

## The Issue of Oil and Disputed Areas in the Conflicts between Sudan and South Sudan

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### Abstract

Utilization of oil resources and peaceful coexistence among communities bordering sisterly countries are imperative for sustainable development. The issue of oil and disputed areas in the conflicts between Sudan and South Sudan remain unabated. This paper sheds light on the causes, the socio-economic and political implications, and the possible strategies to resolve the conflicts over oil and borders between the two Sudans. Theories of social conflict, the cooperative, human needs as well as the conflict transformation and relevant literature were consulted. The major causes and implications of such conflicts in post-independent South Sudan were discussed. The paper reveals the consequential massive displacement of local inhabitants and loss of lives, reduced oil revenues, augmented political upheavals, and armed rebellions in the two Sudans. Seemingly, negotiations and litigations are some key strategies to resolve such devastating conflicts. The setting up of truths, political and reconciliation commission is highly needed to cease hostilities and resolve conflicts for sustainable socio-economic development of South Sudan and Sudan.

**Keywords:** Conflicts, Agreements, Disagreements, Displacements, Disputes, Territories.

### 1. Introduction

Oil is one of the key strategic resources incurring substantial economic benefits for sustainable development of the nations worldwide. South Sudan is endowed with colossal natural resources including oil. Oil fields were discovered in Bentiu and Heglig districts of the Unity State of the then Sudan in 1978. However, the discovery of oil fields has fueled a number of national issues, conflicts political upheavals and social unrest. Evidence shows that oil development has induced displacement of the inhabitants in the Sudan (Moro, 2009).

Moreover, the immediate conflicts over the control of oil fields have culminated into territorial disputes. Frequently such disputes prompt to tensions which are rooted in a deeper clash of culture, religion and politics<sup>3</sup> (Dorward, 2012).

It is evidenced that since the inking of the Comprehensive Peace Agreement (CPA) in January 2005 and following the independence of South Sudan in July 2011, the issue of oil and disputed areas have continuously deteriorated a bilateral relation and often led to armed clashes between Sudan and South Sudan. Sudan has experienced more years of conflict than peace since its independence in 1956<sup>4</sup> (Pfeiffer, 2012). The same conflicts over oil continue to underlie the current conflicts between Sudan and South Sudan, in Darfur, eastern Sudan, South Kordofan, and Blue Nile<sup>5</sup> (Fletcher and Laessing, 2012). South Sudan's independence was preceded by two devastating civil wars from 1955 to 1972 and from 1983 to 2005, in which 2.5 million people were killed and more than 5 million externally displaced<sup>6</sup> (Pantuliano, 2010). In the post-CPA era, cessation of hostilities and setting the roadmap for peace, have eventually culminated into the 2010 referendum on the independence of South Sudan<sup>7</sup> (Onyiego and Mohamed, 2012).

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<sup>4</sup> Pfeiffer, 2012

<sup>5</sup> Fletcher and Laessing, 2012

<sup>6</sup> Pantuliano, 2010

<sup>7</sup> Onyiego and Mohamed, 2012

The income inequality of Sudanese has increased yet the agreement allocated revenue to be used in the provision of goods and services. Ostensibly, the income per capita is less than a dollar (National Bureau of Standards, 2011)<sup>8</sup>. In this paper, a critical review of the fundamental issues over the conflicts has been explored. Moreover, causes and socio-economic and political implications have been investigated to develop strategies to resolve the conflicts over oil and disputed areas between Sudan and South Sudan. This would eventually provide an impetus for sustainable development of both Sudans.

## 2. Methodology

Qualitative data were collected from records, technical reports, policy briefs, literature reviews and other relevant secondary sources. Empirical theories including theory of social conflict, the cooperative and human needs theories, in addition to the conflict transformation theory were consulted and discussed.

### 2.1 Causes of Conflicts

The conflict theory helps the study to gain insight into the issue of oil and disputed areas between Sudan and South Sudan. Turner (1989:186) established the bipolarity of the conflict in having two extremes. When the exploited class becomes aware of their true interest, they form a revolutionary political organization and that stands against the dominant property- and property-owning class. Karl Marx produced a formal theory of conflict and change which was further developed into the modern contemporary sociological theory<sup>9</sup>.

