

SITUATIONAL ANALYSIS | MALAKAL POC SITE

February 2015

Executive Summary

Malakal is unique as the major inter-ethnic Protection of Civilians (POC) site in South Sudan, a fact which distinguishes its internal dynamics.¹ A strategic military garrison, Malakal was the second largest city in the country but after fierce fighting is now largely abandoned by civilians. Reflecting the demographics of the city, the POC site is majority Shilluk with substantial numbers of Nuer and Dinka. Communal tensions are primarily between Shilluk and Nuer populations, who are perceived to be on opposite sides of the war, and driven by a range of grievances related to past land and resource issues and present violations that have occurred in the course of the war. Inter-communal riots broke out between Shilluk and Nuer IDPs in February, October and November 2014. Underscoring the fact that conflict is not always overtly violent, the period between the riots was one in which communities waged a “cold war” inside the site using tactics such as restrictions of movement and trade and blockades of food and water.

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.²

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 2012.³ Kiir removed several important politicians from office before the war began in Juba, including the Vice President, Riek Machar, and the Chairman of the SPLM, Pagan Amum.

¹ The Juba POC is Nuer-majority but has a significant multi-ethnic minority. The ethnic composition of POC sites is sensitive and data on ethnicity identity is not officially collected.

² 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.

³ 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.

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.⁴ Repeated attacks on population centers by both sides in the current war have displaced nearly two million people since December 2013.⁵ 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.⁶

Malakal Within The Current Conflict

Malakal is a strategic garrison town near the confluence of the Sobat and White Nile rivers and is the administrative capital of Upper Nile state, where 80 percent of South Sudan's pre-crisis oil production originates.⁷ Along with the oil field at Paloich 200 km to the northeast, Malakal is a principal military target.⁸ Both sides have fought bitterly for control of Malakal, which stands out as one of the war's most protracted theatres.⁹ Approximately 20 percent of the town was leveled to the ground as it changed hands six times between government and opposition forces in the first three months of the crisis.¹⁰

Malakal fell to defecting soldiers of the SPLA 7th Division and White Army fighters on 25 December 2013. By the third day of fighting, 12,000 townspeople had fled to the UN peacekeeping base on the edge of town.¹¹ A renewed wave of fighting in January 2014 drove further displacements. During the fighting, thousands of townspeople sought shelter in churches, the Malakal Teaching Hospital and the UN base. More than three hundred civilians drowned or were shot while fleeing across the Nile under gunfire.¹²

Johnson Olony emerged as a crucial SPLA ally in Malakal during this period. A former senior commander of an armed opposition group, he was integrated into the SPLA just before the crisis began. Olony is

⁴ 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.

⁵ 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.

⁶ 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.

⁷ Patey L; African Arguments. South Sudan: Fighting Could Cripple Oil Industry for Decades. <http://africanarguments.org/2014/01/10/south-sudan-fighting-could-cripple-oil-industry-for-decades-by-luke-patey/>. Published 10 Jan 2014. Accessed 30 Nov 2014.

⁸ Small Arms Survey; The Conflict in Upper Nile. <http://www.smallarmssurveysudan.org/facts-figures/south-sudan/conflict-of-2013-14/the-conflict-in-upper-nile.html>. Published 22 Sep 2014. Accessed 30 Nov 2014.

⁹ Copnall, J; African Arguments. Atrocities, Federalism and the Shilluk. <http://africanarguments.org/2014/10/06/upper-nile-diary-atrocities-federalism-and-the-shilluk-by-james-copnall>. Published 6 Oct 2014. Accessed 29 Oct 2014.

¹⁰ UNMISS; Conflict in South Sudan: A Human Rights Report.

¹¹ DRC interviews, Malakal, Oct 2014.

¹² UNMISS; Conflict in South Sudan: A Human Rights Report. <http://www.unmiss.unmissions.org/Portals/unmiss/Human%20Rights%20Reports/UNMISS%20Conflict%20in%20outh%20Sudan%20-%20A%20Human%20Rights%20Report.pdf>. Published 8 May 2014. Accessed 18 Oct 2014.

