last three years, SPLA-allied Nuer militias have been responsible for a series of attacks against civilian targets in the context of battles with government-supported militias. Many of these abuses were committed by troops under the command of the same Peter Gadet who now leads a government-supported militia in the South.

<sup>27</sup> ICG interviews and correspondence, February 2003. Some in the SPLA believe this is an opportunity for its commander in Western Upper Nile, Riek Machar, who recently rejoined the insurgency as its number three leader, to frustrate the government's strategy in the oilfields by resolving the divisions within his community upon which so much of that strategy is based. ICG interview in southern Sudan, 21 January 2003. On the importance of Machar's return, see ICG Report, *Power and Wealth Sharing*, op. cit. Machar shares command of the SPLA forces in Western Upper Nile with Taban Deng Gai.

<sup>28</sup> The implicit assumption is that these undertakings are to be carried out within the framework of the parties' earlier

government agreed specifically to halt construction of the all-purpose road in the oilfields.

Many of the internally displaced persons (IDPs) who fled the fighting on the Leer front (the first prong of the offensive) moved toward Dablual. The food and water situation in that area is precarious and could easily become a humanitarian disaster.<sup>29</sup> Many residents of the villages south of Mayom and Mankien (the second prong of the offensive) are IDPs from fighting over the last few years in Rubkona, Nhialdiu, and other areas now controlled by the government. They were forced to flee again to escape attacks that were aimed as much at civilians and civilian structures, such as *tukuls* (civilian huts), as military targets.<sup>30</sup> The new agreement acknowledges the plight of all these IDPs and calls for their safe return, and for the international community to facilitate this.

Most significantly the Addendum provides for the kind of mechanism to monitor implementation that was conspicuously absent from the original document. It does so by expanding the mandate of an existing body that was originally created for a more limited purpose. This is the U.S.-led Civilian Protection Monitoring Team (CPMT), which contains both military and civilian personnel, and was agreed to by the parties in March 2002 for the narrow purpose of investigating some of the essentially human rights and law of war violations taking place in Western Upper Nile.<sup>31</sup> The verification group for

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commitment not to reinforce positions. Since this commitment was not restated explicitly, however, there may be a possibility of future controversy.

<sup>29</sup> ICG correspondence, 27 January 2003, and "Sudanese Armed Forces reject SPLA allegations", Agence France-Presse, 27 January 2003.

<sup>30</sup> ICG interviews in southern Sudan, 21 January 2003.

<sup>31</sup> Encouraged by the U.S. special envoy, ex-Senator John Danforth, the government and the SPLA reached agreement on 10 March 2002 not to attack civilians or civilian facilities. This agreement provides for creation of the CPMT and mandates it to monitor and investigate any alleged abuses against civilians. The fifteen-person CPMT team is based in Rumbek and Khartoum. After investigating an alleged abuse, the team writes a report, to which the parties have seven days to respond before it is to be made public. The team consists of both military and civilian personnel. It has investigated a number of incidents but the results have not been well publicised. The most visible result of a CPMT investigation to date was the press conference in Cairo on 12 January 2003 in which Senator Danforth used information collected and verified by the CPMT to outline government responsibility for violations of the cessation of hostilities agreement during

the cessation of hostilities agreement will now be housed within an enlarged CPMT, and the two bodies will share resources and responsibilities.

There is no single answer to why, if its military strategy was succeeding, the government agreed to end its offensive, reverse some of its apparent gains, and accept a monitoring arrangement that should make renewal of the tactic more difficult. The planned oilfield road from Bentiu to Adok has now been completed as far as Leer and oil infrastructure moved further south, the major commercial objective of the operation. It may be considered in the oil consortium's interest to have a monitored ceasefire that can protect newly deployed assets and so facilitate exploitation of the oil further south than ever before. However, the requirement to withdraw troops from territory captured during the fighting implies that the government should abandon the garrisons it established as it advanced the road to Leer. While the road itself will remain an accomplishment, and a monitored ceasefire provides a new measure of stability, there is a question whether foreign oil companies will be prepared to operate beyond the limits of Khartoum's military protection, and if they do whether this will require them to reach understandings with the SPLA.

The offensive was in part a calculated attempt to use military means to gain diplomatic breathing space. Because of developments in late 2002 that caused it to doubt its local support, the government apparently wished to renege on the scheduled early January negotiations over the status of the three contested areas of the Nuba Mountains, Southern Blue Nile and Abyei. The offensive succeeded in diverting the current diplomatic round away from that difficult topic to the fighting itself (and to wealth and power sharing).

