

Emerging North–South Tensions and Prospects for a Return to War

By John Young



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Acronyms and abbreviations

ABC	Abyei Boundaries Commission
BDC	Boundary Demarcation Commission
CPA	Comprehensive Peace Agreement
CPMT	Civilian Protection Monitoring Team
GNU	Government of National Unity
GoS	Government of Sudan
GoSS	Government of South Sudan
GoU	Government of Uganda
IDP	Internally Displaced Person
IGAD	Intergovernmental Authority on Development
JIU	Joint Integrated Units
KPA	Khartoum Peace Agreement
LRA	Lord's Resistance Army
MI	Military Intelligence
NCP	National Congress Party
NRF	National Redemption Front
OAGs	Other Armed Groups
PDF	Popular Defence Forces
SAF	Sudan Armed Forces
SPLM/A	Sudan People's Liberation Movement/Army
SSDF	South Sudan Defence Forces
UNMIS	United Nations Mission in Sudan
WBEG	Western Bahr El Ghazal
WUN	Western Upper Nile

About the author

John Young is a Canadian academic who first arrived in Sudan in 1986 to work as a journalist with the *Sudan Times* and stayed for three years. He then returned to Canada to complete a Ph.D in Political Science at Simon Fraser University, where he is currently a Research Associate with the Institute of Governance Studies.

Young spent most of the 1990s in Ethiopia as a professor at Addis Ababa University and doing field research in the areas of ethnic federalism, political parties, and the Ethiopian–Eritrean War. He then worked for the Canadian International Development Agency in Addis Ababa as an adviser on the Sudan peace process. Leaving Addis, he moved to Nairobi and was assigned to work as an adviser to Ambassador Daniel Mboya, Special Envoy for Peace in Sudan for the Intergovernmental Authority on Development (IGAD) Secretariat. After working briefly, still in Nairobi, for the UN news agency IRIN as the head of information analysis, he took a position as a monitor with the Civilian Protection Monitoring Team (CPMT) working in South Sudan, and also with the African Union Cease Fire Commission, for the next two years.

Since leaving the CPMT in October 2004 he has lived in Khartoum, working as an independent consultant and carrying out academic research in the areas of peace, security, and regional relations. Young has written *Peasant Revolution in Ethiopia* (Cambridge University Press, 1997) and published widely in academic journals. His most recent publications include articles on the South Sudan Defence Forces (SSDF), an analysis of the Comprehensive Peace Agreement (CPA), a consideration of the legacy of John Garang, an examination of the conflict and peace agreement in eastern Sudan and a study of the white army. Forthcoming studies will cover armed groups along Sudan's eastern frontier and an evaluation of the Sudan IGAD peace process.

Abstract

During celebrations commemorating the second anniversary of the signing of the Comprehensive Peace Agreement (CPA), Government of South Sudan (GoSS) President and Vice-President of the Republic Salva Kiir made clear that the agreement was facing a crisis and there was a growing risk of a return to war. In particular, he blamed Khartoum's continuing support for Other Armed Groups (OAGs). In light of that assessment, this paper reviews recent developments in the South Sudan security sector which suggest the possibility of a return to conflict between the North and South. The central thesis is that with security and political conditions in the South improving, attention will increasingly turn to North–South tensions, in particular along their shared border. The CPA calls for a border demarcation and a national census as a prelude to elections and a referendum on southern self-determination in 2011, which are far behind schedule and thus deepening the crisis and threatening to undermine the peace agreement. The border demarcation process is complicated by the refusal of the Government of Sudan (GoS) to accept the ruling of an international tribunal on the border of Abyei and the fact that the oil that provides most of the revenues for both Khartoum and Juba lies along the disputed border, including that of Abyei. The conduct of the census is also complicated by the same border and oil concerns. Moreover, trust has not developed between the leadership of the Sudan People's Liberation Movement (SPLM) and the National Congress Party (NCP), neither during the negotiations preceding the signing of the CPA, nor in the period since, and in the absence of viable institutions to resolve outstanding conflicts, there is a danger that this may lead to a return to armed conflict.

Introduction

When the Comprehensive Peace Agreement (CPA) was signed on 9 January 2005, the international community which formulated and backed the agreement viewed it not only as a means to usher in peace between the North and South of Sudan, but also as the template for peace agreements in Darfur and eastern Sudan. But the Darfur Peace Agreement (DPA) of 5 May 2006 collapsed within days of its signing and the Eastern Sudan Peace Agreement of 14 October 2006 is largely an agreement between the governments of Sudan and Eritrea that offers little to the people of the region (Young, 2007b).

In his address in Juba commemorating the second anniversary of the signing of the CPA, Salva Kiir Mayardit, vice-president of Sudan and president of the Government of South Sudan (GoSS), made clear that he viewed the peace process in the South as in crisis (*Sudan Tribune*, 11 January 2007). He identified a number of implementation failures, but gave primacy to continuing problems of insecurity, which he attributed to the refusal by the Sudan Armed Forces (SAF) to end its support for a range of Other Armed Groups (OAGs) opposed to the Sudan People's Liberation Movement/Army (SPLM/A). By the time Salva made these remarks, the SAF policy was coming to an end, but it had already succeeded in deepening the distrust that has permeated the peace process since its inception (Young, 2005).

President Salva is not alone in his pessimistic assessment. Increasing numbers of people in Sudan and abroad are beginning to contemplate what was hitherto unthinkable, namely that the CPA may break down. The established view remains that although beset by problems, the peace process can be kept on track and will culminate in a referendum on southern self-determination in 2011 through judicious pressure and intervention by the international community. While the United States and the countries that shepherded the CPA to signature officially maintain this position, privately many express doubts.

The South remains beset by internal tensions and contradictions: between supporters of the late Dr John Garang and those of his successor, Salva Kiir;

between the former South Sudan Defence Forces (SSDF), under Lt.-Gen. Paulino Matieb, and elements in the SPLA that reject force integration; between the Equatorians and the Nilotic-dominated SPLM/A; between SPLA veterans and those who were not directly involved in the fighting; between the general population of South Sudan and other East Africans who are rapidly assuming a commanding position in the economy; and older, ethnic tensions such as those that exist between Dinka and Nuer. There is also frustration at the slow pace of post-war development and the uneven forms it is taking; anger at mounting evidence of corruption and poor governance; and outrage at the often heavy-handed behaviour of poorly disciplined soldiers. All of these factors could produce violence and some could further divide the SPLM/A leadership, which in turn could trigger a collapse in government authority.

Without discounting the dangers of these internal tensions, this paper focuses on the external threat posed by a return to war between the SPLA and the SAF. The scenario considered is as follows: as major internal security concerns, such as the integration of the SSDF and civilian disarmament, are brought under control, and leadership divisions within the SPLM/A are contained, the focus of both the military and political leadership in the South will turn to the demarcation of the North–South border, the national census, national elections, and preparations for the CPA-stipulated referendum on southern self-determination in 2011. This will lead to a major revival of North–South tensions that could—it is speculated here—lead to a return to war.

The analysis proceeds by updating efforts to integrate SSDF fighters into the SPLA, since this is widely held to be the SPLA's central internal security concern (Young, 2006). It then turns to civilian disarmament, where recent campaigns make clear that the SPLA leadership views it as critical to reducing levels of civilian violence, as well as neutralizing potential internal enemies. The leadership struggles involved in both processes will then be examined in the light of how they impacted—and, in turn, were impacted by—the outcomes of these processes. Only when the GoSS leadership is sufficiently united and internal security is no longer a threat will the SPLA be able to confront the SAF with confidence. Thus, the final component of the analysis focuses on the emerging SAF–SPLA conflict which, it is argued, will most likely take place on the border over control of economic resources, principally oil.

Scenario building is not a science. It takes past and present developments and attempts to identify processes to anticipate where they are headed. One need only note the impact of the unexpected death of former SPLM/A leader Dr John Garang to appreciate how quickly such exercises can be overtaken by actual events. At the same time, we have only the past and present as guides to the future and, even with all the weaknesses of interpretation, there are no alternative ways of anticipating future developments and appropriate responses to them.

This report provides neither an in-depth analysis of the SPLM/A's leadership struggles nor a comprehensive critique of the peace process. It does not consider other important developments, such as the Darfur conflict, reports of growing support in the ruling National Congress Party (NCP) for southern independence, or the potential impact of an election that could bring to power parties that do not support the CPA. All of these could markedly affect North–South relations and influence the prospects for a return to war. This study seeks to place the security problems of the South in perspective and suggests the way they are currently unfolding will lead to rising tensions between the SPLM/A and the NCP. These tensions will focus on their shared border, and could lead to a resumption of armed conflict between the SPLA and the SAF and the unravelling of the CPA.

The main findings of this research are as follows:

- Despite the negotiations up to and including the CPA, the SPLM/A and the NCP have never developed a relationship of trust; hence every disagreement threatens to derail the peace process.
- On coming to power, the SPLM/A viewed the SAF as the major threat to its security, but concluded that before it could confront the threat from the North, it needed to overcome the problem posed by the SSDF and a heavily armed citizenry within the South.
- The death of former SPLM/A leader Dr John Garang stimulated a leadership struggle between those loyal to Garang and the followers of Salva. This further reduced the SPLA's ability to confront the SAF.
- In the 12 months after the signing of the Juba Declaration on 8 January 2006, the majority of SSDF fighters, led by Paulino Matieb, joined the SPLA.

