

## Sudan and South Sudan are tipping into catastrophic War:

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### **An Urgent Recalibration of Diplomatic Measures and Pressures is Required**

By Eric Reeves

April 25, 2012 - Traveling to South Sudan and the Nuba Mountains in January 2003, months after a ceasefire agreement had been signed between North and South, an unnerving conviction, a grim certainty, was expressed to me by every military and civil society official I spoke with, including John Garang, the deceased former leader of the Sudan People's Liberation Army and Sudanese vice president: if war comes again to Sudan, it will be the most destructive of all our wars. This was an extraordinary observation coming from people who had just begun to emerge from a civil war that claimed well over 2 million lives and displaced between 4 and 5 million civilians. The prediction was made not in a bellicose spirit, but as a matter of fact, something that should be clear to anyone who understood the nature of the military forces in the North and the South, and the conduct of war by northern governments, including the current National Islamic Front/National Congress Party (NIF/NCP) regime, between 1983 and 2005. In recent weeks, those terrible premonitions from 2003 seem on the verge of becoming a vast and uncontrollable reality.

The Sudan People's Liberation Movement/Army (SPLM/A) leadership has long understood, according to numerous Sudanese I have spoken to in the last decade, that there would be no international guarantors of the security arrangements in the Comprehensive Peace Agreement (CPA), completed in 2004 and finally signed on January 9, 2005. The SPLM/A was adamant about maintaining its own army, because in the event that the NIF/NCP regime violated the peace, no other country would offer meaningful help or protection to the South.

The moment they had feared appears almost at hand. In the last few weeks, the SPLA has repeatedly repulsed a (northern) Sudan Armed Forces (SAF) assault on the border settlement of Tishwin in Unity State, South Sudan. In the process of driving the SAF north, the SPLA temporarily seized the critical oil hub of Heglig, which lies in a complicated and contested border area (Heglig is called Panthou by most Southerners). The fighting was particularly significant in the wake of Khartoum's May 2011 seizure of the large Abyei area just to the west of Heglig---another contested area of immense significance to southerners, and in which Heglig had been placed by the CPA's Abyei Boundaries Commission.

The SPLA withdrew forces from Heglig at the behest of the international community (or, according to Khartoum, pressure from the SAF), but the situation is now explosive. As of today, the northern Sudanese regime was openly bombing targets across the border from Heglig. The NIF/NCP regime, particularly its increasingly militarist generals, was humiliated by the ease of the SPLA victory at Heglig. A vehement, angry rhetoric dominates all its pronouncements, despite concerns about imperiling the infrastructure at a site that produces half of what remains of northern oil production. (Much damage has already been reported, most of it from inaccurate bombing and shelling by the SAF.)

The leadership in Juba, South Sudan, initially demanded as a condition of withdrawal that the UN assure that Heglig would not be used to stage further attacks on the South. (The recent major assault on South Sudan was not the first in recent weeks, and has been accompanied by a steady increase in aerial attacks on southern territory.) But there has been no follow-up on creating a UN buffer zone between the two forces. Further conflict seems inevitable without meaningful diplomatic engagement, which we have yet to see.

Sudan's long civil war was fought between a guerilla insurgency and a national army with substantial assistance from proxy militias. If the recent fighting precipitates war between North and South Sudan, it will be a conflict between two very powerful military forces. The South would have better logistics, communications, and transport than it did during the 1983-2005 conflict, while the SAF will again be fighting far away from Khartoum. The SAF will also have a far more difficult time forcibly conscripting recruits from regions it formerly counted on, including Blue Nile, South Kordofan, Darfur, and South Sudan itself, since it is presently waging war in all those territories.

Perhaps most important, the people of the South generally feel that if war comes, they will be fighting for their survival, given Khartoum's unconstrained military ambitions. SPLA morale is correspondingly much higher than in the SAF, which is spread very thin. There are credible reports about splits within the SAF over the decision to go to war with South Sudan. Moreover, all evidence suggests that the SAF is being badly mauled by the Sudan People's Liberation Army-North in months of brutal fighting within the Nuba Mountains in South Kordofan. Khartoum's response has been an increasing reliance on bombing, long-range artillery, advanced rocket launchers---"stand-off weaponry"---and the ruthless determination to starve and deny humanitarian assistance to the people of the Nuba Mountains as a way of ending the insurgency. But crushing defeats of the SAF in military encounters with the SPLA-North are increasingly in evidence, and this is taking a significant toll on the larger military force.

Over the past year, fighting has spread from Abyei to South Kordofan to Blue Nile to the border regions, and in each instance Khartoum has been the clear aggressor, evidently convinced that it can somehow seize southern oil fields or create a situation on the ground that will strengthen its negotiating position. The SAF began (or, rather, resumed) indiscriminate aerial assaults on civilians in November 2010, shortly before the southern self-determination referendum. This has accelerated in recent months and weeks; the very recent bombing of Bentiu, a major city and the capital of Unity State, signals a willingness to attack civilians on a large scale.