The theory of conflict in context of South Sudan and Sudan, according to the Human Security Baseline Assessment (HSBA), 2011-2018 reveals that South Sudan's border with Sudan is neither delimited nor demarcated<sup>10</sup>. While a series of agreements were signed in the Ethiopian capital Addis Ababa in 2012, the status of the contested areas of the border and the explosive question of Abyei remains unresolved. The major issues for both states are oil reserves in the border region, as well as some of the most fertile land in the two countries. The border region also contains crucial grazing areas for transhuman and pastoralist groups, which traditionally agree on flexible grazing arrangements between themselves long before discussions began about a national border dividing their territory.

#### 2.1.1 Disagreement over oil transit fees between Sudan and South Sudan

Okumu (2010) revealed that the distribution of the country's vast oil wealth was one of the factors that had exacerbated the conflict between Sudan and South Sudan, but oil was also a key component of its resolution. The 2005 CPA was underpinned by a deal to split the revenues from Southern oil evenly between the North and South<sup>11</sup> (Okumu, 2010). Therefore, rather than driving conflict as it had previously been, oil became a basis for peaceful cooperation during the transitional period. However, a lack of transparency and independent verification of the deal's implementation fuelled mistrust between the two sides and repeatedly threatened the fragile peace. But the bigger problem was the failure of the CPA to address the issue of oil management in the post-independent era. This has eventually left Sudan with huge debts to repay to investors; and South Sudan with extractive oil fields but with definite agreement on transporting the crude oil to the sea. Manson (2012) points out that without an agreed basis for exporting South Sudan's crude oil via Sudan's pipelines and port, tensions were bound to occur. Hence, in January 2012, Sudan began confiscating South Sudanese crude over transit fees which has been believed to be owed since independence<sup>12</sup> (Manson, 2012) leading to shut down of oil production. Though this event prevented Sudan from accessing the oil and the income from transit fees, South Sudan's exports were also cut off, impacting negatively on the 98% country's income.

Accordingly, a series of African Union mediate talks were held in Addis Ababa to resolve the tensions over the border and oil<sup>13</sup> (Copnall, 2012). Agreement had been reached for the resumption of the flow of crude oil from South Sudan to the Red Sea port in Sudan. However, it collapsed shortly after, with Sudan demanding

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<sup>8</sup> Ibid of 4

<sup>9</sup> Turner, 1989:186

<sup>10</sup> The Human Security Baseline Assessment (HSBA), 2011-2018

<sup>11</sup> Okumu, 2010.

<sup>12</sup> Manson, 2012

<sup>13</sup> Copnall, 2012

that South Sudan must first desist from arming Sudan rebels in South Kordofan and Blue Nile regions. Lastly, it was announced in 2013 that oil exports would resume<sup>14</sup>.

In 2013, the top leadership in Sudan claimed the shut-down forever of the oil pipeline carrying oil from South Sudan to the Red Sea coast, should South Sudan support rebel groups operating in Sudan<sup>11</sup>(Copnall , 2012).

### **2.1.2 The Conflict over Panthou (Heglig) Oil fields**

In 2012, it was claimed that South Sudan had attacked the Panthou Oil field, while Sudan did a self-defense after an attack on its territory (Hsiao, 2012). This was followed by bombing raid on the Unity oil field in Unity State and attachment of the disputed areas of Jau, Pan Akuach, and Teshwin, but repelled<sup>15</sup>.

It was reported that South Sudanese artillery positioned 20 kilometers north of Bentiu, were bombarded from the north side of the border<sup>16</sup> (Holland, 2012). Dead bodies and destroyed vehicles lay strewn in Panthou. Later on Southern forces positions on the border were bombarded<sup>17</sup> (Joselow, 2012). In the Unity State, Abiemnhom town was attacked, and a few civilians injured in the clashes with no military casualties on either side reported<sup>18</sup> (Ferrie, 2012). This new development has led to a military mobilization in both sides for Panthou<sup>19</sup> (Terminski, 2012). At the end of the day, both sides were standing where they stood when the fighting broke out, with neither side clearly gaining the upper hand<sup>20</sup> (Boswell, 2011). Although an agreement was reached about borders, natural resources and security, ending the crisis at least at the time, more damage had been done to the fragile relations and the little goodwill that still remained between the two governments had dwindled further<sup>21</sup>.