Finally, international pressure was set to increase significantly with the anticipated release in early February of a CPMT report on attacks against civilians. The new agreement makes these past tense issues.

### III. THE GOVERNMENT MILITIAS

#### A. COMMAND AND CONTROL

Government representatives have sought both to portray the SPLA as responsible for the recent fighting and to suggest that, in any event, the militias are an independent force for whose activities Khartoum cannot be blamed. However, Ali Hamid al-Amin, a member of the government's delegation at the IGAD negotiations, indirectly confirmed army control of the militias even as he denied government responsibility for the recent fighting:

“The [U.S.] reference to the government's violation of the ceasefire is incorrect. *The National Popular Forces that come under the government's army* [emphasis added] tackled an SPLA offensive on their positions in Western Upper Nile after detecting a plot by Riek Machar and Taban Deng to keep Nuer youth in the SPLA and maintain its influence in the oil fields that were seriously impacted by Peter Gadet's signature of an agreement with the government.”<sup>32</sup>

The government's ultimate responsibility for the actions of the militias is clear from both operational details of the current fighting and the long history of its organisational relationships to such groups throughout the country since the early days of the civil war.

Multiple eye-witness accounts, including interviews with wounded, confirm that at least two attacks carried out by militia on Lingera, located just north of Tam, were supported by helicopter gunships and long-range artillery, weapons systems that only the government possesses. The attacks also were consistent in their execution with joint operations conducted at earlier stages of the war.<sup>33</sup>

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<sup>32</sup> “Peace Advisory Commission: Washington's allegations of government violation of the truce are incorrect” (in Arabic), *al-Rai al-Aam*, from its web site, 25 January 2003. The U.S. special envoy, ex-Senator Danforth, identified the government as having initiated the fighting in a press conference in Cairo on 12 January 2003. <http://www.sudan.net/news/posted/6414.html>. The State Department spokesman, Richard Boucher, made a similar allegation on 27 January 2003. <http://www.state.gov/r/pa/prs/ps/2003/16916.htm>.

<sup>33</sup> Helicopter gunships were described as used to support militia assaults on Lingera on 12 January 2003, and 18 January 2003. Reports of interviews with wounded were

#### B. ORGANISATION

The present National Congress Party government has fine-tuned and further institutionalised a use of militias that was already an important element of Khartoum's war fighting strategy when it came to power in 1989.<sup>34</sup> Two main branches of militias exist – southern and northern – that are responsible to distinct but complementary command structures.

The command structure for the 25 southern ethnic militias is centralised under the army, whose Military Intelligence Department oversees operational matters. The autonomous command of the Popular Defence Forces (PDF) oversees militia groups that are recruited among Arab nomadic communities known as *Baggara* (Arabic for “cattle herders”) in the transitional zone between North and South and volunteer *Mujahdeen* (“Holy Warriors”) recruited in the North.

Under former President Nimeiri, the army concluded a ceasefire agreement in 1984 with several factions that had lost the fight for leadership of the southern insurgency to the nascent SPLA. It then created several units of what came to be known as “Friendly Forces”. A number of these factions – predominantly Nuer – called themselves “Anyanya II” after the name of the first southern rebellion (1955-72). Their Western Upper Nile area, though considered among the poorest in the South, was where oil reserves over which Khartoum was seeking a firm grip had recently been discovered. One of the Friendly Forces was commanded by the same Paulino Matiep, a Bul Nuer from the Bentiu area, who is playing a prominent role in the current fighting.

The army's 1984 agreement with the Anyanya II became a model for understandings with similar southern groups. Its use of allied militias as a de facto reserve force was made explicit in the charter the Sudanese parliament adopted in 1987. That document endorsed establishment of a tribal militia, the Geish al-Salam (Peace Army), to be based in

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consistent with descriptions of tactics by eyewitnesses of earlier coordinated militia and gunship attacks. Evidence of gunship participation in the actions was also evident to observers who visited the area shortly after the fighting ended. ICG interviews in southern Sudan, 20 January 2003 and ICG correspondence, 27 January 2003.

<sup>34</sup> For a discussion of the militias' increased military effectiveness in the oilfields, see ICG Report, *Ending Starvation*, op. cit.

