

Situational Analysis: Bentiu

December 2014

Executive Summary

Bentiu is nationally significant as the capital of the only Nuer-majority state in South Sudan. The Bentiu Protection of Civilians (POC) site hosts about 45,000 IDPs and lies in one of the most persistent battlefield zones of the war. Fighting has completely destroyed Bentiu town and the Rubkona market, the largest pre-war marketplace in Unity State. A market half as large has grown inside the POC site, where prices have increased threefold from the pre-war norm. All Nuer subgroups live in the site and the position of the Bul Nuer is notable as the main subgroup politically and militarily engaged on both sides of the conflict. A civilian population living in outlying areas, perhaps around 15,000 in number, travel to and from the site to trade for food in the market. Customary law, in use by all Nuer subgroups in the site, is evolving to address wartime conditions. While generally effective, customary law does not adequately address gender-based violence. The most vulnerable groups in the site are women who face high levels of such violence, and disenfranchised rural youth belonging to gangs who lack education and income generating opportunities.

Introduction

The civil war that began in Juba on 15 December 2013 quickly spread to areas outside the capital along increasingly ethnicized lines as government security forces fragmented and the national army suffered widespread defections. Greater Upper Nile emerged as the war's main theatre, as it had been during the second Sudan Civil War after the split of the SPLA in 1991. The grouping of the war's two sides also resembled the divisions of that split, with the old breakaway Nassir Faction led by Riek Machar now constituting much of the opposition, and SPLA loyalists marshalling the government side.¹

The political crisis precipitating the December fighting was a struggle within the ruling SPLM party to express internal discontent with the rule of President Salva Kiir, who had concentrated his power as elite dissatisfaction grew during the austerity period following his government's decision to shut off oil production in January 2012.² Kiir removed several important politicians from office before the war began in Juba, including the Vice President, Riek Machar, and the Governor of Unity State, Taban Deng.

Armies and militias in South Sudan have a history of attacking the home bases of the enemy to inflict damage on civilian populations and generate mass displacement.³ Repeated attacks on population centers by both sides in the current war have displaced nearly two million people since December 2013.⁴ A large number of civilians entered the bases of the United Nations Mission in South Sudan (UNMISS) for protection, leading to the establishment of the POC sites within UNMISS bases in several states.⁵

Bentiu within the current conflict

Bentiu is nationally significant as the capital of the only Nuer-majority state in South Sudan. Unity State is oil-producing and receives additional oil revenue under the Transitional Constitution.⁶ This makes Bentiu the politically potent key to control of oil wealth generated in Nuer areas.⁷

Disagreement about revenue sharing after Juba shut down oil production in 2012 contributed to a deterioration of the relationship between President Salva Kiir and the Governor of Unity State, Taban Deng.⁸ In July 2013, Kiir removed Deng by decree and replaced him with Joseph Monytuel, the brother of Bapiny Monytuel, the former leader of a rebel group that had opposed Deng in the controversial 2010 elections for governor.⁹ Deng is now the chief negotiator for the SPLA-in-Opposition (SPLA-IO).

Bentiu thus stands at the heart of the national crisis and remains important even now in its ruined state. Once home to about 75,000 people, the town has been burned to the ground and the only visible remnants are hard-walled government buildings used as shelter by SPLA soldiers. The governor's office compound remains intact, and in December 2014 the state radio station was intermittently operating.¹⁰ Rubkona market, before the war the largest market in Unity State with some 10,000 traders, was leveled to the ground and is now returning to grassland.¹¹

Current Security Situation

Since the SPLA retook Bentiu in May 2014, most fighting in Unity State has focused on the Bentiu area.¹² The SPLA-IO has made several attempts to take back the capital, while the SPLA has tried to break up SPLA-IO positions.¹³ As of November 2014, there were over 290,000 displaced persons in the state. All counties in Unity State experienced a heavy rainy season in 2014, which led to crop failure and intense pressure on animal herds. Food insecurity is widespread and worsened by blocked trade routes. Since the SPLA retook Bentiu in May 2014, the area immediately around the POC site has seen persistent low-level fighting with small arms fire and occasional firing of larger caliber weapons. The site is situated on the main north-south road linking Bentiu with the Unity oilfields, Sudan border and the junction to Mayom, a key battleground. As such the site is frequently passed by armed forces during battles in Bentiu town, though it has not been the target of a large-scale attack. The SPLA-IO has attacked Bentiu town in displays of strength but has not retaken lasting control.¹⁴

