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DISPLACED AND IMMISERATED

The Shilluk of Upper Nile in South Sudan's Civil War, 2014–19

Joshua Craze

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Cover photo: A man walks through the village of Aburoc, South Sudan, as an Ilyushin Il-76 flies over the village during a food drop as part of a joint WFP–UNICEF Rapid Response Mission on 13 May 2017. Source: Phil Hatcher-Moore

About the author

Joshua Craze is an independent writer and researcher. He has worked in southern Sudan since 2006, and completed his PhD in anthropology at the University of California, Berkeley, based on fieldwork on the Sudan–South Sudan border. Since 2011, he has produced a variety of reports for the Human Security Baseline Assessment (HSBA) project, including Working Papers on Unity state and the Sudan–South Sudan border, and regular Facts and Figures updates on the situation in Unity and Upper Nile states during the South Sudanese civil war. In 2014, he was a UNESCO Artist Laureate in Creative Writing, and he has published work on Northeast Africa in a variety of media outlets, including *Creative Time Reports*, *Chimurenga*, and *The Guardian*.

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The Human Security Baseline Assessment (HSBA) for Sudan and South Sudan is a multi-year project administered by the Small Arms Survey. It was developed in cooperation with the Canadian government, the United Nations Mission in Sudan, the United Nations Development Programme, and a wide array of international and Sudanese partners. Through the active generation and dissemination of timely, empirical research, the project supports violence reduction initiatives, including disarmament, demobilization, and reintegration programmes and incentive schemes for civilian arms collection, as well as security sector reform and arms control interventions across Sudan and South Sudan. The HSBA also offers policy-relevant advice on redressing insecurity.

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List of abbreviations and acronyms

ABC   Abyei Boundaries Commission

ARCSS   Agreement on the Resolution of the Conflict in the Republic of South Sudan

CAR   Conflict Armament Research

CoH   Cessation of Hostilities agreement

CPA   Comprehensive Peace Agreement

CTSAMM   Ceasefire and Transitional Security Arrangements Monitoring Mechanism

CTSAMVM Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism

GoS   Government of Sudan

GPAA   Greater Pibor Administrative Area

GRSS   Government of the Republic of South Sudan

HRW   Human Rights Watch

HSBA   Human Security Baseline Assessment

IBC   Independent Boundaries Commission

ICRC   International Committee of the Red Cross

IDPs   Internally displaced people

IGAD   Intergovernmental Authority on Development

IOM   International Organization for Migration

ISB   Internal Security Bureau

MSF   Médecins Sans Frontières

MVM   Monitoring and Verification Mechanism

NAS	National Salvation Front
NCP	National Congress Party
NDM	National Democratic Movement
NSS	National Security Service
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the United Nations High Commissioner for Human Rights
PCA	Permanent Court of Arbitration in The Hague
PoC	Protection of Civilians
R-ARCSS	Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan
RJMEC	Reconstituted Joint Monitoring and Evaluation Commission
RTGoNU	Revitalized Transitional Government of National Unity
SAF	Sudan Armed Forces
SPLA	Sudan People's Liberation Army
SPLA-IO	Sudan People's Liberation Army-in-Opposition
SPLA-IO (TD)	Sudan People's Liberation Army-in-Opposition (Taban Deng)
SPLA-United	Sudan People's Liberation Army-United
SPLM	Sudan People's Liberation Movement
SPLM/A	Sudan People's Liberation Movement/Army
SPLM-DC	Sudan People's Liberation Movement-Democratic Change
SSDF	South Sudan Defence Forces
SSOA	South Sudan Opposition Alliance
SSPA	South Sudan Patriotic Army
SSPDF	South Sudan People's Defence Forces
SS-UF	South Sudan United Front
TBC	Technical Border Committee
TFNF	Tiger Faction New Forces
TGoNU	Transitional Government of National Unity
UN	United Nations
UNHCR	United Nations High Commission for Refugees
UNMISS	United Nations Mission in South Sudan
UN PoE	United Nations Panel of Experts on South Sudan
WFP	World Food Programme

Executive summary

The civil war that began in South Sudan in December 2013 has had dire consequences for the Shilluk of Upper Nile. Attacks by the Sudan People's Liberation Army (SPLA) and allied militia forces have forcibly displaced tens of thousands of people. Many of those displaced have fled to Sudan—just as they did during the second civil war (1983–2005)—where they eke out an uncertain existence. On the east bank of the White Nile, where there was once a robust Shilluk community, the numbers now living in towns such as Renk are massively reduced. While there are no exact figures, according to unoffical estimates as much as 50 per cent of the Shilluk population has left the country during the current civil war, while—including internally displaced people (IDPs)—as much as 80 per cent has been displaced.

Government forces have used helicopter gunships and fighter jets to destroy villages, hospitals, and schools. As explained in the report, these attacks appear to have formed part of a concerted campaign orchestrated by the Government of the Republic of South Sudan (GRSS) and the Padang Dinka military and political elite of former Upper Nile state, designed to push the Shilluk from the east bank of the White Nile, maintain total political and administrative control of the area now constituted by Central and Northern Upper Nile states, and keep the Shilluk in a permanent state of impoverishment and terror on the west bank of the river.

The South Sudanese civil war is extremely complex; on the ground, it is driven by a series of local antagonisms in different parts of the country, and is irreducible to a single broader dynamic. In Northern Upper Nile, the area that is the focus of this report, the Padang Dinka political elite were able to link a relatively localized struggle for land and power to the interests of the government in Juba. As outlined in this report, it appears that, from 2015 to 2019, a campaign to consolidate Padang Dinka power in Upper Nile utilized the firepower of the national army in an operation on the banks of the White Nile that led to the death and displacement of much of the Shilluk population. Understanding the roots of this conflict, and its dynamics, is central to any possibility of sustainable peace for the inhabitants of Upper Nile.

Key findings

- Attacks by government forces on the Shilluk population since 2013 constitute an organized and conscious attempt to force the Shilluk off the east bank of the White Nile and to displace the population as a whole. This campaign has included the intentional killing of civilians; the destruction of administrative and civilian buildings, including entire villages; and the blockage and instrumentalization of humanitarian aid.

- While the Padang Dinka and the Shilluk both use historical evidence as part of their arguments about land ownership in Upper Nile, there is no long-standing territorial disagreement between them that necessarily gives rise to inter-group enmity. Rather, contemporary hostilities derive from the process of political centralization that occurred during the period of the Comprehensive Peace Agreement (CPA) from 2005 to 2011.

- During the CPA period, Padang Dinka began a de jure administrative campaign that aimed to take control of the east bank of the White Nile and other disputed areas. This aim was achieved de facto during the current civil war. Thus, rather than seeing the current civil war as an interruption of the peace of the post-second-civil-war period, in Upper Nile it functions as the culmination of a logic of state-building that began during the CPA period and intensified ethnic claims to territory and political power.

- The forcible displacement of Shilluk civilians has been central to the Padang Dinka campaign during the current civil war. The creation of new administrative structures from 2015 to 2019, such as the new states of Central and Northern Upper Nile, is an attempt to legally formalize the land grabs that have occurred during the current civil war. This ethnic displacement has occurred at the same time as some 15,000 Dinka civilians from the Equatorias have been settled in Central Upper Nile.

" Broadly speaking, the fault lines of the second civil war remain in place during the current conflict.**"**

Introduction

This report focuses on events in the north and centre of what was the state of Upper Nile in the north-east of South Sudan, before the area was divided by presidential decrees into a number of smaller states. As part of the Greater Upper Nile region, Upper Nile endured much of the violence of the second civil war. In particular, it was riven by conflict after Riek Machar and Lam Akol split from the Sudan People's Liberation Army (SPLA) and formed SPLA-Nasir in 1991. Akol, one of the leading Shilluk politicians during the period of the second civil war, only rejoined the SPLA with his military forces in 2003, having spent four years in the National Congress Party (NCP), the Sudanese ruling party. Akol's participation in the NCP government left lingering distrust of both Akol and the Shilluk more generally among the SPLA cadres in Upper Nile who had remained loyal to the rebel movement.

Broadly speaking, the fault lines of the second civil war remain in place during the current conflict. It was the largely Nuer south of the state, encompassing Longochuk, Maiwut, Nasir, and Ulang, that backed Machar and SPLA-Nasir during the 1991 split and became the wellspring of support for the Sudan People's Liberation Army in Opposition (SPLA-IO) during the current conflict. Since 2013 and the beginning of the current civil war, the largely Shilluk western part of the state backed a variety of Shilluk commanders who—as this report will make clear—have only ever ambiguously supported the government.

The western part of Upper Nile state was composed of the counties of Fashoda, Malakal, Manyo, and Panyikang in South Sudan, and bordered Abu Jubaiyah and Talodi in South Kordofan, Sudan. The principal inhabitants of these western counties of Upper Nile are the Shilluk: a largely agricultural people, organized as a royal kingdom, and one of several that claim to be the numerically third biggest group in South Sudan, after the Dinka and the Nuer. This area also contains northern pastoralists groups such as the Seleim, which seasonally migrate into the area in search of dry-season pasture and have historically made use of agricultural sites in the north-west of the state, in what is now Manyo county. During the period of the CPA, the border area between Sudan and what was then southern Sudan was widely used by rebel forces, often with links to the Sudanese Armed Forces (SAF).

Padang Dinka groups dominate the north-east of the state, including the valuable agricultural land around Renk. In the 1970s, this region was part of Nimeiri's 'bread basket' strategy of national development, and saw the development of rain-fed mechanized agriculture projects. This area also contains Paloich, South Sudan's single most productive oilfield. The east of the state, however, is populated by the primarily agricultural Mabanese population of Maban county, a group that speaks a language closely related to Shilluk. Not numerous enough to have contested political control of Upper Nile, since the re-emergence of a civil war in Sudan in 2011, the county has continued to be drawn into the struggles of neighbouring Blue Nile, and tensions

have developed in the refugee camps of Maban county between the Maban and populations of Ingessana, Koma, and Uduk fleeing Sudan.

The south of the state is mono-ethnically Nuer. During the current conflict, it has suffered repeatedly from attacks by government forces, which have been analysed in prior HSBA publications on Upper Nile, noted in this paper's bibliography. These attacks shall not be dealt with in this report, which focuses exclusively on understanding the logic of the conflict on the west and east banks of the White Nile as they unfolded between the Shilluk and the Padang Dinka. This report has such a focus not because other events in Upper Nile are unworthy of consideration but because the Shilluk–Padang Dinka relationship is complex enough to be worthy of sustained consideration, and because continuing tensions between the two groups constitute one of the main barriers to peace in the area.

This report places the events of Upper Nile from 2005 to 2013 in terms of its historical background. It also provides a thematic analysis of the main tactics employed by the GRSS, including an analysis of the role played by the intermittent and deliberate denial of humanitarian aid on the west bank of the White Nile, and offers an analysis of the role of administrative techniques—such as the redrawing of county borders and the creation of new states—in marginalizing the Shilluk community and centralizing power in the hands of the Padang Dinka from 2013 to 2019.

Field research for this report was conducted from May to August 2015 in Addis Ababa, Ethiopia; Nairobi, Kenya; Juba, Malakal, and Renk, and elsewhere in Upper Nile, South Sudan. Further fieldwork was undertaken in December 2016 in Juba. This fieldwork was supplemented by regular phone and email communications with sources on the ground in Upper Nile from 2015 to 2019. This report utilizes both primary and secondary sources. The names and locations of many sources have been withheld for their security. ●

A history of land claims

The Shilluk and the Padang Dinka have coexisted on the banks of the White Nile, and at the confluence of the White Nile and Sobat rivers (see Map 1, p. 25), for at least 200 years.[1] It is important to emphasize that the situation in Upper Nile is not an absolute ethnic conflict between the Shilluk and the Padang Dinka, even if it is a conflict with marked ethnic dimensions.[2] Neither group is homogenous, and both groups contain a wide variety of different actors whose actions and opinions cannot be reduced to a single proper name. Neither group acts as a unified whole, and there are wide differences of opinion and politics within the two groups.[3] Furthermore, both the Padang Dinka and the Shilluk—like all the people of Upper Nile—are marked by intermarriages and migratory flows between the two groups (Padang Dinka Borders Committee, 2016). Indeed, one of the Shilluk clans is called *kwa Jieng*: those related to the Dinka.[4] Neither Padang Dinka nor Shilluk is a 'tribe', other than in colonial British nomenclature (Mamdani, 2012; 2018), and nor, strictly speaking, is either group a 'people' or an 'ethnicity'. The Padang Dinka, for instance, are a riverine section of the Dinka, and are themselves composed of many subsections. The Shilluk, by contrast, are a royal, centralized kingdom. This report will use the term 'group', as the most neutral term available, to designate the Padang Dinka and the Shilluk, though due note will be made of the two groups' differing histories and constitutions relative to the broader political economy of South Sudan in general and Upper Nile in particular.[5] When this report uses the term 'ethnic', it is to indicate positions that make a claim to a shared communitarian interest.[6] That someone advances an ethnic agenda, then, is not to suggest that a given actor actually represents a given community, nor that they have that community's interest at heart, but that the logic of that actor's rhetoric is explicitly communitarian.

Prior to the CPA period, there were clashes between the Shilluk and the Padang Dinka. During the second civil war period, for instance, the cleavage between the SPLA and SPLA-Nasir, following Machar and Akol's split from the main rebel force, led to clashes between the breakaway group and the mainline SPLA. The nature of these clashes, however, was never about rendering a given area ethnically homogenous; the structure of the current clashes between the two groups is qualitatively different to what came before. Since the beginning of the current civil war, the SPLA has used Mi-24 helicopter gunships and L-39 fighter jets to destroy villages, hospitals, and schools.[7] Government forces have forcibly displaced tens of thousands of civilians (Amnesty International, 2017; Global Witness, 2018; HSBA, 2016a).[8] This has led to thousands of people fleeing to Sudan.[9] The Shilluk also constitute the vast majority of the 29,190 people seeking safety in the Protection of Civilians (PoC) site in Malakal as of 19 March 2019 (UNMISS, 2019). Including internally displaced people (IDPs), humanitarians estimate (as noted in the executive summary) that as much as 80 per cent of the entire Shilluk people could reasonably be thought to have been displaced by the current civil war.[10]

Though both sides make historical claims to contested territories in Upper Nile—selectively using historical data that suits the demands of their narratives in the present—this report argues that the nature of the contemporary conflict is *neither* historical *nor* based on territorial disputes that pre-date the CPA period. This is also true of the *form* of the claims made about territory in the contemporary era, which are to absolute ethnically delimited blocks of contiguous territory, and are qualitatively distinct from prior forms of claims to territory. Absolute territorial claims and absolute territorial displacements are two post-CPA developments that have to be understood together, as part of an intensified struggle fought over the emergent South Sudanese state.

During this struggle, both groups have used the historical record to make claims to the contested areas, even though the historical record itself is contested and uncertain (Craze, 2013a, pp. 15–22).[11] In these struggles, both groups have emphasized the periods of history in which they feel they have the strongest basis for a claim to territory. Padang Dinka sources, for instance, argue that they arrived in Upper Nile first.[12] The Shilluk, in contrast, emphasize that the Padang Dinka, following their initial migration in the 12th–13th centuries, continued to migrate out of Upper Nile, only to re-migrate into the territory after the establishment of the Shilluk kingdom in the 16th century. Both of these claims to originality can be considered historically correct (Beswick, 2004; Johnson, 1986; 1989; Pritchard, forthcoming). Nothing about the *correctness* of such claims, however, tells us anything about the *justice* of such claims in the present; nothing in the present allows us to decide that one historical period, rather than another, should be central to the process of determining justice and boundaries in a current political situation.[13] The decision of which determinant historical period to use in arbitrating present claims is itself a political decision grounded in not the past but the present.

There is one contemporary legal exception to this point. In the 2018 Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS), the Technical Border Committee (TBC) was supposed to 'define and demarcate the tribal areas of South Sudan as they stood on 1 January 1956 and the tribal areas in dispute in the country' (IGAD, 2018, cl. 1.15.18.1).[14] The TBC's findings were supposed to *inform*—but not *determine*—the recommendations of the Independent Boundaries Commission (IBC) (see pp. 90–93 of this report). Thus, regardless of its inadequacy as a historical referent for the present, there are some grounds for treating the borders of 1 January 1956 as decisive and informative in relation to the TBC process that concluded in 2019. In initial Shilluk depositions to the TBC (Concerned Citizens, 2019), it is this date that is taken as determinant of the claims of the community.

During the period of the Anglo-Egyptian condominium (1898–1956) (Pritchard, forthcoming), it seems likely that the Shilluk had settlements in all the territories currently contested by the two groups (Howell, 1941; Pumphrey, 1941), including at Nagdiar

and on the east bank of the White Nile, across the river from Kodok, and in Akoka county.[15] There is also evidence, however, that the Padang Dinka made use of many of these contested areas.[16] Indeed, the historical record indicates that the areas now contested by the two groups were all characterized by some form of shared usage in the past.[17] Thus, the historical record will not allow us to determine the absolute borders of the two groups, because their ways of life during the period of the Anglo-Egyptian condominium were not commensurate with absolute borders (Pritchard, forthcoming, p. 25).

What is historically singular about the claims made to the contested areas since the signing of the CPA is their *form* rather than their *content*: rather than being claims about shared ways of life, they are claims to absolute and exclusive ownership, which are accompanied by forms of extreme violence. Such claims are relatively new; they emerged—in Upper Nile, at least—during the CPA period (2005–11), and cannot be explained by prior historical claims to territory. The interaction between the Padang Dinka and the Shilluk over the past 200 years or so is marked by a complicated array of borders, interactions, and intermarriages, often based on forms of temporal and seasonal movement very different from those imagined by the absolute territorial lines at issue in the 21st century. In the current territorial impasse, fragments of a history of coexistence are being used to try to justify increasingly absolutist claims to territory. These claims take form against the background of the emergence of the South Sudanese state in the CPA period. Indeed, the tragedy of current debates about the absolute borders of different groups in South Sudan is that they reduce a rich history of interrelations and intermarriage to the simplified forms of absolute borders that the British attempted to impose. ●

"For the Shilluk, as the CPA period became the civil war... there was a tripartite equivalence in Upper Nile: between the South Sudanese nation-state, the SPLM, and the Padang Dinka."

The struggle for Upper Nile from the Comprehensive Peace Agreement (CPA) to the civil war

After the CPA was signed in 2005, questions arose about South Sudanese self-governance, development priorities, and the establishment of local- and state-level political institutions that would allocate resources from the central government in Juba (Young, 2012). The struggle for control of these institutions was and is one of the central political battlegrounds in Upper Nile. Rather than producing a genuinely national set of political institutions, the CPA period intensified competition between groups as they attempted to capture and control the machinery of the state (Grawert, 2010; Pinaud, 2014; de Waal, 2014). In Upper Nile, the CPA period saw the Padang Dinka emerge as a political actor in their own right, while the Shilluk became marginalized in state- and national-level politics. This asymmetry was mirrored in the administrative decisions made about the counties that were constructed during that time. What seemed—from the perspective of the international community—to be a great period of state-building actually produced intensified ethnic tension, as the Padang Dinka attempted to secure control of the administrative state in the CPA period. Thus, the creation of a putatively neutral series of administrative institutions was the battleground for a struggle for absolute rights to territory waged between the Shilluk and Padang Dinka, among others.

Initial hostilities between the two groups, following the signing of the CPA, occurred because of competing claims to areas on the east bank of the White Nile. During the second civil war, many Shilluk had either fled to northern Sudan or retreated onto the west bank of the river, while the Padang Dinka had, in some instances, moved into Shilluk areas on the river.[18] With the signing of the CPA in 2005, many Shilluk moved back to Upper Nile, leading to tension between the two groups, with both sides making maximal claims to areas on the east bank of the White Nile (see Box 1 and Map 1). Clashes broke out, for instance, in 2006, when one of the leaders of the Akoka Dinka was killed in Benthiang in a raid for which many people held the Shilluk responsible.[19] The raid triggered revenge attacks by the Padang Dinka, who razed Shilluk settlements on the east bank of the river at Padiet and Panthou, killing one of the sons of the Shilluk *reth* (king).[20]

Over time, these clashes, tensions over the east bank of the White Nile, and struggles over the control of political institutions in the emergent Upper Nile took on an increasingly ethnic character. Thus, contested claims that were at least partly rooted in unresolved tensions from the second civil war, increasingly became expressed as absolute territorial claims made by two groups. Rather than the state-level government arbitrating claims about settlement and displacement on the east bank of the White Nile at the level of the individuals involved, they treated all disputes as group disputes. The government thus formulated claims as being about the 'Shilluk' and the 'Padang Dinka', rather than about individuals—citizens of the South Sudanese state. This form of arbitration led to increasingly binary 'either/or' decisions about identarian ownership (Craze, 2013a, pp. 148–66; De Simone, 2015, pp. 60–73). Such

an approach was formalized in the South Sudanese Land Act of 2009, which made the local community the fundamental owner of land and arbiter of land claims (GRSS, 2009, clauses 6 (1)–(7)). One of the things that makes such an approach problematic is that many of the areas on the east bank of the White Nile were traditionally conceived of by both groups as areas of shared use rather than the exclusive territory of a given group.[21] It was understood, for instance, not only that many areas were Shilluk but also that the Padang Dinka had grazing rights for their cattle during the dry season in these areas.[22] These shared areas became the object of exclusive claims of ownership, which disrupted the forms of coexistence they had previously enabled. It was the process of formalization, then, that led to forms of ethnicization; more abstract guarantees of legal rights replaced the more informal forms of resolution and negotiation that often characterized areas of shared use in South Sudan (Craze, 2013a).[23]

Box 1 The contested areas

While different Padang Dinka and Shilluk actors make different arguments about the territories they contest, and use different forms of historical and linguistic evidence to back up their claims, the area of the territories themselves actually remain relatively constant.[24]

Malakal and its environs

Prior to the beginning of the South Sudanese civil war in December 2013, Malakal—the former capital of Upper Nile state and now the capital of Central Upper Nile state—was one of the most cosmopolitan cities in southern Sudan.[25] It is now the site of one of the most entrenched territorial disputes between the Shilluk and the Padang Dinka.

The Shilluk claim that the name 'Malakal' linguistically stems from the Shilluk word 'Makal', and that in the 17th century—before the arrival of the Padang Dinka—it was an area to which the Shilluk brought their cows to graze during the dry season.[26] The most common Shilluk narrative is that the Shilluk kingdom was founded in 1545 and soon encompassed both banks of the White Nile, including the contested areas at the confluence of the Sobat River in what is now Pigi county, and that the Dinka territories lie east of the Shilluk settlements on the east bank of the White Nile (Nyaba, 2009, among others).[27] It is impossible, the Shilluk argue, for the Padang Dinka to lay claim to Malakal, because it was a Shilluk site 100 years before the Dinka migrated into the area. The Padang Dinka, in contrast, claim they arrived at and settled on the east bank of the White Nile—including the area of Malakal—three centuries before the arrival of the Shilluk. As mentioned above (p. 19), the historical record seems to support an earlier

Dinka migration *into* Upper Nile, but also that this migration continued *out* of Upper Nile, and it was only later, during the re-migrations of the 17th–18th centuries, that the Padang Dinka communities began to take the shape they have today.

Despite these seemingly absolute historical disagreements, there were no feuds over the ownership of Malakal until the period of the second civil war (1983–2005). In 1994, both the Padang Dinka and the Shilluk wrote to the Government of Sudan (GoS) laying claim to the city. Neither of these claims were resolved (Akol, 2015, pp. 6–16). Aside from this exchange of letters, the confrontation over the status of Malakal only really emerged at the end of the second civil war, when, in 2004, the leader of the Sudan People's Liberation Movement/Army (SPLM/A), John Garang, established four Shilluk counties in Upper Nile, and the Padang Dinka contested this executive order, claiming that Nagdiar and Malakal were Dinka and not Shilluk and should not be placed in the 'Shilluk' counties.[28] In Garang's order, importantly, the problem of the future clashes was already clear. Rather than creating four counties with no definitive ethnic status, Garang created four counties with explicit reference to the Shilluk chieftaincies that constituted them, no doubt as a concession to Akol, whose Sudan People's Liberation Army-United (SPLA-United) had just rejoined the SPLA, and whose commanders Garang went on to appoint commissioners in those four counties (Garang, 2004).[29] It was this explicitly ethnic creation that the Padang Dinka contested.

These contentions, which became more extreme during the CPA period, were about the control of political power rather than simply the control of land. Tensions over Malakal's ownership became violent in 2005–06 and again in 2009.[30] These disagreements were *not* about Malakal as a useful territory; it is only one of many sites that has access to the White Nile for grazing and fishing. Neither is Malakal a symbolically important site for the Padang Dinka or the Shilluk. As British administrators and anthropologists had long noted (for example, Pumphrey, 1941), the centre of the Shilluk kingdom has always been Fashoda, whereas Malakal developed as an administrative, economic, and transport hub—partly due to its position on the White Nile—and has always attracted a cosmopolitan mixture of people looking for work. The disagreements over Malakal, just like the contestations over ownership of Akoka and Pigi, are fundamentally about control of the bureaucratic and administrative offices attached to the territory and the resources that can be accessed through control of these administrations.[31] The historical record is unable to answer questions about the ownership of Malakal framed in terms of the exclusive ethnic ownership of the city, because prior historical periods did not evince this form of territorial claim.

Akoka county

Created in 2010, Akoka county contains a number of territories contested by the Shilluk and the Padang Dinka on the east bank of the White Nile, to the north of Malakal, including Lul and Benthiang. The most strident claim made by the Padang Dinka about the area is that they have inhabited the east bank of the White Nile continuously since

Map 1 Upper Nile: The contested areas

Legend:
- International boundary
- Nominal international boundary*
- Nominal state boundary‡
- State capital
- County
- Town/village
- UN Protection of Civilians site
- Oilfield and pipeline
- Major road or track

Territorial claims
- Shilluk
- Padang Dinka
- Contested

S U D A N

SENNAR

WHITE NILE

BLUE NILE

Kwek

Manyo

Renk

Renk

FASHODA

White Nile

Adar

Melut

Paloich

NORTHERN UPPER NILE

Tombuk

Aburoc

Fashoda

Kodok

Lul

Adar

Maban

Yabus

Akoka

Malakal

Baliet

Panyikang

Warjok

Doleib Hills

Malakal

Bahr el Ghazal

Sobat

Khor Fulus

nominal boundary

CENTRAL UPPER NILE

Abwong

Wunkir

Longochuk

SOUTH KORDOFAN

Pigi

Fulus

Nasir

LATJOR

MAIWUT

Nasir

Maiwut

Maiwut

Bahr el Zeraf

Atar

FANGAK

JONGLEI

Ulang

Akobo

ETHIOPIA

AKOBO

S O U T H   S U D A N

* Negotiations over the final status of the South Sudan–Sudan border are ongoing
‡ Final demarcation has not yet occurred

50 km

the 12th century (Padang Dinka Borders Committee, 2016). This historical claim effectively states that there has always been a border between the two communities, and that it runs right through the middle of the White Nile.[32] The Padang Dinka claim the Shilluk settlements that do exist on the east bank of the White Nile are only there because the Padang Dinka, who retain effective ownership of the land, gave the Shilluk a

limited right to settle there. The only Shilluk that did cross the river, according to this claim, came because they were fleeing the authority of the *reth* (Howell in Pritchard, forthcoming, p. 29).

