

**JONGLEI'S TRIBAL CONFLICTS:
COUNTERING INSECURITY IN SOUTH SUDAN**

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JONGLEI'S TRIBAL CONFLICTS: COUNTERING INSECURITY IN SOUTH SUDAN

EXECUTIVE SUMMARY AND RECOMMENDATIONS

Conflicts among tribes have claimed several thousand lives in South Sudan in 2009, with the worst violence in and around the vast, often impassable state of Jonglei. Violence often afflicts pastoral communities, but in this area it has taken on a new and dangerously politicised character. With the death toll over the past year exceeding that in Darfur and displacement affecting more than 350,000 people, the Government of South Sudan (GoSS) should recognise the primarily local nature of the conflicts, extend state authority and prove itself a credible provider of security lest the problems become major obstacles on the road to self-determination and beyond. International partners must simultaneously step up their support or risk seeing the South become increasingly unstable ahead of national elections and the self-determination referendum.

Jonglei is the largest of South Sudan's ten states, comprising some 120,000 square kilometres. Home to 1.3 million inhabitants, it is also among the most underdeveloped regions in the world. Multiple ethnic communities migrate seasonally to sustain cattle and preserve their pastoralist way of life. Access to water and grazing areas, as well as cattle rustling, are thus primary triggers of conflict. Tensions between communities are aggravated by pervasive tribalism and perceptions of state bias, the virtual absence of roads and infrastructure, widespread food insecurity, land disputes and limited access to justice. The escalating conflict cycles witnessed in and around Jonglei in 2009 have sown deep mistrust, and movement during the dry season could reignite large-scale conflict early in 2010.

Perceptions that Khartoum is instigating violence have politicised conflict in the South and created new conflict dynamics. While such perceptions are plausible given the National Congress Party's (NCP) historical policies of destabilisation, there is little evidence to substantiate claims of involvement in the year's increasingly deadly tribal confrontations. The size of the territory involved, porous borders and limited GoSS capacity make it impossible to rule out external interference, but the government must avoid using Khartoum as a scapegoat and

instead focus on improving its capacity to provide security and promote reconciliation.

Despite a shared goal of independence, local and tribal identities remain stronger than any sense of national consciousness in South Sudan. Tribal identities are central to politics, and Jonglei is no exception. The escalation of violence has deepened divisions among its communities and its leaders, some of whom may be manipulating conflict to their own ends. Politics and the personalities driving them in Jonglei may also be related to a broader competition for control in Juba and across the South. Political jockeying is likely to intensify as elections scheduled for April 2010 and the referendum that must be held by early January 2011 approach, but leaders should work to unite, not just until 2011 but beyond. They need to weigh the consequences of tribal posturing against the benefits of a united South, since greater cooperation is necessary if they are to forge a new and viable state.

Like much of the South, Jonglei is awash with weapons, and the memory of crimes committed during the war is still fresh. Under pressure to halt ethnic violence, civilian disarmament is a top GoSS priority. Although previous operations to disarm the population yielded limited results or stimulated further conflict, another campaign is imminent. While the need to remove arms from the hands of civilians is paramount, a campaign in which force is likely to be used is cause for serious concern. Unless ethnic groups are disarmed simultaneously and adequate security is provided in the wake of the campaign, communities will be reluctant to comply. Lack of trust in government and neighbour alike means communities feel the need to guarantee their own security. Thus, security forces are likely to encounter pockets of serious resistance. Many authorities acknowledge that lives will be lost but say this is a price that must be paid for the long-term benefits of disarmament.

A young and fragile GoSS is doing its best to address a large number of priorities with limited capacity. Security sector reform is one that belongs high on the agenda, but attention has focused disproportionately on the army. The

South Sudan Police Service (SSPS) – constitutionally and properly the principal institution for addressing domestic security concerns – is of abysmal quality, so the army has by default been obliged to respond to tribal clashes. But its intervention has not been without drawbacks. An inconsistent policy on engagement and a sometimes too blunt military approach to law enforcement have sometimes created confusion and resentment, limiting what might otherwise be a productive presence. Long-term investments are essential to improve both the army and the police, but near-term security gaps require immediate action from the GoSS, donors and the UN alike if the South is to avoid further bloodshed and resulting instability.

Juba has its hands full negotiating a variety of issues with the NCP, not least the details of the elections and referendum. Keeping its partner in the Comprehensive Peace Agreement (CPA) from undermining the self-determination vote or otherwise manipulating these processes is a Herculean order in itself. But it must also focus internally. A more visible state security presence and some gains on South-South reconciliation could prevent further division along tribal lines, bolster both internal and external confidence in the GoSS and help refute Khartoum's claim that "the South cannot govern itself".

RECOMMENDATIONS

To the Government of South Sudan:

1. Standardise and clarify policy on Sudan People's Liberation Army (SPLA) engagement in tribal conflict, including the respective roles and responsibilities of the army and the SSPS; ensure better compliance with that policy, so as to avoid partiality and clearly define and exercise civilian oversight mechanisms for SPLA engagement.
 2. Ensure greater state security presence at the local level by increasing SPLA deployment to areas of concern to exercise law enforcement functions and make best possible efforts to ensure that the ethnic composition of units does not complicate or jeopardise their engagement.
 3. Prioritise police reform, including by increasing budget allocations to the SSPS in line with a long-term transformation plan.
 4. Undertake SSPS payroll cleansing in order to remove significant numbers of "ghost" police from it.
 5. Carry out any civilian disarmament that is attempted in Jonglei and elsewhere by:
 - a) making every effort to ensure public awareness about the plans and to secure buy-in of local communities and traditional leaders so that the process is as peaceful as possible;
 - b) devising a plan in partnership with local communities to leave some of the SPLA and SSPS reinforcements that will be necessary for the campaign in place to ensure the security of disarmed communities; and
 - c) ensuring that the internal affairs ministry, the SPLA, the state security committees and other key stakeholders agree on a strategy and maintain a regular forum for consultation throughout the disarmament processes.
6. Assign civil administrators away from their home areas as a regular policy, so as to erode pervasive tribalism and build a stronger national identity.

To the South Sudan Police Service (SSPS):

7. Build on existing strategy documents and the 2009 Police Act to develop a long-term reform plan in concert with major donors, who should map their support accordingly.
8. Deploy police more strategically based on risk assessments, as the capability of the force increases.
9. Ensure timely delivery of salaries to remote counties of Jonglei, possibly by procuring a small airplane for the state to support police, the community security bureau, and other proposed policing mechanisms.

To the United Nations Mission in Sudan (UNMIS):

10. Increase UN visibility and facilitate civilian protection in Jonglei by:
 - a) re-establishing temporary operating bases (TOBs) or other creative field presence;
 - b) rethinking how the bases are structured and maintained in order to ensure efficiency and sustainability; and
 - c) implementing in the interim its declared policy to conduct regular long-range patrols, using military, police, civil affairs, disarmament and human rights personnel.
11. Undertake a more proactive civilian protection role, per the mandate in Security Council Resolution 1590, by better defining the circumstances under which it will provide protection – particularly with regard to inter-tribal violence in high risk areas – and making corresponding adjustments to deployment, resources, and operational orders.
12. Make clear to the SPLA and GoSS officials at both the state and Juba level what UNMIS will and will not do to support disarmament campaigns, in particular under what circumstances it will assist with transport, other logistics and advice.

To the Southern Sudan Peace Commission (SSPC):

13. Recruit, train and establish in each county sub-division (payam) of Jonglei and other conflict-prone areas, pending improvement of the security services, a network of mediators who are recognised as opinion leaders with moral authority over all categories of the Southern Sudan population, so as to prevent the violent escalation of disputes related to seasonal migration and other sources of conflict.

To Donors:

14. Coordinate support to the police and the wider security sector better in order to harmonise long-term professionalisation and other reform efforts with immediate security concerns for the election and referendum periods.

15. Identify a lead nation or partnership of two to play a stronger role – including commitment of substantial resources, human capital and effective oversight – in security sector reform that gives appropriate consideration to both the SSPS and the SPLA.
16. Consider supporting additional policing mechanisms such as the proposed Livestock Protection Unit and an air-mobile, quick reaction unit that can address both cattle raiding and ethnic clashes involving large numbers of combatants.

Juba/Nairobi/Brussels, 23 December 2009

JONGLEI'S TRIBAL CONFLICTS: COUNTERING INSECURITY IN SOUTH SUDAN

I. INTRODUCTION

Violent conflict has killed some 2,500 people in Southern Sudan in 2009 and displaced more than 350,000, nearly twice as many as in the previous year.¹ While tribal conflict has caused unrest in many areas in the last year, the majority of deadly violence has taken place in and around Jonglei state. Pockets of violent activity were cause for concern in Central and Western Equatoria, Lakes, Unity, and Warrap states, but the combined number of reported deaths in these states was less than that of Jonglei.² Tribal conflict in Southern Sudan, particularly among pastoralist communities such as those in Jonglei, is by no means a new phenomenon. Cattle raiding and reprisals have been a part of life for generations. But the nature and scope of the violence has changed, raising questions of causality.³

Despite little commercial exploitation of them, cattle are a primary currency among pastoralist communities in many parts of the South, and numerous aspects of life are ori-

ented around them.⁴ Cows represent wealth and social status and are used for compensation of wrongdoing and payment of dowries.⁵ The significance of cattle to Sudan's Nilotic peoples has historically placed them at the centre of confrontations between communities. Rustling – in which cattle are stolen from neighbouring owners or tribes to replenish stocks – is common.⁶ Sticks and spears have historically been used to carry out rustling and the violent disputes it often causes. However, the proliferation of small arms during and after the recent civil war changed the nature of this practice, making raiding far more deadly and in some ways undercutting traditional practices and authority. Communities – especially youths – were forever altered by “the realisation of power that came with the gun”.⁷

The Comprehensive Peace Agreement (CPA) signed by the Government of Sudan and the Sudan People's Liberation Movement (SPLM) in 2005 ended the civil war between North and South,⁸ but poor implementation in

¹“Humanitarian Action in Southern Sudan Report”, UN Office for the Coordination of Humanitarian Affairs (OCHA), no. 38, 6, 20 November 2009. The figure of displaced persons includes more than 115,000 in Jonglei alone. The number of casualties in any given incident is difficult to verify; thus so is the total number of conflict-related deaths for the year. This figure is an estimation commonly used by international actors in South Sudan and includes both inter-tribal conflict and violence related to the Lord's Resistance Army (LRA), a Ugandan insurgency. Crisis Group interviews, UN officials and other international actors, Juba, November, December 2009.

²The LRA continues to be a particularly destabilising presence in Western Equatoria. It is not discussed in this report, but see earlier reporting, including Crisis Group Africa Report N°146, *Northern Uganda: The Road to Peace, with or without Kony*, 10 December 2008.

³The intensity of conflict has increased and often moved beyond cattle rustling, with larger numbers of both attackers and deaths (including of women and children), as well as the targeting of town centres. Crisis Group research for this report uncovered no indication that the increased violence has involved an increase in rape or included the phenomenon of rape as a deliberate conflict tactic such as has been observed, for example, in the Congo.

⁴For more on the centrality of cattle to pastoralist communities in Southern Sudan, see Sharon E. Hutchinson, *Nuer Dilemmas: Coping with Money, War, and the State* (Berkeley, 1996).

⁵Dowries have increased in recent years and can reach well over 100 head of cattle.

⁶Pastoralist conflict is neither new nor unique to South Sudan. The evolution of traditional cattle rustling – to an illicit and violent activity precipitated by small arms – has impacted communities across the Horn of Africa, home both to the largest grouping of pastoralist communities in the world and some of the largest infusions of small arms in recent history. Cattle rustling is also viewed by some groups as a coming-of-age ritual. Kennedy Agade Mkutu, *Guns and Governance in the Rift Valley: Pastoralist Conflict and Small Arms* (Bloomington, 2008), pp. 13, 29.

⁷Crisis Group interview, Lou Nuer citizen, Malakal, 4 November 2009.

⁸It also outlined a series of arrangements for wealth and power sharing, as well as resolution of conflict in Abeyi, Southern Kordofan, and Blue Nile (“The Three Areas”), a self-determination referendum for the South at the end of a six-year interim period and a schedule of reforms aimed at democratic transformation. For more on the CPA, see the following Crisis Group Africa Briefing N°50, *Sudan's Comprehensive Peace Agreement: Beyond the Crisis*, 13 March 2008; Africa Report N°106, *Sudan's Comprehensive Peace Agreement: The*

the South contributed to the violence and lawlessness that has heightened in 2009. After signature, Southern Sudanese began looking to the new Government of South Sudan (GoSS) for benefits and services, but tangible peace dividends were few, and state presence was largely imperceptible.⁹ The SPLM's army (the SPLA) administered much of the South by force during the war, providing a degree of order – albeit militarised – in the absence of true rule-of-law. When it vacated rural areas and began to reassemble as a professional army in barracks, however, it left behind a vacuum. Large numbers of small arms and a populace both fatigued by war and discouraged by unrealised hopes filled that space.

Greater attention is beginning to be paid to insecurity in Jonglei and elsewhere. International partners have begun to concentrate more on targeting root causes, and the GoSS is making some efforts to alleviate tensions. But much remains to be done, and the stakes are high, not least because the problems can seriously impact 2010 national elections and the South's January 2011 self-determination referendum, as well as stability in the post-referendum era.

This report examines a series of conflict triggers that shed light on the spike in deadly violence in 2009. It highlights three of the primary conflict cycles in Jonglei and adjoining areas across the border in Upper Nile over the past year: those involving the Dinka, Lou Nuer, Jikany Nuer, and Murle communities. In doing so, it looks at factors both causing and exacerbating the violence, as well as the politicisation of conflict, the possibility of instigation from the North and new conflict dynamics. Using Jonglei as an example, it also examines deficits in the security sector at both the state and national level.

Long Road Ahead, 31 March 2006; and Africa Report N°55, *Power and Wealth Sharing: Make or Break Time in Sudan's Peace Process*, 18 December 2002.

⁹ A prominent Murle leader asked: "No education, no health, no water, no roads. How would you react?", Crisis Group interview, Ismail Konyi, Juba, 23 October 2009.

II. THE PRIMARY CONFLICT CYCLES

Given long histories of attacks and counter-attacks among Jonglei tribes, pinpointing how and where a particular conflict cycle began is difficult, but a look at recent events relating to each situation offers context to 2009's violence. Ethnic communities occupy largely homogenous parts of the state. The Lou Nuer are primarily from Akobo, Nyirol, and Wuror counties – a band stretching across north-central and eastern Jonglei.¹⁰ Dinka inhabit the south-western portion of the state: Duk, Twic East and Bor counties, including the state capital of Bor. The Murle – a minority clan – occupy Pibor county. As borders are not always clearly defined, and pastoralist populations shift with the seasons, Appendix B is only a general representation of community geography.¹¹

The Lou are involved in each of the primary conflict cycles. Access to water sources is essential for communities in the region, and the Lou are at a geographical disadvantage. During the dry season,¹² they must travel with their cattle to the *toiche*¹³ areas in search of water and grazing areas. If they go west, they enter either Dinka or Gawaar Nuer territory. If they go northeast to the Sobat River, just across the border in Upper Nile state, they enter the territory of another Nuer sub-clan, the Jikany. Lastly, if they travel south to Pibor, they enter the territory of the Murle. In short, Lou must migrate either to Dinka, Gawaar, Jikany or Murle territories to sustain their cattle, a reality which is itself a primary trigger of conflict.

A. LOU NUER-DINKA

The tension between the Lou Nuer and Dinka communities in 2009 has been in many ways the most volatile and politicised of the conflict cycles. The Dinka and Nuer are the two largest ethnic groups in Southern Sudan¹⁴ and hold most senior GoSS positions, including the presidency (Dinka) and vice presidency (Nuer). Bor, in the heart of Dinka territory, was the site of one of the most brutal events in the South's history, the memories of which are not lost on these two communities. After the

¹⁰ The Lou Nuer, Gawaar Nuer, and Jikany Nuer are the three sub-clans of the Nuer that inhabit Jonglei and Upper Nile.