- In the absence of effective institutions, the slow progress in integrating the former SSDF fighters into the SPLA, and continuing leadership tensions, mean that future stability depends on Paulino and Salva resolving these outstanding problems. Paulino's recent illness, however, leaves the SPLM/A very vulnerable.
- With the SAF's withdrawal from most of South Sudan, a decline in leadership tensions, and improved internal security, the main security focus will now be on demarcation of the North–South border.
- Under the CPA schedule, the next phase of the peace process involves a full census, demarcation of the North–South border, and national elections leading to a referendum on self-determination in 2011. It is unlikely this schedule will be kept.
- Since the oil on which the GoS and GoSS both depend for financing is largely found in the border areas, reaching agreement on border demarcation is likely to be difficult. With little mutual trust between the CPA partners, these conflicts could easily become violent.
- The build-up of armed forces in the border area and the militarization of the oilfields provide evidence that both the SPLA and the SAF are preparing for an upsurge in violent confrontation. ☹

I. Consolidating the peace process

The death of Garang

In the absence of genuine trust, the SPLM/A and the GoS settled for a highly legalistic agreement that left little room for manoeuvre or bargaining, and which was constrained by a tight, and probably unrealistic, timetable. The emphasis on legalism sharply contrasts with the generally more laissez-faire approach of Africans and Arabs to conflict resolution, which often finds expression in lengthy bargaining and, when successful, produces agreements cemented by trust. Trust did not develop during more than two years of negotiations between the SPLM/A and the NCP, nor has it found fertile ground in the two-and-a-half years since the CPA was signed in January 2005.

Indeed, the emphasis on legalism and acceptance of the SPLM/A's right to maintain a standing army during the six-year interim period leading to the referendum was accepted because the mediators believed that trust was not essential to securing the agreement. The SAF's continuing support of OAGs, in breach of the CPA's security arrangements, would seem to justify the SPLM/A's distrust; conversely, it could be argued that the CPA failed to include mechanisms to prevent such breaches. The GoS negotiators, meanwhile, believed their SPLM counterparts were committed to unity although, while talking peace, they were also supporting the insurgency in Darfur.¹

Another weakness in the peace process was the restriction on participation in the negotiations. This also set the CPA apart from customary approaches to conflict resolution in Africa that typically encourage the widest possible involvement. With support from the US-led 'Quartet' (including Italy, Norway, and the United Kingdom), the mediators limited participation to the NCP, which was held to represent the 'North'—a political entity that is increasingly hard to define in the wake of wars in the east and west—and the SPLM/A, which alone was held to represent the interests of the South. These two groups granted themselves 80 per cent of the power at the centre and unassailable positions within their own domains ('Protocol on Power Sharing',

2004). Since there is no evidence that the NCP or the SPLM/A commanded high levels of popular support, only military strength can explain the level of representation they were granted. Even this assumption does not entirely convince in view of the demonstrable capacity of both the armed rebel groups in Darfur and the SSDF to challenge the SAF and the SPLA, respectively.

The CPA pointedly ignored mention of the SSDF, though the biggest threat to security before the peace agreement was not conflict between the SAF and the SPLA, but between the SSDF and the SPLA (Young, 2006, p. 9). In contrast to the CPA, the Juba Declaration, which integrated the SSDF into the SPLA with minimal outside intervention, is simple, succinct, free of legal jargon, and gives an impression of being based on genuine trust between the signatories, Salva Kiir and Paulino Matieb. The Juba Declaration has arguably done far more to improve human security in South Sudan than the CPA.

Moreover, the centralization of power in the hands of Garang—to whom the CPA granted the posts of vice-president of the GoS and president of the GoSS, on top of already being commander-in-chief of the SPLA and chairman of the SPLM—scarcely favoured a transition to democratic rule in the South or power sharing within the SPLM/A and other military actors in the South. Rather, it prepared the ground for further wrangling. Even without Garang's untimely death in a helicopter crash on 30 July 2005, a power struggle would probably have occurred. The history of the SPLM/A had been one of regular challenges to Garang's authoritarian leadership, the most recent being the three-day meeting on the eve of the signing of the CPA when he was attacked by his close supporters and almost overthrown (Young, 2005, p. 85). His response was not to share power, but to dismiss or isolate those who challenged his authority, including Salva, whom he retired from the army, replacing him as chief of staff with his own son-in-law, Oyai Deng.

Salva was quickly confirmed as SPLM/A leader after Garang's death, but this apparent consensus reflected concerns that the GoS would view any dissension as an opportunity to undermine the peace process. (Interestingly, this was the same argument Garang repeatedly used to keep his colleagues in line.) However, it did not take long before Garang's allies began to challenge the new leader. Known as 'Garang's orphans', this group has powerful foreign backers and access to considerable finances to pursue its goals.

The SPLM/A understood that the SAF posed the main long-term challenge to the security of South Sudan, but before it could meet the national army it first had to overcome a number of internal threats. Two stood out in particular: first, the SSDF, which had to be neutralized and integrated into the SPLA; and, second, the heavily armed civilian population, which had to be disarmed. Both these processes are reviewed here because military circles hold that South Sudan must be secure before the SPLM/A can focus on any threats posed by the SAF on its northern borders.² While both are integral elements in the evolving security environment, they have also been spheres in which the power struggles between the 'Garangists' and the followers of Salva have played out.

From the Khartoum Agreement to the Juba Declaration

With the majority of SSDF fighters defecting from the SAF to the SPLA after the Juba Declaration, evidence is now emerging of the group's true size and capacity. This makes it all the more surprising that the CPA made no reference to the organization, instead stipulating that all OAGs be dissolved by 9 January 2006. Equally surprising—and further emphasizing the failure of the CPA's framers to appreciate realities on the ground—Paulino was subsequently appointed deputy commander-in-chief of the SPLA, reporting directly to Salva. It is important to understand how this came about, and how it sheds light on the unfolding security environment.

The origins of the SSDF lie in the revolt of Anyanya II, an armed group formed in the Nuer areas of eastern Upper Nile in the late 1970s to oppose the GoS and the Addis Ababa Agreement of 1972, which ended Sudan's first civil war (Young, 2003, p. 94). This early resistance to Khartoum must be acknowledged even though conventional histories of the southern insurgency typically start with the mutiny of southern SAF soldiers in 1983 and the formation of the SPLM/A under Garang (Lesch, 1998, p. 71). Moreover, while Anyanya II was heir to the leading pro-independence party in the first civil war, Anyanya I, the SPLM/A fell under the sway of the Ethiopian Derg and advocated a united 'New Sudan', which never gained the acceptance of southern Sudanese (Adwok, 2000, p. 48).

The SPLM/A was able to defeat Anyanya II because of the military support it received from the Derg, after which Paulino Matieb, then SPLA deputy commander, retreated with his forces to his homeland in western Upper Nile (WUN). That history cannot be recounted here (largely because it is still not fully documented), but it is clear that Paulino reached an agreement with the government of Jaffar Nimeiri and continued to operate in WUN. While many in the SPLM/A dismissed Paulino as a traitor to southern nationalism (an accusation which was largely accepted by the international community), he had developed a constituency in his home region, formed the South Sudan Unity Movement (SSUM), defended his community against attacks by the SPLA and Baggara Murhalien, and assiduously used the largesse provided by the SAF to strengthen his position in WUN. From 1983 to the signing of the Juba Declaration, Paulino was one of the SAF's most effective agents in the war against the SPLA (Young, 2006, p. 9).

The SAF's reliance on Paulino and his forces allowed him a measure of autonomy. He successfully retained his authority after Dr Riek Machar revolted against Garang in 1991, bringing large numbers of Nuer and others into alliance with the SAF. This relationship was formalized by the Khartoum Peace Agreement (KPA) in 1997 between Riek and others, and the NCP, which gave birth to the SSDF. The KPA contained detailed provisions on security arrangements, wealth and power sharing, and a commitment to hold a referendum on self-determination for southern Sudan (Ibid., p. 17). In fact, the KPA was the unacknowledged template for the CPA, with the critical difference that the international community accepted Garang's claim that the KPA was illegitimate; that his organization alone represented the southern Sudanese, and that the SPLM/A would not be bound by the KPA, but would continue to fight the GoS. Without international support and pressure, the agreement largely withered.

Although Paulino nominally accepted Riek's leadership of the SSDF, when the latter attempted to appoint his lieutenant, Taban Deng, to the governorship of Unity state (which includes WUN, Paulino's homeland), he resisted. As a result of the struggle over Unity state, a number of ministers were killed and Taban fled ignominiously to Khartoum. After the NCP failed to enact the KPA's security provisions and refused to conduct the vote on self-determination, Riek

followed his deputy to Nairobi. He then organized another armed opposition group, the Sudan People's Democratic Front, before rejoining the SPLM/A in 2002 (Young, 2003, p. 96).

