

Sudan, Oil and Human Rights

Summary, Conclusion and Recommendations

SUMMARY.....	2
The Displaced.....	4
Sudan's Land and Peoples	8
Oil in Sudan: The Corporate Holdings.....	9
Government Strategy of Divide and Displace	13
Government Revenue from Oil and Expenditures on Arms	20
Corporate Responsibility	21
Talisman and the Canadian Government	29
The Role of the U.S.....	29
Postscript: Peace Talks Update 2003	31
CONCLUSION.....	34
RECOMMENDATIONS.....	39
I. Minimum Benchmarks.....	39
Displacement.....	39
Transparency	40
II. Failure to meet benchmarks.....	41
To the European Union and its member states (notably Sweden, Austria, France, Germany, and the United Kingdom), and the governments of Canada, China, and Malaysia, and any other state where oil companies operating in Sudan are headquartered:.....	41
III. Additional Recommendations.....	41
To the companies:	41
To the Government of Sudan:	42
To the United States:.....	43
To the Canadian Government:	44
To the governments of Canada, China, and Malaysia:	44
To the European Union and its member states, notably Sweden, Austria, France, Germany, and the United Kingdom:	44
To the members of the United Nations Security Council:.....	45
To the World Bank:.....	45
To the rebel forces: the SPLM/A and other anti-government armed groups:	45

SUMMARY

The first export of crude oil from Sudan in August 1999 marked a turning point in the country's complex civil war, now in its twentieth year: oil became the main objective and a principal cause of the war. Oil now figures as an important remaining obstacle to a lasting peace and oil revenues have been used by the government to obtain weapons and ammunition that have enabled it to intensify the war and expand oil development. Expansion of oil development has continued to be accompanied by the violent displacement of the agro-pastoral southern Nuer and Dinka people from their traditional lands atop the oilfields. Members of such communities continue to be killed or maimed, their homes and crops burned, and their grains and cattle looted.

The large-scale exploitation of oil by foreign companies operating in the theatre of war in southern Sudan has increased human rights abuses there and has exacerbated the long-running conflict in Sudan, a conflict marked already by gross human rights abuses—two million dead, four million displaced since 1983—and recurring famine and epidemics.

Forced displacement of the civilian population, and the death and destruction that have accompanied it, are the central human rights issues relating to oil development in Sudan. The government is directly responsible for this forced displacement, which it has undertaken to provide security to the operations of its partners, the international and mostly foreign state-owned oil companies. In the government's eyes, the centuries-long residents of the oilfields, the Nuer, Dinka, and other southern Sudanese, pose a security threat to the oilfields because control and ownership of the south's natural resources are contested by southern rebels and government officials perceive the pastoral peoples as sympathetic to the rebels. But the Sudanese government itself has helped to create the threat by forging ahead with oil development in southern territory under circumstances in which its residents have no right to participate in their own governance nor share the benefits of oil development. Brute force has been a key component of the government's oil development strategy.

The oil in the ground and flowing through the pipeline to the Red Sea supertanker port has driven expulsions from Western Upper Nile/Unity State, the area of the main oil production today. In earlier campaigns in the 1980s government troops and horsebacked militia of the Baggara, Arabized cattle nomads of Darfur and Kordofan, invaded from the northwest, destroying communities and expelling much of the population from the initial exploration areas, in Blocks 1, 2, and 4, dangerously situated on the north-south border of Sudan. (Map B)

Sudan, Oil and Human Rights

In the 1990s the government embarked upon a more sophisticated displacement campaign, through the use of divide-and-conquer tactics: it bought off rebel factions and exacerbated south-south ethnic differences with arms supplies. Mostly Nuer factions with political and other grievances against the Dinka-officered rebel Sudan People's Liberation Movement/Army (SPLM/A, referred to as SPLA when discussing the military wing) emerged and a bloody south-south war ensued, concentrated in the oilfield areas. Campaigns of killing, pillage, and burning, enabled by government troops and air support for their southern allies who served as front troops, cleared the way for Western and Asian oil corporations to develop the basic infrastructure for oil extraction and transportation: rigs, roads, pumping stations, and pipelines.

The relationship of the war and displacement campaign to oil development is evident: the oil areas targeted for population clearance are those where a concession has been granted and a pipeline is imminent and/or nearby. The availability of the means of transport of oil to the market makes the nearest undeveloped block economically viable. The agro-pastoralists living there then become the target of forced displacement. Since 1999, when the pipeline was nearing completion and Blocks 1, 2, and 4 came on line with 150,000, then 230,000 barrels of crude oil produced daily, the main military theatre has been in the adjacent Block 5A. Oil revenues enable the government to increase its military hardware: it tripled its fleet of attack helicopters in 2001 with the purchase abroad of twelve new helicopters—used to deadly effect in the killing of twenty-four civilians at a relief food distribution site in early 2002, to cite only one example.

In a number of cases, international oil companies in Sudan have denied that any abuses were taking place in connection with oil exploration and production. Despite considerable evidence to the contrary, oil company executives have claimed that they were unaware of any uncompensated forced displacement as a result of oil operations. They have also claimed to have undertaken investigations establishing that abuses are minimal or nonexistent. As noted below, such efforts do not stand up to scrutiny. Increasingly, under pressure from nongovernmental organizations (NGOs) and some concerned governments, oil company representatives have claimed instead that they are playing a positive role in difficult circumstances to monitor and rein in abuses. As detailed below, such claims have consistently been self-serving. Human Rights Watch believes that oil companies in Sudan, seeking to make a profit in areas of the country wracked by civil war and often brutally cleared of indigenous peoples, have an obligation to see that rights abuses connected with oil production cease.

