



## Field Dispatch: Lessons from Upper Nile

April 28, 2011

By Laura Jones

**Malakal, Upper Nile State, South Sudan** – Just five days after the town of Malakal awoke in the middle of the night to the sounds of heavy gunfire last month, the capital of the volatile Upper Nile state was again bustling. Yet all was clearly not well. Men aligned with the state security forces could be seen roaming the town, seemingly ubiquitous, while soldiers with AK-47s manned the checkpoints in and out of town. The sense of paranoia and unease was almost palpable. While the Sudan People’s Liberation Army-affiliated forces eyed the people of the town with suspicion, the citizens of Malakal tried to keep their heads down as much as possible, for fear of harassment or worse. An increase in security presence is not new to the people of this area, and unfortunately, it rarely brings much of a sense of security.

The March 12, 2011 incident which led to this state of disquiet was yet another militia-led assault, this time targeting a state capital. According to a U.N. report from mid-April, more than 800 people had died in South Sudan violence since the beginning of 2011, and almost 94,000 had been displaced.<sup>1</sup> The attack on Malakal, which followed a botched attempt at integration as well as years of tension between the government and the citizens of the region, is in many ways illustrative of the weaknesses of the government approach to dealing not only with these militias but also with the concerns of its citizenry. At best, the approach to militia groups – which up to this point has been to deal with them militarily or offer amnesty and integration – has been insufficient to deal with the problem and needs a serious rethink. At worst, the approach has contributed to the predicament, by enabling a situation in which the grievances against the state security apparatus are multiplied, thus making the people especially prone to manipulation by those wanting to dismantle the state.

### Malakal under Siege

Around four o’clock in the morning on March 12, forces under the command of Captain Johnson Oliny, a junior commander from the minority Shilluk group, attacked Malakal from the north. The attackers made significant inroads into town, getting to within about half a mile of the governor’s office, in part because the offensive occurred at a time when security in Malakal was weak. The security forces previously guarding the

---

<sup>1</sup> “Over 800 Killed in South Sudan since January: UN,” *AFP*, April 13, 2011, available at: <http://www.google.com/hostednews/afp/article/ALeqM5gd2E8ZAEGalIWWhjY6RtUPctCa0lg?docId=CNG.02e59dd6cb2c6353408522f79d0dd27f.331>.

town had been relocated to northern Jonglei state to chase down another militia leader, George Athor, leaving in their place forces that were formerly part of the Sudanese Armed Forces Joint Integrated Units, or JIUs, and had been recently integrated into the SPLA.<sup>2</sup> In addition to the estimated 40 people who were killed during the fighting, an entire orphanage was held hostage.<sup>3</sup> Reports following the incident suggest that some within the town offered material support to the attackers, who targeted security services thought to be associated with the state – meaning the SPLA and the Southern Sudan Police Service, or SSPS – though, as is often the case, civilians were also adversely affected by the fighting.<sup>4</sup>

The SPLA response in the aftermath of the attack was worrisome. Sources on the ground say that the SPLA began a ‘mopping up’ operation which, although intended to find Oliny supporters, actually led to serious human rights violations against civilians. Witnesses say that forces involved in the operation engaged in illegal house-to-house searches, harassment of civilians, and arbitrary arrests and detention. There were even a couple reports of extrajudicial killings. In violation of international humanitarian law, the SPLA also militarized Malakal hospital after injured fighters from both sides were taken there for treatment. The SPLA reportedly began interrogating the wounded and removing some of those they interviewed, to the point where wounded civilians were afraid to seek treatment at the facility.<sup>5</sup> Unfortunately, these kinds of state tactics have been quite common in the aftermath of unrest in Upper Nile state.<sup>6</sup>

### **Why Malakal?**

The immediate trigger for the attack on Malakal appears to have been a firefight on March 6-7 which took place between Oliny’s forces and the SPLA during a failed attempt at integration in Owachi, about ten miles south of Malakal.<sup>7</sup> Although the attack on Malakal may have been retaliation for the Owachi incident, the root causes of the violence go much deeper. In Upper Nile, the majority of grievances center on three core issues: land, politics, and the protection of civilians. All three of these issue areas have

---

<sup>2</sup> Enough Project interview with SPLA senior advisor, Malakal, March 2011.

<sup>3</sup> Enough Project interviews with UNMIS and UNDSS, Malakal, March 2011.

<sup>4</sup> Ibid.

<sup>5</sup> Enough Project interviews with multiple sources including the UN in Juba and Malakal, and various NGOs in Malakal, March 2011.