Riek's forces did not follow him, claiming continued allegiance to the terms of the KPA, while hatred of Garang and his opposition to a clear-cut commitment to southern independence kept them from drifting into the SPLA camp. Paulino, with the assistance of his friend, Gatlaug Deng, chairman of the Southern Sudan Coordination Council, assumed the leadership of Riek's former followers. In a key meeting in Juba in April 2001, Paulino integrated a disparate group of tribal militias from Equatoria into the SSDF (Young, 2006, p. 18). Although ostensibly in command of the SSDF, the SAF was too cautious to allow it to develop a coherent, centralized structure. As a result the SSDF remained fragmented and dependent on the SAF for logistical support.

While considered a pariah by the SPLM/A, Paulino became a potent symbol for disaffected Nuer and other southerners who had rejected Garang's leadership. While the SPLM/A claimed the SSDF was a marginal force—and the international community took this assessment at face value—the reality was quite different. The SSDF controlled large swathes of central, eastern, and western Upper Nile; parts of northern and western Bahr El Ghazal; and had a strong presence among the Murle of south-eastern Upper Nile and eastern Equatoria. It provided front-line defence for the oilfields, protected the government's garrison towns, and had demonstrated a readiness to fight the SPLM/A that was noticeably absent among the SAF. What is more, the more martial-minded Nuer of the SSDF had demonstrated over generations their ability to defeat the Dinkas who dominated the membership and leadership of the SPLA (Kelly, 1984, p. 26).

Numerous attempts were made to reconcile the SSDF and the SPLA, but Garang always stopped short of entering into full negotiations. Instead, he encouraged individual commanders to defect, and those who did were soon marginalized (Young, 2005, p. 88). This policy exacerbated SSDF animosity, uniting its components in opposition to the SPLA, and deepening the alliance with the SAF. It soon became apparent that the SSDF's absence from the peace negotiations posed the most serious threat to the implementation of the CPA (Young, 2006, p. 25).

Under pressure from those who feared an intra-South conflict, the SPLM/A and the SSDF met several times in the months after the CPA was signed, but negotiations soon broke down. It is doubtful the SPLA had the strength to defeat the SSDF, but Garang may have counted on the United States and other sponsors of the CPA to press the SAF to neutralize the SSDF as one of the OAGs prohibited by the peace accord. If this indeed was his thinking, it is doubtful that it would have been effective. Meanwhile, it was widely feared that the failure of the SPLM/A–SSDF talks would precipitate a South–South conflict.

Such a war did not break out, but that may have been because of Garang’s death and his replacement by Salva. Salva had long been a critic of Garang’s approach to the SSDF (Ibid., p. 27) and had consistently stressed the need for unity between the region’s two largest tribes. For example, Salva supported the Wunlit Agreement of March 2001 that sought to reconcile Dinka and Nuer, even though Garang opposed it (Young, 2005, p. 83). Within days of arriving in Khartoum to be sworn in as first vice-president of the GoS, Salva entered into negotiations with Paulino that quickly ended the animosity between the two organizations (or at least their two leaders) and laid the grounds for the 2006 Juba Declaration.

The SSDF reveals its strengths

In contrast to the CPA, which had been a product of international pressure, the Juba Declaration came about because of southern Sudanese requirements. Perhaps the greatest difference between the two agreements is that the parties to the CPA never trusted one another, while Salva and Paulino had developed a relationship of mutual support. This process culminated in Paulino joining the SPLA as Salva’s deputy, a position that made him senior to Oyai Deng, Garang’s son-in-law and chief of defence staff. The promotion emphasized the military weight of Paulino and the SSDF.

It was the SSDF’s size and ability to undermine the peace process, challenge the SPLA, and produce a humanitarian crisis that had made the Juba Declaration essential. Garang’s widow and former GoSS Transport Minister, Rebecca Garang, said, ‘The SPLA is the guarantor of the CPA.’³ But her colleague,

Minister of Parliamentary Affairs Gabriel Chanson, was more accurate when he responded, ‘The Juba Declaration is the guarantor of the CPA.’⁴ According to some UN estimates, half of the total SSDF manpower of 60–80,000 joined the SPLA after the Juba Declaration, leaving 30–40,000 fighters still loyal to the SAF.⁵

Chanson, an SSDF appointee to the GoSS, said nearly 45,000 SSDF members had been identified in the three months after the Juba Declaration, a number he estimated had risen to 60,000 by February 2007.⁶ Meanwhile, a senior officer in Paulino’s headquarters said that the provisional number of SSDF soldiers who had joined the SPLA was 47,000.⁷ Indeed, on 19 June 2007 an SPLA spokesperson announced the immediate integration of 50,000 SSDF soldiers into the SPLA (*Sudan Tribune*, 19 June 2007). How effective this ‘integration’ will be remains to be seen.

SPLA numbers are known to have grown considerably since the Juba Declaration was signed. Contrary to UN estimates, Chanson and others, including GoSS Minister John Luc,⁸ estimate the maximum number of SSDF still allied to the SAF in February 2007 at less than 10,000; President Omar al-Bashir gave the same number in a speech in Juba commemorating the second anniversary of the CPA (*Juba Post*, 11 January 2007). While the precise number of SSDF fighters brought into the SPLA may never be known, the above estimates make clear that the militia is far larger than previous SPLA claims suggested. As noted, the Nuers, who dominate the SSDF, have a stronger adherence to martial values than the Dinka, who predominate in the SPLA.

The Juba Declaration had a significant impact on the balance of power in the SPLM/A. Although Salva’s emphasis on unity meant that none of his rivals were entirely marginalized, Garangist power was notably diminished and a new leadership emerged linking Salva and Paulino. In ethnic terms, this recalibration involved a shift in power from Garang’s Bor Dinka to an alliance of Salva’s Dinka of northern Bahr El Ghazal and Paulino’s Nuer of WUN. The appointment of Dr Riek Machar, another WUN Nuer, as vice-president and chief operational officer of the GoSS, added further weight to the shift. Many in the SPLM/A and the international community were slow to understand this shift in power, but this study will make clear that it has enormous implications for both the SPLM/A and the security regime in the South.

While a majority of the SSDF followed Paulino into the SPLA, a sizeable bloc remained outside. With bases among the Nuer in central and eastern Upper Nile (Gabriel Tang-Ginya and Thomas Maboir), the Murle (Ismael Konye), and the Fertit of Western Bahr El Ghazal (Atom Al-Nur), the 'rump' forces continued to receive support from the SAF in breach of the CPA. Government of National Unity (GNU) Defence Minister Abdul Rahim effectively admitted this when he announced in December 2006—some 11 months after OAGs were due to have been disbanded—that they would have the option of joining the SAF or moving to the north (*Sudan Tribune*, 4 December 2006).

Abdul Rahim was forced to make his statement after fighting broke out in Malakal in November in which some 150 people were killed. The fighting had three important repercussions. First, the SPLA defeated the militias and the SAF evacuated Gabriel Tang-Ginya and Thomas Maboir to Khartoum. Second, not only were the militias badly mauled, the SPLA also overcame the SAF garrison in a matter of minutes, killing a number of senior officers. Third, the 'SPLA' which proved so successful in Malakal was almost entirely composed of former SSDF units loyal to Paulino and fighting under his command; the conventional SPLA forces were reduced to playing a supporting role. Paulino had activated a brigade of 750 men from the Brigadier Yien Deng's Mobile Forces in the Dolieb Hill area to carry out the attack.⁹ This brigade had been established by the veteran Benson Kwany, but had been leaderless for the past year due to his illness (Young, 2006, p. 32).

Malakal residents and UN officials said there was little doubt that the SSDF units could easily have killed or chased all the SAF and militia members out of the city, but Paulino said this was not done so as to ensure SPLM/A's continuing compliance with the CPA.¹⁰ Nonetheless, a senior GoSS source reported that the United States was angry at what it considered the SPLA's aggressive stance in Malakal, and the threat it posed to the CPA.¹¹

In another powerful display, it was former SSDF units in December which overcame a violent demonstration of SPLA Joint Integrated Unit (JIU) soldiers in Juba, angry at the delay in delivering their salaries. In this case, Paulino mobilized around 2,000 troops based near Juba airport, as well as some of his own bodyguards.¹² The SSDF's role in resolving both incidents undermined accusations that its fighters were neither loyal nor professional. It also dem-

onstrated the effectiveness of Paulino's leadership (and placed a number of Garang supporters in the humiliating position of being dependent for security on a group they had demeaned for years).

The implications of the Juba Declaration are still playing out. A number of rump SSDF leaders and soldiers remain in the field, but there is reason to believe that the decisive performance of Paulino's forces in Malakal and Juba, and the evidence that Paulino is indeed commander-in-chief of the SPLA, will encourage some hold-outs to defect. In early January the last remnants of the Equatoria Defence Force under John Belgium were brought into the SPLA,¹³ and in the same month the UN reported that an unspecified number of Atom Al-Nour's Fertit militia had defected to the SPLA in Wau.¹⁴ Dr James Tadiwe, an SSDF appointee in the government of Western Bahr El Ghazal (WBEG) who was involved in winning over Al-Nour's forces, reported that 1,200 had defected in Wau and a further 2,000 in Raja.¹⁵ Dr James said that apart from 300 of Al-Nour's forces in the JIU, he had virtually no supporters left in the Wau area. This was subsequently confirmed during a visit to Wau.