This report is about the human cost of the oil—and corporate complicity in the Sudanese government's human rights abuses, including its policy of sponsored ethnic conflict and forced displacement to clear tens of thousands of southern Sudanese from their homes atop the oilfields.

Human Rights Watch

The first part of this report describes early developments in the oil sector in Sudan, summarizing the experience of Chevron beginning in 1974 and Arakis beginning in 1992 in Blocks 1, 2, and 4. Part one also details the historical evidence that, contrary to oil company and Sudanese government assertions, southern Sudanese had long lived in the oilfields, and were displaced as a result of the oil operations. The second part of the report covers oil development by Lundin (IPC) in Block 5A starting in 1996 and the role of Talisman Energy starting in 1998 in continued development of Blocks 1, 2, and 4, examining the large-scale displacement that continued to accompany oil development and intensified civil war in the region. The third part of the report provides a detailed account of the human rights consequences of oil development in Sudan, including population displacement, ethnic manipulation, aerial bombings of civilians, property destruction, waste, and, especially for many Nuer and Dinka, human misery and despair. The fourth part considers what oil company representatives knew and the extent of their complicity, and their governments' all too common preference for business as usual over policies aimed at ending abuses.

The Displaced

According to information provided by the United Nations (U.N.) World Food Program (WFP) and others, as of March 2002 an estimated 174,200 civilians remained displaced as a result of the conflict between the government and its southern militia proxies, and the rebel SPLM/A in the oilfields of Western Upper Nile/Unity State (roughly Blocks 1, 2, 4, 5A, and 5B). Numbers are at most estimates, and hard to come by, but the displacement continues as of the writing of this report, in spasms of military attacks by government army forces and Nuer militia (or armed groups, as they now prefer to be called), joined in by militia of the Baggara tribes to the northwest. The uprooted civilians' movements in search of safety and food took them in different directions, sometimes to the edge of another oil concession, sometimes to the *toic* (seasonally flooded grasslands), sometimes to a garrison town or relief airstrip, and sometimes outside of Western Upper Nile/Unity State. This count did not include many others who fled to areas inaccessible to the U.N. and other relief organizations, or to northern towns such as Khartoum.

The estimated numbers break down as follows: 1998-99: 70,500 displaced from/within Western Upper Nile/Unity State; and 2000-February 2001: 134,000 displaced; as noted above, by March 2002 a total of 174,200 civilians were listed as displaced from the oilfields in two regions, Lakes (part of Bahr El Ghazal) and Upper Nile. This is a conservative estimate as it does not include the oilfield displaced that went to other parts of Bahr El Ghazal or to Khartoum. The displacement has continued in sporadic surges of tens of thousands ever since.

Sudan, Oil and Human Rights

The Nuer and Dinka people, members of the two largest ethnic groups in the south, have borne the brunt of the war in their home territories, through war-caused displacement, death, disease, dislocation, asset destruction, and recurring famine.

The year 1999 saw a significant escalation of conflict and displacement, shortly after the Canadian company Talisman Energy Inc. became the operating company for the concessions in Blocks 1, 2, and 4 and brought much greater financial muscle and technical expertise to bear on opening up oil production in Sudan. In mid-May 1999, the Sudanese government launched an all-out attack lasting several weeks on Dinka communities in the eastern part of Block 1. The assault commenced with aerial bombardment, followed by ground troops who looted freely and burned everything. Tens of thousands of people were displaced.

The completion of the pipeline from Block 1 to the Red Sea in May 1999 meant that Block 5A became commercially viable in a way it had not been before. A government offensive into the block followed ineluctably. Survivors described to Human Rights Watch the exodus of Nuer civilians being chased by pro-government militia from Block 5A's oilfields in late 1999. The displaced Nuer carried fishing spears, but most left behind even such basic necessities as kitchen spoons and cooking utensils. Some had a few implements and mosquito nets but they could not carry much because they were carrying their children. They tried to save their cattle, their main asset, but those cattle that were too exhausted to keep up and straggled behind were attacked by lions.

On the long walk through the wetlands to Makuac, in Dinka territory, "There was so much water on the way, and we were walking with children, that it took a week," said a Nuer chief of Ler, who took part in the flight. "Hunger was the main problem," he said, while the cold and rain were both a curse and a blessing: "The rain saved our lives. It stopped them from chasing us, and we kept walking through the rain. Small children died of cold on the way, and had to be left on the road." He said there was hunger and sickness, such as relapsing fever, malaria, and skin diseases. "The main thing was the mosquitoes eating us alive, leaving rashes, scabies. We drank the water from the road and toic. There were rivers with water lilies and fish; we ate both." Twenty-three people from one group died of hunger, exposure, and disease on the way to safety in Bahr El Ghazal.

We slept on the grass, outside. This is what killed some children. A boy aged eight and a girl of ten years were lost on the way. I do not know if the wild animals got them. When they were missing we searched for them and could not find them. We lost both in the toic after crossing the Dinka border, near the cattle camp Ngot. The girl's name was Nyanit Biel.

Human Rights Watch

These were not the only abuses. Boys were conscripted and women raped. One boy soldier forcibly inducted by Nuer pro-government militia said, "If they captured you and then took your sister as a wife [raped her], if you were angry, they would beat you. They are serious about raping." A young woman who had never been captured described her fear. "They are abducting girls and making them their ladies [raping them]," she said, to explain why she had been in hiding before leaving her village of Ger. She knew some of the girls who were abducted, including a young woman of her age—eighteen—who was taken with three girls from a village one hour away.

