

SITUATION UPDATE

March 2023



Upper Nile Prepares to Return to War

KEY FINDINGS

- After a lull in violence in January and February, armed actors are mobilizing for conflict in Upper Nile in March 2023. Johnson Olonyi's Agwelek forces, allied to the South Sudanese government, are recruiting on the west bank of the White Nile and have moved fighters from Megenis to Wau Shilluk, where their barges are currently moored.¹ There is a further build-up of Agwelek forces in Pakang, Panyikang county.
- The Agwelek's targets are the ports of Atar and Tonga, key trading posts along the White Nile. The militia's capacity to take these ports has been augmented by support from the South Sudan People's Defence Forces (SSPDF), including fuel for its barges and materiel.
- In response to the Agwelek mobilization, the Sudan People's Liberation Army-in-Opposition (SPLA-IO) and Nuer White Army forces are mobilizing youth in northern Jonglei and southern Upper Nile. The SPLA-IO has reinforced positions along the White Nile where Agwelek offensives are expected.
- The new governor of Upper Nile, James Odhok, is unpopular among his own Shilluk constituency, as he is thought to have sold out to the SPLA-IO chairperson, Riek Machar. His capacity to influence events on the ground is limited. Throughout Upper Nile, fractures in the government's control of the situation are evident.
- The commanders of the armed groups in Upper Nile are acting with different degrees of autonomy from their Juba backers, though ultimate responsibility for rising violence lies in the capital.
- A resurgence of violence will interrupt the distribution of urgently needed humanitarian supplies and services in southern Upper Nile and northern Jonglei.

¹ For a detailed account of the development and history of the Agwelek, see Craze (2019, pp. 31–76).

Context

The current wave of conflict in Upper Nile began when the Kitgwang faction split in August 2022.² Initial fighting pitted Olonyi's Agwelek against Simon Gatwich Dual's forces. In July–August 2022, this intra-factional fighting was transposed onto a broader canvas, with the Agwelek functioning as a proxy for the South Sudanese government in a series of clashes against a broader oppositional Nuer force composed of the SPLA-IO, the White Army, and Dual's Kitgwang faction.

After initial successes for Olonyi's Agwelek, two major mobilizations of Nuer youth in Ayod and New Fangak in September–October 2022—with the support of the Gawaar Nuer SPLA-IO Chief of Staff, Gabriel Duop Lam—decisively turned the tables in favour of the Nuer force. In November–December 2022, the White Army—largely under the command of the Gawaar Nuer prophet, Tut Makuach—rampaged through Panyikang county, killing Shilluk civilians, razing villages, and displacing more than 10,000 internally displaced people (IDPs) to Kodok. By the end of November, Nuer forces were advancing on Kodok itself. Only the decisive intervention of SSPDF Mi-24 attack helicopters prevented a massacre.

As of March 2023, the SSPDF were facing another major military decision. While the Agwelek could take Tonga by moving its forces south from Wau Shilluk, capturing Atar would require SSPDF acquiescence to Olonyi's barges moving south; however, since the SSPDF recently supplied the Agwelek with fuel—for its barges—and materiel, and have previously granted the barges a *laissez-passer* along the river, it is more likely to be a question of when, rather than if, Juba will sign off on an Agwelek military campaign.

While the regime of President Salva Kiir could intervene to prevent violence along the White Nile, the same cannot be said for the state government

of Upper Nile. Intense conflict in the state in the second half of 2022 led Kiir to honour an earlier request made by Machar to replace Abudhok Ayang Kur, the SPLA-IO governor of Upper Nile, with Abudhok's brother-in-law, James Odhok, the former state coordinator for Upper Nile. Odhok has proved no more capable of influencing events on the ground than his predecessor. The rest of the Upper Nile state government is composed of placeholders and figureheads, beholden to politicians in Juba.