The Shilluk claim is effectively the mirror image of that of the Padang Dinka. It states that Akoka was called 'Chay' until 1903, and belonged to the Maban.[33] It was then occupied by the Shilluk. At various times, the Shilluk allowed the Padang Dinka to access the banks of the White Nile in the Akoka area for dry-season grazing (or to access humanitarian supplies delivered by river during the second civil war), but this was a secondary right to the territory, limited by temporality (in dry season only) and form of usage (for grazing, not settling). The historical evidence from the period of the Anglo-Egyptian condominium suggests the Shilluk did indeed have settlements on the east bank of the White Nile in the Akoka area (Howell, 1941; Pumphrey, 1941), but also that the Padang Dinka grazed up and down the east bank of the White Nile, including in Akoka county, all the way south to around the then-town of Malakal.

None of these claims or documents, however, determine exclusive ownership of Akoka, primarily because the east bank of the White Nile seems, for much of the 20th century, to have been a zone of shared usage, determined by temporally and spatially dynamic agreements made and remade between the Shilluk and the Padang Dinka. Even if, for a given period, one side had dominant usage of the east bank of the White Nile, this does not definitively determine the boundaries of putatively neutral administrative districts in the 21st century.[34] The controversy over the creation of Akoka county—discussed on page 27–28 below—is not over access to the White Nile but over the control of forms of political administration that only emerged in the CPA period. A solution, then, to the problem of Akoka county can only be found in new political arrangements that address the inadequacies of the CPA period, rather than in delimiting the ownership of a given territory.

Pigi county

This county, named as such in 2009, was previously part of Jonglei state and is now part of Central Upper Nile, after Salva Kiir's 2015 and 2017 decrees (see below, p. 57–76) placed it within the Dinka-majority state.[35] Pigi is the site of some of the earliest land-related tensions between the Shilluk and the Padang Dinka.[36] All the people living in the area suffered significant levels of displacement during the second civil war, which made the adjudication of land claims difficult. In the 1980s there were land disputes between the Shilluk and Padang Dinka over the area around Khor Fulus; the Shilluk argued they possessed everything north of the Sobat River, while the Dinka argued that their land included the confluences between the White Nile and the Sobat River, and the White Nile and the Zeraf River (Nyaba, 2009; Okuk, 2009). One of the most controversial questions in Pigi has been the location of the administrative centre of the county and whether it should be in a Dinka, Nuer, or Shilluk area. As in Akoka, the question is less one of land than one of the administrative and political powers presumed to

come with its possession. In 2009, tensions arose in the county after Shilluk youth were chased out of the area called 'Canal'. These tensions were partly the cause of the rebellion of Johnson Olonyi—the leader of the Shilluk opposition—the following year.[37]

In part, the difficult questions of Pigi county stem from the second civil war. Many Dinka living in the area do not disagree that the Shilluk had settlements there in the 1980s, but claim that the Shilluk then left during the second civil war due to fear of conflict.[38] Their return in the period of the CPA led to clashes in 2008 and opened up questions of the right of return. The history of displacement is thus inextricably tied to the history of land claims. Questions over land ownership occurred, in part, because displacement and returns opened up difficulties over who should live where, and with what justification. These questions have many potential answers, and it was only the particularity of the CPA period that led to such deleterious answers being given. Thus, while the questions of return and right of return that emerge in the CPA period might seem territorial, what has made them so acrimonious post-2005 is that any postulated solutions to these problems are explicitly tied to ethnic formulations that reformulate the past. The only solution to these conflicts is necessarily to be found in the present: after 70 years of war, and competing claims and counterclaims, there is no original position from which the veracity of land claims can be assessed. History cannot decide which historical point should be used to assess such claims; such a decision has to be made in and amid the pressing political claims of the present, rather than according to a putatively neutral historical record.

Administrative land grabs: the creation of Pigi and Akoka counties

The apparatus of the Government of Upper Nile, far from creating a bureaucracy that was neutral with respect to the citizens of Upper Nile, intensified clashes over territory between the Padang Dinka and the Shilluk. Of the three areas contested by the two sides, two of them—Akoka and Pigi counties—were literally the creation of the CPA period.[39]

The development of Pigi county in 2009 was controversial; it was designed to assuage intra-Dinka tensions (the subject of peace negotiations, in 2008 and 2009, between the Dinka of Atar and the Dinka of Khor Fulus) by marginalizing the Shilluk inhabitants of the territory and consolidating Dinka power over the area delineated by the county. There was also a series of disputes over the location of the county headquarters and whether it should be in a Dinka, Nuer, or Shilluk area.[40]

Even more controversial was the creation of Akoka county in 2010, which was constructed even though it was not thought to contain a sufficient population to be a

county.[41] The Shilluk understood the creation of the county to be a gerrymandered power grab by the Padang Dinka that placed resources, and access to government money, solely within the domain of the Padang Dinka. As of July 2019, the county still did not have exactly delineated borders.[42] 'We are still making them', claimed Santino Nuan, the minister of local government in Upper Nile in July 2015, in an allusion to the continuing displacement of the Shilluk from the area.[43]

Akoka county was centred on Padang Dinka settlements. The creation of a county meant government buildings, schools, and other forms of administration needed to be constructed, all of which would likely be controlled by the Padang Dinka, not the Shilluk, and would centralize the former's control over the area.[44] As in the other contested areas, what was—and is—at issue is not access to land so much as the forms of power and resources that accompany control of that land. The Shilluk point out that a county-level administration can control fishing in the county and revenues from boat travel, and that the establishment of a majority-Dinka county attracted humanitarian investment, including the Kalazar clinic built on the east bank of the White Nile following Akoka county's creation.[45] Thus, upon the creation of Akoka county in 2010, state-level funds were made available for the construction of county administrative buildings. At the same time, international NGOs moved in to provide services. All of this concentrated development activity and resources in Padang Dinka, rather than Shilluk, areas.

As elsewhere in South Sudan during the CPA period, the administrative measures that appeared to the international community to be state-building actually contributed to the destruction of the nation-state and drove ethnic fragmentation. Developments in Upper Nile were noticeably unequal, and, as funds and services flowed to the Padang Dinka in Akoka county, resentment grew in underserviced Shilluk areas. The Shilluk also pointed to the degree of development that characterized Melut county (across the river from the Shilluk west bank), which they felt was indicative of the marginalization of the Shilluk by a state government that favoured 'Dinka' counties.[46]

The ethnic takeover of Upper Nile state, and the marginalization and subsequent militarization of the Shilluk, both occurred during the CPA period and set in motion the principal dynamics of the current civil war as it played out in Upper Nile. The creation of Akoka and Pigi counties may be viewed as yet another moment in a long history of administrative land grabs in southern Sudan and then South Sudan. Both the GoS (Craze, 2011; 2013b) and GRSS (Craze, 2013a; 2014) have long used the tactics of redrawing borders and creating counties to funnel resources and land to selected groups while marginalizing others: a tactic that has continued during the current civil war.

Changing political fortunes in Upper Nile during the CPA

Discontent over the marginalization of the Shilluk at the levels of state and county politics boiled over in 2009. On 9 January, celebrations of the anniversary of the CPA degenerated due to a dispute over whether Shilluk or Dinka dancers would lead the celebratory troupe in Malakal—a disagreement that was effectively a proxy for who would be able to lay rightful claim to Malakal as a city.[47] Two people were killed during the argument. Violence immediately spread, with members of the Padang Dinka community subsequently attacking Shilluk villages at Lul and Nagdiar. What concerned the Shilluk was not only the events surrounding the celebration but also the absence of government condemnation of the attack and the participation of active military personnel in the raids on Shilluk villages.[48] During the current civil war, many Shilluk have felt that the government's partisan position in 2009 prefigured its hostility towards Olonyi from 2015.[49]

Tensions between the Padang Dinka and the Shilluk worsened after the prominent Shilluk politician Akol and his followers split—once again—from the SPLM/A in June 2009 and created the Sudan People's Liberation Movement-Democratic Change (SPLM-DC; see next section).[50] On 4 September, unidentified fighters attacked a Padang Dinka settlement in Bony-Thiang, burning homes and killing the paramount chief and approximately 20 villagers; this was generally understood as a retaliatory raid, carried out by Shilluk fighters, following the January clashes.[51] The Government of Upper Nile blamed the SPLM-DC for this attack, and there were immediately revenge attacks in which Shilluk settlements were burned down at Abaneim and Nagdiar.[52]

The Shilluk felt abandoned in relation to these events. They felt marginalized at the level of state politics, which they thought the Dinka and the Nuer increasingly dominated.[53] In particular, since 2005, the Padang Dinka had been increasingly prominent in state politics; a Padang Dinka community organization had formed—which included the important politicians and military leaders Stephen Dieu Dhau, Joshua Dau, and Chol Thon Balok—and the Padang Dinka had an increasingly powerful national platform. Historically, the Padang Dinka have had less political capital in the SPLM than the political lobbies of the Dinka of Bor and Bahr el Ghazal. Indeed, prior to 2005 most of the prominent Padang Dinka politicians were from Abyei—a territory contested by the GRSS and the GoS (Craze, 2011; 2013b). Since 2005, however, contested land issues in Upper Nile and Unity states, and the place of the Dinka in those two states, had come to shape the Padang Dinka political lobby. The waning importance of Abyei in the South Sudanese political calculus and the growing importance of oil revenue created a new political landscape in which the Padang Dinka's political voice in Juba became increasingly powerful, driven by concerns internal to the landscape of politics in South Sudan.[54] Indicative of the Padang Dinka's growing prominence was the rise of Stephen Dieu Dhau. A low-level banker who worked in

Khartoum during the second civil war, Dhau had little political capital in South Sudan at the time the CPA was signed.[55] Yet in 2005, following the death of his wife, Leila Ajout, who was a member of the SPLM, he entered the party—backed by the most senior Shilluk politician in the SPLM, Pagan Amum—and was appointed to a ministerial position in 2014.[56]

The rise of the SPLM-DC

While the Padang Dinka grew stronger at the levels of state and national politics, the Shilluk community felt the Upper Nile state administration was increasingly taking on an ethnic character, and also felt abandoned by its own politicians.[57] There was a common perception that the Shilluk politician Oyay Deng Ajak, then the chief of staff for the SPLA (2005–09), should have done more to defend the Shilluk after Nagdiar was razed in September 2009, and that his reluctance to do so was because he—like Pagan Amum—was trying to build a national constituency as a politician, across ethnic divides, at precisely the moment the Padang Dinka were becoming increasingly ethnic in their politics.[58] In short, the Shilluk felt their politicians were abandoning their community at the same time as the Padang Dinka were creating a communitarian politics. It was partly to address this feeling of abandonment that Akol created the Sudan People's Liberation Movement for Democratic Change (SPLM-DC) in 2009, to compete in the April 2010 elections on a platform that criticized ethnic-based corruption in the mainline SPLM. Shilluk alienation from politics in Upper Nile fed into the strong showing of the SPLM-DC in the elections (HSBA, 2011).[59]

In those elections, Oyay Deng Ajak stood in his home county of Panyikang, but he lost to the SPLM-DC candidate, who had spoken about unequal development in the area and the attacks on Shilluk villages. Four more SPLM-DC candidates were also elected, in a result the Shilluk community thought was a reprimand to their politicians in Juba, who—the Shilluk thought—should not be able to assume they automatically had the community's support.[60] The SPLM/A understood the election of the five SPLM-DC candidates to be a direct threat to its powerbase in Upper Nile, and all were immediately arrested (HRW, 2011). In the aftermath of the second civil war, one of the things the SPLM-DC challenged was the implicit equivalence between the SPLM as a party and the South Sudanese nation-state. For the Shilluk, as the CPA period became the civil war, it became notable that there was a tripartite equivalence in Upper Nile: between the South Sudanese nation-state, the SPLM, and the Padang Dinka. The Shilluk wanted to insist that the three were not the same.

The Shilluk rebellions

Slightly earlier in 2010, Robert Gwang, a Shilluk and former member of the South Sudanese prison services, had begun a rebellion against the SPLA. His rebellion was in protest against the demolition of Shilluk property on the east bank of the White Nile (in the area in which he was born, in what is now Akoka county), against Padang Dinka settlement in that area, and against the construction of administrative buildings, including schools, which he claimed were for the exclusive use of the Padang Dinka.[61]

Shortly after the arrest of the SPLM-DC politicians in April 2010, Gwang robbed a river barge near Kodok that was carrying a substantial amount of money apparently destined for the Constituency Development Fund—a GRSS initiative to use oil funds to develop local communities, and one beset by allegations of corruption (HSBA, 2011).[62]

Although a link between Akol and Gwang during this period remains unproven, the SPLA blamed Gwang's attack on Akol's SPLM-DC, and sent the 7th Division of the SPLA onto the west bank of the White Nile to 'clear the area of the Lam Akol militia' (HSBA, 2011). The SPLA troops sent onto the bank were primarily Nuer former South Sudan Defence Force (SSDF) fighters, who had been under the command of Peter Gatdet.[63] During this campaign, the SPLA did not distinguish between Shilluk civilians and opposition fighters, and it razed homes and villages to the ground (HRW, 2011). This campaign left lingering hostility towards the SPLA on the west bank of the White Nile—hostility that proved consequential in December 2013, when the SPLA attacks of 2010 and 2011 were part of the reason for the Shilluk population's suspicion of the primarily Nuer SPLA-IO, for it was the same Nuer troops of the SPLA's 7th Division that went on to compose much of the initial rebel force in Upper Nile (HSBA, 2014b).

While Gwang's rebellion ended when he accepted a peace deal in August 2010, two other Shilluk rebel commanders emerged in 2010, and their rebellions intensified in 2011. Olonyi and Ayok Ogat both led insurgencies against the SPLA from 2010 to 2013, galvanized by grievances against the government that stemmed from SPLA attacks on the west bank of the White Nile, and from the perceived unequal development of Padang Dinka areas. These two commanders have since emerged as two of the central figures in the Shilluk struggle against the GRSS during the current civil war, a struggle that is very much in continuity with the issues that brought about these two rebellions during the CPA period.[64]

Even though the two commanders sometimes acted in concert with other rebel commanders in military actions—for example, during the August 2011 attack on SPLA forces at Kaka (Small Arms Survey, 2011, p. 2)—their motivations for fighting were somewhat different.[65]

Olonyi had fought in the second civil war under William Nyuon before becoming a trader in Malakal and in Panyikang county, in southern Upper Nile, where he was born.[66] In 2010, his shops in Canal, Pigi county, were destroyed by the SPLA during army attacks on the Shilluk; this was the proximate cause of his rebellion. He initially fought under Gwang as one of his lieutenants before Gwang rejoined the SPLA in August 2010. Olonyi achieved more marked success on his own in March 2011, attacking the SPLA 7th Division base in Owachi, SPLA bases in Panyikang county, and Malakal itself. The SPLA responded to these attacks by harassing and killing Shilluk in Malakal and on the west bank of the White Nile.

Ogat had served under Akol in SPLA-Nasir during the second civil war, and his political fortunes during the CPA period were tied to Akol's. His forces were based in the north of the west bank of Upper Nile—precisely where his forces would be based during the current civil war—and in South Kordofan. Ogat's defection from the SPLM/A occurred in 2008, after he was dismissed as the commissioner of Manyo county. Like Olonyi, his forces received support from SAF, who held Ogat in reserve as a potential spoiler, as South Sudan moved towards the referendum on secession.

Though the two commanders' rebellions are frequently lumped together, their logics emerge from different legacies of the second civil war and different parts of the Shilluk kingdom. Ogat, from the north, was firmly part of Akol's world, whereas Olonyi, from Panyikang, represents the south—a distinction that maps onto the two parts of the Shilluk kingdom. Olonyi has an agenda that has always been more defensive, and primarily concerned with establishing Shilluk sovereignty over the area of the Shilluk kingdom, whereas Ogat follows Akol and his more expansive nationalist agenda. Put crudely, Olonyi represents a fundamentally defensive orientation towards the Shilluk kingdom that emerged due to the threats against it in the CPA period, whereas Ogat represents the continuity between the second civil war period and the CPA, and the continuance of Akol's military authority. These distinctions would occasionally seem moot during the initial 2010–13 rebellions of the two men, but would emerge forcefully during the current civil war.

From 2010 to 2013, both men led intermittent attacks on SPLA positions, and both received GoS support, which hardened SPLA hostility to them.[67] An early attempt to integrate Olonyi into the SPLA, following an amnesty deal, fell apart in March 2011 after hostilities between Olonyi's men and the SPLA at the 7th Division headquarters in Panyikang (Small Arms Survey, 2013, p. 5). Following pressure from the *reth*, Olonyi accepted an amnesty deal in June 2013, just three months before Ogat did the same. In June 2013, Olonyi's 3,000 troops assembled in Fashoda county and waited to be integrated into the SPLA. In the months following the amnesty deal, there was a great deal of tension between Olonyi's forces and the SPLA's 7th Division—primarily Nuer troops, formerly part of the SSDF under Gatdet—stationed on the west bank of the White Nile.

In sum, by the time the political agreement between Machar and Kiir broke down in 2013, a large Shilluk force was waiting for reintegration into the SPLA on the west bank of the White Nile, under the command of Olonyi. This is the force that would be known as the Agwelek during the current civil war. It felt distant from the state government, just as the Shilluk felt marginalized by politics in Upper Nile. Meanwhile, both the Padang Dinka and the Shilluk were making increasingly absolutist claims to territory on the east bank of the White Nile, and the stage was set for a confrontation between the two forces. In a sense, the beginning of the civil war actually suspended this confrontation, delaying it for 18 months, as both forces unexpectedly found themselves on the same side against the SPLA-IO. ●

The beginning of the civil war

The crisis in the SPLA

When the South Sudanese civil war began in December 2013, the SPLM/A faced a military crisis in Upper Nile (HSBA, 2014a). In Malakal and its surrounds, almost all the soldiers in the SPLA's 7th Division were Nuer, and almost all of them immediately defected to the SPLA-IO.[68] In the initial clashes in Upper Nile, the nascent rebel organization chalked up immediate successes. A Nuer contingent of the SPLA's 7th Division—under the command of Gathoth Gatkuoth, a Jikany Nuer from Nasir county—declared its loyalty to Machar and clashed with government forces in Malakal, as well as in Baliet, Nasir, Panyikang, and Ulang counties. While the mostly Nuer 1st Division in Renk—famously one of the best fighting forces in the SPLA—remained loyal to the government, they were also focused on protecting both the border with Sudan and the oil pipeline. The GRSS thus found itself without sufficient troops to face an insurgency across the state.[69] Other than the SPLA's 7th Division—now in the hands of the SPLA-IO—and the 1st Division in Renk, the most militarily significant force in the state was Olonyi's militia, stationed on the bank of the White Nile and composed of some 3,000 fighters, albeit with second civil war-era weaponry.[70]

Therefore, at the beginning of the conflict, both the SPLA-IO and the SPLA made overtures to Olonyi. In December 2013, the SPLA-IO asked to move its forces through from Tonga (in the south of Panyikang) to Malakal, but Olonyi allegedly refused and asked them to go through the Doleib Hills, which would prove difficult for the SPLA-IO because of the presence of an SPLA mechanized division defending Malakal.[71] The Shilluk were wary of the SPLA-IO, as the SPLA-IO in Upper Nile was principally composed of the very Nuer forces that had rampaged through Shilluk settlements on the west bank of the White Nile repeatedly from 2010 to 2013 as part of the SPLA. To make matters worse, their former commander in the SSDF, Gatdet, was now running the SPLA-IO in Jonglei (where he had been the 8th Division SPLA commander) and was one of its most prominent leaders.[72] Initial Shilluk hostility to the SPLA-IO intensified after Nuer fighters loyal to Gabriel Gatwech Chan ('Tanginye') attacked Shilluk settlements in Panyikang county in December 2013 and January 2014.[73] Tanginye, in particular, was deeply unpopular among the Shilluk, having also attacked settlements during the second civil war, when he was a member of the SSDF.[74] At the beginning of the current civil war, the general Shilluk sentiment was that, while Machar claimed that the SPLA-IO revolt was representative of the whole Greater Upper Nile region,[75] he never actually advanced Shilluk interests, and that, under the cover of a national appeal, he was fundamentally a Nuer politician.[76]

While Olonyi was sceptical of the SPLA-IO, the SPLA in Juba were also suspicious of Olonyi's forces, which were thought to be unreliable given Olonyi's prior rebellion and history of support from SAF. It was Paul Malong Awan, then the governor of Northern Bahr el Ghazal, who forced the SPLA into an alliance with Olonyi and pushed the SPLA into supplying Olonyi's men with arms. For Malong, Olonyi was an

excellent soldier whose forces would be vital to defending Upper Nile against the SPLA-IO; for Olonyi, siding with the SPLA offered the best opportunity to defend the Shilluk kingdom.

It is thus noteworthy that what had been a hostile relationship between the SPLA and the Shilluk became, following the Nuer SPLA's desertion to the SPLA-IO, a hostile relationship between the Shilluk and the opposition.[77] The tension between the Shilluk and the Nuer around Tanginye therefore remained, but it was thenceforth transposed onto a different political configuration. In this configuration, the SPLA was reliant on forces that did not really share its national agenda, but which the SPLA could utilize to fight the Nuer rebels. Equally, the Shilluk forces would utilize the SPLA—and the availability of its weaponry—to defend the Shilluk kingdom; while Olonyi's Shilluk force, which called itself the Agwelek, was nominally integrated into the SPLA, events would show that it retained its independence.[78] For a time, however, the local agenda of Olonyi—to secure the Shilluk kingdom—was congruent with the overall national agenda of the SPLM/A—to defeat the SPLA-IO in Upper Nile. Without Olonyi's forces, the SPLM/A would have lost Upper Nile to the SPLA-IO in 2014.[79] It was, essentially, an instance of mutual instrumentalization.

The initial fight for Malakal

Malakal changed hands multiple times in December 2013 and January 2014, leaving the city in ruins and sending Dinka, Nuer, and Shilluk civilians to seek sanctuary in the PoC site (HSBA, 2014b). The SPLA-IO forces were comprised of elements of the SPLA's 7th Division, supplemented by large groups of young Nuer fighters recruited in Longochuk, Maiwut, Nasir, and Ulang counties in the Nuer areas of the south.[80] Both sides engaged in widespread looting, as well as burning civilian properties, and both carried out targeted killings of Dinka, Nuer, and Shilluk fighters and civilians (HSBA, 2014b). Despite the Cessation of Hostilities (CoH) agreement signed on 23 January 2014, clashes continued in Upper Nile, with the SPLA-IO recapturing Malakal once again on 18 February. On 20 February, Médecins Sans Frontières (MSF) reported that civilians in the city were reporting the rape and killing of their relatives, and Human Rights Watch (HRW) later said there were credible reports of SPLA-IO forces killing people in their beds at Malakal hospital (HRW, 2014; MSF, 2014; Radio Tamazuj, 2014a). By mid-March, the UN was reporting that some 116,300 people were displaced in the state as a whole.[81]

Following the SPLA-IO's recapture of Malakal, it moved north, taking Akoka county on 20 February and heading for the oilfields at Paloich. Clashes occurred in Melut, to the west of Paloich, and on 24 February at Guel Guk, on the border of Maban county and only 30 kilometres south of Adar, one of the main oilfields in Upper Nile (HSBA, 2014b). These attacks would prove to be the high point of the SPLA-IO military

campaign. The SPLA rebuffed rebel attacks on Adar and Paloich in late February before retaking Malakal, which it then held for over a year, on 16 March. As of July 2019, the 1st Division of the SPLA, the 6th Division (stationed at Paloich), and militia forces have managed to ensure the SPLA-IO could not take the oilfields.

From December 2013 to February 2014, Olonyi's forces largely remained on the west bank of the Nile, while he attacked SPLA-IO positions in the south of the state, in Panyikang county.[82] From February 2014, for the next year, Olonyi's Agwelek forces succeeded in pushing the SPLA-IO out of much of Upper Nile, with the exception of the south of the state, where the opposition controlled the Nuer heartland. In May 2014, government forces redoubled their assault on Nasir town in an attempt to dislodge the SPLA-IO from a strategically important site on the Sobat River. Nasir was also the base for the SPLA-IO's recruitment of the so-called 'White Army', which is composed of temporary Nuer militia originally created to defend local communities from attack, and which took part in the early-2014 assaults on Malakal (HSBA, 2014c). SPLA assaults during this period followed a rhythm dictated by the political process in Addis Ababa, with the run-up to peace agreements being perceived as the best time to make military gains.[83] For instance, Paul Malong, then the SPLA chief of staff, acknowledged that its attacks on SPLA-IO positions in Baliet, Nasir, and Ulang counties were intended to seize territory in advance of the government's 9 May recommitment to the CoH agreement signed on January 2014 (Radio Tamazuj, 2014b). As elsewhere in South Sudan, in Upper Nile, peace commonly constitutes an intensification of war, rather than its abrogation.

Clashes continued around Nasir and in the Nuer south of the state from May to September 2014.[84] The clashes took on a form familiar from the second civil war: government forces controlled the urban settlements and launched intermittent sallies into the hinterlands, where the SPLA-IO, firmly supported by the southern population of the state, made its bases. The difference between the second civil war and the South Sudanese civil war is that it was not SAF but the SPLA that engaged in what remains the military occupation of a restive rural hinterland in Upper Nile, as elsewhere in South Sudan, and in Shilluk areas as in Nuer ones.

The fight for Wadakona

By the end of the first year of the civil war, the SPLA-IO had been defeated in the centre of Upper Nile state, and the SPLA had occupied the south. This resulted in a shift in the locus of the conflict north to Renk county. Renk, home to the Abialang Dinka, is an important transport site for trade with Sudan and for riverine traffic with Malakal (Craze, 2013a, pp. 148–58). It is also home to a number of mechanized agricultural projects, which make it one of South Sudan's most productive food-producing counties. Most importantly, it is close to the oil pipeline that runs from the

Paloich field in Melut county to Sudan. For the government to lose Renk, in terms of oil revenue, could potentially be as drastic as the loss of Paloich.

Thus, in 2014, the SPLA-IO made Wadakona, Manyo county, its base of operations, from where it launched attacks on SPLA positions in Renk county, on the east bank of the White Nile (HSBA, 2014c). During the course of the year, the SPLA-IO would repeatedly shell across the river and launch intermittent attacks against SPLA positions, often coordinating its attacks (for example, on 13 May and 3 September 2014) with an assault on the Doleib Hills much further south.[85] These assaults were co-ordinated to simultaneously attack the two SPLA positions that the SPLA-IO wanted to neutralize before attacking two principal military objects: Malakal and Paloich.

In its most intense assault on Renk county, which began on 18 September 2014, the SPLA-IO launched simultaneous attacks on the villages of Dukduk, Gongbaar, and Jerbaga, north-east of Renk town; on SPLA positions on the eastern bank of the White Nile in Renk county; and in the Doleib Hills (HSBA, 2014c; also see Radio Tamazuj, 2014d). Government forces, however—including Olonyi's militia—then counterattacked, driving the SPLA-IO north across the border into Sudan (HSBA, 2015).

