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# State of the World's Minorities and Indigenous Peoples 2012 - South Sudan

*Chris Chapman*

On 9 July 2011, South Sudan became the world's newest independent state, after an overwhelming 99 per cent of southerners voted in favour of seceding from the Republic of Sudan in a January referendum. After 39 years of civil war, an estimated 2 million deaths, and human rights violations committed by the Khartoum government, including aerial bombing of civilian populations, the result of the referendum was greeted with scenes of jubilation across the country. Unfortunately the birth of the new nation saw an increase in tensions with Sudan over many issues, including oil resources, border disputes, citizenship rights for South Sudanese living in Sudan, and accusations by both governments that the other is supporting militias on its territory.

South Sudan's independence has exacerbated regional conflicts over natural resources. The disputed border region of Abyei has become the focus of conflict because of its strategic natural resources – oil and water. The Comprehensive Peace Agreement, which brought the north-south civil war to an end in 2005, provided for a referendum to allow the people of Abyei to decide whether their region would become part of Sudan or South Sudan. But the two sides could not agree on the territory the region comprised. In 2009, the Permanent Court of Arbitration in The Hague ruled that most of the significant oilfields lay outside of Abyei and firmly within areas currently controlled by Sudan (other disputed border regions include the Heglig oil fields in South Kordofan).

It was hoped that this ruling would reduce the likelihood of aggressive posturing over Abyei by Khartoum. But a further issue was whether the semi-nomadic Misseriya, who have traditionally crossed from Southern Kordofan (in Sudan) into the more water-rich Abyei to graze their herds during the dry season, would be allowed to vote. Historically, the pastoral Misseriya have been in conflict with Abyei's settled residents, the Ngok Dinka. It is foreseen that the Misseriya would vote for Abyei to be part of Sudan, while the Ngok Dinka would opt for incorporation into South Sudan. These communities are important constituencies for Khartoum and Juba respectively, having played key roles in the conflict.

Although the Ngok Dinka promised the Misseriya that their grazing rights would be respected if Abyei joined South Sudan, a Misseriya chief warned that there would be 'immediate war' if this happened. The referendum has been postponed indefinitely due to these increasing tensions. After an escalation of confrontations in the area in May 2011, the northern Sudan Armed Forces occupied Abyei. The UN deployed a peacekeeping force to the area a month later, but tensions remain high, and an agreement between Khartoum and Juba to withdraw their forces, reached in September, had not been implemented by early 2012. Misseriya are increasingly fearful about future access to grazing land, potentially compromising the sustainability of their livelihood and identity.

Tensions between the two countries have continued over oil. When it became independent, South Sudan took with it 75 per cent of Sudan's oil reserves, but, for lack of an alternative, it has until recently piped all of its output to Sudan for refining and export. Juba accuses Khartoum of charging excessive fees for this service and seizing its oil shipments, and in January 2012, South Sudan shut down oil output through the pipeline. Oil revenues now make up about 98 per cent of the South's revenues – feeding calls for a greater diversification of the economy.

South Sudan's independence also saw worsening internal conflicts involving militias contesting the central government, and between ethnic groups. The most severe conflicts took place in Jonglei state, involving the Lou Nuer, Murle and Dinka Bor groups. Local officials claimed that over 3,000 people were killed in clashes in December 2011. On the surface, conflicts revolve around cattle theft, amid a context of widespread gun ownership, and increasingly incidents have spiralled into endless revenge attacks. However, there are more deep-rooted conflict drivers at play. First, smaller ethnic groups outside the main Dinka/Nuer nexus at the heart of government in the country feel divorced from decision-making. Second, the total absence of state presence in rural regions – in terms of providing much-needed basic services, promoting economic development and playing a peacekeeping role – has fed grievances among smaller groups who feel excluded from power and the economic benefits that are assumed to flow from it. The Sudan People's Liberation Army (SPLA), South Sudan's military force, has even stated that it fears to intervene in these conflicts because it is likely to be accused of favouring one particular ethnic group, again reflecting the perception that institutions are not representative of the diversity of South Sudan.

Community rights to control their natural resources and livelihoods have been further compromised by deals made by local or national government to lease large tracts of land to foreign governments and companies. In 2008, Al Ain Wildlife, a United Arab Emirates company, signed a leasing agreement for 1.68 million hectares of the Boma National Park in Jonglei state for a period of 30 years to set up a tourist safari project. The agreement, signed by the Ministry of Wildlife, does not allow for revenue sharing with the local community. The area is inhabited by a diverse range of ethnic groups, including the Murle. An MRG researcher who spoke to representatives of the Murle community in Boma found that there was widespread ignorance about the deal, and its consequences for land-ownership and access. Facilities for the local community promised by Al Ain, including schools, health services, boreholes, housing and road infrastructure, have yet to materialize.

According to a study by the Oakland Institute, companies involved in land leases in South Sudan 'rarely consult with residents in affected communities, or conduct environmental and social impact assessments, as required by the 2009 Land Act'.

In September 2011, President Salva Kiir committed to a review of land lease agreements signed between 2005 and independence, but the review has not yet been carried out.

The Transitional Constitution of the Republic of South Sudan, made public in April 2011, contains recognition and protection of 'lands traditionally and historically held or used by local communities or their members', and provides that, 'Communities and persons enjoying rights in land shall be consulted in decisions that may affect their rights in lands and resources.' This reinforces the already extensive protections of customary and communal land rights provided for in the Land Act 2009. The Transitional Constitution also protects the rights of ethnic communities to practise their traditions and beliefs, and use their languages. But amid escalating conflict and the complete governance vacuum in much of South Sudan, it is unlikely that such legislation will afford any real protection to minority groups.