The number of fighters in the SAF-aligned SSDF is also in sharp decline. Gabriel Tang-Ginya's Fanjak forces are alternately estimated at 320 by the SPLA,¹⁶ 300 by the security advisor to the Upper Nile State Government,¹⁷ and 150 by a UN observer.¹⁸ Brigadier Marial said only 52 of the Murle SSDF fighters remained, the others having been killed in the Malakal disturbances. He also says that Gordon Kong's Nasir force had been reduced in February to 48, most of whom are elderly; and that a number of his fighters in Adar had defected to the SPLA in Jalhak in northern Upper Nile. In early May, Maj-Gen. Garouth Garkoth, commissioner of Sobat, oversaw a ceremony in Ketbec, Gordon's home village and unofficial capital, that saw the remainder of his force defect to the SPLA.¹⁹ It was further reported that fewer than 400 SSDF militiamen remained in Malakal and, if Defence Minister Abdel Rahim kept his word, that they would all be removed.²⁰

While small groups can be found at other locations and some have been fully integrated with the SAF, the lower estimate of 10,000 SSDF militia still seems too high. Either way, the SAF-aligned SSDF has largely been eliminated as a major threat to security in the South.

SSDF integration and the succession question

This otherwise positive development in the southern security sector is being undermined by delays in integrating the SSDF into the SPLA. The failure, apparently overcome with the 19 June announcement, has many causes. In the early days after the Juba Declaration, before the implications of the power shift had been fully realized, there was open resistance to full integration by the Garang-dominated SPLA high command and its political allies led by a group centred around Rebecca Garang. That resistance has weakened but it has not been eliminated.

Another area of tension is the distrust the Garangists have for Riek Machar, whose power was limited when Garang was alive. In keeping with his different leadership style, Salva permits his followers considerable initiative and Riek has taken full advantage of it. Despite Dinka fears of Nuer power, there is little indication of a Riek–Paulino ethnic conspiracy to dominate the GoSS, whatever the suspicions of some UN officials.²¹ Riek may have ambitions to be president of an independent South Sudan, and is widely assumed to have used the mediation between the Government of Uganda (GoU) and the Lord's Resistance Army (LRA) to build a constituency in Equatoria. But while tribalism is alive, it is not completely 'mechanical', as one GoSS minister said.²² For example, Paulino, a Nuer, is believed to be completely loyal to Salva, a Dinka. For their part, the Garangists have failed to produce a credible leader while Rebecca is regarded with some suspicion.

Part of Garang's legacy is a disorganized SPLA in desperate need of reform and an SSDF that was until quite recently an extension of the SAF, held together by ties of loyalty to Paulino. Indeed, one of the characteristics the two armed groups share is their lack of institutionalization, command structures, and accepted hierarchies. While Garang obstructed the creation of a professional army because it would reduce his control, Paulino was prevented from building such a body because it was seen as a threat to the SAF. As a result, effective integration of the SSDF into the SPLA will be dependent upon the introduction of major reforms. What is held to be a military problem is therefore more a political problem concerning the leadership and direction of the SPLM/A.

Related to this, the GoSS Assembly is demanding more accountability for a defence allocation that consumes more than one-third of the government's

entire budget of USD 1.53 billion (South Sudan Legislative Assembly, 2007). SPLM and opposition MPs both complain that the SPLA cannot tell them how many soldiers it has, let alone produce an itemized budget request, because of its lack of organization.²³ Registration of SPLA manpower was under way across southern Sudan for most of 2006 and was due to be completed in early 2007,²⁴ but a UN official familiar with the programme said that the results were haphazard and an accurate number was unlikely to emerge.²⁵

Also of significance has been the question of integrating senior SSDF commanders within the SPLA. Integration poses a threat to Garangist hegemony, but will also be resisted in some quarters because of residual hostility to the Nuer and other former enemies. The delayed integration is also due to the devaluation of rank that resulted from the SAF's policy of rapid promotion to buy SSDF commanders' loyalty and the discontent their incorporation would arouse among loyal SPLA fighters with identical, if not greater, levels of experience.²⁶ On the SSDF side, the problem was viewed from the opposite perspective: how to integrate officers, some of whom are illiterate and have less experience than their SPLA counterparts? Paulino has been concerned that the integration programme could inflame dissent if not handled carefully.²⁷ Former SSDF officers, some of whom have yet to receive salaries, have been biding their time, convinced they will assume senior rank when integration has been effectively carried out; but others are less certain.²⁸

Salva's failure to appoint a defence minister has also become an issue in the broader power struggle. Salva currently serves as *de facto* defence minister and, in the absence of a defence ministry, funds are transferred through the SPLA department of internal affairs. The appointment of a full-time defence minister would streamline administration and provide an appropriate government official to appear before the Assembly and respond to questions relating to the budget. But such an appointment might also bring to the surface the simmering tensions between the Garangists and Salva's supporters since it would be difficult to find an appointee who did not fit into one of the two groups and who could still count on the support of the army. Part of the reason for the present measure of stability is the fact that Paulino reports directly and without intermediary to Salva. The appointment of a defence minister, even one sympathetic to the Paulino–Salva axis, could complicate this critical

relationship. For that reason at least one MP close to Paulino has urged Salva to leave the position unfilled and to continue to report to the Assembly himself.²⁹

The fact that the SPLA and the SSDF receive food from different sources is a further point of contention, as was demonstrated during an altercation in mid-April at Juba port over a barge-load of food supplies. In that incident, Col. John Maluk of the SSDF forcefully took control of the food, after which he was arrested by Oyai Deng. He was only released after direct intervention by Salva, who ordered the food items to be distributed to the SSDF.³⁰

This incident occurred at a time when Paulino had flown to South Africa for health reasons. His less than robust condition has led to concerns over the fragility of the SSDF–SPLA relationship, given the slow pace of the integration programme. Indeed, it is also unclear from discussions with senior SSDF officers who might succeed Paulino in the event of his death.³¹ Sultan Abdel Bagi is his deputy but, being in his late 80s, is an unlikely candidate. Simon Gatwetch and Peter Gedet played helpful roles in overcoming the dispute over food distribution in Juba, but neither is believed capable of assuming the leadership. That leaves Tyib Galwak as frontrunner, but it is not certain he could command the support of the broader SSDF rank and file, or whether he could develop the kind of relationship with Salva that Paulino has achieved. Similar to the SPLA, the SSDF's lack of strong institutions perpetuates a dependency on strong individuals for cohesion.

While the full effects of the Juba Declaration have yet to be felt, it has been broadly successful in defusing a major internal threat to the peace process. It has also consolidated the roles of Salva and Paulino in the post-Garang era, and strengthened the SPLA's command and manpower prior to what is assumed to be an impending confrontation with the SAF on the North–South border.

Disarming the Lou Nuer

While the Juba Declaration reduced the threat posed by OAGs, there are other security problems in South Sudan. The LRA has terrorized Equatoria for many years and the GoSS tried to counter this by sponsoring a peace mediation between the GoU and the LRA leadership in Juba.³² The mediation has little to show to date, but it received some further international support in April 2007.

The number of civilians with weapons and their tendency to turn them on one another or pose a threat to established authority is another major security problem confronting the SPLA, and one which led to its problematic disarmament programme in 2006.

A number of factors likely figured in the decision. SPLA rhetoric emphasized 'our people are killing one another' to justify disarmament. This largely refers to conflict between the Lou Nuer and their neighbours during their annual dry-season migration. It also includes clan-based fighting among the Dinka of Lakes District, Murle cattle rustling, and other local conflicts.

Second, because the SPLM/A did not achieve a military victory over its enemies, but secured a peace agreement engineered by the international community, it needed to assert its hegemonic position in the South. That was best accomplished by forcing allies and enemies to accept that the SPLA alone had the right to bear weapons.

Third, the SPLM/A was concerned about the relationship between the SAF and a number of armed groups in the South. In this light, the SPLA viewed such groups as a threat to be eliminated and as a sovereign power it had the authority to challenge any group bearing arms. Total disarmament of the civilian population in a territory as vast as South Sudan is at best a very long-term goal. In the short-term, the major concern was to eliminate all OAGs, which is why the Juba Declaration was an essential early measure.

It is also likely that elements in the SPLA view civilian disarmament as a way to undermine the SSDF and its civilian allies or, as one MP put it, 'to hit out at the Nuer and SSDF'.³³ Those in the SPLA who wanted to use disarmament to undermine the incoming SSDF also opposed the Juba Declaration (because it would unfavourably shift power) and wanted to strike out against Nuer, whom they held responsible for a 1991 massacre of Dinka in Bo.

