

MAAPSS Update

13 May 2021

Upper Nile State

What's new in Upper Nile?

- As MAAPSS previously reported in February 2021, the beginning of the year saw the appointment of a Shilluk governor for Upper Nile, Budhok Ayang Kur, and his Padang Dinka deputy, James Tor Monybun. Their appointments have sent shockwaves through the state, and greatly increased instability in Malakal and the surrounding area.
- On 27 March, the day that Budhok was to arrive at the airport in Malakal for his official entrance as governor, Abu Shoq—a Padang Dinka militia force recruited and organized in Baliet county—attacked Shilluk community members at three different locations in Malakal. The Shilluk were heading to the airport to meet the governor; the attacks were designed to stoke fear in the community. Six Shilluk were confirmed dead, with another six sustaining gunshot injuries. These attacks are only the latest in a line of attacks on the Shilluk by Padang Dinka militias, which have largely displaced the Shilluk from the east bank of the White Nile. As of May 2021, the only hold the Shilluk still have on east bank is the Protection of Civilians (PoC) site, which the United Nations Mission in South Sudan (UNMISS) plans to downgrade to an Internally Displaced Persons (IDP) camp controlled by the government—in this case, the Padang Dinka administration that have displaced the Shilluk, and pushed them into the PoC.
- The Padang Dinka administration of Upper Nile is controlled by Deputy Governor James Tor Monybun, a former governor of Central Upper Nile state. Budhok's weakness relative to Monybun is indicated by Monybun's continuing use of gerrymandering to arrogate the east bank of the White Nile to the exclusive control of the Padang Dinka; Budhok has done nothing to halt these tactics. Most recently, in March 2021, the Padang Dinka, with the connivance of Minister of Cabinet Affairs Martin Elia Lomuro, attempted to redistrict Malakal out of Makal county, and make Wau Shilluk the county capital. This would place Malakal town within an area of exclusive Padang Dinka control. This latest administrative attempt to push the Shilluk from the east bank of the White Nile is worrisome because of a proposed census that should be held in 2022; the Padang Dinka administration is hoping to lock forced-demographic shifts into county- and state-level populations, in anticipation of future elections.¹
- Budhok's weakness, relative to Monybun, is also indicated by his failure to appoint a mayor of Malakal. On 15 March, Budhok chose Francis Nnyang Awok Ajang, but in a blatant show of the substantive power-relations dictating politics in Upper Nile, Monybun blocked the appointment.
- In the context of continuing unrest, political contention over territories

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between the Padang Dinka and the Shilluk, and the massive displacement that has occurred during the South Sudanese civil war, Kiir's government is supporting the intensification of returns of Padang Dinka groups into politically contentious territories. These population movements are an attempt to create durable Padang Dinka majorities in these contested counties.

- Padang Dinka groups from the Ngok Lual Yak subsection are being moved into Baliet county, with a majority of them relocating from Melut. Deputy Governor Monybuny is also from the Ngok Lual Yak subsection, as is Chol Thon Balok, the most powerful Padang Dinka in the government, who currently serves as deputy minister of defence and veteran's affairs. Support for Padang Dinka groups' movement into Baliet can be understood as Monybuny—and his boss, Balok—rewarding their constituency with land and resources (as well as creating ethnic majorities in politically contentious counties, as indicated above). This scheme commenced in April, and by mid-May, 5,654 people had moved to Baliet county; 2,500 remain in Melut.
- The large numbers of people moving into Baliet represent a substantial proportion of the county's population. At the last census in 2009, Baliet only had a population of 48,010. Since then, Akoka county was created, split off from Baliet (population: 9,833), and the Shilluk population were displaced from the county.
- One of the most important rewards that Balok and Monybuny can give to their Padang Dinka constituency is

humanitarian assistance. Despite the enormous housing, land, and property (HLP) issues involved in government-organized movements of people, the operations of international organisations—including the United Nations High Commissioner for Refugees (UNHCR)—are helping the government achieve its political goals by moving Padang Dinka populations into Baliet county. The UNHCR provided trucks and buses to move the IDPs and organized the delivery of humanitarian assistance when the IDPs arrived at three selected sites in Baliet: Adong, Baliet town, and Riangnom. The UNHCR organized these returns despite disquiet among much of the humanitarian community due to the political issues involved. Once again, the government of South Sudan is instrumentalizing aid to serve its political interests.