### **2.1.3 The Conflict over the Control of the oil-rich region of Abyei**

Abyei area covers a territory of 10,546 square km and was accorded special administrative status by the 2004 Protocol on the Resolution of the Abyei Conflict in the CPA that ended the second Sudanese Civil war. The area is claimed by South Sudan but controlled by the Sudanese government<sup>22</sup> (Gentleman, 2011). Sudan government has pursued a policy of arming the Messiria militia to terrorize the Ngok Dinka through murder, rape, burning of villages, destruction of properties in order to push them off the land (Human Rights Watch, 2009). Under the terms of the Abyei Protocol, the Abyei area was declared, on an interim basis, to be simultaneously part of the states of South Kordofan and Northern Bahr el-Ghazal.

The status of Abyei was one of the most contentious issues in the negotiation of the CPA. The 2002 Machakos Protocol, defined Southern Sudan as the area as of independence in 1956. It thus excluded the Sudan People's Liberation Army (SPLA) strongholds in Abyei, the Nuba Mountains and Blue Nile, known collectively during the talks as the three areas. The SPLA negotiators then spent several years attempting to give these regions the right to a referendum in which they could decide if they want to be under the administrative control of the North or South (BBC, 2012). This would potentially mean that these regions would become part of a nation of South Sudan after the 2011 independence referendum.

The 2004 Protocol on the resolution of the Abyei conflict put Abyei into a special administrative status government directly by the presidency.

The precise borders of the area were to be determined by the Abyei Boundary Commission (ABC), followed by a referendum commission to identify Messiria that are resident in Abyei and could thus vote in local elections in 2009; all the Ngok Dinka were to be considered resident by a virtue of their traditional homeland<sup>23</sup> (BBC, 2012).

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<sup>14</sup> Ibid 11

<sup>15</sup> Hsiao, 2012

<sup>16</sup> Holland, 2012

<sup>17</sup> Joselow, 2012

<sup>18</sup> Ferrie, 2012

<sup>19</sup> Terminski, 2012

<sup>20</sup> Boswell, 2011

<sup>21</sup> Ibid 18

<sup>22</sup> Gentleman, 2011

<sup>23</sup> BBC, 22<sup>nd</sup> May 2012

The Abyei dispute remains a volatile issue and experts warn that it will continue to escalate tensions between the two Sudans as long as it remains unsolved<sup>24</sup>. Despite the landmark agreements which Sudan and South Sudan reached in September 2012, experts warn that failure to quickly resolve a lingering dispute over the oil-rich border region of Abyei could still bring the two countries to the brink of conflict<sup>25</sup> (Sudan Tribune, 2012). Disputes over border demarcation and oil exports have threatened to drag both states back to war. Little progress made on deciding which country can rightfully claim the Abyei region. While the two governments dispute ownership of Abyei's oil reserves, relations are tense on the ground between the two main groups with a stake in the region, the Sudanese Messiria tribe and the Ngok Dinka people of South Sudan (Sudan Tribune, 2012).

However, tensions still remain on ground, the chief of the Messeriya tribe made it clear that his people were not willing to compromise on their grazing rights, which they fear losing if Abyei becomes a recognized part of South Sudan. Meanwhile, the Ngok Dinka enjoys support in South Sudan and rejects any solution that would see them yield control of Abyei. The Supreme chief of the Ngok Dinka, Kuol Deng Majok, has repeatedly stated that his people will not give an inch of territory (Sudan Tribune, 2012).

While there have been many technical discussions as to where the 1956 border lies, and to some degree there is at least official agreement on much of that border, the official positions are not necessarily shared by local populations that live in these areas<sup>26</sup>.