The following sections provide an overview of findings from consultations using a basic situational analysis and protection framework.¹⁵

Bentiu Protection of Civilians Site

At the time of writing the Bentiu Protection of Civilians (POC) site hosts about 45,000 IDPs and lies in one of the most persistent battlefield zones of the war. Though there have been notable episodes of violent conflict inside the site, the principal threat to IDPs is external. The majority are seen by the government to support the SPLA-IO such that the site is a perceived island of dissent in a government-controlled area.

Conditions inside the site during the 2014 rainy season were abysmal. Virtually the entire area was under water. Situated on a flat mud plain with a clay substrate, the site could not drain rainwater, which pooled into seasonal lakes. Overcrowding intensified disease outbreaks during this period. Even as the site has transformed into a makeshift camp for IDPs, it continued to serve its original purpose as an operating base for the UN peacekeeping mission.

Population Groups

Reflecting the Nuer-majority population of Unity State, residents of the Bentiu POC overwhelmingly belong to the Nuer ethnic group, with all seven major Nuer subgroups present.¹⁶ The government has used rhetoric describing IDPs at the site as “rebels.”¹⁷ However, there are a number of pro-government IDPs including some Bul Nuer and Ruweng Dinka from Abeimnom and Pariang counties. There is a broad cross-spectrum of society at the site, from government officials to teachers, engineers, farmers and cattle keepers. With most fighting-age men in the region mobilized for war, the majority of IDPs are women, children and the elderly.

In general, the Nuer subgroups are geographically distinct and relate to their home counties. For life in the POC site, this means a Dok Nuer from Leer with a matter requiring consultation with elders will seek out Dok Nuer leaders from Leer.¹⁸ A dispute involving people from different subgroups will be addressed by the elders of the respective subgroups. Although IDPs are not spatially organized within the site by county of origin, they gather as needed at designated places to discuss issues of concern to their specific community.¹⁹

The Bul Nuer of Mayom County are notable among the Nuer subgroups for their overrepresentation in military and political circles on both sides of the war. Both the Unity State governor, Joseph Monytuel, and a powerful SPLA-IO commander, Peter Gadet, are Bul Nuer from Mayom County.

There are substantial numbers of civilians living in outlying areas within a day’s walk of the site who come and go, mainly to trade for food in the market and access food distributions.²⁰ Many of these civilians are women with children who collect firewood for sale and use earnings to buy food.

Violations, Threats, Perpetrators

Interviews with residents in the POC and researchers in the field suggest large-scale atrocities were committed by both sides during fighting between February and May 2014 in Bentiu town; Guit and Rubkona counties; and Leer and Koch counties.²¹ For the humanitarian operation, perhaps the most complex protection issue to navigate is the matter of aid distributions in a context of militarized space that problematizes specific areas outside the POC site. Armies and militias in South Sudan have a history of attacking the home bases of the enemy to inflict damage on civilian populations and generate mass displacement.²² Particularly in Unity State, with Nuer on both sides of the conflict, loyalties are assumed based on the location of an individual. If a civilian resides in government-controlled territory, he or she is seen to support the government; a civilian residing in an opposition area is seen to support the opposition.²³ The pressures for civilians to move or shelter within this security landscape are related to physical protection and access to food. The timing and location of aid distributions is therefore highly sensitive.

Impact on people and communities

The key impact of the war has been catastrophic disruption of food production, causing widespread food insecurity in Unity State. Displaced rural communities missed the planting season in 2014; fields that were planted were often destroyed; crops that made it to harvest season are now unattended. Compounding the displacement of farmers, the rainy season was particularly heavy and caused crop failure.