Why does it matter?

- Johnson Olonyi, the leader of the Shilluk Agwelek, is already feeling alienated from a Sudan People's Liberation Army in Opposition (SPLA-IO) leadership increasingly beholden to Kiir's regime in Juba. In his latest act of rebellion, Olonyi appointed himself 1st lieutenant general, in a fit of pique at being passed over in the latest round of opposition rank-inflation in Juba. Functionally, Olonyi's forces will no longer be part of the SPLA-IO under Machar. However, without the possibility of Sudanese support—which, thanks to Tut Kew Gatluak's role in Kiir's administration, will not be forthcoming—Olonyi's forces do not have the capacity to offer military resistance to the continuing consolidation of Padang Dinka power

over the east bank of the White Nile. Continuing violence against the Shilluk may still force Olonyi's hand, however, and push him back to outright war, even if it is a war he cannot hope to win.

- Should UNMISS close the Malakal Protection of Civilians (PoC) site as planned, the security of the Shilluk population there will hinge on the actions of a state government hostile to it.
- With a census scheduled for 2022, government-organized population movements are likely to lock-in Padang Dinka majorities in contentious counties and give sanction to the civil war's campaigns of ethnic displacement.
- Coupled with population transfers, the gerrymandering of Makal county will deepen ethnic tensions between the Shilluk and the Padang Dinka, further undermining the possibility of a sustainable solution to the political and ethnic problems of Upper Nile.

What now?

- Before returns to contested territories in Upper Nile can be countenanced, a robust HLP program anchored in serious Shilluk-Padang Dinka dialogue is needed, with an emphasis placed on community-driven resolution to conflicts over land and politics.² Without a formal agreement between the Shilluk and the Padang Dinka on these matters, any humanitarian assistance with returns is premature.
- The conditions are not in place for a drawdown of force protection at the

Malakal PoC. Two minimum conditions for the PoC site becoming an IDP camp should be:

- The police force responsible for IDP protection should not be composed of the very people who displaced the Shilluk population into the PoC site. (If UNMISS were to withdraw from the Malakal PoC tomorrow, these are precisely the people who would determine the fate of the Shilluk.)
- There should be a far-reaching and sustainable package of measures taken to address HLP issues in Malakal and elsewhere on the east bank of the White Nile.

However, considering UNMISS' withdrawal of force protection from the Rubkona PoC, which subsequently left overall security for the newly designated IDP camp to [John Bul Mayik](#)—who as commissioner of Mayom County raised the *Terschuong* militia that displaced southern Nuer into the PoC—and given that no substantive HLP work has been done in Bentiu (where land has rather been 'acquired' by Governor [Nguen Monyтуil](#)), it is likely that an UNMISS withdrawal from the Malakal PoC will not meet the two conditions above, and will increase insecurity among Shilluk PoC residents.

Main Developments in Upper Nile

State politics

For Machar, Budhok's appointment as governor continues a pattern of appointing people within his family clique; Budhok is from Kodok, as is [Angelina Teny](#)'s mother.

Rather than building alliances via his appointments, Machar is increasingly invested in maintaining the little power that he has: survival, not growth, is the order of the day.

Appointing Budhok was one of the few moves available to Machar. A Shilluk from Olonyi's camp, he was palatable to the Shilluk population—witness the crowds that were to come to welcome him when he arrived in Malakal. Relatively powerless when placed within an extant Padang Dinka political administration, Budhok was also acceptable to the Padang Dinka elite. He was accepted because he appointed James Tor Monybunyu as his deputy.³

Monybunyu's predecessor as governor (then-acting governor of Eastern Nile), Chol Thon Balok, was thought the hard-liner of the two, having previously overseen the purging of the Shilluk from the east bank of the White Nile. But Monybunyu has demonstrated an equally hard-line approach towards the Shilluk.⁴ As governor (Central Upper Nile state, 2017–19), Monybunyu organized the same militias among the Ngok Lual Yak subsection as Balok and continued with the same strategy of using gerrymandering and administrative decrees to arrogate total Padang Dinka control of the east bank of the White Nile. His current strategy of separating Malakal from Makal county was one that Monybunyu first attempted in 2018.

