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Why is violence escalating in Southern Sudan?

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Executive Summary

Despite the signing of the Comprehensive Peace Agreement 9 January 2005, which formally ended the 22-year civil war in Southern Sudan, the frequency and severity of local conflicts increased during 2009. These conflicts are threatening the stability of the South, and ultimately the peace process itself. Widespread insecurity will also make it difficult to hold the planned national elections in April and the 2011 referendum on secession. Land and natural resources are increasingly contested in Southern Sudan and these issues trigger and fuel local violence. The return of internally displaced persons and refugees is also a source of controversy. In addition, partially incompatible interpretations of the Sudan People's Liberation Movement/Army policy of "land belongs to the people" combined with institutional fragmentation further complicate the situation.

The underlying drivers of the increased insecurity in Southern Sudan are: a tense political setting; a highly militarised society in terms of access to weapons and a lowered threshold for using violence to settle disputes; and finally, lack of institutional capacity to provide security and to prevent, contain and solve conflict in Southern Sudan. This situation foments the use of violence as a means to further the interests of groups and individuals. The solution lies in a two-stage process starting with short-term robust interventions (combining military deterrence and local systems of negotiation), and effective planning of long-term measures (such as disarmament, land legislation and reform) addressing the underlying factors to this predicament. Only when this first stage is finalised will long-term measures have the desired effect.

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Violence and insecurity in Southern Sudan[1]

The Comprehensive Peace Agreement (CPA) between the Sudan People's Liberation Movement/Army (SPLM/A) and the incumbent National Congress Party (NCP) has had a significant impact on the general perception of the security situation in the South, including freedom of movement. But, the CPA mainly addresses security problems related to hostilities between regular forces, and to some extent the militias associated with political parties.

Surpassing Darfur in terms of violent deaths, 2009 has proven to be an extremely difficult year in the South. In areas affected by local violence the situation is comparable to the recently concluded civil war. Local insecurity hinders implementation of two important components of the CPA: national elections in 2010 and the 2011 referendum on the future status of Southern Sudan. Continued local violence has also fuelled the debate over whether Southern Sudan could be a 'viable' independent state.

There has been a significant increase in intense local violence in the South, in the period January-October 2009, and inter- and intra-communal fighting has become the main source of insecurity in Southern Sudan. Many have correctly pointed to the increased severity of local conflicts as a result of access to modern weapons. Also, military training and combat experience probably increase the deadliness of local engagements. Some local conflicts have received considerable attention, either because of high death tolls or because communities believed to be on good terms have clashed.[2]

Lawlessness results from lack of confidence in the state's capacity to protect.

Since the signing of the CPA, both local violence and clashes involving regular army units and allied militias have been sources of insecurity. In 2009, incidents on a larger scale have taken place in and around Malakal, in Western Equatoria State (Mwolo and the border with the Democratic Republic of Congo) and in Jonglei State (Akobo and Pibor). In Western Equatoria, intensification of the Lord's Resistance Army conflict has contributed significantly towards increasing the level of violence. The main cause is the social and institutional setting that facilitates the initiation and escalation of local conflicts. Lawlessness and vigilantism is a product of lack of confidence in the state's capacity to protect the population and to deal with perpetrators. These shortcomings, combined with the peoples' military capability and the lowering of thresholds for resorting to violence, are the structural causes of local violence and insecurity.

When civilians are not "civilians"

Part of the problem is that the insufficiently armed and manned police units are no match for local raiding parties.[3] One common error is to make an artificial distinction between civilians and military personnel in Southern Sudan when discussing local violence. A significant share of the male population of Southern Sudan – especially in agro-pastoralists areas – has participated in organised violence and received some kind of military training of varying length and intensity.

Many people regarded as "civilians" have formed part of local SPLM home guards or other kinds of militias. The military capabilities of the locally organised groups fighting neighbours may not be much less than that of SPLA units they risk confronting.[4] The civilian-military dichotomy is further blurred by the SPLA being a former guerrilla army which has not reached the standards of a regular army. SPLA's lack of military superiority has in some cases meant it was incapable of preventing local clashes.

