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Sudan, between Oil and Civil War.

Jennifer Héry

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Jennifer Héry's book aims to reveal the consequences of the development of oil activity and its effects on the civil war in Sudan. Her book is a good scholarly tool with which one can begin to understand the connection between the Sudanese oil industry and the Khartoum-led ethnic cleansing policy in Southern Sudan. Nevertheless, it is unfortunate that Ms. Héry does not emphasize the international stakes, especially of global players such as China and Russia, in the Sudanese oil industry and the direct consequences of their activities in the conflict.

Still, Héry's did an exceptional job at gathering information on a topic with such a lack of credible data. Even with its sound information and analysis though, the book should not be used as a singular source for understanding the Sudanese conflict. Héry is at times overly idealistic when it comes to examining the possible means by which to pressure the international community. The major question that needs to be asked, which Héry neglected, is why some countries are interested in intervening in a region that has been neglected for decades, while others want no international involvement whatsoever. In a nutshell, Héry's book lacks geopolitical analysis, which is an essential component in understanding the Sudanese conflict. What's more, it lacks an analysis of the role of the ideology of the National Congress Party in the Sudanese conflict.

What follows is a summary of the book, which can be used as a résumé of the stakes of the Sudanese oil industry in the country's civil war.

Introduction to the Sudanese oil problem:

The operation of oil companies in countries that are well known for repeated human rights violations begs the question of complicity. Are these companies entitled, because of free trade policies, to pursue activities that increase tensions inside the local community? Since the sole purpose of oil companies is to increase their profits, they often do so at the heavy cost of human lives. Because of their complicity regarding human rights violations, they have often been targeted in places such as Angola, Nigeria, and Malaysia. The heavy involvement of oil companies in Sudan, whose money acts to exacerbate the conflict, further warrants the question of responsibility.

All the reports written on Sudan, either by the U.N. or local NGOs, come to the same conclusion: the revenues created out of oil exploitation and the greed that these revenues create have only acted to further inflame the conflict. On the one hand, fighting intensifies because of government policies around oil exploration and on the other hand governmental forces continue to use more and more sophisticated weapons obtained by oil profits. Although oil is not the only cause of the conflict, it seems to have become a critical contributor to its intensification.

The "Who's Who" of the Sudanese oil industry:

A deeper understanding of who has stakes in Sudanese oil requires a brief history of the establishment of foreign oil companies in Sudan. In the mid 1970s, the first oil sites were

discovered in South Sudan. The Sudanese government displaced people living on the border between the South and the North so that it could control the areas that would be developed for oil drilling.

Chevron was the first American company to obtain an oil concession in the South in 1977 and began operations the same year. In May 1982, another oil site was discovered, in Helig, South Kordofan. In spite of its success, Chevron definitively withdrew from Sudan after its installations were attacked.

Another oil company named Arakis, from Canada, also became involved in Sudan. In 1998 Arakis was purchased by Talisman Energy Inc. which was given 25% of the new prospecting and exploitation project named the Greater Nile Petroleum Operating Company. Three other companies collaborated in the consortium including CNPC (China's national oil company), which owns 40%, Petronas (Malaysia's national oil company) which owned 30%, and Sudapet (Sudan's state-owned company) which owned 5%.

Other companies own concessions in Sudan, but some of them have not developed them. For example, the Swedish oil company Lundin Petroleum AB operates in block 5A in collaboration with the Austrian company OMV. CNPC, the Chinese company, owns block 3 in conjunction with Qatar Gulf Petroleum Corporation. Total Fina Elf bought block 5 but also has yet to develop it.

The oil sector is now well developed in Sudan. At the end of August 1999, a 1600km-long pipeline—constructed by all of the occidental leaders in oil equipment—was inaugurated by Jim Buckee, head of Talisman, in the presence of the Sudanese authorities. Sudanese oil has become a coveted resource. Countries such as India, Malaysia, Russia, Ethiopia, Romania, and some British, French, Korean or American companies, are very interested in the Sudan's oil reserves, which were estimated in 2003 to add up to 700 million barrels.

When oil is fought over...

Sudan's significant supply of oil reserves has a large stake in the civil war. Most of the rural zones in the concession of the Greater Nile Oil Company (GNPOC) have not been under government control since the beginning of the war in 1983. Today, those areas are ruled by fighters allied to the SPLA or the PDF. The government's war strategy has consisted of supporting the Northern Arabic Baggara militias and the pro-government Nuer militias. Since 1999, several conflicts have broken out between different Nuer militias, many of which are near oil drilling operations in the Occidental Upper Nile region. After the peace agreement of 1997, the government employed Nuer militias to ensure the security of oil companies. Internal struggles between the militias' leaders erupted into conflicts in 1998 though, while the Sudanese army and the Southern Defense Forces argued over who should be in charge of ensuring the security of oil sites.