¹¹ States in Southern Sudan are divided into counties, which in turn are subdivided into payams, which may include several bomas (villages). Jonglei has eleven counties, 70 payams and 333 bomas.

¹² Cattle herders usually begin moving to *toiche* areas in November-December, and return in April-May.

¹³ The "toiche" refers to grazing areas at the edges of rivers and swamps, e.g. the Nile, Sobat and Akobo Rivers.

¹⁴ See Appendix C below for further information on the ethnic composition of South Sudan.

forces of two commanders, Riek Machar and Lam Akol, split from the mainstream SPLA faction led by the late John Garang (Dinka) in 1991, fighters aligned with Machar – most of them Lou – waged a massive attack on Bor, reportedly massacring more than 2,000 Dinka.¹⁵ “They may have forgiven”, a Bor Dinka said, “but many have not forgotten. These things die hard”.¹⁶

A local NGO worker noted: “Some of the tribes see each other as brothers; they have a deeply held mutual respect, and communication channels are usually open, even amid cattle rustling and traditional disputes. That is not at all the case at present between the Dinka and Lou”.¹⁷ Particularly deadly clashes in August and September¹⁸ were precipitated by a few telling events which aid in understanding the year’s violent escalation.

□ January-May 2006: The primarily forcible disarmament of Lou Nuer communities by the SPLA in Wuror and Nyirol counties was a particularly important event.¹⁹ Dinka land-owners asked that the Lou disarm in advance of their seasonal migration, but they refused and a series of disagreements ensued. An unprovoked Lou attack on the SPLA prompted large-scale fighting between armed Lou – many of whom were members of the White Army²⁰ – and a caught-off-guard SPLA. In the ensuing battles, several hundred SPLA died.²¹ Incensed, SPLA Commander Peter Bol Kong’s forces pursued the attackers, with tacit approval from the GoSS in Juba, and ultimately collected more than 3,000 weapons from the two Lou

counties,²² but at great human cost. Best estimates suggest the campaign left roughly 1,200 Lou and at least 400 SPLA troops dead.²³

The devastation generated considerable resentment. The Lou felt singled out, which increased their perception of a state government biased in favour of the Dinka. Because they were the only community disarmed at the time, they were left vulnerable to the neighbouring Dinka and Murle. Cattle raiders took advantage of the newly vulnerable Lou, who as a result began rearming over the next eighteen months.²⁴

- May 2007: A series of cattle thefts led to skirmishes between Dinka and Lou Nuer, culminating in a raid during which more than 20,000 head of cattle were reportedly stolen by Dinka of Duk County. Governor Kuol Manyang led a team to the area to investigate and reclaim the stolen cattle, but most had been disbursed widely in the surrounding areas – including to Wernyol²⁵ – and the initial effort regained only hundreds.²⁶ Lou Nuer communities again felt the state government was ignoring their legitimate grievances.
- January 2009: Seven state wildlife and police personnel were killed in an 11 January attack three km north of Poktap, in Duk County, on a convoy delivering salaries to state employees in Lou-dominated Nyirol County.²⁷ That this could happen so near the town

¹⁵ Bor is the birthplace of both John Garang and the SPLA. Estimates of the number of civilians killed in the massacre vary widely. Amnesty International reported 2,000. “Sudan: A continuing Human Rights Crisis”, Amnesty International, 1992. Other sources claimed much higher figures. Crisis Group interviews, Bor, October 2009. Current Jonglei Governor Kuol Manyang was the zonal commander of the area during the massacre. Many believe he still resents Riek Machar and his perceived lack of atonement and genuine reconciliation.

¹⁶ Crisis Group interview, a Dinka of Duk County, Bor, October 2009.

¹⁷ Crisis Group interview, NGO worker, Juba, 26 October 2009.

¹⁸ Attacks on Wernyol (28 August) and Duk Padiet (20 September) claimed more than 200 lives.

¹⁹ The Lou disarmament was mentioned as the starting point in the majority of Crisis Group’s interviews with representatives of Jonglei communities regarding 2009 violence.

²⁰ The White Army, almost exclusively Nuer, was a loose, decentralised constellation of armed actors that emerged from armed cattle camp youths. It was generally aligned with Khartoum during the civil war via the breakaway SPLM Nasser faction. For more, see John Young, “The White Army: An Introduction and Overview”, Small Arms Survey, June 2007.

²¹ Crisis Group interview, former SPLA Chief of Staff Oyay Deng Ajak, Juba, November 2009.

²² After Wuror and Nyirol counties were forcibly disarmed, Commissioner Doyak Chol and citizens of Akobo County chose not to resist but to hand over their weapons as part of a process that was relatively peaceful, though not exactly voluntary. Crisis Group interview, disarmament expert, Juba, 2 November 2009.

²³ John Young, “Disarmament in Jonglei and its implications”, Institute for Security Studies, April 2007, has a detailed account of the 2006 campaign.

²⁴ Three events contributed to Lou rearmament during this period. November 2006: fighting erupted between SPLA and SAF (Khartoum government army) components of the Joint Integrated Unit (JIU) in Malakal, as well as civilians. Arms belonging to the SAF component were looted, and Lou civilians were the primary beneficiaries. Late 2006: The Lou of Akobo were under threat of attack from Murle in Pibor. Under pressure from his own constituents, then Akobo Commissioner Doyak Chol opened weapons stores and re-distributed collected arms so his people could defend themselves. April 2008: a fight between local police and SPLA broke out in Khorfulus, where many of the arms collected from the Lou in 2006 were stored. Weapons stores were opened, and the majority of arms flowed back to Lou communities.

²⁵ Wernyol was the site of a 2 August retaliatory attack.

²⁶ Claims of cattle recovered ranged from 300 to 800. Crisis Group interviews, Bor, 27 October 2009; Juba, 2 November 2009.

²⁷ Stolen salaries amounted to roughly 90,000 Sudanese Pounds (\$35,000).

centre angered Lou communities and prompted suspicion that Dinka citizens and officials, including the Duk County commissioner, were involved.²⁸ The Lou saw this incident as yet another manifestation of their marginalisation and restricted access to state institutions and markets. Indeed, Bor, the state capital, is in its south-west corner, deep in Dinka territory.²⁹ Lou had previously complained that the Dinka of Duk County were placing makeshift checkpoints along the roads running to Lou areas. Complaints of arbitrary, illegal taxation and other harassment were also cited.³⁰

By February 2009, rising tensions and hints of an impending attack demanded a response. The GoSS asked prominent Lou intellectuals and leaders in Bor, Juba and Khartoum to travel to Lou counties and defuse the situation. The delegation they formed was indeed able to postpone an attack, but the Lou outlined the issues they wanted addressed. Governor Manyang then convened a peace conference, with chiefs and representatives of five key Dinka and Lou counties,³¹ who made a series of recommendations addressing Lou demands, including investigation of the Poktap incident; recovery of stolen salaries and compensation for the families of those killed at Poktap; and return of cattle, including the 20,000 from the 2007 theft.

The paramount chief of Wuror County, Gatluak Thoa, made clear that if the recommendations were not pursued, the government would be responsible for any fallout.³² Lou representatives indicated they would wait three

months before taking matters into their own hands.³³ The grievances were not addressed, and the reasons cited were not particularly convincing.³⁴ Many criticised the government for not being sufficiently proactive.³⁵ On 28 August, Lou youth took matters into their own hands, attacking Wernyol, in Twic East county, killing 42, wounding 60 and displacing hundreds. When state authorities received intelligence of a second attack, in Duk County, they deployed National Intelligence and Security Services (NISS) forces to confront the force, a step that prompted serious criticism.³⁶ On 20 September, the same group of more than 1,000 Lou youth struck Duk Padiet, targeting not cattle but the administrative centre. At least 167 were killed, including civilians, police, SPLA, NISS and 85 attackers.³⁷ No cattle were taken in either incident, underscoring that the dispute had moved beyond traditional rustling.

Both the Wernyol and Duk Padiet attacks were led by Chibatek Mabil Thiep, a Lou from the disputed Pajut area between Duk and Wuror Counties.³⁸ Prior to the second attack, local chiefs, fearing the armed youth might not stop at Duk, warned that the situation was grave. Jonglei Deputy Governor Hussein Mar Nyuot tried to deter "a very angry" Chibatek but failed. He also enlisted former White Army commander Tut Nyang to dissuade Chibatek and his mobilised youth. He likewise failed

²⁸ Duk County officials claimed the attack was the work of criminals, not the Dinka community. Crisis Group interview, State Assembly member, Bor, 27 October 2009.

²⁹ In Bor, as in many Southern state capitals, the host county and ethnic communities indigenous to the area dominate activities and leadership positions. Participation of groups from other areas is often restricted in aspects of community life and state activity. Crisis Group interview, journalist, Juba, October 2009. Jonglei Governor Kuol Manyang supported a proposal to relocate state institutions to increase access of disaffected communities and reduce chances for ethnic domination: the executive to Pibor county, legislature to Ayod, army to Waat, and Judiciary to stay in Bor. This is sensible in principle, but putting government branches at corners of a state the size of Jonglei would not be conducive to the frequent interaction such institutions require.

³⁰ Crisis Group interview, Deputy Governor Hussein Mar Nyuot, Bor, 27 October 2009.

³¹ The peace conference was held 10-14 May at the Dr John Garang Institute of Science and Technology in Bor. The Dinka counties included Duk and Twic East. The Lou Nuer counties included Wuror, Nyirol, and Ayod.

³² Crisis Group interview, conference participant, Juba, October 2009.

³³ Crisis Group interviews, Southern Sudan Peace Commission official, Juba, Jonglei State official, Bor, October 2009.

³⁴ There was little political will to address compensation for lost lives. State authorities in finance-strapped Jonglei were reluctant to even begin such a discussion for fear of a precedent. State authorities report they wrote the internal affairs ministry requesting trained and neutral investigators but were told none were yet available. Crisis Group interviews, Bor, October 2009.

³⁵ The state government took little advantage of a UNMIS offer to help it address the grievances. Crisis Group interview, UNMIS official, Juba, 2 November 2009.

³⁶ Under the authority of the president, the NISS is charged with external and internal security and given broad powers. Its use to fight Lou attackers further angered those who feel both state and national governments are dominated by and preferential to the Dinka. Deputy Director-General Majok Agot's role in supplying the troops to the Governor was particularly resented. Many questioned why security forces did not similarly intervene in any of the year's other violent clashes, including those between the Lou Nuer and Murle. Letter from Lou Nuer Youth Association to President Salva Kiir, 25 September 2009.

³⁷ "Sudan: Organised violence escalating in the south", IRIN, 1 October 2009.

³⁸ Chibatek, an ex-militia figure, reportedly has a reputation for garnering respect of Lou youth. The disputed Pajut area is discussed further in Section II.F.4. Crisis Group interviews, community security and arms control official, Bor, 27 October, Juba, 23 November 2009.

and was insulted and threatened.³⁹ Chibatek's motives may have stemmed from disputes in his home of Pajut, cattle theft or resentment over not having been integrated into the SPLA.⁴⁰ Based on activities witnessed by community members, including the use of satellite telephones, some speculated that he has links to northern actors in Malakal and Khartoum.⁴¹

The intersection of Lou and Dinka territories will remain a flashpoint not only at seasonal migrations but also during forthcoming voting and disarmament initiatives. Achieving genuine reconciliation will be difficult.

B. LOU NUER-MURLE

The conflict cycle between the Lou and the minority Murle has been the most lethal in 2009. Clashes in Akobo and Pibor counties have resulted in more than 1,000 casualties in Jonglei, including a week-long battle that left some 750 dead.⁴² In addition to cattle, raiders – particularly the Murle – often steal children, a practice that adds a particularly painful angle to the conflict.⁴³

The SPLA never controlled Pibor County, a sizeable area in the south east of Jonglei, during the civil war. Led by Ismail Konyi and with Khartoum's financial and military aid, the formidable, largely Murle Pibor Defence Forces fought the SPLA.⁴⁴ While Konyi was arming the Murle, former South Sudan Defence Forces (SSDF) leader

Simon Gatwich was arming the Lou, also with support from Khartoum.⁴⁵ With this proliferation of arms came more deadly attacks, heightening tensions between the two communities.⁴⁶

Konyi was brought into the GoSS in 2006, joined the SPLA and is currently the GoSS Presidential Adviser on Peace and Reconciliation.⁴⁷ He still wields considerable influence in Pibor and remains a controversial figure at the state and national levels, where despite his office, many question his commitment to Juba and to peace.⁴⁸

During government disarmament efforts in Pibor in 2007, Konyi was dispatched from Juba with considerable GoSS support to collect arms peacefully from his people.⁴⁹ However, authorities in Bor and Pibor felt they were not sufficiently consulted about the initiative, and soon became wary of his motives.⁵⁰ Tensions arose between him and Pibor Commissioner Akot Maze. International officials who were in Pibor at the time reported that Konyi was using funds intended for disarmament to buy local support and undermine the commissioner.⁵¹ While the commissioner was trying to get his people to return stolen cattle and refrain from further raids, many, includ-

³⁹ Crisis Group interview, Deputy Governor Hussein Mar Nyuot, Bor, 27 October 2009.

⁴⁰ During the SPLA's reorganisation in 2006, when armed elements were to be integrated in line with the CPA, Chibatek left disgruntled. Some believe he did so, like others, because integration was slow, and combatants were given no money, food or idea if and when they would be integrated. Crisis Group interview, GoSS minister, Juba, November 2009. Others said he was refused a rank for which he was not qualified. Whatever the cause, he and many others melted back into their communities. Yet others suggested Chibatek believed a show of strength and trouble making would bring him benefits, perhaps favourable integration into the SPLA, as he had witnessed in other cases in his community. Crisis Group interview, a Lou of Akobo, November 2009.

⁴¹ Crisis Group interviews, Jonglei state officials, Bor, October 2009. Regular possession and use of satellite telephones would normally be cost prohibitive for the rural people of Jonglei.

⁴² "South Sudan Clashes leave 750 dead", Agence France-Presse, 25 March 2009.

⁴³ Raiders either keep the children or trade them within their communities for cattle. The practice is not as common among other tribes; its relatively frequent use by the Murle is widely attributed to reproductive deficiencies, but there is little supporting scientific evidence.

⁴⁴ For more on Konyi and the Pibor Defence Forces (PDF), see John Young, "The South Sudan Defence Forces in the Wake of the Juba Declaration", Small Arms Survey, November 2006.

⁴⁵ Simon Gatwich was integrated along with SSDF force and is now a senior officer in the SPLA. The SSDF was a broad and in many cases loose coalition of SAF-aligned forces that posed a serious military threat to the SPLA during the civil war. It was officially integrated as part of the 2006 Juba Declaration. Ibid.

⁴⁶ Crisis Group interview, a Lou of Akobo, November 2009.

⁴⁷ Pursuant to the CPA, militias and other armed groups were to be integrated into either the SAF or SPLA. The 2006 Juba Declaration and separate integration agreements accommodated several former militia leaders with prominent government positions in exchange for an end to their opposition. Vice President Riek Machar was instrumental in bringing Konyi into the SPLA. Other former militia commanders who received prominent posts include current SPLA Deputy Chief of Staff Paulino Matieb (ex-SSDF Chief of Staff); Governor of Central Equatoria Kelement Wani (ex-leader of the Mundari forces); and adviser on border conflict resolution Abdel Bagi (ex-SSDF commander in Northern Bahr El Ghazal).

⁴⁸ GOSS policy toward Konyi seems one of containment. While many argue he has been involved in enough controversy to warrant his removal, any move against him could ignite further ethnic tensions in Jonglei. Crisis Group interviews, Jonglei state official, Bor, October, UN official, Juba, 2 November 2009.

⁴⁹ Konyi was given ample funds, vehicles and other support for this effort.

⁵⁰ Crisis Group interview, Governor Kuol Manyang, Bor, 27 October 2009.