Their mother came to our house and told us of the abduction by the renegades [pro-government militia]. No one knows what happened to them. Their mother tried to follow but she could not find them.

This young woman had been hiding in the forest and going home at night to sleep. After hearing of the abductions, she fled south.

This suffering has continued in the same pattern to date. In February 2000, the Swedish company Lundin Oil AB, lead partner in Block 5A, announced that the lack of a road had delayed its drilling operations. The government's dry season military activities in 2000 in Block 5A appeared designed precisely to capture land for, construct, and secure a road leading to Lundin's fields and the Sudanese army garrison at Ler. In the ensuing months of fighting, most of it between Nuer rebels opposing the government and the government's Nuer militias, tens of thousands of civilians in the Block 5A and adjacent Block 4 oil areas were uprooted. During this time, with the rebels distracted and on the defensive, the oil companies forged ahead with construction of a north-south all-weather road from Bentiu, on the border of Blocks 1 and 5A, to an exploratory drilling site at Ryer/Thar Jath, and Ler, reaching the Nile port of Adok in southern Block 5A in January 2001.

By July 28, 2000, thousands of civilians were on the move from both the pro-government militias and the rebel forces. Relief workers in a plane flying over the fifty kilometers between Nimne and Nhialdiu in Block 5A saw few people, huts, or cattle, because a wide swathe of land, as far as they could see, had been burned to the ground. Many civilians from the area fled or were driven west and north; many thousands were seen with their cattle and mats (but no other possessions) camped on the banks of the Jur River in late July 2000. Those who could manage to swim across with their cattle did so. A separate mass of up to 60,000 people made it to the relative safety of Bentiu, a garrison town.

By early 2001, the oil road south of Bentiu was heavily defended by military patrols and guard posts. While the oil companies said that civilians were living there and enjoying the road, the tens of thousands of people already displaced from there to other less

Sudan, Oil and Human Rights

militarized areas told an entirely different story—one of people forced from their land, their cattle stolen, homes and possessions destroyed by government agents without the least notice or compensation. They were abandoned to the over-extended and under-funded international relief network, whose operations were the object of a government cat-and-mouse game in which a government “win” meant that the newly displaced were cut off from international aid altogether.

In late 2001-early 2002, newly reunited rebel forces—including a previously government-allied militia that had been guarding the Block 5A installations—went on the offensive. The rebels succeeded in ambushing several large government military convoys on the oil road in Block 5A, stymieing oil operations for a period.

The government used heavy bombing—including a total of sixteen new attack helicopters, purchased abroad in 2001-2002 with oil revenue—in an attempt to retake and secure the oil road and operational area. It also deployed Baggara militia for the first time south of the Bahr El Ghazal (*Nam* in Nuer) River. The Lundin-built bridge at Bentiu made it possible for the first time for the government-armed Baggara horsebacked raiders to attack in this area of Block 5A. Civilians ran for shelter further south and west, into a marshy area crossed by streams where the horses could not reach; from there the newly-purchased government attack helicopters often picked up the chase. The civilians were scattered and isolated, hungry, thirsty, and tired, beyond the reach of aid agencies, which the government prohibited from searching for them. Many of those who were uprooted and dispossessed of all means of survival faced famine and death in the unfamiliar areas to which they fled. Block 1 was also a target of Sudanese army offensives and SPLA counter offensives throughout 2001, including a government attack with new helicopters and ground troops in October in Ruweng (Panaru) County, in which an estimated 80,000 persons were displaced.

Ongoing armed conflict has led to continued flight; establishment of government garrisons has prevented the displaced from returning to their homes. While both sides employ modern weapons, the government has produced and purchased more and better weapons with its new oil money, including sixteen new attack helicopter gunships in 2001-2002, more than tripling its military helicopter fleet.

The government made civilian suffering worse by banning relief flights from reaching those who try to cling on in areas the government wants cleared. The government repeatedly refused international relief access to Nuer and Dinka oilfield areas that were in rebellion against the government, calculating that the civilians, who have lost everything in attacks on their villages, would be forced by famine to migrate elsewhere—anywhere—in search of food. It also prohibited humanitarian access to those recently displaced, if they remained in areas near the oilfields. Even as the government entered into peace negotiations in 2002, it stepped up its attempts to close off Western Upper

Nile/Unity State to all relief except that which went to its garrison towns. Finally, under extreme foreign pressure and in the middle of peace talks, the Sudanese government relented on humanitarian access in October 2002. The ceasefire, signed that same month, was broken mostly in Western Upper Nile/Unity State's oilfields.¹

Sudan's Land and Peoples

Sudan's 2.5 million square kilometers make it the largest country in Africa, more than one quarter the size of the United States (U.S.). Because of lack of water in the vast northern desert part, half the population lives in just over 15 percent of the land, along the Nile and, in the south, along its many tributaries and annually flooded areas.

Sudan's estimated 30.3 million people are even more varied than its desert-savannah-floodplain-swamp-rainforest terrain. (Map A) They are divided among nineteen major ethnic groups and some 600 subgroups who speak more than one hundred languages and dialects. In the first and only ethnic census taken (1956), Arabs were 39 percent, and Africans 61 percent, of whom Dinka were the largest group at 12 percent of the total population. Perhaps 70 percent of the population is Muslim, most living in the northern two-thirds of the country. The rest of the population practices traditional African religions or Christianity.