<sup>6</sup> Maggie Fick, “Field Dispatch: Election Grievances Reverberate in the Countdown to the South’s Referendum” (Washington: Enough Project, July 2010), available at: <http://www.enoughproject.org/publications/field-dispatch-election-grievances-reverberate-countdown-souths-referendum>; and “Southern Sudan: Abuses on Both Sides in Upper Nile Clashes,” *AlertNet*, April 19, 2011, available at: <http://www.trust.org/alertnet/news/southern-sudan-abuses-on-both-sides-in-upper-nile-clashes/>.

<sup>7</sup> It should be noted that the explanation of this incident has differed depending on the source. Some sources have said that the fight was in response to a rape that occurred, while others claim it resulted from attempts to move past an SPLA outpost.

been 'ethnicized' in recent years and previous attempts to address them have borne little fruit.

The first and most commonly referenced issue between the government and some of the communities of Upper Nile is that of land. Tensions over the boundary between the Shilluk and Dinka lands, as well as between Upper Nile and Jonglei states, have been exacerbated by years of war and displacement. Following the signing of the Comprehensive Peace Agreement in 2005, some of the Shilluk who were displaced during the war returned to find their land occupied by Dinka. This reality, paired with the border disagreements, contributed greatly to the Shilluk perception that the Dinka are trying to territorially expand at Shilluk expense. This belief has only intensified over the years, as the Dinka-dominated SPLM has neglected to address this particular grievance in its numerous ceasefire agreements and integration arrangements with Shilluk leaders. In fact, some SPLM members have contributed to the further entrenchment of these ideas, such as the state minister of information, Peter Lam Both, who told Bloomberg, "Of course some of the Dinka moved into Shilluk land. This is a federal government, any citizen can live in any state."<sup>8</sup>

The second issue revolves around political grievances against the SPLM that have also acquired an ethnic dimension. After four Shilluk Sudan People's Liberation Movement – Democratic Change, or SPLM-DC, candidates won parliamentary positions for Upper Nile in the April 2010 elections, they were falsely accused of being involved in a murder and were not only arrested and detained in late May by the SPLA, but were also at risk of having their parliamentary immunity permanently stripped from them.<sup>9</sup> Although these members were ultimately released and their immunity restored by the legislative assembly in August, the damage to the SPLM's image was done. More recently, Ayuok Ogat, the Shilluk county commissioner of Manyo in Upper Nile, was removed from his post for allegedly being overly sympathetic to the Shilluk, a development that has reverberated throughout Shilluk land.<sup>10</sup> There are rumors that following the Malakal attack, Oliny actually fled to South Kordofan and met up with Ogat, who allegedly "went bush" after his dismissal.<sup>11</sup>

Finally, there is an increasing perception among the Shilluk that the SPLA is less than fully committed to their protection of civilians. The SPLA's heavy-handed responses to

---

<sup>8</sup> Matt Richardson, "Southern Sudanese Civilians Bear Brunt of Army's Campaign Against Rebels," *Bloomberg*, April 13, 2011, available at <http://www.bloomberg.com/news/2011-04-13/southern-sudanese-civilians-bear-brunt-of-army-s-campaign-against-rebels.html>.

<sup>9</sup> Sudan Human Security Baseline Survey, "SPLM/A-Shilluk Conflict in Upper Nile," (March 2010) available at: <http://www.humansecuritygateway.com/documents/HSBA-Armed-Groups-Shilluk-Conflict.pdf>. This was not the first time that SPLM-DC candidates had been arrested either. For more information, see "Sudan: Abuses Undermine Impending Elections," *Human Rights Watch*, January 24, 2010, available at: <http://www.hrw.org/en/news/2010/01/24/sudan-abuses-undermine-impending-elections>.

<sup>10</sup> Enough Project interviews with UN and SPLA, Malakal, March 2011.

<sup>11</sup> Enough Project interview with SPLA advisor, Malakal, March 2011.

outbreaks of violence or instability, as well as its inability or unwillingness to differentiate between civilians and militants, have led to a significant amount of distrust. An overly zealous disarmament campaign in Fashoda and Panyikang counties following the April 2010 elections led to a number of injuries and human rights violations, and an increase in banditry shortly thereafter led to a violent crackdown on civilians by security forces.<sup>12</sup> Most recently, Human Rights Watch reported that the SPLA response to the aforementioned incident at Owachi included firing on unarmed civilians and burning and looting homes.<sup>13</sup>