⁵¹ Crisis Group interview, UN disarmament expert, Juba, 2 November 2009.

ing the governor, believed Konyi may have been encouraging them otherwise.⁵²

Concerned that Konyi was fomenting further violence and potentially supplying arms instead of collecting them, Jonglei Governor Manyang and Commissioner Maze wrote to GoSS President Salva Kiir requesting his removal.⁵³ Kiir reportedly twice sent airplanes to return Konyi to Juba, and twice he refused. After Kiir finally ordered him to return, Konyi went instead to Khartoum, where he stayed for several months before returning to Juba. The Khartoum hiatus raised suspicions that he was again being supported by Northern actors.

GoSS Vice President Riek Machar accompanied Konyi back to Pibor in December 2008 to negotiate an agreement with the commissioner, pre-empt additional confrontation and dissuade the Murle from further attacks. Konyi and Machar then travelled to Lou areas in early 2009, informing other communities of the new Murle pledge of peace.⁵⁴ But soon after, Murle raiders attacked areas in Akobo County, discrediting the peace overtures and undercutting any chance for renewed trust between Lou and Murle communities.

Tit-for-tat clashes between Lou Nuer and Murle communities increased following Lou rearmament.

□ After January 2009 Murle attacks on Akobo in which children were abducted, well-armed Lou youth from Akobo, Wuror, and Nyirol counties launched retaliatory attacks in and around Likuangle between 5 and 13 March, killing 450 and likewise abducting children. A senior SPLA official said the attackers numbered in the thousands and were well-organised and aided by multiple Thuraya satellite phones.⁵⁵

⁵² Crisis Group interview, Governor Kuol Manyang, Bor, 27 October 2009. The status of Konyi's paramount chieftaincy also came into question, as his presidential adviser duties keep him in Juba. Commissioner Akot Maze appointed a new chief, causing a standoff between Konyi's supporters and the SPLA, which was protecting the commissioner. According to a source attuned to Pibor dynamics, "despite a dynamic commissioner with very good ideas, the Murle have not yet bought into him. Konyi's grip remains [strong]". Crisis Group interview, Malakal, 4 November 2009.

⁵³ Crisis Group interview, Governor Kuol Manyang, Bor, 27 October 2009. Konyi maintained that he intended peaceful disarmament and was making progress. Crisis Group interview, Juba, October 2009.

⁵⁴ There was a report that the Lou were told they were now free to migrate, but the Murle did not believe this was part of the agreement. Crisis Group email correspondence, security expert, 2 December 2009.

⁵⁵ Crisis Group interview, senior SPLA official, Juba, 2 November 2009.

□ On 18 April, Murle gunmen retaliated in and around the area of Nyandit, killing at least 250, abducting women and children, burning a number of villages and displacing some 16,000 people.⁵⁶ Subsequently, according to reports, Lou and Murle defected from both the SPLA and the Northern army (the SAF) to defend their communities. Tension continued to escalate as action followed action, including attacks in May and August.⁵⁷

As part of its Jonglei Stabilisation Plan,⁵⁸ the UN Mission in Sudan (UNMIS) established temporary operating bases (TOBs) in Pibor and Akobo Counties between May and July. Housing 120 UN civilian, military, and police personnel each, these temporary outposts were intended to increase UN visibility and facilitate better monitoring and patrolling.⁵⁹ However, they were closed after just two months.⁶⁰ The impact of their presence is difficult to measure, but many UN officials cited positive trends.⁶¹ There were no major clashes in those areas while they were operational, and a series of attacks and counter-attacks killed at least 185 only weeks after they withdrew.⁶²

Attempting to break the conflict cycle, Jonglei state leaders agreed to organise a Lou-Murle peace conference in Akobo, supported by the UN Development Programme (UNDP), UNMIS, PACT Sudan⁶³ and the South Sudan Peace Commission. It was postponed several times, until the governor delayed it indefinitely in December

⁵⁶ For a more detailed account of these incidents, see "No One to Intervene", Human Rights Watch, June 2009.

⁵⁷ Fighting erupted on 22 May killing 22. Skye Wheeler, "Five South Sudan tribesmen die in clash with soldiers", Reuters, 22 May 2009. Murle fighters attacked Mareng on 2 August resulting in 185 deaths, mostly of women and children.

⁵⁸ In collaboration with the GoSS and state governments, UNMIS devised the Jonglei Stabilisation Plan, encompassing a series of activities aimed at enhancing civilian protection. "Report of the Secretary-General on the United Nations Mission in Sudan", UNSC S/2009/545, 21 October 2009.

⁵⁹ Monitoring Konyi's presence and activities was an unofficial function of the UNMIS temporary operating base in Pibor. Crisis Group interview, Juba, October 2009.

⁶⁰ Section IVC addresses the UNMIS temporary operating bases and the reasons for their removal in more detail.

⁶¹ Crisis Group interviews, UN officials, Juba, Bor, Malakal, November 2009.

⁶² On 2 August, Murle fighters attacked an area near Mareng where women and children were fishing near the Geni River. More than 185 died in the fighting, the majority of whom were women and children. "Humanitarian Action in Southern Sudan Report", OCHA, 3-9 August 2009.

⁶³ PACT is an international capacity-building NGO that undertakes a variety of activities to advance stable democracy and an active civil society.

2009.⁶⁴ This was not the first such effort; UNMIS and its partners have undertaken a variety of peace initiatives,⁶⁵ including ongoing dialogue between county commissioners. Efforts are also being made to better engage youth, who constitute the majority of fighters and are increasingly beyond control of traditional authority. But despite much time, effort and resources, these initiatives have not produced sustainable peace. An official supporting the efforts said, "all our peace conferences and reconciliation efforts at the grassroots level are doomed as long as politicians are whipping up their communities".⁶⁶

C. LOU NUER-JIKANY NUER

The conflict cycle between Lou and Jikany is different from most others in Jonglei, not least because of the strong links that bind the two Nuer sub-clans together.⁶⁷ Disputes over land drove a wedge between the communities that otherwise lived in relative harmony, and a conflict began in the early 1990s.⁶⁸ A series of events and attacks in 2009 caused these animosities to boil over again. Escalation ultimately resulted in a major attack on UN food relief boats and the closure of the Sobat River corridor, a primary lifeline for food and goods to a variety of communities in Jonglei.

□ January 2009: Wanding payam⁶⁹ has been a flashpoint in a struggle for Nuer territory in this region. In the 1980s, the SPLA carved the South into operational zones. However, some interpreted these as administrative boundaries and began moving accordingly. Lou occupied areas along the western bank of the Sobat, traditionally home to the Jikany, resulting in significant Jikany displacement to other parts of Upper Nile state.⁷⁰ Several conferences were convened to settle the dispute, but progress was repeatedly undercut by

violence. After a series of negotiations and a joint visit to Wanding by local commissioners from both states, the payam's administration was handed over to Upper Nile state on 9 January.⁷¹ The SPLA forced some Lou to return to Akobo, but many of the settlers remained, and land disputes continue.

- Spring 2009: A series of cattle thefts, the murder of a Jikany trader in Akobo and reported abductions of Lou children exacerbated already tense relations between the two communities.
- May 2009: In the early morning hours of 8 May, armed Lou youth waged a retaliatory attack on a Jikany cattle camp near Torkeij, fifteen km south east of Nasser on the Sobat.⁷² Reports indicated the attackers – many in uniforms – surrounded the village on three sides and used the river as a fourth. A total of 71 people were killed and more than 50 injured, many of them women and children.⁷³ A local NGO worker in the area noted: "It wasn't about cattle. They just went in to tukuls [traditional housing structures], lifted bed nets and shot people". Days later, the Jikany began to rearm.⁷⁴

The increasingly volatile atmosphere soon led to one of the year's more controversial clashes, in which a mixed convoy of World Food Program (WFP) and privately-hired boats was destroyed.⁷⁵ In early June, 21 vessels carrying food aid left Malakal. Contracted by WFP, they were to travel down the Sobat past Nasser and Torkeij to at-risk Lou communities in Akobo.⁷⁶ When they reached Nasser, three non-WFP boats, originating

⁶⁴ Crisis Group email correspondence, donor official, 15 December 2009.

⁶⁵ UNMIS supported the work of the Joint Lou Nuer/Murle ceasefire committee and worked with authorities on a series of bilateral peace conferences in Jonglei to reach agreements on grievances. "Report of the Secretary-General on the United Nations Mission in Sudan", 14 July 2009, S/2009/357.

⁶⁶ Crisis Group interview, Juba, October 2009. This issue is discussed further in Section III below.

⁶⁷ For instance, it is not uncommon for Nuer from Jonglei and Upper Nile to have a Jikany Nuer parent from the Nasser area and a Lou Nuer parent from Greater Akobo area.

⁶⁸ Land disputes, conflict, and displacement included a cross-border element, as both groups extend into Ethiopia. Tensions were also affected in recent years by displacement resulting from violence with Murle communities to the south.

⁶⁹ Wanding payam is at the border of Jonglei and Upper Nile, south west of the Sobat River and bordering Ethiopia to the east.

⁷⁰ Crisis Group interview, Upper Nile state official, Malakal, November 2009.

⁷¹ More than 15,000 people were expected to return to Wanding. "Humanitarian Early Recovery & Reintegration Joint Weekly Report", UNMIS, 1-7 February 2009.

⁷² Lou citizens claimed the attack was revenge for cattle stolen by Torkeij residents, and the stolen cattle were tracked back to Torkeij. Crisis Group interviews, Lou, Juba, October 2009.

⁷³ "Humanitarian Action in Southern Sudan Report", OCHA, 4-10 May 2009.

⁷⁴ The Jikany were also partially disarmed in recent years. Guns were reportedly purchased from neighbouring groups for as much as 1,500 Sudanese pounds each (roughly \$575). Crisis Group interview, NGO worker in the area at the time of the attacks, Juba, October 2009.

⁷⁵ Accounts of this incident vary widely, including divergent testimony from several officials close to the process and other individuals in Nasser at the time. A great deal of misinformation clouds the facts, due both to general confusion and the frequency with which individual interpretations of the events are offered.

⁷⁶ As a result of attacks between March and June, more than 40,000 internally displaced persons (IDPs), mostly Lou, accumulated in Akobo county, many of them in Akobo town. This prompted a shipment of international food relief. Crisis Group email correspondence, WFP official, 13 November 2009.

in the North and reportedly commissioned by Riek Gai, joined the convoy.⁷⁷

Gai is a controversial figure, and many are quick to see his influence in intra-South violence.⁷⁸ Others think his shipment was merely a political initiative to show the Lou community he was personally responding to their urgent need.⁷⁹ Local Jikany and the Nasser county commissioner, Major General Gathoth Gatkuoth, requested the boats be inspected. This was agreed, but after one of the three privately-hired boats was examined, the process was halted, and an order came from Juba for all the boats to proceed.

The atmosphere became increasingly charged during the several days Commissioner Gatkuoth held the boats in Nasser. With the attacks on Torkeij fresh in their minds, local Jikany were angered that, as they saw it, food aid was being sent to the communities from which their attackers had come. Soon such claims devolved into assertions that the food was a reward for the attacks. Jikany communities also suspected that previous boats had ferried weapons to Akobo.⁸⁰ Because the three boats came from the North, claims soon surfaced that there were uniforms and possibly weapons on board.⁸¹ Armed citizens and militia elements began to gather just down river from Nasser, preparing for an attack.⁸²

On 12 June, the boats left Nasser heading south east, and less than three km from where they had docked, they were attacked, sparking three days of fighting be-

tween Jikany and the SPLA. Best estimates are that 119 were killed (30 local Jikany and 89 SPLA). Sixteen of the boats were looted and five destroyed,⁸³ some of which were sunk in the Sobat. Though no evidence was found of arms or other dubious cargo aboard any of the vessels,⁸⁴ former Upper Nile Governor Gatluak Deng remains confident that such material was on board.⁸⁵ Furious at the handling of the matter and arguing that the SPLA never should have been guarding the boats, he also considered legal action against WFP and the UN.⁸⁶

A number of questions surround the confused events that unfolded in this charged atmosphere: Why were the three additional boats allowed to join the convoy, and why was a request to separate them from the WFP boats denied? Why did the SPLA accompany the boats? Some maintain that SPLA officers offered bribes so that the three private boats could travel with the WFP convoy. UN officials reported the SPLA never should have been guarding WFP boats, while SPLA leaders asserted that was not uncommon.⁸⁷

As a result of the incident, the Sobat corridor was closed from 12 June to 20 August 2009, which put greater stress on communities in need and contributed to more deadly attacks, particularly between the Lou and Murle. Beginning in December and January, thousands of Lou will again migrate to the Sobat, risking renewed conflict.

⁷⁷ The three boats reportedly originated near Rabak, 270 km south of Khartoum in the Northern state of White Nile.

⁷⁸ After splitting from the mainstream SPLA in 1991, Gai, a Lou Nuer from Akobo, made a deal with the NCP in 1997 and became one of the party's vice presidents. He was governor of Jonglei, 1998-2000 and currently is a presidential adviser and prominent NCP member. He returned to Juba in late November 2009, reportedly for the first time since the signing of the CPA. The reasons are unclear, but his presence generated much attention. Crisis Group telephone interview, UNMIS official, 30 November 2009.

⁷⁹ Crisis Group interview, a Lou, Malakal 4 November 2009.

⁸⁰ Crisis Group interview, senior state official, Malakal, 5 November 2009.

⁸¹ Crisis Group interview, local NGO worker in Nasser during the attacks, Juba, October 2009.

⁸² Some believe militia fighters linked to Commissioner Gatkuoth were deployed to prepare for an attack. A variety of actors expressed misgivings about the commissioner, some claiming he controls the Sobat corridor as a personal fiefdom. He joined the SPLM along with Paulino Matieb pursuant to the 2006 Juba Declaration. However, many believe his militia remains active and resents the SPLA because it has not been properly integrated. Crisis Group interviews, Malakal, Juba, November 2009. The government is reluctant to move against him for fear of igniting greater unrest.

⁸³ "Report of the UN Secretary-General on the United Nations Mission in Sudan", UNSC S/2009/357, 14 July 2009. The number of casualties reported varies widely.

⁸⁴ An unconfirmed report alleged that the search was stopped by the SPLA after uniforms, ammunition and other materials were found on the boats linked to Riek Gai. Crisis Group email communication, independent expert conducting research in Upper Nile, 16 November 2009.

⁸⁵ UNMIS sent divers to the bottom of the river, but no weapons or ammunition were found. Crisis Group interview, senior UNMIS official, 17 November 2009.

⁸⁶ Crisis Group interview, Major General Gatluak Deng, Upper Nile governor, 5 November 2009.

⁸⁷ Crisis Group interviews, UN official, Malakal, SPLA Chief of Staff Lt. General James Hoth Mai, Juba, November 2009.

III. EXACERBATING FACTORS

A. NATIONAL CONGRESS PARTY: MEDDLING IN SOUTH SUDAN?

Many allege that Khartoum is supplying arms and stoking violence in an attempt to further weaken the South. On one hand, allegations of NCP meddling are plausible given historical policies from Khartoum, and they receive considerable credence inside and outside Sudan. During the war, money, arms and other support were given to militias and key individuals in the South to bolster their campaign against the SPLA and pit Southerners against one another. On the other hand, such allegations serve also as a convenient means by which the GoSS can deflect attention from its own shortcomings and inability to resolve domestic conflict. The truth probably lies somewhere in between. Given the extensive and difficult terrain, porous borders and frequent movement between North and South, it is impossible to rule out the possibility of subversive activity, and there are a handful of incidents that warrant some degree of suspicion. However, to date, there is little or no substantiated evidence to directly implicate the NCP or prove claims of instigation by Northern actors.⁸⁸

The frequency of SPLM allegations has increased in 2009. In August, SPLM Secretary General Pagan Amum explicitly accused the NCP of arming both militias and civilians with intent to cause instability.⁸⁹ On more than one occasion, Salva Kiir has implied external forces were behind tribal clashes.⁹⁰ In October, at a special summit of African Union (AU) heads of state, GoSS Minister for SPLA affairs Nhial Deng Nhial levelled the strongest accusation yet:

We know it very well that Khartoum and particularly the ruling National Congress Party is arming all southern militias and Arab tribes in the North-South border as well as some tribes in the south to wreak havoc so [that the] GoSS is regarded as [an] incom-

petent government in the eye of [the] international community.⁹¹

These comments reflect a commonly held, or at least commonly propagated, belief in Southern political circles. However, officials at the highest levels of the army and government of the South also acknowledge that there is little substantiated material evidence to support that belief.⁹² Many are certain of some degree of northern meddling not based on hard evidence but on a belief that they are still at war with an adversary that wants to control their land and from whom subversion is expected. Some use the NCP as a scapegoat for internal violence at every turn. But savvy civilian and military leaders point out that regardless of external influence, the GoSS is ultimately responsible for peace and security. A senior SPLA official said, “we cannot just blame the Arabs for everything”.⁹³

Narratives of northern instigation are repeated until they become common currency. Concrete information is a scarce commodity in South Sudan, not least in a vast area like Jonglei, where information is often obtained from but a few sources and is sometimes coloured by special interests and agendas. The veracity of claims often seems less relevant, as the perception of an invisible northern hand creates and fuels its own dynamics.