Wau and formed from the Fertit people, who are traditional rivals of the Dinka, and placed it under the jurisdiction of the Military Intelligence Department. The charter recognised Fertit militia ranks parallel to those of the army, required the militia to participate in joint operations and convoys with the army and to supply it with intelligence. It also provided that, like Anyanya II, the militia was to receive training, arms, munitions, uniforms and other supplies.<sup>35</sup>

Today's government-aligned southern militias operate under the umbrella of the South Sudan Defence Forces (SSDF). The 25 separate groups within the SSDF are ethnically and regionally based and total at least 12,000 fighters.<sup>36</sup> The SSDF itself was created in 1997 following the signing of the Khartoum Peace Agreement between the government, Riak Machar's South Sudan Independence Movement (SSIM), and five other southern factions.<sup>37</sup> Although Machar initially headed the Khartoum-based body responsible for the SSDF, known as the South Sudan Coordinating Council (SSCC), the government immediately began peeling away factions to put them under its own more direct control.<sup>38</sup> The highest profile example was the late Kerubino Kuanyin Bol, who, along with Paulino Matiep, was reportedly made a major general in the regular army before he was killed.<sup>39</sup> Matiep retains that rank and is said to have a direct line to the Vice-President.<sup>40</sup>

The SSDF retained a role, however, even after Machar left Khartoum in 2000 to form the Sudan People's Defence Force (the SPDF, which he recently merged with the SPLA). Paulino Matiep was named its chief of staff in April 2001 at a conference in Juba attended by more than 100 southern military officers and militia commanders and presided over by then SSCC chairman Gatluak Deng.<sup>41</sup> That conference announced a ceasefire to allow various militias to merge, the equalisation of ranks and hierarchy, and the creation of a unified

command structure. It also decided to "link the SSDF with the [the government's] Sudan People's Armed Forces in a coherent manner".<sup>42</sup> As the government official quoted above indirectly acknowledged, the office now directly responsible for the SSDF forces and other southern militias within the national army is called *al-Quat al-Wataniya al-Sha'biya* ("National Popular Forces").<sup>43</sup>

Over the last few years, the government has worked hard at manipulating differences within the Nuer militias and between them and the SPLA to strengthen its position in Western Upper Nile. In 1997-1998, when both were supported and armed by the government, Riek Machar and Paulino Matiep bitterly fought each other, with fellow Nuer civilians the main victims. Machar's re-defection to the SPLA in January 2002 triggered a large government offensive a month later along the oil road from Bentiu to Leer. Scores of civilians were killed in deliberate attacks, including on relief centres, and some 50,000 people were forced to flee.<sup>44</sup>

That the same area was targeted in the recent offensive spearheaded by the pro-government Nuer militias underscores the consistency of government policy. The complicity of Nuer commanders in the devastation of their homeland is a distressing aspect of the war that will be difficult to address even if the government and the SPLA reach a peace agreement. It reflects both the government's success at manipulating intra-communal problems and the overwhelming desire of many militia leaders to participate on an equal footing with the SPLA in a peace process from which they have been excluded.

Western Upper Nile is the southern region with the most government-controlled militias due to Khartoum's concerted effort to divide the Nuer leadership in order to weaken communal defences and exploit oil. Practically all major urban centres in the region double as militia headquarters. For example, two groups, of which Gabriel Tang Ginye and James Maor are the commanders, are reported

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<sup>35</sup> See Human Rights Watch, *Famine in Sudan, 1998: The Human Rights Causes*, New York, 1998.

<sup>36</sup> ICG interviews, January 2003.

<sup>37</sup> The other signatories to the Khartoum Peace Agreement were the SPLM-Bahr El Ghazal Group of the late Kerubino Kuanyin Bol; the Union of Sudanese African Parties (USAP); the South Sudan Independents Group; the Equatoria Defence Force (EDF); and the SPLA-Bor Group.

<sup>38</sup> ICG interview in southern Sudan, 20 January 2003.

<sup>39</sup> ICG interview, 20 January 2003.

<sup>40</sup> ICG correspondence, 15 January 2003.

<sup>41</sup> Gatluak Deng was replaced by Dr. Riak Gai as the chairman of the SSCC in November 2002.

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<sup>42</sup> See: "Prospects for Peace in Sudan-Briefing", posted at [www.africaaction.org/adna/sud106.html](http://www.africaaction.org/adna/sud106.html), April 2001.

<sup>43</sup> ICG correspondence, 15 January 2003. This is the office to which Ali Hamid al-Amin referred when denying U.S. charges of government responsibility for the outbreak of the current fighting. See above.