Bad behavior on the part of the SPLA is often directly tied to its lack of professionalism, which can sometimes be the result of faulty or incomplete integration of other militia or rebel forces, as well as its weak command and control. The role of senior officers in the direction and coordination of military activities is often limited due to weak communications and infrastructure, which in turn impedes the military's ability to monitor the actions of its soldiers and later hold them accountable. Flawed efforts to integrate former militia members into the SPLA have only exacerbated this tendency. In the case of Malakal, for example, the recently integrated SAF-JIUs who were guarding the town were looting and harassing civilians prior to Oliny's attack. These same soldiers, previously under the command of the infamous Gabriel Tang and known for their unruliness, were also the ones accused of taking part in the extrajudicial killings following Oliny's assault on the town.<sup>14</sup>

These events have resulted in an increasing sense of marginalization and general mistrust of the ruling party and its security forces. This has made the situation in Malakal ripe for exploitation—not just exploitation of communities by militia leaders, but also of militia leaders by outside sources. It is difficult to know with any certainty who is supporting Captain Oliny and his forces, but the SPLM has repeatedly accused Lam Akol and the SPLM-DC of being involved with this and other armed groups, such as that of Robert Gwang.<sup>15</sup> Akol, a Shilluk commander who split from the SPLA in 1991 and

---

<sup>12</sup> "South Sudan: Improve Accountability for Security Force Abuses," *Human Rights Watch*, February 8, 2011, available at <http://www.hrw.org/en/news/2011/02/08/south-sudan-improve-accountability-security-force-abuses>.

<sup>13</sup> "Southern Sudan: Abuses on Both Sides in Upper Nile Clashes," *Human Rights Watch*, April 19, 2011, available at <http://www.hrw.org/en/news/2011/04/19/southern-sudan-abuses-both-sides-upper-nile-clashes>.

<sup>14</sup> Enough Project interview with SPLA senior advisor, Malakal, March 2011. For more on General Tang see Mayank Bubna, "South Sudan's Militias" (Washington: Enough Project, March 2011), available at <http://www.enoughproject.org/files/SouthSudanReport.pdf>.

<sup>15</sup> Ngor Arol Garang. "SPLM-DC denies links to any Militia Groups in South Sudan," *Sudan Tribune*, March 14, 2011, available at: <http://www.sudantribune.com/SPLM-DC-denies-links-to-any,38284>; and Sudan Human Security Baseline Survey, "SPLM/A-Shilluk Conflict in Upper Nile."

Robert Gwang, a former prisons officer in Upper Nile and a supporter of Akol, has been accused of numerous incidents of violence by the SPLA, including the June 2010 attack on a barge around Kodok. Gwang recently agreed to have his forces integrated into the SPLA though the success of that integration so far has been questionable.

remained outside the fold until 2003, started the SPLM-DC in 2009 on a reform platform. Although he claims to have severed ties with the North, the SPLM has remained suspicious of Akol, given his past ties to the ruling National Congress Party. This has led to the belief that other Shilluks, who may have reason to sympathize with Akol, are also receiving support from the North – though in most cases this is virtually impossible to prove. It is clear, however, that Oliny and leaders like him are at the very least getting safe haven in northern Sudan, be it in Khartoum or South Kordofan.<sup>16</sup>

### **The Malakal Microcosm**

Unfortunately, these most recent incidents in Upper Nile are neither unique nor exceptional. With his questionable ties to former northern-sponsored militia leaders and his support from forces fueled by a sense of injustice or desire for greater opportunities, Captain Oliny exemplifies the biggest security challenge currently facing the government of South Sudan. In this way, the Upper Nile case offers useful insights into why this problem is persisting and the broad steps that need to be taken to address it.

The perception that the southern Sudanese government is unrepresentative and unabashedly pro-Dinka has fueled resentment and revolt in multiple areas of South Sudan, particularly in the Greater Upper Nile region. In mid-April, Major General Peter Gadet, who recently defected from the SPLA, and his South Sudan Liberation Army, or SSLA, released the Mayom Declaration in which they condemned the SPLM for its high levels of corruption and tribal bias.<sup>17</sup> Gadet joins a long line of militia leaders who claim to have legitimate grievances against the government, including George Athor and David Yau Yau (though, of course, the degree to which this is true differs from leader to leader).

This belief that the government fails to represent the interests of its citizens is only made worse by the prevention of humanitarian access in the aftermath of violence or instability. For months following Athor's attack on Fangak, for example, the SPLA refused to let anyone into or out of a large area in northern Jonglei, where there were undoubtedly civilians in need. Similarly, militarizing the Malakal hospital in violation of international law had a disproportionate effect on civilians.<sup>18</sup> While the rationale may have been to prevent the further spread of militia activity, these actions had the more

---

<sup>16</sup> For more on this issue, see Mayank Bubna, "South Sudan's Militias" (Washington: Enough Project, March 2011), available at <http://www.enoughproject.org/files/SouthSudanReport.pdf>. George Athor, a militia leader based in Unity state, claimed Oliny as part of his movement, Oliny has never confirmed this. Oliny could in fact be working with any number of people, including Lam Akol, the former county commissioner, Ayuok Ogat, or George Athor.