Large quantities of arms are not new in the South, so it is not easy to determine how or when guns were acquired.⁹⁴ How communities continue to acquire ammunition is in some ways a more important question. Both SPLA and SAF soldiers are believed to sell bullets to local actors for a profit or to give them to members of their own ethnic communities.⁹⁵ Ammunition has gone unaccounted

⁸⁸ Crisis Group discussed this issue in interviews with more than fifteen senior government, military, law enforcement, and other security officials in Juba, Bor, and Malakal in October-November 2009, without obtaining such evidence.

⁸⁹ “South Sudan accuses north of arming southern civilians, militias”, Reuters, 22 August 2009.

⁹⁰ Kiir said intra-South tensions and rivalries “emanate from a diabolical strategy aimed at projecting the people of Southern Sudan as a people who cannot govern themselves”, “Mounting ethnic tensions in the south – analysis”, Reuters, 24 June 2009; “South Sudan’s Kiir accuse ‘enemies of peace’ of instigating chaos”, *Sudan Tribune*, 18 June 2009.

⁹¹ “South Sudan army accuse north of arming tribal feuds”, *Sudan Tribune*, 24 October 2009.

⁹² Crisis Group interviews, Juba, October, November 2009.

⁹³ Crisis Group interview, senior SPLA official, Juba, November 2009.

⁹⁴ A recent study noted a range of weapons acquisitions by Southern tribes and militias, from individual purchases in neighbouring states to low-level commercial smuggling. While a good understanding of arms holdings is lacking, it expressed suspicion that annual cross-border flows of small arms could be as high as several thousand. Despite acknowledging plausibility, it also reported no proof of weapons being supplied by the SAF or former SAF-aligned militia commanders. “Supply and demand: Arms flows and holdings in Sudan”, Sudan Issue Brief no. 15, Small Arms Survey, December 2009. For more on arms flows in Sudan, see also Mike Lewis, “Skirting the Law: Post-CPA Arms Flows to Sudan”, Sudan Working Paper no. 18, Small Arms Survey, September 2009.

⁹⁵ Senior SPLA officials do not deny the possibility that soldiers sell or give away ammunition. However, because only 60-90 rounds are allocated to a soldier at a time, they do not

for. UNMIS confirms that more than 100,000 rounds went missing from the Joint Integrated Unit (JIU) in Malakal in September.⁹⁶ In another instance, the SAF component requested additional small arms, ammunition and other materials, claiming its stores had been depleted in intra-JIU fighting in February 2009, a claim that seemed doubtful to SPLA members of the Joint Defence Board (JDB).⁹⁷

Some patronage links probably remain between people in the North and clients in the South. These may still be used for political meddling, but connecting them to intra-South violence is difficult. Some of the more common narratives regarding Northern instigation include the following actors and events:

- The SAF elements of the JIUs are a source of continuing concern, viewed as a primary instrument through which Khartoum can agitate. For example, many distrust SAF Major General and ex-SAF-aligned militia leader Gabriel Tang-Ginye. His former – and predominantly Nuer – militia comprise the majority of the SAF component of the Malakal JIU and maintain allegiance to him rather than the JIU command. His November 2006 visit to Malakal sparked intra-JIU clashes that left more than 100 soldiers and civilians dead. The GoSS later issued a warrant for his arrest. When he came back in February 2009, deadly clashes erupted again. Following his return to Khartoum, Tang-Ginye was promoted to major general, a fact often cited among Southerners who see him as an agent of the North, whose visits were engineered to destabilise.
- In June 2008, disassembled weapons and ammunition were reportedly found hidden inside food sacks on a boat departing Malakal. They were believed to be intended for Murle communities in Pibor. A member of the SAF component of the JIU was arrested and sent to Khartoum.
- Community members in multiple localities claim to have seen an unidentified airplane (or helicopter) land in both Lou and Murle areas on multiple occasions. Sources say NGOs and the UN confirmed they had no flights operating at those times and locations.⁹⁸ Some surmise that weapons were being delivered, but there is neither UN nor GoSS confirmation of the events.

see this as a primary source. Crisis Group interview, November 2009.

⁹⁶ JIUs are addressed in Section III.E below.

⁹⁷ Crisis Group interview, Deputy Chief of Staff Lt. General Pieng Deng Kuol, 19 November 2009.

⁹⁸ Crisis Group interview, UN official, Bor, November 2009.

- As described above, some speculate that ammunition and uniforms were aboard the boats reportedly linked to Riek Gai that were attacked before reaching Akobo. While river conditions were murky, UNMIS divers could not confirm the presence of any contraband when they tried to search the boats that had been sunk.⁹⁹
- Security authorities reported that the ammunition cartridges found following the September attack on Duk Padiet showed no signs of the wear common to most poorly stored ammunition in the South.¹⁰⁰ SPLA officials also reported that more than 100 G-3 assault rifles were found, a weapon not normally issued by the SPLA. The recovered rifles were allegedly of a condition that indicated they had been stored in a proper facility, which would be unlikely in rural Jonglei. It is possible they were acquired from the SAF JIU post when it was overrun in November 2006. Senior army and police in Juba are unaware of what happened to them, though an SPLA officer said they were passed on to SPLA soldiers.¹⁰¹ It seems there was no effort to catalogue them or further track their origin.
- Lam Akol, his breakaway SPLM-Democratic Change and his security forces elicit much mistrust in Southern circles.¹⁰² Many believe Khartoum is supporting them financially. In a 31 August speech launching the new party, Akol criticised the SPLM for abandoning its democratic principles and said it had become a “rudderless ship” under a “misguided clique” of leaders.¹⁰³ Former Upper Nile Governor Gatluak Deng commented: “If the North-South war begins again, it will start here in Upper Nile, and it will be fought through people like Lam Akol”.¹⁰⁴

While these accounts may warrant varying degrees of suspicion, the trails go no further. Again, while destabilising activity may be happening, none of the above yet involves substantiated evidence or confirms subversion linked to specific actors in the North.

⁹⁹ Crisis Group interview, UNMIS official, Juba, November, 2009.

¹⁰⁰ Crisis Group interview, internal affairs ministry, Juba. October 2009.

¹⁰¹ Crisis Group interview, SPLA officer, Juba, October 2009.

¹⁰² A prominent national figure, Lam Akol split from the mainstream SPLA with Riek Machar in 1991 and subsequently held senior government positions in Khartoum, including foreign minister.

¹⁰³ Lam Akol, speech to open the founding delegates' congress of the SPLM-DC, 31 August 2009.

¹⁰⁴ Crisis Group interview, former Upper Nile governor, November 2009.

B. CIVILIAN DISARMAMENT

Disarmament remains the primary issue in discussions on inter-tribal violence in the South. When asked about the causes of violent conflict in Jonglei, the most frequent answer is simply the presence of large numbers of small arms and light weapons in civilian hands.¹⁰⁵ Disputes that traditionally would not have been particularly deadly are now dealt with by the gun.¹⁰⁶ Despite previous disarmament operations that yielded limited results or even fuelled further conflict,¹⁰⁷ a large majority of government officials in both Juba and Bor expressed their commitment to a new disarmament campaign across all states that will use force if necessary.

As a disarmament expert noted, the government is “between a rock and a hard place”. The GoSS has been under pressure to take action to combat rising violence, but when it tried to disarm civilians, the international community criticised it for the human rights abuses and loss of life that resulted from its use of force.¹⁰⁸ While a series of peace initiatives have been organised to promote reconciliation, none so far has been a match for the lethal combination of arms and animosities, neither of which is in short supply.

Many maintain that civilians are willing, even eager, to give up their weapons, as long as other communities are disarmed simultaneously and adequate security is provided. However, the escalation of attacks, unaddressed grievances and disaffection from the government felt by some groups mean at least some violent resistance is probably inevitable, from both civilians and armed actors who have not been properly integrated into the security forces.¹⁰⁹ Many observers fear that forcible disarmament

efforts will fail, and another campaign will again produce chaos, violence, looting, insecurity and greater mistrust.

Uneven disarmament is cited as often as any other causal factor as explanation for the spike in violence in Jonglei. The 2006 disarmament of Lou communities described above was a watershed event. Many believe the targeting of Lou was politically motivated, driven in part by an SPLA desire to neutralise one of its greatest threats.¹¹⁰ Government and SPLA officials maintained that plans had been developed to continue disarmament among then SAF-aligned Murle militia and other Jonglei tribes, but that the campaign was called off because of international actors distressed at the casualties.¹¹¹ Some of those involved in planning a new campaign at the end of 2009 cited their frustration with the order to stop and resentment at the international intervention and blamed the current violence on the fact that they were prevented from finishing the job. Though they are aware of the obstacles to successful disarmament, government and army sources said they do not want to be deterred again by international objections.¹¹²

The GoSS launched a disarmament effort in Pibor and Akobo counties in 2007-2008 with UN support. While nearly 2,500 arms were collected, the overall impact was limited.¹¹³ UNMIS and UNDP later convened workshops that underscored the importance of a peaceful approach to the issue. These were coupled with an incentive package that included funds, vehicles, and communications equipment.

Despite efforts to promote a more peaceful approach, authorities in Bor almost unanimously endorse forcible disarmament, as has state-level leadership across the South.¹¹⁴ Preliminary measures were initiated in early December 2009. Jonglei Governor Manyang indicated to observers that he would soon issue an official order to begin the exercise and would aim to finish by the end of February 2010. Many realise this may cost a signifi-

¹⁰⁵ Crisis Group interviews, government officials, Juba, Bor, Malakal, October and November 2009. The volume, type and variety of small arms and light weapons used in Jonglei is remarkable. Those recovered during a 2008 disarmament campaign in Akobo and Pibor included: AKM, G3, and FAL assault rifles; RPK, SKS, HK22, RPD, and RPM machineguns; rocket-propelled grenades; bolt-action rifles; 60mm mortars; anti-tank mines; and a variety of ammunition. Countries of origin included: Russia, Poland, Romania, Serbia, China, North Korea, Germany, Iran, Belgium, Israel, India, the Czech Republic, UK and U.S.

¹⁰⁶ Crisis Group interview, government security official, Bor, 26 October 2009.

¹⁰⁷ For more on the 2008 disarmament efforts, see Adam O'Brien, “Shots in the Dark: The 2008 South Sudan Civilian Disarmament Campaign”, Sudan Working Paper no. 16, Small Arms Survey, January 2009.

¹⁰⁸ Crisis Group interview, disarmament expert, November 2009.

¹⁰⁹ Crisis Group interviews, Juba, Bor, October and November 2009.

¹¹⁰ The disarmament was as much an outgrowth of this particular SPLA response to fighting as part of any well-planned GoSS policy. Crisis Group interviews, Juba, October and November 2009.

¹¹¹ Crisis Group interviews, senior government and SPLA officials, Bor, October 2009, Juba, November 2009.

¹¹² Despite awareness of likely resistance, some officials express confidence to persuade observers that disarmament will go smoothly.

¹¹³ Crisis Group interview, disarmament expert, Juba, 18 November 2009.

¹¹⁴ This includes Jonglei's governor, deputy governor, state assembly speaker, multiple state ministers, and other state representatives. Crisis Group interviews, Bor, October 2009. South Sudan's state governors unanimously endorsed disarmament at the Seventh Annual Governor's forum in Juba in August 2009.

cant number of lives, but they believe it will yield a greater good in the long-run. A senior state official even remarked: "You'll kill 500, but the rest will hand the guns over. It is necessary to use a well-equipped force to disarm. We don't want to hurt anyone, but we must start somewhere, and we must do our best to provide security to those disarmed".¹¹⁵ A more extensive discussion of the challenges to effective disarmament, including the prospects for avoiding such significant loss of life, is contained below.¹¹⁶

C. JONGLEI STATE POLITICS

While South Sudan aspires to become an independent, multi-ethnic, multi-party democracy, ethnicity remains central to politics, and Jonglei is no exception. As a UN official, referring to Jonglei, noted, "east of the Nile, things are highly politicised now. There is absolutely no trust".¹¹⁷ The escalation of violence in Jonglei has deepened divisions among its communities and, in many cases, its political leaders. Southern Sudanese politicians have been accused, including by President Kiir, of inciting tribal violence to further personal agendas.¹¹⁸

Warranted or not, Jonglei Governor Manyang (Dinka) and Deputy Governor Hussein Mar Nyuot (Lou Nuer) have drawn significant criticism for failing to curb spates of violence. Some, citing Manyang's record of public sector reform, believe he has a vision for Jonglei and is bringing in new people to implement it. Others, particularly among parts of the Juba political elite, said his military background and no-nonsense style do not lend themselves to skilled civilian administration or the consultative approach necessary to navigate delicate political waters.¹¹⁹

His laudable attempts to promote young and educated members of the diaspora to leadership positions have estranged sections of the old guard. Following the May 2008 death of then Minister Dominic Dim Deng, Manyang was slated to become the GoSS minister for SPLA affairs. However, on the eve of his appointment, a group of senior SPLA officers wrote to President Kiir signal-

ling their intention to resign if Manyang was appointed, and the president instead announced the appointment of Nhial Deng Nhial,¹²⁰ apparently without informing Manyang.¹²¹

GoSS Minister for Energy and Mining John Luk Jok, a prominent Lou leader and intellectual from Akobo county, has taken particular issue with the state leadership's performance. The Lou Nuer Community Council, an organisation he heads along with National Assembly¹²² member Gabriel Yol Dok, issued a 22 August statement that cited recent massacres, expressed great disappointment at the state's failure to maintain law and order and noted with concern the "forces outside the Lou community working to cause divisions ... and advance conspiratorial agendas against the Lou". Most worryingly, it also called on the Lou to take responsibility for security into their own hands and not depend wholly on government protection that has failed.¹²³

Some believe such directives are inflammatory enough to make communities believe violence is acceptable. They said prominent Lou politicians are not doing enough to dissuade their communities from attacks and/or collective revenge. A Jonglei youth leader explained: "These are signals that what you're doing is condoned. Communities are used to receiving strong direction from their leaders, and when they don't, things can easily spin out of control".¹²⁴ In another divisive press statement following the Duk Padiet attacks, Gabriel Yol blamed both Governor Manyang and his predecessor for promoting inter-community conflicts and accused Internal Affairs Minister Gier Chuang Aluong and Deputy Head of National Security Majak Agot of siding with the Dinka.¹²⁵

These are not the only points of departure between a few prominent Lou Nuer and state leaders in Bor. The disputes have also created cleavages within the Lou community in Jonglei, with John Luk a particularly divisive figure. The governorship has twice been held by a Dinka.¹²⁶ When Hussein Mar Nyuot – a Lou from Wuror – was appointed deputy to the ex-governor, some Lou were not consulted and were displeased. At the time of Man-

¹¹⁵ Crisis Group interview, Jonglei state official, Bor, 27 October 2009. Similar statements were made by other officials in Bor and Juba.

¹¹⁶ See in particular Section IV A.

¹¹⁷ Crisis Group interview, UNMIS security official, Juba, October 2009.

¹¹⁸ "Kiir says politicians ignited South Sudan inter-tribal clashes", *Sudan Tribune*, 13 April 2009. Kiir did not specifically mention any state. The statement followed an April meeting of more than 60 Southern politicians in White Nile state.