The alliances between different armed groups were largely determined by their source of weapons: the Nuer depended on weapons issued by either the government or the SPLA. Khartoum enflamed the conflict by allying with some of the militias. Ultimately, the peace agreement of 1997 was never respected, but merely gave the government the opportunity to take control of several rural zones closed to the GNPOC sites. Meanwhile, oil operations intensified in the so-called "peaceful" zones, becoming solidified by the construction of a pipeline between Block 1 and Port Sudan.

In 1998, the SPLA declared that it considered oil installations potential and legitimate military targets and that it would not hesitate to attack them. It executed its threat by attacking a

GNPOC pipeline in the city of Atbara, followed by a second attack near Erkowit. Much later Talisman was also targeted on 5 August 2005. As a result of the danger presented by continued attacks, Lundin and OMV decided to suspend their activity on 22 January 2001.

Today, being Khartoum's most important source of revenue, the government tries to protect the oil sites. Without its oil revenues, Khartoum would fail in its goal of crushing the opposition in the South and ensuring the safety of new zones that that it can continue to develop oil activities. Undeniably, the oil companies play a large part in financing this sordid war.

When oil fuels the war...

Christian Aid estimates that each day, the revenues made by Sudan's oil adds up to one million dollars, giving the government more money to invest in its war against rebels in the South. The NGO also correlated Khartoum's increased revenue to a boost in arms production. Since Sudan's national arms production is limited to light artillery, it is forced to import more sophisticated weapons from overseas. Sudan is believed to have direct deals with some of the countries whose oil companies operate in its territory. Khartoum is said to have worked out a deal with China to exchange sophisticated weapons for oil delivery. It also buys weapons with a loan granted by the Malaysian government in exchange for future oil extractions.

The distinction has become blurred between the securing of oil sites and military operations. Sudanese military forces that used to walk or ride horses are now using helicopters and planes to organize raids against the SPLA, the local population, and even NGO located near the oil sites. Moreover, the oil companies have built strong infrastructure such as roads and runways that the Sudanese army and its allied militias use, aiding attacks against the SPLA or the Nuer militias.

The security of the GNPOC's activities is ensured by four different forces: the Sudanese Army, the Government of Sudan Petroleum Security, the national security forces, and some unarmed security coordinators who do not have weapons. The Sudanese Army also assists the China Petroleum Engineering and Construction Group by helping its own security forces protect its workers from assaults by Southern militias. The employees working on the construction of the GNPOC's pipeline have apparently worked under the protection of Afghan and Malaysian fighters.

Finally, Khartoum's militias and the troops operating around the oil concessions are said to force young boys to enroll, often capturing them from the streets of Khartoum to be posted on the front lines of the fights with the SPLA.

Oil, ethnic cleansing and scorched earth policy:

Since the SPLA declared in 1999 that it would launch attacks on some oil installations, entire villages near the oil concessions have been wiped off the map. The assailants' tactics are horrific: children and old men are burned alive, women are raped, and whole families are nailed to trees with studs sometimes driven into men's temples. These attacks forced thousands of Sudanese to escape from their homes into forests and swamps, where they have less of a chance of being located and survive by eating leaves and roots. The government is leading a scorched earth policy by destroying crops and stealing cattle to increase the risk of famine so the local population doesn't return. The methods used are not the same in the South as in the North, where displaced populations benefit from housing projects.

Khartoum has shown its readiness to empty areas of their inhabitants so that it can extend oil extraction operations. Meanwhile, oil companies continue to deny the link between their requests for heavier security and the relocation of populations, although many reports have proven otherwise. A secret report from 1999 showed that the Sudanese army, in response to Talisman's request for increased security and the relocation of populations near the oil wells, prepared to wage "cleansing operations" in all the villages between Heglig to Paryang. Two days later, the offensive provoked a 50% reduction of the county's population.

What makes the situation even more dire is that Khartoum refuses to grant NGO access to the main oil zones, depriving the population from medical assistance. As a result of these policies, the World Food Program (WFP) was denied access to 43 new Southern localities, depriving 1.7 million of people from food. In one example of many attacks on humanitarian missions, a crowd of women and children waiting to receive food aid in Bieh (Block 5a) from the WFP were targeted by a helicopter. The attacks occurred despite previous negotiations between WFP and the government for distributing the food.

The legal sanctions...