Most IDPs in Bentiu have lost their cattle in the war. Because of sophisticated herd dispersal strategies, flexible notions of ownership and the communal nature of the problem this fact itself is of less concern to IDPs than might be expected in a context in which agro-pastoralism is the prevailing livelihood system. Lasting damage, however, arises from a transfer of cattle wealth from civilian control to militarized groups. The anthropologist Sharon Hutchinson has found that military monopolization of cattle wealth has grave long-term consequences for poverty and traditional social institutions critical for social cohesion. Among Nuer communities who experienced cycles of military conflict in neighboring Jonglei State, Hutchinson observed:

[Cattle under military control became] 'military/government property' to be redistributed as the local military commander saw fit. The end result was a steady siphoning of civilian cattle wealth into the hands of the byres of their nominal military protectors. As regional poverty has deepened, people's survival efforts became more individualistic and/or household oriented. Consequently, their abilities to sustain the community-wide institutions and practices that formerly restrained gross abuses of power declined dramatically. The end result has been a progressive marginalization of civilian leaders from what remains a deeply fragmented southern political/military ruling state elite.²⁴

Furthermore, key social institutions "greased through the social circulation of cattle" are undermined by the military's stripping of civilian assets:

The ability of the senior (non-military) men to amass power over their juniors through controls over cattle wealth rapidly collapsed, as gun-wielding youths of all military stripes began to acquire cattle through force. ... With each cow forcibly extracted, the social histories it carried on its back and all the social relations through which it passed are devalued.²⁵

Community protection strategies

Customary law is in effect in the POC site and traditional justice systems appear to be evolving to meet new conditions of life. For example, traditional leaders from all seven Nuer subgroups have agreed to reduce and cap marriage dowry prices.²⁶ Civil disputes are referred through a networked system of traditional authorities, who cooperate across communities generally grouped by county.²⁷ IDPs reported general satisfaction with the evolving ability of traditional systems to resolve most disputes.

There are notable areas where traditional justice systems are ineffective. The most significant relates to gender-based violence. There are persistently high rates of rape and sexual assault in the POC site, compounding the harsh reality that women fleeing conflict in Leer, Koch, Guit and Rubkona counties in particular have endured heavy sexual violence as part of their experience of war. Traditional justice also frequently fails to restrain conflict among disenfranchised rural youth who belong to gangs and are known among IDPs as "niggas." Gangs of such youth in the site include "West Coast," "D-Black," "West Life," and "Good Life" and tend to be active in POC 4 and POC 6.²⁸ They express disillusionment with nearly all authority, including NGOs, and complain that humanitarians fail to recognize and engage the interests of rural, uneducated youth.²⁹ Older IDPs express frustration with what they feel is the unruly behavior of this demographic.³⁰

Many IDPs anticipated the next rainy season with anxiety because of the poor conditions in the site during the 2014 rainy season. Rural, impoverished families who cannot tolerate another rainy season in the site may plan to hide in the countryside in a dispersal pattern for protection which avoids any towns or groups of people.³¹

Commitment to Protection

The Bentiu POC site is regarded by civilians as a safe haven, but one fraught with sanitation and health crises during the rainy season. It is seen by many IDPs as the least worst of a limited number of bad options. The SPLA views the site as an SPLA-IO stronghold and shows little regard for its function as a civilian refuge. Groups affiliated with the SPLA, such as JEM, have displayed intermittent willingness to fire weaponry in the direction of the site.³² During its attacks on SPLA positions in Rubkona and Bentiu, the SPLA-IO has tended to steer clear of the site, though in a major offensive in October 2014 it drew SPLA fire toward the POC site when its forces marched on the perimeter berm on their way toward Bentiu town.

Within the site, community leaders and residents demonstrate strong commitment to protection. They have organized community watch groups, closely monitor security and political developments, and continue to use traditional mechanisms to resolve as many disputes as possible within the community. Internal site security is not worse than what can be expected in an under-resourced, densely-populated and largely improvised camp of displaced people sheltering from war. The notable exception is high levels of ongoing gender-based violence.

A key protection issue is the future of the POC site itself. Donors, humanitarians and community leaders alike recognize the poor conditions of the past rainy season cannot recur in the next one. The health and physical security of IDPs will be profoundly affected by what is done to prepare for the next rainy season³³.