¹¹⁹ Crisis Group interviews, Bor, October 2009; Malakal, November 2009; and Juba, November 2009.

¹²⁰ Nhial Deng Nhial is a Dinka from Bahr el Ghazal, who previously served as GoSS regional cooperation minister.

¹²¹ Crisis Group interview, GoSS minister, Juba, 2 November 2009.

¹²² The National Assembly is the lower chamber of the National Legislature in Khartoum.

¹²³ "Resolutions and Recommendations", Lou Nuer Community Council, 22 August 2009.

¹²⁴ Crisis Group interview, a Lou, Malakal, November 2009.

¹²⁵ "Lou Nuer condemn Jonglei attack, criticise misleading reports", *Sudan Tribune*, 28 September 2009.

¹²⁶ Phillip Thon Leek, September 2005-December 2007 and Kuol Manyang, December 2007 to the present.

yang's proposed ministerial appointment, one Lou camp, including John Luk, feared Hussein would become governor.¹²⁷ While that was pre-empted by Kiir's decision to keep Manyang in Bor, John Luk supports Chol Rambeng for governor in 2010.¹²⁸

Governor Manyang replaced seven of the eleven county commissioners in Jonglei between January and October 2009. During the review process, he consulted his deputy among others, reportedly including John Luk.¹²⁹ Bor leaders said the changes were based on performance reviews and the need for new, more effective county leadership.¹³⁰ However, John Luk and others felt they were not sufficiently consulted.¹³¹ John Luk objected to some of the changes, including the replacement of Akobo Commissioner Doyak Chol. Many Lou politicians told Crisis Group they consider his objections self-serving attempts to reserve key posts for his backers and resent the strong-arming.¹³² He asserted that county commissioners should be SPLM stalwarts, experienced in both local administration and "the movement".¹³³ While recognising that young, educated Lou leaders are assets, he does not favour rapid ascent of those who – in his mind – are upstarts lacking the party experience and practice necessary to manage Jonglei's problems.

John Luk and a group of supporting elders attempted to intervene first with the governor. When that failed, they turned to President Kiir, again unsuccessfully. The reshuffling of positions was delayed twice because of their objections, but Manyang reportedly threatened to resign if Kiir did not endorse his personnel moves.¹³⁴

¹²⁷ Manyang told Crisis Group Hussein Mar Nyuot would be a capable successor. Interview, Bor, 27 October 2009.

¹²⁸ Rambeng currently is the deputy chair of the Employees Justice Chamber. Several prominent Lou politicians question his ability to succeed as governor. Crisis Group interviews, Jonglei state officials, Bor, 27 October, Juba, 19 November 2009. John Luk was himself one of three nominees for governor in 2005. When President Kiir named Philip Thon, he appeared destined for a relatively modest job, until Riek Machar supported him for a GoSS cabinet post. Crisis Group interview, GoSS minister.

¹²⁹ John Luk asserted there was insufficient consultation. Crisis Group interview, Juba, 23 November 2009.

¹³⁰ Crisis Group interview, Jonglei state official. Juba, 2 November 2009. Such executive re-shuffles have taken place in a number of Southern states in recent years.

¹³¹ Crisis Group interview, a Lou of Akobo, 4 November 2009.

¹³² Crisis Group interviews, Bor, Juba, Malakal, October and November 2009.

¹³³ Crisis Group interview, John Luk Jok, Juba, 22 November 2009.

¹³⁴ Crisis Group telephone interview, UN official, Juba, December 2009. It would have been politically difficult for Kiir

Continued political strife detracts from reconciliation and may aggravate or even generate further conflict. Forthcoming elections likewise have the potential to exacerbate inter-communal tensions. Politicians in Jonglei and elsewhere have exploited divisions among communities, and may do so increasingly in the future, in an attempt to shore up their constituencies and consolidate control before the polls."

D. COMPETITION FOR NUER LEADERSHIP

Politics and the personalities driving them in Jonglei may be linked to broader jockeying ahead of both elections and the referendum. Some see the contentious debates over state leadership as an attempt to undermine Governor Manyang and alter the ethnic balance of power. Objections were also raised over his appointment of five state ministers, reportedly because they were "second-class SPLM" and supporters of Vice President Riek Machar.¹³⁵ This hints at broader competition for paramount leadership of the Nuer, an unofficial position held by Machar, the highest ranking Nuer in the GoSS.¹³⁶ If elections and the referendum are conducted as planned, there will be a new political dispensation in the South, and anything could happen. The Nuer will need to decide how they are going to come together and what role they want to play in the new South Sudan. In fact, cleavages in the current power structure already surfaced during the 2008 SPLM convention, in an attempt to unseat Machar.¹³⁷

Unity state is also predominantly Nuer, and recent tensions in Bentiu¹³⁸ may be related to national manoeuvres. Vice President Machar and Paulino Matieb, both Nuers from Unity, have taken issue with Governor Taban Deng Gai, an ally of President Kiir who is often cited as one of the least popular governors in the South.¹³⁹ Gai has been kept in the post, some feel, to check Machar's influence in the state.¹⁴⁰

to interfere, particularly after Manyang was passed over for SPLA affairs minister.

¹³⁵ This label has reportedly been used to refer to those who joined, or re-joined, the mainstream SPLM in later years. Crisis Group interviews, Jonglei state officials, Bor, October 2009.

¹³⁶ Crisis Group interview, GoSS minister, Juba, 23 November 2009.

¹³⁷ The attempt by prominent SPLM members to change the party's senior leadership before the May 2008 convention was in part to remove Machar. Crisis Group interview, GoSS Minister, Juba, 2 November 2009.

¹³⁸ Bentiu is the capital of Unity State, which shares a border with Jonglei.

¹³⁹ "Unity State Community Asks South Sudan President to Remove Governor Taban", *Sudan Tribune*, 31 October 2009.

¹⁴⁰ Crisis Group interviews, Malakal, October, Nairobi, 30 November 2009. In May 2008, Gai lost the SPLM chairmanship

There is little discussion about what the elections, still planned for April 2010, will bring, including who the SPLM will nominate for president of Sudan (if anyone) and president of South Sudan. If Kiir remains GoSS president, it is plausible internal Southern politics can be kept relatively quiet through the referendum, so as to ensure nothing derails that key objective. It is also plausible he will retain a GoSS leadership arrangement that ensures ethnic balance, but not necessarily with Machar still vice president – the position that some suppose John Luk has his eye on, though it is unclear whether he has a strong enough base.¹⁴¹

E. INCOMPLETE INTEGRATION OF MILITIAS AND OTHER ARMED GROUPS

The preponderance of violence in Jonglei has raised many questions about the presence of active militias. The term “militia” is highly politicised, emotional and ambiguous in South Sudan, not least because the presence of such a group may justify the kind of forceful military response from the government that mere armed civilians would not.¹⁴²

Local armed groups that have commonly emerged to protect their communities, cattle and property rarely have long-term agendas.¹⁴³ When armed men from rural communities organise around a common objective, however, what in the South is already a fine line between civilian and soldier can become incomprehensible. Many feel that organised attacks waged by several thousand heavily-armed, sometimes even uniformed men, as in Jonglei, warrant the label “militia” action. The situation is complicated by the many layers of shifting alliances and proxy support to local communities and militias that characterised the war in the South. Many armed groups and communities accepted military aid as well as money, food and other forms of support in aligning themselves with either Khartoum or the SPLM/A. But acceptance of such assistance was more often driven by local objectives than commitment to a broader ideology.

to Health Minister Joseph Monyueil Wiejang, ex-NCP and reportedly supported by Machar, two reasons SPLM leadership in Juba may want to retain Gai. However, in December 2009, the SPLM in Unity state nominated Monyueil as its candidate for governor in 2010.

¹⁴¹ Crisis Group interviews, Bor, October, 2009; Juba, November 2009.

¹⁴² The Lou Nuer community council denied that armed civilians involved in the Duk Padiet attacks were a “militia”. “Lou-Nuer condemn Jonglei Attack”, *Sudan Tribune*, 28 September 2009. Crisis Group interviews with Lou in October and November 2009 yielded very defensive responses to use of this term.

¹⁴³ John Young, “The White Army”, op. cit.

Senior law enforcement officials in Malakal maintained that former SAF-aligned militias,¹⁴⁴ including the White Army, remain active in both Jonglei and Upper Nile states.¹⁴⁵ Many former fighters who have not been absorbed into the SPLA or other security institutions and have nothing much to do retain their guns, a military orientation and old allegiances. The Jonglei police commissioner noted: “Their effect on ordinary citizens is much greater than politicians who just talk. These people have been traumatised by war; they know and respond to force. He who carries [a gun] is heard”.¹⁴⁶ Similarly, some argue that prominent former militia commanders such as Simon Gatwich and Thomas Maboir still hold sway in Nuer communities and probably must be included if the many reconciliation efforts underway are to bear any fruit.¹⁴⁷

Incomplete integration of militias and other armed groups presents a fundamental threat to security and hinders professionalisation of the police and army. In accordance with the CPA, more than 60,000 militia fighters were to be integrated into the army, the police or the prisons and wildlife services.¹⁴⁸ Many SPLA officers resented this policy, and their reluctance showed. Integration is incomplete, as groups small and large remain formally or informally on the outside. Other armed groups feel they have been excluded or mistreated, driving them back to their former commanders or to their communities.¹⁴⁹ Integration of General Paulino’s Matieb’s 50,000 SSDF began in January 2006, and he was named the SPLA’s deputy commander-in-chief. Yet, in October 2009, he reportedly complained that he was being sidelined and his forces not treated properly and accused the SPLA of plotting against him and his men.¹⁵⁰ Police officials complain that they are regularly asked to absorb large numbers of former SPLA, with seemingly no end in sight.¹⁵¹

Asymmetries among the SPLA and other armed groups have also hampered integration. Militia officers were

¹⁴⁴ Such prior connections do not in themselves mean there is current support from or allegiance to Khartoum.

¹⁴⁵ Crisis Group interview, police commissioner, Upper Nile state, 6 November 2009.

¹⁴⁶ Crisis Group interview, Riak Akon Riak, Jonglei State Police Commissioner, Bor, 29 October 2009.

¹⁴⁷ Crisis Group interview, UNMIS official, 1 October, 2009.

¹⁴⁸ Crisis Group email correspondence, Small Arms Survey, December 2009.

¹⁴⁹ Reportedly some 7,000 former SAF personnel who were deployed in the South during the war have refused to redeploy to the North and remain in and around Juba. Crisis Group interview, SPLM official, Juba, October 2009.

¹⁵⁰ Crisis Group interview, UNMIS official, Juba, 2 November 2009.

¹⁵¹ Crisis Group interview, Makuel Deng Majug, SSPS inspector, Juba, 30 September 2009.

often not given the same army rank, since they had had little or no formal training. While this was sound operational policy, it meant that the ex-militia lost both the prestige of higher positions and the greater salaries that would have accompanied them. Many are still disgruntled, and some deserted with their weapons.¹⁵² On the other hand, as noted, some who had led armed resistance movements against the SPLA or otherwise wreaked havoc during the war were co-opted by high-profile government positions and the accompanying benefits. While this may have been necessary to close the war chapter and unite southern actors in their new task of governing, the principle of reward for violent behaviour has not been lost on some of the armed troublemakers active today.

The JIUs, comprised of SAF and SPLA elements, were created by the CPA and operate under the direction of the Joint Defence Board. Within the South, three separate units occupy posts in Juba, Wau, and Malakal.¹⁵³ However, in practice, the units are neither joint nor integrated, and command and control structures remain weak. Many of the militias and other armed groups Khartoum backed during the war were integrated into the SAF, per the CPA's security arrangements. Some now serve as JIU in the same areas they occupied previously and where they retain bad relations with local communities.¹⁵⁴ Khartoum is thought by many observers to keep these elements on as an instrument of destabilisation. Heavy fighting between JIU elements in Malakal in February 2009 left more than 60 dead and nearly 100 injured.¹⁵⁵ The Joint Defence Board subsequently agreed to rotate problematic elements out of the Malakal JIU and to relocate the units outside town, but neither decision has been implemented.¹⁵⁶

F. ADDITIONAL COMPLICATING FACTORS

Additional factors exacerbate conflict cycles, each highlighting the limited reach of state authority and basic services.

1. Inadequate justice mechanisms and local administration

The absence of functioning justice mechanisms means few attackers are subjected to any formal prosecution or other judicial measures, so violence continues with impunity. GoSS ability to deal with cases by courts is further weakened by limited policing capacity.

Qualified judges, attorneys and court staff are in short supply.¹⁵⁷ There is little or no legal aid, and significant gaps exist in the legal code as well as court procedures and regulations. The South's interim constitution envisages a legal system based on common law, which requires reform of the pre-CPA system largely based on Sharia (Islamic law) and civil law. Overlapping systems blur lines between formal, customary and sometimes still Sharia law. Moreover, customary law differs among ethnic groups in Jonglei, impeding resolution of disputes between different tribes. Coordination between judges, chiefs and the local administration is not always easy. The Local Government Act (April 2009) provides a foundation for dispute resolution by distinguishing the roles of traditional authorities and the formal courts and clarifying their responsibilities in criminal and civil jurisdiction. But inadequate legal education limits implementation, and traditional authorities are often not fully apprised of their jurisdiction and powers.

Legislation, based on common law principles, has established penal and civil and criminal procedure codes, as well as evidentiary principles, but they are not being implemented. Most judges and other legal officials lack copies of laws, and those that are available are in English, though the majority of judges and legal staff were trained in Arabic and do not read that language. Judicial facilities, including Jonglei's high court building, are in poor condition. In the absence of capable police and functioning prisons, the accused have threatened judges, legal officials and law enforcement personnel. When security can be provided, transportation for qualified officials remains a barrier. As is the case in so many contexts in Jonglei, legal personnel rely largely on UNMIS air capacity. During a September 2009 visit to Wuror County, UN human rights monitors learned that it had been seventeen months since a judge was last there.¹⁵⁸

¹⁵² As noted above, many believe this to be a motive behind the lethal attacks in Duk Padiet led by Chibatek Mabieli Thiep.

¹⁵³ There are additional units in Damazin and Kadugli in the North and other special units in Juba, Khartoum and Abeyi.

¹⁵⁴ Crisis Group interview, SPLM official, Juba, October 2009.

¹⁵⁵ "Report of the UN Secretary-General on the United Nations Mission in Sudan", UNSC S/2009/211, 17 April 2009.

¹⁵⁶ The decision to relocate the JIU outside of Malakal has stalled in part because there are no barracks in which to house them. Crisis Group interview, international security expert, Juba, 22 November 2009.

¹⁵⁷ There are reportedly nine qualified attorneys in the state. Like the police, more than a few judges have been appointed as a reward or appeasement, despite no qualifications. Crisis Group interview, UN rule-of-law expert, Juba, 19 November 2009.

¹⁵⁸ Unpublished UNMIS memo obtained by Crisis Group.

2. Poor roads

After civilian disarmament, roads are the most commonly identified need in Jonglei.¹⁵⁹ Less than 100km are in usable condition, virtually none paved. Most are impassable during the rainy season, and a four-wheel drive vehicle is necessary in the dry season. Covering relatively short distances can take several days.¹⁶⁰ Authorities believe building roads would extend state authority, link communities together, open trade routes and allow goods and services to move more freely. Their absence is particularly problematic from a security standpoint, as it decreases response capacity. Following a three-month consultation by the UN and other partners on state development needs, authorities decided that an improved road network connecting Bor, Pibor, Pochalla, Akobo and Wat would have the greatest impact.¹⁶¹

The Sudan Recovery Fund, a donor mechanism designed to accelerate recovery across the South through high-impact, quickly disbursed projects,¹⁶² has allocated \$17 million, mostly for road construction, for a pilot project in Jonglei.¹⁶³ Stakeholders are applying the money to a labour-intensive project that will create job opportunities while beginning the extension and improvement of the Bor to Pibor route. But this is a small amount for building sustainable roads in difficult, swampy terrain. Much larger grants are required if the project is to be extended beyond this initial segment.