<sup>17</sup> The Mayom Declaration available at: <http://www.pachodo.org/201104182064/Pachodo.org-English-Articles/the-mayom-declaration.html>.

<sup>18</sup> Enough Project interview with UNMIS and international humanitarian organizations, Malakal, March 2011.

likely outcome of increasing the number of grievances that those from the region have against the SPLM/A.

As long as communities in the region continue to perceive that the state is failing to represent them, or worse, is aiming to exploit or harm them, support for militia groups such as those of Oliny and Gadet will continue.<sup>19</sup> The SPLM/A needs to change its current mentality which is that problems of insecurity are best handled by the threat or use of force. As Jok Madut Jok, Undersecretary at the Ministry of Culture, told Bloomberg, "If the SPLA becomes a professional military, then it will have nothing to do but protect the country from external threats. But if the SPLA continues to be used to repress people, then people will continue to fight the army."<sup>20</sup> The SPLM should therefore focus on addressing the root causes of these rebellions by working with local communities to address any land grievances, ceasing the manipulation of local level politics, focusing on service provision, and promoting true democratic reform.

The role that the SPLA plays in perpetuating the negative image of the Dinka-led government cannot be underestimated. A major effort toward professionalization of the armed forces, as well as a rethink on its approach to militias is desperately needed. It is essential that the SPLA begins to address the lack of accountability within its security apparatus, which would include not only better and more thorough training, but also improvements in its communications capabilities and infrastructure. Furthermore, the current government approach to integration is fraught with problems and generally creates more issues than it solves. Violence in many cases, as in the case of Malakal, has been directly linked to problems with the process of integrating militia groups into the SPLA. This includes the most recent fighting that erupted around Kaldak between the SPLA and Gabriel Tang's forces over complications related to their attempt to integrate.<sup>21</sup> In fact, it has been reported that some people actually join militia groups in the hopes of ultimately being integrated into the SPLA, which they believe will offer better opportunities in the long run. This not only demonstrates the lack of economic prospects more generally in the South, but also that the use of blanket integration as an incentive is actually working against the overall goal of achieving peace. Through the offer of amnesty and the absence of complete training, the culture of impunity that is rife within these militia groups is reinforced. This, matched with the dissatisfaction some feel over the lack of expected rewards, is often a recipe for disaster.

It is also worth noting that many of the current militia leaders have ties to former leaders who have already been integrated, or were themselves once upon a time integrated into the SPLA. As previously mentioned, there is some speculation that

---

<sup>19</sup> It should be noted, however, that there are also divisions within the Shilluk community over the more militant approach. Not all Shilluk support the movements of rebel leaders such as Oliny and Gwang.

<sup>20</sup> Richardson, "Southern Sudanese Civilians Bear Brunt of Army Campaign Against Rebels."

<sup>21</sup> Peter Martell, "South Sudan Militia Head 'Surrenders,' Toll Soars," *AFP*, April 25, 2011, available at: [http://www.google.com/hostednews/afp/article/ALeqM5jGuNRCvfus7ZsS5KNcwbphJ9EAWQ?docId=CNG\\_52b1c572200691378e42eaf823edf1d3.1a1](http://www.google.com/hostednews/afp/article/ALeqM5jGuNRCvfus7ZsS5KNcwbphJ9EAWQ?docId=CNG_52b1c572200691378e42eaf823edf1d3.1a1).

Robert Gwang and Johnson Oliny maintain ties with Lam Akol, while Peter Gadet himself was integrated into the SPLA after the Juba Declaration in 2006. This reinforces the idea that past attempts at integration have not been thorough enough. Part of the issue could be that while leaders were often rewarded with high ranks and moved to other areas, the rank and file often stayed together in the same place without the level of incentives awarded to their leaders.<sup>22</sup> But more broadly, it is fair to say that the integration process up to this point has left many feeling dissatisfied.

### **Conclusion**

If the government intends to move forward with its integration approach, much more thought needs to be put into planning and training, as well as managing the expectations of those beginning the integration process. And in the end, a failure to balance this with policies that address the legitimate grievances of the civilian populations in these volatile areas will only ensure the continued existence of those who wish to change the status quo.

---

<sup>22</sup> Sudan Human Security Baseline Assessment, "Armed Groups in Sudan: The South Sudan Defense Forces in the Aftermath of the Juba Declaration," (October 2006), available at: <http://www.smallarmssurveysudan.org/pdfs/HSBA-SIB-2-SSDF.pdf>.