Monybunyu is in substantive control of Upper Nile, and in particular, of the east bank. The three extant Padang Dinka militias (the Renk oil field defence force, the Mathloun force of Akoka county, and Abu Shoq in Baliet county) are organized by subsection and are ultimately

answerable to Chol Thon Balok. Monybunyu is so closely aligned with Balok that each time he is given a government appointment, the other Padang Dinka sections in Upper Nile decry nepotism—the original reason he was removed as governor of Central Upper Nile in 2019.

Monybunyu's aims as deputy governor are to consolidate *de jure* control of the east bank of the White Nile by using gerrymandering and administrative decrees to separate Malakal from Makal county; appoint a Padang Dinka as mayor of Malakal; and use a combination of low-level violence and intimidation to force the Shilluk in the Malakal PoC onto the west bank of the White Nile. In these objectives, it can be expected that Monybunyu will exploit the potential withdrawal of the UNMISS protection force from the PoC, enabling him to instill further fear in the remaining Shilluk population on the east bank of the White Nile. In this context, returns into Baliet County are not neutral, but are being used to bolster political claims made through demographic movement, which risk being sanctified by the 2022 census.

What is occurring administratively is also occurring violently. During the period 2016–17, Padang Dinka militias and government forces infiltrated the west bank of the White Nile, as a means of trying to push the Shilluk into Sudan, cutting them off from vital fishing resources and links to the rest of the country. Such campaigns continued at a much-reduced level in 2020. In July and August, Padang Dinka militias, supported by the South Sudan People's Defense Forces (SSPDF), used heavy artillery to attack Shilluk fisherman on the west bank of the White Nile.

This harassment should be understood as part of a totality. Administrative gerrymandering, harassment, demographic movements, and assassinations (see below) are all part of an active campaign to push the Shilluk off the east bank of the White Nile and make it as hard as possible for the population to sustain life.

Continuing tensions

The murder of the civilians welcoming Governor Budhok in Malakal on 27 March follows on from a year which has seen the intermittent political killings of Shilluk figures, designed to put pressure on the remaining Shilluk population on the east bank of the White Nile, and push them out of the PoC site. [Lam Akol](#)'s brother, Thomas Aban Akol Ajawin, a public prosecutor, was assassinated on 13 July 2020 in Malakal. On 20 October 2020, a Shilluk IDP was tied up and killed, and his body dumped next to the PoC site. On 5 November 2020, two Shilluk men were killed coming out of church: Brigadier General Arop Okeio (from Tunja) and Juliano Ambrose, the coordinator of the South Sudan Council of Churches for Upper Nile state. The local authorities in Malakal subsequently imposed a nightly curfew in Malakal in order to curb the violence. This curfew disguised the true logic of these political dynamics, which is to create a climate of fear and insecurity amongst the Shilluk, such that when UNMISS force protection is withdrawn from the Malakal PoC, the population will flee onto the west bank of the White Nile.

In addition to the continuing persecution of the Shilluk by Padang Dinka militias in and around the PoC site, on 3–5 February 2021, Jikany Nuer youth clashed with

Padang Dinka militias near Akoka and Melut. All three Padang Dinka militias were involved in these clashes. Subsequently, both Jikany Nuer and Padang Dinka were reportedly mobilizing in Ulang and Nasir, and Baliet county, respectively.