<sup>44</sup> "SUDAN: Focus on oil-related clashes in western Upper Nile", IRIN, 28 February 2002, at <http://www.irinnews.org/print.asp?ReportID=23300>.

to be in Malakal, the state's capital. Buoth Teny and Benson Kuany Latjor also operate militias in the region of Malakal and Fangak.

Paulino Matiep heads a group based in Bentiu, the South Sudan United Movement (SSUM), that operates under the SSDF umbrella and recruits primarily among the Bul Nuer. Besides Peter Gadet (based in Mayom), his commanders include Moses Kuor and Ruei Kuol. Matiep appears to split his time between Bentiu and Mankien. Matiep's group also maintains several residences and offices in outlying areas of Khartoum. According to reports, it runs secret detention centres in Maygoma and Kalakla where it holds forcibly recruited youths.

Also based near Bentiu is another SSDF commander, James Lih Diu, who operates from a place called Kilo 7 and along with Marko Liak spearheaded the offensive toward Leer. Riak Gai, the current chairman of the SSCC, supports a militia that operates in the Akobo area. The overall military commander of the group is Simon Gatwich Dual, a former subordinate of Riek Machar. The South Sudan Liberation Movement (SSLM) of Michael Wal Duany, which remains aligned with the government after a July 2002 agreement, is also based in the Akobo area. Gordon Koang Cuol leads a militia based in Nasser town. Chaiyod Nyand, Telga Kong and Reath Gai Tual command militias in Eastern Upper Nile that operate under the SSDF.

A dormant force of some 300 mostly Shiluk fighters, remnants of Lam Akol's SPLA-United militia, is based in Fashoda. Awad Jago, another Shilluk, split from Lam Akol and is now part of the SSDF. Other SSDF forces in the Northern Upper Nile region are commanded by Thon Amum, and Michael Miega Kol.

The militia scene in Bahr al-Ghazal is less fragmented than in Upper Nile. The main ethnically based militia, the "Peace Army", recruits primarily from the Fertit community and is commanded by Atom al-Nour. The region has otherwise been devastated by years of raids from militias that are recruited primarily from the Baggara tribesmen of the Misseiriya people of southern Kordofan and the Rezeigat of southern Darfur. Known under the generic name of *Murahleen* (Travelers), one such group, based in Meiram in southern Kordofan, has a unique ethnic composition. It recruits primarily among the Misseiriya tribesmen and former abductees of Dinka Molwal origin who grew up with the Misseiriya. The overall commander

is Abdel Bagi Ayiei. His son, Hussein Abdel Bagi, is the field commander.<sup>45</sup>

Equatoria has been fertile ground for pro-government militias because of the rough way the SPLA handled residents during its first incursions into the region in the mid-1980s and the arrival there of large numbers of Dinkas who had been displaced by the inter-ethnic fights that broke out following splits within the SPLA in 1991. The Equatorian groups include a Taposa militia based in Juba. The Taposa were alienated by the resettlement of the Dinka in their traditional domain and what they considered the resulting unfair competition for grazing lands.

Like the Taposa, the pastoralist Murle people also maintain a militia to defend their grazing lands against incursions from Dinka and Nuer herders they consider competitors.<sup>46</sup> A Mundari militia is based in Terakaka, led by Keleman Wani, who was a career officer in the army and served as commissioner of Terakaka. The Equatoria Defence Forces (EDF), commanded by Martin Kenyi, is based in Juba and recruits primarily among the Acholi people. The EDF coordinator is Theopolis Ochang, a Juba medical doctor and minister of health in the SSCC.<sup>47</sup>

### C. COMPENSATION AND RECRUITMENT

The government does not appear to pay militiamen on a regular basis but it makes compensation, or the opportunity for self-generated compensation, available in various forms. For example, it gave cash "incentives" as rewards for participation in the recapture of the strategic town of Torit in September 2002 to ethnic Nuer fighters from Paulino Matiep's militia and other groups, including troops that had been under Riek Machar before his re-defection to the SPLA. In November 2002, these units were moved to Malakal because their internal squabbles over allocation of the "incentives" had terrorised Juba's population.<sup>48</sup>

While the government does make hefty cash payments to militia commanders on a regular basis

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<sup>45</sup> For further elaboration, see ICG Report, *God, Oil and Country*, op. cit.

<sup>46</sup> See Alex de Waal, "Some comments on militias in contemporary Sudan", in *Sudan: History, identity, ideology*, edited by Herve Leuchot, Christian Delmet, Derek Hopwood (Ithaca, 1991), pp. 71-83.