These clashes established a pattern that would persist for four months: the SPLA-IO would shell the east bank of the White Nile and launch intermittent attacks against Renk and the Doleib Hills before being repulsed. On 2 November, the SPLA-IO attempted to attack Malakal from positions in Jonglei but was again repulsed in the Doleib Hills, before an SPLA counterattack pushed the opposition back into Pigi and Fangak counties, razing New Fangak and scattering the SPLA-IO (see Radio Tamazuj, 2014e).

In the north of the state, the SPLA-IO continued to violate the CoH agreement, and the Intergovernmental Authority on Development's (IGAD) Ceasefire and Transitional Security Arrangements Monitoring Mechanism's (CTSAMM) Monitoring and Verification Mechanism (MVM) frequently criticized them for doing so. It should be noted, however, that during the same period the SPLA was equally culpable, shelling SPLA-IO positions around Wadakona at Bushara, Dongos, Ghabat, and Musekbel on 17 January 2015, at the same time as the SPLA-IO shelled Renk.[86]

The pattern of intermittent shelling and clashes between the two sides continued into February 2015, with the SPLA-IO making use of SAF bases on the border with Sennar state and at Jebalyn—over the border in White Nile, Sudan—to recuperate after carrying out ground assaults on SPLA bases near Renk.[87] As the dry season advanced and the roads dried up, the SPLA-IO was able to move into South Sudan more easily and continued to launch coordinated attacks on Renk, Kaka, and the surrounding area, as part of a push to secure these areas.

The SPLA-IO dry-season campaign was largely unsuccessful, however; by March, an SPLA force, combined with Olonyi's Agwelek forces, mounted a campaign to drive the SPLA-IO out of Northern Upper Nile. They moved north from Kaka on 2 March, just

before peace talks collapsed in Addis Ababa.[88] That force was led by Akwoc Mayong, a Shilluk commander who had previously been in charge of what is now Fashoda state, following the split in the SPLA in 1991, and who had remained loyal to Akol in the intervening years.[89] Olonyi retained overall command of this force and was based in Malakal during this assault.

Simultaneously, a small force moved south through Manyo county—led by Johannes Okiech, the lieutenant of Ogat—to trap the SPLA-IO fighters in a pincer movement. The government forces took control of Wadakona on 7 March, following five days of fighting, in what the MVM noted was a clear breach of the CoH agreement (IGAD, 2015a). The SPLA-IO then attempted to fight back, shelling Dukduk on 5 March and attacking government forces at Kwek, Khor Neem, and Hamra—on the west bank of the White Nile—on 11–14 March, while taking the village of Ghabat.[90] The SPLA-IO gains were temporary; by 15 March, the government forces had almost entirely routed the SPLA-IO from Manyo county.

In the first 14 months of the conflict, Olonyi's forces had been extremely successful. He had driven the SPLA-IO out of Manyo county, and off the west bank of the White Nile, while effectively defending Panyikang and Pigi from attacks by forces under the command of Tanginye, which were stationed in New Fangak (HSBA, 2016a).[91] Olonyi had thus expelled the SPLA-IO from the Shilluk kingdom and become a military hero in Upper Nile; at the PoC site in Malakal, songs were being written in his honour.[92]

Olonyi's military objectives, however, were communitarian and defensive in nature. He did not pursue the SPLA-IO into Jonglei or deploy his forces elsewhere in South Sudan. His goal was to secure the Shilluk kingdom, not to pursue a national political agenda. In 2014–15, then, Olonyi's forces were pursuing an ethnic agenda—with funding and backing from Juba—because, for a time, Olonyi's ethnic agenda and the government's own national agenda (to defeat the SPLA-IO) were conterminous. A substantive unity between the two sides was not produced, however; indeed, in backing Olonyi's Shilluk forces to fight a putatively national war, the SPLM/A further ethnicized the conflict. The rise of one ethnically based (Shilluk) militia encouraged the rise of the Padang Dinka militias, and also Mabanese ethnic militias (HSBA, 2015). As each side created its own ethnic militia, the other groups equally felt that only their own military forces—based on ethnicity—would allow them to defend their respective communities. Thus, the SPLA's increased utilization of ethnically based militias did not further a nationalist project, but rather contributed to its destruction.

The Padang Dinka militias

Olonyi's rise was a direct threat to the Padang Dinka, who were intent on continuing their CPA-period strategy to take the east bank of the White Nile for themselves. The Padang Dinka had also been building up their military forces at the behest of the

national government in Juba. After the fracturing of the SPLA in December 2013, the GRSS sought to overcome its military weakness by entreating the largely mono-ethnic forces of the CPA period back into the government fold, as it did with the Agwelek in Upper Nile and with Matthew Puljang's Bul Nuer forces in Unity state. These forces on their own, however, were not sufficient for the GRSS to achieve a military victory in South Sudan. Thus, simultaneously, the GRSS also directly recruited militias from loyal populations. In 2014, for instance, a number of Dinka militias from Northern Bahr el Ghazal and Warrap deployed to Upper Nile, including the Mathiang Anyoor, which had been involved in the initial killings of civilians and soldiers in Juba in December 2013 and had trained at Kiir's private farm at Luri, in Central Equatoria state (Boswell, forthcoming; UN PoE, 2016, paras. 33–34). These forces were initially thought to be more reliable and dependable; however, as the civil war in South Sudan continued, the commanders of these forces increasingly recruited younger men and trained them less, and they consequently became less effective as a fighting force.

These problems were even more acute when the Mathiang Anyoor were forced to fight far from their homes. For instance, before the SPLA recaptured Malakal from Olonyi on 6 July 2015, Mathiang Anyoor fighters and members of the presidential guard (flown up from Juba) massively reinforced government positions at Paloich. These forces, however, refused to participate in the assault on Malakal in the following days.[93] Without any obvious stake in the conflict, and with an often-hostile relationship with the local communities around them, the Mathiang Anyoor were increasingly unreliable as a combat force as the war progressed in Upper Nile.

As such, the Mathiang Anyoor were not a stable solution to the problems of the national army. The alternative was to recruit locally based militias, which would have a vested interest in defending their territory and were unlikely to loot surrounding communities. The Padang Dinka militias were a solution, then, to the unreliability of the Mathiang Anyoor. Conversely, the danger with such forces is that their motives and actions are communitarian and do not follow the command structure in Juba. Thus, in attempting to forge an army to fight a national war, the GRSS risked intensifying a series of local conflicts disaggregated from any putative national interest. So it proved in Upper Nile.

The first Padang Dinka militia to emerge was the oil-defence force of the Abialang Dinka, recruited at the beginning of the war to defend the oilfield at Paloich. Paloich was central for the GRSS; following the shutdown of the Unity oilfields early in the conflict (Craze and Tubiana, 2016, pp. 48–49), the Paloich oilfield was one of the few working oilfields in the country, and constituted the source of almost all the government's official formal income (Craze and Tubiana, 2016, pp. 72, 130; Global Witness, 2018; The Sentry, 2018). The situation in Upper Nile was paralleled by the situation in Unity state, where Padang Dinka militias from the Panaru Dinka took control of the Toma and Tor oilfields. These militias, like those in Upper Nile, were funded and

armed by the Nile Petroleum Corporation—or Nilepet, as it is locally known—via the ISB of the NSS, run by Akol Koor Kuc (Craze and Tubiana, 2016, pp. 127–31; HSBA, 2014a).

The Abialang Dinka welcomed the oil-defence force in Renk for several reasons:

- They did not feel secure in Renk and its surrounds, because the SPLA-IO had engaged in retaliatory attacks on the Abialang Dinka repeatedly during the conflict, killing more than 25 civilians in villages south of Renk town in September 2014, for instance.[94]

- Equally, from the beginning of the conflict, the Abialang Dinka did not much trust a government that lost control of Malakal several times at the beginning of the conflict, and, they felt, was run by Nuer, who might at any time join the rebellion.[95] Thus, when Malakal was captured by the SPLA-IO and the state capital moved to Renk, the Abialang Dinka objected and claimed this would make them the focus of SPLA-IO attacks.

- Finally, neither the Abialang Dinka nor the government in Juba felt particularly assured about the loyalty of the SPLA's 1st Division, precisely because it was commanded by a Bul Nuer officer—Stephen Buay Rolnyang—and was ethnically diverse. The creation of an ethnically organized Dinka militia force, answerable not to the SPLA but to Akol Koor and the ISB, was, for the GRSS, an answer to the fragmentation of the SPLA and the ethnic divisions within the remaining national army, while for the Abialang Dinka, such militia forces were an answer to the uncertainties of the government in a time of civil war.[96]

As this report will show, however, the government's strategy is self-defeating in at least one respect: its turn to ethnic militias that might enable the GRSS to assure its position in the short term, simply energizes the very forces of fragmentation that led to the army being unreliable in the first place, and undercuts the formation of an inclusive national government. For, while the oil-defence force was initially intended—as the name suggests—as a defence force, it soon exceeded the bounds the GRSS originally intended for it.

Alongside the Renk oil-defence force, a number of other Padang Dinka militia forces were created on the east bank of the White Nile, including Mathloum (Dinka for 'injustice') in Akoka county and Abu Shoq in Baliet. These militias emerged in 2014, although many of the names of the militia forces were those of SPLA battalions in the second civil war. This similarity of nomenclature was simply intended to lend a history and legitimacy to new militias, the activities of which were very different from the old battalions' operations, and which operated, unlike the old battalions, independently of the SPLA. While they were initially formed to protect the oilfields at Paloich, and were relied upon by the Padang Dinka for community defence during the early part of the civil war, these militia forces rapidly became the central actors

in an offensive struggle waged against the Shilluk for control of the east bank of the White Nile.

Thus, what began as a defensive *national* task—to defend the oilfields from the SPLA-IO—soon morphed into an offensive *communitarian* struggle. In this transformation, the fact that the militias initially operated outside of the SPLA's military command structure—though they often acted in concert with parts of the SPLA—was extremely useful to the militias, as it enabled them to sidestep the SPLA's own military priorities and attack the putative allies of the GRSS: the Agwelek. The militias received their ammunition and weaponry, including Israeli ACE rifles, from the ISB (HSBA, 2016a). This outside source of armaments allowed the militias to evade SPLA command lines.[97] The external funding for these militias came from Nilepet. Stephen Dieu Dhau—who was the Minister of Petroleum and Mining in 2014—organized the transfer of funds from Nilepet to the militias.[98] Some of this funding seems to have come to the militias via the ISB (Global Witness, 2018, pp. 3–4), while other funding seems to have derived directly from Nilepet. A document obtained by The Sentry (2018, pp. 2–4), titled 'Security Expenses Summary from Nilepet as from March 2014 to Date' (from mid-2014 to mid-2015), lists payments to a Dinka 'White Army' in Upper Nile, totalling USD 1.1 million, for equipment, food, fuel, and supplies.[99] The Sentry also reviewed correspondence between Gieth Abraham Dauson—a senior aide to Dieu Dhau—and individuals at the Paloich oilfields, confirming Dieu Dhau's role in arming and supplying these militias.

In a reply to an earlier Small Arms Survey report (HSBA, 2016a) on the situation in Upper Nile, some members of the Padang Dinka community claimed there were no Padang Dinka militias in Upper Nile, and that the GRSS does not sponsor militias more generally in South Sudan (Antipas, 2016). This is incorrect, as Small Arms Survey noted in its initial response to the letter (HSBA, 2016b). The UN Panel of Experts on South Sudan has abundantly documented the existence of militias in South Sudan in general (UN PoE, 2016, para. 34) and in Upper Nile in particular (UN PoE, 2016, para. 56). It is also clear that, at least between 2014 and 2017, these militia groups had a separate existence outside of the regular SPLA. Indeed, in April 2015, the Upper Nile Minister of Information, Gatluak Liphos, publicly acknowledged the existence of these militias in an interview explaining that Abu Shoq and Mathloum were fighting with the SPLA against Olonyi's Agwelek (Radio Tamazuj, 2015b).

Initially, the SPLA understood these forces to be both a counterweight to Olonyi's Shilluk forces and a means to secure the oilfields.[100] For the first 18 months of the conflict, then, both the Padang Dinka and the Shilluk were ethnic forces, pursuing communitarian agendas side by side while allied to the national government, and both were able to rely on funding and support at the national level because both of their agendas were consonant—at least initially—with the aims of the Kiir administration. Both sides were also opportunistically united by the presence of a common,

largely Nuer enemy: the SPLA-IO. With Olonyi's success at pushing the SPLA-IO out of Manyo county in March 2015, however, the SPLA-IO forces were entirely displaced from the north of the state, and thus the central antagonism between the Shilluk and the Padang Dinka reasserted itself.

At this stage, the Kiir administration was both increasingly turning in on itself and becoming more and more exclusively Dinka, while also beholden to a Padang Dinka political and military elite, whose militias controlled all of South Sudan's oilfields and had a relatively independent source of arms and finances from Nilepet and the Ministry of Petroleum. Thus, while the Padang Dinka militias initially proved useful for the government in Juba, by March 2015 it was the government that was proving useful for the militias, as cover for an increasingly local quest to dominate Upper Nile.

In March 2015, there were two main obstacles to the Padang Dinka's domination of Upper Nile. First, an increasingly isolated state administration, led by Simon Kun Puoc, prevented total Padang Dinka domination of the politics of the state. By 2 September 2014, a delegation from the Abialang Dinka had called for his removal as governor of Upper Nile, and the division of Upper Nile state into smaller units that better represented the communities of the state.[101] More importantly, however, the principal obstacle to Padang Dinka power was the military power and success of Olonyi, and it was to overcoming this obstacle that the Padang Dinka military and political elite now turned.

Tensions between the Padang Dinka militias and the Agwelek

Tensions between Olonyi's Agwelek forces and the Padang Dinka militias were evident from the very beginning of the civil war. In February, July, and August 2014, there were altercations between the two sides.[102] Then, on the day Olonyi's forces took control of Wadakona (7 March 2015), Olonyi was shot at by a Padang Dinka militia member while in Renk town.[103] What unnerved the Agwelek forces was the silence of Puoc's state-level administration about all these attacks, leading the Shilluk to believe that, in a confrontation between the two groups, the state of Upper Nile—and also the SPLA—would stand with what they understood to be unprovoked Padang Dinka aggression.[104]

These tensions came to a head at the end of March 2015, when clashes occurred between Mathloum, the Padang Dinka militia of Akoka county, and the Agwelek, at the Lul bridge and at Benthiang in Akoka county, over contested claims about the territory on the east bank of the White Nile (HSBA, 2016a, p. 11). On 1 April, the situation deteriorated when Mathloum militia members killed Olonyi's deputy, James Bwogo, along with the 12 soldiers who were with him, on the Akoka bridge (see Radio

Tamazuj, 2015c; Sudan Tribune, 2015a). What precisely happened is disputed, and multiple narratives of the event continue to circulate:

- In Juba, the SPLA claimed Bwogo was going to investigate ongoing ethnic tensions, and was accidentally killed by Dinka 'youth'. This claim is mirrored by the account given by the then Upper Nile minister of information.[105]

- Mathloum militia members claimed they had not realized Bwogo was Olonyi's deputy and thought he was a Shilluk youth, though this is not a credible claim given the number of vehicles and troops accompanying him. This claim was a ploy to negate the obvious political stakes of his assassination. Said otherwise, it made it a death, not a killing. Those Mathloum militia forces also claimed to be 'youth' rather than an organized militia force.[106] This was a way to deny the very clear political significance of the assassination and to try to discursively remove it from the context of the broader plan—to push the Shilluk out of the east bank of the White Nile—and blame it, effectively, on 'the kids', as if it were a one-off event with no connection to anything else.

- Puoc, the governor of Upper Nile at the time, claimed Olonyi was attempting to build a mono-ethnic Shilluk military base on the Lul bridge, and that Bwogo was sent without Puoc's permission to calm community tensions about the base.[107] There is no evidence to suggest this story is credible.[108]

- The Agwelek have provided multiple versions of the killing of Bwogo, including that the attack was meant for Olonyi himself, who had been invited to a meeting in Akoka but who, fearing an ambush, sent his deputy instead. At the time, Olonyi himself sought to play down the political significance of the clashes, as he held out for the possibility of a rapprochement with the government.

While it is impossible to determine a final version of this story, it is likely that Bwogo was killed by those conscious of both who he was and the effect such an assassination would have on the politics of Upper Nile. The claims that his killers were unaware of his identity are not credible.

To prevent tension between the two sides, the SPLA placed Mathiang Anyoor forces at Abaneim, on the Akoka–Fashoda border, in an attempt to have outsiders mitigate the increasing tensions. On 5 April 2015, the Mathloum militia forces in Melut shelled these forces, indicating the degree of independence from government forces the Padang Dinka militias possessed. What concerned the Shilluk of Upper Nile during these events was, once again, the state government's silence over the attacks, which recalled the silence of the state administration following attacks on the community during the CPA period. The Agwelek and the wider Shilluk community were worried that Puoc's administration was playing a partisan role rather than serving as a neutral body and mediating between the two sides. It further concerned the Shilluk that important SPLA generals—such as Archangelo Abango, who was a Buay loyalist

and present in Malakal during the clashes—did not attend Bwogo's funeral, in what seemed like a calculated snub.[109]

The situation deteriorated during the negotiations that followed Bwogo's death, when a clash between Puoc's bodyguards and Olonyi's forces led to the death of two bodyguards. In the governor's version of this clash, on 21 April at 8 p.m. a bodyguard of Puoc had to be taken to hospital. As the bodyguards passed Olonyi's men on the way to the hospital, Olonyi's men opened fire, injuring three of the bodyguards.[110] In the Agwelek's version of the story, the bodyguards arrived in front of Olonyi's force and opened fire, forcing the confrontation. It remains unclear which, if either, of these stories is correct.

Tensions immediately escalated as the state administration backed Mathloum, leading to clashes between the Agwelek and the Padang Dinka militia forces in Paloich (on 23 April) and Malakal (on 24 April). During the latter clashes, the governor's guard, the Mathiang Anyoor, the SPLA, and the Padang Dinka acted in concert against Olonyi's troops.[111] The governor's mansion burned down during these clashes.

There were actors—including Mathloum and the political elite above them, such as Dieu Dhau—for whom Olonyi and the Agwelek were a block to Padang Dinka territorial and administrative expansion. They seem to have thought that if Olonyi could be pushed into open rebellion it would remove him from the protection of Paul Malong—and prevent him accessing ammunition and weapons from the SPLA—and mean that the full range of the national army could be used against him and the Shilluk people. There was no unanimity in Juba, however, as to the desirability of Olonyi being pushed into the arms of the opposition. In particular, Paul Malong interceded to try to ensure Olonyi's loyalty, aware that he would be criticized if Olonyi were to rebel with the weapons with which Malong insisted that he be armed.[112]

During the period of negotiations between Puoc and Olonyi in Malakal, a variety of intercessors from Juba tried to intervene and act as mediators between the two parties, including the Shilluk *reth*, Kwongo Dak Padiet, and Obac William Olawo—a Shilluk businessman with close connections to Kiir and to Dieu Dhau. During these negotiations at the beginning of May, the Agwelek withdrew to the south of Malakal, although they remained in military control of the city and able to encircle it at will. The intercessors from Juba demanded that Olonyi go to the capital to answer for the killing of Puoc's bodyguards, and that his forces withdraw to the west bank of the White Nile. Olonyi resisted, knowing that if he went to Juba he could be detained; he had, by now, lost faith in the willingness of the national government to mediate between the Padang Dinka and the Shilluk.[113]

On 14 May 2015, Olonyi informed his troops they were no longer allied with the SPLA. In a press release made by the Agwelek on 15 May 2015, Olonyi outlined the reasons for his decision (Agwelek Forces, 2015). He stated that there was insufficient

recognition for the work of his forces, for their successes against the SPLA-IO, and for the fact that his men had endured substantial losses. Rather, Olonyi said that his forces had effectively been treated as vassals by the SPLA. The press release stated that Olonyi's forces remained substantively unintegrated into the SPLA, along with those of Ogat, a measure it saw as indicative of a lack of will on the part of the SPLA. He then listed all the times Padang Dinka militias attacked his troops during the current civil war, and the government's and the SPLA's lack of interest in investigating these infractions. In sum, then, two fundamental reasons drove Olonyi to rebel: (1) a lack of substantive integration into the state, and (2) the state's acquiescence to, and subsequent capture by, a Padang Dinka project of land grabs that directly affected the Shilluk community.

The next day (15 May), Olonyi attacked Malakal from all directions. In response, the SPLA withdrew its mechanized division from the Doleib Hills, fearing it would be overrun. SPLA-IO forces, under the control of Tanginye and James Maboth Dhual, then advanced north from Jonglei and took the Doleib Hills, initially fighting independently of Olonyi's forces but later coordinating with them during the advance north.[114] By 16 May, Malakal was entirely under Olonyi's control and the SPLA was rapidly withdrawing north towards Akoka, conceding Anak Diar and Kodok almost immediately, as the SPLA-IO and the Agwelek advanced after them towards the Paloich oilfields.

Olonyi's rebellion does not appear to have been wilful. Rather, the Padang Dinka militias forced the state government, and the national government in Juba, to choose a side. With the SPLA-IO largely defeated in Upper Nile, and the Padang Dinka in control of South Sudan's oilfields, the government clearly chose to push Olonyi out, essentially sanctioning the Padang Dinka land grab that, by April 2015, had been underway on the east bank of the White Nile for five years. Seen structurally, Olonyi and the Shilluk Agwelek were used to rout the Nuer SPLA-IO forces from the east bank of the White Nile. That mission achieved, the Padang Dinka then turned on the Shilluk, and the Shilluk–Padang Dinka rivalry again became the primary antagonism in Northern Upper Nile.

The Agwelek and the SPLA-IO

Following Olonyi's split from the SPLA, the SPLA-IO initially claimed he had joined the opposition force—an inaccurate pronouncement that was part of a more general SPLA-IO attempt to collapse all forms of opposition to Kiir's government under the general rubric of the Machar-led opposition. The Agwelek immediately clarified, privately and in public, that its forces were operating independently of the SPLA-IO but ready to work with other opposition groups to prevent what Olonyi claimed was ongoing 'tribal hatred' and 'ethnic cleansing' of the Shilluk, which he dated back to 2005.[115]

Despite this claim of independence, however, negotiations between Olonyi and the SPLA-IO were underway in secret. Carlo Kuol—a Jikany Nuer SPLA-IO brigadier general previously stationed in Unity state—was in Wadakona, and led the initial negotiating process for the SPLA-IO.[116] These initial negotiations were carried out with mutual distrust and stymied by disagreements over whether the SPLA-IO could come to the west bank of the White Nile.[117]

By 1 July 2015, however, the two sides had signed an agreement in Nairobi, and Olonyi's forces formally joined the SPLA-IO. Negotiations between the two groups had proceeded with some suspicion, and the actual agreement was mysterious, containing a number of annexes that were not circulated publicly. Those present for the negotiations suggest that the Agwelek were looking for a 'GPAA for the Shilluk',[118] and an SPLA-IO commitment to such an area was contained in the annexes to the agreement, which could not be made public because of Machar's commitment to appearing as if he was a truly national leader and not sanctifying ethnic fragmentation.

On 2 July—clearly as a consequence of those negotiations—Machar appointed Jokino Fidele, one of Olonyi's lieutenants, as the governor of a 'Fashoda state', delimited according to Machar's December 2014 federalist map of South Sudan (Sudan Tribune, 2015c). On Machar's map, Malakal is included in a Shilluk-majority state centred on the west bank of the Nile. Machar's map would give the state capital to the Shilluk and ensure the new Shilluk state—named Fashoda state, after the traditional dwelling place of the Shilluk *reth*—would be a coherent territorial entity.[119]

Jokino Fidele Nyikayo had been a popular commissioner of Fashoda county, until Puoc dismissed him due to fears Fidele was aiming to unseat him as governor.[120] Fidele, who had led the negotiations with the SPLA-IO for the Agwelek in Nairobi, was politically important to Olonyi, who famously proclaimed he has a 'doctorate in fighting' (Copnall, 2014)—a disparaging remark made to insult Machar, who has a Ph.D. in mechanical engineering. Olonyi initially left much of the political manoeuvring to Fidele and other advisers.

Parallel to Fidele's appointment, Olonyi was made head of the 1st Division of the SPLA-IO, responsible for Upper Nile state, before being made a lieutenant general in September 2015. Despite Olonyi's formal integration into the SPLA-IO, his forces have remained substantively independent. While they acted in concert with SPLA-IO forces under the command of Tanginye and Thomas Mabor Dhol from May to July 2016, the Agwelek have acted in an almost entirely autonomous fashion since then. Indeed, the Agwelek's integration into the SPLA-IO is no greater than its integration into the SPLA beforehand, and equally no less contingent; while Olonyi may have changed allegiance from Kiir to Machar, his fundamental allegiance remained to his community, and he focused on maintaining—or recovering—the territory of the Shilluk kingdom.

Olonyi's exit from the SPLA proved unpopular with some in the Shilluk kingdom. Shortly after Olonyi left the SPLA, Ogat's forces, stationed in Fashoda, clashed with

Olonyi's forces. The bulk of Ogat's forces, under Johannes Okiech, remained at Wada-kona—Okiech's birthplace—in an uneasy détente with Olonyi, but were officially still loyal to the SPLA; Okiech would only desert on 31 October 2015, following Kiir's 28 states decree.

The hostility to Olonyi had several sources:

- Many in the Shilluk kingdom were still suspicious of the SPLA-IO, and of Tanginye in particular, and worried that Olonyi's exit would pave the way for more Nuer forces within the Shilluk kingdom.

- At a national level, Akol was wary of playing second fiddle to Machar within the SPLA-IO, so his supporters regarded Olonyi with suspicion.

- Finally, some in the SPLA claimed that Ogat was promised a Shilluk governor for Upper Nile if he were to remain loyal to the government.[121] The antagonism between the two sides, which maps imperfectly onto the major administrative division in the Shilluk kingdom between the north and the south, would re-emerge intermittently from 2013 to 2019.

Olonyi's alliance with the SPLA-IO, however, has proved to be an alliance of convenience, and largely one in name only. The SPLA-IO was unable or unwilling to provide Olonyi with weaponry, and he has made frequent trips to Khartoum in a series of unsuccessful attempts to resurrect CPA-era supply lines from SAF.[122] In October 2015, Olonyi's emissaries attempted to open up a dialogue about reintegration into the SPLA while they, along with Kiir and many upper-level members of the SPLM, were in South Africa.[123] These rapid movements from one side to another reveal the extent to which Olonyi's alliances are contingent, and largely delinked from his actual political and military objectives.

The fight for the east bank of the White Nile

Initially, it looked as though the state government had made a huge tactical mistake in forcing Olonyi to join the SPLA-IO. After Olonyi took Malakal, the Agwelek advanced to Benthiang in Akoka county and razed the Dinka parts of the settlement on 18 May, as three river barges he had captured in Malakal moved up the White Nile with him. On 19 May, Olonyi took the Thangrial refinery, Melut town itself—leaving much of the town razed, including the market and the barracks—and Magok, a town that is one of the gateways to the Adar oilfield.[124] It seemed as if the scene was set for Olonyi to advance on Paloich and throw the GRSS into chaos. The SPLA-IO spokesperson, James Gatdet, announced they would capture the oilfields and deny the government its principal source of revenue (see Radio Tamazuj, 2015e).