For its part, the leadership in Juba is bewildered and dismayed. While appropriately fearing the military threat posed by Khartoum, the SPLM/A did not anticipate during peace negotiations that it would be abandoned diplomatically, allowing Khartoum to pick which elements of the CPA Protocols it would observe and which it would ignore. To understand the current dire situation, we must remember that the international community never secured from Khartoum good faith participation in negotiations over delineation and demarcation of the North/South border, per the explicit terms of the CPA.

South Sudanese President Salva Kiir knows that, as the leader of an impoverished new nation with few friends, he must place the diplomatic ball in the international court if negotiations with Khartoum to reduce the present level of violence are to succeed. Unfortunately, he was denied the assistance he needed to de-escalate the fighting in the Tishwin/Heglig area. Instead, Kiir and the South Sudanese leadership stood accused by the UN, the AU, the EU, the UK, and the United States of military aggression against northern Sudanese territory, even though all evidence---from UN observers from the UN Mission in South Sudan (UNMISS), journalists on the ground, and oil workers---points to Khartoum as the clear aggressor in both major assaults on Tishwin.

Some of the confusion in international reporting comes from a failure to follow the course of the dispute over the Abyei border region, which Khartoum seized a year ago. Following Khartoum's military assault on Abyei town in May 2008, the southern leadership---convinced that the matter could not be resolved militarily---concluded that "final and binding" arbitration of the Abyei border issue was essential, and succeeded in bringing the matter before the Permanent Court of Arbitration (PCA) in the Hague. Though in many ways unfavorable to Juba, the PCA ruling was nonetheless accepted. Khartoum's land grab last year flouted the court's "final and binding" ruling, issued in July 2009, which defined the area in which the critical Abyei self-determination referendum was to be held. This abrogation of a key protocol called into serious question Khartoum's commitment to honor the CPA.

The PCA ruling, it should be noted, did nothing to settle where the "1 January 1956 border" lies. It had no mandate to make such a determination, which was to be determined by post-CPA negotiations between Juba and Khartoum. But feeling no real international pressure, Khartoum never engaged in good faith negotiations on the North/South border, which has shifted steadily southward since 1956. Indeed, Khartoum used its military to prevent demarcation of areas in Abyei that had already been delineated, as international leaders rarely acknowledge. And yet the South has mostly faced one-sided denunciations for its incursion into Heglig, from the U.S. State Department, the UK minister for Africa, the chief EU foreign policy official, and the African Union. These international actors, along with the UN Security Council, are silent on the seizure of Abyei even though they presume to judge the location of the North/South border, an issue that is very much on the negotiating table so long as Abyei remains occupied by Khartoum. These peremptory judgments unwittingly but effectively encourage the regime to remain intransigent in any future negotiations on the location of the border.

In one of the few sensible diplomatic statements during the present crisis, Norway proposed a Joint Border Verification and Monitoring Mission, reiterating a previous proposal that was stymied by Khartoum. Juba likely wishes for nothing so much as an active and robust JBVM Mission. Only Khartoum benefits from ambiguous borders, and an ability to project military power without a clearly defined tripwire. The ambiguity of the border has also permitted the North to build a secret "tie-in" oil pipeline in Heglig that would have had the capacity to siphon off as much as 25,000 barrels of crude from southern oil fields per day.

The outlook for North and South Sudan is extremely bleak. There is no evidence of countervailing forces to bring Khartoum back from its present characterization of the fighting as "South Sudan's blatant invasion of Heglig"---an "invasion" that requires a massive military retaliation. If there is to be a chance of peace, the factitious parceling out of equal blame to Juba and Khartoum must end. To be sure, the odds of changing this decades-long pattern seem exceedingly small next to the likelihood of war.

At the same time, the UNMISS force in South Sudan needs better transport and logistics to ensure that it can re-deploy more rapidly, and should include a Border Verification and Monitoring team like the one Norway proposed. Khartoum will resist, and may make deployment impossible in many areas; this fact should then be made widely known. UNMISS must also be freed of UN political manipulation. Currently, UN political officials conceal most of the mission's findings despite the fact that they make clear that the military actions reported by Southerners and the SPLA have occurred. UN political suppression of observations and investigations that have direct bearing in assigning responsibility for the current military situation is deeply irresponsible.

For border delineation to begin in earnest, substantial diplomatic commitment will be needed. Immediately following delineation of any section of the border, the UN should begin demarcation as a means of creating a credible, effective

tripwire along the North/South border to prevent, if possible, future aggressive military actions against the South by Khartoum.

In all likelihood, none of these measures will be taken, with Khartoum's obduracy used to justify diplomatic fecklessness. But the responsibility for that war will not be Khartoum's alone. It will be shared by the international leaders who chose the expedient route, even with millions of lives at risk.

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