The African non-Muslim citizens who populate the south have been at war with the central government, dominated by an Arabized Muslim elite, since independence in 1956. State power remains in the hands of the Arabized Muslim elite, which dominates the officer corps of the army, security agencies, and other implements of power—although poverty-stricken Africans from the west and south of Sudan make up the bulk of the soldier class.

Although there was a decade of peace and southern autonomy in 1972-83 after the separatist southern rebels laid down their arms, it came to an end when the central government abolished the southern autonomous region and made *shari'a* (Islamic law) the law of the land in 1983. The civil war flared up again, but with a different political agenda. While southern sentiment remains strongly separatist, Dr. John Garang, the leader of the main rebel force, the SPLM/A, calls for a "united, secular Sudan."

The human rights catastrophe in Sudan's oilfields cannot be seen in isolation from the larger conflict between the ruling riverain Arabized and Muslim elite and the vast economically, politically, and socially marginalized sections of the population, west and

¹ See reports of the Civilian Protection Monitoring Team established by agreement of the parties, <http://www.cpmtsudan.org>.

Sudan, Oil and Human Rights

east, north and south. It is difficult to overstate the historical differences and special distrust that divide the south from the northern or ruling elite. The south has been starved of development resources, its economy one of pastoral and agricultural subsistence, its children uneducated, and health clinics almost nonexistent. Without doubt it is one of the most underdeveloped regions in the entire world. Sudan has enjoyed democracy only sporadically, and even then southerners have been in the minority in a country where respect for minority rights and cultural diversity is decidedly lacking.

Therefore, when oil was discovered in the south in 1978, control over it became a hot issue. Leaders of the autonomous Southern Region protested the northern-dominated central government's plans to locate the pipeline through the north, to build a refinery in the north and, they feared, to divert all profits and jobs away from the south to the north. This is exactly what has come to pass by means of the debilitating and never-ending war in the south (1983 – present).

Oil in Sudan: The Corporate Holdings

The large oil reserves in Sudan, which are located almost entirely in the southern third of the country, make it potentially a producer in the Brunei/Colombia range. It is not considered a potential megaproducer on the level of Saudi Arabia or Iraq.² But, if properly managed, its oil resources could be a godsend to a country as poor as Sudan, where the annual per capita gross domestic product is an estimated U.S. \$ 424.

The main area of oil exploration and production in Sudan to date, the Muglad Basin, stretches southeast down across the midsection of the country, from El Muglad in Western Kordofan through Bentiu and Western Upper Nile, known by the government as Unity (*al Wibda*) State, to Juba on the White Nile and Eastern Equatoria.³

² Saudi Arabia has 261 billion barrels of oil in reserves, Iraq 112.5 billion barrels. The U.S. has 21 billion barrels, the U.K. has 5.2 billion, and Canada has 4.9 billion. Sub-Saharan African countries rank 11th in the world (Nigeria, 22.5 billion barrels) and 17th (Angola, 5.4 billion). Libya is 8th in the world with 29.9 billion barrels, and Algeria, ranked 14th, has 9.2 billion barrels of oil reserves. Petronas, "Oil & Gas Reserves Ranking" (as at 1 January 2000), <http://www.Petronas.com.my/internet/Business.nsf/dbcf3db8a4c05acbc825671c0017634c/> (accessed June 19, 2002). Congo Brazzaville has 1.5 billion barrels, and Brunei has 1.4 billion barrels of proved reserves. Energy Information Administration, U.S. Department of Energy, "World Crude Oil and Natural Gas Reserves" (as at January 1, 2001), <http://www.eia.doe.gov/emeu/iea/table81.html> (accessed June 26, 2002). Sudan's oil ministry estimated that it had 1.2 billion barrels of oil reserves, but this is not proven reserves. "Sudanese Oil Reserves Surpass 1 Billion Barrels," *Xinhua*, Khartoum, May 3, 1999. Proven reserves are 643.6 thousand barrels as of the end of 2002 for the principal producing fields in Blocks 1, 2, and 4. Talisman Energy, *2002 Annual Report*, p. 64. See the glossary for definitions of probable and proved reserves.

³ The Melut Basin (including Blocks 3 and 7), running north and south of Malakal, west to the Muglad Basin, and east to the Ethiopian border, remains less developed than the Muglad Basin and is not covered in this report.

Human Rights Watch

The Western Upper Nile/Unity State area was traditionally the homeland of the Nuer people. Oil exploitation in southern Sudan began north of Bentiu, in Western Upper Nile/Unity State—in Blocks 1, 2, and the southernmost parts of Block 4, the sites of Unity and Heglig oilfields. (See Map B.) The oil history and development of Block 5A, which is a continuation of the Muglad Basin to the south east of Blocks 1 and 4, has been controlled by the developments in these blocks. Blocks 1, 2, and 4 total nearly 19,500 square miles (50,500 square kilometers or 12.5 million acres).⁴ Block 5A totals 8,076 square miles (20,917 square kilometers or 5.2 million acres), and Block 5B totals 7,768 square miles (20,119 square kilometers or 5 million acres).⁵

Petroleum exploration in Sudan began in the early 1960s. Activity was originally concentrated offshore in the Red Sea. In 1974, two years after the peace accord that ended the first civil war (1955-72), the Sudanese government granted the Chevron Oil Company (U.S.) large oil concessions in Sudan. Chevron discovered and named the Muglad and Melut basins. It drilled for and found oil near Bentiu town in 1978. The government named the oilfield “Unity.” It was located in Block 1, inside Upper Nile province, part of the autonomous Southern Region. Soon after, Chevron discovered the Heglig field, in Block 2. Chevron spent about U.S. \$ 1 billion on exploration but never recovered its costs. It suspended activities in southern Sudan in 1984 due to a rebel attack that killed three expatriate oil workers and other security concerns. The French firm Total, which acquired various oil concessions around 1980, also suspended its onshore exploration activities, but retained its rights, including to Block 5, which, at 120,000 square kilometers, is larger than the size of Blocks 1, 2, 4, 5A, and 5B combined.

