

WARID: Sudan (SPLA, NDA) 1983-2004

STARDATE: 17 May 1983

ENDDATE: 31 December 2004

Related cases: Uganda (LRA) 1988-1991

Ethiopia (EPRP, TPLF, EPDM, EPRDF) 1976-1991

Ethiopia (ELF, ELF-PLF, EPLF) 1964-1991

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Conflict overview

The Second Sudanese Civil War between the Sudan People's Liberation Movement/Army (SPLM/A)¹ and National Democratic Alliance (NDA) – an umbrella organization of both armed and non-armed opposition groups – on one side, and the Government of Sudan (GoS), on the other can largely be viewed as the resumption of the First Sudanese Civil War.² The first war, lasting from 1955 to 1972, was fought between the southern rebels from the Anyanya Rebellion and the Sudanese central government; it ended with the Addis Ababa Agreement³ that granted the South substantial autonomy (Ahmad 2010: 6).

While the rebels SPLM/A had already existed at the beginning of the second war, the opposition coalition, the National Democratic Alliance, was set up in October 1989, shortly after Sudan's President, Omar al-Bashir, succeeded in strengthening the National Islamic Front (NIF) (Hoile 2002: 43). The NDA consisted of both political and military opposition forces. The NDA's main goals were political pluralism and a peaceful solution for South Sudan, outlined in the Asmara Declaration of 1995⁴; these aims are quite similar to those of the SPLM/A. The NDA attempted to stop measures that would lead to the country's division. The original aim of the SPLA – the principal rebel protagonist in this conflict – was to achieve a united 'New Sudan', but one that was secular, multi-ethnic and granted more rights to the southern area (Bankie 2007: 6; Morrison/De Waal 2005: 169; Raftopoulos/Alexander 2006: 12f.). When SPLM/A leader John Garang died shortly after the signing of the Comprehensive

1 The SPLA is sometimes also referred to as the Sudanese Liberation Movement (SPLM), presented as the political wing of the SPLA (IISS 2013: 484).

2 The close link between the two wars can be seen in the fact that they were sometimes considered to be a single conflict from 1955 to 2005, with an eleven-year ceasefire (Deng 2001: 13).

3 http://peacemaker.un.org/sites/peacemaker.un.org/files/SD_720312_Addis%20Ababa%20Agreement%20on%20the%20Problem%20of%20South%20Sudan.pdf (3 Feb 2014).

4 Asmara Declaration on Fundamental issues, available in Arabic at www.umma.org/09.htm (11 Feb 2014).

Peace Agreement (CPA),⁵ the rebels decisively opted for the independence of South Sudan (Bankie 2007: 7ff; Natsios 2012: 67f.). The two groups criticized, in particular, the economic and political marginalization of the South that led to extreme regional imbalances (Ahmad 2010: 3f; Brosché 2007).⁶ In contrast, the Sudanese government, represented by different parties throughout the conflict, aimed for a united Sudan under Shar'ia law (Natsios 2012: 6, 54). During the civil war, which lasted 259 months [**WARDUR=259**], a number of peace negotiations failed. After several years of bargaining, the CPA was agreed upon in January 2005. The agreement was signed by the SPLM and the National Congress Party (NCP), which represented the GoS (Ahmad 2010: 8).⁷ The Uppsala Conflict Data Program (UCDP) and other sources regard this agreement as the official end of the civil war [**WARENDUC=1; WARENDOS=1**].⁸

According to the UCDP, the battles cost 40,181 lives; victims of non-state violence committed by the warring factions amount to 6,522, and one-sided violence committed by the warring factions cost 7,349 lives, totaling 54,052 deaths [**FATALUC=54000**].⁹ Fatality estimates from many other sources strongly deviate from these UCDP numbers. The United Nations (n.d. a), the International Crisis Group (2002a: 1) and Tull (2005: 2) – to name only a few – speak of 2 million war-related victims through the end of 2002, and thus of over 2 million victims resulting from Sudan's civil war. In one publication, the UCDP proposes a figure of 2 million victims until the end of 2002, though related to famine and disease as well as violence [**FATALOS=2000000**].¹⁰ Depending on the source used, this means that the civil war killed between 1% to almost 40% of South Sudan's pre-war population [**PREWARPO=5000000; INTENSUC=1.08; INTENSOS=40.0**].¹¹

5 https://peaceaccords.nd.edu/site_media/media/accords/SudanCPA.pdf (7 Mar 2014).