There are also tensions elsewhere in the state. On 19 April, security forces and local civilians clashed at the Ketbek cantonment site. In Maban, conflict continues involving communities presumptively loyal to the SPLA-IO, as evidenced, for instance, in the fighting that occurred in Liang around 20 April. On 24 April, there was also conflict between communities in Ulang. Each of these violent episodes have their own dynamics, largely unconnected to the Padang Dinka–Shilluk contentions that are the subject of this report. However, they are indicative of the absence of legitimate state-level authority. In the absence of security provided by the government, communities are taking up arms and pursuing their own agendas throughout the state.

Returns

In 2019, the Upper Nile Solutions Working Group (UNSWG), led by the protection cluster, conducted a returns exercise with the approval of the Upper Nile state government's Relief and Rehabilitation Commission (RRC) office.⁵ A total of 3,324 IDPs were moved from Melut county to Baliet county. Trucks to move the IDPs were provided by UNHCR, World Food Programme (WFP), International Organization for Migration (IOM), and UNMISS. NGOs then provided Non-Food Items (NFIs), shelter, health, nutrition, and water, sanitation, and hygiene (WASH) services.

No returns occurred in 2020, due to the Covid-19 pandemic. On 8 December 2020, the UN Office for the Coordination of Humanitarian Affairs (OCHA) received a request from the RRC of the Central Upper Nile state (the state that once again became part of Upper Nile state with the return to 10 states in February 2020: thus, rendering this a request from a defunct state), asking for support for the return of 36,000 IDPs from Melut to Baliet. This was despite the fact that, according to the 2019 Inter-Agency Returnees Facilitated Movement Report, there were only 7,013 people in Melut who wished to return to their areas of origin, and there were no major population movements into Melut in the intervening period.

On 25 March 2021, Monybuny wrote a letter as 'Deputy and Acting Governor of Upper Nile State-Malakal' to UNMISS, OCHA, and other UN agencies, guaranteeing the safe passage of IDPs from Melut to Baliet county. On 26 March 2021, the Upper Nile Inter-Cluster Coordination Group (ICCG) decided to facilitate government-backed returns to Baliet County.⁶ Approval for these humanitarian-facilitated transfers came from the RRC office of Upper Nile state and the office of the deputy governor, not the office of the governor. National-level staff at the agencies that were supposedly involved in the ICCG at the local level reported feeling strong-armed by the UNHCR in this process and said that they were unaware of the transfers to Baliet until they were already underway.⁷

Humanitarian organizations reported concerns about returning IDPs to an area in which there was active recruitment of militia forces, following clashes between Padang Dinka and Nuer youth forces near

Akoka and Melut in February 2021; about returning IDPs to an area classified as at IPC4;⁸ and about facilitating returns to an area politically contested by two groups. As set out by Small Arms Survey, amongst others, both Padang Dinka and Shilluk communities lay claim to parts of Baliet County.⁹ Nagdiar, for instance, is included within a 2019 Shilluk deposition to the Intergovernmental Authority on Development's (IGAD) Transitional Border Committee (TBC). The Shilluk were forcibly expelled from Baliet county in the current civil war.

On 1 April 2021, the UNSWG conducted a mission to Baliet county to assess the proposed sites for returns: Adong, Baliet town, and Riangnom.¹⁰ None of the concerns stated above were addressed in the report that was written following that mission, which assessed the possibility of facilitating returns to Baliet county.

The report itself did not attempt to substantively situate returns to Baliet county within a conflict-sensitivity framework and did not do any historical or political analysis. Some humanitarians who read the report thought it was a limited exercise designed to provide a justification for facilitating returns.

UNHCR drafted the report. It made a number of claims that were at best limited. It stated that:

"Relations within communities are stable and cordial, including inter-ethnic relations with the neighbouring Nuer community [...]. Overall security situation in the mentioned locations was observed as calm. No heavy military presence observed in Adong and Baliet.

