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Secretary of State Colin L. Powell
United States Department of State
Washington, DC

March 1, 2001

Dear Secretary Powell:

Human Rights Watch is writing to you on the urgent matter of a potential humanitarian disaster in southern Sudan. We are alarmed by recent military developments there that threaten to spiral out of control, which could result in enormous cost to civilian lives. We urge the Bush administration to intervene diplomatically with southern military factions and civilian leadership in an effort to halt the tribally-related violence.

The United States has considerable influence among all southerners. It is therefore essential that the U.S. use its leverage with both the Dinka and Nuer communities – respectively the largest and second largest African tribes in the south – to head off the threatened bloodbath. The Bush administration should work first to bring together Nuer leaders who are already feuding, and then to preventively bring together Nuer and Dinka leaders to resolve their simmering conflict.

Despite the complexity of the situation in southern Sudan, early and skillful U.S. diplomatic intervention could make a significant difference in sparing the lives of tens of thousands of civilians. The Nuer-Nuer fighting, a war within a war, for now overshadows the civil war in ferocity of fighting and cost in civilian lives. But it is also very integral to the civil war, which since 1983 pits the Khartoum government against marginalized peoples, particularly Africans in the southern third of the country.

The current crisis also involves the unraveling of the Wunlit agreement, signed in 1999 and enthusiastically endorsed by the U.S., which put an end to years (1991-99) of Dinka-Nuer cross-border raids. These raids involved thousands of civilian casualties, large-scale theft of cattle, abduction of women and children, and destruction of hundreds of villages. Attacks on civilians and the ruin of the pastoral economy were the immediate cause of the devastating 1993 famine in southern Sudan, in which tens of thousands perished. The current fighting follows the same pattern, and recurrence of famine is almost inevitable unless immediate action is taken.

As usual, a key actor in the current violence among southerners is the Khartoum government, which arms whichever factions and militias are fighting the SPLA. The Khartoum strategy of divide and destroy has worked extremely well in the past, keeping southerners split – Dinka from Nuer, and Nuer from Nuer. Accordingly, Wunlit was the government's worst nightmare, and its disintegration serves Khartoum well. By provoking divisions among Nuer and other southerners, Khartoum can develop the rich oil resources that lie beneath Nuer territory. A further analysis of the current fighting is attached as an appendix.

In order to prevent new rounds of civilian devastation, we urge the U.S. to immediately take the following diplomatic steps, in coordination with its allies:

- Assume the lead in convening an urgent all-Nuer reconciliation conference in southern Sudan through the New Sudan Council of Churches (NSCC). Encourage the Nuer community to settle differences through democratic procedures and end the Nuer-Nuer fighting. Focus on preventing impunity for perpetrators of human rights abuses;
- Follow up with reinforcement of the Nuer-Dinka peace agreement signed in Wunlit in 1999 under NSCC auspices, urging the reconvening of already-chosen delegates as a way for both communities to agree on means to prevent an imminent outbreak of Nuer-Dinka fighting. Provide substantial material support for Wunlit projects;
- Insist that the largest rebel group, the Sudan People's Liberation Movement/Army (SPLA), stop sending military support to its Nuer factions and rein in its primary Nuer commander, Cmdr. Peter Gatdet, who is responsible for burning and destroying villages and conducting summary executions of civilians in the recent fighting in Western Upper Nile;
- Request the government of Sudan to stop providing military supplies to its Nuer militias in Upper Nile, which are responsible for abuses such as the killing of civilians and burning of villages – as well as the use of antipersonnel land mines in Eastern Upper Nile;
- Call on Riek Machar and his Sudan People's Democratic Front/Defense Forces (SPDF) to cease retaliatory scorched earth raids on Nuer villages;
- Urge that all parties implement an immediate cease-fire and start preparations for peace and reconciliation conferences in Upper Nile and eastern Bahr El Ghazal. The cease-fire should prohibit troop movement as well as resupply;
- Move immediately to rectify imbalances in relief deliveries so that the underserved communities involved, such as the Bul Nuer, receive food and nonfood items as needed;
- Use all possible leverage to convince the government of Sudan to take a hands-off position on relief access to the affected areas. The Sudan government's attention should be drawn to the world's interest in avoiding a famine similar to the one precipitated by the Khartoum government's ban on relief flights in 1998; and
- Deliver a strong message to the parties to this conflict – including the Sudan government and its Nuer militias, the SPLA, and Nuer faction leader Riek Machar – that the world will not sit by while they destroy the Nuer community; deliver that same message to the commanders doing or directing the fighting.

We believe that immediate diplomatic intervention by the Bush administration could help prevent a humanitarian disaster, the destruction of the Wunlit peace agreement, and the devastation of the Nuer of southern Sudan.

Thank you for your attention to these important matters.

Sincerely,

Jemera Rone
Counsel/Sudan Researcher

cc: Nancy Powell, Acting Assistant Secretary of State for African Affairs
Jendaye Frasier, Senior Director for Africa, National Security Council
Mike Parmly, Acting Assistant Secretary for the Bureau of Democracy, Human Rights and Labor
Alan J. Kreczko, Acting Assistant Secretary for the Bureau of Population, Refugees and Migration
Mark Grossman, Under-Secretary of State for Political Affairs-Designate
Johnnie Carson, U.S. Ambassador to Kenya

**APPENDIX to letter from Human Rights Watch to Secretary of State Colin L. Powell,
March 1, 2001:**

Analysis of the Current Fighting and its Relation to Famine, March 2001

Recent experience in southern Sudan has demonstrated that the fighting now in progress will provoke a new humanitarian disaster, unless immediately checked.