<sup>47</sup> ICG interviews and correspondence, January 2003.

<sup>48</sup> ICG interview with eyewitnesses from Juba.

to guarantee their continued allegiance, only small amounts trickle down, causing the rank and file to resort to other means to make ends meet.<sup>49</sup>

Southern community activists claim that one method takes advantage of the recruitment drives militias conduct on the streets of outlying residential areas in Khartoum and other government-held urban centres, as well as in southern rural areas. These offer militiamen the opportunity to press families to ransom relatives caught in the dragnet. The price to free a non-Nuer abductee is said to be 250,000 Sudanese pounds (about U.S.\$100), while a Nuer family must allegedly pay four times that amount.<sup>50</sup>

A new round of such forced recruitment reportedly began in late December 2002 in preparation for the offensive in Western Upper Nile. Stories pieced together from independent interviews with prisoners of war captured by the SPLA present a pattern of organised abductions of young Dinka and Nuer men. The public nature of these large-scale actions implies government knowledge and acquiescence.

One prisoner of war claims he was captured in Khartoum on 3 January 2003 on his way home from St. Augustine School, along with many classmates. He said he was taken by Commander Ruei Tap, who appears to be in charge of abductions in the capital and answers directly to Matiep. With his arms tied, he was transported by truck to Mankien, with only a short stop in Mayom. After one day of training, during which he heard an address by Peter Gadet, he was given a gun and sent to the front.<sup>51</sup> Boys told similar stories of abductions in Juba, Bentiu, and Bul Nuer villages throughout Western Upper Nile. Recent round-ups in the Bul Nuer areas have reportedly been conducted by a man named Salam Malek.<sup>52</sup>

Taken together, the army's support for militia operations in the field, its institutional command, control and funding, and the circumstances of the forced recruitment campaign in the heart of government-controlled territory make clear that Khartoum bears responsibility for the just ended offensive in Western Upper Nile.

#### **IV. RELEVANCE OF MILITIAS TO THE PEACE PROCESS**

Nevertheless, the militias are not simply a pawn of Khartoum's policy. They reflect as well specifically local dimensions of the civil war that, while intertwined with the wider issues dividing government and SPLA, have their own dynamic. If the peace process does not pay more attention to these local factors, it could easily break apart even if a national-level agreement were to be signed under the auspices of IGAD.

Indeed, the recent offensive came at a time when a number of efforts were being made to forge wider southern unity. The provisional agreement the SPLA and the government reached at Machakos in July 2002 on self-determination made it easier for southern civil society and church activists to come together regardless of whether their individual preference was unity or independence. This in turn helped them to press with more weight on all Machakos participants, but particularly on the SPLA, for their voices to be heard at the negotiating table in the last stage of the talks.

These southern civil society and church activists were quick to identify the militias as a direct threat to the peace process and have been instrumental in recent months in starting a dialogue between the SPLA and pro-government militias. In face-to-face discussions initially with the activists, a number of militia commanders had begun to identify their concerns and to express interest in joining the third round of the "South-South Dialogue on Reconciliation and Good Governance", which convened in Entebbe in December 2002 under the auspices of the New Sudan Council of Churches. According to an activist who took part in the effort, one senior militia commander reported, "We know we have done a lot of harm to each other. We have to forgive each other".<sup>53</sup>

A first meeting between the SPLA's leadership and senior representatives of pro-government southern militias took place in December 2002 during the civil society forum in Entebbe. The SPLA's position was that it was negotiating with the government in Machakos on behalf of the South, and was open to receive contributions from all southern factions, including the pro-government militias. Groups that

<sup>49</sup> ICG interviews and correspondence.

<sup>50</sup> ICG interview, January 2003.

<sup>51</sup> ICG interviews and correspondence, January 2003.

<sup>52</sup> ICG correspondence, 14 January 2003.

<sup>53</sup> ICG interview in Nairobi, 25 January 2003.

were formerly part of the SPLA would be welcomed back, and other militias would be offered a general amnesty.