Oil companies' disregard for human rights is usually condemned with symbolic sanctions to highlight the companies' moral culpability. With an obligation to respect international law, companies are expected to respect human rights both inside the company and in its close surroundings. Thus, Amnesty International and Pax Christy insist that before setting up operations in the field, a company must be sure that the population has not been dispossessed, or forced to flee.

The Alien Tort Claims Act (ATCA) of 1789, one of the United States' oldest laws, states that any non-American plaintiff can sue an individual or a firm in front of an American court and ask for compensation if he or she has been the victim of human rights violations. Unocal and Total were recently sued for allegations of slavery in Burma and, famously, Royal Dutch/Shell was convicted for human rights violations in Nigeria. *Wiwa vs. Royal Dutch/Shell* proved a great victory for champions of human rights around the world.

Thanks to the American legislation, oil companies can now be sued and found guilty. Not only do guilty companies have to bear the financial burden, but their reputation becomes tarnished, discouraging potential clients from investing. Still, only individuals and the firms in U.S. territory can be sued, which in Sudan's situation, excludes the Chinese, Malaysian and Sudanese companies that have been implicated in human rights violations. In any case, no company wants to be accused of human rights violations. Some companies attempt to show their commitment to human rights by enforcing codes of ethics and some, like Talisman, take part in development projects (even if it is a marketing ploy) in the countries in which they are operating.

... and the companies' guidelines:

The most basic guidelines for multinational oil companies are outlined in the OECD Guidelines for Multinational Companies (1976) and the Tripartite Declaration of Principles Concerning Multinational Companies and Social Policy by the International Organization of Labor (1977). These guidelines however, are not legally binding, which means that no sanctions are enforced in the event of human rights violations. A number of American studies have shown that there is little difference regarding the respect of human rights between companies that have adopted the guidelines and those that have not. A company's claim to adhere to these guidelines is often a marketing ploy for oil companies that show no rigor in their application.

Meanwhile, many of the oil companies operating in Sudan—namely the Sudanese, Chinese, and Malaysian companies—have not adopted any guidelines whatsoever. While guidelines are certainly not the magic tool that will ensure that human rights are protected, they are still necessary for educating the public and mobilizing society. Economic sanctions have not shown any real efficacy either, but the embargos and other measures remain the only concrete means for the U.N. to pressure a government. And at the very least, they have an impact on public opinion.

In 1993 Sudan appeared on the “black list” of the U.S. State Department, sending a signal to all companies that wished to invest in Sudan. In 1997, those measures were reinforced under the Clinton administration. Today, there are no American companies involved in Sudan, but the measures capable of preventing American investment in any significant way are not yet in place. Even the Sudan Peace Act of 2002 did not accomplish much, because the impact was more diplomatic than economic.

Some groups conducted more symbolic actions against oil companies said to disregard human rights. Campaigns were carried out in the United States, Canada and Sweden, to denounce the activities of Talisman and Lundin Petroleum in Sudan. The most efficient campaign was against Talisman, which finally left Sudan in 2002. As for Lundin Petroleum and OMV Austria, they temporarily placed an end to their activities in Sudan in 2002 after the intensification of the conflict in the Upper Nile region. Lundin though, made a discreet come back in Sudan after the Machakos agreement created new hopes for peace.

Sudanese politics today:

Sudanese President Omar al-Bashir is now trying to break his country out of isolation. The United States’ policy of vilifying the Sudanese regime in fact benefited Khartoum. Within a couple of months he was able to reestablish contacts with countries all over the region, namely Ethiopia and the Gulf states. After distancing itself from Hassan al-Turabi, the regime has tried to lose its reputation as a rogue, terrorist state by signing on to several anti-terrorist conventions. Despite Khartoum’s newfound “good will,” NGOs remain suspicious, citing Khartoum’s continued disrespect for human rights, cease-fires and NGO operations.

Sudan and the United States have recently proven their will to normalize relations. Sudan is a potential source of oil for the U.S., and being cheaper than OPEC’s, it is particularly attractive. The U.S. is currently in a position to pressure both sides of the conflict to reach a peace agreement. It is actually the main supporter of the Southern opposition in terms of humanitarian aid and diplomacy. At the same time, Khartoum is eager to improve its legitimacy and get rid of Washington’s economic and diplomatic sanctions.

Conclusion:

With an external debt of 15 billion dollars and an economy dependant upon oil, one can understand why Sudan does not want the U.S. to intervene in its territory. Still, Sudan remains on U.S. State Department’s list of countries that support terrorist activities. At the same time, NGOs are calling for the end of oil companies’ activities until a real peace agreement is reached. Now is the opportune time for the occidental countries to adopt a clear position towards Khartoum and to begin to think of the thousands of Sudanese lives that could be lost rather than the thousands of dollars that could be made in oil profits.