Humanitarian targeting

Fighting in Upper Nile in the second half of 2022 displaced tens of thousands of people, and put additional pressure on the Protection of Civilians (PoC) site in Malakal—the last IDP camp under the protection of the UN Mission in South Sudan (UNMISS), and one that the UN mission has long sought to close.³ Agwelek mobilizations on the west bank of the White Nile at the end of February 2023 led more people to seek shelter in the Malakal PoC site, and much of the Shilluk population of the west bank remains displaced following the Nuer incursions of November–December 2022.

A resurgence of violence will critically affect Nuer communities in the south of Upper Nile, aggravating an ongoing humanitarian disaster. The most recent Integrated Food Security Phase Classification (IPC) for South Sudan, published in November 2022, claimed that some people in Fangak would suffer from devastating levels of food insecurity (classified as IPC Phase 5, or people facing catastrophe/famine) in the post-harvest period from December 2022 to March 2023. It also projected that some people in Pigi would also be in IPC Phase 5 during the lean season of April–July 2023 (IPC, 2022).⁴ Disruptions to humanitarian access to these communities will render them even more food insecure.

² For further details on the Kitgwang faction, its formation, and subsequent travails, see Craze (2022a, pp. 37–46) and Small Arms Survey (2021).

³ For further details on UNMISS's relation to the Malakal PoC site, see Craze and Pendle (2020).

⁴ It is impossible to determine whether the largely Shilluk county of Panyikang is also likely to be classified as IPC Phase 5 because the conflict prevented the gathering of sufficient data. Fangak and Pigi counties will be in IPC 4 (emergency) overall, though some individuals in both counties are expected to be in IPC 5.

A resurgence of armed conflict in the state would, once again, intentionally disrupt the distribution of urgently needed humanitarian supplies and services. Attempts to shape access to humanitarian resources have proved one of the main motors of violence in Upper Nile. In 2022, the principal rhetorical device employed by the SPLA-IO to mobilize forces in Ayod and Fangak was to claim that to ensure World Food Programme (WFP) distributions could occur, the Nuer needed military control of the White Nile. Humanitarian access became a spur to conflict. All belligerent parties have disrupted the distribution of humanitarian resources to putatively opposition populations and have turned humanitarian distributions into military objectives. In September–December 2022, the SPLA-IO and the Nuer White Army raided sites immediately after WFP distributions, as did the Agwelek. A resurgence of fighting in Upper Nile will not only lead to interruptions in distributions to vulnerable populations, but also highlight the way in which contentions over humanitarian aid represent a fundamental part of the conflict.

Smoke and mirrors

Resurgent conflict in Upper Nile is part of a broader trend in South Sudan, which sees both the government and the SPLA-IO fight wars in the peripheries, and then attempt to mask their accountability for these conflicts by attributing them to intra-opposition clashes or inter-communal violence. As the Small Arms Survey set out in a recent report, UNMISS and some within the diplomatic core have unfortunately tended to echo the government and the SPLA-IO's rhetoric.⁵

Both the government and the SPLA-IO leadership claim not to be involved in the conflict in Upper Nile. In this, if nothing else, Kiir and Machar are united. According to political actors in Juba, the conflict is fought between Shilluk Agwelek forces acting independently of the SSPDF and Nuer White Army forces fighting outside of the command structures

of the SPLA-IO. While it is true that the Agwelek and the White Army have a large degree of independence from the dictates of Kiir and Machar, such autonomy nonetheless has its limits. Both belligerent parties' denials of responsibility for events in Upper Nile are politically expedient rather than factually true.

Since the signing of the Khartoum Peace Agreement in January 2022, Kiir's regime has used the Agwelek as a proxy to weaken Machar's SPLA-IO and split the Kitgwang faction.⁶ Machar's SPLA-IO used the Agwelek's attacks on Nuer communities on the banks of the White Nile as an opportunity to reconstitute its beleaguered authority. The SPLA-IO had been involved in extensive recruitment of Nuer youth from August 2022 onwards and had an active command-and-control role in clashes with the Agwelek from September to December 2022. Obfuscating these lines of responsibility allows Kiir and Machar to pay lip service to the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS).