Shilluk, and the government's alliance with him is vital to securing the SPLA position in the area. The alliance has helped foster a local perception among Nuer that the Shilluk are aligned with the government against the SPLA-IO.¹³ Fragile state-level alliances in Upper Nile are made for a range of local and national reasons which may shift, break and reconfigure as the war continues.¹⁴

The second opposition campaign for Malakal in February 2014 was marked by widespread violence against civilians that hardened ethnic relations. During the assault, ethnic violence broke out in the POC site between Nuer on the one side and Shilluk and Dinka on the other resulting in the deaths of several IDPs.

Current Security Situation

Malakal town is heavily militarized with strong presence of SPLA from Divisions 2, 6 and 7 and men loyal to Johnson Olony.¹⁵ The national civil war has spawned secondary conflicts that the internationally supported peace talks do not address. This is particularly the case in Upper Nile, where the government has mobilized Shilluk, Mabanese and Dinka ethnic militias in areas where the SPLA is weak. The use of such militias has set in motion local dynamics of opportunism, score settling and ethnic polarization that are difficult to control.

On the SPLA-IO side, White Army fighters have been particularly active in the areas south and east of Malakal, including Baliet County, home to a population of Ngok Dinka.¹⁶ The White Army is not a single entity but consists of multiple autonomous groups akin to civil defense forces formed when needed wherever Nuer populations are. This highlights the loose nature of command-and-control and varying sets of motives among non-formal fighting forces.

The Shilluk community may be leveraging its alliance with the SPLA to advance its interests in land and resource distribution.¹⁷ SPLA advances, such as the one across the Sobat River in early November 2014, have both the result of driving the SPLA-IO further from Malakal and pushing Nuer populations away from a zone around the capital.

The following sections provide an overview of findings from consultations using a basic situational analysis and protection framework.¹⁸

¹³ DRC interviews, Malakal, Oct 2014.

¹⁴ "Melut Situational Analysis," Danish Demining Group, 28 August 2014.

¹⁵ SPLA Division 6 was originally comprised of the former Joint Integrated Units based in Malakal during the CPA period. Division 7 was a mobile unit created in Upper Nile sometime in 2010 with troops from the former rebel group led by Peter Gadet. Gadet now leads the SPLA-IO in Unity State. For more see <http://www.smallarmssurveysudan.org/fileadmin/docs/working-papers/HSBA-WP-23-SPLA-Transformation-2006-10-and-Beyond.pdf>

¹⁶ "Melut Situational Analysis," Danish Demining Group, 28 August 2014.

¹⁷ DRC interviews, Malakal, Oct 2014.

¹⁸ 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.

Malakal Protection of Civilians Site (POC)

Malakal is the only major multi-ethnic Protection of Civilians (POC) site. Its internal dynamics are principally shaped by the relationship between a Shilluk majority perceived to be sympathetic to the government and a Nuer minority perceived to be sympathetic to the opposition. Both sides feel aggrieved. The Shilluk, a minority tribe in Upper Nile, have longstanding complaints related to land and political marginalization. Traditionally, their relations with the Nuer are cordial and intermarriage between the two groups is widely practiced. Since the crisis, however, opposition attacks on Shilluk civilians have engendered Shilluk suspicion of the Nuer. For their part, Nuer IDPs feel surrounded by hostile groups, in particular Shilluk forces, who are aligned with the SPLA.