The SPLA focused its efforts on the Lou Nuer and other groups in central Upper Nile because of the violence typically associated with dry-season cattle migration. The SPLA disarmament was carried out by an ethnically mixed force of 3,000 soldiers under Peter Bol Kong, a Nuer, who arrived in Jonglei State in December 2005 to begin the process. One senior SPLA officer noted that although George Athor was the senior officer in Upper Nile, he was sidelined by Bol Kong who reported directly to the leadership in Juba.³⁴

At the outset, the SPLA found itself confronting a ‘white army’ of heavily armed Lou youth from the cattle camps, who were originally armed by Dr Riek Machar after he defected from the SPLM/A in the early 1990s.³⁵ The Lou cattle keepers objected to giving up their weapons, arguing that they needed them to protect their herds from Murle and that the SPLA should first, or simultaneously, disarm the Murle. The SPLA refused and this set the stage for the January white army attacks on the SPLA in which hundreds of SPLA fighters were killed.³⁶

This disaster led the SPLM/A leadership in Juba to become seized with the issue, although the GoSS Security Committee quickly divided between those who demanded a robust response and others who urged restraint.³⁷ Salva favoured restraint, but did not oppose the hardliners from the military, who won out.³⁸ It appears that the Juba leadership did not fully control a process that rapidly spun out of control, and that it was overtaken by the armed leadership and a handful of commanders led by Bol Kong.

The battles that began in late January 2006 involved elements of the white army, the forces of SSDF leader Thomas Maboir (though Maboir did not take the field), and part of the SSDF forces loyal to Simon Gatwisch under his deputy Simon Wijang—who had recently affiliated with the SPLA—all fighting the forces of Bol Kong.³⁹ The first battles occurred immediately after the signing of the Juba Declaration and, as a result, the exact status of the ‘two Simons’ and others are a matter of conjecture. The fighting demonstrated that ethnic loyalties were stronger than ties to the SPLA, as army units fought one another in a confusing melee. Gatwisch denies his forces fought the SPLA, arguing that ‘since they are the SPLA, how could they fight the SPLA?’⁴⁰ However, his deputy did fight the SPLA, even if he fought while flying the SPLA flag.⁴¹

Support for the white army from the SAF’s Military Intelligence (MI) was evident in April–May 2006 when a white helicopter was frequently seen arriving at the camp of Simon Wijang near Yuai. Because of its colouring, SPLA observers assumed it to be a UN aircraft, but it was later concluded the helicopter was probably ferrying military supplies from the SAF to Wijang’s forces, then supporting the white army.⁴² While MI did not engineer the conflict, it may have attempted to take advantage of the unfolding situation to support those opposed to the SPLA.

According to SPLM officials in Motot, a centre of the fighting between the white army and the SPLA, Bol Kong arrived in the area on 16 May to carry out disarmament, but was stopped by the white army, supported by forces led by Simon Wijang.⁴³ After a few minor skirmishes, a full-scale confrontation occurred on 18 May in the *toic* (grazing area) outside Motot, Karam, and Yuai, in which 113 white army fighters were killed; only one SPLA soldier died.⁴⁴ This ended the conflict. But while retreating, the white army carried out some of its worst looting of cattle and civilian property. In their pursuit of the retreating force, the SPLA looted the looters and kept much of the already stolen property.⁴⁵

Although elements of Gatwisch’s forces did fight the SPLA, he claims that he ordered them to move north to Dolieb Hill on the banks of the Sobat River in Shilluk territory precisely to avoid conflict with the SPLA. It appears that Gatwisch’s SSDF forces continued to claim their loyalty to the SPLA, but left the field because Bol Kong did not accept them. In any case, individuals from his forces and the rapidly disintegrating white army did join the SPLA. Rather than pursue these forces, Bol Kong assembled a meeting of local authorities on 20 May to begin organizing the disarmament.⁴⁶ The chiefs mobilized the people and the surrendered weapons passed through them to the local authorities, and thence to the SPLA. This process continued for two months, after which it was concluded that the disarmament was 95 per cent effective, although that seems doubtful.

Estimates vary, but at least 400 SPLA soldiers and possibly 1,200 white army fighters were killed during the Jonglei disarmament campaign, according to UN and other sources. Officials in Nyirol County (which includes some of the villages that witnessed the most serious fighting), however, put the total number of deaths at 213. There is confusion among UN sources on the number of civilian deaths among the Lou Nuer and one official closely observing the conflict said that only a dozen civilians were killed.⁴⁷ Although the SPLA and the white army looted large numbers of cattle and burned many homesteads, only Karam village was entirely destroyed because it was deemed a ‘centre of resistance’.⁴⁸

Bol Kong and the SPLA leadership held that the armed Lou cattle keepers were a threat to civil order and that only a recourse to military action would

solve the problem. However, others held that the Lou Nuer had genuine grievances, such as a need for security, grazing lands, and watering stations, and that these concerns should have been addressed before embarking on such a brutal campaign. They also contended that local authorities should have been more involved and dialogue maintained with the gun-carrying youth. Significantly, the latter position was shared by all the senior SSDF officials who joined the SPLA as a result of the Juba Declaration.⁴⁹ They also argued that, given their familiarity with the area, they should have been consulted.

Paulino shared this assessment and emphasized that he was involved in neither the planning nor implementation of the disarmament campaign. Indeed, by April, he was sufficiently concerned about the Lou disarmament campaign that he told Oyai Deng he wanted Bol Kong to return to Juba to explain his actions.⁵⁰ This order was conveyed to George Athor, SPLA divisional commander for Upper Nile, who referred it directly to Salva instead of passing it on to Bol Kong. Athor recommended that Bol be permitted to stay in the field to complete his task and Salva acceded to his advice.⁵¹ This made clear Paulino's opposition to the way the disarmament was carried out and the continuing resistance to his authority.

Some blame the Garangists who still largely controlled the army through Oyai Deng, Bior Ajang (Deputy chief of staff for operations), Maj.-Gen James Garouth Mai (Deputy chief of logistics) and Maj.-Gen Garoth Salva Sava Mathok, for using the campaign against the Lou to weaken the SSDF and to maintain their dominant position in the army. However, there is no hard evidence the campaign was planned as an act of vengeance for the 1991 Nuer massacre against the Bor Dinka. Nonetheless, an United Nations Mission in Sudan (UNMIS) briefing paper concluded that the 'current approach threatens the Juba Declaration' and added that it gave 'spoilers' an opportunity to incite conflict between the SPLA and the local population (UNMIS briefing paper, 22 May 2006). It also reported contacts between disaffected elements in the community and the SSDF leaders, Gabriel Tang-Ginya and Gordon Kong. However, if the objective of the brutal treatment of the Lou Nuer were to discourage SSDF soldiers from joining the SPLA or to encourage their desertion, it did not succeed, possibly because Paulino had not given up on the SPLA despite his disapproval of its disarmament operation.

The 'softer' disarmament process subsequently carried out in Akobo, which emphasized dialogue and made greater efforts to engage chiefs and youth leaders, was probably due to a recognition that the Lou Nuer campaign had been unduly violent and alienated the local population. It is also possible that Paulino was exerting more control over military affairs by mid-2006 and was in a position to prevent a repeat of the Jonglei disaster. In any case, the Jonglei disarmament could not help but cast a cloud over the SPLA leadership and all those associated with the operation.

The SPLA campaign of civilian disarmament is unlikely to end soon. New operations have been under way among the Murle, Bor Dinka, and the Dinka of Lakes state, though less coercive approaches are being used. There is even talk about further campaigns among the Lou of Central Upper Nile and Akobo. Plans are also afoot to disarm the Toposa, and there is a need for agreement with the Government of Kenya to disarm the neighbouring Turkana during the same time frame, although nothing had been concluded at the time of writing.⁵² The disarmament of these tribes will almost certainly require the disarmament of the Karamajong of Uganda, with whom they regularly fight over cattle and grass. The British attempted to disarm these same tribes a century ago and many attempts have been made since, so the difficulty of the task cannot be exaggerated. While ostensibly designed to strengthen the SPLA and to prevent the SAF from making common cause with malcontents, such campaigns may increase local animosity if they are not carried out in a more restrained and humane way. It is clear that disarmament is still a work in progress that is unlikely to end soon. 📌

II. Prospects for a return to armed conflict

With a measure of internal stability, attention is turning to the prospect of a resumption of armed conflict between the SPLA and the SAF, although there is no consensus on this. Most GoSS ministers, officials, and army officers interviewed for this paper considered such a conflict possible and many thought it inevitable. Former members of the SSDF, with the closest links to the SAF and the NCP, are more likely to anticipate such a conflict, including their leader, Paulino.⁵³ The nearer one moves to the North–South border, the more such predictions are heard. One senior officer with the SPLA JIU in Rubkona, which borders the North, said he ‘feared that war could break out at any time.’⁵⁴ The governor of Unity state spoke of the ‘potential danger on the [North–South] borders because of the presence of resources,’⁵⁵ while the commissioner of Rubkona said bluntly that ‘there could be a lot of violence over the border demarcation.’⁵⁶ A senior official in the SPLA High Command spoke of the strong possibility of an ‘economic war’ leading to violence along the border and speculated that the only reason it had not happened yet was because the GoS had been bogged down in Darfur.⁵⁷

Virtually all GoSS officials maintain that security in the South, particularly in greater Upper Nile, has improved since late 2006 as a result of the Juba Declaration, but some argue that the SAF has not given up its efforts to stir up instability. Maj.-Gen. James Hoth drew attention to the danger posed by the presence of 5,000 southern and Darfurian soldiers of the SAF in Juba, and the continuing possibility that the SAF’s MI agency could make common cause with some of the many armed civilians who have yet to be disarmed.⁵⁸ In Eastern Equatoria, a Boya militia reportedly receives supplies through the SAF JIU and direction from Maurice Kaunda, the NCP Minister of Social Welfare in the state government.⁵⁹ OAGs that have so far failed to join the SPLA or the SAF or to disarm under the terms of the CPA include units of Atom Al-Nour’s Fertit Forces in the Raja area, and individuals from groups led by Thomas Maboir, Gabriel Tang-Ginya, and Gordon Kong. However, the con-

tinued existence of these groups does not gainsay the broad conclusion that security has improved, and that the SAF’s capacity to foster insecurity had been considerably reduced by late 2006.