3. Food insecurity

Food insecurity plays a direct role in exacerbating conflicts in Jonglei and elsewhere in the South. In November 2009, UNICEF's deputy director warned that Jonglei faced a serious crisis that if not handled appropriately could lead to a famine.¹⁶⁴ As a result of massive short-

ages in Jonglei, Upper Nile and Warrap states, the WFP has recently resorted to air drops – an expensive, unsustainable response that amounts to return to civil war emergency conditions. Nearly 4,000 metric tons¹⁶⁵ are being delivered to twelve drop zones in Pibor, Pochalla, Akobo, Nyirol, Wuror, and Ayod counties at a cost of nearly \$6 million.¹⁶⁶ This sizeable food deficit can result in greater competition for scarce resources, thus increasing the chance for conflict.

Insecurity remains a concern along the Sobat River, where there have been attacks on deliveries of food and other goods as recently as October 2009.¹⁶⁷ The two-month closure of the Sobat corridor after the June WFP boat incident described above forced communities in Akobo and Pibor counties to move beyond their normal territories in search of food. This increased stress and exposed them to attacks.¹⁶⁸ The scant rainfall and weak harvest in 2009 mean the hunger gap – the period between depletion of food stores and a new harvest – has been extended by several months, so there will again be a serious food shortage in early 2010. More people will thus migrate to areas along the Sobat, the same period in which pastoralist communities will be moving in search of grazing land. Large amounts of food have been and should continue to be delivered to communities all along the river, but another closure of the corridor could increase tensions and require an urgent increase in airdrops.

4. Weak civil administration, land disputes and administrative boundaries

During parts of the war, SPLA administrators were assigned to govern regions across the South, often deliberately away from their homes and ethnic communities. Today, civil service posts in the states and counties are often held by local community members, a circumstance that often entangles them in ethnic disputes and reinforces tribalism. Ethnic politics drives political appointments at all levels. A departing minister is often replaced by a "son" of the same geographic area and ethnic background. Ministry staffing is also often ethnically homogenous. While there are some benefits to employing administra-

¹⁵⁹ Crisis Group interviews, state government and assembly, local citizens, Juba, Bor, October and November 2009.

¹⁶⁰ Crisis Group email correspondence, WFP official, 3 December 2009. There are only 5,500 km of main roads and 50 km of tarmac roads in all South Sudan. "WFP Airdrops Food into Southern Sudan to Feed Thousands of People", www.wfp.org/news, 5 November 2009. As much as half the 5,000 km network is considered unusable.

¹⁶¹ Some of these areas still need to be de-mined. Additional roads linking Duk and Wuror counties are also desired, as well as a road to Malakal.

¹⁶² Its projects are meant to cover the following areas: peace and security, basic service delivery, livelihood stabilisation and decentralised and democratic governance. "Allocation proposal", Sudan Recovery Fund-Southern Sudan, Round III, June 2009.

¹⁶³ The remainder of the grant is earmarked for creation of an FM radio station

¹⁶⁴ "Hunger to hit Jonglei harder – UN", *Sudan Tribune*, 9 November 2009.

¹⁶⁵ OCHA reports these efforts are insufficient to meet the needs of the population. Shortages have been caused by late rains, high levels of insecurity, displacement, high food prices, and trade disruption. Crisis Group interview, Lise Grande, UN deputy resident and humanitarian coordinator in Southern Sudan, Juba, November 2009.

¹⁶⁶ Crisis Group email correspondence, senior WFP official, 28 November 2009.

¹⁶⁷ Crisis Group email correspondence, Jonglei WFP official, 13 November 2009.

¹⁶⁸ The 2 August attacks on Mareng seem in part a response to Lou communities venturing south into Murle territory in search of food.

tors with local ties and knowledge, a policy in which civil servants are based away from their home areas would go a long way toward limiting tribalism and building a stronger national identity.

Land disputes are not uncommon in Jonglei. Contested borders have been redrawn and the counties and payams renamed so frequently that it is difficult to find a map that is an accurate representation of the state. Many disputes were exacerbated following the 1991 SPLM split and the dual administration of the area that ensued. These issues are further complicated by refugee return, violence-induced displacement, and the demarcation of constituencies ahead of the elections

For example, the Pajut area is the centre of a long dispute between Duk and Wuror counties over the boundaries of Dinka and Lou areas. Individuals of both heritages live together as one community, but some say the issue took on a new dimension following Sudan's fifth Population and Housing Census in 2008, which found Duk's population to be roughly 65,000.¹⁶⁹ The Local Government Act stipulates a minimum population of 70,000 per county. If an area does not meet this minimum, it is to be absorbed by another county. Shifting boundaries could mean groups find themselves a minority. Each county seat is supposed to come with a commissioner, state and legislative assembly representatives¹⁷⁰ and regular allocations of government resources.¹⁷¹ Jobs and money are thus at stake.¹⁷² The SPLM has otherwise rejected the census but has authorised its use for re-drawing county lines.

5. Inadequate access to water

As outlined above, access to water is a primary trigger of conflict. Providing pastoralist communities with improved water storage and alternative sources would reduce their need to migrate seasonally with cattle. But this is neither cheap nor easy, and donors have prioritised their sector support for programs aimed at consumption by humans rather than cattle.¹⁷³ A handful of mechanisms can be used to increase water supply to problem areas, though there are drawbacks to each.

- ❑ A hafir is a large retention pond on flat terrain where surface water collects. It can be used by cattle herders, as well as for irrigation. A few have been constructed in Jonglei, but a single hafir can cost several hundred thousand dollars, and there are disincentives for private sector engagement. Transporting the necessary but expensive earth-moving equipment is difficult, particularly in the rainy season, and there are security threats. Some oil companies have equipment on the ground and have cut deals with local politicians to construct hafirs, but there is little information-sharing between oil companies, donors, local politicians and the GoSS, so there is neither comprehensive understanding of what has been done nor a coherent strategy to move forward.
- ❑ Check dams on seasonal rivers can also be useful for increasing bulk water storage. A few small projects have been undertaken, but these, too, require significant investment and technical expertise and may raise issues related to diversion of water used by others downstream.
- ❑ Some GoSS officials advocate dredging rivers to increase volume. Water and sanitation experts do not agree and point out that changing the course of rivers or increasing flow can have adverse environmental impacts.¹⁷⁴

¹⁶⁹ "Priority Results", Fifth Sudan Population and Housing Census (2008), Population Census Council, Southern Sudan Centre for Census, Statistics, and Evaluation, 26 April 2009.

¹⁷⁰ A seat in the South Sudan Legislative Assembly requires 70,000 constituents, one in the National Assembly 146,000.

¹⁷¹ Few resources have been disbursed to counties since the signing of the CPA. Crisis Group interview, UN official, Juba, November 2009.

¹⁷² Crisis Group interview, Jonglei state official, Bor, 27 October 2009.

¹⁷³ GTZ, the German development agency, and PACT Sudan have done small pilot programs in Jonglei.

¹⁷⁴ Crisis Group telephone interview, water and sanitation adviser, U.S. Agency for International Development (USAID), 27 November 2009.

IV. RESPONDING TO THE ESCALATING VIOLENCE

A. MANAGING DISARMAMENT EFFECTIVELY

Multiple sources confirmed a civilian¹⁷⁵ disarmament campaign would begin in Jonglei with the start of the dry season.¹⁷⁶ Given Jonglei's lack of usable roads and swamp-like terrain during the rainy season, this is the only time when such an effort is possible. South Sudan Minister of Internal Affairs Gier Chuang is playing a prominent role, President Kiir has ordered the SPLA to support requests from state governors, and some disarmament is already underway in other states.¹⁷⁷ Peter Bol Kong, the commander who led the forcible disarmament of Lou areas in 2006, is slated to be in charge in Jonglei again. This seems a controversial choice, but may be intentional in that communities know his no-nonsense reputation and what he is willing to do if resisted. However, while there is much discussion about the Jonglei campaign, the clear coordination structure that is needed is absent. Representatives of the multiple government bodies involved seem to be not entirely on the same page.

While officials either endorse or pay lip service to a two-tiered approach in which local and traditional leaders first appeal to communities to surrender arms peacefully, most are confident force will be needed. Because Jonglei presents some of the most acute security threats, the GoSS has requested SPLA and SSPS reinforcements for the campaign. The army plans to commit two divisions, roughly 20,000 soldiers.¹⁷⁸ That said, given the consequences of recent failed campaigns, the SPLA has an incentive to use as little force as possible, and some lessons may have been learned. Recent campaigns in Lakes and Warrap states have produced little violence, in part due to cooperation with local chiefs, but also because these states have not seen the same levels of inter-communal troubles. However, a number of points must be considered, all of which concern the capacity of government security organs and the efficacy of civilian disarmament.

Conducting disarmament evenly and simultaneously will be difficult. As explained above, communities are reluctant to turn over arms unless their neighbours do so simultaneously, lest they become vulnerable to attack. Given the terrain and limited government transport capacity, this is a key challenge. A UN official close to the process said dismissively, "forget it; it's not possible".¹⁷⁹ Borders with Ethiopia, Kenya, and Uganda mean communities in Jonglei, Central Equatoria, and Eastern Equatoria also fear attack from pastoralist communities of neighbouring countries.

Government forces will be challenged in sustaining a campaign in Jonglei: While government agencies have regularly asked the UN for logistical support, senior UN officials indicate the GoSS has been told it will not support forced disarmament.¹⁸⁰ Some government officials have either not heard this clearly enough or hope for a change of mind.¹⁸¹ It is uncertain that the government is capable of transporting and sustaining security forces in Jonglei on its own.

Ensuring that most weapons are collected and kept secure is unlikely. Jonglei is saturated with small arms and light weapons. As has happened before, a citizen may turn over one weapon, only to return home to dig up two or three more. Once arms are stored, the government will need to ensure that they do not re-circulate, as has also happened in the past. That problem could be solved by destroying the collected weapons, but this is a non-starter. With credible elections and the road to the referendum still uncertain, the GoSS is not about to destroy arms that would be needed in the event of a new war with the North.¹⁸²

Proper security should be instituted in the wake of disarmament. Reinforcements may help conduct disarmament, but they are unlikely to remain long. A security guarantee is a primary concern for all communities and likely a prerequisite if arms are to be voluntarily handed over. The 2008 campaign was hampered by SPLA failure

¹⁷⁵ A senior state official in Bor noted that the idea of "civilian" disarmament is a bit of a misnomer, as the line between civilian and armed actors is so thin. Many of those with guns have had organised group experience, whether in an army or militia. Crisis Group interview, Speaker of State Assembly Bor, 28 October 2009.

¹⁷⁶ Crisis Group interviews, state officials, Bor, October, GoSS ministers and SPLA officials, Juba, November 2009.

¹⁷⁷ Crisis Group interview, SPLA Chief of Staff Lt. General James Hoth Mai, Juba, 21 November 2009.

¹⁷⁸ Crisis Group interview, Brigadier General Mac Paul, SPLA deputy director, military intelligence, Juba, 18 November 2009.

¹⁷⁹ Crisis Group interview, UN official, Juba, October 2009.

¹⁸⁰ Crisis Group email correspondence, UNMIS security official, 6 November 2009.

¹⁸¹ A debate that began during the 2006 disarmament campaign continues within the UN regarding its relationship to GoSS disarmament efforts. With adequate time, proper planning, and a willing GoSS partner, the UN might contribute to a more peaceful campaign with strategic planning, training, logistics, public awareness and community dialogue. But association with another forcible campaign gone bad carries high political risk. Crisis Group interviews, UNMIS official, Bor October 2009; disarmament expert, Juba, November 2009.

¹⁸² The UN has provided containers for proposed cantonment sites, but has not been able to persuade authorities to destroy weapons.

to deploy in large numbers throughout the state to protect disarmed populations.¹⁸³

Building trust in government security organs and their ability to fill a post-disarmament security void will take time. To meet the requirements in the interim of peaceful seasonal cattle migrations, election security and defusing local disputes over natural resources, the Southern Sudan Peace Commission should establish a new conflict mitigation mechanism. Drawing on existing peace committees, individuals with moral authority in their communities could be recruited and trained to mediate disputes on the ground so as to avoid escalation. The mechanism should operate in all Jonglei payams and other at-risk areas until the government's ability to ensure rule-of-law makes it redundant.¹⁸⁴

Additional implications of forcible disarmament. After a year of more attacks and targeted, deadly violence, there are powerful disincentives to disarm. With confidence in state authorities low, communities feel a need to guarantee their own security. As elections and the referendum approach, Southerners are entering a period of increasing uncertainty in which they may well be reluctant to part with arms.¹⁸⁵ That many elected representatives in Juba are lobbying for disarmament to start in communities other than their own is testament to concern that the process might hurt the popularity of some local and state politicians at the polls.

B. RESPONSE OF GOSS SECURITY ORGANS

1. South Sudan Police Service (SSPS)

The quality of the South Sudan Police Service (SSPS), which should be the principal security organ to respond to tribal violence in Jonglei, is abysmal. Widespread deficiencies inhibit it from providing a credible response. Regularly outmanned and outgunned, the police often flee incidents that might require them to engage local communities. As violence escalated in 2009, the absence of a professional police presence meant the SPLA was the only viable option for law enforcement.

During the war, the SPLA controlled much of the South and was the de facto security provider.¹⁸⁶ When the CPA was signed and it moved into barracks and training centres, that presence was removed. Jonglei's commissioner of police noted: "That vacuum cannot possibly be filled by the inadequate personnel and inadequate means we have to work with now".¹⁸⁷ A brief review of police assets and operations sheds light on his assessment.

Personnel: The SSPS consists largely of former SPLA members who were not asked to join the post-CPA army and thus are mostly second-tier quality or worse. A senior official explained: "The police service is a dumping ground for SPLA rejects". Many are old and were appeased with positions for which they were not qualified. Estimates put literacy rates as low as 10 per cent.¹⁸⁸ The Jonglei commissioner is recruiting 250 new officers who have a secondary school certificate or at least some secondary instruction and will spend six to nine months at a new training centre in Bor. But they will not be fully functional for at least a year, so are no remedy for the immediate security deficit. Further, despite commendable SSPS-led training of recruits that Crisis Group witnessed in Bor and Malakal, recruitment remains difficult, since police work is not yet an attractive career choice for qualified young people.

Facilities: Jonglei has no police stations, and its commissioner is housed in a crumbling structure that was a teachers' mess hall before the war.¹⁸⁹ UNDP has projects in support of police and prisons services,¹⁹⁰ including construction of eighteen facilities such as police headquarters, prisons and training centres. Bor is the recipient of one of each, and the nearly finished facilities are impressive, but the rest of the state is lacking. Funding shortages have tempered UNDP's original plans, which envisioned facilities in every county.

Deployment: Police deployment is appropriate to neither population distribution nor needs. According to the 2008 census, the population of South Sudan's ten states range from 330,000 (Western Bahr el Ghazal) to 1.3 million (Jonglei). However, the 33,000 police are deployed in uniform batches of 3,000 in each state, regardless of size, population, or threat assessment.¹⁹¹ Thus, despite a popu-

¹⁸³ Adam O'Brien, "Shots in the Dark", op. cit.

¹⁸⁴ Such a mechanism could be based on what the Electoral Institute for Southern Africa implemented in South Africa (1994) and eastern Congo (2006).

¹⁸⁵ A December 2007 Small Arms Survey working paper indicated a majority in Jonglei believes it appropriate to possess one or more firearms for protection. Richard Garfield, "Violence and Victimisation after Civilian Disarmament: The Case of Jonglei", Small Arms Survey, December 2007. Civilians have often made sizeable investments to acquire a gun.

¹⁸⁶ While the SPLA instituted a degree of order, it was also a source of disorder in many instances.

¹⁸⁷ Crisis Group interview, Riak Akon Riak, Jonglei state police commissioner, Bor, October 2009.

¹⁸⁸ Lokuji, Abatneh, Wani, "Police Reform in Southern Sudan", The North-South Institute, June 2009.

¹⁸⁹ Crisis Group interview, Riak Akon Riak, Jonglei state police commissioner, Bor, October 2009.