#### 2.1.4 Internal Conflicts in Sudan and South Sudan

Internal conflict is an ongoing conflict between the Army of Sudan and the coalition of rebel groups under the umbrella of the Sudan Revolutionary Front (SRF), particularly the Sudan People's Liberation Movement-North (SPLM-N), a northern affiliate of the Sudan People's Liberation Army/Movement in South Sudan<sup>27</sup> (Bariyo, 2012). The conflict started as a dispute over the rich-region of Abyei in the months leading up to South Sudanese independence, though it is also related to the war in Darfur. The conflict is estimated to have affected a total of 1.4 million people and to have displaced over 200,000 people. In early September 2011, Sudanese forces clashed with the SPLM-N in Blue Nile State, seizing control of Addamazin and ousting the Governor of the State. Justice and Equality Movement (JEM) militants allied with the SPLM-N marched into the State of North Kordofan in December 2011, sparking confrontations with the Sudanese military that led to the death of the JEM's Leader, Khalil Ibrahim<sup>28</sup> (Cindy, 2011).

Although South Kordofan is north of the international border separating Sudan and South Sudan, many of its residents (particularly in the Nuba Mountains) identify with the South<sup>29</sup> (Pfeiffer, 2012). Many residents fought alongside the Sudan People's Liberation Army/Movement rebels during the long civil war. South Kordofan was not allowed to participate in the January 2011 referendum to create South Sudan and the 'popular consultation' process they were promised also failed to take place.

Prior to South Sudan's scheduled independence in May 2011, tensions rose around the status of the Abyei Area that was statutorily part of both South Kordofan and Northern Bahr el Ghazal States<sup>30</sup> (Fletcher and Laessing, 2012). In 2011, most of Abyei's residents had fled south toward Bahr el Ghazal due to conflict<sup>31</sup> (Onyiego and Mohamed, 2012) and near the Sudan-South Sudan border civilians in South Kordofan, with some 140,000 people fled the fighting<sup>32</sup> (Hsiao, 2011).

Fighting continued after South Sudan gained independence on 9<sup>th</sup> July 2011, though the Sudanese government insisted that order had been restored in South Kordofan (Copnall, 2012). Students began protesting

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<sup>24</sup> Ibid 21

<sup>25</sup> Sudan Tribune, 28<sup>th</sup> September, 2012

<sup>26</sup> Ibid 23

<sup>27</sup> Bariyo, 2012

<sup>28</sup> Cindy, 2011

<sup>29</sup> Pfeiffer, 2012

<sup>30</sup> Fletcher and Laessing, 2012

<sup>31</sup> Ibid 5

<sup>32</sup> Hsiao, 2011

at the University of Khartoum and the Red sea University in a flare-up of anti-government protests that began in January<sup>33</sup> (Manson, 2012).

In June 2011, an African Union Panel was formed in an attempt to de-escalate the situation through North-South talks in Addis Ababa<sup>34</sup> (Holland, 2012). A joint committee co-chaired by northern and Southern officials police was formed and a service would be established for the region, with determined size and composition (Manson, 2012). Nevertheless, a controversy report of the Small Arms Survey of an independent Swiss research group reveals a supply of weapons and ammunition from Sudan to rebels fighting South Sudan's government (Holland, 2012).

## 2.2 Socio-economic and political Implications

Sudan has been depended on oil as a major driver of the economy with most of the developed oil fields being in South Sudan. In post-independent South Sudan, the issue of oil and disputed areas serve as a contributing factor to deteriorating the bilateral relations and often armed confrontation between two Sudans.

The socio-economic and political implications of the conflicts over oil and disputed areas revealed massive displacement of innocent civilian and loss of lives; reduced oil revenues, augmented political strikes, and armed rebellions in both countries. Moro (2006) displays that the oil issue and conflicts have led to forced migration of the residents in the then Sudan.

## 2.3 Strategies for Conflict Resolution

The models of conflict resolution that can be applied herein, include the cooperative theory in which the nature of the conflict and the demands of each party determine the techniques of resolution; human needs theory, which emphasizes the restructuring of the social system to meet the people's fundamental need for identity, security, recognition or equal participation within the society; as well as the conflict transformation theory. Solution that satisfies each country's interests and needs could be reached through these models<sup>35</sup>.