The Islamist-military government that took power in 1989 was determined to develop Sudan’s oil potential. It forced Chevron to sell its concession and sub-divided it into smaller exploration blocks. In 1993 Canadian independent Arakis Energy acquired the portion of Chevron's concession north of the town of Bentiu, namely Blocks 1, 2, and 4. In June 1996, Arakis brought eight wells on stream in the Heglig field, subsequently trucking low levels of crude oil to a small refinery at El Obeid in Northern Kordofan for domestic consumption.

⁴ Talisman Energy, powerpoint presentation, Center for Strategic and International Studies (CSIS), Washington, D.C., April 2002. Talisman provided the figures of 19,500 square miles and 12.5 million acres, from which the square kilometers were calculated. See <http://www.csis.org/africa/index.htm> (accessed October 30, 2002).

⁵ Lundin Petroleum website, <http://www.Lundin-petroleum.com/eng/sudan5a.shtml>, <http://www.Lundin-petroleum.com/eng/sudan5b.shtml> (accessed June 26, 2002). The concessions vary in size over time based on arrangements with the government of Sudan to give back undeveloped areas. Lundin provided the figures for Blocks 5A and 5B in square kilometers, from which the square miles and acreage were calculated. Together Blocks 1, 2, 4, 5A, and 5B total some 35,344 square miles; 91,536 square kilometers; or 22.7 million acres.

Sudan, Oil and Human Rights

On December 6, 1996, in need of cash for the project, Arakis sold 75 percent of its interest to three other companies, with which it formed a consortium called the Greater Nile Petroleum Operating Corporation (GNPOC), whose value Arakis put at approximately U.S. \$ 1 billion. Arakis was to be the operational partner. The three other companies were state-owned: the China National Petroleum Company (CNPC), Petronas Carigali Overseas Sudan Berhad (a subsidiary of Petronas Nasional Berhad, the national petroleum corporation of Malaysia), and Sudan's state-owned oil enterprise Sudapet Limited. They would own 40 percent, 30 percent, and 5 percent of the project, respectively. CNPC and Petronas put up project financing until mid-1998.

Although Arakis had been working proven oilfields in Sudan since 1992, by mid-1998 it had relatively little to show for it. The Sudanese oil industry remained in rudimentary form, producing only for local consumption. The country still imported most of its petroleum needs.

On October 8, 1998, Canada's largest independent oil and gas producer, Talisman Energy Inc.,⁶ acquired Arakis and Arakis' main asset, the Sudan project. Talisman, with its superior technology and experience, brought major improvements for the benefit of the war-stressed and cash-poor Sudanese government. It took only one year after Talisman joined the consortium to boost development of the Heglig and Unity fields in Blocks 1 and 2, to finish a 1,540-kilometer (1,000-mile) pipeline to the Red Sea, to build a new marine terminal for oil supertankers, and to pump and export the first crude oil from Sudan. This project transformed Sudan from a net hydrocarbon importer into a potential member of the Organization of Petroleum Exporting Countries (OPEC), the cartel of oil-exporting countries. In August 1999, the first oil for export earned the Sudanese government U.S. \$ 2.2 million in one shot. Much more was to come. Talisman estimated that, over the life of the Heglig and Unity fields alone, the government of Sudan would earn approximately Canadian \$ 3 billion to \$ 5 billion (more than U.S. \$ 2 billion to \$ 3 billion), depending on the international price of oil.⁷

Because of Talisman's successful exploration, by 1999 reserves in Blocks 1 and 2 were discovered to be much larger than previously thought—403.6 million barrels in 1998 and an increase to 528 million barrels in reserves in 1999.⁸ In 2002, a breakthrough in

⁶ Talisman Energy was operating in Sudan through its wholly-owned Netherlands subsidiary, Talisman (Greater Nile) B.V.

⁷ J.W. Buckee, "Talisman in Sudan," *Globe and Mail* (Toronto), Calgary, October 21, 1999. See Talisman Energy, "Sudan—The Greater Nile Oil Project. Background Paper," December 1998, p.6.

⁸ Proved gross reserves according to Talisman were, for the years ending December 31, 1998: 403.6 million barrels; 1999: 528 million barrels; 2000: 562.8 million barrels; and 2001: 625.2 million barrels. Based on Talisman Energy 2001 *Annual Report*, p. 57.

Human Rights Watch

exploration on Block 4 indicated that there might be an additional 160-240 million barrels of oil in the GNPOC concession.⁹ By April 2002, it was estimated that current proven plus probable ultimate recovery of the GNPOC concession would be one billion barrels of crude oil.¹⁰

From 150,000 barrels per day of oil pumped by GNPOC in 1999 (annualized), production increased to 230,000 barrels per day (b/d) by year end 2001.¹¹ Actual output for 2002 reached 240,000 b/d.¹²

Talisman's projections indicate a peak production from the GNPOC blocks at 250,000 b/d in 2005 and the sharp and continual decline in production to 40,000 b/d in 2020.¹³ This projected decline in production meant that the government needed to bring new blocks on line, in order to maintain at least a steady flow of oil revenue.