6 IISS 2005: 360.

7 SIPRI 2005: 95.

8 Schafer 2007: 1.

9 The UCDP counts 40,181 direct victims of war between the NDA/SPLM/A and the Sudan Armed Forces. It traces back to two non-state conflicts as the origins of an internal SPLM/A conflict (SPLM/A vs. SPLM/A-WN; SPLM/A vs. SSDF) and interprets SPLM/A vs. UNRF; SPLM/A vs. WNBf; SPLM/A vs. LRA as wars-by-proxy between the governments of Uganda and Sudan. Thus, 6,522 lives were lost in non-state violence directly caused by the civil war. To assess the relevant number of victims from one-sided violence, the total number of victims of one-sided-violence by the government is divided by two from 1996-2001 (NDA, SPLM/A), divided by three in 2003 and 2004 (vs. JEM, SLM/A, SPLM/A), and is not divided from 1983 through 1995 or for 2002 (SPLM/A). One-sided violence committed by SPLM/A fighters against civilians is not divided since all non-state violence by the SPLM/A relates to the civil war (UCDP n.d. a).

10 UCDP n.d. a.

11 See <http://data.worldbank.org/indicator/SP.POP.TOTL> (2 Jan 2015).

The military balance at the end of war

During the war, the SPLM/A – alone or in a coalition with the NDA from 1996-2001 – controlled most of the southern regions. The SPLM/A still largely controlled these areas at the end of war **[REBTERR=1; MORETERR=1]**.¹² Their relative fighting capacity is found to have been ‘low’ by Cunningham et al. (2009). Case experts acknowledge the fact that the GoS profited from comparative advantages in equipment (especially air power), logistics and income (Haywood 2014: 151ff., 157f.; ICG 2002a: 5). These advantages all expanded in the late 1990s and early 2000s mainly due to oil revenues but also due to friendly relations with China and Iran (Glickson 1995: 49, UCDP n.d. a). However, experts also highlight that the SPLM/A disposed of greater manpower, and of greater morale and motivation amongst its fighters; it could therefore engage the GoS in conventional ground battles with high intensity (Haywood 2014: 151f.; ICG 2002a: 5f.). These advantages expanded once the coalition with the NDA led to the opening of a second war front in the north, closer to Khartoum¹³ (Haywood 2014: 152; ICG 2002b: 5). The SPLM/A’s capacity to resist mounting government offensives began to be threatened in the early 2000s. Their military capacity was significantly diminished when the USA decided to cooperate with Khartoum in counterterrorism activities after September 2001 (Haywood 2014: 156f.). The GoS’s military campaigns also became more sophisticated and more intense: the exportation of oil that started in 1997 continuously provided income to the national government, and military expenditures rose significantly.¹⁴ However, the SPLM/A was able to hold its ground and capture some towns while losing others to the GoS.

The military balance was relatively equal until 2002. Between 2002 and 2004, the SPLM/A had to accept an increased number of military defeats (Haywood 2014: 158; ICG 2002a: 3f.). They still successfully blocked GoS explorations of oil fields in the south that were needed to sustain the revenue flow. Despite heavy casualties on both sides, the SPLM/A was consistently strengthened by new volunteers in large numbers (ICG 2002a: 6). They also regularly captured large stocks of the military’s weapons through ambushes, as pointed out by the review-

12 Cunningham et al. 2009; Glickson 1995: 47; ICG 2006: 10.

13 The GoS was having difficulties sourcing soldiers at the time; this was a major tactical step by the rebels that could partly offset the omission of support by Eritrea and Ethiopia (Haywood 2014: 152; ICG 2002b: 5).