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[1] This policy brief is a summary of: Øystein H. Rolandsen, "Land, Security and Peace Building in the Southern Sudan", International Peace Research Institute, Oslo, December 2009, http://www.prio.no/Research-and-Publications/Publication/?oid=52183332, accessed 23 January 2010.

[2] For example in Eastern and Central Equatoria. See Mareike Schomerus, "Violent legacies: insecurity in Sudan's Central and Eastern Equatoria," HSBA Working Paper, Small Arms Survey, June 2008, http://www.smallarmssurvey.org/files/portal/spotlight/sudan/Sudan_pdf/SWP%2013%20C%20&%20E%20Equatoria.pdf, accessed 23 January.

[3] Human Rights Watch (HRW), "'There is No Protection': Insecurity and Human Rights in Southern Sudan", New York, February 2009, pp 21-2, http://www.hrw.org/en/reports/2009/02/12/there-no-protection, accessed 23 January 2010.

[4] Philip Thon Aleu, "Bloody day in Sudan's Jonglei, U.N. chief condemns violence", Sudan Tribune, 4 August 2009, http://www.sudantribune.com/spip.php?article32026, accessed 27 January 2010.

Local conflict in the Southern Sudan is often *triggered* (and escalated) by specific incidents, such as cattle raiding and the use of force to access or deny access to pastures; abduction of women and children; and, accidental or premeditated murders taking place in the process of these raids. Such incidents may then initiate vendettas and counter-raids. However, *the background* for these initial attacks is often complex and extends to regional and national politics. Local tensions may be exploited by Southern politicians or by others in pursuit of political ends at a higher level, for example, sabotage of the 2011 referendum. Another motive for cattle raiding may be the growing commercial market for beef and other animal products following the peace agreement.

External involvement has been difficult to verify and a fair share of these conflicts may be related to internal Southern affairs. The general lack of protection from violence has resulted in the organisation of informal local protection groups, which local authorities turn a blind eye to and in some cases even condone.[5] Although the existence of local armed groups within the community may deter aggressors, there is little guarantee that these groups will not become yet another source of local insecurity.

Lack of protection

The combination of armed and trained civilians and inadequate police forces make military intervention a necessary measure to end existing local conflict and deter future violence. In theory, three military entities in Southern Sudan could address the more immediate security problems: the SPLA, the Joint Integrated Units (JIU) and the UN Mission in Sudan (UNMIS).

The JIU – a total of 30,000 soldiers – was part of the CPA compromise on security arrangements. The JIU consists of an equal number of soldiers from the government army and the SPLA, and was supposed to be a symbol of cooperation between the two parties to the CPA. The JIU has instead become both a source and symptom of the problems involved in the implementation of the CPA: it is largely non-functional, lacking equipment and support, and has become a political battleground and a security liability. The JIU is therefore not ready to deal with local violence.

Unlike most recent UN missions, UNMIS is mandated to use force to protect civilians; it also has a large military force and a substantial budget. The mandate of the UNMIS troop component has, however, been narrowly interpreted and military activity has only focused on monitoring implementation of the CPA's military aspect, which has also proven difficult to execute satisfactorily. The UNMIS military component could have played a more active role in preventing local violence, through closer interaction with communities and government officials, as well as active patrolling and temporary stationing of troops in volatile areas. The scope of the mission is currently under scrutiny, which will hopefully result in extending civilian protection.[6]

In several cases of local violence and insecurity, the SPLM/A leadership has decided not to deploy for a number of reasons: tactical considerations; strict adherence to regulations; and lack of manpower to deal with such issues as most of the elite units have allegedly been moved to the North-South border.[7] In addition, SPLA soldiers are accustomed to wartime operations and lack training in dealing with local conflicts during peace. The SPLA has, for instance, been criticised for an operation against alleged criminals in two villages in Eastern Equatoria. In this case excessive and indiscriminate use of violence resulted in displacement, looting and casualties among the local population and SPLA personnel.[8] Military units intended to deal with local violence need strengthened discipline and "reprogramming" in order to contribute positively towards increased local security.