Tensions between the Nuer and Shilluk communities in the site have manifest in riots, blockades of food and water and interference with service delivery by NGOs. One Shilluk community leader characterized the Shilluk hostility toward the Nuer as a “cold war.”¹⁹ A secondary set of dynamics more generally relate to problems of camp life, including the size and locations of shelter provided to IDPs, idleness of young men and gradually increasing rates of crime.²⁰

Population Groups

The Malakal POC site broadly reflects the mixed urban population that had been living in Malakal town, which was multi-ethnic but majority Shilluk.²¹ When fighting reached town, about half of Malakal’s population fled northward to Wau Shilluk and half sought refuge in the UNMISS base on the edge of town.²² Though living conditions are less harsh in Wau Shilluk, where riverine trade is bustling and food supplies are adequate even for the ten-fold increase in population there, a number of IDPs have opted for the POC site for physical protection as well as its proximity to Malakal.²³ This group tends to have ties to the town through property ownership or former salaried positions with government or civic institutions such as the university, hospital, or primary and secondary schools.²⁴ Upper Nile is one of only three states in South Sudan in which salary payments were the primary form of livelihood for more than 20 percent of the population, largely due to the fact that Malakal is the historic administrative capital of the Greater Upper Nile region.²⁵ While some men in the POC site continue to collect sporadic salary payments in town, a large number of women are increasingly engaged in income-generating activities there.²⁶ In both cases, proximity to town is linked to sustaining livelihoods.

Nuer living in the site find themselves a minority perceived to support the SPLA-IO in an area under government control where relatively few Nuer people currently live.²⁷ Most arrived from Malakal town, where in many cases they had been living for more than ten years. Malakal was ethnically segregated,

¹⁹ DRC interviews, Malakal, Oct 2014.

²⁰ DRC; Post Relocation Evaluation. Published Oct 2014. DRC interviews, Malakal, Oct 2014.

²¹ DRC interviews, Malakal, Oct 2014.

²² DRC interviews, Malakal, Oct 2014.

²³ DRC interviews, Malakal, Oct 2014.

²⁴ DRC interviews, Malakal, Oct 2014.

²⁵ South Sudan National Bureau of Statistics; National Baseline Household Survey 2009 Report. Published Jan 2012.

²⁶ DRC interviews, Malakal, Oct 2014.

²⁷ At the time of writing of this report, an expansion of the POC is planned to be completed during the dry season ending in the first half of 2015. Residents of POC 1 and 2 will be relocated to the newly developed site.

and the town's southern districts most destroyed by fighting were largely Nuer neighborhoods.²⁸ Many Nuer in Malakal are Jikany Nuer from northern Jonglei. There are also a number of urbanized Nuer who returned from Khartoum during the referendum and independence period between 2010 and 2012.²⁹

Dinka residents in the POC are mainly from Malakal town, but a large minority are from rural outlying areas, such as Baliet County, where displacement was driven by White Army and SPLA forces sweeping in and out of Malakal.³⁰ Despite past elite conflicts in Upper Nile between Dinka and Shilluk, relations between them in the POC site are relatively stable.^{31,32} The Dinka retain some tribal representation among community leaders. Small numbers of Equatorians, Anyuak and Ethiopian and Eritrean traders also live in the site.

Initial IDP settlement patterns in the site were largely determined by the sequence of control exercised in Malakal between government and opposition forces. Different groups have also made different judgments about leaving the site during periods of relative calm.³³ Nuer IDPs form the longest-lived core group and feel the greatest level of threat beyond the perimeter of the site. Many may feel unable to return for the foreseeable future regardless of who controls Malakal town because of the many scores left unsettled from the fighting in the first quarter of 2014.³⁴

Cautious assessments of community security are made by Shilluk IDPs, as well. Many feel they were too quick to return to town after the initial opposition attack in January 2014.³⁵ The subsequent attack by opposition forces in February was particularly harsh and well-coordinated, and civilian casualties were significant.³⁶

Violations, Threats, Perpetrators

IDPs living in the site carry the trauma of some of the war's most intense fighting. An elderly Shilluk man living in the site had his toes cut off by White Army fighters while he sheltered with a few thousand people in one of Malakal's churches during the February 2014 fighting.³⁷ A Nuer civil servant living in the site was one of the few survivors of a group of 200 men who walked on foot from Equatoria to Malakal for three months with almost no food.³⁸ Women on all sides have suffered from high rates of rape and

²⁸ DRC interviews, Malakal, Oct 2014.

²⁹ DRC interviews, Malakal, Oct 2014.