14 According to Human Rights First, Sudan’s military expenditure rose from 15.4 million USD in 1997 to 104 million USD in 2003. They rely on data from the SIPRI Military Expenditure Database for their report, which can be accessed via <http://www.humanrightsfirst.org/wp-content/uploads/pdf/080311-cah-arms-sales-fact-sheet.pdf> (16 Mar 2015).

er.¹⁵ Thus, we overrule Cunningham et al. (2009) and code, in accordance with most case experts, the rebels' relative fighting capacity as moderate [**REBFIGHT=0**].

No warring party captured or killed its opponent's leader shortly before or at the end of war [**LEADER=0**].

Case experts do not deem any of the warring parties as a military victor. Ahmed (2009: 136) writes that both sides were aware of a military victory being unlikely before entering the peace process. Both sides could have continued fighting had they decided to do so. Instead, mounting pressure from the USA and other countries that held a strong interest in importing oil from Sudan – and therefore preferred peace – seem to have played a critical role in negotiations [**CONFIGHT=0; VICTORY=0**].¹⁶

The military balance at the end of war was in slight favor of the rebels, resulting mainly from their control of disputed territory [**WARBAL=0.33**].

The military balance in the post-war period

According to the CPA, the SPLA and the Sudanese Armed Forces (SAF) were to continue to exist as separate forces during an interim period of more than six years. This means that both warring factions had separate forces at their disposal [**SEPFORCE 2005-2011=0**]. These were to be the only armed forces within Sudan. Both were to receive equal recognition as Sudan's National Armed Forces and both were to proportionally downsize their forces. All SPLA forces were to be redeployed into the south of Sudan within eight months whereas all SAF forces were to be redeployed to the north within 30 months, in line with the 1956 frontiers. Joint Integrated Units (JIU) were to be formed with equal numbers from each side for the duration of the interim period. These forces could be stationed in any area in Sudan, representing a national army for the entire country during the interim period. The JIUs were to be comprised of military officials from both sides, have an alternating chair, and make decisions by consensus only (Brosché 2007).¹⁷ Although the redeployment of SPLA and SAF forces and the deployment of JIU forces were delayed for some months, the CPA regulations above were implemented (HSBA 2008: 4f.). Both sides thus significantly participated in the state's military forces [**STATEFOR 2005–2011=0**]. There is no reliable data on the force level of

15 This is confirmed by HRW 2003a and Gramizzi/Tubiana 2013: 16.

16 Haywood 2014: 158f.

17 See the Agreement on Security Arrangements During the Interim Period from 25 September 2003, available at: <http://www.ucdp.uu.se/gpdatabase/peace/Sud%2020030925.pdf> (4 Jan 2015). The JIU are strategically significant because they allow both warring parties to hold military presence in contested areas, such as the oil fields or the states of South Kordofan and Blue Nile more generally. They also allow the SAF to remain present in the south of Sudan during the interim period (HSBA 2008: 2).

SPLM/A troops or on the arms that the rebels had at their disposal during the post-war period **[TROOPS 2005-2011=n.d.; ARMS 2005-2011=n.d.]**.

Areas of strategic importance to both parties were the states of Abyei, Blue Nile and South Kordofan. These regions were significant for their oil reserves, extremely fertile land, and, not least, for their inhabitants who were largely drawn into fighting during the civil war and still constituted armed militias after the war. The CPA guaranteed both parties a political and military presence in these regions; for the interim period, the governorship of these states was to be rotational (Ahmed 2009: 140f.). However, these areas remained highly contested areas of armed conflict throughout the post-war period, with local actors who pursued their own agendas.¹⁸ It would therefore be an exaggeration to attribute lasting control to either warring party. Popular consultations about the status of these regions never took place as planned or they became an issue of further conflict themselves **[TERRCON 2005-2011=0; TERRWIN 2005-2011=0]**.¹⁹

There were no indications of strategic vulnerability in either of the parties' territories during the interim period **[VULNERAB 2005-2011=0]**.