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[5] The best documented case is the groups of 'arrow boys' formed in Western Equatoria as a protection against attacks from Lord's Resistance Army. See M. Schomerus and K. Tumutegyereize, "After Operation Lightning Thunder: protecting communities and building peace", London: Conciliation Resources, April 2009, http://www.c-r.org/our-work/uganda/documents/After_Operation_Lightning_Thunder_29April09_lores.pdf, accessed January 2007.

[6] UN Security Council, "Report of the Secretary-General on the United Mission in the Sudan", S/2009/545, p. 21 October 2009, http://www.un.org/en/peacekeeping/missions/unmis/reports.html, accessed January 2007.

[7] Small Arms Survey and Saferworld, "Conflicting priorities: GoSS security challenges and recent responses", Geneva: Small Arms Survey, May 2009, http://www.smallarmssurvey.org/files/portal/spotlight/sudan/Sudan_pdf/SIB-14-conflicting-priorities-GoSS.pdf.

Failed disarmament

Since 2006, the Government of Southern Sudan (GOSS) has attempted to address small arms proliferation in Southern Sudan. A state monopoly on violence is almost impossible without controlling civilian access to and possession of weapons. Although considered to be extraordinarily high, there are no reliable figures on the number of guns in private hands in Southern Sudan.[9] Lakes, Jonglei, Eastern Equatoria and Upper Nile states are assumed to have the highest level of civilian small arms saturation.

Overall disarmament initiatives in Southern Sudan have not been successful owing to poor execution. Furthermore, people in targeted areas have had access to replacements for their confiscated weapons (although the price of guns varies and they are apparently relatively expensive in some areas). Another motivation for the GOSS disarmament campaigns is to reduce the threat from communities who are viewed as not fully supporting the CPA and the new government. These communities are regarded as potential spoilers and NCP allies and therefore arms proliferation within these groups is considered a military threat in addition to a civilian security problem.

Possession of small arms by civilians is extremely high.

Choosing the Murle and Lou Nuer areas in 2006 as the first targets of disarmament in Jonglei state appears to have been motivated by such considerations. Forced disarmament without compensation – combined with inadequate protection from the police force – adds to the grievances of these communities. Consequently, it becomes even easier to recruit them to spoiler groups and rearmament becomes more desirable.

Land and local violence

Differences in religion and ethnicity, centre-periphery tensions, and intervention by neighbouring countries have been the focus of conflict analysis in Sudan. With the exception of oil and the Nile, issues related to land and natural resources have rarely been taken into consideration. This is an oversight which needs to be addressed in the current post-conflict setting in Southern Sudan.

Disputes over ownership of land and the authority to regulate utilization of land and resources are cited among the causes of local violence. But, connections between conflict and insecurity, on the one hand, and land and natural resources issues, on the other, are often complex and influenced by post-war dynamics and government polices (or lack of such). Foreign governments, NGOs and the UN have provided some assistance in the development of legislation and local resource management, but the GOSS continues to face numerous immediate challenges and remains handicapped by limited planning and implementation capacity.

The CPA and the interim constitution are vague on how land is to be administered in Southern Sudan. In opposition to the system of state ownership of land introduced in the early 20th century, SPLM/A's policy has been that "land belongs to the people." The implications of this policy have not yet been fully clarified and land reform is lagging behind. Delays in establishing a transparent and coherent land administration regime, as well as a general lack of clarity regarding government intentions, have led to misunderstandings and uncertainty at local level.

Elites exploit legal uncertainty

A new Land Act was adopted in February 2009, but it has not been fully implemented and it needs further specification to be operational. Dissemination of the contents of the CPA – not to mention the interim constitution or the new Land Act – is virtually non-existent.

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[8] Steve Paterno, "SPLA destruction of villages must stop", Sudan Tribune, 23 June 2008, http://www.sudantribune.com/spip.php?article27611.