In view of Olonyi's advances, the Chinese National Petroleum Corporation evacuated more than 400 oil workers from Paloich, despite claims to the contrary by the South

Sudanese Ministry of Petroleum.[125] Oil workers from Europe and South-east Asia who were working on the maintenance of the Paloich oilfield also wanted to leave during this period, and, according to their contracts, the GRSS should have evacuated them.[126] The GRSS refused to do so, however, effectively holding them hostage in the knowledge that, if the oilfields closed, its last sustainable source of income would be removed.[127] The situation was only resolved when security officers working with foreign oil companies chartered planes from Juba to Paloich, removing all but a skeleton staff from the oilfields.[128] The South Sudanese oil workers were forced to stay at Paloich.[129]
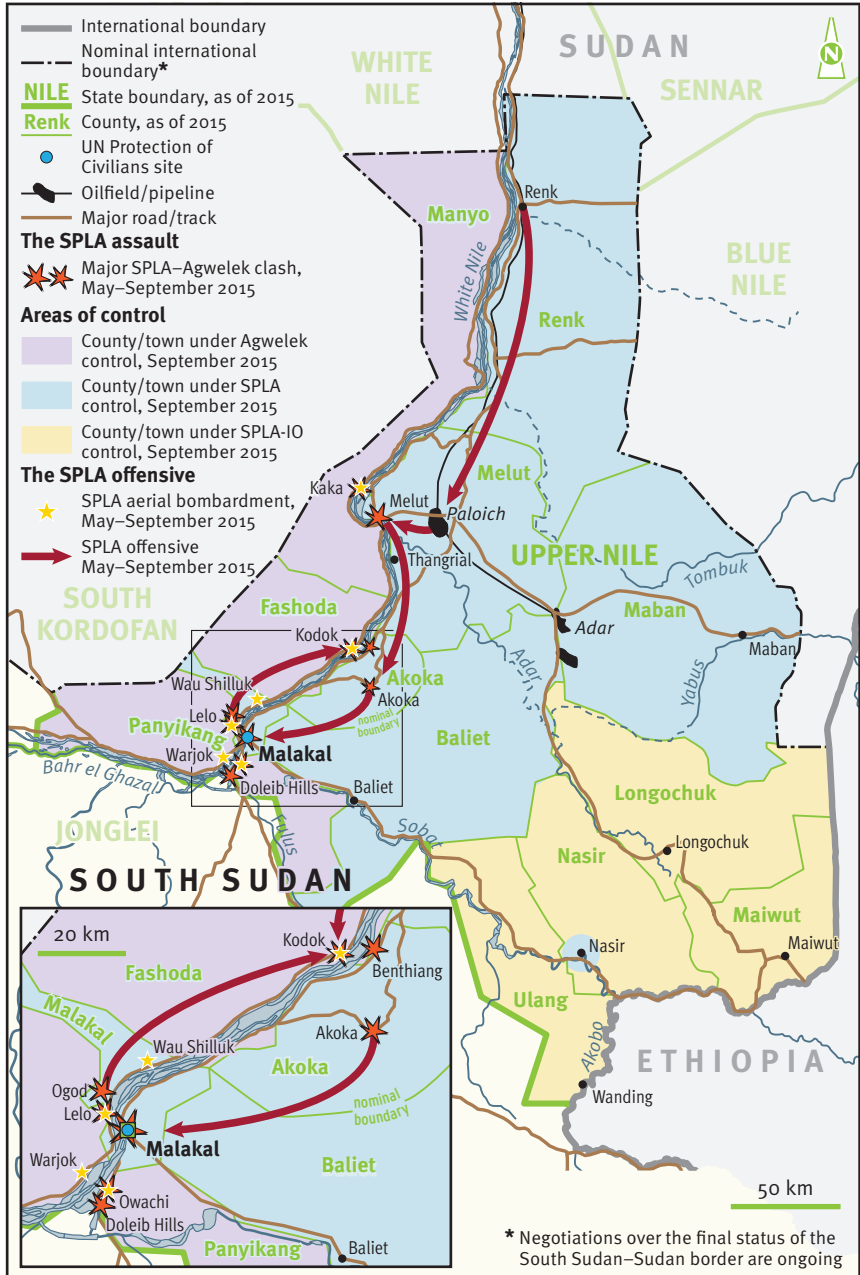
This proved to be the high point of Olonyi's campaign. After Olonyi took Malakal, the SPLA's 1st Division forces—under the command of Stephen Buay—moved down from Renk to reinforce Paloich, and then attacked the Agwelek forces in Melut (see Map 2). They took the town of Melut on 21 May and destroyed at least one of the three barges Olonyi had commandeered.[130] Juba gave operational authority for two Mi-24 attack helicopter gunships—acquired in 2014, flown by Ukrainian pilots, and stationed in Paloich—to assist the SPLA in this operation.[131] The SPLA's 1st Division then advanced on the Agwelek, reversing SPLA-IO gains. By 24 May, the government had retaken Akoka county, and the 1st Division was advancing on Malakal, retaking the city the next day. Government forces then fired on the PoC site and the United Nations Mission in South Sudan (UNMISS) base more broadly, in deliberate and sustained fashion, on 28 May (IGAD, 2015b). This attack seems to have had two functions: to terrify UNMISS and restrict international movement in the run-up to further assaults on Agwelek positions, and to make the Shilluk, who lived in the PoC site, feel as insecure as possible.

In the first half of June, both sides reordered their administrative and demographic forces in preparation for renewed conflict. On 4 June, the Upper Nile state administration moved to Renk, fearing another attack on Malakal. On the west bank of the White Nile, Olonyi's force, stung by the defeat inflicted on them by the SPLA 1st Division, began forcibly recruiting in Kodok and Wau Shilluk. The IGAD MVM reported that Olonyi had forcibly recruited between 500 and 1,000 young people, including those between 13 and 18 years of age (IGAD, 2015b).

On 23 June, the SPLA-IO surprisingly retook Malakal in what seemed to be an opportunistic attack not authorized by the main SPLA-IO military leadership.[132] Tanginye and Dhol—rather than Olonyi—led the attack, though Olonyi later took part. The attackers came principally from Ulang county and Fangak, in Jonglei, although some forces under Olonyi also participated, crossing from the west side of the White Nile. Tanginye's forces first took the Doleib Hills before recapturing Malakal; the government forces withdrew north. Just as the SPLA had done the previous month, the SPLA-IO then fired into the PoC site, this time attacking the Dinka area.[133]

The opportunistic recapture of Malakal has to be understood in light of one of the central SPLA-IO concerns during the war: securing weapons and ammunition. The

Map 2 Upper Nile: The SPLA assault on the east bank of the White Nile (2015)

Legend:
- ━━ International boundary
- ━·━ Nominal international boundary*
- NILE State boundary, as of 2015
- Renk County, as of 2015
- ● UN Protection of Civilians site
- ▬ Oilfield/pipeline
- ━ Major road/track

The SPLA assault
- ✶✶ Major SPLA–Agwelek clash, May–September 2015

Areas of control
- County/town under Agwelek control, September 2015
- County/town under SPLA control, September 2015
- County/town under SPLA-IO control, September 2015

The SPLA offensive
- ★ SPLA aerial bombardment, May–September 2015
- ➡ SPLA offensive May–September 2015

SUDAN
WHITE NILE
SENNAR
Manyo
Renk
BLUE NILE
White Nile
Renk
Melut
Kaka
Melut
Paloich
Thangrial
UPPER-NILE
Tombuk
SOUTH KORDOFAN
Fashoda
Kodok
Maban
Adar
Maban
Yabus
Wau Shilluk
Akoka
Akoka
Lelo
Panyikang
Warjok
Malakal
Baliet
nominal boundary
Baliet
Doleib Hills
Baliet
Bahr el Ghazal
Sobat
Longochuk
Longochuk
JONGLEI
Nasir
Maiwut
SOUTH SUDAN
Nasir
Maiwut
Ulang
20 km
Kodok
Fashoda
Benthiang
Malakal
Akoka
Wau Shilluk
Akoka
Ogod
Lelo
Malakal
Warjok
nominal boundary
Baliet
Owachi
Doleib Hills
Panyikang
Baliet
Akobo
ETHIOPIA
Wanding
50 km

* Negotiations over the final status of the South Sudan–Sudan border are ongoing

SPLA-IO had been unable to secure a reliable resupply line for materiel (CAR, 2018, pp. 35–46). As when the SPLA-IO occupied Melut in May 2015 and took SPLA weapons supplies, so a large part of the motivation for the SPLA-IO's assault on Malakal was to access weapons stores before withdrawing. Indeed, from 2015 onwards the majority of SPLA-IO and Agwelek weapons would be acquired from the SPLA, whose firepower was greatly superior. The necessity of such acquisitions partly determined the rhythm of the conflict in Upper Nile, as elsewhere in South Sudan.

The SPLA-IO's attack and occupation of Malakal would prove to be an exception to the overall logic of the conflict over the next year. The GRSS thought it symbolically important to retake Malakal for the fourth anniversary of South Sudan's secession on 9 July, so they mobilized forces in Renk and Paloich—including the SPLA's 1st Division, the sixth battalion of the 2nd Division, Padang Dinka militia forces, and Mathiang Anyoor forces flown up from Juba—and moved south to Malakal.[134] Before assaulting the city, the SPLA launched a wide-ranging counterattack on opposition positions in Ogod, Kaka, Kodok, and Benthiang. Rather than trying to maintain control of Malakal, the SPLA-IO forces and the Agwelek subsequently withdrew from the city, leaving the SPLA to reoccupy it on 6 July. The SPLA-IO withdrew to Nagdiar in Baliet, and then to Atar and New Fangak in Jonglei, while Olonyi and the Agwelek withdrew to Olonyi's headquarters in Warjok, on the west bank of the White Nile.

Initially, the SPLA defended Malakal with an ethnically mixed force under the command of Bhutros Bol of the 2nd Division, and included Equatorian and even Shilluk troops.[135] These forces dug defensive positions around the airport. Shortly after the deployment of the 2nd Division, however, Padang Dinka militias reinforced the defence of the city, with deleterious consequences for the Shilluk and Nuer IDPs resident in the PoC site, who were harassed or killed whenever they tried to leave the PoC. This was partly because some of the Shilluk residents had participated in previous SPLA-IO occupations of Malakal, and so were thought of as combatants, not civilians. During the SPLA-IO recapture of Malakal that June, Shilluk residents of the PoC site had left the camp to celebrate their ability to move freely and without fear of harassment by the SPLA and Padang Dinka militias; in the SPLA's eyes, this marked the civilians as rebels. This participation in the occupation, however, was not sufficient reason for the Padang Dinka militias to think the Shilluk residents of the PoC were combatants. As Padang Dinka militias had demonstrated a marked tendency to target Shilluk civilians in the PoC site throughout the war, it seems likely that they would have been harassed and killed even if some of them had not participated in Olonyi's recapture of Malakal.

Following Olonyi's withdrawal to the west bank of the White Nile, the PoC site then constituted the largest presence of Shilluk on the east bank of the White Nile, and was thus a political threat to the Padang Dinka's control of Malakal. Elsewhere, the SPLA could push the Shilluk out from the east bank of the White Nile. After the SPLA

recaptured Malakal, Padang Dinka forces began a purge of Shilluk soldiers from the ranks of the SPLA. Shilluk policemen who served in Melut county were also told they were no longer wanted and should go to the west bank of the White Nile.[136] These military and police purges prefigured the civilian depopulations that would follow.

The harassment of the Malakal PoC site indicates the double purpose of the SPLA assault at the beginning of July: it was intended to inflict a comprehensive military defeat on the Agwelek and the SPLA-IO and force them from the east bank of the White Nile, as well as to weaken and impoverish a Shilluk population that the government forces regarded as rebels. They were perceived this way both because of Olonyi's general popularity among the Shilluk and because politics in Upper Nile had become, during the current civil war, a campaign of ethnic displacement that renders all people of a given ethnicity, in this case Shilluk, a potential military target. For instance, while the Agwelek were withdrawing from Malakal, they also withdrew from sites on the banks of the White Nile, such as Wau Shilluk and Kodok, in anticipation of SPLA military assaults on those positions. That did not—given the militarization of civilian targets—prevent the SPLA attacking these villages; it was precisely the civilians that the SPLA intended to target.

On 6 July, the same day the SPLA retook Malakal, the SPLA used a Mi-24 Hind attack helicopter to repeatedly attack Shilluk villages, forcing the Shilluk off the immediate west bank of the White Nile. These helicopters were controlled from Juba—evidence of the acquiescence of the GRSS, at the highest levels, to the Padang Dinka's campaign of ethnic displacement on the banks of the White Nile. The helicopter barraged a clearly marked International Committee of the Red Cross (ICRC) hospital in Kodok, killing at least 13 patients (UN PoE, 2015, p. 30). These attacks pushed the Shilluk out of Kodok, destroyed the humanitarian administration, immiserated the population, and made it hard for the Shilluk to sustain life on the west bank, and thus pushed them into Sudan. The attacks also transformed the immediate west bank of the White Nile into a militarized border zone. This made it hard for people to fish—further impoverishing the population—and cut off its contact with the PoC site, effectively dividing the Shilluk population in two and making it harder for the two sides to coordinate. While the SPLA had withdrawn after previous assaults on Kodok, on this occasion they defended the site, and dug fox holes and berms in the south of the town to further establish a militarized zone on the west bank of the White Nile.[137] Kodok thus took on the same form as Nasir in southern Upper Nile: a defended SPLA settlement, surrounded by a hostile population, participating in what is effectively a war of occupation.

The pacification of the west bank of the White Nile

For the remainder of July, Olonyi's forces intermittently came to the banks of the White Nile to shell SPLA forces in Renk county.[138] That proved, however, to be the limit of offensive SPLA-IO activity in Upper Nile for the next few months. In contrast, the SPLA focused first on shoring up its defensive capabilities in the capital and on the east bank of the White Nile—building fortifications at Malakal and moving troops south from Renk—before beginning a campaign on the west bank of the river.

The level of Shilluk animosity to the SPLA was such that the SPLA could not attempt to fully occupy the west bank of the White Nile. Instead, the SPLA's military assault on the west bank had three objectives:

- To push the Shilluk out of the contested territories, and thus de facto secure, via military campaign, what Kiir's administrative remapping of Upper Nile via his 28 and then 32 states decrees in 2015 and 2017 respectively would achieve de jure.[139]

- To weaken and impoverish the Shilluk population, either forcing it into Sudan—and thus away from the contested territories—or keeping it too feeble to constitute a serious oppositional force.

- To increase popular discord between Olonyi, the Shilluk *reth*, and the political and military leadership of the Shilluk, and thus push the Shilluk towards the government forces. Having *immiserated* the population, the GRSS then aimed to *recompose* it (see Box 2, p. 66).

These three goals were in evidence from mid-2015. That July, for instance, after it had secured control of Malakal, the SPLA used a helicopter gunship to attack Shilluk settlements in Kodok, Lelo, Owachi, and Panyikang counties.[140] After these assaults, the helicopters would circle over the PoC site in Malakal in a show of strength designed to intimidate its Shilluk residents.[141] The UN Panel of Experts for South Sudan found that the use of attack helicopters in such raids is under the direct control of the SPLA headquarters in Bilpham, Juba, rather than local SPLA commanders.[142] As the UN Panel of Experts report states: 'SPLA has also maintained at least one Mi-24 attack helicopter in Paloich in proximity to the oil fields. Operational control of the helicopter is with SPLA headquarters in Juba.'[143] The direct control of the helicopters used to attack civilian settlements underlines the degree to which the GRSS was responsible for these attacks.

The SPLA also shelled villages, including Ditok, Kodok, Warjok, and Wau Shilluk—once again—from across the river. Such attacks continued over the next few months, with the SPLA frequently shelling the Shilluk in Ditang, Lelo, and Warjok in August and September 2015. Such shelling was supplemented by intermittent SPLA ground incursions—including on 4 September, at Wau Shilluk—which sent civilians fleeing

towards the Sudanese border. During the pacification of the west bank, this strategy was accompanied by a general denial of humanitarian access to Shilluk populations on the west bank of the White Nile.[144] This denial of access was intended to collectively punish the Shilluk population and literally starve out support for the Agwelek. Humanitarians were also denied access to Malakal by both fixed-wing aircraft and river barge, which was another strategy designed to punish the Shilluk population in the PoC site and thereby attack the one remaining Shilluk location on the east bank of the White Nile.[145]

Padang Dinka political domination

Having achieved a military victory over Olonyi, what remained for the Padang Dinka was to achieve political domination of Upper Nile. On 9 July 2015, the exiled state administration of Upper Nile held a celebration to mark the fourth anniversary of South Sudan's secession from Sudan. It was poorly attended, with ministers blaming the lack of turnout on the farming season.[146] In reality, a combination of the war, displacement, and conflict within the government led to the thin crowds. The Bul Nuer commander of the SPLA 1st Division, Buay, gave a speech in which he said the killing of Shilluk civilians in Renk town over the past month had been carried out not by his own men but by Padang Dinka militia forces.[147] His speech was met with contempt by the Padang Dinka military and political elite of Northern Upper Nile;[148] they considered him to have spoken out of place, and to have been unjustified in his criticism of the very forces they contended had saved Upper Nile from Olonyi.

There was a latent contradiction in the Upper Nile administration by mid-2015. While the Padang Dinka dominated the east bank of the White Nile, their dominance was not reflected in the formal political administration of the state. Puoc, a Nuer from Nasir, was state governor, and the only one of South Sudan's governors who—at that point—had not been replaced since the 2010 gubernatorial elections. He had been a surprise choice for governor in 2010. Prior to the election, the SPLM's political bureau in Malakal could not agree on a candidate, and tension between the Shilluk and the Padang Dinka was escalating.[149] The SPLM's political bureau in Juba intervened and imposed Puoc on the SPLM in Malakal, though he was not on the initial list of candidates. Puoc had developed close links with Kiir while working for the Southern Sudan Relief and Recovery Commission during the second civil war, and he was thought of as a safe pair of hands for the state, dependent on Kiir and Juba. He was not a popular governor. Puoc staffed his administration with expatriate Nuer with limited local power bases, so they could not contest his governorship, and repeatedly sacked those—such as Jokino Fidele—who seemed like they might challenge his authority. In a sense, then, Puoc's own appointments mirrored Kiir's decision to appoint a weak and easily dominatable state governor. His unpopularity was also due to accusations

of rampant corruption, and rumours that Upper Nile's oil money went into the pockets of politicians in Juba.[150]

By July 2015, Puoc's position as governor was extremely tenuous. One of his brothers, Gatwich Puoc, formerly in SPLA intelligence in Wau, had recently defected to the SPLA-IO.[151] His military power base during the CPA period was the Nuer forces in the SPLA 7th Division—now the SPLA-IO forces. Equally, in a state in which almost all the Nuer had sided with the SPLA-IO, a Nuer governor did not sit well with the state's pro-government forces. On 16 August 2015, in a move that no doubt prefigured Kiir's 28 states decree, the president dismissed Puoc and replaced him, as acting governor of Upper Nile, with Chol Thon, a Padang Dinka and lieutenant general in the SPLA, who was previously the deputy chief of general staff for moral orientation. This move confirmed the dominance of the Padang Dinka military and political elite over the east bank of the White Nile. It also ensured that Dinka control of Upper Nile could continue, despite the tentative peace agreement—the Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS)—that was signed the next day. At the time, many observers assumed that Chol Thon's appointment was temporary, because under the terms of the ARCSS, Upper Nile was to have an opposition governor.[152] This expectation, however, failed to anticipate the 28 states decree that was to follow.

At the same time as the administration of the state changed in August 2015, efforts were also underway to change its make-up at lower levels. After Olonyi's split from the SPLA, Shilluk civilians were being harassed in Melut, Renk, and elsewhere (HSBA, 2016a; UN PoE, 2015; 2016). Shilluk officials were turning up to the administration-in-exile in Renk, only to be told that they were rebels, or that their salaries were not available.[153] Meanwhile, Padang Dinka militia forces, travelling on the east bank of the White Nile, were attacking Shilluk civilians.[154] In the absence of an effective military force to protect the Shilluk, the Padang Dinka militias were attempting to demographically push them off the east bank of the White Nile. ●

"The fragmentation of Upper Nile did not change the power balance in the state but rather intensified it."

The 28 and 32 states decrees, and the 2017 assault on the west bank of the White Nile

The 28 states decree

In late 2015, the GRSS formalized the demographic and territorial shifts that the civil war produced. On 2 October, Kiir issued an administrative decree that divided South Sudan's ten states into 28, plunging the country's precarious peace process into chaos (see Map 3, p. 60). The decree divided Upper Nile into the following three states and their counties:

- In the south, Latjor state would be composed of the majority-Nuer counties of Longochuk, Maiwut, Nasir, and Ulang. The creation of Latjor followed a more general tendency on Kiir's map to balkanize Nuer populations into mono-ethnic states, while creating Dinka-majority states elsewhere with a maximal control of territory, minority populations, and resources. No Dinka areas were included within majority-Nuer states, whereas a maximal amount of territory was included within Dinka states, as long as they upheld the principle that the Dinka should be the majority of the state population. The 28 states were an ethnicization of the states of South Sudan.

- The north of the state was to become Eastern Nile state, composed of Akoka, Baliet, Maban, Malakal, Melut, Pigi, and Renk counties, with the minority-Mabanese population subsumed into a Dinka-majority state. The borders of this state assigned contested territory in Jonglei (Pigi) to a Dinka-majority state, ensured all the oil reserves in Upper Nile were contained within that same state, and put all the areas contested by the Padang Dinka and the Shilluk into Eastern Nile.

- Western Nile state, in contrast, would be an effectively mono-ethnic Shilluk state, composed of Manyo and Fashoda counties in the north and Panyikang county in the south, divided into two non-contiguous sections, balkanized by Malakal county (arrogated to Eastern Nile).

It should be noted that the 28 states decree was not accompanied by a demarcation of the boundaries of the states, leaving the possibility of flexible claims that further arrogated territory to government loyalists when the state's boundaries are delineated on the ground. The decree's tripartite division of Upper Nile was ethnically organized, but not perfectly so; rather, it mapped the territory of the new states exactly onto the positions of military forces in Upper Nile at the time. All of the territories contested between the Padang Dinka and the Shilluk, and then occupied by the Padang Dinka, were placed within a majority-Padang Dinka state, while in the south, the Nuer SPLA-IO areas were given their own state. This indicates the degree to which the decree was a formalization and rationalization of the spoils of war, in which de facto occupations were rendered as de jure administrative borders. It thus mapped the unhappy congruence of militarism and ethnicity.

There was immediate criticism of the 28 states decree, including by the international community. On 31 January 2016, IGAD asked the GRSS to suspend implementation of

the decree, as it was inconsistent with the peace agreement signed in August 2015. The GRSS formally acceded to IGAD's demands; implementation of the decree, however, continued. On 24 December 2015, Kiir appointed Peter Lam Both, a government loyalist, as the governor of Latjor state. On 27 February 2016, Lam announced his new cabinet, drawing on many of the stalwarts of Puoc's regime. Peter Hoth Tuach, for instance—formerly minister of information for Upper Nile—was reappointed as minister of information, but now for Latjor state. The Latjor state machinery, as a whole, was loyal to the GRSS and had almost no legitimacy in southern Upper Nile, which solidly supported the SPLA-IO. The creation of Latjor state formalized a political structure to accompany the SPLA's military occupation of the region, giving it a veneer of legitimacy.

Although Latjor state was run by GRSS loyalists, there were increasing tensions between Latjor and Eastern Nile states as the political dynamics of Upper Nile pivoted decisively towards the Padang Dinka. In Eastern Nile, Chol Thon, previously the caretaker governor of Upper Nile, was appointed governor. In February 2016, members of parliament for Latjor state issued a press release accusing Chol Thon of keeping all the assets of former Upper Nile state and refusing to cooperate with the governors of Latjor and Western Nile (Sudan Tribune, 2016b). These allegations are reflective of the changed power balance in Upper Nile, enabled by the 28 states decree, which saw all the most valuable resources in the state—including oil reserves, the major SPLA bases, and the former capital Malakal—placed within Eastern Nile state.

After the creation of Eastern Nile, Chol Thon continued a programme to consolidate Padang Dinka power in the state. On 31 January 2016, he appointed his cabinet, which was overwhelmingly Padang Dinka with a single Mabanese member—as county commissioner for Maban, at that—as a gesture of inclusion to the Mabanese. The power balance in Eastern Nile, however, was clear. Chol Thon also continued to purge the administration of Shilluk and Nuer personnel. On 1 February, an administrative circular written by the Secretary-General of Eastern Nile, Daniel Chuang, stated that civil servants from elsewhere in Upper Nile would have their employment terminated, pending their transfer to the new states. Given the lack of resources provided to the new states, however, and the strength of the opposition in Latjor and Western Nile, these transfers were purely theoretical, and designed to purge Shilluk from the administration of Eastern Nile. Indeed, some of the civil servants who were terminated actually worked in Eastern Nile, including Malakal, but were nevertheless told their services were no longer required.[155]

In Western Nile state, Kiir appointed William Othon as governor. A Shilluk, Othon had briefly been the governor of Upper Nile in 2009–10.[156] After that, he lived in Juba, worked as a lawyer, and served on various GRSS legal committees. He had no popular mandate in Western Nile, and was perceived as a puppet of the GRSS. His administration was purely nominal, given that the Shilluk forces controlling the west bank of the White Nile were resolutely hostile to the government.

Map 3 The 28 states decree (2015)
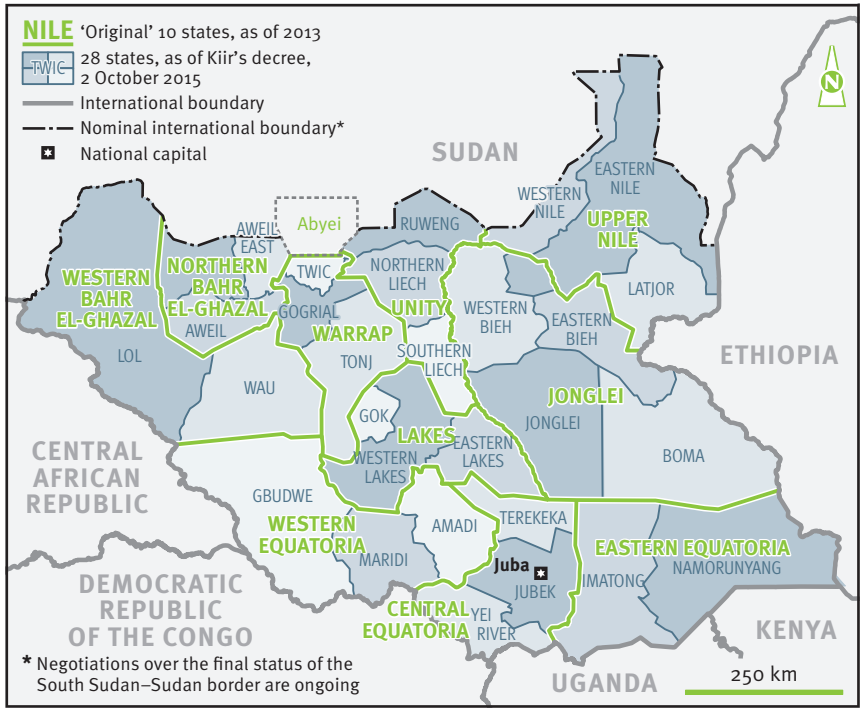
Kiir's 28 states decree, and the administrative reorganization that followed it, is part of a long history of both the GRSS and the GoS using the administrative re-bordering of states and counties to reward their allies and divide their enemies. From 2005 to 2013, Kiir's regime had largely maintained the loyalty of political and military leaders through what Alex de Waal refers to as kleptocracy (de Waal, 2014). In the straitened circumstances of the civil war, with the South Sudanese economy on the brink of collapse, the administrative reorganization of the 28 states decree was partly an attempt to maintain the loyalty of multiple power bases inside the country by rewarding them with territory and administrative power. In Upper Nile, that meant rewarding the Padang Dinka.