From March 2005 until July 2011, the United Nations Mission in Sudan (UNMIS) was present in the country, consisting of civilian, military and police components. After the South's independence, the peacekeeping effort was resumed under the UNMISS (United Nations Mission in South Sudan). From June 2011 onwards, the United Nations Interim Security Force for Abyei (UNISFA) further supported international peacekeeping efforts in Sudan **[PEACKEEP 2005-2011=0]**.²⁰

Throughout the post-war period, there was no indication that a permanent member of the UN Security Council would have intervened on behalf of either side in the case of a renewed conflict **[P5ALLY 2005-2011=n.r.]**.

The military balance between the two factions was even during Sudan's interim period **[POSTBAL 2005-2011=0]**. In sum, the military balance at the end of war and in the post-war period slightly favored the side rebelling at the beginning of the war **[BALANCE 2005-2011=0.17]**.

18 See Crisis Group 2013: 31ff. for conflicts between national and local agendas in the Blue Nile region.

19 HSBA n.d. b; HSBA 2008: 5; Kramer 2013.

20 See <http://www.un.org/en/peacekeeping/> for more detailed information (15 Mar 2015).

Economy

Table 1: The gross domestic product (GDP) per capita in Sudan in current USD²¹

<i>Year</i>	<i>Population (total)</i>	<i>GDP per capita</i>
2005	31,585,871	669
2006	32,397,535	879
2007	33,218,250	1094
2008	34,040,065	1263
2009	34,853,178	1198
2010	35,652,002	1440
2011	36,430,923	1617

Table 2: GDP per capita in South Sudan in current USD

<i>Year</i>	<i>Population (total)</i>	<i>GDP per capita</i>
2005	8,039,351	n.d.
2006	8,376,893	n.d.
2007	8,736,736	n.d.
2008	9,118,386	1705
2009	9,520,571	1285
2010	9,940,929	1582
2011	10,381,110	1814

The scale of compromise after the war

In accordance with CPA regulations, the SPLM held 70% of the appointed positions in the government of South Sudan, comprising the disputed territory during the civil war. The remaining positions were divided between the NCP (10%) and other southern parties (20%). The SPLM also held 28% of appointed positions in the Government of National Unity (GoNU) –the NCP held 52%, 14% were reserved for other parties from the north and 6% for those from the South. Similar regulations were implemented for the ten federal governments in South Sudan: the SPLM held 70%, the NCP held 20%, and other southern parties held 10% of appointed positions. In the contested states of Blue Nile and South Kordofan, the SPLM held 45% of the appointed positions in the federal governments. Finally, 20% of appointed positions were reserved for the SPLM/A in all other Northern states (CPA 2005; ICG 2006: *i*). However, the CPA determined that elections were to be held in 2009, though they were postponed until April 2010. In the South, the SPLM's presidential candidate, Kiir, won 97% of the vote in elections marred by harassment and oppression of opposition parties (LeRiche/Arnold

21 Data for both tables retrieved from: <http://data.worldbank.org/indicator/SP.POP.TOTL> (21 Dec 2014) and <http://data.worldbank.org/indicator/NY.GDP.PCAP.CD> (21 Dec 2014).

2012: 131; The Carter Center 2010: 3ff.). According to the Bertelsmann Transformation Index (BTI), the SPLM had the effective power to govern in South Sudan.²² Hence, only the rebel side participated in the government of the disputed territory – without the NCP since 2010 [**GOVERN 2005-2009=0; GOVERN 2010-2011=1**].

When focusing on South Sudan as disputed territory, there were no political decisions that required any degree of consent from the former warring factions. For cases in which specific majorities were required in the South Sudan legislative assembly, these were defined as two-thirds majorities. Taking into account the SPLM's share of 70% of the seats, consent by the NCP was not needed to take decisions; the SPLM practically dominated the assembly after the 2010 elections [**VETO 2005-2011=1; VETOSAT 2005-2011=n.r.**].²³