Relations with neighboring communities are stable with no security incidents reported. There is freedom of movement for all groups of population, including to/from the areas of Nassir, Ulang and Jonglei with overall confidence by local community peace would prevail.”¹¹

Relationships between the Padang Dinka and both Jikany Nuer and Shilluk communities have been marked by violence in 2021; the security situation is unstable; there were clashes between communities during the reporting period; there was not freedom of movement for all groups. Further, the claim that there were no clashes in Baliet county not only ignores recent clashes between the Padang and the Jikany Nuer but omits any mention of the displacement of the Shilluk from the county. It is notable that the UNSWG report does not note Shilluk claims to territory in Baliet county or acknowledge how, between 2015–18, the Padang Dinka almost entirely displaced the Shilluk from the east bank of the White Nile.¹² (The word “Shilluk” does not appear in the report.)

The report further claimed that “[n]o HLP concerns were identified in the area [...]. Land in Baliet county is ancestral community land and there is no land dispute that has ever been reported.”¹³ This claim is neither consonant with the Shilluk submissions to the TBC, nor in agreement with the extant academic and humanitarian literature on the subject. The report gives fictional historical legitimacy to contemporary political developments: while the Shilluk were displaced from Baliet county only recently, the report makes it seem as if they were never there.¹⁴

Thus, when the report claims that “the relationships between communities in Baliet are stable and the community is ethnically homogenous...”, this is correct only insofar as ethnic displacement has made the area mono-ethnic.¹⁵

On the basis of this report, an inter-agency effort assisted returnees moving from Melut county to Baliet from mid-April to mid-May 2021. A total of 5,654 people were moved. International agencies—both UN agencies and international NGOs—provided vehicles for the movement, food and NFIs, WASH and other services.

In Upper Nile, a sustainable peace is only possible if the Shilluk also have the possibility of returning to the land from which they were removed and have the capacity to construct meaningful and sustainable lives on it. That land includes Baliet county. International humanitarian aid is being instrumentalized in Upper Nile to solidify the ethnic dislocation of the Shilluk population. UNHCR and other UN agencies and international NGOs should ensure that any programming around the return and reintegration of IDPs and refugees is informed by adequate conflict-sensitivity and protection analysis to ensure that aid is not used to reinforce ethnic dislocation.



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Acronyms and Abbreviations

- DRC** Danish Refugee Council
HLP Housing, land, and property
ICCG Inter-Cluster Coordination Group
IGAD Intergovernmental Authority on Development
IDP Internally Displaced Persons
IMC International Medical Corps
IOM International Organisation for Migration
NFI Non-Food Items
OCHA United Nations Office for the Coordination of Humanitarian Affairs
PoC Protection of Civilians (site)
RCC Relief and Rehabilitation Commission
SPLA-IO Sudan People's Liberation Army – in Opposition
SSPDF South Sudan People's Defense Force
TBC Transitional Border Committee
UNHCR United Nations High Commissioner for Refugees
UNMISS United Nations Mission in South Sudan
UNSWG Upper Nile Solutions Working Group
WASH Water, Sanitation and Hygiene
WFP United Nations World Food Programme
WVI World Vision International

Disclaimer

Information provided in this MAAPSS Update is sourced from field research conducted by Small Arms Survey and HSBA experts, including interviews with government officials – both local and state leaders – the SPLM, SSPDF, SPLA-IO, and others. In addition, international agency staff and other prominent officials both in and outside of South Sudan were interviewed. Where appropriate, in-text links are provided to access secondary source material and actors' profiles on the MAAPSS website.

Endnotes

¹ Then-leader of the SPLM/A, John Garang designated Makal county to be composed of Malakal town and the two Shilluk chieftaincies of Lelo and Ogod in an executive order in 2004. Recent redistricting proposed in March 2021 is an attempt to strip Malakal town of its Shilluk identity.

² A robust HLP program would, at a minimum, have to address conflicting claims to land and houses produced by the displacements and occupations of the war, to the satisfaction, or at least agreement, of the interested parties. Such a program would have to be run by a party relatively neutral to the interested parties. The limitation of current UNMISS policy is that the mission expects the government to resolve such HLP issues, whereas it is the government itself, in Bentiu and Malakal, that has benefited from displacement and occupation, and cannot resolve issues arising from such displacement and occupation in a neutral way.