¹⁹⁰ "Support to Police and Prisons in Southern Sudan", UNDP, www.sd.undp.org/projects/s_dg11.htm.

¹⁹¹ The additional 3,000 are allocated to Juba, the South's capital.

lation nearly four times greater than Western Bahr el Ghazal, Jonglei must make do with the same number of police.¹⁹² SSPS leadership is well aware that this is not a logical strategic deployment. It would like to reconfigure based on needs and the census population figures,¹⁹³ but it says that would be politically difficult because the uniform deployment was decided by the governors without police input, and the GoSS rejects the 2008 census.¹⁹⁴ While there are more urgent priorities, police should also serve away from home areas, so as to avoid ethnic partisanship and the abuse of authority that can accompany it.

Mobility: Jonglei's police commissioner explained: "Our counties are islands".¹⁹⁵ Impassable terrain and lack of suitable vehicles and air transport mean the authorities can be alerted to an impending attack even two days in advance but be unable to reach the area in time to prevent it. Particularly in the rainy season, high-risk areas, including Pibor and Akobo, cannot be reached by land. Police in Jonglei report they have only a handful of vehicles for the entire state,¹⁹⁶ including just two capable of travelling more than a few miles outside the state capital.¹⁹⁷

Equipment: As of mid-2009, all police in Jonglei were issued a minimal two uniforms, though the intention is to provide replacements on a regular basis. Many of their arms – overwhelmingly AK-47s – belong to officers, and were the weapons they used during the war. Those procured by the SSPS are also war-era weapons, mostly in poor condition. Radio communication is limited, and radios are in short supply. Police headquarters in Bor is capable of regular radio contact with only two counties, Duk and Twic East.¹⁹⁸ Mobile phone networks are ex-

tremely limited. Most areas can be reached only via satellite telephone.¹⁹⁹

Salaries: Police salaries are disbursed by the finance ministry in Juba and processed by state finance ministries. They are meant to be paid monthly, but transport limitations make this challenging in many Jonglei counties. Those in or near Bor usually receive them on time, but because there is no standard procedure for delivery to many other counties,²⁰⁰ officers have waited several months on occasion. UNMIS has occasionally provided air transport to deliver salaries, and the state leadership in Bor has chartered flights when it could afford it. Neither of these methods is a sustainable solution. Significant delays in pay can result not only in poor performance, but also extortion and other criminal activity.

There is also a need to clean up a payroll that is known to include "ghost" officers, who have either died or never existed and whose salaries find their way into the pockets of others.²⁰¹ The health and education sectors have recently addressed this issue with success, but authorities may encounter more difficulties with the police given the "problematic" nature of senior officials who are on the receiving end of the illegitimate payments.²⁰²

Training: The majority of the force lacks proper police training because it is ex-SPLA. The SSPS strategic plan outlines the intention to develop in-house training and facilities at state and national level, but the limited budget inhibits progress. Current training in Jonglei is most often held in or around Bor, which pulls police out of rural areas for what can be extended periods.

2. Sudan People's Liberation Army (SPLA)

A national army should in theory be reserved to respond to external threats, but because the SSPS is so weak, the SPLA has by default been called upon to respond to significant domestic security concerns.²⁰³ While it can act as a deterrent and provide a degree of civilian protection, its intervention is not without problems.

¹⁹² This makes for a police to civilian ratio in Western Bahr el Ghazal of 1:110, and in Jonglei of 1:433.

¹⁹³ A more strategic deployment is essential. But because such a small fraction of police are capable of providing any security, redeployment should not necessarily be the top priority.

¹⁹⁴ Crisis Group interview, senior police official, October 2009.

¹⁹⁵ Crisis Group interview, Riak Akon Riak, Jonglei state police commissioner, Bor, October 2009.

¹⁹⁶ By contrast, most Jonglei state ministers use new sport-utility-vehicles (SUVs).

¹⁹⁷ Additionally, UNDP procured 21 vehicles in June 2009, roughly one for local authorities and one for police in each Jonglei county, as well as five boats for counties along major rivers, but delivery has been slow. "Southern Sudan Monthly Programme & Project Update Report", UNDP, 1-30 June 2009. The SSPS said ideally police would operate with three 4-wheel drive vehicles per County and an additional vehicle per payam.

¹⁹⁸ While both have proximity to Bor, both are also Dinka counties.

¹⁹⁹ The German development agency GTZ has undertaken a major communications project; see Appendix D below.

²⁰⁰ Crisis Group interview, Riak Akon Riak, Jonglei state police commissioner, Bor, October 2009.

²⁰¹ President Kiir addressed this issue at the annual governor's forum in August 2009, calling ghost workers one of the "major management vices" that the GoSS has had to deal with.

²⁰² Crisis Group interview, donor representative, Juba, November 2009.

²⁰³ Crisis Group email correspondence, international security adviser, 22 November 2009.

SPLA policy on intervention in tribal conflict has not been exercised uniformly. The leadership maintains that the army's primary mandate is to meet external threats and that it is constitutionally banned from domestic law enforcement except for a limited assistance role at the request of civil authorities.²⁰⁴ The leadership says in no uncertain terms the SPLA "cannot engage unless asked".²⁰⁵ On some occasions, there have been standing orders not to intervene. Despite forewarning, the SPLA did not intervene in the fighting between Lou and Murle communities in spring 2009.²⁰⁶ Yet in other instances in Jonglei and elsewhere, soldiers have engaged – sometimes at civil authority request, sometimes not – to prevent or suppress fighting.²⁰⁷ The use of the SPLA has been ad hoc, creating confusion among communities about its role and mandate.

²⁰⁴ Crisis Group interviews, SPLA Chief of Staff Lt. General James Hoth Mai; SPLA Deputy Chief of Staff Lt. General Pieng Deng Kuol, 20-21 November 2009. The 2009 SPLA Act outlines "Roles and Functions". Included is a mandate to "provide assistance in maintaining law and order within the legal framework of Southern Sudan". Chapter I, paragraph 154.5 of the South's interim constitution, on the "Composition, Status and Mission of Armed Forces", notes: "The Armed Forces in Southern Sudan shall have no internal law and order mandate, except as may be requested by the civil authority when necessity so requires." The CPA stipulates that "national Armed Forces shall have no internal law and order mandate except in constitutionally specified emergencies". SPLA intervention has been requested primarily to aid disarmament.

²⁰⁵ Crisis Group interview, Deputy Chief of Staff Lt. General Pieng Deng Kuol, 20 November 2009.

²⁰⁶ Several reports indicate there were standing orders not to intervene. A senior SPLA official gave another explanation for why the SPLA remained idle. After a 2008 intervention near Torit, several officers were arrested and punished for excessive use of force and other abuses. This, he noted, contributed to a hesitancy to engage, for fear of government reprimand and possible incarceration. Crisis Group interview, senior SPLA official, Juba, November 2009.

²⁰⁷ SPLA soldiers were accompanying civilians during the 2 August attacks on Mareng. Soldiers were also deployed to Pibor county following March clashes in Lekuangole. In Western Equatoria, the SPLA conducted patrols to protect civilians from the LRA. "There is no protection", Human Rights Watch, February 2009. In spring 2009, the SPLA deployed several hundred soldiers to Ayidi, based on intelligence of a forthcoming attack by Murle youth. SPLA troops were reinforced and engaged Lou Nuer gunmen in September in Duk county, but only after they came under fire. UNMIS transported additional troops to the area after the incident at government request. While this engagement was not planned and did not necessarily represent a break from policy, at least optically it appeared to Lou communities like another instance of selective engagement. Lou Nuer Council letter, op cit. In October 2009, SPLA forces were ordered to intervene to suppress fighting in Terekeka, Central Equatoria.

Proper civilian oversight has not been the norm.²⁰⁸ Engagement is sometimes hampered by the fact that the SPLA is itself viewed as a source of insecurity. Lack of law enforcement training means soldiers often employ military tactics when tasked with law enforcement duties.²⁰⁹

While not always its fault, ethnic identities also create problems for the SPLA. Soldiers native to areas of concern are sometimes afraid to get involved, lest their families be caught up in blood feuds. More often, ethnic divisions and community ties result in partisan engagement. A local journalist remarked: "If tribal interests are involved, they'll forget their profession and stand with their tribe every time".²¹⁰ At least one community in Jonglei, however, assumed incorrectly that an SPLA commander of common ethnicity would provide cover to raid at will.²¹¹

While the SPLA should ideally not lead on law enforcement, it may be the least bad option until the SSPS can build capacity. But to become an effective component of a broader conflict mitigation strategy, the engagement policy must be clear, compliance ensured and oversight mechanisms strengthened to avoid some of the problems outlined in this section.

B. ROLE OF THE UNITED NATIONS

UNMIS has approximately 10,000 personnel, including roughly 700 police.²¹² In addition to Juba headquarters, it offers Jonglei support from its Sector III headquarters in Malakal and a team site in Bor. As described, it also erected Temporary Operating Bases (TOBs) in Pibor and Akobo in May 2009.²¹³ Letters of agreement between the UN and troop contributing countries provide that troop contributors will maintain TOBs according to UNMIS priorities, each to be operated at platoon level for up to two months.²¹⁴

²⁰⁸ Most civilian authorities are former generals; little distinction between the two may complicate civilian oversight at present.

²⁰⁹ "There is no protection", op. cit.

²¹⁰ Crisis Group interview, journalist and Jonglei native, Juba, October 2009.

²¹¹ Crisis Group interview, disarmament expert, Juba, 29 September 2009.

²¹² As of 30 September 2009, UNMIS strength was 9,961 total uniformed personnel, including 8,793 troops, 486 military observers, and 682 police; supported by 797 international civilian personnel, 2,395 local civilian and 271 UN Volunteers. www.un.org/en/peacekeeping/missions/unmis.

²¹³ Several TOBs are maintained elsewhere in South Sudan.

²¹⁴ According to an internal UNMIS memo obtained by Crisis Group, June 2009, TOB objectives include: 1) emergency deployments by UNMIS Force and UN Police to increase visibility of UNMIS to support state stabilisation and the pro-

UN personnel in both Bor and Malakal acknowledge the difficulties in operating TOBs in these areas but insist that they had a positive impact on security.²¹⁵ The bases were resource exhaustive, requiring significant manpower, personnel rotation and air re-supply. Living conditions were also not ideal. Despite these constraints, a UN official involved in their operation noted a majority of people “sung their praises ... most of all the locals”.²¹⁶

However, the TOBs were closed after only two months.²¹⁷ Two reasons are cited. First, in advance of the 22 July decision of the Permanent Court of Arbitration, many resources had to be redirected to prevent violent fallout in Abeyi.²¹⁸ Secondly, troop contributing countries, and not least the Indian contingent, complained of conditions in which they had to operate.

When the TOBs were closed, there was a commitment within UNMIS to immediately institute regular long-range patrols in their stead.²¹⁹ These three-day missions on foot or by boat were to be planned and implemented jointly by UNMIS military and civilian personnel and conducted on a regular basis.²²⁰ Priority areas were identified that were to be reviewed in light of evolving areas of concern. Objectives included demonstrating a UN

tection of civilians in specifically Pibor and Akobo Counties; 2) increased UN visibility through comprehensive UNMIS Force and UN Police patrolling, reporting and improved communication in collaboration with SSPS where possible, including human rights responses (investigations, reports and action taken); 3) support for peace discussions between all Jonglei groups to establish an agreed plan for stabilisation of Jonglei, including increased UN support to peace discussions between the different tribal groupings and community leaders; and 4) technical support to Jonglei State Security Committee and other state authorities (through UNMIS Military, UN Police, and Civil Affairs representatives) for development of a state-wide strategic stabilisation plan, including improved communications and decision making and increased on-site support to the SSPS.

²¹⁵ Crisis Group interviews, UNMIS personnel, Bor, November 2009.

²¹⁶ Crisis Group interview, UN Police official, Malakal, November 2009.

²¹⁷ TOBs became operational on 13 May 2009 and closed on 24 July. At the annual governors forum in August, Jonglei Governor Manyang criticised the closures, saying he was not informed, and arguing that subsequent attacks might have been deterred.

²¹⁸ This decision came from UN headquarters in New York. Crisis Group interview, UNMIS official, 17 November 2009.

²¹⁹ This included commitment by the special representative of the Secretary-General and the Force Commander. Crisis Group interview, UNMIS official, Juba, 17 November 2009.

²²⁰ UNMIS confirmed its capacity to stage two simultaneous Long Range Patrols at any time. Internal UNMIS document obtained by Crisis Group, July 2009.

presence and ensuring cooperation with local communities; gathering information, particularly on imminent attacks and movement of armed groups; conducting needs assessments; and monitoring disarmament activities, etc.²²¹ However, troop contributors have again been reluctant, and very few have taken place.

While the temporary bases generated serious differences of opinion within UNMIS, again primarily due to troop contributor objections, their proponents have fought for their reinstatement. UNMIS should rethink how the bases might be structured and maintained in order to ensure efficiency and sustainability.²²² It should then reestablish them or other creative field presence in areas of concern to provide a more visible presence as well as better exercise its civilian protection mandate. In the interim, it should conduct regular long-range patrols with military, police, civil affairs, disarmament and human rights personnel. Patrol locations should be decided based on risk assessments in order to be responsive and avoid predictability.

More broadly, structural issues regarding UNMIS deployment and doctrine hamper efforts to maximise the mission's impact, particularly with regard to civilian protection. Some argue that its military doctrine severely limits opportunities for peacekeepers to engage armed actors.²²³ Deployment guidelines in sector headquarters and team sites allow only a limited number of troops to undertake active patrols and to limited locations. TOBs have a somewhat better ratio for active personnel, and long-range patrols are the most efficient in terms of putting boots on the ground where needed.²²⁴

There is concern in some corners about a lack of political guidance from the Security Council on the mission's mandate and direction. Some argue UNMIS could be more proactive, particularly in civilian protection,²²⁵ while others feel it is already being pulled in multiple directions²²⁶ without adequate direction or sufficient troops.²²⁷ While there is a limit to how far the mission

²²¹ Ibid

²²² The review should include management, logistics, facilities, staffing and standard operating procedures.

²²³ UNMIS also has a large number of “force enablers” and support staff, who do not do conduct active patrols.

²²⁴ Crisis Group interview, UN official, Juba, November, 2009.

²²⁵ Security Council Resolution 1590 (2005) mandates UNMIS “to protect civilians under imminent threat of physical violence”.

²²⁶ These include: CPA implementation and border concerns; inter-tribal violence; dealing with the Ugandan insurgent group, LRA; and capacity building.

²²⁷ Crisis Group interview, military adviser, peacekeeping operations (DPKO), UN Secretariat, New York, 16 September 2009.

can be stretched without hampering its effectiveness, it is capable of providing more robust protection in its current form, and its mandate to “protect civilians under imminent threat of physical violence” has been interpreted too conservatively.²²⁸ UNMIS should clearly identify what it needs to play a bigger role on multiple fronts and inject its conclusions into a more forward-leaning discussion about its future.

C. INTERNATIONAL SUPPORT TO THE SECURITY SECTOR

A variety of actors are increasingly involved in police development activities, including UNDP and UNPOL, the U.S., UK, Germany and, soon, Norway and South Africa. Each is making efforts on the service's re-orientation from military to civilian and evolution to a modern, professional force capable of addressing internal security issues in Jonglei and other states.²²⁹ But both the GoSS and donors supporting security sector reform have given comparatively little attention to the police compared to the army.²³⁰ The internal affairs minister, Gier Chuang Aluong, deserves credit for advancing ambitious reform proposals, including major vetting, recruiting, and training efforts as well as measures to improve accountability.²³¹ But it remains to be seen how feasible implementation is in the near-term, since the police are not a top priority for the GoSS.