Holding onto the periphery

Kiir's regime walks a dangerous line. It has tried to maintain control of Upper Nile by peeling off Eastern Nuer commanders from Machar and making them dependent on Juba's largesse. To prevent these commanders' forces from constituting a genuine threat to Kiir's rule, the regime pits them against each other—borrowing from the playbook of former Sudanese dictator Omar al-Bashir, who successfully used divide-and-rule tactics to run Sudan for three decades. At present, the rivalrous government coalition in Upper Nile includes Eastern Nuer commanders, such as Ochan Puot in Maiwut; Shilluk commanders, most notably Olonyi; and Padang Dinka politicians. Fragmenting authority in the state allows Kiir to maintain his status as a power broker and ensures that all the belligerent parties remain dependent on government support. The dynamics created by this fragmentation, however, threaten to slip out of the control of Kiir's regime, and lead to an

⁵ For a detailed analysis of these dynamics at the national level and of the international community's rhetoric surrounding these issues, see Craze (2022b, pp. 12–16).

⁶ See Craze (2022a, pp. 38–46).

intensified war in Upper Nile that will break apart the nominal unity of the president's coalition. If Olonyi's forces successfully take Atar and Tonga with the assistance of the SSPDF, the stage is set for a drawn-out conflict on the southern border of Upper Nile, with the Agwelek controlling the riverine trade; the SPLA-IO, which appointed the nominal governor of the state, controlling much of the Sobat River; Ochan's forces controlling the border trade with Ethiopia; and the Padang Dinka controlling much of the north and east of the state. At present, only the SPLA-IO and the Agwelek are in conflict, though there are also intermittent clashes between the SPLA-IO and Ochan's forces. This situation could change rapidly, however, given the fragility of the government coalition.

Since 2018, violence has become the principal form of rule in South Sudan, as politicians in Juba have used clashes in the periphery to manoeuvre for positions in the capital. Violence is not an aberration in this context, but the very form of political power that state actors in Juba use to rule. Further clashes in Upper Nile are therefore not just likely, but inevitable.

Implications for the international community

Prior to the redesignation of PoC sites across South Sudan as IDP camps under the control of the South Sudanese government (aside from Malakal), UNMISS claimed that these sites prevented the mission from fulfilling its mandate to protect citizens elsewhere in the country, by taking up too many of the mission's resources. Despite the closure of nearly all the PoC sites, however, the UN mission failed to protect civilians during violence in Upper Nile from August to December 2022. When the population of Panyikang county was almost entirely displaced by rampaging Nuer forces that attacked civilians and razed villages, UNMISS did not establish a

single temporary operating base (TOB) in the area, despite stating that it would do so (UNMISS, 2022). Furthermore, in two major attacks against IDP camps (Adidyang in September 2022 and Aburoc in November 2022), UNMISS knew about the threat posed to these camps by armed groups, yet did not intervene to protect the camp's civilian populations. Moreover, during the White Army's assault on the west bank of the White Nile, some 20,000 IDPs fled to Kodok and assembled around the UN company operating base (COB).⁷ Although these IDPs faced imminent attack by the White Army, the UN mission refused to allow them to shelter within the COB at Kodok, and reinforced the base with only ten additional troops. This brought the total number of peacekeepers to approximately 120,⁸ which would have been completely inadequate to defend against a Nuer force of thousands. Only the SSPDF's deployment of helicopter gunships saved the UN mission from a massacre outside its walls. On 6 December, UNMISS planned to deploy further peacekeepers to Kodok but pulled back, as conditions were considered too dangerous for the soldiers.⁹ Simultaneously, however, UNMISS pressured the WFP to distribute food aid in Kodok without force protection. The mission feared that without distributions in Kodok, IDPs would come to Malakal, adding further strain to the overcrowded PoC site. The period of the conflict from August to December 2022 saw a marked increase in attacks immediately following aid distributions; if any such distribution had occurred, without force protection, it would have been extremely dangerous for the IDPs in Kodok.