³⁰ Most Dinka from Baliet County have sought refuge in Melut, on the Nile river north of Malakal.

³¹ DRC interviews, Malakal, Oct 2014.

³² A Dinka man was killed by a Shilluk mob in the October 2014 riot. This was an isolated case involving mistaken identity. Elders of the Shilluk assailants met with elders of the Dinka victim. It was agreed that a blood price of ten cattle would be paid to the Dinka family after the parties returned to normal life outside the POC. Both sides accepted this reckoning and the matter was considered finished.

³³ DRC interviews, Malakal, Oct 2014.

³⁴ DRC interviews, Malakal, Oct 2014.

³⁵ DRC interviews, Malakal, Oct 2014.

³⁶ UNMISS; Conflict in South Sudan: A Human Rights Report.

<http://www.unmiss.unmissions.org/Portals/unmiss/Human%20Rights%20Reports/UNMISS%20Conflict%20in%20South%20Sudan%20-%20A%20Human%20Rights%20Report.pdf>. Published 8 May 2014. Accessed 18 Oct 2014.

³⁶ DRC interviews, Malakal, Oct 2014.

³⁷ DRC interviews, Malakal, Oct 2014.

³⁸ Berger, C; field research, Malakal, Oct 2014.

sexual assault by armed men, and gender-based violence continues to be a major ongoing threat in the POC site.³⁹

Community leaders are concerned about gradually growing crime. They suggest the culprits are young, disenfranchised men who steal to maintain an urban standard of living. This subgroup previously seized abandoned items in Malakal town and sold them, but the town now has nothing left of value.⁴⁰ UN Police, however, perceived a gradual improvement of law-and-order in the site during the second half of 2014.⁴¹

Impact on People and Communities

The conflict has in particular eroded trust between the Nuer and Shilluk communities, a dynamic which appears specific to the Malakal area and draws on the fight for Malakal town and range of grievances about land and local resources. Community leaders of all groups report a widespread sense that the Addis Ababa peace talks will not achieve local reconciliation.

Tensions in the site do not always manifest in violence, and many IDPs wish for the site to be a genuine sanctuary from war. This is also true for a number of Nuer and Shilluk church and youth groups, women's associations and community leaders, who nonetheless rarely challenge the polarizing positions voiced by some senior community leaders. Tensions grew during the second half of 2014, and turned violent with communal riots in October and November. A senior Shilluk leader indicated that his community was waging a "cold war" against Nuer IDPs during this period.⁴²

The cold war entailed a regime of control in which the movement of Nuer IDPs was limited by non-Nuer youth.⁴³ Non-Nuer IDPs enforced a blockade inside the POC site that hindered food and water from reaching Nuer IDPs. Meanwhile, Nuer youth blocked the entrance to the MSF hospital and non-Nuer IDPs briefly could not access it. Non-Nuer IDPs began walking on the outside perimeter berm rather than walk on the main road traversing the POC site. Most of these developments occurred without active, visible fighting, but created a climate of deprivation and increasing hardship.

During this period, some community leaders threatened national staff of NGOs who crossed blockade lines. Amidst increasing reports of violence and threats against humanitarian workers in and outside of the site, the UN Deputy Humanitarian Coordinator (DHC) concluded that conditions were unacceptably unsafe for humanitarians to work and security measures were inadequate for humanitarians resident in the humanitarian hub.⁴⁴ The DHC brokered agreement among humanitarian partners to suspend all non-life saving services in November 2014, and set five criteria for their resumption: no market embargos; no roadblocks or checkpoints; no guns, knives or other homemade weapons; no intimidation; and establishment of agreed "ground rules" between communities and humanitarians.⁴⁵ These conditions were met within a week of the suspension, and NGOs resumed normal operations.

³⁹ DRC interviews, Malakal, Oct 2014.

⁴⁰ DRC interviews, Malakal, Oct 2014.

⁴¹ DRC interviews, Malakal, Oct 2014.

⁴² DRC interviews, Malakal, Oct 2014.

⁴³ DRC interviews, Malakal, Oct 2014.