The nominal map created by the 28 states decree differed in crucial aspects from an earlier federal map proposed by Machar on 21 December 2014. Most notably, on Machar's map, Malakal—the contested state capital—is included in a Shilluk-majority state centred on the west bank of the Nile. Machar's map would thus have given the state capital to the Shilluk and ensured that the new Shilluk state—named Fashoda state—would be a coherent territorial entity. Machar's map was thus conterminous

Map 4 The 32 states decree (2017)

with the Shilluk self-understanding of the extent of the Shilluk kingdom. Kiir's decree, in contrast, represented a legitimization of what the Shilluk perceived as a Padang Dinka land grab.

The Shilluk reaction

Shilluk politicians and community leaders immediately denounced the 28 states decree and have been unrelenting in their criticism of it in the intervening years. The Shilluk intelligentsia in Juba immediately wrote a letter to Kiir asking for four Shilluk states of their own—Fashoda, Makal, Manyo, and Panyikango (with Kodok, Malakal, Wadakona, and Tonga as respective state capitals) (CIC, 2015)—somewhat mirroring the four counties Garang created in 2004. The GRSS ignored the letter, and tension between the government and the Shilluk community heightened. One of the interesting aspects of this letter, however, is that it foreshadowed Kiir's second decree in 2017, which further divided Upper Nile into 32 states (see pp. 72–74 below). In a situation in which state administration brings further resources, the further fracturing

of a territory into ever-smaller areas promises more, not less, political power. The continuous fracturing of South Sudan into smaller and smaller units was thus, paradoxically, an SPLM bid to maintain a centralization of power.

Five months after the 28 states decree, on 9 February 2016, six members of parliament from the SPLM-DC—including Onyoti Adigo, the minority leader in South Sudan's parliament—warned that the inclusion of Malakal within Eastern Nile would lead to conflict between the Padang Dinka and the Shilluk. Within the Shilluk community there was also growing anger at their political elite, whom they thought were being too accommodating of the GRSS. Kwongo Dak Padiet, the Shilluk *reth*, had remained in Juba during the conflict rather than at Fashoda. On 13 January 2016, angry at Padiet's seeming acquiescence to the creation of the 28 states and the formalization of Shilluk balkanization, a group—apparently backed by Olonyi—claimed to have overthrown Padiet.[157] According to parts of the press release published in the *Sudan Tribune,* elements of this palace coup claimed that Padiet had been deposed and a new king put in his place; in actuality, however, the event simply forced Padiet into a more political position on the question of the 28 states decree, and he remained *reth* (Sudan Tribune, 2016a). The 28 states decree made absolutely clear that the GRSS would take the side of the Padang Dinka in the ongoing dispute, and thus intensified both the rift between the government and the Shilluk and the rift within the Shilluk community itself (that is, between those who supported Olonyi and those who tried to maintain a relationship with the government in Juba).

The decree also immediately pushed more Shilluk into action against the government. Following Olonyi's split from the SPLA in May 2015, Johannes Okiech—based in Wadakona, Manyo county—had remained studiously neutral, while his senior officer, Ogat, was effectively under house arrest in Juba. For Okiech and Ogat, the situation was difficult. They did not want to criticize Olonyi; indeed, in an interview in July 2015, Ogat defended him as a soldier who was 'defending his people'.[158] Neither man liked the Nuer SPLA-IO forces of Tanginye, however, and both were wary of the impasses that might be brought about by deserting from the SPLA. Thus, the forces of Okiech and Ogat remained in a defensive posture from May to October 2015 and focused on defending the north of the Shilluk kingdom.

But immediately following Kiir's announcement about the new 28 states in October 2015, which made the partisanship of the GRSS clear, Okiech split from the SPLA and announced the creation of the Tiger Faction New Forces (TFNF) in a press release (TFNF, 2015). The forces were formed from among his own Shilluk SPLA soldiers in Manyo county. Ogat, under house arrest in Juba, remained neutral—or, at least, was unable to state his opinions freely. Okiech's press release gave his reasons for the formation of the TFNF, stating that the 28 states decree broke up the Shilluk kingdom and gave Shilluk land to the Padang Dinka. Okiech asked for the immediate revocation of the 28 states decree and the creation of a form of federalism, based on

popular consultation, that respected the borders of the Shilluk kingdom. The TFNF did not join the SPLA-IO and had an uneasy relationship with the Agwelek forces of Olonyi, with whom there was an implicit rivalry over which side would be the main Shilluk military force and an antagonism based on Olonyi's connections to Tanginye and the SPLA-IO.

In October and November, the TFNF clashed with government forces around Wadakona, at Gabat, Mananamand Ajot, Nyanowar, and Tor Gwang (near Wadakona), with the SPLA sending reinforcements from Paloich to Renk, across the river from Wadakona.[159] The SPLA repeatedly used its helicopter gunships to attack the TFNF forces at Jelhak and Tor Gwang in late November 2015, and to attack Agwelek forces and Shilluk civilians at Ditang, Kaka, Lelo, Makal, and Wajwok.[160] Intermittently, government forces would cross to the west bank of the White Nile—forcing the Agwelek back—and raze settlements near the river, including at Lelo and Tonga in September 2015. These attacks displaced civilians and interrupted humanitarian supply routes to the west bank of the White Nile. From October 2015 to February 2016, the Agwelek would make intermittent attacks on the SPLA forces at Lelo, on their forward-operating bases on the west bank of the White Nile, and on barges travelling on the river. The White Nile itself became a space for ambushes; the Agwelek attacked an SPLA barge on 31 August, and, on 26 October, captured an UNMISS barge and took all the UN weapons onboard. These ambushes, however, failed to change the overall military picture in the state.

Until February 2016, the Shilluk militia forces and the government forces remained in an impasse; there were minor clashes on the west bank of the White Nile after government raids from their military bases, and occasional Shilluk attempts to shell SPLA and Padang Dinka militia positions on the east bank of the White Nile. This stand-off solidified the territorial determinations of Kiir's 28 states decree.

The attack on the Malakal PoC site

The single exception to the demographic triumph of the Padang Dinka on the west bank of the White Nile was the PoC site in Malakal, which had become the sole remaining site of concentrated Shilluk occupation. For the Shilluk inhabitants of the PoC site, residence in the UNMISS base had become a matter of not only security and humanitarian assistance but also politics. In a civil war that had become a conflict shaped by ethnicity, the very existence of the Shilluk on the west bank of the White Nile was, for the Shilluk community, a political statement of their continued claim to Malakal and the other contested territories.[161]

The Padang Dinka elite also saw the Shilluk population of the PoC site as a political matter. After Olonyi's desertion in May 2015, the Padang Dinka militias attempted to

make life as difficult as possible for the Shilluk IDPs, in the hope they would leave the camp for the west bank of the White Nile and thus remove themselves from the east bank. Those who left the PoC site during the day were subject to attack, rape, and arbitrary taxation.[162] These attacks aimed to disrupt Shilluk survival strategies, such as gathering firewood outside the PoC. This attempt to make life impossible for the Shilluk in the PoC site extended to blocking humanitarian aid; the SPLA and the militia forces repeatedly obstructed fixed-wing aircraft from landing at Malakal, and prevented humanitarian access to the White Nile.[163]

It is important to emphasize this history here because—as this section will document—these events indicate that the attack on the Malakal PoC site that occurred later in February 2016 was not a one-off event but part of a continuous campaign of pressure placed on the Shilluk population, in which harassment, denial of humanitarian aid, and military attacks constituted parts of a continuum rather than discrete processes.

Between August 2015 and January 2016, the situation in the Malakal PoC site improved; fixed-wing aircraft were once again allowed to land in Malakal and deliver supplies, while humanitarian river barges were again permitted to access the west bank of the White Nile.[164] In February, however, the situation worsened considerably. On 1 February, Chol Thon appointed his cabinet and county commissioners and issued an administrative order that made official what had long been practised: the termination of all Nuer and Shilluk civil servants, referred to as 'government employees…[from] Western Nile & Latjor States' (Chuang, 2016). These terminations affected Shilluk families, on the west bank and in the PoC site, who were partly dependent on these salaries for survival. A gradual constricting of the humanitarian community's remit accompanied these administrative measures: international NGOs were prevented from reaching Wau Shilluk from Malakal, and the SPLA also closed off the route to Wau Shilluk for civilians from the PoC site. These restrictions meant the PoC site was cut off from important supply lines for food from Sudan and from fish, which fishermen in Wau Shilluk caught and traders and family members delivered.[165] The price of cooking fuel trebled in a two-week period (HSBA, 2016a, p. 18).

Just as the Padang Dinka administration began putting extreme pressure on the PoC site, it also flew up Dinka IDPs from Juba, in a strategy to settle Eastern Nile with a renewed and enlarged Dinka population.[166] Thus, in what was effectively a state-sanctioned land grab, the administration moved Dinka settlers into Eastern Nile while simultaneously trying to displace the Shilluk population to the west bank of the White Nile by constricting the PoC site's capacity to maintain the lives of the civilians living there.

In the context of these developments, MSF noticed that the situation in the PoC site became increasingly tense in the weeks leading up to the SPLA's attack on it in mid-February (MSF, 2016, p. 16). Increased numbers of weapons were confiscated

at the gates of the PoC site, and there was increased fighting between Dinka on one side and Shilluk and Nuer youth on the other. On 16 February, two Padang Dinka militia fighters attempted to enter the PoC site with weapons.[167] Once they were detained, the SPLA—stationed outside the PoC site—intervened and freed their colleagues (CIVIC, 2016, p. 13).

The next day, 17 February, the situation quickly ignited and violence broke out.[168] A Dinka woman was brought to the MSF hospital at 11 a.m. with machete cuts inflicted by Shilluk youth (MSF, 2016, p. 16). That evening, there were continuing altercations between Dinka and Shilluk IDPs. It remains unclear who initiated this violence. Violence in Sector 2 (where the Dinka and Nuer sections of the camp are located) intensified later in the evening, however, when grenades and small arms were used, prompting many residents of Sector 2 to flee into Sector 1 (CIVIC, 2016, p. 4). An initial UNMISS press statement, given on 18 February, blamed the clashes on Shilluk and Dinka youths.[169] This attempt to depoliticize the violence, however, ignored the broader context and the series of events in 2015 that suggest the events in the Malakal PoC site were part of a planned action to create an ethnic shift in Malakal.

For instance, from at least 17 February, holes were cut in the fences of Sector 2, where the Dinka IDPs were living (IOM, 2016, p. 46). It was through these holes that Dinka IDPs fled during the conflict. These civilians were subsequently moved to Malakal on trucks, indicating that this evacuation was pre-planned. It was also these holes in the fence that allowed SPLA and Padang Dinka fighters to enter the camp at 10–11 a.m. on 18 February (CIVIC, 2016, p. 5). The UNMISS timetable of the attack reports SPLA soldiers in the area of the fence holes at 6 p.m. on 17 February, and the next morning, large numbers of SPLA soldiers were again seen moving along the perimeter of the camp (CIVIC, 2016, p. 18). Both these movements also suggest a degree of pre-planning in the assault on the PoC site.

The principal attack began on 18 February, when SPLA soldiers and Padang Dinka militia members entered the camp between 10 a.m. and 11 a.m. Witness reports recorded by HSBA, along with those reported by CIVIC (2016), indicate that attackers were in both military and civilian clothes. Witnesses reported seeing SPLA trucks coming from Malakal to the eastern perimeter, where there were rips in the fence, and PKM machine guns and tracer rounds used inside the PoC site (CIVIC, 2016, p. 17; Lynch, 2016). Multiple witnesses reported that these fighters were Padang Dinka militia members and SPLA members. From 10–11 a.m. (when they entered the site) until 4 p.m. (when they left), SPLA soldiers and Padang Dinka militia members fired on Nuer and Shilluk civilians and burned Nuer and Shilluk homes, leaving Dinka and Darfuri dwellings intact. The fighters brought jerry cans of petrol with them, suggesting that the burning of the Shilluk and Nuer areas of the camp was pre-planned (CIVIC, 2016, p. 15). MSF noted that, during these attacks, 2,326 structures were destroyed by fire (MSF, 2016, p. 18). During the attacks, at least 30 people were killed,

Box 2 The politics of humanitarianism

Humanitarians in Upper Nile tend to experience the struggles of their work as a series of technocratic problems in the present, each to be solved on its own terms, delinked from broader questions of history and political economy. Such a concern with the present is understandable. In 2017, 1,159 incidents were carried out against humanitarian actors in South Sudan, 99 (8.5 per cent) of which occurred in Upper Nile (OCHA, 2018).[171] All too frequently, such incidents include denial of access, violence against humanitarian personnel, or the looting of aid supplies. In Juba, Malakal, and Renk, the humanitarian community has focused on trying to solve problems of access constraints, protection issues, and the maintenance of humanitarian principles.

While such a technocratic approach is valuable, given the considerable problems humanitarians face in Upper Nile, it obscures the fact that the provision of aid has itself structured the conflict in the state. When the SPLA blocked access to the west bank of the White Nile from 2015 to 2018, the humanitarian community focused on trying to restore access, and understood each blockage as a single event—a problem separated out from other incidents of humanitarian access blockage.[172] The issue with this approach in Upper Nile is that it means each access constraint is understood as a technical problem, rather than part of the GRSS's overarching military and political strategy, in which granting selective humanitarian access constitutes a fundamental part of its war effort. It is this strategy that is not captured by the humanitarian focus on dealing with each access constraint as if it were its own problem. Schematically, there are two stages to the way in which selective humanitarian access constitutes part of the GRSS's war strategy—immiseration and recomposition—and these two stages have to be understood together.

Immiseration

Throughout the conflict on the west and east banks of the White Nile, the GRSS has denied food and humanitarian aid as a means of weakening the Shilluk population and driving it away from contested territories. Weakening the population and pushing it away from the immediate west bank of the White Nile towards Sudan reduces the Agwelek's capacity to recruit. Further, it erodes civilian trust in the Agwelek's capacity to provide security and sustenance to the population under its control. It also weakens the population itself, and thus serves the overall military strategy of demographically eliminating the Shilluk population in South Sudan.

During the military attacks on the west bank of the White Nile, the GRSS also attempted to cut access to the west bank for humanitarians. For instance, in mid-June 2015, Padang Dinka militia forces fired on humanitarian river barges that were leaving Malakal for Wau Shilluk, including those of the NGO Solidarité.[173] This led to the suspension of humanitarian river travel to the west bank of the White Nile, which then led to critical

food shortages in Wau Shilluk (see Radio Tamazuj, 2015i).[174] Despite frequent GRSS protestations that these attacks were by unknown groups and not part of a larger military strategy, in reality they were authorized from Juba. Indeed, it was Paul Malong, then the SPLA chief of staff, who blocked humanitarian access to the west bank of the White Nile, eager to reassure those who distrusted him after he pushed for supporting and arming Olonyi (see Radio Tamazuj, 2015j). The Mi-24 helicopter attack on Kodok and other villages on the west bank of the White Nile also led humanitarian organizations—such as the ICRC—to withdraw humanitarian personnel from the area, as the organization could not ensure the safety of its personnel. This denied the Shilluk population access to medical facilities. Moreover, the removal of humanitarian staff also created blind spots; frequent denials of access to humanitarians, UNMISS patrols, and the MVM meant the SPLA could act without monitors or witnesses.[175]

Denial of humanitarian access to areas on the west bank should also be seen as part of a broader strategy of cutting links between the two Shilluk population centres (the PoC site and the west bank of the White Nile). At the same time that Malong blocked all humanitarian organizations from using river transport, the SPLA restricted the flying of relief aid into SPLA-IO-held areas; without government authorization, NGOs cannot operate. In July 2015, the SPLA also consistently denied fixed-wing aircraft the chance to land at Malakal, putting pressure on humanitarians trying to deliver aid to the PoC site, of which Shilluk people made up the vast majority (DRC, 2017, p. 12). These denials were repetitive and were not announced as part of an overall strategy. Nevertheless, that is precisely what they were. The denial of humanitarian access to the two sites was part of a broader set of measures employed by the SPLA and the Padang Dinka militias. In July 2015, fishermen were attacked in Malakal, river transport to the west bank was shut down, and militia forces harassed people leaving the PoC site. These attacks forced both populations to separate and meant they were not able to rely on each other; for instance, fish from the west bank of the White Nile could no longer be used to assuage shortages of food in the PoC site. The denial of humanitarian access and delivery of services thus highlights what appears to be a deliberately designed tool to immiserate the two Shilluk populations and prevent links between them.[176] This war is not *accidentally* waged against civilians; rather, it takes the Shilluk population as its object and makes little distinction between civilians and the military; Michael Makuei, the minister of information, told the coordinator of the UN Panel of Experts that IDPs in Wau Shilluk 'are not civilians, they are rebels' (UN PoE, 2017b, p. 8). The reason the campaign did not distinguish between civilians and soldiers is not contingent or accidental, but rather because the campaign was designed against the Shilluk, rather than the Agwelek.

Recomposition

The denial of humanitarian access has frequently been used, along with military assault, to displace Shilluk populations along the west bank of the White Nile. In the absence of the means of production, populations will move elsewhere. During the current conflict, populations have often adopted a form of 'humanitarian transhumance', in

which they move between available aid resources in an attempt to survive.[177] Both the Agwelek and the SPLA have attempted to shape this movement because in the current civil war, as in the second civil war, the stakes of the conflict are as much about control of populations (and the resources they attract via the intercession of the humanitarian community) as it is about the control of land (Pinaud, 2014). That populations are often the loci for appeals to humanitarian agencies is also important. Shaping the movement of people, and controlling those people, thus allows those in control to make humanitarian appeals. Equally, the violent acquisition (or destruction) of humanitarian resources becomes an active way of influencing the movement of people. During the GRSS's 2017 campaign on the west bank, for instance, widespread looting of humanitarian facilities occurred in Wau Shilluk and elsewhere (UNSG, 2017b, para. 27, p. 7), suggesting the acquisition of humanitarian resources was an active objective within a broader war effort. Thus, rather than seeing humanitarian aid and war as binary alternatives, humanitarian aid is itself part of a war economy, and partly shapes the logic of South Sudan's civil war.

In Upper Nile, while the right hand of the state government often displaces people, the left hand often entreats them using humanitarian aid. It is not simply that the government displaces and immiserates the Shilluk population; it also then takes this displaced and immiserated population and attempts to control it. In June 2015, for instance, at the high point of the attack on the west bank of the White Nile, the government distributed 300 sacks of sorghum around Wadakona in an attempt to attract civilians to areas under government control, thus depopulating SPLA-IO-held areas and depriving the opposition of support, while increasing the population in government-held areas and thus under government control.[178] This double movement is problematic for humanitarians because the lifting of access restrictions is often understood as the end of the problem, rather than the second phase of a strategy.

Beginning in January 2017, for instance, the SPLA and associated Padang Dinka militia forces displaced tens of thousands of Shilluk civilians from their homes (see pp. 76–83). The SPLA advanced on settlements previously controlled by Olonyi's Agwelek, such as Kodok, while the Agwelek withdrew before the advance. The civilians fled to Aburoc. In the aftermath of the assault, there was a stand-off between the two parties. The Agwelek wanted relief aid urgently distributed to the civilians at Aburoc. The government, however, not only partially denied humanitarian access to Aburoc and the rural areas of the Shilluk west bank but also demanded that relief aid be distributed to Kodok.[179] The GRSS further demanded that the civilian population should return to Kodok. Under pressure from humanitarians, the Government of Central Upper Nile rescinded the denial of aid provision in Aburoc, and many humanitarians—though not all—refused to distribute in Kodok.[180] Asymmetries of aid distribution were nonetheless instrumentalized by the GRSS, which used them as a means of reconstituting a population, outside of SPLA-IO areas and under the control of government forces.

The actions of the GRSS echo the SAF's selective denial of humanitarian access during the second civil war in Bahr el Ghazal (Keen, 2008, pp. 149–70). The denial of relief

aid to rural areas starved the opposition of support and prevented food aid going to opposition forces. In the present, the provision of relief aid in government-controlled areas thus creates a pliant population, who are under the control of the government and dependent on them for relief aid. In the case of Kodok, such relief aid is a form of propaganda, which indicates that the government can provide for people if they are loyal to it and rewards those who support it, as was the case for some of the Shilluk forces that worked with the SPLA during the 2017 assault.[181] In addition, the provision of aid in government-occupied areas, such as Kodok, provided valuable food and medical supplies to the government's forces through diversions of relief aid (see USIP, 2017).

In sum, having immiserated the Shilluk through the denial of food aid, the second part of the GRSS's approach was to recompose the population as pliant supporters of the government, *dependent on food aid*, and thus effectively split the Shilluk in two. Humanitarian aid, in this sense, forms part of a neo-patrimonial system of government in which resources are redistributed within a patronage network, which rewards service and compliance or attempts to seduce new clients (de Waal, 2014). In this situation, neutrality for humanitarian actors is impossible;[182] in a war fought for the control of populations, the humanitarian provision of relief supplies to those populations is inevitably a political act. In Upper Nile, the GRSS's general perception of the international community is that it supports the SPLA-IO, because relief aid distributed in the PoC site, for instance, is thought of as going to opposition forces, and the government makes fundamentally no distinction between civilians and soldiers.[183] The consequence of the humanitarian refusal to think through the instrumentalization of relief aid, and the impossibility of neutrality, is that controlling the provision of such aid can be a tool with which to manipulate vulnerable populations and influence the course of conflict.

and at least 123 injured.[170] The SPLA also deployed a force at the Malakal airport during the attack and instructed UNMISS forces there to return to base (CIVIC, 2016, p. 18)—again suggesting a degree of organization and coordinated planning.

It is important to note here that there was no doubt that much of the violence that took place from 17 to 18 February was not planned by the SPLA, and that many Shilluk and Nuer IDPs also carried out violent acts against Dinka IDPs. This does not, however, negate the fact that the SPLA and associated militias then used this violent tension to justify attacking the Shilluk and Nuer inhabitants of the camp—an attack that was conterminous with a longer-term plan to make the east bank of the White Nile a mono-ethnic Padang Dinka area. The UN Headquarters Board of Inquiry Report on the circumstances of the clashes states it was 'highly likely that the attack was planned, or at a minimum supported by SPLA and/or affiliated militia to facilitate the ethnic reconfiguration of Malakal' (UNSG, 2016c).

In the aftermath of the attack, the Eastern Nile administration was criticized. On 14 March, politicians from Latjor state claimed that Chol Thon had masterminded the attack (Sudan Tribune, 2016c). The Minister for the Presidency, Awan Guol Riak, condemned the incident, and also announced that the president would reverse the Eastern Nile administration's 1 February decision to cancel the employment of Nuer and Shilluk civil servants. Immediately after the attack, however, Chol Thon, while disavowing government responsibility for the attack, was also unrepentant. On 21 February, he described the Nuer and Shilluk still living in Eastern Nile as 'architects of violence', and indicated he would not allow them to live in the state (UNSG, 2016a, para. 17, p. 4). Furthermore, on 14 April, the Eastern Nile administration announced it was continuing with the termination of the employment of civil servants from Latjor and Western Nile, despite a GRSS announcement to the contrary. These statements indicate the degree of continuity between the attack on the PoC site and the overall political and military strategy of the Padang Dinka military and political elite in Eastern Nile.

Divisions within the Shilluk

Following the attack on the Malakal PoC site in February 2016, the situation in Upper Nile calmed somewhat. The Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS) moved forward and, on 26 April, Machar returned to Juba for his swearing in—once again—as first vice-president of South Sudan (UNSG, 2016b, para. 2). Olonyi, however, thought Machar was mistaken in his return to Juba and refused to supply any forces to go to the capital (Small Arms Survey, 2017, p. 3).

The 28 states order, however, remained a sticking point in the ARCSS process. Despite IGAD's call for the creation of the new states to be halted, Kiir issued a further order on 17 April 2016 that created counties for the 28 states (Sudan Tribune, 2016d). This led to further tension in Upper Nile over the borders of these states. In a seemingly conciliatory move, on 1 June Kiir agreed to establish a 15-member committee, whose mandate was to review the number of states and their boundaries. The committee was to be composed of 4 members of the SPLM, 3 of the SPLA-IO, 1 of the Former Detainees, 2 of the other political parties, and 5 international representatives (UNSG, 2016b, para. 9, p. 3). The committee was to have 30 days to make a series of recommendations about the new states. Given the events that were to unfold in July, (see below) nothing came of this committee. It gave form, however, to an idea for such a committee, which would then emerge as the IBC in the R-ARCSS.

On 26 July, after the ARCSS had broken down, following clashes in Juba, and subsequent to Machar's flight from Juba, Kiir swore in Taban Deng Gai as first vice-president of South Sudan (Small Arms Survey, 2016; 2017). This was a move of questionable legitimacy and was part of the reason the Equatorias became the central theatre of

war in an increasingly fragmented conflict. Just two days after Taban Deng was sworn in, Dieu Dhau was appointed as the minister of finance and economic planning. Dieu Dhau had previously lost his position as minister of mining and petroleum when, under the terms of the Transitional Government of National Unity (TGoNU) that the ARCSS created on 28 April 2015, Taban Deng—then as a member of the SPLA-IO—had taken over his position as minister. Many members of the international community who dealt with economic planning generally liked Dieu Dhau, and they greeted his appointment positively.[184] While Dieu Dhau's position was important, and a recognition of the continued importance of the Padang Dinka to Kiir's administration, it did not compensate for the loss of the ministry of mining and petroleum. That position was to remain in the hands of Taban Deng loyalists, with Kiir appointing Ezekiel Lul Gatkuoth to the position on 3 August 2016.

In Upper Nile itself, the rainy season brought little change to the established military positions between the government and the opposition forces. In August, Western Nile state became Fashoda state—thus bringing it in line with the nomenclature of Machar's map. The Shilluk still saw the creation of Fashoda state as illegitimate, however, and the state government continued to operate from outside the state. Inside Fashoda itself, the Agwelek struggled with an increasingly discontented population and a lack of weaponry. In October 2016, they attempted attacks on SPLA positions at Lelo and Warjok, only to be rebuffed. Intermittent conflict continued in November and December, as the Agwelek clashed with the SPLA at their forward-operating bases on the west bank of the White Nile.

In September 2016, however, the political map of the west bank changed. Akol, the most important Shilluk politician in the country, had previously served as the minister of agriculture in the TGoNU, but with Machar's flight and Taban Deng's coronation as first vice-president in July 2016, he resigned his positions in government and the SPLM-DC and announced the creation of a new rebel faction, the National Democratic Movement (NDM), while claiming that the ARCSS had ended (Sudan Tribune, 2016e). He stated that the goal of the NDM was to overthrow the Kiir government and that the movement would work closely with the SPLA-IO.