[9] One estimate is 720,000 small arms for the whole of Southern Sudan, Small Arms Survey, "Supply and demand: Arms flows and holdings in Sudan", Sudan issue brief 15, December 2009, p 8, http://www.smallarmssurvey.org/files/portal/spotlight/sudan/Sudan_pdf/SIB-15-arms-flows-and-holdings-in-Sudan.pdf, accessed 27 January 2008.

Meanwhile, land is inconsistently administrated and open to abuse by local government authorities. People living in urban and semi-urban areas are particularity vulnerable. Confusion and lack of clear government policies create uncertainty, a state of affairs that is likely to be exploited by members of local elites and external actors pursuing their own agendas.

Demarcation issues are a source of grievance and conflict between communities. There are hardly any areas in Southern Sudan which can be considered *terra nullius* (no man's land). Most of the territory belongs to someone in the sense that authority is claimed to regulate access to land and the use of its resources. In many cases local procedures for negotiation and conflict resolution ensure that tensions and disputes between neighbouring groups are solved peacefully.

The anticipated formalisation of local communal ownership, which will be influenced by access to connections in "high places," has intensified disputes over communal boundaries. Both sides in such disputes present historical narratives emphasising their group's autochthony vis-à-vis the other(s). If the claimants do not currently live on the land, the narrative includes an old agreement whereby the land was "lent" to another group.

> Demarcation issues are a source of grievance and conflict between communities.

Disputes over communal boundaries may be exacerbated by second local demarcation owing to a tendency of increased administrative fragmentation at local government level. Since 2002, most local administrative units (counties, *payams* and *bomas*) have been sub-divided, creating an even greater number of new local government institutions. This fragmentation requires additional formalisation of local borders. These borders tend to be disputed and attempted demarcation intensifies local tensions and conflicts.

Returning refugees

Control over urban land also appears to be contested. In the Equatoria states, internally displaced persons and SPLA soldiers from the regions of Bahr el-Ghazal and Upper Nile occupied land and residences during the war.[10] There are multiple reports on how previous, and assumedly rightful, owners upon returning after the war have been told that by fleeing they had forfeited their rights to the land or residences. The multi-tiered system of government sanctioned by the CPA (GOSS, state government, local government) has also been problematic. In the larger Southern towns, different levels of government (as well as individuals and the "community") often compete to allocate and administer land.

Avoiding a new war with the North and dealing with the lack of law enforcement capacity and conflict resolution mechanisms in the South are some of the immediate challenges facing GOSS. Nevertheless, the problems related to land and natural resources management should alarm Southern Sudanese policy-makers as well as planners of foreign assistance. At the moment, land and natural resource management issues are only one set of factors within several interrelated processes fuelling local violence in Southern Sudan.

Peace – with its potential for social and economic change and expansion of state capacity – increases the demand for land. Yet, ironically, it harbours a considerable potential for initiating and exacerbating disputes over land and natural resources in Southern Sudan. If and when GOSS and its lower echelons gain effective administrative control over the territory of the South, one of the first issues on the agenda should be management of land and natural resources. How the GOSS chooses to approach this issue will be decisive for peace in the long run.

Future challenges

The current level of violence and insecurity in Southern Sudan will be an obstacle to the holding of the national elections planned for April 2010. A certain degree of stability is needed for voter registration, campaigning, and setting up and running the polling stations. The elections may also give rise to increased violence and insecurity in the South:

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[10] Sara Patuliano, "The land question: Sudan's peace nemesis", Humanitarian Policy Group, London, December 2007, www.odi.org.uk/resources/download/3182.pdf, accessed 31 January 2010.

- Political parties and their candidates may resort to violence and intimidation in the contest for voters' support.
- Violence may be triggered by perceived undesirable outcomes or suspicion of rigging.
- In the long-term, a flawed election may add to a general dissatisfaction in the South and provide verbal ammunition for violent elements who seek to recruit followers.