On October 30, 2002, Talisman announced that it had agreed to sell its Sudan interests to ONGC Videsh Limited, a subsidiary of Oil and Natural Gas Corporation Limited, India's national oil company, for a net return on investment of 30 percent. International human rights pressure greatly contributed to the pressure for Talisman to leave Sudan. Chief Executive Officer (CEO) Jim Buckee said, "Talisman's shares continue to be discounted based on perceived political risk in-country and in North America to a degree that was unacceptable for 12 percent of our production."¹⁴

The disastrous human rights developments in Block 5A from 1999 onward were related to GNPOC's successful production in Blocks 1 and 2 and the approaching completion of pipeline facilities in GNPOC's Blocks. Without the pipeline, the oilfields in Block 5A would have remained as Chevron left them, undeveloped, attracting little military attention. Block 5A was an area the government had long ago conceded to the rebels, as of no strategic interest and having a particularly difficult, swampy environment; but with the GNPOC pipeline completed only a short distance away, it became economically feasible, gained strategic importance, and became a military priority for the government.

⁹ "Talisman Makes Sudan Discovery," *The Oil Daily* (New York), May 3, 2002.

¹⁰ Talisman Energy, CSIS presentation, April 2002.

¹¹ Talisman Energy, excerpt from *2001 Annual Report*, p. 13.

¹² This figure is calculated from Talisman's share of 60,000 b/d in 2002. Talisman Energy, *2002 Annual Report*, p. 21.

¹³ Talisman Energy, CSIS presentation, April 2002, http://www.csis.org/africa/0208_SudanPFCSum.pdf (accessed August 21, 2003).

¹⁴ Talisman press release, "Talisman to Sell Sudan Assets For C1.2 billion," Calgary, October 30, 2002, <http://micro.newswire.ca/releases/October2002/30/c6739.html> (accessed October 30, 2002).

Sudan, Oil and Human Rights

On February 6, 1997, the International Petroleum Company (IPC), a wholly-owned subsidiary of Lundin Oil AB, signed an exploration and production-sharing agreement with the Sudanese government, granting IPC (referred to here as Lundin, the name of the Swedish family controlling IPC) rights to Block 5A, adjacent to and south-southeast of Block 1. IPC (or Lundin), the lead partner, held 40.375 percent of the concession, and the Malaysian state oil company Petronas held 28.5 percent; OMV (Sudan Block 5A) Exploration GmbH, owned by OMV AG, one of Austria's largest listed industrial companies, held 26.125 percent; and Sudapet held 5 percent. Lundin also owned 10 percent of Arakis' stock.¹⁵ (In 2000 Lundin and OMV also acquired a 24.5 percent interest each in Block 5B.) Lundin estimated there were 115 million barrels in reserve in Block 5A, but nothing has been produced so far from the concession.¹⁶

Lundin's explorations in Block 5A were suspended twice due to insecurity, last in January 2002. On March 27, 2003, Lundin announced the resumption of activities.¹⁷ In June 2003, Lundin sold out its interest in Block 5A to Petronas, while retaining its interest in Block 5B.¹⁸ A few months later, in September 2003, OMV agreed to sell its interests in both blocks to ONGC Videsh Limited of India.

Government Strategy of Divide and Displace

In order to control the production of oil, the unelected government of Jafa'ar Nimeiri (1969-85) adopted a two-pronged strategy, division and displacement of the southern population. It has taken almost two decades and various governments to develop and refine this strategy, but the division and displacement strategy has accomplished what direct military action from the central government alone could never achieve: clear control of certain oil areas in southern Sudan.

The political tactic was to conceal the hand of the government by encouraging government proxies—land-hungry neighbors—to attack the agro-pastoralists of the oilfields. With the population thinned out, the government could erect a “cordon sanitaire” around the producing areas in Blocks 1, 2, 4 and 5A for foreign oil companies to exploit in peace and security—while those who had lived for generations on the land

¹⁵ Due to corporate restructuring, the owner of the Lundin interest in Block 5A became Lundin Petroleum (also “Lundin”).

¹⁶ Lundin Petroleum AB press release, “Lundin Report for Nine Months ended September 30, 2002;” C. Ashley Heppenstall, president and CEO of Lundin, letter to shareholders, November 15, 2002, http://www.lundin-petroleum.com/Documents/pr_corp_15-11-02_e.pdf (accessed November 18, 2002).

¹⁷ Lundin Petroleum AB press release, “Update on activities in Block 5A, Sudan,” March 27, 2003.

¹⁸ Lundin Petroleum, “Lundin Petroleum completes sale of Block 5A Sudan,” June 23, 2003.

Human Rights Watch

were robbed of their peace, security, homes, animals, crops, families, and often their lives.

In the 1980s, the government of dictator Nimeiri (1969-85) and then the elected government of Prime Minister Sadiq al Mahdi of the Umma Party (1986-89) armed militias of the Baggara, Arabic-speaking cattle-owning nomads, to drive southerners from their own land, in particular the Nuer and Dinka ethnic groups to the south and east of the Baggara, steadily clearing out Blocks 1, 2, and 4 for oil development. The north-south border drawn by the British cuts through Blocks 2 and 4. (See Map B)

The Baggara horse-backed militias, known as *murabeleen*, with state and central government-supplied automatic weapons, were allowed full impunity in Western Upper Nile/Unity State to loot cattle and burn, and to kill, injure, and capture Nuer and Dinka, whose men resisted on foot, mostly with spears.¹⁹ The government granted impunity to its proxies for what they stole and whom they murdered. Government soldiers in trucks later came through, with equal brutality and greater thoroughness, to erect garrisons and stay, occupying the land and preventing most of those displaced from returning.