Given the likelihood of a resurgence of violence in Upper Nile, a more robust and responsive approach to protecting civilians is called for from the UN, including the establishment of TOBs in conflict-affected areas. There were seven UNMISS TOBs in South Sudan as of early March 2023, but none of them were in the conflict zones of Upper Nile. While UNMISS should actively work to protect civilians who seek protection from it, as per its mandate, it

7 Author telephone interviews with international humanitarians, Shilluk IDPs, and UNMISS personnel (names withheld), December 2022.

8 Author telephone interviews with international humanitarians, Shilluk IDPs, and UNMISS personnel (names withheld), December 2022.

9 Author telephone interviews with international humanitarians (names withheld), December 2022.

seems unlikely that the mission will adopt a stronger stance. At the end of February 2023, UNMISS faced repeated denials of access by both the Agwelek and SSPDF. In response, it negotiated a new agreement with the SSPDF that requires the mission to inform the Joint Verification and Monitoring Mechanisms of its planned movements 15 working days in advance. The much more restrictive and deferential agreement on movement signed between UNMISS and the government will make it far harder for the mission to respond to humanitarian requests for assistance, or indeed protect civilians.

Current diplomatic pressure in Juba is focused on convincing the South Sudanese government not to allow passage of the Agwelek barges south of Wau Shilluk. There have been additional discussions, within diplomatic and humanitarian circles, over whether the Agwelek should be ‘allowed’ or ‘encouraged’ to retake Atar and Tonga.¹⁰ The role of diplomats and humanitarians is not to take a stance on which force controls these two ports, but instead to find ways of distributing aid that prevent it—to the degree possible—from being captured by the warring parties, including by considering the distribution of aid supplies via the Sobat River, rather than the White Nile.

Much has been made—principally by the government—of the possibility of the Necessary Unified Forces (NUF) securing Malakal and areas to its south. At present, a group of NUF soldiers, graduated from Malakal in November 2022, remain at training centres in Alel and Awarjok, awaiting deployment. The international community must be clear-eyed about the reality on the ground. None of the major military forces in Upper Nile are meaningfully included within the Chapter II Security Sector Reform process of the R-ARCSS. Furthermore, the NUF is too small, and has too few weapons and questionable military will; it would struggle to meaningfully intercede in the conflict in Upper Nile.

While the government and the international community may have both rhetorically bought into

the notion of an NUF that unites South Sudan’s armed groups under one command structure, Kiir’s regime has, in reality, presided over an increasingly fragmented security landscape, in which the most powerful military forces are almost entirely independent of the SSPDF command structure. This situation is neither a temporary crisis, nor anarchy: it is the consequence of state intervention in Upper Nile, and international efforts to bring peace to the beleaguered state should begin with the recognition that less state intervention is required from Juba, not more.¹¹ ●

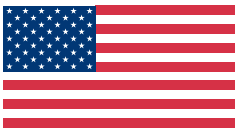
10 Author telephone interviews with diplomats and humanitarians (names withheld), January–February 2023.

11 For a detailed analysis of state intervention in South Sudan, see Craze and Markó (2022).

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Credits

Author: Joshua Craze
Project coordinator: Khristopher Carlson
Production coordinator: Olivia Denonville
Editors: Mira Fey and Emile LeBrun
Copy-editor: Alessandra Allen
Design and layout: Julian Knott
Proofreader: Stephanie Huitson



Contact details

Small Arms Survey, Maison de la Paix, Chemin Eugène-Rigot 2E, 1202 Geneva, Switzerland

t +41 22 908 5777, e info@smallarmssurvey.org

www.smallarmssurvey.org