In reality, with the ARCSS dead in the water, Akol was looking for a new way to insert himself into the South Sudanese political process. The NDM, like so many factions in South Sudanese history, was now a faction in search of a people. In December 2016 there were some minor defections to the NDM from the SPLA-IO (NDM, 2016), mostly of Akol loyalists, but the military strength of the NDM rested on the TFNF of Johannes Okiech, who had served under Akol during the second civil war. Akol also made overtures to the Agwelek under Olonyi to try to unite the Shilluk opposition in the NDM. Olonyi was suspicious of Akol, however, whom he thought of as a national politician and whose aims aligned with neither those of the Shilluk kingdom nor his own. Equally, while the SPLA-IO had not provided the Agwelek with new weapons,

Machar had made Olonyi promises about the future political landscape of Upper Nile, and Machar himself was worried about Akol building up a separate powerbase on the west bank. Thus, a conflict between Akol–Okiech and Olonyi for leadership of the Shilluk was also a conflict about Machar attempting to maintain control of an increasingly fractured opposition, while isolated and under house arrest in South Africa (Young, 2017, pp. 31–33).

Tensions grew between Akol–Okiech and Olonyi throughout December 2016. Akol, looking for further influence and support, entered into negotiations with Tanginye—one of the generals who had signed a letter indicating his frustration with Machar in June 2015 (Small Arms Survey, 2016, p. 4). Tanginye had then left the SPLA-IO in August 2015 along with two other Nuer generals, Gatdet and Gatkuoth (Craze and Tubiana, 2016, pp. 96–98). Tanginye, who is from the Fangak area of what was Jonglei state, is a controversial figure on the west bank of the White Nile; as described above (pp. 36, 40), he rampaged through Panyikang county at the beginning of the civil war, and many in the Shilluk community hold his troops responsible for deaths and looting in the Shilluk kingdom. That Akol then brought Tanginye—a general in search of a movement—into the fold of the NDM—a movement in search of a people—indicated the desperation of Akol's position.

Tanginye was supposed to go to Fangak to raise troops, but he never got there. Okiech's TFNF and their associated forces clashed with the Agwelek in December 2016, after Olonyi's forces moved north from Kaka. Clashes continued in January 2017, and the better-armed and more numerous Agwelek troops overcame the TFNF as they retreated for the Sudanese border. Tanginye was killed around Hamra on 5 January 2017. Okiech fled for the Sudanese border, where he was hunted down and killed on 7 January, along with 27 of his troops, by Agwelek forces under the command of two of Olonyi's lieutenants, Diang Latjor and Parom Agui (the latter being the commander of the Agwelek forces at Kaka).[185] By the end of January, the SPLA-IO and Olonyi's Agwelek forces were in sole command of the west bank of the White Nile—although there was discontent among many Shilluk about this, due to the presence of Nuer SPLA-IO fighters stationed with Olonyi, and to Olonyi's increasingly irascible leadership.

The 32 states decree

With the opposition split and the ARCSS over, the administrative map of South Sudan was once again fragmented when, on 17 January 2017, Kiir issued a presidential order that turned the 28 states of his previous decree into 32 (see Map 4, p. 61).

In southern Upper Nile, Latjor state was cut in half, and Maiwut state was created, composed of Koma, Longochuk, and Maiwut counties. The inclusion of Koma county within Maiwut was controversial because Koma county's people—previously part of

Eastern Nile state—were divided between Koma and Nuer, with the Nuer asking to join Maiwut. The Koma had repeatedly refused to join Maiwut, fearing a lack of development and being balkanized and marginalized within a Nuer-majority state (Radio Tamazuj, 2017a).

In northern Upper Nile, the previously large state of Eastern Nile was also divided into two. A Northern Upper Nile state—which included Maban, Melut, and Renk counties— and a Central Upper Nile state—composed of not only Akoka, Baliet, Malakal, and Pigi but also the largely Shilluk county of Panyikang—was now sheared off from Fashoda state and placed within a Dinka-majority Central Upper Nile state.

The fragmentation of Upper Nile did not change the power balance in the state but rather intensified it. Both Central and Northern Upper Nile are still Dinka-majority states, but even more Shilluk land was appropriated to what was Eastern Nile. The reason for the fragmentation of the states was to appease competing Padang Dinka political constituencies. At the beginning of 2017, Kiir's administration was increasingly drawing in on itself. At the same time, non-Dinka were progressively marginalized within the hierarchy of the SPLA.[186] With that marginalization came an increasing demand for power by a variety of Dinka actors within Upper Nile, and the creation of the new states both broke up the very large powerbase of Eastern Nile and created new administrative positions for loyalists within the two new state administrations of Central and Northern Upper Nile.

Immediately after announcing the creation of the new states, Kiir reorganized the state governors. William Othon—the governor of Fashoda state, whose government-in-exile had only a phantasmic existence on the ground—was removed, but no new governor was appointed, given the absence of any plausible figures who could command a position of authority on the ground on the west side of the White Nile.[187] Chol Thon was also removed, as Eastern Nile no longer existed, and in October 2017 he was reinstated into the military. His removal was a reaction to what Kiir took to be an unnecessary amount of attention focused on Chol Thon by the attack on the Malakal PoC site in February 2016 (see, for instance, Sudan Tribune, 2016c).

In Northern Upper Nile, Deng Akuei Kak—the former commissioner for Renk county who had also worked for Dar Petroleum and been involved in organizing defence at the oilfields in Paloich—was appointed governor. The appointment of a northern Padang Dinka was also a concession to the community, which felt marginalized within a larger Eastern Nile region politically dominated by Dinka from Akoka, Baliet, and Malakal.

In Central Upper Nile state, the former Baliet county commissioner, James Tor Monybuny, was appointed as governor. His appointment was part of Taban Deng's broader attempt to create a wider coalition. Taban Deng had, prior to his ascension to being first vice-president of South Sudan, been the SPLA-IO's chief negotiator. After being sworn in, in theory he had become the head of the SPLA-IO, though in reality

his support was restricted to a small coterie of his loyalists in Juba, at least initially (Small Arms Survey, 2016, pp. 2–3). In 2016–17, however, he began to use his access to weapons and capital to try to effectively become the leader of the organization—which he had thus far only nominatively led—leading campaigns and clashing with Machar's forces in Unity state, from where Taban Deng hails and where he used to be a wildly unpopular governor (Craze and Tubiana, 2016, pp. 29–32). With Kiir's acquiescence, Taban Deng began the same process of alliance-building in Central Upper Nile state in 2017. The appointment of Monybuny, a Padang Dinka from Baliet, was part of that strategy; Monybuny has historically had close ties to Taban Deng.[188]

Monybuny's appointment was greeted with some scepticism in Central Upper Nile, where he was felt to be a politician handed down from Juba with little political consultation of actors on the ground.[189] Like Chol Thon, however, Monybuny is from the Ngok Lual Yak subsection of the Padang Dinka, and kept much of Chol Thon's administrative powerbase intact. He also continued the strategy of using administrative decrees to shore up the Padang Dinka powerbase. When creating district boundaries, for instance, he chose to construct a Malakal municipality—rather than the Makal county to which the Shilluk lay claim—and to appoint a Padang Dinka mayor.

The campaign for the west bank of the White Nile

With the arrival of the dry season, and the opposition fractured and weakened by infighting, the first quarter of 2017 saw government forces launch large-scale campaigns across South Sudan—in Bahr el Ghazal, Equatoria, Upper Nile, and Unity (UN PoE, 2017a, paras. 42–43).[190] If the conflict in 2015–16, after Olonyi's desertion from the SPLA, was a war for control of the east bank of the White Nile, then the SPLA's campaign in 2017 went even further, pressing across the river with the goal of either pushing the Shilluk population into Sudan or fracturing it politically and recomposing it as a pliant people under government control (see Map 5). This campaign was executed through widespread attacks on civilians while effecting a large-scale wealth transfer as Shilluk goods and furniture were brought back across the river to Padang Dinka communities. The 2017 campaign also took place against the backdrop of Taban Deng's country-wide search for adequate troop numbers and an area of territorial control that would match his new position as first vice-president. In Unity state, he attempted to take much of the south and coerce SPLA-IO forces to join his own; in Upper Nile, he focused on trying to split the Shilluk and bring over a portion of the Agwelek to his side with the promise of ammunition and government positions.

At the beginning of January, the SPLA attacked Agwelek forces that had moved into the Doleib Hills below Malakal, in Canal and Kaldak; fighting was also focused there at the end of January. The SPLA campaign for the west bank of the White Nile began in earnest on 25–28 January 2017, however, when the SPLA shelled Agwelek positions

Map 5 Upper Nile: The SPLA campaign on the west bank of the White Nile (2017)
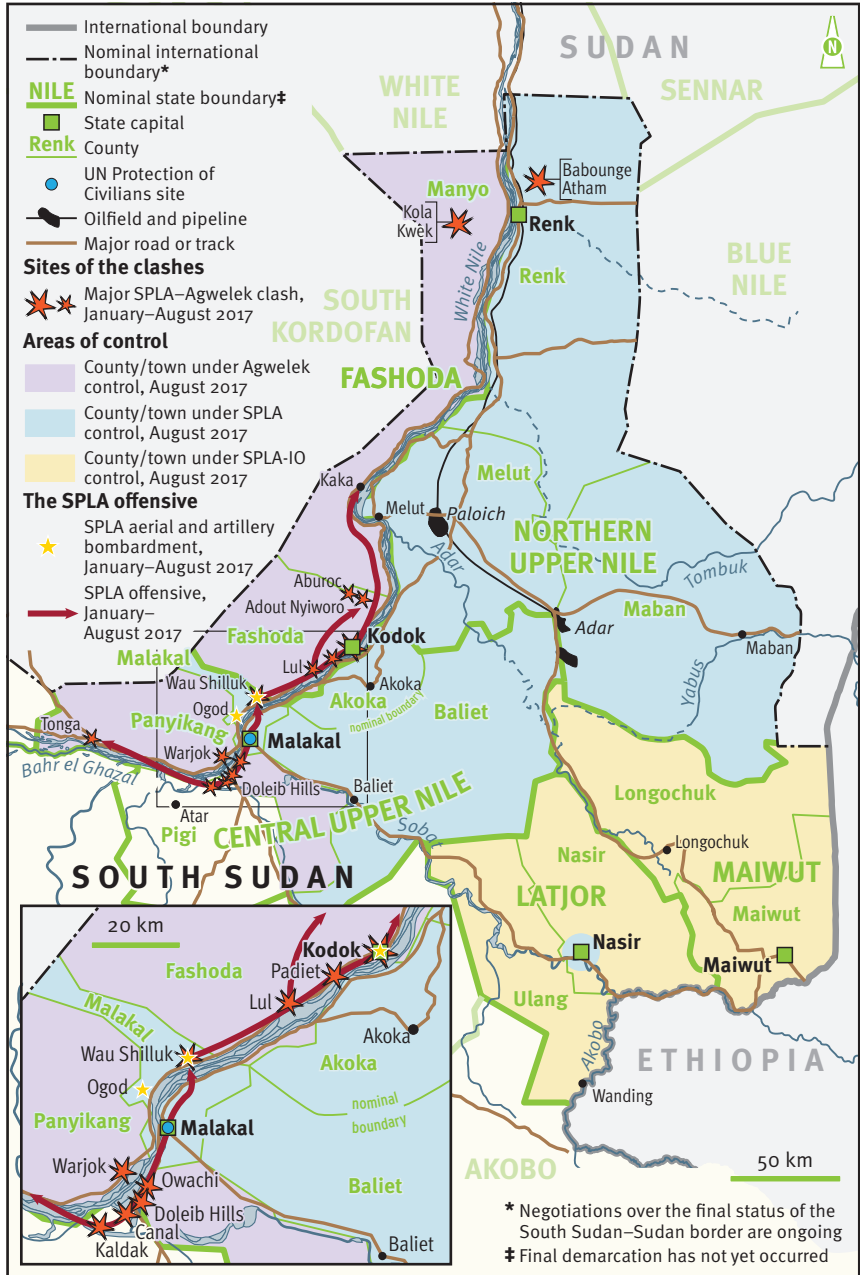
near Wau Shilluk and Warjok from across the river (CTSAMM, 2017a). Later in January, the SPLA also shelled civilian villages south of Wau Shilluk, including Makal and Burkiny, using an Antonov on at least one occasion, to bomb the village of Ogod.[191] The targeting of both civilians and Agwelek members would come to be a feature of the war on the west bank over the next eight months, as the government conducted an all-out campaign again against the Shilluk. Given that the goal of this campaign was widespread population engineering, those waging it did not distinguish between civilians and military personnel.

The campaign had two main theatres of operation: the SPLA and associated Padang Dinka militias moved north from Wau Shilluk, successively displacing the Agwelek and civilians and forcing them off the west bank of the river and towards the Sudanese border; and government forces moved south from Malakal, towards the main SPLA-IO bases around Owachi, and concentrated on clearing the Agwelek from Panyikang county.

In the wake of these attacks, many Shilluk civilians fled north from Wau Shilluk to Lul and Padiet (MSF, 2017), with some 18,000 internally displaced arriving in Kodok and 13,500 in Aburoc, north-west of Kodok.[192] Wau Shilluk was reported to be deserted by mid-February.[193] The SPLA denied access to UNMISS patrols, presumably to limit the visibility and capacity of the UN—a repetition of strategies it had employed in 2015. Such blockages also applied to CTSAMM's MVM, which was blocked from visiting Wau Shilluk and the west bank of the White Nile for the whole of February 2017 (CTSAMM, 2017a). The SPLA also engaged the Agwelek at Warjok, the Agwelek base just opposite Malakal. Just as in 2015, the fighting caused humanitarian agencies to suspend operations (IOM, 2017a). Throughout the 2017 campaign, both the SPLA-IO and the SPLA would attempt to intimidate humanitarians and limit the access of international monitoring organizations in an attempt to instrumentally shape the flow of resources and information (UNSG, 2017b, para. 27, p. 7).

At the beginning of February 2017—having initially shelled the Agwelek positions across the White Nile—the SPLA and associated Padang Dinka militia forces crossed the river and moved out from forward-operating bases on the east side of the river. They captured Wau Shilluk on 3 February. According to witness testimonies (UNSG, 2017a, para. 37, p. 11), the SPLA then advanced into Wau Shilluk and moved from house to house looting property, burning down buildings, and shooting civilians (Amnesty International, 2017, pp. 6–9).

The government forces then moved north up the river, shelling Agwelek positions and civilian settlements on the west bank of the White Nile—including Lul, Padiet, and Panthou—before taking Kwek in Manyo county on 6 February. In their attacks on Lul, Padiet, and other Shilluk villages, the SPLA and Padang Dinka militias destroyed schools, medical clinics, churches, and markets in a determined attempt to destroy the Shilluk on the west bank. The SPLA then attacked the main Agwelek bases at

Owachi and around Tonga on 7–8 February. By 13 February, the Agwelek had been pushed out of their main base at Owachi; by 20 February, the fighting had moved further south as the SPLA attacked Agwelek positions in Panyikang, around Canal (UNSG, 2017a, para. 15).

There are two important thematic aspects of the January–February 2017 SPLA campaign on the west bank:

1. Wealth transfer

Many analysts of South Sudanese politics view Alex de Waal's concept of a 'political marketplace' as the key to understanding the logic of the current civil war (see de Waal, 2015, pp. 69–108). In this framework, there is a marketplace of exchange through which military and political elite compete for the acquisition and redistribution of resources. What such analyses often occlude is that this military and political elite—a military aristocracy (Pinaud, 2014)—is created via a massive wealth transfer in times of war. This creates two classes:

- a newly dependent class of immiserated individuals, shorn of their homes and the ability to feed and care for themselves; and

- a relatively autonomous class of military rulers who have acquired all the resources, and upon whom the newly immiserated class is dependent.

Thus, what is central to the dynamic of the current South Sudanese civil war is a wealth transfer from this newly immiserated class to the political and military elite.

During the January–February stage of the SPLA's 2017 campaign, for instance, SPLA soldiers and Padang Dinka militia fighters looted Shilluk villages up and down the west bank of the river, moving goods and services by boat to Padang Dinka villages in Akoka county (UNHRC, 2018b, para. 79; UNSG, 2017a, para. 15, p. 5). The despoiling of the west bank of the White Nile thus did not just force the Shilluk population out of its villages and homes but also effected a wealth transfer. The looting of many villages was systematic (Amnesty International, 2017, p. 12) and left the Shilluk population without cooking equipment, fishing nets, and furniture. Wealth transfer was thus a fundamental part of what this report refers to as the 'immiseration' of the Shilluk population (see Box 2 on p. 66 of this report).

2. Population transfer

In February 2017, while the Shilluk moved *away* from the west bank of the White Nile, and goods and resources were looted and moved *across* the White Nile to the east, Dinka civilians were once again flown from Juba *into* Malakal in a repetition of the population transfers of 2015. Chartered flights left from Juba for six months

from February–July 2017. Thus, while many humanitarian organizations withdrew from Shilluk areas due to the attacks, and the SPLA blocked the CTSAMM from visiting any of the sites of the conflict, the Upper Nile administration chartered flights from Juba to Malakal for Dinka civilians, who were then settled on the east bank of the White Nile; the Upper Nile state government demanded that humanitarian assistance be delivered for them (CTSAMM, 2017a; IOM, 2017a).[194] According to government officials, a total of 15,000 people were relocated to the region, principally Dinka displaced from Central and Eastern Equatoria (UNHRC, 2018b, para. 81). These groups now constitute one of the populations of Malakal town, which is almost entirely Dinka.[195]

On 14 March 2017, the Chair of the Commission on Human Rights in South Sudan, Yasmin Sooka, stated:

> *The Commission has been subsequently told that a number of Dinka, who fled Yei last year and settled around the airport in Juba, were air lifted by the Government to Malakal in February this year, just after fighting emptied nearby Wau Shilluk of its Shilluk population. Aid workers estimate two thousand people, the vast majority Dinka, were transported north by the Government which asked that the new influx be given international humanitarian assistance while at the same time denying access to citizens who are starving in opposition areas* (Sooka, 2017).

The unequal distribution of humanitarian resources (see Box 2) therefore combines with population and wealth transfer in a strategy of forced population engineering. On the west bank, relief aid is prevented from getting to Shilluk areas while Shilluk resources flow east to the Padang Dinka. Simultaneously, both relief aid and Dinka settlers flow to the east bank, accentuating the unequal distribution of resources and creating a situation in which everything flows to the Padang Dinka while the Shilluk are immiserated.

In her comments to the UN Human Rights Council on 14 March 2017, Sooka also denounced the government for 'ethnic cleansing' and 'population engineering' in Upper Nile (Sooka, 2017). 'Ethnic cleansing' is a controversial term; a UN Commission of Experts, established to investigate war crimes in the Federal Public of Yugoslavia, defined it as 'rendering an area ethnically homogenous by using force or intimidation to remove persons of given groups from the area' (UNSC, 1993, para. 55).[196] It therefore seems that Sooka's use here is appropriate, as the consequence of the 2015–17 assaults on the Shilluk people has been to render the immediate east bank of the White Nile, in what was Upper Nile state, as ethnically homogenous.

To demonstrate that ethnic cleansing is a *consequence*, however, is not the same as demonstrating that it was the government's *intention*; this requires explicit evidence of intentionality. This report does note the activities of government forces during this

campaign—including the involvement of those in Juba—and attribute the total responsibility for this displacement to the government forces; it does not, however, attempt to reconstitute the precise chain of commanders that gave the orders that led to the displacement of the Shilluk from the east bank and the subsequent campaign on the west bank. Equally, it does not seek to presume the intentions of those who gave these orders. In some cases, government forces very deliberately attacked mono-ethnic groups of Shilluk civilians. But did they attack these civilians on the basis they were Shilluk, or simply on the basis they were civilians whose property could be looted? Without an extensive archival record of interviews with SPLA commanders, this question is impossible to answer.[197] Thus, this report does not intend to determine whether it was the *intention* of the government forces to entirely displace the Shilluk from the east bank of the White Nile, violently pacify the west bank, and take total political control of the institutions of Central and Northern Upper Nile states. Those are *the consequences*, however, of the government's actions from 2015 to 2017.

From March to May 2017 the campaign for the west bank of the White Nile shifted focus to Kaka, Kodok, and Tonga, with intermittent clashes elsewhere. Wau Shilluk remained deserted of civilians and was the site of clashes between the SPLA and Agwelek in March. In April, there was a major SPLA push in both its northern and southern offensives, with the SPLA reinforced by SPLA-IO forces loyal to Taban Deng. In the south, the government forces attacked Tonga on 13 April, forcing the Agwelek to withdraw by 17 April. In the north, the SPLA captured Lul on 25 April, once again firing indiscriminately at civilians and looting food supplies and houses (UNHRC 2018a, paras. 82 and 93, p. 12). The SPLA then continued north, capturing Kodok on 26 April, forcing civilians to flee to Aburoc; many of these civilians had already fled Wau Shilluk, and the next six months would see the same Shilluk civilians forcibly displaced multiple times, fleeing to the north and west away from the SPLA's assault. An estimated 25,000 people fled Tonga and Kodok during this part of the SPLA offensive (OCHA, 2017b), and some humanitarian staff also withdrew from Kodok and Aburoc. The Agwelek also withdrew to Aburoc, and looted some humanitarian aid, while the government attempted to block further humanitarian aid being distributed (OCHA, 2017c).[198] All of this complicated the task for the few humanitarians still able to operate in the area. While many Shilluk civilians continued to walk to Sudan, those that remained in Aburoc—often very weak and in urgent need of care and food—had to contend with extremely elevated prices.[199]

The capture of the Agwelek bases around Tonga and Kodok represented the successful culmination of the SPLA's territorial strategy during this period. With this campaign, the SPLA had dealt a decisive blow to the SPLA-IO and the Agwelek and acquired control of both sides of the entire White Nile in Upper Nile, and could thus ensure crucial safe transportation along the river. The successful SPLA strategy also

People draw water from a well in the village of Aburoc, South Sudan, on 10 May 2017

Source: Phil Hatcher-Moore

meant the almost total depopulation of the Shilluk from South Sudan. By the end of August 2017, humanitarians estimated that fewer than 17,000 Shilluk remained in Upper Nile outside the Malakal PoC site. Between 1 January and 15 September 2017, some 86,297 refugees fled into the states of South Kordofan and White Nile in Sudan (UN PoE, 2017c, paras. 41–42, p. 17); given that these states border Fashoda and Panyikang, the vast majority of these refugees are likely to be Shilluk.

By March 2017, the Agwelek hierarchy became strained, and Olonyi's leadership—reliant on Nuer SPLA-IO troops—increasingly unpopular. Reports that Olonyi had killed several of his officers while at a parade in April 2017 remain unconfirmed, but Shilluk close to the Agwelek leadership have stated that Olonyi killed officers in 2016–17 that he thought might challenge him for the leadership of the southern Shilluk (Luak).[200] These internal strains within the Shilluk would become increasingly apparent as the months progressed.

In May 2017, the SPLA maintained its gains of the previous month, deploying forces to Tonga on 4 May to defend it against an attempted SPLA-IO recapture. The force that attacked Tonga was a mixture of Agwelek elements and majority-Nuer SPLA-IO forces under the 7th Division commander, Simon Diang Duoth. Duoth had been one of the two principal SPLA-IO commanders—along with Joseph Chegai Gatluak—responsible for the west bank of the White Nile since the beginning of the civil war. Despite some clashes, in which the SPLA-IO were moderately successful and succeeded in taking some SPLA weaponry, the SPLA maintained control of Tonga. The SPLA also gained new traction in its northern campaign, taking control of Kaka during pitched battles from 5 to 9 May. In June the conflict moved even further north: the SPLA attacked the Agwelek at Babounge and Atham (in Renk county) and in Kola and Kwek (in Manyo county) on 13 June. Clashes continued around Kaka throughout July, although the SPLA successfully maintained their hold on the town despite casualties inflicted by the rebel forces.

On 27 July, tensions within the Agwelek finally erupted when Machar, at Olonyi's behest, fired Jokino Fidele as opposition governor of Fashoda and appointed Olonyi, who would then hold simultaneous appointments: as head of the SPLA-IO and political governor, and as military governor of the state. On 31 July, Olonyi sacked Fidele's entire cabinet and appointed his own (Radio Tamazuj, 2017b). Fidele was widely thought to have been too self-interested, and Olonyi became concerned Fidele was trying to push him out of power and take the Shilluk kingdom for himself.[201]

With the opposition fragmenting, the SPLA-IO loyal to Taban Deng made overtures to members of the Shilluk community. In September, while Taban Deng was meeting with the UN Secretary-General in New York, some Agwelek forces—discontented with Olonyi and under the command of one of his lieutenants, Thieb Ajak Okij—joined the SPLA-IO under Taban Deng. They attacked Agwelek positions just outside of Aburoc at Adout Nyiworo on 8 September (see CTSAMM, 2017b). While the Agwelek fended

off that attack, the SPLA-IO under Taban Deng redoubled their assault on 11 September, taking and looting Adout Nyiworo before advancing on Aburoc and capturing the IDPs camp on 12 September (UN PoE, 2017c, para. 43, p. 17). Civilians scattered into the bush and some 30 humanitarians had to be evacuated to Juba.[202] Taban Deng announced Okij as the governor of Fashoda state, sanctifying his military role with administrative recognition. Okij is from the Ger, or northern region of the Shilluk kingdom, whereas Olonyi is from Panyikang in the southern Luak. The split between Okij and Olonyi thus maps onto not only a territorial division in the Shilluk but also a past historical division—between Olonyi's supporters and the TFNF from the south of the kingdom, and the troops of Okiech and Ogat from the north.

By October 2017, the SPLA had achieved an almost total military victory in Northern Upper Nile. They had control of both sides of the White Nile and had displaced the Shilluk population almost entirely into Sudan. The Shilluk that did remain in South Sudan either were confined to IDP camps in Malakal and Aburoc or were politically fragmented, split between loyalty to the Agwelek and Olonyi, and the emergent forces under Okij backed by Taban Deng. ●

" Politically, all sides jostled for position and made claims about their relative strengths and alliances.**"**

Interlude:
October 2017 to September 2018

The next year would prove relatively peaceful in Northern Upper Nile. Occasional clashes would occur between the SPLA and Olonyi's forces, now largely stationed in Manyo county, normally to maximize pressure on further rounds of peace talks. In December 2017, for instance, as IGAD continued talks in preparation for the R-ARCSS, the SPLA attacked Olonyi's forces in Kola, Manyo county, just days before a ceasefire was theoretically agreed between the two sides.[203]

In general, however, the focus of the SPLA was on the Equatorias, while the SPLA-IO under Taban Deng (SPLA-IO (TD)) focused on a further military assault on civilians and opposition forces in southern Unity state from February to June 2018 (UNMISS and OHCHR, 2018, p. 5). In Upper Nile, there were more intermittent clashes during this period, as the SPLA moved from its urban redoubts in Kodok and elsewhere along the banks of the White Nile and attacked Agwelek positions in Fashoda state, at Ajuk (1 March) and at Kalaganj, Manyo county (12 and 25 March), when the SPLA-IO (TD) forces under Thieb Ajak Okij attacked the Agwelek.[204]

Despite the relative calm of Upper Nile, 219,645 people remained internally displaced within the state by November 2017 (IOM, 2019, p. 10). By December, most of Western Nile remained at the 'emergency' phase of the Integrated Food Security Phase Classification (IOM, 2019, p. 13), with humanitarian access to much of the west bank of the White Nile relatively limited (REACH, 2018, p. 1).