Inside Block 4, west of Bentiu, and probably not far from what later became an oilfield, there were schools attended by hundreds of Leek Nuer children in 1983, according to a man who then served as school administrator. These Nuer were pushed by the Baggara in the mid-1980s to cross the Bahr El Ghazal (Nam) River for safety. The school administrator said:

The Baggara looted the Nuer cattle, and sold it to traders. They killed people, abducted girls and boys to be slaves, and sold some to Libya. If a person were lucky, his children would be in Khartoum. Most of those abducted disappeared. This started . . . when the government of Sudan gave guns to the Baggara.²⁰

The schools the administrator was managing closed from 1983 until 1991 because the Baggara raiders destroyed them. Whole communities fled; many families were separated.

In 1983, mutinies by southerners within the Sudanese army led to the creation of the SPLM/A, and then the full-scale resumption of the civil war. By 1986, the SPLM/A

¹⁹ This style of displacement—here for the purpose of gaining control of land and grazing areas—had already been practiced by the Baggara in the Dinka Abyei area of southern Kordofan, with disastrous results for the people of Abyei. David Keen, *The Benefits of Famine: A Political Economy of Famine and Relief in Southwestern Sudan, 1983-1989* (Princeton: Princeton University Press, 1994). The story of Abyei is beyond the scope of this report.

²⁰ Relief Association of Southern Sudan (RASS) officer and former school administrator, Human Rights Watch interview, Nairobi, Kenya, August 1-2, 2000.

Sudan, Oil and Human Rights

dominated most of Western Upper Nile—except for the government garrison towns, some oilfields north of Bentiu town, and the Bul Nuer area, which was loyal to the commander of a pro-government militia, Paulino Matiep, who had never joined the SPLM/A and to whom the government referred as a “friend” of the army.²¹

In the face of SPLM/A successes, the Sudanese government further developed its preferred strategy of divide and rule. In addition to deploying the army and Baggara militia to protect the oilfields, the Sudanese government also implemented a strategy of dividing southerners and buying off those occupying strategic territory. It cultivated Cmdr. Paulino Matiep as its primary surrogate force to keep the SPLM/A presence—and that of other hostile forces—in the oilfields at a minimum. Paulino Matiep’s role was to become ever more important in the years that followed.

The government took advantage of a 1991 split in the SPLM/A—which broke into two factions mainly along Dinka/Nuer ethnic lines—to begin covertly aiding the mostly-Nuer breakaway faction led by prominent Nuer leader Dr. Riek Machar Teny Dhurgon. This force changed names as it changed alliances, and was last known as the Sudan People’s Defence Forces (SPDF). (In January 2002, the SPDF and the SPLM/A signed a unity agreement, reuniting many of the forces that split in 1991.²²)

The Nuer were the key ethnic group as far as oil development was concerned. Nuer territory extended to most of the Muglad and Melut basins, with Dinka being the second largest ethnic group in the southern oilfield regions.

In 1996, Riek Machar and one other commander signed a Political Charter with the government. In 1997, the Khartoum Peace Agreement was signed between the government, the Machar faction, and other political and armed groups at odds with the SPLM/A. The Khartoum Peace Agreement provided for a referendum on self-determination, a widely-held southern aspiration. But the referendum was to be held four years after conditions were right, and has not been held to date. Instead, the Nuer became victims of extensive displacement at the hands of their government “allies.”

The Khartoum Peace Agreement of 1997 was what the government needed to show foreign oil investors. It supposedly put an end to the war that had driven Chevron away;

²¹ Most southerners’ names include the “proper” name first, the father’s name (second), and the grandfather’s name (last). To refer to Paulino Matiep as “Matiep” is to refer to that commander’s father. Therefore the first and second names are used for southerners in this report, although in conversation southerners routinely refer only to the first name, i.e., “Paulino,” with some exceptions such as using the father’s name when the proper name is widely used, or a title, i.e., John Garang de Mabior may be referred to as “Garang”—or as “Dr. John.”

²² See <http://www.usinternet.com/users/helpssudan/>.

Human Rights Watch

it provided African “ex-rebel leaders” to meet with and to assure oil investors that Chevron’s bad experience would not be repeated; and it supplied ex-rebel forces with arms and ammunition to brush away the rebel “remnants” who might venture too close to the oilfields.

But the northern-based government fundamentally mistrusted southerners. It would neither rely on southerners as firm allies nor allow them to grow too powerful. It directly provisioned various smaller Nuer commanders, thus winning them away from Riek Machar’s forces. In addition, the government issued renewed calls to students and others in the north to join militias known as “Popular Defence Forces” (PDF), including one known as the “Protectors of the Oil Brigade,” that it then deployed to the oil areas of the south.

When the pro-government Nuer militia of Paulino Matiep began attacks in late 1997 into the territory of Riek Machar, supposedly a government ally, the government publicly dismissed the fighting as “tribal clashes.” Since all these forces were southern, the government claimed it was remote from “inter-factional” fighting between southerners and could not control it. But the government did not lift a finger to stop it. The government itself promoted the myth of the “ungovernable south” sure to plunge into anarchy that would end in a “Rwanda” scenario, unless there was steady oversight from Khartoum.²³ By selectively arming ethnic factions—providing arms and ammunition to Nuer pro-government militias to fight against another Nuer factions and the SPLM/A—the government’s actions were actually making that Rwanda scenario more, not less, likely. The strategy of fielding southern forces as its proxies was a government attempt to evade accountability for its actions. The creation and nurturing of southern proxies also helped to prevent unification of the southern political and military forces opposing the government.