Conclusion and Policy Implications

The Bentiu Protection of Civilians (POC) site will continue to serve as a security sanctuary in one of the most active battle zones of South Sudan's civil war. The number of IDPs can be expected to continue to greatly fluctuate as civilian life is impacted by war and food insecurity. Many civilians may rely on humanitarian services within the site while not residing there permanently. Aid distributions outside the site occur in a fraught security landscape in which both sides of the war use the location of civilians to establish loyalty. Women and rural youth are vulnerable populations particularly impacted by the crisis and life inside the POC site. A key dynamic affecting the site's community governance is the relationship between the Bul Nuer and other Nuer subgroups. With limited resources, UNMISS faces the challenge of responsibility for perimeter site security and maintaining a collaborative working relationship with government officials who may view the site suspiciously. Humanitarians in the POC site must navigate these dynamics while also working with the greatest authority within the site, UNMISS, which itself is delivering on its humanitarian mandate in ways new to peacekeeping.

¹ The 2005 Comprehensive Peace Agreement (CPA) recognized only the SPLA among armed groups in southern Sudan. All other armed groups (referred to as “other armed groups,” or “OAGs”) were compelled to either disband or integrate into the SPLA. Many of these groups existed apart from the SPLA or had origins in the split of the SPLA in 1991. For a history of the CPA, the split of the SPLA and these groups, see Young J; The Fate of Sudan.

² South Sudan voluntarily halted its oil production because of a dispute over transit fees with Sudan. South Sudan's production was partially shut down again at the end of 2013 because of the conflict. Suspension of production has heavily impacted Sudan, which lost 55% of its fiscal revenues and about two-thirds of its foreign exchange earnings. See U.S. Energy Information Administration; Country Analysis Brief: Sudan and South Sudan.

<http://www.eia.gov/countries/analysisbriefs/Sudan/sudan.pdf>. Updated 3 Sep 2014. Accessed 30 Nov 2014.

³ Hutton L; Netherlands Institute of International Relations Clingendael. South Sudan: From Fragility at Independence to a Crisis of Sovereignty. <http://www.clingendael.nl/sites/default/files/South%20Sudan.pdf>. Published Mar 2014. Accessed 25 Oct 2014.

⁴ OCHA; South Sudan Crisis Situation Report.

http://reliefweb.int/sites/reliefweb.int/files/resources/South_Sudan_Crisis_Situation_Report_No_64_28Nov2014.pdf. Published 28 Nov 2014. Accessed 4 Dec 2014.

⁵ The establishment of the Protection of Civilians (POC) sites is significant in the history of UN peacekeeping. No UN peacekeeping mission has ever before hosted a large IDP population for a prolonged period. For many humanitarian actors, it is also the first time they have managed large operations for IDPs inside UN peacekeeping bases.

⁶ Oil producing states are constitutionally mandated to receive 5 percent of oil revenue. The distribution of this 5 percent is as follows: 2 percent for the state government and 3 percent for the communities where production occurs. Governance of oil revenue is a critical issue among contesting elites in the current war. The relevant legislation forming the oil revenue governance framework consists of the following: the Petroleum Revenue Management bill (2013), Petroleum Act (2012), Mining Act (2013), Public Financial Management and Accountability Act (2011) Anti-Corruption Act (2009), Investment Promotion Act (2009), Local Government Act (2009), Land Act (2009) and Land Policy (2013), Human Rights Act (2009), Environment bill (in progress) and finally, the Agreement between the Government of South Sudan and Government of Sudan on oil and related economic matters (2012).

⁷ Because of a pervasive lack of transparency surrounding oil revenues, it is difficult to establish how much revenue was shared with Unity State. Interviews with knowledgeable sources in Bentiu suggest the amount was several hundred million US dollars annually from 2011 to 2013, and a somewhat lesser amount from 2005 to 2011.

⁸ Deng was a member of the SPLM's national Political Bureau and opposed a further presidential term for Kiir. DRC interviews, Bentiu, December 2014.