⁴⁴ Final Report of the Joint Humanitarian Leadership Mission to Malakal, 21 Nov 2014.

⁴⁵ Ibid.

Community Protection Strategies

Many IDPs spoke of being taken by surprise at how swift and sharp the outbreak of the crisis was. There was a sense among some Shilluk community leaders that they were slow to recognize how serious the violence would be. This experience was cited as a key reason for caution in assessing the security context in Malakal town for purposes of return.

Unlike in other POC sites, customary law is not widely practiced in Malakal.⁴⁶ UNPOL and NGO protection workers are used to report crimes and to manage relations between antagonists. Community leaders from different groups, including Nuer, Shilluk, Dinka, Anyuak and Equatorians report that the inter-ethnic nature of the Malakal POC means no single tradition of customary law prevails. Leaders with experience in different traditions have not found ways to systematically accommodate these differences, except in specific disputes between same-group families whose elders agree among themselves to accept a negotiated decision on an ad-hoc basis.

Many IDPs are urban and lived under a transitioning, hybrid system of customary law and formal law. As the second largest city in South Sudan and a state capital, Malakal had stronger law enforcement systems than most areas of the country, and residents used police and government judicial mechanisms alongside customary law systems for matters ranging from property and contract disputes to theft and assault crimes. Now living in a multi-ethnic humanitarian camp, IDPs report that customary traditions have weakened further, with no agreed-upon approach to handle cases across different ethnic communities and traditions. Petty crimes, such as theft, are handled through customary channels if the parties are from groups recognizing the same legal traditions. Violent crimes are not handled by customary law, nor are complex disputes affecting multiple parties from different ethnicities and traditions.⁴⁷ Instead, residents depend on UN police, contracted private security guards, UN peacekeeping battalions, UNMISS civilian departments and NGO protection actors. These mechanisms are used for a range of different purposes, from reporting crimes to brokering resolutions and agreeing upon ways to resolve conflicts and disputes.

These mechanisms are imperfect. Nuer IDPs distrust the contracted private guard force, while the UN Police are undermined by the lack of a sustainable detention system. Troublemakers can be “jailed,” but must ultimately be released because of a lack of functional prisons.

Commitment to Protection

The protection environment in and around the site is dynamic and contested. Commanders in both SPLA and opposition forces have shown repeated disregard for civilian lives in Malakal. Ethnic identities are hardening and growing more entrenched. In Nassir County, the government has offered amnesty and job opportunities to youth involved in the White Army, but community-level polarization has grown too great for such overtures to gain traction.⁴⁸

⁴⁶ DRC interviews, Malakal, Oct 2014.

⁴⁷ DRC interviews, Malakal, Oct 2014.

⁴⁸ DRC interviews, Malakal, Oct 2014.

On 17 October 2014, a Nuer senior WFP staff member was abducted by gunmen affiliated with the SPLA at the Malakal airport while boarding a UN aircraft. The abduction occurred in the presence of a large number of international staff and UN security. The incident badly undermined the credibility of the UN as a protection actor in the eyes of Nuer living in the POC. Both UNMISS and WFP have demanded the release of the abducted staff member, who remains missing.

Conclusion and Policy Implications

Church groups and women's groups appear to offer space where discussion countering the broader war narrative can occur. There are at least nine churches in the POC site, but only the Catholic Church is multi-ethnic. It has taken the lead among church leaders to ease tensions between ethnic communities, but so far without significant success. It is unclear how heartfelt the appeals for peace are among churchgoers. Some IDPs felt that the churches are expected to appeal for peace, but do not demand specific measures that could reduce tensions or improve the protection climate. Women, on the other hand, often cross conflict lines as a matter of course while trading goods, traveling to collect firewood and gathering water from distant water points. With intermarriage across ethnic groups a common practice, women have knowledge and relationships of the "other." They may have credibility as bridge-builders, but would require protection in such a role and would need to overcome the dominance of men in decision-making forums. Any dialogue initiatives should be linked to a broader strategy with preparation and follow-up measures.