Willingness on the part of some key militia leaders to reconcile with the SPLA is very real. However, many specifically Nuer militias in Upper Nile are under severe constraints. An important commander, while acknowledging the need for southern unity and the damage that his and similar militias were ultimately doing to this cause, said that his group is completely reliant on the government for food, resources and arms. Militia leaders who left the SPLA in the past for ideological reasons would find it very difficult to return unless the movement had first implemented meaningful changes, in the direction of greater internal democracy.<sup>54</sup>

Militia leaders argue that they were not bound by the 15 October 2002 cessation of hostilities agreement between the government and the SPLA because they were not parties to its negotiation and that they now should be included in the peace process independent of the SPLA delegation. They repeatedly express resentment at what they allege to be the SPLA's exclusionary policy, prompting an SSDF spokesman to acknowledge: "We know that we are protecting the government, and southerners are dying as a result, but it's better than being ruled by Garang".<sup>55</sup> Another told a peace activist, "The SPLA thinks we are not men. We will show them that we are men".<sup>56</sup>

The pro-government militia leaders want to be included in the IGAD process because it will affect their future status, and they do not trust the parties to accommodate their concerns. Under any peace agreement, the SPLA presumably would not be incorporated into the national army until and unless the South decided after the interim period to stay within a united Sudan. The militias, however, would not accept disarmament during the interim period because there would be no clear provisions for their reintegration either into the military or civilian life.

SPLA-militia negotiations on southern unity present many difficulties, for the latter not least that their main leverage comes from the very fact of their military alliance with the government. If they were

to give up the military option in return for a promise of some benefit from a peace agreement with the government down the road, their position would immediately weaken. Nonetheless, bringing at least a fair number of these 25 potential spoilers back into the fold should be the number one priority for the SPLA, as a united South would have both a stronger military and a stronger diplomatic position, which in turn could give the insurgency sufficient confidence to make the tough decisions still needed to conclude a peace agreement. For this to become reality the SPLA, led by Garang, must make tangible changes to its governance both internally and throughout the South.

The government, which could hardly view an SPLA-militia reconciliation with equanimity, may have encouraged the recent offensive in part to prevent it from gaining momentum. It is also reportedly in the process of integrating certain individual militia commanders into the national army. Several were said to be resisting the move, which aims at preserving the army's sway in the South if it should have to hand over areas to the SPLA under the terms of the final security arrangements that are meant to be negotiated over the next several months.<sup>57</sup>

The threat is quite real that much of the South could disintegrate into fiefdoms dominated by warlords and militias, particularly the oil rich areas of Upper Nile. Chaos could erupt in Juba, Torit, and other areas if the SPLA were to try to move in without having reached prior understandings with the militias that consider these areas their home turf. As one militia leader stated: "Everybody must be taken seriously, if the Machakos talks will culminate in the peace accord. Without the involvement of SSDF, Equatoria Defence Force [EDF] and others, there will be war".<sup>58</sup>

## V. CONCLUSION

The juxtaposition of quiet progress on the wealth and power sharing issues in the latest phase of IGAD talks with the high visibility government offensive that almost collapsed the process demonstrates the fragile nature of the peace initiative. The offensive highlighted both government willingness to

<sup>54</sup> ICG interview in southern Sudan, 20 January 2003.

<sup>55</sup> ICG interview, 14 January 2003. Many commanders resent the label "militia" and prefer to describe themselves as belonging to the SSDF.

<sup>56</sup> ICG interview, 15 January 2003.

<sup>57</sup> ICG interviews, January 2003.

<sup>58</sup> See "[EDF leader Martin] Kenyi warns against exclusion of Southern Forces in Peace Agreement", *Khartoum Monitor*, 8 November 2002.

disregard signed agreements and the spoiler role that the southern militias aligned with Khartoum can play if they are not brought meaningfully into that process – ideally after reconciliation with the SPLA to harmonise southern positions.

The agreements reached on 4 and 6 February 2003 show that despite the serious fighting that greeted the new year and for which it was responsible, Khartoum has not decided to forsake negotiations and again seek a military victory. The brinkmanship that it conducted for relatively limited diplomatic and commercial purposes, however, involved huge risks. The best way to ensure that it is not allowed to strain the promising peace process again is for the international community, in particular the official observer countries (U.S., UK, Norway, Italy) and others that are directly supporting the talks such as the UN, the Arab League and the African Union, to engage strongly on behalf of the IGAD mediation.

It should be made clear to the parties that any violation of the existing agreements, most particularly the cessation of hostilities agreement of 15 October 2002 as amended and supplemented, will bring unrelenting, public condemnation from governments and multilateral bodies alike. Earlier and wider condemnation of the Khartoum authorities for violating the cessation of hostilities agreement in December and January could have led to much earlier agreement on an end to the offensive and establishment of a verification regime.