⁹ The 2010 election for Unity State governor was a contest between Angelina Teny, the wife of Riek Machar, and Taban Deng, the incumbent. Deng declared victory despite widespread allegations of voting irregularities, and tension ensued between supporters of Teny (mainly in Unity State's southern half) and supporters of Deng (mainly in Rubkona and Guit counties surrounding the capital, Bentiu). In a sign of his unpopularity, prior to the election Deng had been deposed as Party Chairman of the SPLM in Unity State, where party delegates elected Joseph Monytuel instead. Going into the 2010 election, Taban Deng was the only Governor in Southern Sudan who was not also state Chairman of the SPLM.

¹⁰ The radio station in Bentiu broadcasts a strong signal reaching most of Unity State and parts of Upper Nile and Jonglei. The Unity State Ministry of Information has operated it at least since Taban Deng became governor in 2008. In April 2014, the United Nations Resident Coordinator alleged the radio station had been used by SPLA-IO forces to encourage attacks on civilians in Bentiu town.

¹¹ DRC interviews, Bentiu, Dec 2014.

¹² Small Arms Survey; The Conflict in Unity State. <http://www.smallarmssurveysudan.org/facts-figures/south-sudan/conflict-of-2013-14/the-conflict-in-unity.html>. Published 22 Sep 2014. Accessed 30 Nov 2014.

¹³ Ibid.

¹⁴ DRC interviews, Bentiu, December 2014.

¹⁵ The framework was developed by the The Active Learning Network for Accountability and Performance in Humanitarian Action (ALNAP). See Slim, H and Bonwick; ALNAP. Protection: An ALNAP Guide for Humanitarian Agencies.

http://www.globalprotectioncluster.org/assets/files/aors/protection_mainstreaming/ALNAP_Guide_2005_EN.pdf

. Published Aug 2005. Accessed 20 Oct 2014.

¹⁶ These include the Bul Nuer from Mayom County; the Leek Nuer from Rubkona County; the Jikany Nuer from Guit County; the Jagei Nuer from Koch County; the Haak Nuer from Mayendit County; the Dok Nuer from Leer County; and the Nuong Nuer from Panyijar County.

¹⁷ The Rubkona County Commissioner, Apollo Manyang, openly views the POC as a “rebel base.” President Salva Kiir has expressed similar views. See Radio Tamazuj; South Sudan’s Kiir Equates UN-Protected Civilians with Rebels. <https://radiotamazuj.org/en/article/south-sudan%E2%80%99s-kiir-equates-un-protected-civilians-rebels>. Published 2 Nov 2014. Accessed 3 Nov 2014.

¹⁸ DRC interviews, Bentiu, December 2014.

¹⁹ DRC interviews, Bentiu, December 2014.

²⁰ At the time of writing, the number of civilians in outlying areas of the POC are unknown. However, based on anecdotal information from food distributions in the POC, the number is likely to be between 10,000 and 20,000.

²¹ At the time of writing, no independent documentation of violations south of Bentiu had been published.

²² Hutton L; Netherlands Institute of International Relations Clingendael. South Sudan: From Fragility at Independence to a Crisis of Sovereignty. <http://www.clingendael.nl/sites/default/files/South%20Sudan.pdf>. Published Mar 2014. Accessed 25 Oct 2014.

²³ DRC interviews, Bentiu, December 2014.

²⁴ Hutchinson S; University of Wisconsin. A Guide to the Nuer of Jonglei State. <http://www.cmi.no/file/1962-Nuer.pdf>. Published Apr 2012. Accessed 12 Dec 2014.

²⁵ Ibid.

²⁶ DRC interviews, Bentiu, December 2014.

²⁷ DRC interviews, Bentiu, December 2014.

²⁸ DRC interviews, Bentiu, December 2014.

²⁹ DRC interviews, Bentiu, December 2014.

³⁰ DRC interviews, Bentiu, December 2014.

³¹ DRC interviews, Bentiu, December 2014.

³² JEM forces allegedly fired four rocket mortars into the POC in April 2014 from a distance of about 20 kilometers away.

³³ A major site redevelopment exercise is planned for the dry season.