³ A full account of the political peregrinations that led to Budhok's appointment as governor is available [here](#).

⁴ Under pressure from the then-ascendant Padang Dinka political elite in Juba, personified by the minister of petroleum, [Stephen Dhieu Dau](#), Salva Kiir sacked the Nuer governor of Upper Nile, [Simon Kun Puoc](#) on 16 August 2015, and appointed Chol Thon Balok as acting governor. After Kiir dissolved Upper Nile state on 2 October 2015, Balok became governor of Eastern Nile, and continued to consolidate Padang Dinka power. On 17 January 2017, Kiir turned South Sudan's 28 states into 32 states. His division was used as an excuse to dismiss Chol Thon, whom Kiir feared was attracting international opprobrium following the Padang

Dinka militia attack on the PoC. In his place, 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. Monybuny was sacked as governor of Central Upper Nile in May 2019, and replaced by Peter Chol Wal, partly in response to Padang Dinka anger about the dominance of people from the Ngok Lual Yak subsection, close to Chol Thon Balok, in government.

⁵ The Upper Nile Solutions Working Group is a multi-agency body coordinating humanitarian responses in Upper Nile. The Protection Cluster co-ordinates humanitarian protection activities for IDPs on a range of issues. It is Juba-based and currently co-led by the UNHCR and the NRC.

⁶ The humanitarian community in South Sudan has largely organized itself into a cluster system, though some agencies do not participate in this coordination effort. One cluster, for instance, deals with protection issues, as previously noted. These clusters, in theory, co-ordinate the relief and humanitarian activities of different agencies, alongside OCHA. The ICCG co-ordinates the clusters that coordinate the agencies.

⁷ Multiple interviews with humanitarian staff, April-May 2021.

⁸ The IPC system describes the severity of food emergencies, on a scale from one to five. Five—the worst classification—is famine. IPC4 means there is an emergency. Moving returnees into an area of already existing acute food shortages risks exacerbating the situation. This problem is especially acute as the returnees to Baliet county were arriving late in the year, relative to the planting season, and so will be dependent on humanitarian assistance for the year ahead.

⁹ See Joshua Craze, *Displaced and Immiserated: The Shilluk in South Sudan's Civil War, 2014-19*. Small Arms Survey: Geneva.

¹⁰ The agencies that took part in that mission, and subsequently took part in drafting that report, were: UNHCR, IOM, HealthLink, World Vision International (WVI), International Medical Corps (IMC), Danish Refugee Council (DRC). Multiple agencies, at the Juba-level, stated they were unaware of the contents of the report.

¹¹ Upper Nile Inter-Cluster Pre-Assessment Mission to Baliet County. 1 April 2021, p.2.

¹² See UN Panel of Experts, 2016. Final Report of the Panel of Experts in Accordance with Paragraph 18 (d) of Resolution 2206 (2015).

S/2016/70 of 22 January; The Sentry. 2018. Fueling Atrocities: Oil and War in South Sudan; Pritchard, Matthew. forthcoming. (Re)Drawing and (Re)Administering the Upper Nile: Historical Precedent and territorial Disputes Between the Shilluk and Dinka Padang. VISTAS Report.

¹³ Upper Nile Inter-Cluster Pre-Assessment Mission to Baliet County, p.3.

¹⁴ Since 2005, the Dinka Padang and the Shilluk have contested a number of areas in Upper Nile: Malakal, Doleib hills, the Nagdiar area in Baliet county, what is now known as Akoka county (created in 2010), and Pigi county. These disputes led to intermittent violence between 2005 and 2013. In May 2011, the Shilluk king, Reth Kwongo Dak Padiet, said: "Disputed border areas with Jonglei State include: Piji, Atar, Khor Fulus and other areas. Disputed border areas within Upper Nile State include borders between the following counties: Fashoda County and the newly created Akoka County; Malakal and Baliet over Malakal town; Panyikang County and Baliet County over Nagdair payam, just to mention a few."

¹⁵ Upper Nile Inter-Cluster Pre-Assessment Mission to Baliet County, p.4.