Border demarcation and the ‘Abyei question’

The complete failure of the peace process to build trust between the SPLM/A and the NCP is the primary source of fears that war may break out along the North–South border. The lack of trust has fostered the pervasive belief that the GoS was not committed to the CPA, particularly if the referendum on self-determination were to result in the majority opting for independence. This position was forcefully reiterated by several members of the SPLM team who negotiated the CPA.⁶⁰

It is also widely believed in the South that the NCP’s opposition to southern independence is not based on nationalism or concerns about Sudan’s territorial integrity, but fears that the GoS will lose access to the region’s oilfields, the most important of which lie along the North–South border. In oil-rich Unity state, officials routinely speak of the prospect of the outbreak of ‘resource-based conflicts’ along the border.

Another reason for the predictions of imminent border conflict is the NCP’s refusal to accept the delineation of the Southern Kordofan–Bahr El Ghazal border by the Abyei Boundaries Commission (ABC).⁶¹ Northern governments have long been aligned with the Misseriya Arabs of this area, some of whose lands would fall in the South under the ABC ruling. Of greater significance, however, is the fact that Abyei is rapidly becoming a major focus for oil production. While the ABC ruling was intended to establish the ethnic boundaries of the Ngok Dinka and the Misseriya, one of its key implications was that the Heglig oilfields that many assumed were in Unity state were actually placed in Abyei.⁶²

Professor Douglas Johnson, chairman of the ABC, made the same point: ‘If the issue was only to protect the right of the Misseriya to access water and grazing, there would be nothing to hold up implementation [of the ABC]. Their rights are guaranteed. The real issue is oil.’ (*Gurtong News*, 14 February 2007). Under the terms of the CPA, simultaneous with the holding of the referendum

on self-determination, the people of Abyei must vote on whether they wish to belong within the northern or southern Sudanese entities, and that vote will depend upon a successful border demarcation. The 'Abyei question' has become so central to the fate of the CPA that Roger Winters, a former US government official with many years experience in Sudan, has said that it is over this question that war will resume between the SPLA and the SAF (Winters, 2007).

Border tensions are not only anticipated in Abyei. The entire North–South border is expected to be the focus of disagreement between the GoSS and the GoS.⁶³ Officials of the Southern Land Commission, responsible for demarcating the border, affirm that 'wherever there are economic assets, problems [in border demarcation] could emerge.'⁶⁴ These officials anticipate problems in the oil-producing areas of Unity state in Heglig, Karsana, and Kaliek; in Hoffra, near Raja in WBEG, where deposits of copper and uranium have been reported; in Wodakuna, north of Renk, and near the Adar oilfields; in Kaka, north of Melut, a centre of gum Arabic production; and in the *dura*-producing areas of southern Blue Nile.

Despite dire predictions in these areas, military positioning is mixed. The SAF alone is present in Heglig and Kaliek, while the SAF and the SPLA (largely units of Paulino Matieb) are in the Karsana area.⁶⁵ One SPLA general said that 'there will be a fight in Karsana' because with Paulino's forces joining the SPLA, the SAF contends that the area should revert back to it.⁶⁶ SPLA officials acknowledge their generally weak position with respect to the oilfields, but maintain their forces are close enough to secure them should conflict break out.⁶⁷

In his CPA anniversary speech, Salva also drew attention to the oilfields of western and eastern Upper Nile which, he said, were becoming a breeding ground for a confrontation between SAF and its proxy militias, and SPLA forces (*Sudan Tribune*, 10 January 2007). An SPLA official in Malakal made a similar allegation concerning the replacement by special police of the SAF garrisons in the Paloich and Adar oil-production areas.⁶⁸ There are similar reports from Abyei and Bentiu. These units of the petroleum police, or *aminai petrol*, have been reported in Difra and other oilfields in Abyei.⁶⁹ SPLA officials in Bentiu claim that the petroleum police are recruited from 'intelligence forces', are well trained, and equipped with heavy weapons.⁷⁰ Their presence is thus another indicator of potential tensions.

Military developments on the North–South border

More worrying is the evidence that both the SPLA and the SAF are reinforcing their positions in border areas, although the picture is not absolutely clear. UN officials in Abyei report an indeterminate increase in the numbers of the 31st Brigade, but the SAF has argued that the increase has been for purposes of 'verification and re-organisation' since parts of the brigade are reportedly returning to Abyei after seeing service in Darfur.⁷¹

Renk in northern Upper Nile has also emerged as an area of potential conflict with both sides reinforcing their positions in the past year. Renk is close to the North–South border, strategically positioned with regard to the Melut and Adar oilfields, and a jumping-off point for the Roseires Dam on the Blue Nile. The Upper Nile security advisor expressed concern that Renk was of importance in determining the boundaries between his state and Blue Nile.⁷²

While the SAF garrison at Renk is due to wind down, SPLA JIU Brigadier Marial noted that this had been announced repeatedly over the past year with no sign of action.⁷³ On the contrary, he asserted that troop numbers had increased and tanks had recently moved into the area. Meanwhile, the Popular Defence Forces (PDF) leader in Renk reported that his fighters were being disarmed.⁷⁴ Local government officials expressed doubts, however, and questioned his claim that the PDF had only 2,000 fighters in the area.⁷⁵ Meanwhile, the SAF acknowledged that it had armed large numbers of nomads and that it would be very difficult to disarm them.⁷⁶

In late 2006 the SAF established a new garrison at Wadakona, a few kilometres north of Renk on the west bank of the Nile and, according to the SPLM/A, south of the North–South border.⁷⁷ The rationale for the new garrison, according to a SAF source, was the need to police the movement of Misseriya who transit the area during the dry season; hence the garrison is supposed to shut down with the coming of the rains when the nomads return to their northern heartland. However, it is widely known that the SAF has armed the Misseriya for decades to fight the SPLA. For its part, the SPLA moved a large, heavily armoured contingent from Hamishkoreb in eastern Sudan to Jelhac, 20 kilometres south of Renk, in April 2006.

Further south in Upper Nile and bordering Southern Kordofan is resource-rich Kaka Island, 20 kilometres north of Melut. The island has long been in

contention as different groups vied for control of its lucrative gum arabic and charcoal trades.⁷⁸ It also served as a port for Kordofan during the colonial era. Most observers regard the border between South Kordofan and Upper Nile as inseparable from the broader dispute over North–South demarcation. As a result, control of Kaka Island will influence the line of the future frontier in the area. A group from southern Kordofan, made up of SAF-supported Baggara, occupied the island some time back. More recently it was reported that two Shilluk followers of Hassan Al-Turabi, including Prince Moses, signed an agreement in the early 1990s ceding the area to South Kordofan.⁷⁹ Although they had no authority to make such a transfer, this ‘agreement’ could provide a basis for claims on the territory. In any case, security in the area was improved by the dispatch of an SPLA contingent in mid-2006.⁸⁰

Paulino said that the SAF had moved tanks to Bentiu⁸¹ and this was confirmed by state officials and the local SPLA. According to these sources, the SAF has increased tank numbers over the past year under the guise of replacing old or faulty ones.⁸² Officials said they also had evidence that the SAF was illegally bringing soldiers into Unity state, sometimes disguised as civilians, and that they were supplied with weapons transported on cargo trucks from the North. Unlike other SAF forces in the South, such as those who were defeated by the SPLA in Malakal in November, the units in Bentiu were recruited from the Presidential Guard and are well trained and equipped, ethnically diverse, and probably have the will to fight.⁸³

Paulino expressed particular concern at the presence of the SAF in population centres at Mayom, Mankin, and Mirmira where civilians could get caught in crossfire should conflict break out.⁸⁴ He said he would press the SAF to withdraw from civilian areas and restrict their presence to the JIUs in Rubkona.⁸⁵ Even in Abiemnhom County in WUN, which has no oil production thus far but is adjacent to northern Sudan, the SAF is keeping a contingent of 17 soldiers. The local commissioner said that the numbers were sometimes increased by two or three under the guise of transferring forces.⁸⁶

A complicated situation also exists on the Darfur–WBEG border where SSDF leader Atom Al-Nour has long had links with the Misseriya and assorted armed Baggara groups through Fursan, an SAF-aligned armed group with ties to Nyala in Darfur.⁸⁷ There are unconfirmed allegations that Fursan has abducted

women and children from the local Fertit tribes and taken them to northern Darfur.⁸⁸ While the majority of SSDF fighters in Wau have gone over to the SPLA, some remain in Raga and provide support for the *janjawid*.⁸⁹ In December 2006 a group of displaced people from southern Darfur entered Raga and were subsequently attacked on two occasions by a *janjawid* group, which left them in a ‘desperate situation’.⁹⁰ According to one UN analyst, SPLA commanders report that *janjawid* forces have been advised to migrate from Darfur to WBEG because of international pressure on the GoS to rein them in, although this is likely to bring them into conflict with GoSS authorities there.⁹¹