The tensions within Northern Upper Nile were not resolved but remained latent. For example, Shilluk youth blocked Monybuny—the governor of Central Upper Nile—from entering the PoC site in Malakal on 28 January 2018 (Radio Tamazuj, 2018). Politically, all sides jostled for position and made claims about their relative strengths and alliances. This jostling occurred during the so-called 'revitalization forum' at the end of October, and then in the run-up to the signing of the R-ARCSS, after Ethiopian prime minister Abiy Ahmed handed over the negotiations to Sudan in June 2018.

In September 2017, for instance, the South Sudan Patriotic Army (SSPA), a minor opposition group in Northern Bahr el Ghazal under the command of Agany Abdel-Baqi Ayii Akol—a Malual Dinka with ties to Paul Malong—claimed they had been in negotiations with the Agwelek about an alliance. In response to this claim, in October, Olonyi reiterated his allegiance to the SPLA-IO and his unwillingness to participate in negotiations separately from them. This remained Olonyi's position through to the 12 September 2018 signing of the R-ARCSS. Akol's claim was the sort of posturing that continued in October 2017, all the way through to the signing of the R-ARCSS in October 2018, as rumours continued to circulate that Olonyi would split with the mainline SPLA-IO.

Following his dismissal as chief of staff in May 2017, Paul Malong was placed under house arrest. In April 2018 he made his own party, the South Sudan United Front

(SS-UF), in order to participate in the peace talks. Given Malong's historically close ties to Olonyi, there were queries about a potential alliance. Malong, however, has no substantive military forces in South Sudan. The formation of the SS-UF, and the posturing about a potential alliance with Olonyi, were tried-and-tested tactics in South Sudan to make his forces appear greater than they were and thus ensure a seat at the negotiating table. ●

> **"** The history that must be understood [...] is not of the border of the groups, but of the *history of the very forms of the border.***"**

The Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS)

On 12 September 2018, under the watchful eye of Sudanese president Omar al-Bashir, Kiir and Machar, along with some—but far from all—of the other opposition factions, signed the R-ARCSS.[205] Since then, the Equatorian states have once again become the centre of the conflict in South Sudan.[206]

January 2019 saw significant government build-up in Yei and elsewhere in the Equatorian region, and the SPLA has since conducted an offensive against Thomas Cirillo Swaka's National Salvation Front (NAS).[207] Military recruitment has also intensified in Equatoria and elsewhere in South Sudan (Mednick, 2019); for example, in January, both the SPLA-IO and Olonyi's Agwelek were recruiting in Upper Nile's Manyo county.[208]

The R-ARCSS drives both government and opposition recruitment for a few reasons. The prospect of building cantonments, as stipulated in the peace agreement—however unlikely in actuality (Ryan, 2019)—is an attractive prospect for those who want food, medication, and the promise of integration into a unified army (as outlandish as all those possibilities are).[209] Equally, the SPLA-IO commanders welcome the chance to maximize their forces and have them fed and given access to resources.

There are a variety of reasons why the R-ARCSS is likely to fail, either in part or entirely. Perhaps most notably, too many of the failed aspects of the previous ARCSS, such as having a unified protection force in Juba, have been carried over into this agreement. Even if the cantonment process worked, however—if the cities were demilitarized, all the fighting forces were fully integrated into a single army, and there was functional elite power-sharing among the vice-presidents—it is still highly unlikely that the R-ARCSS would resolve any of the problems in Northern Upper Nile. Indeed, some of its provisions suggest they would exacerbate tensions in the region and mobilize further support for the SPLA-IO, as the next section demonstrates.

The problems of the Technical Border Committee (TBC) and the Independent Boundaries Commission (IBC)

As described near the beginning of this report (pp. 19–20, 26), both the Padang Dinka and the Shilluk have frequently used the British colonial record to justify their land claims, as if what occurred in a given contingent year of history—say, 1931—could somehow resolve what happened from 2013 to 2019.[210] Yet the British historical record is problematic, for it is both partial and fundamentally not reflective of the two groups' living patterns, either then or now. Rather, the British documentation evidences an attempt to create a governable Upper Nile for the colonial administration. There are thus great difficulties in relying on an incomplete, and often inaccurate, set of documents to determine anything in the present.

Unfortunately, this is precisely one of the principal sources the R-ARCSS relied on. Clause 1.15.18.1 states:

> *Immediately upon the signing of the Revitalized ARCSS, the IGAD Mediation shall appoint a Technical Border Committee (TBC) to define and demarcate the tribal areas of South Sudan as they stood on 1 January 1956 and the tribal areas in dispute in the country* (IGAD, 2018, p. 23).

Across South Sudan, there are a wide variety of different forms of rights claims. As discussed above (pp. 23, 26), a given group has not only dominant rights—absolute, non-negotiable rights—to a territory but also secondary rights, which grant a given group access to an area in a form that is limited by either time (in the dry but not rainy season), extent (along one given grazing route but not another), or usage type (an area used for grazing but not for settling). This complicated patchwork of forms of use is what allowed transhumant and pastoralist groups to interact. Few of these forms of usage are acknowledged in the British colonial record, and, while the TBC could have potentially used oral history to carry out its mandate, clause 1.15.18.1 gives pause for thought, because the TBC is asked to *define* and *demarcate* tribal areas. Additionally, the very short timeframe the TBC had for its investigations meant there was a minimal chance of doing such investigations.

The TBC mandate repeats the errors of the British colonial administrators, who attempted to create a series of ethnically bounded 'states' from a series of interconnected groups, out of areas in which these groups had shared rights. In the R-ARCSS, the TBC is asked to relay its findings to the IBC, which shall review and make recommendations as to the number, type, and size of the states in South Sudan (IGAD, 2018, clauses 1.15.16, 1.15.18.6). The TBC was created behind schedule, on 9 January 2019, and was composed of 8 members: 6 from the IGAD member states and 2 nominated by the Troika countries (see RJMEC, 2019, paras. 39–40). Its work was beset by procedural issues and political interference from IGAD, leading to two members of the TBC resigning.[211] Nevertheless, the TBC completed its work on 26 March 2019, and presented its report to IGAD (Sudan Tribune, 2019). The TBC did not demarcate tribal areas; it lacked the institutional capacity and timeframe that would make such a huge task possible. It also effectively demurred from making any claims about territory in its final report, by suggesting—correctly—that disagreements about territory are political and not technical in nature.

The creation and limits of the TBC in the R-ARCSS thus repeat the errors of prior peace processes in southern Sudan. In the CPA, a TBC was *also* created, and was *also* asked to delimit and demarcate the border between Sudan and South Sudan as it stood on 1 January 1956 (Craze, 2013a, pp. 15–23). It was a bureaucratic mechanism designed to resolve political crises in the present by appealing to a historical record, which could appear neutral in relation to the group's differing interests. Predictably,

that TBC was politicized, and on the basis of an uncertain documentary record it collapsed. As of July 2019, the border between Sudan and South Sudan has still not been established. Just as during the CPA, the TBC of the R-ARCSS was unable to come to a conclusion about political borders via a technocratic process.

That the TBC did not determine anything is, paradoxically, perhaps the best possible outcome. The potentially baleful consequences of the TBC, however, have not necessarily been avoided. The R-ARCSS also states:

> *In the event that any tribe claims that the TBC report is violated, that tribe is entitled to resort within a maximum of two years of the alleged violation to arbitration and bring its case against the RTGoNU[212] or any subsequent government of the Republic of South Sudan before the Permanent Court of Arbitration at The Hague. The RTGoNU or any subsequent government agrees to abide by the arbitration award and shall introduce any required state boundary rectifications* (IGAD, 2018, cl. 1.15.18.7).

This clause also threatens to repeat the Abyei borders process, in which the Permanent Court of Arbitration in The Hague (PCA) arbitrated the Abyei Boundaries Commission (ABC) report (Craze, 2013b). The PCA, like the ABC, attempted to formalize the flexible borders of shared use between the Ngok Dinka and the Misseriya. Attempting to formalize these boundaries as absolute lines fundamentally misunderstands the notion of secondary rights. The purpose of shared usage zones is that rights over them are *not* absolute, but rather are interpersonal and flexible; they depend on a variety of factors, including changing ecological conditions and familial ties. To formalize such usage as absolute blocks of territory turns subtle and cooperative interaction into the sovereign lines of the nation-state system. The PCA was not an adequate forum for discussion of these forms of rights. Indeed, the PCA arbitration failed, in any event, to resolve the problem of the borders of Abyei, and its recommendations were left unenforced. This was because, in reality, the fundamental clash over Abyei lay not at the level of the Ngok Dinka and the Misseriya but at the international level, between Sudan and South Sudan.

Following South Sudan's secession in 2011, groups up and down the Sudan–South Sudan border maximized their claims to territory, undermined zones of secondary rights, and increasingly acted like states (Craze, 2013a, pp. 163–66). The danger of the R-ARCSS is that groups within South Sudan will now mimic this same pattern, maximizing their own claims to territory at the expense of coexistence. The more that administrative boundaries become associated with ethnic units, the more that these units will become contested (Leonardi and Santschi, 2016, p. 57), and control of these administrations becomes a zero-sum game for political power, with potentially disastrous consequences. Indeed, in one of the initial Shilluk submissions to the TBC (Concerned Citizens, 2019, p. 2), it asks that the committee 'define and demarcate

the tribal boundary between the Shilluk and Dinka', as if there were an absolute line between the groups.

The R-ARCSS, like the CPA before it, imagines a world in which it is possible to construct the history of the borders of the groups in South Sudan. The history that must be understood, however, is not of the border of the groups, but of the *history of the very forms of the border*. What caused the clashes between the Padang Dinka and the Shilluk, after the signing of the CPA, was not a set of territories they contested but rather a set of forms of borders—introduced by the state-based administration, with the approval of the international community—that led to increasing struggles for control over counties, states, and their borders, and the resources and political power such control brought with it. In order, then, to understand Shilluk and Padang Dinka confrontations during the current conflict, it is necessary to turn not to the historical record to look for the original 'tribal areas' of the respective groups, but to the CPA period and the new forms of border it produced. These news forms of border—state lines that are supposed to map onto ethnicities—are precisely those the R-ARCSS threatens to substantiate, and which will likely lead to further conflict in Northern Upper Nile. •

" If it was the CPA period and state-building itself that led […] to division and ethnicization, how might things be different?"

Conclusion

This report has surveyed the course of the conflict in Northern Upper Nile during the current civil war, as it pertains to the Shilluk and Padang Dinka communities. Its principal findings are as follows.

First, although both sides make historical arguments about the extent of their territory, history itself provides no evidence for the maximalist claims both sides now make. Throughout South Sudan, there have been conflicts about grazing and the extent of shared rights and secondary rights. It was the competition to capture the state in the CPA period, however, that laid the ground for the form of these claims. On the banks of the White Nile, the Padang Dinka and the Shilluk make maximal claims to territory that are as absolute as those of nation-states, and just as deleterious to the possibilities of coexistence.

Second, the conflict between the Padang Dinka and the Shilluk is not fought over scarce resources on the ground, nor over limited grazing points; rather, it is a conflict over administrative control. At the beginning of the CPA, shortly after Garang's (2004) infamous memorandum creating four Shilluk counties, it was not explicitly the case that Malakal *had* to be Shilluk or Padang Dinka (indeed, it has always been a cosmopolitan city); nor was there any logical reason that Renk county should be entirely controlled by the Abialang Dinka, nor Manyo county by Shilluk from the Ger group. In the internationally assisted kleptocracy that was built on easy oil money and even easier aid supplies (de Waal, 2014), however, the control of state institutions—from national institutions to county-level positions—became about capturing flows of resources. These flows of resources were then redistributed to networks that, in the context of Upper Nile, were increasingly ethnicized. Thus, control of state institutions became a competition between—in part—a Shilluk kingdom that felt itself to be marginal in national politics and a Padang Dinka elite, emboldened by an increasingly partisan national government, by access to resources, and by capital gained from international oil flows and SPLA weapons procurements.

Third, it was in this context, on the grounds of the failure of the CPA and the promise of the South Sudanese state, that politics took on the dynamics it did. This report has traced the way in which the Shilluk were displaced, first from the east bank of the White Nile and then from much of the west bank. This was not an inevitable consequence of a military operation that had other goals; this was the goal of a military and political operation, carried out over two years, whose goals were the elimination of the Shilluk population from the east bank of the White Nile and the creation of mono-ethnic Padang Dinka administrations ruling over majority-Dinka states with acquiescent minority populations (the Maban; any Shilluk or Nuer who live in Central or Northern Upper Nile). On the west bank, the military goal was the total immiseration of the Shilluk population and the recomposition of that population as a minority force, dependent on and beholden to the GRSS—in this case, to Taban Deng. This military campaign has involved the destruction of hospitals, schools, and even

religious buildings; the displacement of the majority of the Shilluk population; and the pauperization of tens of thousands of people.

Any sustainable peace agreement in Northern Upper Nile has to come to terms with this legacy of the civil war. This is not just a case of working out reparations and attempting to build trust between the Padang Dinka and the Shilluk—though that is difficult enough. Rather, there are even more difficult questions ahead: how can a political system be created in Northern Upper Nile that does not lead to a zero-sum competition for political influence between ethnic groups? If it was the CPA period and state-building *itself* that led not to centralization and unity but to division and ethnicization, how might things be different?

Nothing in the R-ARCSS suggests that there is any appetite among the South Sudanese elite (or, especially, among the international community) to address these questions. Instead, the R-ARCSS is another elite-level power-sharing agreement, this time even more fragmented and likely to break asunder. In the best-case scenario, the IBC will repair some of the damage of the gerrymandered boundaries of the civil war period. Unless a peace agreement addresses the possible forms of coexistence that could make any such borders workable, however, then the actual delineations of border lines is rather academic—they will do nothing to change the logic of absolute ethnic claims, linked to national flows of oil and wealth, that have destroyed Northern Upper Nile and the Shilluk people. ●

Endnotes

1   An initial Dinka migration into the area of Upper Nile is likely to have occurred in the 13th–14th centuries (Beswick, 2004; for further information on Dinka migration in Upper Nile, see Johnson, 1986; 1989), although many of those Dinka migrants continued their migration out of Upper Nile, and it is unlikely that they identified themselves as 'Padang Dinka'. The Shilluk kingdom was established in the 16th century (Beswick, 2004, p. 32; for further information on the early period of the Shilluk kingdom, see author interviews with Shilluk elders, Juba, Malakal, Renk, June–July 2015; Evans-Pritchard, 1948; Westermann, 1912). It is likely that the Dinka re-emigrated into Upper Nile in two groups in the 17th–18th centuries (author interviews with Dinka and Shilluk elders, Juba, Malakal, Renk, June–July 2015). Pritchard has a superb forthcoming analysis of the historical record related to the two groups, which goes into far more detail than this report can offer (Pritchard, forthcoming).

2   The Padang Dinka are a riverine group that can be found along the waterways of the contested Sudan–South Sudan border, including in Abyei, in Melut and Renk, in Ruweng state (formerly part of Unity state), and in Upper Nile. They are composed of, among other groups, the Ngok Dinka of Abyei, and those of Unity state: the Alor Dinka of Abiemnom county, and the Awet and Kwil Dinka of Pariang county; the latter two groups are collectively known as the Ruweng Dinka (Craze and Tubiana, 2016, p. 207). In Upper Nile, the Padang Dinka are composed of the Abialang (Renk), Ager (Melut), Dong Jol (Akoka), Ngok Lual Yak (Baliet), and the Pawing and Thoi (from Pigi, formerly part of Jonglei state). As with other Dinka groups in South Sudan, the Dinka are—at least notionally—transhumant, whereas since the foundation of the Shilluk kingdom in the 16th century, the Shilluk have been a settled, largely agricultural royal kingdom (author interviews with Padang Dinka politicians, Renk, June–July 2015).

3   One of the main geographical divisions within the Shilluk is between what Evans-Pritchard called the northern and the southern marches, or the Ger and the Luak. Thus, the Shilluk kingdom may be seen as a line, with Tonga at its extreme south, Muomo as the village in the extreme north, and Fashoda—the seat of the king—as the place that symbolically and geographically ties the kingdom together (Evans-Pritchard, 1948).

4   It should be noted that the Shilluk do not refer to themselves as the 'Shilluk', but rather as the 'Chollo', sometimes written 'Collo'—'Shilluk' being the Arabic name given to the people.

Neither do the Dinka refer to themselves as the 'Dinka' (again, this is the Arabic name given to them by their northern neighbours), but rather as the 'Jieng', or, in Dinka, 'Jiɛ̈ɛ̈ŋ'. This report uses the widespread English usage of 'Dinka' and 'Shilluk' for ease of reference.

5   On 2 October 2015, South Sudanese President Salva Kiir issued an administrative decree that divided South Sudan's 10 states into 28. A further decree, issued on 14 January 2017, created four more new states, bringing the total number of states in South Sudan to 32 (UN PoE, 2017a, para. 15). As of July 2019, the area that was once Upper Nile is now constituted by the states of Central Upper Nile, Fashoda, Latjor, Maiwut, and Northern Upper Nile. According to the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS), which was signed on 12 September 2018, an Independent Boundaries Commission (IBC) is to be established 'to consider the number of States of the Republic of South Sudan, their boundaries, the composition and restructuring of the Council of States and to make recommendations on the same' (IGAD, 2018, cl. 1.15.7, p. 22). This report will analyse all these shifts in the borders of Upper Nile while retaining, for ease of reference, the name 'Upper Nile' to refer to the area once constituted by that state.

6   This report uses the word 'communitarian' to indicate the organization of a politics centred on the advancement and interests of a given group—in this case, the Padang Dinka—and that takes the group ideal to be autonomous group self-governance, as opposed to being placed within a national-democratic structure in which parties are composed of individuals. In a communitarian politics, it is the given community—again, in this case, the Padang Dinka—that is paramount.

7   On 2 October 2018, the President of South Sudan, Kiir, issued a decree renaming the SPLA as the South Sudan People's Defence Forces (SSPDF). To avoid anachronism, this report will refer to the SPLA up until the October decree, and thence refer to the SSPDF (see Sudan Tribune, 2018). For references to the use of gunships and fighter jets, see HSBA (2016a, p. 3); UN PoE (2016, paras. 55, 57; 2017a, paras. 43, 118; 2018, paras. 40, 47, 80, 81).

8   This report will use 'government forces' to refer to when the SPLA acts in concert with militia or other irregular forces, and 'SPLA' to refer to when the SPLA acts alone. The government regularly refuses to distinguish between civilians and the military. The UN Panel of Experts on South Sudan (PoE), for instance, records a meeting with Michael Makuei, the minister of information and broadcasting, in which he insists the displaced population in Wau Shilluk 'are not civilians, they are rebels' (UN PoE, 2017b, para. 23, p. 8). During fieldwork for this report in 2015 and 2017, the author regularly heard members of the Upper Nile state administration refer to civilians as 'rebels'.

9   There are no statistics on South Sudanese refugees—in Sudan or elsewhere—that classify refugees by ethnic group. As of 31 December 2018, there are 852,080 refugees in Sudan, out of a total of 2,274,387 externally displaced South Sudanese (Altai Consulting, 2019; UNHCR, 2019). For the conditions of South Sudanese refugees in Sudan, see UNHCR (2018, pp. 49–51).

10   Author telephone interviews with humanitarians, Juba, December 2018; author field interviews with humanitarians, Juba, December 2017 and Malakal, June 2015. Several public sources indicate instances of the mass displacement of the Shilluk people. For instance, on the wholesale displacement of the Shilluk during the 2017 campaign against them by the

government and associated militias, see Amnesty International (2017). In a press release from 2017, Joanne Mariner, senior crisis response adviser at Amnesty International, said: 'The mass displacement of the Shilluk ethnic minority, almost in its entirety, is truly shocking' (Amnesty International UK, 2017). See also Dieng (2017); IOM (2017b); OCHA (2017b). None of these sources, however, attempt to understand the displacement of the Shilluk people in its totality during the current civil war. As far as the author is aware, this report is the first that attempts to do so.

11 Akol (2015); Concerned Citizens (2019); Padang Dinka Borders Committee (2016); Nyaba (2009); Yuar (2016).

12 There are some problems, however, with such a claim. The first is that it is unclear, legally and rhetorically, why arriving in a place would constitute a claim of continuous ownership of a place, irrespective of later developments. If this were so, logically, it would require us to determine which was the first group to arrive on the east bank of the White Nile, a question that both is impossible to answer and does nothing to resolve political conflicts in the present. Indeed, if there were an answer to that question, it would likely be the Funj—a group now based in Blue Nile state, Sudan. Furthermore, even if the Padang Dinka had arrived on the east bank of the White Nile at the beginning of the 12th century, that tells us nothing about the form of property rights, ownership rights, or land usage over the subsequent centuries. Nothing in the available historical records indicates that there were continuous forms of agreement—through the multiple different sovereign entities that controlled the territory over the last 300 years—that determined such arrangements.

13 On the difficulty of the relationship between historical claims of wrong and political intervention in the present, see Meister (2011, pp. 144–74).

14 On the obstacles the R-ARCSS faced, see Boswell (2018); Ryan (2019).

15 Caution, however, should be exercised before assuming that British colonial records should have the final say in determining—or be relied upon for understanding—habitation patterns during the period of the Anglo-Egyptian condominium. British officers made only partial maps of the territory under their control, and these maps often represent only habitation in a given season (normally dry season), in an area in which habitation varies with the seasons. The difficulties with these maps extend to using these borders to determine anything in the present, when these very borders have only dubious relation to present or past patterns of cohabitation (Craze, 2013a; 2013b; Johnson, 2010a). Borders in Upper Nile have not, historically, been absolute limits; rather, they are places of contact, which differentiate flows of people and things, and change temporally and as relations between people change. British colonial accounts of land use are, at best, freeze-frames of particular moments of land usage, made by military officers who were often spread thinly over large territories. Furthermore, British mapping exercises were fundamentally at odds with the processes of border-making that the Padang Dinka and Shilluk used. The British tried to 'fix' groups as territorially bounded units, attempting to render groups that were often mobile, transhumant populations as static, bounded entities (Schomerus and Aalen, 2016). As Johnson (2010b, p. 15) has noted, British colonial maps were often imprecise; they were intended not to absolutely demarcate space but to delineate units of administrative responsibility. Thus, the borders indicated on British maps tended to obscure the dynamic usage of spaces by different groups, who penetrated different areas of land at different times.

16 Pritchard (forthcoming, p. 32) cites one British officer—J.G.S. MacPhail, the District Commissioner for Malakal (1933–39)—who stated the Dong Jol Dinka's area was on the east bank of the White Nile (opposite Kodok), but that, during dry season, Dinka cattle camps would follow the White Nile down as far south as Lul (which was one of the contested areas in 2009 and the site of the killing of Olonyi's deputy, James Bwogo, in 2015).

17 Again, Pritchard's forthcoming work goes into far more detail about the historical claims of the Shilluk and the Padang Dinka.

18 Benthiang, for instance—one of the contested areas on the banks of the White Nile—was one of the sites at which, during the second civil war, Padang Dinka civilians received emergency World Food Programme (WFP) aid, which came up the river on barges (author interviews with Padang Dinka elders, Renk, July 2015). Interestingly, at least in the Shilluk narrative, Benthiang was a site at which the Padang Dinka had grazing rights prior to the second civil war; so what was once a site of secondary rights for grazing became, during the war, a site of secondary rights for an emergent form of humanitarian pastoralism. On this phenomenon more broadly, see Craze and Tubiana (2016, pp. 142–44).

19 Author interviews with William Othon, former governor of Upper Nile, Juba, July 2015, and Simon Kun Puoc, former governor of Upper Nile, Renk, July 2015, among others.

20 Author interviews with Shilluk elders, Malakal, July 2015.

21 For further explication of shared-use areas, see Craze (2013a, pp. 21–22; 2013b; 2014). There is also little that is self-evident about who represents a given community.

22 Author interviews with Padang Dinka and Shilluk residents, Malakal and Renk, June–July 2015.

23 For an excellent in-depth study of these processes of formal translation, see Leonardi and Santschi (2016).

24 This section does not assume that either side makes a single homogenous argument; the arguments the Shilluk and Padang Dinka make are various, sometimes contradictory, and cannot be reduced to a single position. Rather, given that the territories contested remain fairly constant, this report looks at all the arguments made by both sides—though it must be acknowledged that the voices of the political and military elites, of both the Padang Dinka and the Shilluk, tend to be loudest in these debates.

25 This report uses the phrase 'southern Sudan' to refer to the area constituted by the country South Sudan prior to its secession from Sudan on 9 July 2011, and 'South Sudan' to refer to the sovereign nation-state post-secession.

26 Author interviews with Mark Nyikang and other Shilluk elders, Juba, South Sudan, 24 and 28 June 2015. Makal is the name of a village just to the north of Malakal. A variant of this narrative is that the site was originally called 'Mal Bak Kal', and was a dry-season grazing area to which the Shilluk brought their herds, the name of which the British misheard and thus named the site Malakal—which eventually became the name of the city built on that very site (author interviews with Shilluk elders, Malakal and elsewhere, 2015).

27 While the Shilluk kingdom was founded in the 16th century, it remains unclear when the current internal divisions of the kingdom were created. Evans-Pritchard (1948) suggests they were at least made more concrete once the Turco-Egyptian regime drastically curtailed the

kingdom's size in the 19th century. The Shilluk territorial claims made in the debates over the contested areas tend be based on the kingdom's period of greatest power, between the 17th and 19th centuries, before Turco-Egyptian rule.

28 For many Padang Dinka, the creation of Akoka county in 2010 allowed the creation of these counties to be redressed; with Akoka, the Dinka then 'had' four counties in Upper Nile (Akoka, Baliet, Melut, and Renk), the same number as the Shilluk and the Nuer, creating a certain form of parity between the three groups (author interview with Santino Nuan, then Upper Nile minister for local government, Renk, 11 July 2015; author interview with Ayik Akuei, then member of parliament for Renk, Renk, 12 July 2015).

29 For instance, Makal county was defined as 'composed of the Chieftaincies (Omodias) of Malakal Town and the two Chieftaincies of Lelo and Ogod' (Garang, 2004, p. 1). It was in this decree that Ogat was appointed commissioner of Manyo county—a position that, at the time, was referred to as the 'county secretary'.

30 Author interviews with Shilluk and Padang Dinka elders, Juba, Malakal, and Renk, June–July 2015.

31 For forms of this competition more generally in South Sudan, and its constitutive role in creating the current civil war, see de Waal (2015, pp. 91–108).

32 Padang Dinka Borders Committee (2016); author interview with Santino Nuan, then Upper Nile minister of local government, 11 July 2015; author interview with Ayik Akuei, then member of parliament for Renk, Renk, 12 July 2015.

33 Author interviews with Mark Nyikang, Shilluk elder, Juba, June 2015.

34 By 'neutral', the author means the districts are not explicitly created for the sole use of a given ethnicity.

35 The county was previously named 'Canal', in reference to the Jonglei Canal.

36 While there were tensions between Dinka and Shilluk in the county, the conflict in Pigi during the CPA period was primarily intra-Dinka—between the communities in Atar and Khor Fulus—and was addressed at two peace conferences, in 2008 and 2009 (see, for example, Schomerus and Allen, 2010, pp. 48–49).