There has been reluctance to condemn the government publicly, apparently for fear of provoking a reaction in Khartoum against the negotiations. This is a mistaken reading of the political psychology. A low-key reaction is more likely to encourage hardliners in the Sudanese capital rather than restrain them. Coordinated and sustained multilateral diplomatic pressure can support moderate voices, as the recent humanitarian, power and wealth sharing and cessation of hostilities agreements testify.<sup>59</sup>

As part of the post-conflict reconstruction effort that is being prepared, adequate resources should be earmarked to address the root causes of local violence in the South. These include chronic underdevelopment in parts of the Upper Nile, competition over natural resources among pastoralist communities within the South and along the North-South administrative border, and the resulting proliferation of small arms in these communities. Donors' post-conflict aid planning needs to remain in step with the IGAD process, however, so that mixed signals are not sent regarding the normalisation of relations Khartoum desires. Some analysts are becoming rightly concerned at the speed with which this "Planning for Peace" effort is advancing. Donors may not be taking adequately into consideration the absorption capacity of either the SPLA or the government – and the long-term sustainability of the peace itself – in the rush to put together large reconstruction packages.<sup>60</sup>

It is important for the SPLA not to be diverted by the recent fighting from taking further significant steps towards reconciliation with the many disavowed and disaffected southern militias aligned with the government. The events of the last several months have shown that these groups are potentially the great spoilers of the peace process because of the ease with which their anger and sense of exclusion can be manipulated. They can make governing certain areas of the South all but impossible for an SPLA-led southern government following a peace agreement, but if they are kept on the outside, they also have the capacity to ensure that such an agreement is never signed. Donors can help by increasing support for efforts by Sudanese civil society to build on the process that unfolded at the December 2002 Entebbe conference for South-South reconciliation, convened by the New Sudan Council of Churches.

The international community should work urgently to ensure that the verification team called for in the Addendum to the cessation of hostilities agreement signed on 4 February is allowed full access to locations and forces, has the necessary resources, and publicises its findings in a timely way in order to maintain pressure for full compliance on the parties so that the last political issues can be addressed in a positive atmosphere. No doubt should be left that the ceasefire applies to the militias equally as it applies to

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<sup>59</sup> The U.S. must be particularly careful in utilising the increase in leverage it derives from its Sudan Peace Act and the prospect of conflict with Iraq. Taken together, these create a high degree of uncertainty and even paranoia in Khartoum. This can be leveraged into a pragmatic survival response, but could also be counter-productive if mishandled. For its part, the SPLA must be persuaded that it will derive no benefits if it is responsible for undermining the talks.

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<sup>60</sup> ICG interviews, January and February 2003.

the parties that signed it.<sup>61</sup> Consideration should be given to adding to the arrangements for monitoring the ceasefire that are already in place a mechanism for soliciting input from Sudanese civil society, North and South.<sup>62</sup>

Robust, early and public condemnation by the international community of any violation will make an enormous contribution to the calculations of the parties at the negotiating table. If they understand the clear choice between the benefits of peace and the isolation of war, the prospects for a final agreement will be strengthened considerably.