Sub-state elections in 2010 were the only ones that took place in South Sudan during the interim period. These were heavily criticized by national and international observers as not being transparent, free and fair (FIW 2014; HSBA 2011: 3). Opposition members were arbitrarily arrested and observers were intimidated by security forces. Voters were threatened and violence was used to create a climate of oppression and to ensure victory. However, both parties were allowed to participate. On the national level, both parties remained in government as defined by the CPA [**ELECT 2005-2011=0**].²⁴

The SPLM/A / NDA had fought for autonomy and self-determination, possibly leading to independence, for the southern part of the country (Ahmed 2009: 139f.; Haywood 2014: 149). The CPA guaranteed the South the right to self-determination through a referendum after an interim period of six-and-a-half years, including the option of independence. Meanwhile, the South was to have a large degree of autonomy and to be integrated into the GoNU. Southern autonomy had been a precondition for the earliest IGAD talks (Haywood 2014: 155; UCDP n.d. a). The implementation of these regulations marked a clear prevalence of the former rebels' aims [**EXBORDER 2005-2011=1**].

The Protocol on the Resolution of Conflict in Abyei determined that its status – either as a region with special administrative status in Sudan or as part of a South Sudanese state – was to be voted on in a referendum for the people living in Abyei. This referendum had not been held by the end of the period under investigation. The decision was passed on to different committees but a final agreement was never reached. NCP armed forces occupied the entire area, i.e. the SAF (LeRiche/Arnold 2012: 123). The CPA and the Protocol on the Resolution

22 BTI 2014: 7.

23 Important to note, however, is that some degree of consent is needed for political decision-making and especially for amendments to the constitution at a national level. The First Vice-President, who is the leader of the SPLM/A, has the power of veto on all national issues (Ahmed 2009: 141; CPA 2005: 20).

24 FIW 2011; HSBA 2011: 3.

of Conflict in Southern Kordofan/Nuba Mountains and Blue Nile States set out that the status of these regions was to be clarified through popular consultation. These two regions remained part of Southern Kordofan, part of Sudan, by the end of the period under investigation. Although the conflicts about the three areas remained unresolved, the Sudanese government prevailed over the SPLM on the issue of demarcation [**INBORDER 2005-2011= -1**].

Along with the fight for certain territories, the parties also fought over the allocation of political competences between North and South Sudan. The SPLM achieved its goal: the Autonomous Region of South Sudan enjoyed political competences during the interim period. As such, the side rebelling at the beginning of war prevailed on this issue [**COMPETEN 2005-2011=1**]. Although the SPLM/A stated during the 1980s that its goal was to oust the regime in Khartoum and create a Socialist Sudan, the economic order of Sudan or of South Sudan was no longer an issue of conflict after the end of the Cold War [**ECONOMY 2005-2011=n.r.; SPECPRO 2005-2011=n.r.**].²⁵

Case experts identify two further issues that were critical objects in Sudan's civil war. When oil was discovered in Sudan in 1978, it quickly became evident that Khartoum was not ready to share revenues with the country's peripheries despite the fact that the autonomous southern regional government was legally entitled to revenues from natural resources in the south. Considering that the oil fields were found largely in the southern part of the country and that the exploitation of oil led to forced displacement and cleansing in these areas, the SPLM/A demanded a share of the revenue (HRW 2003b: 96; Haywood 2014: 155f.; UCDP n.d. a). During negotiations, the SPLM/A demanded that 5% of the oil revenues be allocated to the relevant oil-producing state, that 60% of the revenue flow to the Government of South Sudan (GoSS) if the oil was produced there, and that the remaining 35% should be allocated to the GoNU (Tellnes 2004: 76). The GoS demanded the collection of revenues from oil as a national resource. It proposed the distribution of a share of GoNU's total revenues to the GoSS as compensation. The GoS also argued that investing in the development of the oil fields significantly decreased due compensation to the GoSS. Finally, the CPA determined that 2% of oil revenues were to be allocated to the producing state and that the remaining 98% would have to be shared evenly between the GoS and the GoSS (Tellnes 2004: 76). Despite implementation problems in the wealth-sharing agreement, cooperation clearly improved after 2008: out-