Consistent with the view that conflicts over border demarcation are likely to emerge where economic interests are strongest, it is widely believed that the Kafggen and Hoffra areas of Raja contain valuable deposits of copper and uranium.⁹² The copper deposits were identified by Italian geologists in the 1950s but never developed. Miners from the Central African Republic found traces of uranium in 1953 that indicated larger deposits in the area.⁹³

The area is home to both southern and northern tribes, but local administration is complicated by the fact that some policing (particularly in Hoffra) is directed from Darfur.⁹⁴ Atom Al-Nour reportedly supports the strengthening of links between WBEG and Darfur⁹⁵ and Ali Tamin, a NCP Minister in the GNU and leader of the Moslem Forget, is actively seeking to unite the area with Darfur.⁹⁶ In a bid to reinforce its border claims, the SPLM representative in Wau said that the SPLA would be sending a contingent to the area.⁹⁷

Another complication in the adjacent north-west Bahr El Ghazal area was triggered by the collapse of Sultan Abdel Bagi’s force (Young, 2006, pp. 36–37). This division initially played out in the sultan’s own family, with some relatives joining the SPLA and others staying with the SAF, leading to violence in the sultan’s heartland of Mariam. Abdel Bagi officially holds the position of deputy to Paulino, but he is old and unwell, and usually stays in Juba. In mid-2006 the Sultan’s forces, led by his son, Gen. Abdel Hadi, were routed by the SAF and his former benefactors are now anxious that they be disarmed.⁹⁸ The SAF’s concerns derive from the proximity of the Sultan’s forces to the oilfields of Abyei and WUN.

There is agreement not to not raise issues of demarcation on South Sudan’s long border with Ethiopia at this time, but Land Commission members expect

that difficulties will inevitably focus on areas of economic importance there as well.⁹⁹ Gambella, with its prospects of oil, was singled out because the entire area was once part of Sudan and was traded off by the British for Kassala. There is also the undefined border between South Sudan, the Democratic Republic of Congo, and the Central African Republic, but officials in Juba are shelving these issues for the time being.

Border demarcation

Further fuelling southern suspicions is the long delay in establishing the CPA-stipulated Boundary Demarcation Commission (BDC). SPLM/A leaders repeatedly complained about the delay and Salva referred to it in his speech in Juba on 9 January 2007. In February 2007 the GoS finally announced that the commission had started work (*Al-Ayam*, 7 February 2007). Some in the GoSS are concerned, however, that the government is not moving fast enough to appoint a professional team to the BDC, or to ensure that it is adequately financed to carry out the necessary investigations to confront the GoS.¹⁰⁰

The state governments of Upper Nile and Unity have so far appointed committees,¹⁰¹ but their activities have been restricted to 'data collection'. In WBEG, however, no committee has been appointed though local officials anticipate intense disputes in demarcating the Raga–Darfur border.¹⁰² The GoSS has hired Professor Johnson of the ABC to assist the border demarcation and in late February 2007 he carried out investigations in South Sudan.¹⁰³

Despite growing appreciation of the problem by southern leaders, a UN official familiar with the Land Commission described it as under-funded and ill-prepared.¹⁰⁴ It also appears to be a victim of the CPA's unrealistic timetable or, as some southern members contend, the delays deliberately imposed by the NCP-dominated GNU. Officials report that their work, which only began in late 2006, is due to be completed by the end of 2007, although they acknowledge that this deadline looks increasingly unrealistic.¹⁰⁵ (By way of comparison the Sudan–Ethiopia Border Commission is expected to take seven years to complete its work.¹⁰⁶)

The political nature of the exercise is made clear by the fact that southern officials on the Land Commission emphasize that their priority is not the imme-

diate demarcation of the border, but the return and resettlement of IDPs in the border states. Despite the timetables established under the CPA, there appears to be widespread agreement in the GoSS on the need to return IDPs to their home areas.¹⁰⁷ Many of these officials allege that the NCP has actively discouraged IDPs from returning to the South in order to influence the outcome of the 2011 referendum by having southerners counted as residents of the North. This would effectively increase the northern share of southern resources. One GoSS official said that the GoS was paying salaries to 30,000 southern chiefs that would end if they left the North, but this could not be confirmed.¹⁰⁸ He also said that land was being issued in the North to encourage southerners to stay.

The other side of the coin is that during travels in the South one regularly hears reports of illegal taxation by the SPLA of IDPs and traders, and even the governor of Unity state, Taban Deng, complained of these activities at a public meeting in Bentiu.¹⁰⁹ Clement Wani, governor of Central Equatoria, accused unpaid SPLA soldiers of being responsible for road ambushes and killings across the state (*Juba Post*, 2–9 March 2007). The SPLM/A either denies the allegations¹¹⁰ or maintains that the armed men were simply wearing SPLA uniforms.¹¹¹

At any rate the states are sufficiently concerned at the slow pace of return to the South that they are assuming responsibility for the transportation of IDPs. Unity state officials claimed that in the year ending February 2007 the state had covered the transport costs of 50,000 people.¹¹² They are also anxious that non-southerners should not be in a position to influence the outcome of the referendum. Of particular concern are the Missiriya who regularly transit the Kordofan–Unity state border in search of grazing and water, and are assumed to have pro-unity sentiments. Many Missiriya have mixed North and South parentage, but because they are nomadic they are not deemed eligible to vote.¹¹³

Missiriya Arabs join the SPLA

Long used by successive governments to attack the SPLA, the Missiriya are in regular conflict with the Dinkas in northern Bahr El Ghazal, the Ngok Dinka of Abyei, and the Lek Nuer of Unity state during their migrations from January to May. By 2006, their allegiance to Khartoum had become less clear-

cut, with some groups joining the Darfur-based rebel National Redemption Front (NRF)¹¹⁴ and others siding with the SPLA.¹¹⁵ These developments are potentially of enormous significance and could affect both the North–South map and the military balance of power in Darfur.

The starting point of these developments was the Naivasha peace process, which the Missiriya recognised could pose major obstacles to their access to natural resources in the South. The movement of some Missiriya into the SPLA orbit would appear in the first instance to have been an insurance policy. In Abyei, it was hastened by the growing power of the SPLM and the dwindling authority of the GoS; in WUN, the reconciliation between the SPLM/A and Paulino, one of their bitterest opponents, also stimulated a change in Missiriya policy. UN officials in Abyei report that three meetings were held to encourage the Missiriya to join the SPLA in late 2006 and early 2007,¹¹⁶ and that similar processes were going ahead in Unity state.

While welcoming the Missiriya's change of heart, some SPLM/A officials and others in WUN remain sceptical. As noted above, there are fears that this shift may be part of a broader attempt to influence the outcome of the 2011 referendum. Others see it as rank opportunism and point out that some Missiriya who joined the SPLM/A subsequently returned to the SAF after reportedly receiving inducements.¹¹⁷ Still others argue that the Missiriya are flirting with the SPLA in order to increase their bargaining power with Khartoum.¹¹⁸ The Missiriya were particularly angry at Khartoum's decision to abolish the state of Western Kordofan, although President Bashir has recently reversed the decision. It is also suggested that since the CPA precludes the existence of any other armed groups apart from the SPLA and the SAF, this has encouraged some Missiriya to join the SPLA.

The picture remains mixed, however. The commissioner for Abiemnhom county (Unity state), for example, reported that the SAF were recently discovered to be arming sections of the Missiriya in his district, which borders the North.¹¹⁹ This commissioner said that the Missiriya had concluded that the South would eventually become independent and were defecting to 'balance their interests'. Adding to the cynicism in WUN, moreover, is the fact that Lek Nuer, displaced from the oilfields by the Missiriya, were being prevented from returning to their homelands, often by the same Missiriya groups.¹²⁰

However, it should be noted that neither the SPLM nor the NCP have developed viable plans for the return of people displaced from the oilfields.¹²¹

Even the cynics acknowledge that there is a growing political consciousness among the Missiriya and that the southerners' achievement of political rights may have stimulated it.¹²² That this is more than posturing was made clear by a Missiriya attack on the SAF garrison at Abu Jabna in December 2006.¹²³ As many as one-quarter of the Missiriya are estimated to have joined the SPLA now and some hold positions as senior officers, while an unknown number have joined the NRF. Information is scant on Missiriya joining the NRF, but UN officials speculate that this move may explain why the SAF sent reinforcements from El Obeid to Babanusa in the northwest in February 2007.¹²⁴

Another cause for concern in security circles has been the long delay in integrating the JIUs. Integrated JIUs are functioning in Gogrial, Wau, and Malakal,¹²⁵ but in the critical border areas of Abyei, northern Upper Nile and Unity state the JIUs operate independently. Curiously, while the SPLM/A, with UN support, opposed any role for former militia in the JIUs in Upper Nile, Atom Al-Nour's SSDF fighters form part of the JIU in Wau with the blessing of the WBEG governor.¹²⁶ The strike in December by units of the SPLA JIU in Juba and SPLA allegations that the SAF JIU members in Equatoria were supplying and directing groups carrying out murders in Equatoria (for which they were subsequently arrested) has further served to undermine the prestige of the force.