Another possible source of instability is the GOSS' high dependency on oil revenues and its vulnerability to fluctuations in oil prices. These revenues, which make up over 95% of GOSS income, decreased significantly in spring 2009. Army salaries are especially high and the number of soldiers has soared as various armed groups have been absorbed into the SPLA. The cost of these high salaries drains the government budget and creates expectations among the soldiers that are difficult to satisfy when there are shortfalls in revenues. An increase in armed robberies in the South is attributed to delays in payment, and non-payment, to soldiers for several months in 2009.

Dependence on fluctuating oil revenues contributes to instability.

The reduction in state income results in non-payment of salaries, and teachers and health personnel do not show up for work. Investments and development projects are also halted. In addition, decreasing revenues have consequences for the programmes that are to be co-financed by the GOSS and the Multi-Donor Trust Fund. The shortfall in social and developmental peace dividends will possibly increase the general disenchantment with the CPA and provide fertile ground for anti-SPLM/A armed resistance.

The generally volatile situation can be exploited by spoilers and other kinds of conflict entrepreneurs. There appears to be an increase in military mobilisation in local communities as a consequence of the escalation in violence and this trend opposes the goal of disarmament and increases the chances of future violence.

Forces within the NCP prefer to keep the South preoccupied with internal issues, and fermenting local hostilities in the South is one way of achieving this. Also Southerners who are not necessarily allied with the NCP may consider the use of violence and the creation of armed groups as a means to achieve their objectives. To date, there has been no attempt to establish any organised armed resistance to the GOSS, but if the current trend continues it will become increasingly difficult for the GOSS to neutralise such groups should they emerge. Such a situation would then be a stepping stone to a full-fledged civil war.

Policy suggestions

The Government of Southern Sudan (GOSS) should immediately, in collaboration with the UN and in particular the UN Mission in Sudan (UNMIS), deploy adequate forces to the areas affected by local violence (first and foremost the states of Upper Nile, Jonglei and Eastern Equatoria). These units should primarily deter future attacks, but it is also necessary to have small mobile units to act against perpetrators of local violence. To avoid SPLA units themselves exacerbating rather than calming situations, it is important that these units receive adequate training for peace time actions.

Concurrently, adequate systems of local arbitration must be strengthened and given the necessary institutional support by the Government of Southern Sudan (GOSS) and national and international agencies. GOSS, with UN assistance, should also facilitate a combination of regular meetings between local representatives of neighbouring groups, and systems for dispatching fact-finding and negotiation teams at short notice.

It is only when sufficient protection from the government is provided that civil disarmament can be effective. In the longer term, the responsibility to protect has to be handed over to the civilian police forces and units stationed in rural areas, with the possibility to mobilise well-trained and disciplined home guards when the need arises.

An independent investigation into the allegations of NCP involvement in supporting the Lord's Resistance Army and other local violent elements should be initiated, possibly under the auspices of UNMIS or the CPA's Assistance and Evaluation Commission. If an investigation discovers NCP involvement, such a disclosure would hopefully contribute towards stopping it. Conversely, if the report finds no evidence of NCP involvement it may reduce distrust between the SPLM and the NCP.

Land legislation must be clarified and institutions for land administration should be expanded and strengthened by Southern Sudanese authorities. Continuous dialogue between GOSS institutions and representatives of local communities should be promoted to ensure that the interpretation and administration of new laws incorporates local practises. In order to address this issue, there is a need for additional information gathering and research into the dynamics between local conflicts and land and resources management.

Further reading

1. Øystein H. Rolandsen, "Land, Security and Peace Building in the Southern Sudan", Oslo: International Peace Research Institute, Oslo, December 2009, http://www.prio.no/Research-and-Publications/Publication/?oid=52183332, accessed 27 January 2010.
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5. Edward Thomas, "Decisions and Deadlines: A Critical Year for Sudan", Chatham House Report, London: Chatham House, January 2010. http://www.chathamhouse.org.uk/publications/papers/download/-/id/823/file/15620_r0110_sudan.pdf, accessed 27 January 2010.

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