25 UCDP n.d. a. This is not to say that questions of the distribution of wealth and especially the control over Sudan's oil resources became uncontroversial, as will be presented below. However, after the end of the Cold War, the economic order of Sudan was no longer part of the core debate between the warring factions.

standing payments were made, and the compromise was largely implemented during the post-war period [**ISSUE 2005-2007=-1; ISSUE 2008-2011=0**].²⁶

The second issue identified by case experts was the role of Islam in the state and the relevance of Sharia law for the non-Muslim Sudanese citizens (Fearon/Laitin 2006: 18; Haywood 2014: 149; UN n.d. a). Whereas the GoS proposed Sharia law as binding for the entire country, the SPLM/A demanded secular laws for non-Muslims. The former rebel side prevailed on this issue since the relevant protocol determined lifting Sharia law in the South as well as for all non-Muslims in the country [**ISSUE2 2005-2011=1**].²⁷ No new conflict issues emerged or were specifically voiced during the post-war period [**NEWCON 2005-2011=n.r.; NEWCON2 2005-2011=n.r.**].

In order to assess whether compromises, if enacted, tended to favor one of the warring factions, we must consider that the GoS preferred nationally based solutions during the peace talks and that the SPLM/A wanted to maximize its autonomy. The oil revenue issue was resolved through a compromise. By creating a separate revenue base for the South, this compromise was preponderantly in favor of the side rebelling at the beginning of war [**BENEFIT 2005-2007=n.r.; BENEFIT 2008-2011=1; BENEFIT2 2005-2007=n.r.; BENEFIT2 2008-2011=1**].²⁸

In terms of de facto implementation, the former rebelling side gradually won more acceptance for its demands than the side governing at the beginning of the war. This improvement stems from the implementation of the wealth-sharing agreement from 2008 onwards. As our reviewer points out, the NCP's initial refusal to implement the wealth-sharing agreement nearly led to the collapse of the peace agreement. However, the scale of compromise was rather balanced throughout the post-war period [**COMPROM 2005-2007=0.25; COMPROM 2008-2009=0.5; COMPROM 2010-2011=0.6**].

Stability of peace

South Sudan experienced a relapse into civil war soon after independence in July 2011. Two rebel groups – the South Sudan Democratic Movement/Army (SSDM/A) and the South Sudan Liberation Movement/Army (SSLM/A), later its Cobra faction – fought the South Sudanese government in the new state. All parties to the conflict were joined by armed groups, sometimes with changing alliances (UNMISS 2014). This conflict related to power and influence in South Sudan. Both the SSDM/A and the SSLM/A were supported by the GoS, making this

26 Wennmann 2011: 20.

27 Brosché 2007; Tellnes 2004: 13; UCDP n.d. a.

28 Tellnes 2004: 82ff.

a clear case of a renewed war, according to the strict definition.²⁹ Non-state violence also skyrocketed within this new conflict as a result of long-held support for and identification with one of the warring factions. The South-North conflict again escalated in 2012, now as inter-state war, over disputes of border demarcation. Even though these battles were fought at different levels (intra-state, inner-state and non-state) they can be seen as the continuation of the terminated civil war and therefore as one single conflict. The conflict reached 25 battle-related deaths in August 2011 according to UCDP, 80 months after the preceding war had ended. The threshold of 1,000 victims was reached in 2012 **[SAMEWAR=1; DATESAME=19 August 2011; ANYWAR=1; DATEANY=19 August 2011; PEACMON1=80; PEACMON2= 80]**.³⁰

Two additional conflicts shall be mentioned, even though they do not influence the coding: In December 2012, the SPLM/A-In Opposition under former Vice-President Riek Machar also engaged in armed violent conflict against the GoSS. Again, power in South Sudan was contested. The conflict between Sudan and South Sudan in relation to the non-demarcated borders continued in 2012 and cost the lives of over 360 people by the end of that year (UCDP n.d. b).

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29 The SSDM/A and the Government of South Sudan signed a peace agreement in February 2012. The SSLM/A fought the Government of South Sudan in 2011 and 2012 (UCDP n.d. b).

30 UCDP n.d. b.

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