Census delays and election

Further weighing on the North–South border question is the forthcoming national census. The UN recommends that censuses should be held every 10 years, but because of war they were held in Sudan in 1956, 1973, 1983, and 1993. The most recent estimated the southern population at 4,000,000¹²⁷ but this caused outrage at the time since it only included people living in areas under GoS control. The population of the South was also a controversial question during the Naivasha peace talks where in the absence of hard data negotiators simply agreed on the phrase 'fair representation'.

Apart from the problems posed by poor communications and transportation and an enormously ethnically and linguistically diverse population, the South

has suffered massive dislocation and migration, and continuing insecurity.¹²⁸ Issiah Chol Aruai, chairman of the South Sudan Commission for the Census and Statistics, has accused the NCP of preventing IDPs from returning to the South as a means of skewing the division of national government resources, which are based on population size. It was assumed during the peace negotiations that border demarcation would be complete before the census was conducted, but that timeframe now looks increasingly unrealistic. Once again the Abyei question is central to the problem since the NCP's rejection of the conclusions of the ABC means it will not be clear whether people in Abyei are living in the North or South. Like the Land Commission officials, Issiah anticipates problems along the entire stretch of the border, but thinks they will be particularly virulent in the oil-rich zones and in Raja.

Unlike the Land Commission, however, Issiah thinks a clash could come about when northern counterparts challenge his officials' mapping work. The chairman was equally blunt about the CPA-stipulated elections: 'You can't talk about elections without a census.' These challenges are sufficiently daunting that he has told the GoSS and the southern states that the national census may not be feasible as currently structured, and to consider financing their own. In Issiah's view, the CPA is facing a crisis and the census is the entry point. If a satisfactory border demarcation and census cannot be obtained, elections may have to be postponed.

Economic developments

Consistent with the notion that the ceasefire signified the end of armed conflict and the beginning of political and economic warfare, attention is turning to trade. It has long been known that MI and its agents infiltrated southern trade and that northern merchants (*jellaba*) served as the eyes and ears of the military. The latter achieved their prominent trading position through liberal use of GoS barges, trucks, and airplanes to ferry goods from North to South at no cost, and so undercut local competition.¹²⁹ This dominance has since been undermined in Equatoria by the growing number of traders from Kenya and Uganda since the CPA. Many *jellaba* left Juba after the riots that followed Garang's death and those who came back now largely work in wholesale. A

similar pattern is apparent in the Bentiu-Rubkona area where, apart from one market in Rubkona controlled by SAF-MI, most traders are Darfurians, who do not generate the same animosity as the *jellaba*.¹³⁰

The GoSS and its agencies are aware of the South's economic dependency on the North, and are responding along three tracks: first, by increasing the capacity of indigenous traders; second, by building transport links to compete with the North-South routes; and thirdly, by providing loans to help southerners establish businesses. In all states, but particularly those bordering northern Sudan, local governments have launched programmes to assist local entrepreneurs. In Unity state, 55 local traders were given loans by the governor's office to strengthen their businesses.¹³¹ This programme also involves the state government making bulk purchases of consumer goods in the North and selling them at wholesale prices to indigenous merchants.¹³²

To further streamline local business, the Unity government is building port facilities at Adok to link the state with Juba, while in Upper Nile there are plans to build an all-weather road to Jikou on the Ethiopian border where a bridge has recently been built across the Baro (Sobat) River.¹³³ In March 2007, Salva asked the visiting president of Iran to provide assistance in building an all-weather road from Malakal to Juba.¹³⁴ The Kenya-Nimule-Juba route is now open and distances have been significantly cut, but the bridges have limited capacity and cannot support heavy loads. Similarly, the Juba Bridge over the Nile has one span out of commission and the other in such poor condition that large trucks have to off-load to smaller vehicles, significantly increasing the price of goods. WBEG and Northern Bahr El Ghazal are undergoing road works linking Abyei to Wau and in early 2007 a bridge is planned at Wunrok. A road link is being opened between Wau, Tambura, Yambio, and points east to Uganda. By late 2006 the *jellaba* role in the market of WBEG was declining in the face of fierce competition from East Africans travelling from Juba to Rumbek and Wau. The SPLM/A clearly understands the connection between economic and political power, and the road construction programme clearly has strong political underpinnings.¹³⁵ 🗨️

Conclusion

The policy of the SAF, and particularly of its intelligence wing, has been to encourage conflict by supporting a range of OAGs in the South. This has proven enormously disruptive but, as this analysis has demonstrated, it is failing. If the Juba Declaration began the process of terminating the relationship between the SSDF and the SAF, the fighting in Malakal in November 2006 further severed this association. The SAF garrison was overrun by their former SSDF comrades and the operation was led by Paulino Matieb, their most senior ally in the South until only a few months earlier. Not only was SAF humiliated, the Malakal operation helped to legitimize Paulino's authority in the SPLA and further cemented the Salva–Paulino axis. However, the MI's policy of encouraging instability in the South has also allowed the SPLM/A to divert attention from its own incompetence in government and development to concerns with security, where it can always command support.

The integration of the SSDF into the SPLA is far from complete, civilian disarmament has scarcely begun, and leadership issues are not resolved. Yet the analysis suggests there are reasons to hope that the ground has been laid for an improvement in the security situation and a muting of leadership struggles in the post-Garang SPLM/A. To the extent that this assessment is accurate, attention will increasingly focus on the North–South border and the oilfields. Continuing concerns about the lack of transparent oil revenues, the census, elections, and the 2011 referendum make border demarcation and border security the central issues in the next phase of the peace process. This has been clearly understood by Andrew Natsios, the US President's Special Envoy to Sudan, who said in March: 'There remains a major risk that elections will not be held on time. Both the NCP and the SPLM appear more eager to consolidate their positions of power than to hold elections' (*Juba Post*, 9–16 March 2007). US intervention might help to overcome this problem, but there are more thorny difficulties on the horizon. Unless the parties to the CPA demonstrate a capacity to work together with some degree of trust—and there is little reason

for optimism—the anticipated disputes over borders, national resources, and the census could assume violent proportions and set the stage for a descent into war.

GoSS President Salva Kiir's comment in a speech on the CPA's second anniversary that the peace process was facing a crisis was a reluctant admission of what his colleagues had been pressing him to say for months. It may have been intended as a wake-up call for an international community that has largely neglected the growing crisis in the South while its attention was diverted to Darfur. Salva's speech and subsequent statements by other SPLM/A officials placed the blame squarely on the shoulders of the NCP. Thus, while SPLM/A officials invariably emphasize their support for the CPA and the peace process, they are also preparing the ground for its collapse by blaming the NCP for its failure. According to this research, the SPLA is preparing for a return to armed conflict along the North–South border. By continuing support for OAGs and strengthening its forces in the same area, the SAF gives every indication that it is also preparing for such a possibility.

With this lack of trust and under the strong influence of the US and its allies, the Naivasha peace process produced the highly legalistic CPA. Not only was this method of conflict resolution at odds with traditional approaches to conflict resolution in the region, there appear to be no practical means by which breaches of the CPA, most notably MI's continuing support of OAGs one year after such support was due to end, can be stopped, let alone sanctioned.

The Troika of the United States, the United Kingdom, and Norway, the principal backers of the peace process, is known to have interceded on occasion, but the efforts of its members have been neither consistent nor effective. The Joint Defence Board was intended to serve as a mechanism where these issues could be brought to the fore, but it has been less than successful in correcting abuses in practice.¹³⁶ The CPA also stipulated the creation of an Assessment and Evaluation Commission, but it has not lived up to expectations.¹³⁷ One GoSS minister said that the CPA's two biggest failings were that it did not provide punitive measures when a party was found to be in breach of the agreement; and that it did not stipulate a formal role for IGAD countries in monitoring implementation.¹³⁸

The CPA is equally out of tune with Sudanese realities when it comes to timetables. Disarmament, demobilization, and reintegration has made scant

progress for the obvious reason that the SPLA anticipates further conflict and is thus not prepared to engage in wholesale efforts to disarm and demobilize its soldiers. A series of CPA-scheduled processes are likely to unravel in the coming year. It is unlikely that the border demarcation will not complete by the end of 2007 as planned. The completion of a census by early 2008, with no fixed border demarcation or agreement on the Abyei question, is equally unlikely, as the responsible officials readily acknowledge. With no completed census, there can be no fair distribution of national resources or elections.

Some within the SPLM/A and the NCP do not want elections, and others might welcome a continuing focus on security as a way of muting the rising anger in the South at the lack of development, poor governance, and corruption. Ultimately, some kind of crisis management may emerge that produces agreement between the SPLM/A and the NCP to either postpone the elections or form an electoral coalition, something strongly favoured by the NCP leadership because it would likely ensure the survival of both parties until the 2011 referendum. But this should not hide the fact that the CPA and the process it fostered is facing a crisis and, should conflict break out, the most likely scenario has it erupting on the North–South border. 🗨️

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