**Nairobi/Brussels, 10 February 2003**

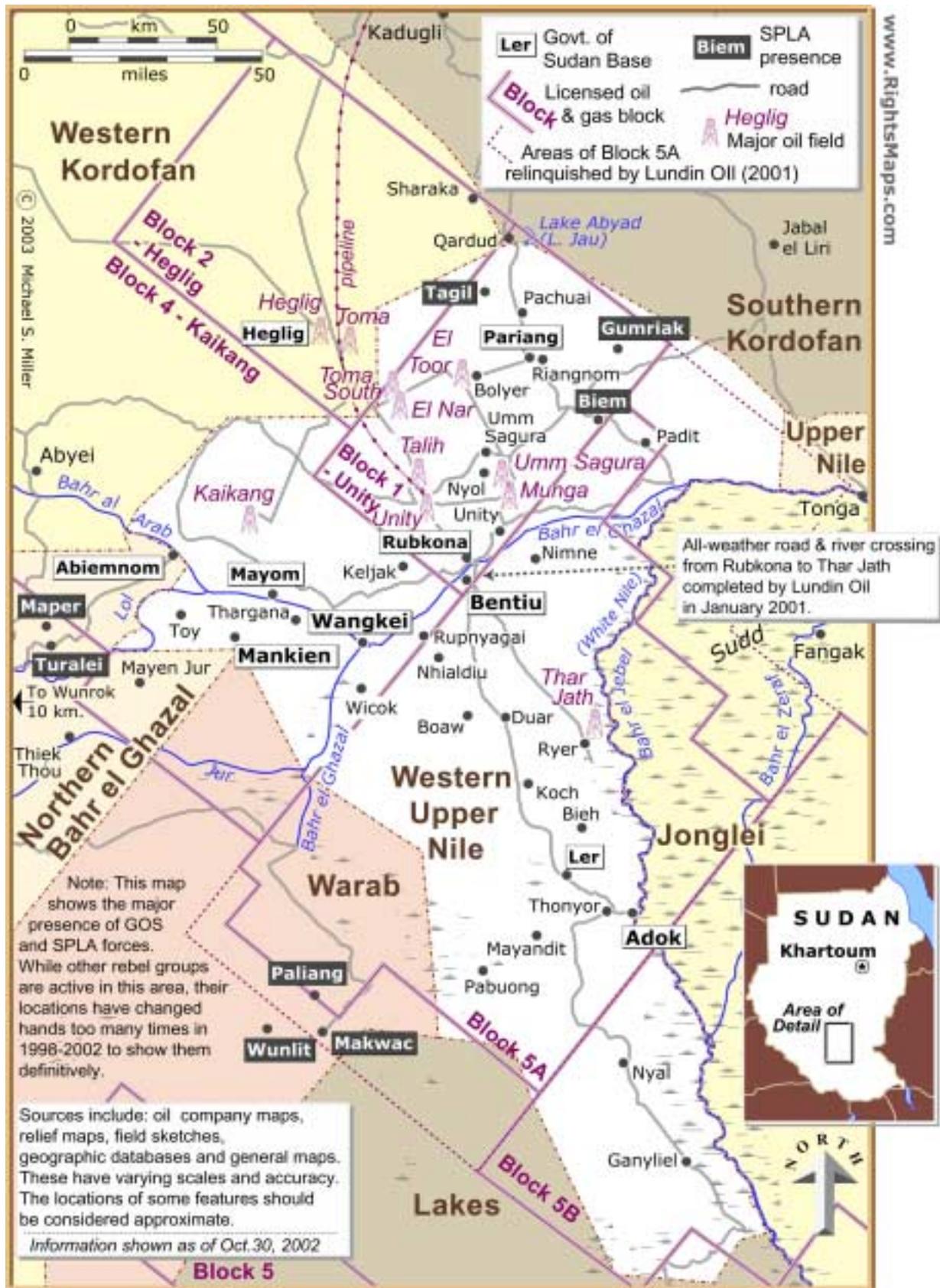
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<sup>61</sup> Both the Cessation of Hostilities and the Addendum include "affiliated militia" as falling under their purview. "Addendum to the MOU on Cessation of Hostilities Between the GOS and SPLA", 4 February 2003.

<sup>62</sup> ICG interviews, January and February 2003.

## APPENDIX A

### MAP OF SUDAN



## APPENDIX B

### ABOUT THE INTERNATIONAL CRISIS GROUP

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The International Crisis Group (ICG) is an independent, non-profit, multinational organisation, with over 80 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

ICG's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, ICG produces regular analytical reports containing practical recommendations targeted at key international decision-takers.

ICG's reports and briefing papers are distributed widely by email and printed copy to officials in foreign ministries and international organisations and made generally available at the same time via the organisation's Internet site, [www.crisisweb.org](http://www.crisisweb.org). ICG works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The ICG Board – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring ICG reports and recommendations to the attention of senior policy-makers around the world. ICG is chaired by former Finnish President Martti Ahtisaari; and its President and Chief Executive since January 2000 has been former Australian Foreign Minister Gareth Evans.

ICG's international headquarters are in Brussels, with advocacy offices in Washington DC, New York and Paris and a media liaison office in London. The organisation currently operates eleven field offices

(in Amman, Belgrade, Bogotá, Islamabad, Jakarta, Nairobi, Osh, Pristina, Sarajevo, Sierra Leone and Skopje) with analysts working in over 30 crisis-affected countries and territories across four continents.

In *Africa*, those countries include Burundi, Rwanda, the Democratic Republic of Congo, Sierra Leone-Liberia-Guinea, Somalia, Sudan and Zimbabwe; in *Asia*, Indonesia, Myanmar, Kyrgyzstan, Tajikistan, Uzbekistan, Pakistan, Afghanistan and Kashmir; in *Europe*, Albania, Bosnia, Kosovo, Macedonia, Montenegro and Serbia; in the *Middle East*, the whole region from North Africa to Iran; and in *Latin America*, Colombia.

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**February 2003**

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