Donor support to the security sector has been instrumental in a number of important processes, and there have been commendable recent efforts to increase collaboration between the SSPS and the SPLA and orient stakeholders in terms of the full sector, rather than stand-alone institutions. But the scale – particularly with regard to the SSPS – is too small.²³² As elections and the referendum produce an atmosphere of increasing uncertainty, there has been reluctance to make big investments now. There is also vacillation among donors over whether to focus on long-term professionalisation for both the SSPS and SPLA, or immediate concerns surrounding the elections and referendum. Doing both at the same time would be a tall task. Some argue that both should be addressed and would be mutually reinforcing, while

others believe dividing energy between the two could lessen the effectiveness of both.²³³

In the short-term, donors must do as much as possible to shore up capacity to address immediate needs.²³⁴ In order to work from the same page and take advantage of their individual strengths, they should make the Law Enforcement Working Group chaired by UNMIS a more active forum.²³⁵ Moreover, even with strong direction and engagement from one or two lead nations, it may take a generation or more to complete the task of forming an appropriately educated and professional police force. In the meantime, a number of additional policing mechanisms should be considered to fill gaps where possible. Some of the following already are the subject of pilot projects that deserve greater attention.

- Community Security/Policing: Given the size of the territory and limited police mobility, efforts to build up central security structures should be underpinned by attempts to improve community security, community policing and local early warning networks. The 2009 Police Act proposed establishment of community policing structures to partner with the SSPS to prevent crime, enhance relationships with local populations, ensure respect for human rights and improve understanding of root causes of violence.²³⁶ A number of actors have offered small-scale support for such arrangements to take root, working primarily through NGOs and UNDP's community security and rule-of-law programs.
- Livestock Protection Unit: With support from UNMIS, UNDP and Luxembourg, the internal affairs ministry has begun plans to create an Anti-Stock Theft Unit. The pilot project is being modelled on similar units in Kenya and Uganda, and training is to be designed and exercised by officers with experience in those countries. Ideally, such a unit would be used to deter and apprehend cattle raiding parties, establish community policing and security mechanisms and build a network of contacts to assist in an early warning system. The unit will be built from scratch with 50 young, fit, and well-educated recruits. Aiming for ethnic balance, the recruits will be drawn from all counties of Jonglei as well as from Central and East-

²²⁸ Security Council Resolution 1590 (2005).

²²⁹ “Support to Police and Prisons”, UNDP, op. cit.

²³⁰ The CPA “calls upon the international community to assist in the areas of training, establishment and capacity building of police and other law enforcement agencies”, Permanent Ceasefire and Security Arrangements Implementation Modalities and Appendices, Appendix I, Section 22.5.

²³¹ The minister outlined his proposals at the seventh GoSS governor's forum, 10-15 August 2009.

²³² For current donor support to the SSPS, see Appendix D below.

²³³ Crisis Group email correspondence, UN official, 27 November 2009.

²³⁴ Crisis Group email correspondence, donors, 26 November 2009.

²³⁵ The Law Enforcement Working Group is a sub-committee of the Justice and Security Sector Advisory and Coordination Cell within UNMIS. Some have criticised donors for not making active use of the group or being forthcoming enough about their own activities. Crisis Group email correspondence, UN official, 27 November 2009.

²³⁶ The Southern Sudan Police Service Act, 2009.

ern Equatoria.²³⁷ Resources are needed to move beyond the pilot stage, as its reach will be limited to a relatively small area.²³⁸ Cattle control mechanisms such as registration, branding and electronic tags would supplement the unit's work.²³⁹

- Quick Reaction Unit: A unit tailored to respond rapidly to larger security problems, such as major ethnic clashes, also deserves consideration. Knowledge among communities that the government can respond to attacks promptly could be a significant deterrent.²⁴⁰ Such a force should have advanced small unit tactical training, vehicles, communications and other specialised equipment to give it advantages over well-armed civilians. Jonglei's police commissioner noted that even a highly-trained, otherwise well-equipped unit would be useless without the means to react quickly. It needs its own or assured air capability to have impact in the massive territory – a major sustainability problem for the GoSS budget.²⁴¹ Strong oversight is essential for such a unit, in part to ensure that it fully respects human rights and avoids using excessive force.²⁴² It should be within the SSPS, or bound by solid lines of command to the inspector-general of police and the internal affairs minister.

When the time is right, one lead nation or a strong partnership of two should increase engagement in long-term police and security sector reform, committing substantial resources, human capital and effective oversight. Similar lead roles have been played by the British in Sierra Leone, the Dutch in Burundi and the Americans in Liberia. Potential lead nations will probably defer such a commitment until after the referendum, but building the basis for the relationship should begin now.

Drawing on existing strategy documents and the 2009 Police Act, the GoSS and the SSPS should develop their own long-term police transformation plan in concert with major donors. As is the case with almost all GoSS departments, the greatest portion of the police budget goes to salaries. While a drop in oil prices required belt-tightening in 2009, the 2010 budget may allow for more initiatives. Donors will continue to provide

support, but the GoSS must increase its own budget allocation in line with this long-term plan.

D. POST-REFERENDUM IMPLICATIONS

In Jonglei state as elsewhere in South Sudan, disaffected people and opposition leaders frequently voiced a similar sentiment to Crisis Group. Despite their discontent with GoSS performance and leadership – and in some cases SPLM strong-arming – they do not wish to “rock the boat” at this time.²⁴³ They prefer to repress grievances until after the South has a chance to vote on self-determination. But this suggests intra-South violence may well intensify after the referendum.

Given the variety of former political and military adversaries it contains, the GoSS is in many regards a marriage of convenience and a government with multiple centres of power. Many political elites, like their constituents, retain stronger tribal and regional than national identities. A Sudan expert has remarked:

Keeping the peace process alive through to the referendum has provided a powerful restraint on the proclivity of leaders to take individual self-serving actions and mobilise their communities when they are at odds with government decisions, but even that restraint provides no guarantees, and should the south gain its independence it will end.²⁴⁴

Questioned about this possibility, some government officials are quick to brush it aside and blame intra-South conflict on NCP meddling. One noted: “It is mostly the NCP. Once we cut off the arms flows from Khartoum and add development projects to the equation, these issues will be resolved”. Some also claimed that an independent South will have far more money with which to respond to needs and sources of unrest by building roads, schools and hospitals, improving security infrastructure and generally increasing state presence. While extending state presence and delivering services are essential, budget projections for an independent South are not necessarily as positive as this assessment suggests, and their realisation will depend, among other things, on negotiation of an oil revenue sharing agreement with Khartoum and well-focused donor support.

²³⁷ UNMIS has committed to provide six to eight weeks of training by Ugandan and Kenyan officers.

²³⁸ Additional units would ideally be in Jonglei and Upper Nile.

²³⁹ Crisis Group email correspondence, UNMIS official, 25 November 2009.

²⁴⁰ Crisis Group email correspondence, UNMIS official, 26 November 2009.

²⁴¹ Leasing air capacity has been discussed and could be more economically feasible.

²⁴² Members of security organs, including the SPLA, SSPS and the JIUs have been involved in rape and other criminal activity. See: “No One to Intervene”, op. cit.

²⁴³ Crisis Group interviews, GoSS ministers, Legislative Assembly members, diplomats, Juba, October 2009.

²⁴⁴ John Young, “Security, Governance and Political Economy Constraints to World Bank Engagement in South Sudan”, 6 October 2008. The views expressed in that report are those of the author, not the World Bank. It was made available to Crisis Group by the author.

Many Southerners “have high hopes for the post-separation period, with many expecting a massive change in the quality and quantity of basic services delivered”.²⁴⁵ But if grievances go unaddressed and the GoSS fails to garner broader support and promote a national consciousness, the post-independence period could be marked by significant infighting, power struggles, and increased violence. Not only will the common denominator of self-determination be gone, but a lack of post-independence dividends could catalyse popular discontent and deepen tribal orientation.

V. CONCLUSION

Escalating violence has taken place in Jonglei and beyond in the context of the forthcoming high-stakes elections and referendum. The GoSS leadership has its hands full in negotiating details of these pivotal events at the same time as it must seek agreements with the NCP on border demarcation, wealth sharing, legal reforms and laws to determine the future status of Abeyi, Southern Kordofan and Blue Nile. Keeping its CPA partner in Khartoum from undermining the referendum or otherwise manipulating these processes is a Herculean challenge. But the GoSS must also focus internally; proving itself a credible provider of services and security so as to build confidence among constituents and prevent further division along tribal lines. It cannot afford to have violence impact the coming voting or for the outcome of those polls to stimulate further ethnic divisions.

The vital task of transforming the police will require many years, but the GoSS, SPLA, SSPS, UNMIS and donors must each take steps to address the short-term security threats, not least potential fallout from the impending disarmament campaign. Even if successful, disarmament will not solve Jonglei's problems. Political solutions and reconciliation are essential to any lasting peace in the state. The GoSS needs to acknowledge that tribal conflicts are driven primarily by local factors, and step up efforts to engage communities, traditional leaders, clergy, youth and politicians in comprehensive dialogue. Southerners cannot afford the alternative; as a citizen of Jonglei remarked, “this is heavy on my heart; if we continue like this, we will finish one another”.

Juba/Nairobi/Brussels, 23 December 2009

²⁴⁵ “NDI Survey Gauges Public Opinion on Policy Key Issues”, Southern Sudan Update, UNDP, vol. 1, issue 5, October 2009.

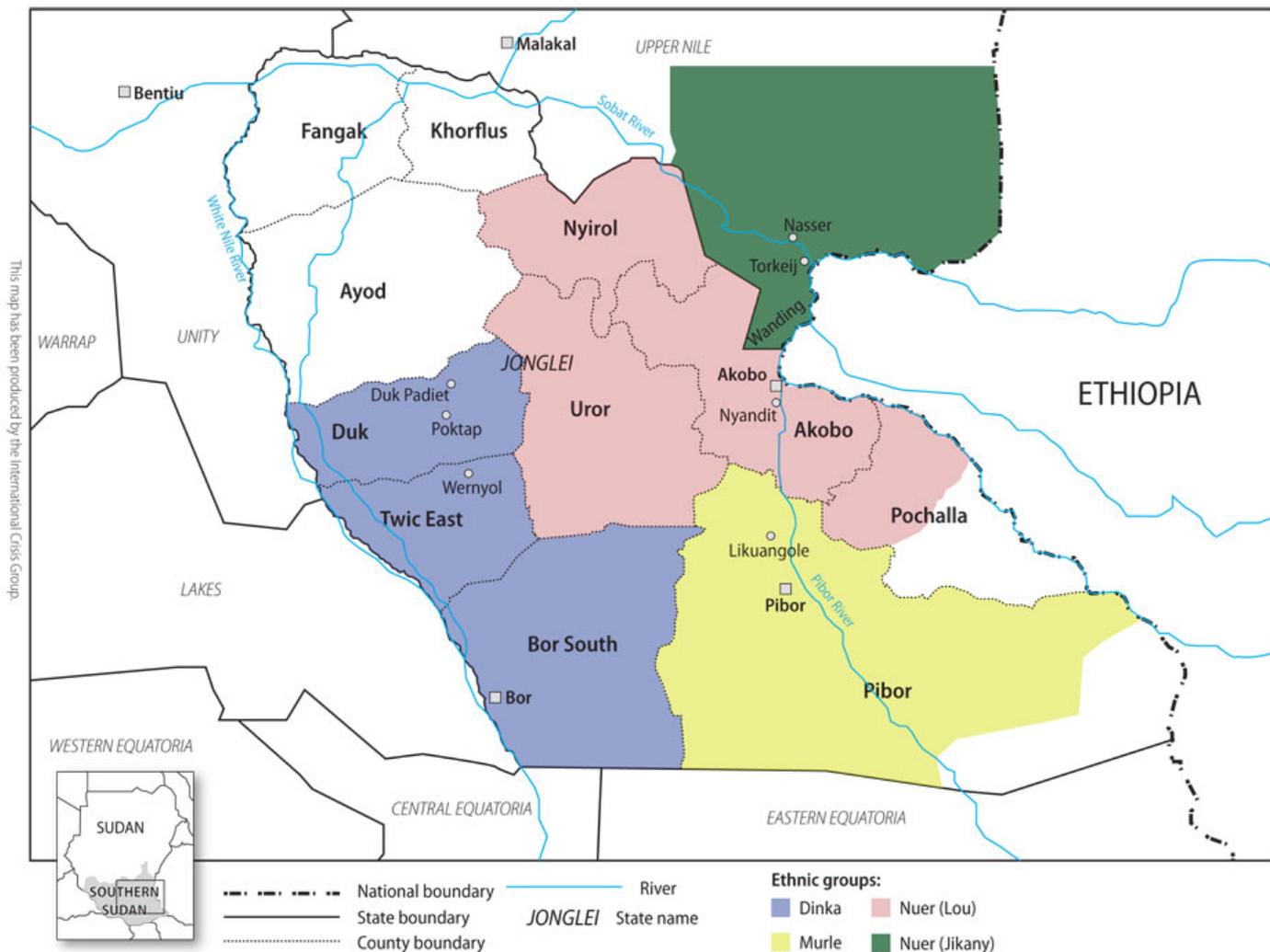
APPENDIX A

MAP OF SUDAN



APPENDIX B

MAP OF JONGLEI AND KEY ETHNIC GROUPS



This map illustrates only the four ethnic groups involved in the conflict cycles discussed in this report. The boundaries of the ethnic groups' localities are approximations only.

APPENDIX C

ETHNIC COMPOSITION OF SOUTH SUDAN

Major tribal groups, South Sudan

Tribal group	Approximate % of South Sudan population	State(s) of origin
Dinka	40%	Bahr El Ghazal (west and north), Warab, Abyei, Jonglei, Upper Nile, Lakes
Nuer	20%	Jonglei, Upper Nile, Unity
Azande	10%	Western Equatoria
Toposa	8%	Eastern Equatoria
Shilluk	5%	Upper Nile
Murle	4%	Jonglei
Anyuak	1.5%	Jonglei
Mundari	1.5%	Bahr El Jabal
Bari	1%	Bahr El Jabal
Didinga	1%	Eastern Equatoria
Other	8%	
	100%	TOTAL

Data from a 2004 NSCSE / UNICEF study

Source: John Young, "The South Sudan Defence Forces in the Wake of the Juba Declaration" (Small Arms Survey, Geneva, 2006)

APPENDIX D

DONOR SUPPORT TO THE SSPS

UNDP – With support from a Multi-Donor Trust Fund, the Police and Prisons project has contributed facilities, modest investments in vehicles and equipment, training and advisory support, including through UNPOL.²⁴⁶ UNDP's Community Security and Arms Control (CSAC) project has underpinned police development efforts by building up a CSAC Bureau partner within the government and provided support for community policing and peaceful disarmament.

UNPOL – The UN Police have administered a variety of training courses, including on basic and community policing, gender and child protection, crime investigation, traffic management, narcotics awareness and basic election security.²⁴⁷ Police commissioners in Jonglei and Upper Nile appreciate the training courses but complained that the five to seven day blocks of time offered are too short. The absence of a unified curriculum hampered UNPOL and other training efforts until one was agreed in October 2009. Per the UNMIS mandate, UN police also co-locate with SSPS. However, sources indicated co-location is poorly implemented and has minimal impact. A senior UNPOL official commented: "Despite shining reports, the substantial portion of UNPOL co-location with local police is roughly one hour a day".²⁴⁸

Bilateral Donors – The U.S., UK and others have offered support for course curriculum development, basic training, asset management training, construction of facilities and institutional reform and development, but inputs are relatively small.²⁴⁹ Norway recently signed a contract with the South African Police Service to provide training for Sudan's police – the bulk of it for the SSPS; this needs to be coordinated with existing training programs and the unified curriculum. The German development agency GTZ has undertaken an ambitious communications project, involving the building of radio towers and infrastructure to connect all ten state headquarters with Juba and to extend to the county level. Canada has expressed interest in offering new support to the police.

²⁴⁶ A proposal is circulating to procure a small airplane to support the state government, the CSAC bureau, and the SSPS.

²⁴⁷ "The CPA Monitor", UNMIS, vol. 5, issue 47, October 2009.

²⁴⁸ Crisis Group interview, senior UNPOL official, Malakal, 3 November 2009.

²⁴⁹ The U.S. focus is primarily on operational and technical matters; UK efforts are in some ways geared more at institution-building and governance.