## 3. DISCUSSIONS

The issue of oil and disputed areas in the conflict between Sudan and South Sudan remains unabated. Not surprisingly Sudan was the first state to recognize the independent State of South Sudan, nevertheless relations between the two countries have been marked by the conflict over the utilization of the Greater Nile oil Pipeline and the territorial ownership of the oil-riches region of Abyei. The latter has remained disputed despite the provisions of the 2004 Abyei Protocol on the Referendum for Abyei, the Abyei Boundaries Commission (ABC) report and the International Court of Justice (ICJ) ruling which attempted to settle the border dispute in the region, as well as accusations and counter accusations of state-sponsored rebel activity, with Sudan accusing South Sudan of supporting rebels in South Kordofan and Blue Nile regions against Khartoum and South Sudan accusing Sudan of supporting rebels in Jonglei and Unity States against the government in Juba. Consequently, all oil fields have been shut down in a disagreement over the transit fees demanded by Sudan.

The conflicts, fought between the Sudanese government and guerilla movements arising within Sudan are commonly rooted in the exploitative leadership of the previous Government of Sudan, and the unequal distribution of power and wealth among the Sudanese population. The disagreements over the utilization of the existing oil infrastructures, such as the oil pipeline transit fees, are one of the causes of oil conflicts between Sudan and South Sudan.

South Sudan claimed that while most of the country's resources, particularly oil, came from their region, they were largely marginalized by the Arabs in the north. These internal tensions drove the country's decades-long devastating civil war, which led to the secession of South Sudan's from Sudan on July 9<sup>th</sup>, 2011.

The loss of Sudan's territory after the independence of South Sudan has led to the loss of over 70% of oil fields. As such, the freedom of South Sudan did not only result into loss of territory for Sudan, but also the loss of most of its oil revenues leading to hostility between the two Sudans. Evidence shows that much of the border regions covering the oil fields are not demarcated leading to boundary disputes.

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<sup>33</sup> Manson, 2012

<sup>34</sup> Holland, 2012

<sup>35</sup> Ibid33/ Holland, 2012

Therefore, in addition to oil tensions, the conflict with South Sudan takes a political twist when looked at from a perspective of being perpetrated as a way of diverting attention from the internal problems in Sudan itself. In this case, much as its economy is affected by the lack of oil transit fees from South Sudan, the Sudan government would have caused to wish for escalation of the conflict with South Sudan<sup>36</sup>.

The current conflict between Sudan and South Sudan can only be analyzed appropriately with the current facts and conditions, that have come as a result of historical mistakes and blunders on both sides of the border. The drafters of the CPA inconceivably forgot to address the post-independent challenges that would result from the division of oil resources, the major component of the conflict. Therefore, any mechanisms employed to resolve this conflict such as mediation, negotiation and others have to be applied in accordance with the common interests of both countries.

Moreover, the control of oil revenue was the major contentious issue and it was resolved that both the North and South should share oil revenues such that 50% of the revenue goes to Sudan, 48% to the then semi-autonomous Government of Southern Sudan (GoSS) and 2% remains in the local producing communities. However, this arrangement would last only as far as the transition period, therefore, after South Sudan's independence, there was no clear institutional arrangement on sharing oil revenue, over 70% of which had gone to South Sudan after independence.

Darfuri factions and the SPLM-N in Blue Nile and South Kordofan states formed Sudanese Revolutionary Front (SRF) alliance to overthrow the Bashir government and install a democratic system in Sudan. Following the toppling of the defunct Bashir government in April 2019, a series of agreements have been held between the SRF and other political oppositions with the current Sudanese government which led to Juba Peace Agreement in October 2020. This promising initiative may solidify and cement the bilateral relations between the two Sudans.

#### 4. CONCLUSION

The issue of oil and disputed areas in the conflict between Sudan and South Sudan is a historical factor that stems from the marginalization of the South Sudanese by the previous Khartoum governments. Given the fact that most of the oil resources were in the South, exploitation of these resources to the exclusive benefits of Sudan bred a feeling of disgruntlement among the South Sudanese, and is one of the major factors sparking off the rebellion by the SPLA in 1983. In the post-independent era settling the issue of oil and the disputed areas is paramount to end the conflict and present a realistic chance for peaceful coexistence between the two Sudans. Therefore, litigation, mediation and negotiation are key strategies to resolve any outstanding issues between the two Sudans for achieving the global Sustainable Development Goals (SDGs).

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