The Nuer are already conducting inter-Nuer warfare. In addition, the Nuer and the Dinka are currently poised to go to war against each other; the Dinka are the largest tribe in southern Sudan, and the Nuer, the second largest. They are neighbors and cousins, sharing many customs and beliefs. History has shown that peace in the south is impossible if these two tribes are fighting each other.

The way that inter-Nuer and Nuer-Dinka war have been conducted recently is in violation of both traditional Nuer and Dinka practices of war and international humanitarian law, namely: burning homes, villages, community structures, and grain, and killing women and children. These types of abuses have been the proximate cause of several famines in recent years.

One example was the famine that hit the East Bank of the Nile in 1993, where tens of thousands died in the "Hunger Triangle" (formed by Adok, Waat, and Kongor, villages straddling the Nuer/Dinka divide). This crisis was precipitated by Nuer/Dinka fighting (1991-93), also in disregard of tribal and international rules of war, which grew out of the 1991 split in the Sudan People's Liberation Army (SPLA) led by Riek Machar.

The fighting in 2001 is not traditional tribal conflict, because many other actors with their own agendas have inserted themselves. In addition to the government army, the other organized military players sharing the blame for this looming disaster are the government-backed Nuer militias, particularly the militias of Gordon Kong Chuol and Simon Gatwich; the Sudan People's Democratic Front/Defense Forces (SPDF) of Nuer leader Riek Machar; and the SPLA.

In Eastern Upper Nile, the Nuer government militias and Sudan army are fighting against Riek Machar SPDF (Nuer) forces and the SPLA. Militia Cmdr. Gordon Kong of Nasir is active in trying to drive out these forces from areas adjacent to oilfields that are in development. In the process many civilians have been killed and forcibly displaced. His militia has even placed landmines in the compounds of relief organizations.

In Central Upper Nile, other SPLA (Nuer) forces have fought the SPDF (Nuer), with the result that government forces have captured towns not in government control for more than a decade. Cmdr. Simon Gatwich, another Nuer pro-government militia leader, joined the fighting, and reportedly threatened to lead a Nuer retaliatory attack on the Dinka.

Riek Machar, formerly military and political leader of the rebel Nuer, has compounded these Nuer divisions. He started out as a rebel, split from the SPLA (and began cooperating with the Khartoum government) in 1991, and in 1996 reached a formal agreement with Khartoum. In 2000 he resigned from the government and formed another rebel faction, the SPDF. However, he made so many enemies that it now appears that the Nuer government militias and other Nuer joined informally with the SPLA to put an end to Riek Machar's career. The Riek Machar SPDF forces initially received some SPLA military supplies, but when those dried up in mid-2000, they turned back to the government, their supplier of last resort. In recent months, SPDF forces are accused of carrying out scorched earth campaigns in the Nuer villages of Nhialdu and Mankien (the base of rival SPLA Nuer forces under Cmdr. Peter Gatdet).

The situation was further exacerbated by the SPLA's entry into the fray, which threatens to broaden the conflict into a Nuer/Dinka clash. Nuer commander Peter Gatdet defected from a government militia in 1999 and joined the SPLA. His followers, the Bul Nuer and others, are strategically situated on the edge of the oilfields currently under development by international oil companies in Western Upper Nile. While Cmdr. Peter Gatdet in 1999-2000 attacked these targets – where civilian population is thin due to prior forced displacement by the government – in 2001 the Peter Gatdet SPLA forces ranged far from the oilfields. Apparently with SPLA logistical support from Rumbek and possibly with Dinka SPLA soldiers, the Gatdet SPLA forces attacked heavily-populated Nuer territory more than one hundred miles to the south of the oilfields – a considerable distance in view of the lack of roads and surfeit of flooding and swamps. There, in Pabuong and Nyal, the Peter Gatdet (Nuer) SPLA fought against Riek Machar's SPDF troops and burned out the civilian population, forcing them to flee. Members of Peter Gatdet's forces suggest this was in retaliation for similar raids earlier this year on Peter Gatdet's home turf by SPDF Cmdr. Peter Paar.

The immediate danger of SPLA (Nuer) versus Riek Machar/SPDF (Nuer) fighting is that many Nuer see the SPLA as a Dinka army and consider this SPLA advance into Nyal a Dinka advance into Nuer territory. Now Nuer talk of taking "revenge" on the Dinka and attacking Dinka villages. This imperils not only Dinka civilians who have moved back to their border villages on the West Bank of the Nile, trusting in Wunlit. It also exposes to danger of retaliation the tens of thousands of Nuer internally displaced persons who took refuge in Dinka areas, likewise trusting in Wunlit. These displaced Nuer were expelled from their homes by the Khartoum government in 1999-2000 to erect a cordon sanitaire for the oil companies.

Another complicating factor is the presence of international relief. The SPLA (Nuer) see their attacks on the Riek Machar forces as a type of "getting even" for the fact that the SPLA (Nuer) have been starved and denied their "fair share" of international aid by the Riek Machar faction. There is no doubt that the SPLA (Nuer) area has not been receiving as much aid as other areas; there are many reasons for that.

One reason is that the international aid community has not been diligent enough in the past year and a half in addressing this situation. Judicious attention to this real or perceived grievance could play a large role in smoothing the waters. In 1991, the perceived lack of fairness in distribution of relief among Dinka and Nuer led, in part, to a devastating series of raids by Nuer into Dinka Bor County, known as the "Bor Massacre," where an estimated 2,000 Dinka civilians were killed.