37 Author interviews with Agwelek members, locations withheld, July 2015, and with Shilluk intellectuals, Juba, June 2015.

38 Author interviews with Dinka living in Pigi, Malakal, and Renk, June 2015; Schomerus and Allen (2010, pp. 48–49).

39 While the political rhetoric that tends to accompany the creation of new states and counties in South Sudan is that it decentralizes power and makes the state more responsive to people's needs, in Upper Nile it has actually proved to be a tool for the centralization of power, as county borders are gerrymandered to focus control in the hands of a Padang Dinka elite and legitimize population displacements. On decentralization and centralization in South Sudan more generally, see de Waal and Pendle (2019).

40 Author interviews with Dinka living in Pigi, Malakal, and Renk, June 2015; Schomerus and Allen (2010, pp. 48–49).

41 Author interview with Santino Nuan, then Upper Nile minister for local government, Renk, 11 July 2015; author interview with Ayik Akuei, then member of parliament for Renk, Renk,

12 July 2015. According to Nuan, under South Sudan's administrative law there is a minimum population size necessary for a county, and Akoka—a political creation to appease the Padang Dinka—did not reach that size. Both Nuan and Akuei are Padang Dinka.

42 Author telephone interviews with Malakal residents, Malakal, May 2019.

43 Author interview with Santino Nuan, then Upper Nile minister for local government, Renk, 11 July 2015.

44 Author interviews with Shilluk residents, Malakal, July 2015; author interview with Simon Kun Puoc, former governor of Upper Nile, Renk, July 2015. In Puoc's narrative, Robert Gwang's rebellion in 2010 was due to the razing of Shilluk settlements in Akoka county. Gwang's reabsorption into the SPLA indicated—for Puoc—Shilluk acceptance of changing habitation patterns on the east bank of the White Nile, and thus removed the barrier of Shilluk discontent that had previously prevented the creation of Akoka state. Needless to say, many Shilluk did and do not feel this way.

45 Author interviews with humanitarians, Malakal, June 2012 and June 2015; Juba, December 2016 and December 2017.

46 The Shilluk also saw the relative prosperity and development of Melut county, which contains the Paloich oilfield, as indicative of the unequal distribution of oil revenues in Upper Nile.

47 Author interviews with Padang Dinka and Shilluk intellectuals, Renk and Malakal, July 2015.

48 Author interviews with Shilluk intellectuals present at Lul in January 2009, Juba, June 2015.

49 Author interviews with Shilluk in the Malakal PoC site, July 2015.

50 Many people in Upper Nile were suspicious of the Shilluk due to Akol's role in the SPLM/A split in the 1990s and the presence of his forces, with backing from the GoS, on the west bank of the White Nile for much of the late 1980s and into the 1990s. For much of the second civil war, the Sudan Armed Forces (SAF) controlled the west bank of the White Nile, and it was thus not an SPLA area. The sentiment that the Shilluk were not a true part of the SPLA intensified after the signing of the CPA. The canonical account of this period remains Johnson (2011).

51 Author interviews with Padang Dinka and Shilluk community members, Renk, July 2015.

52 Author interviews with Shilluk intellectuals, Juba and Malakal, June–July 2015.

53 Author interviews with Shilluk intellectuals, Juba and Malakal, June–July 2015.

54 All of South Sudan's major oilfields in both Upper Nile and Unity state are in Padang Dinka areas, in what are now Ruweng and Northern Upper Nile states respectively (author interviews with former Chief Administrator of the Abyei Area Chol Deng Alak, Juba, December 2014 and June 2015).

55 Author interview with Lam Akol, SPLM-DC leader, Juba, July 2015.

56 Author interviews with Lam Akol, Simon Kun Puoc, and William Othon, Renk and Juba, June–July 2015. Pagan Amum backed Stephen Dieu Dhau precisely because he hoped to build a political constituency that was broader than the Shilluk community.

57 Author interviews with members of the Shilluk community, Malakal, June 2012.

58 Author interviews with Shilluk intellectuals, Juba and Malakal, and members of the SPLM-DC, Juba, June–July 2015. Part of the suspicion was that Amum and Ajak were trying to take their place on a political chessboard whose design was markedly ethnic and on which the Shilluk, on their own, would not represent a sufficiently large or important constituency to allow those politicians to obtain a national powerbase.

59 Author interviews with members of SPLM-DC, Juba, June 2015.

60 Author interviews with SPLM-DC members and Shilluk intellectuals, Juba, July 2015.

61 Author interview with Shilluk intellectuals, Malakal, 8 July 2015.

62 That Gwang's protest was against the unequal development of Dinka and Shilluk areas, and took the form of the theft of money supposedly destined for community development, is not accidental. It should also be noted that Gwang's rebellion was prior to the April 2010 election, and that he accepted an amnesty deal in August 2010 (Small Arms Survey, 2011, p. 7).

63 Author interview with Peter Gatdet, then a major general in the SSAF, Addis Ababa, June 2015.

64 Author interviews with Lam Akol and SPLA Major-General Ayok Ogat, Juba, July 2015. Johannes Okiech, who led the Tiger Faction New Forces (TFNF)—the other major Shilluk-dominated military force in South Sudan during the current civil war—until January 2017, was one of Ogat's lieutenants in the 2010–13 rebellion.

65 Author interview with SPLA Major-General Ayok Ogat, Juba, July 2015; author interviews with Shilluk intellectuals, Malakal, June 2012.

66 William Nyuon Bany was a Nuer from Ayot and one of the founders of the SPLA. He was killed by Gatdet's forces in 1996.

67 In March 2012, for instance, SAF provided artillery assistance to Ogat and Olonyi for an attack on Kwek (Craze, 2013a, p. 144). SAF's support of both men left lingering SPLA hostility towards Olonyi and Ogat during the current civil war.

68 For the story of the SPLA-IO's formation, see Young (2015, pp. 17–20; 2019, pp. 86–114).

69 Author interviews with SPLA officers, Renk, June 2015.

70 Author interviews with Agwelek fighters, location withheld, June 2015.

71 Author interviews with Shilluk intellectuals, Renk, June 2015.

72 Author interview with Peter Gatdet, then major general in the SSAF, Addis Ababa, June 2015.

73 This suspicion of the SPLA-IO was entrenched by its assault on Malakal on 18 February 2014, in which Shilluk civilians were attacked, raped, and killed.

74 Tanginye's unpopularity with the Shilluk made his later absorption into Akol's primarily Shilluk National Democratic Movement (NDM) all the more controversial. Akol created the NDM in 2016 as a vehicle for his political ambitions in South Sudan.

75 The Greater Upper Nile region is traditionally constituted by what were the states of Jonglei, Unity, and Upper Nile.

76 Author interviews with Shilluk politicians and civilians, Renk, Juba, and Malakal, June–July 2015; Juba, December 2017.

77 This mirrors what happened in Unity state, where the SPLA relied on the former rebels of Matthew Puljang and Bapiny Monytuil to fight against the SPLA-IO (Craze and Tubiana, 2016, pp. 134–41).

78 Just as with Puljang's forces in Unity state, the Agwelek frequently complained about the SPLA's intermittent payment of salaries; the Agwelek, while working with the SPLA, retained a functional military hierarchy and only acted in areas they wished to act, and not as a national force under the command of the SPLA leadership in Juba.

79 Author interviews with SPLA 1st Division officers, Renk, June 2015.

80 For a detailed account of the white armies and the SPLA-IO, see Young (2016).

81 Author telephone interview with UNMISS personnel, Malakal, March 2014.

82 Author interview with TFNF personnel, location withheld, July 2015.

83 The logic in trying to make gains in the run-up to a peace agreement is that, once gains have been made, a group can be seen to be adhering to the peace agreement, while the enemy— if it wishes to try to recapture what it has lost—will be seen as violating the agreement just signed.

84 The SPLA-IO launched unsuccessful assaults on Nasir town on 31 May and 3 June; the SPLA attacked SPLA-IO positions around Nasir from 16 to 25 June. In July, Nasir changed hands, but on 23 July the SPLA retook control of the town (HSBA, 2014c).

85 The Doleib Hills are a strategically important location on the major road from Jonglei state to Malakal, on the northern bank of the Sobat River. Doleib's proximity to what was Jonglei state meant, in 2013–14, that the SPLA-IO could launch assaults on the Doleib Hills from their bases at Canal and Khor Fulus, in Pigi county, and at New Fangak, slightly further south.

86 Author telephone interviews with SPLA forces and humanitarians, Malakal, January 2015.

87 The SPLA-IO used its bases in Sudan to recruit South Sudanese civilians who had fled to camps in White Nile and Sennar.

88 For more on the collapse of the peace talks, see Maasho (2015).

89 Author interviews with SPLM-DC members, Juba, June–July 2015.

90 Author telephone interviews with Agwelek and SPLA fighters, Malakal, March 2015; Radio Tamazuj (2015a).

91 Tanginye is from Fangak; Olonyi is from Panyikang. As elsewhere in the Greater Upper Nile region, the logic of the current civil war is often one in which the stakes are deeply local.

92 Author interviews with Shilluk civilians in the Malakal PoC site, July 2015.

93 Author interviews with SPLA officers and UNMISS personnel, Juba and Malakal, June–July 2015.

94 Author interview with Ayik Akuei, then member of parliament for Renk, Renk, July 2015.

95 Author interviews with Abialang Dinka politicians, Renk, July 2015.

96 From the beginning of the civil war, the leadership of the SPLA 1st Division in Renk was hostile to the militia forces, partly because of personal power struggles between Stephen Buay, the head of the 1st Division, and Guot Akuei, initially one of the militia commanders, before the latter was sent to Juba in 2014 (author interviews with UNMISS personnel, Malakal, July 2015; author interviews with TFNF fighters, location withheld, July 2015).

97 For instance, prior to his transfer to Unity state in 2015, there were tensions between Stephen Buay, the head of the 1st Division of the SPLA, and the militias (Radio Tamazuj, 2015g).

98 Global Witness (2018, pp. 3–4), for instance, obtained a letter the managing director of the Nile Petroleum Corporation received from Stephen Dieu Dhau, requesting payment of more than USD 1.5 million for security services in the areas of Malakal, Paloich, and Wau. The UN PoE also found that Nilepet provided 'financial authorization for the purchase and transfer' of small arms and weapons to Padang Dinka militias (UN PoE, 2016, para. 56).

99 In South Sudan, 'White Army' is normally a colloquial term that refers to communitarian Nuer militias (see Young, 2016). Here, however, it is used to refer to Padang Dinka militia forces.

100 Author interviews with SPLA officers, Juba, June–July 2015.

101 This delegation also complained about a lack of timely payments to the oil-defence forces (Radio Tamazuj, 2014c).

102 Author interviews with Agwelek members, location withheld, July 2015.

103 Author interviews with Agwelek members, location withheld, July 2015; author interview with Renk civilians, Renk, July 2015. See also Agwelek Forces (2015).

104 This silence evoked that of the administration during the CPA period, following attacks on the Shilluk community in 2009 and 2010, and thus deepened the community's distrust of the administration.

105 Author interview with the minister of information, Upper Nile, Renk, July 2015.

106 This is political rhetoric not supported by interviews with any of the forces involved.

107 Author interviews with Simon Kun Puoc, former governor of Upper Nile, Renk, July 2015.

108 A more extreme variant of the story of Olonyi's political and military build-up is that some members of the SPLA—including Paul Malong—pushed Olonyi, telling him that one of his men could be governor and that he could be the overall SPLA commander for the Greater Upper Nile region. The story goes that these promises prompted Olonyi's stand-off with the Upper Nile administration, which felt threatened by Olonyi. (Author interviews with SPLM politicians, Juba, June 2015.)

109 Author interview with Agwelek and TFNF fighters, locations withheld, June–July 2015. As of February 2019, Abango is in Juba on military trial for treason, along with Stephen Buay.

110 Author interview with Simon Kun Puoc, former governor of Upper Nile, Renk, July 2015.

111 Author interview with Simon Kun Puoc, former governor of Upper Nile, Renk, July 2015; Radio Tamazuj (2015b).

112 This criticism was indeed forthcoming. See, for example, Radio Tamazuj (2015d).

113 In contrast, the governor's version of this story claims that Olonyi had already decided to rebel and had already contacted the SPLA-IO, and that these negotiations were only there to put the blame on the governorship of Upper Nile. These contestations are unprovable but not implausible. Whether or not they are true, it was structural shifts in politics in Upper Nile that made such strategies *thinkable*—which is to say that, if Olonyi was already negotiating with the SPLA-IO, it was only because he had already, in effect, been forced out of the GRSS (author interview with Simon Kun Puoc, former governor of Upper Nile, Renk, July 2015; author interview with SPLA Major-General Ayok Ogat, Juba, July 2015). It is noticeable that, immediately following Olonyi's flip, Ogat was put under house arrest in Juba, confirming the plausibility of Olonyi's concerns about going to the capital.

114 Author interviews with SPLA-IO fighters, location withheld, July 2015.

115 For the official press release, see Sudan Tribune (2015b).

116 Carlo Kuol was part of the SSLM/A dissident militias during the CPA period, and had a relationship with Olonyi from the period when they were both stationed at sites inside Sudan (Craze and Tubiana, 2016, pp. 33–37).

117 Author interview with Agwelek officer, location and date withheld.

118 Author phone interviews with Agwelek members, July 2015. 'GPAA' refers to the Greater Pibor Administrative Area under David Yau Yau—now governor of Boma state—which had relative autonomy from the state administration in Jonglei before its dissolution. It is notable that the GPAA now has widespread currency in South Sudan as something of an autonomous ethnic ideal (see Todisco, 2015).

119 In contrast, Kiir's 2 October 2015 decree would have absorbed the city of Malakal into Eastern Nile, while Western Nile would be cut in two, with a northern part composed of Fashoda and Manyo counties and a non-contiguous southern part comprising only Panyikang county, with Malakal county cutting up Western Nile. Kiir's proposal would weaken the Shilluk's ability to govern themselves and leave the west bank of the White Nile population reliant on Eastern Nile for safe passage between its two halves. It is a classic case of using boundary-making practices to split the opposition.

120 Puoc, however, claims he dismissed Fidele because of corruption (author interview with Simon Kun Puoc, former governor of Upper Nile, Renk, July 2015).

121 Author interviews with SPLA officers, Juba, July 2015.

122 SAF have been unwilling or unable to substantively support Olonyi; the SPLA-IO has also been unable to secure regular supply lines. See Craze and Tubiana (2016, pp. 113–26) and CAR (2018, pp. 35–46). For the GoS, intermittently supplying South Sudanese rebel groups with arms fulfilled a useful strategic function during the CPA period, in that it created disorder and allowed the Sudanese government to press their claims to land and resources at the negotiating table. Since the outbreak of the civil war, however—and prior to events in Sudan in mid-2019—the Sudanese government's priority in South Sudan has been to ensure the flow of oil resumes, through which it gains a significant income in transit fees. The possible provision of materiel to rebel groups might threaten that income, as rebel groups might block or interrupt sites such as Paloich.

123 Author telephone interview with Agwelek officer, December 2015.

124 Author interview with residents of Melut, location withheld, July 2015.

125 Author interview with oil-security officer, nationality withheld, Juba, June 2015 and December 2017. See also Radio Tamazuj (2015f).

126 Author interviews with oil-security officials, European contracting company, Juba, June–July 2015.

127 Author interviews with manager at Nilepet and accounts manager at Dar Petroleum, Juba, June 2015 and December 2017.

128 Author interviews with manager at Nilepet and accounts manager at Dar Petroleum, Juba, June 2015 and December 2017. Security officers, names, and companies withheld, Juba, June 2015.

129 On 23 May, high-ranking members of the GRSS, including Kuol Manyang Juuk, visited Melut and Paloich and praised the oil workers for holding their ground and staying in position (author interview with former oil guards from Paloich, location withheld, July 2015).

130 Agwelek forces claim only one barge was destroyed, while the Upper Nile minister of information at the time claimed all three barges were destroyed (author interviews with state personnel, military personnel, and Agwelek members, Renk and its confines, June 2015).

131 Author interviews with UN staff, June 2016. Author interview with international expert, June 2016. Author interview with oil-security officers, June 2015. See also UN PoE (2015, pp. 19, 22, 30; 2016, pp. 21–22).

132 Author interview with SPLA-IO member, location withheld, June 2015.

133 The demographics of the Malakal PoC site echoed the dynamics of the conflict: Dinka would flee to the site when Olonyi occupied the city, and the Shilluk conversely would come out. The inverse would occur when the SPLA retook the city. Correspondingly, at least some of the civilians inside the PoC site are thought of as enemies and potential soldiers by one side or the other.

134 Author interviews with SPLA officers and militia leaders, Renk, July 2015.

135 Bol was appointed after Peter Boaw, who had been in control of the government forces during the first Olonyi assault on Malakal, was reprimanded and sent to Juba for failing to keep control of the city. Bol had been an SPLA 8th Division commander in Jonglei during the 2010 offensive against David Yau Yau.

136 Author interviews with former Melut county police officers, location withheld, July 2015.

137 Author interviews with humanitarians and UNMISS personnel, Malakal, July 2015.

138 Author telephone interview with UNMISS staff, Malakal, August 2015.

139 The PoC site thus became one of the most central political sites in Upper Nile, as it was the only remaining significant Shilluk presence in the contested territories.

140 The UN PoE has identified at least four Mi-24 helicopters active in South Sudan (see UN PoE, 2015, p. 19).

141 Telephone interviews with UN personnel, July 2015; and with Shilluk residents of the PoC site, Malakal, July 2015.

142 See UN PoE (2016, para. 33, p. 15). See also para. 9, p. 6, which states: 'Many senior SPLA officers have confirmed to the Panel that only Kiir and the Chief of General Staff of SPLA, Paul Malong, have the authority to order the deployment of those helicopters'.

143 UN PoE (2016, para. 55, p. 21).

144 Author interviews with humanitarians, Malakal, July 2015; author telephone interviews with humanitarians, Malakal, August–September 2015.

145 Author interviews with humanitarians, Malakal, July 2015; author telephone interviews with humanitarians, Malakal, August–September 2015.

146 Author interview with Upper Nile ministers, Renk, July 2015.

147 Radio Tamazuj (2015g). HSBA researcher present for the speech. Stephen Buay was moved and appointed 4th Division commander in Bentiu in December 2015, amid fears he would rebel, and to assuage the dominance of Nguen Monytuil in Unity state. He was first

arrested, allegedly at the behest of Nguen Montyuil, in February 2016 (Craze and Tubiana, 2016, p. 139). He was then redeployed to the 5th Division in Wau, before he left his post and travelled to Unity state. There, he feuded with Monytuil and Puljang in Mayom county—the birthplace of all three Bul Nuer leaders—and was arrested again in May 2018. As of June 2019, Stephen Buay is awaiting judgement, having stood trial for treason in Juba under a military court martial.

148   Author interview with Ayik Akuei, then member of parliament for Renk, Renk, July 2015, among others.

149   Author interviews with Shilluk elders, Juba, June 2015.

150   Author interviews with Malakal and Renk residents, in Malakal and Renk, June–July 2012.

151   Young (2015, pp. 59–60). Though it should be noted his brother Gatwich Puoc immediately sided with the opposition generals around Peter Gatdet and Gathoth Gatkuoth.

152   Author telephone interviews with UNMISS personnel, Juba and Malakal, August 2015.

153   Author interviews with Upper Nile ministers and Shilluk civil servants, Renk, July 2015.

154   Author interviews with UNMISS officers, Malakal, July 2015. These attacks included militia forces waylaying buses travelling along the White Nile and harassing and killing civilians who ventured beyond the walls of the PoC site, July–August 2015.

155   Online author interviews with UN humanitarians and Shilluk elders, Malakal, February–March 2016.

156   Author interview with William Othon, former governor of Upper Nile, Juba, July 2015.

157   Author telephone interviews with Shilluk intellectuals, January 2016. See also Sudan Tribune (2016a).

158   Author interview with SPLA Major-General Ayok Ogat, Juba, July 2015.

159   Author telephone interview with Malakal MVT team, Malakal, September 2015.

160   Author telephone interviews with Agwelek officers and humanitarian personnel, Upper Nile, August–December 2015.

161   Author interviews with Shilluk residents, Malakal PoC site, July 2015.

162   Author interviews with Shilluk residents, Malakal PoC site, July 2015; Radio Tamazuj (2015h).

163   Author interviews with humanitarians, Malakal, July 2015; author telephone interviews with humanitarians, Malakal, January and February 2016.

164   Author interviews with humanitarians, Malakal, July 2015; author telephone interviews with humanitarians, Malakal, January and February 2016.

165   Author telephone interviews with humanitarians, Malakal, February 2016.

166   Author telephone interviews with humanitarians, Juba and Malakal, February and March 2016.

167   Author telephone interviews with humanitarians, Malakal, February 2016; HSBA (2016a, p. 19).

168   There are several excellent studies of the attack on the Malakal PoC site, including CIVIC (2016) and MSF (2016). All of these studies inform this brief summary, which is also based

on a prior HSBA report (2016a). For reasons of space, this study will omit any consideration of UNMISS and its actions, and rather focus on placing the attack on the PoC site within the broader context of the conflict on the east bank of the White Nile.

169   The press statement is not a printed source; it was a statement given to the press. The official press statement can be found in UNMISS (2014).

170   Author telephone interviews with UN investigators, March 2016.

171   The situation somewhat stabilized in 2018, and only seven humanitarian access incidents were recorded in January 2019 (OCHA, 2019).

172   Conversations with humanitarians, Malakal, July 2015; Juba, December 2017. For a discussion of this issue more generally in South Sudan, see CSRF South Sudan (2018).

173   Author interviews with Solidarité staff, Malakal, July 2015.

174   Author interviews with humanitarians, Malakal, July 2015.

175   Author interviews with UNMISS officers, Malakal, July 2015.

176   The state government's refusal to pay Shilluk functionaries must also be seen in light of these strategies, for such pay constitutes a vital source of income for families in Fashoda, Manyo, and Panyikang counties.

177   For a comparative study of Unity State, see Craze and Tubiana (2016, p. 142).

178   Author interviews with humanitarians, Malakal, July 2015.

179   Author interviews with humanitarians, Juba, December 2017.

180   Author interviews with humanitarians, Juba, December 2017.

181   Author interviews with humanitarians, Juba, December 2017.

182   For an analysis of neutrality in humanitarianism in South Sudan more generally, see Craze (2016).

183   Author interviews with Manyo county commissioner, Renk, June 2015 and with Renk county commissioner, Renk, June 2015.

184   Author interviews with members of the international community, Washington, DC, July 2016.

185   Author telephone interviews with Agwelek members, January 2017.

186   See, for instance, the resignation letter of Henry Oyay Nyago, the Shilluk director of military justice and a judge advocate general, which warns of increasing ethnic tension within Kiir's government (UN PoE, 2017a, para. 24, p. 9).

187   An SPLA governor for Fashoda state would be appointed only in September 2017, by Taban Deng. The position went to Thieb Ajak Okij, previously one of Olonyi's lieutenants, who changed to the side of Taban Deng's SPLA-IO on the promise of the governorship.

188   Indeed, on his appointment, Kiir explicitly directed Monybuny to work together with Taban Deng. See Sudan Tribune (2017).

189   Interview with Padang Dinka from Central Upper Nile, Juba, December 2017.

190   Amnesty International (2017, pp. 6–7) interviewed multiple witnesses who attested to the presence of Dinka militia forces fighting alongside the SPLA during these clashes.

191   Author telephone interviews with displaced Shilluk, Malakal and Nairobi, February–April 2017. UNHRC (2018b, para. 76) found that 'there are reasonable grounds to believe that an SPLA aircraft bombed areas near Wau Shilluk'.

192   Author telephone interviews with MSF personnel in Upper Nile, 15 December 2016–15 February 2017; author telephone interviews with Malakal residents, March and September 2017; CTSAMM (2017a); OCHA (2017a).

193   The population of Wau Shilluk before the 2017 clashes was reportedly 20,400 (OCHA, 2017a, p. 1).

194   Author telephone interviews with humanitarians, Malakal, February 2017.

195   Another major population in Malakal town are Dinka IDPs from Melut and Khor Adar, who settled in Malakal rather than returning home, where there was little in the way of basic services (IOM, 2018, p. 4).

196   Ethnic cleansing is not considered a war crime in its own right in international law. The UN Security Council and UN General Assembly have used the term, however, and it has now entered into contemporary terminology related to war crimes. For an example of contemporary usage, see Al Jazeera (2017).

197   While the author did interview some of the commanders involved in these attacks, he was unable to establish with sufficient detail the precise set of commands, and the commanders in question, which led to the attacks on the Shilluk from 2015 to 2017.

198   In this regard, it is important to recognize that widespread aid diversions mean the GRSS is not wrong in thinking that aid is a political weapon and will go to opposition forces (and vice versa in government-held areas); this is part of the logic of the conflict in South Sudan.

199   The manipulation of market prices is another way in which a wealth transfer is effectuated in times of war; see CSRF South Sudan (2018, pp. 9–10).

200   Telephone interviews with Shilluk individuals, Nairobi, Kenya, August 2019.

201   Author interviews with Shilluk intellectuals, Juba, December 2017.

202   Author interviews with humanitarians, Juba, December 2017.

203   A ceasefire was agreed on 21 December 2017 but none of the parties kept to their commitments. On 29 December 2017, IGAD—the regional organization monitoring the ceasefire—released a statement condemning violations of the agreement committed in the days following its signing (IGAD, 2017).

204   In theory, Taban Deng rejoined the government in May 2018, and dissolved his separate faction of the SPLA-IO; however, given that it retained a distinct sense of military priorities and its own dynamics, this report uses the name of his faction when delimiting a body of interests and strategies.

205   As Boswell (2018) notes, Bashir had more leverage over both sides than the Ethiopians, and wanted to ensure stability to allow oil to flow once again in Unity state, and thus have the ailing Sudanese economy benefit from pipeline export fees. Other signatories included Gabriel Changson for the South Sudan Opposition Alliance and Deng Alor for the SPLM Former Detainees.

206   CTSAMM (2018). Note that CTSAMM, the prior monitoring mechanism, has now changed its name to the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism (CTSAMVM).

207 In January 2019, the chairman of the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism (CTSAMVM) reported large-scale SPLA military build-up in the Equatorias and at Yei, and clashes between Equatorian groups and the South Sudanese army (CTSAMVM, 2019). The chairmanship of the CTSAMVM changed on 27 November 2018.

208 Author telephone interview with Shilluk informants, February 2019.

209 As Ryan (2019) notes in his recent survey of the R-ARCSS, the GRSS is highly unlikely to pay for opposition cantonment; the international community, with its strained humanitarian budget, is also unlikely to foot the bill.

210 While the R-ARCSS refers to borders between groups as they existed on 1 January 1956—the date of Sudan's independence—no single map shows southern Sudan on that day, and so historical interpretations must be made.

211 Author telephone interviews with analysts, Nairobi and Juba, January–March 2019.

212 Revitalized Transitional Government of National Unity—the rather cumbersome acronym given to the government that is supposed to emerge from the R-ARCSS peace process.

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