The government’s ethnic divide and displace strategy was especially devastating for the Nuer: it encouraged and armed them to fight each other in scorched earth campaigns—at home. They were skilled in familiar terrain, as the government troops were not, at lightning raids conducted regardless of the harsh geography and weather, including during the wet season when government troops, vehicle-bound, could not engage.

With heightened development interest in Block 5A, as Talisman was completing the pipeline to the Red Sea in 1999, the strategy of arming southern proxies to fight the war became even more important to the government. The Block 5A oilfields did not border the Baggara or the north-south divide; they were deep inside the south where rivers

²³ Ghazi Salah Eldin Atabani, State Minister of Foreign Affairs, Human Rights Watch interview, Khartoum, May 4, 1995.

Sudan, Oil and Human Rights

traditionally barred the advance of the Baggara militias on horseback. The government's proxy for clearing those Nuer-populated oilfields therefore would have to be Nuer. But Riek Machar's forces, instead of cooperating with the government, challenged the government's right to control the Block 5A oilfields. First, Riek Machar tried negotiations. In February 1999, Sudan's minister of defense met him and insisted that Sudanese army forces must guard the oilfields, including Lundin in Block 5A. Riek Machar disagreed, insisting that his forces had guarded Lundin since 1997 and should continue.

In April 1999 Lundin drilled an exploratory well at Thar Jath (known to locals as Ryer) in (Western) Jagei Nuer territory of Western Upper Nile/Unity State in Block 5A. Representatives of the Khartoum government held a meeting in Bentiu (Block 1 and capital of Western Upper Nile/Unity State) with Riek Machar's United Democratic Salvation Front/South Sudan Defence Force (UDSF/SSDF) in late April 1999. At this meeting, Sudanese ministry of defense representatives again told Riek Machar and his colleagues that the government army would protect all the oil areas in Western Upper Nile/Unity State. There was no agreement, however. Elijah Hon, an SSDF commander and later its chief of staff, described the discussion in an interview in July 1999:

We said the oil workers can go there [Block 5A], but not the government of Sudan. The government of Sudan refused this. We said the presence of two armies would involve problems. They said that the [government] army should be free to go anywhere in Bentiu [Unity State]. This is a violation of the Khartoum Peace Agreement, [we said,] which requires [our] consultation and approval.

Within days, a campaign of forced displacement from the Block 5A oilfields had started up again, in which the government army, government-backed Paulino Matiep's Nuer militia, and northern militia all participated. It ranged through Block 5A, chasing the Machar forces—which had run out of ammunition—and Nuer civilians out of the area to Dinka land in the west or to other Nuer areas to the south and east. Government forces occupied the Block 5A drilling location, Thar Jath (Ryer).

In 1999, the Sudanese army also began operations to displace civilians remaining in and around an oilfield area north of Bentiu. Beginning May 9, 1999, the army launched an offensive against Dinka villages in Ruweng County, in eastern Blocks 1 and 5A. The attack was an all-out effort by the Sudanese government. It first used Antonov bombers and helicopter gunships and then tanks and armored personnel carriers backed by militia and army soldiers from garrisons at Liri in the Nuba Mountains and Pariang in Block 1. A local SPLM/A commissioner commented, "The reasons for the attack are clear: they want to exploit the oil in this area without fear of local resistance, so they are clearing the area and removing all the people." The Sudanese government offensives of 1999 into

Human Rights Watch

the oil producing areas pushed several previously opposing forces from the south back into alliance against the government. Riek Machar's zonal commander in Western Upper Nile/Unity State, Cmdr. Tito Biel Chol, sought and received ammunition from the SPLA, from which he and others had split in 1991. He launched two attacks to roll back government forces in Block 5A, but by August 1999 his forces were again pushed back. The government militia and forces ran over the same small towns and villages three times, repeatedly displacing civilians. As the numbers of displaced rose, the government tightened the noose by refusing relief access to their places of refuge until tremendous international pressure was brought to bear.

It was at this time, September 1999, that most of Paulino Matiep's forces, led by his Western Upper Nile/Unity State zonal commander Peter Gatdet, mutinied against the government, disgusted with the Nuer-Nuer fighting while the government drained off Nuer oil. Peter Gatdet, Tito Biel, and many other Nuer commanders in November 1999 formed a military command council, the Upper Nile Provisional United Military Command Council (UMCC), which was to have supreme military authority over all the antigovernment forces in Upper Nile. The commanders were also dissatisfied with the role of Riek Machar in cooperating with the government despite the government's refusal to give his forces the right to control the oilfields, and its refusal to honor the Khartoum Peace Agreement.

The new alliance radically and formally changed the military and political situation in Western Upper Nile/Unity State, with a sizeable increase in the number of antigovernment Nuer forces—Tito Biel's and Peter Gatdet's. This left the government with far fewer Nuer troops to front for it there. In response, the government initiated a heightened drive to recruit more young "volunteers" from universities for the more reliable, Islamist-inspired militias.

Just when it seemed that there was a chance that Nuer rebels opposed to the government would gain unity under the UMCC, however, Riek Machar resigned from the government and returned to the southern rebel area. He then created yet another political/military movement, the Sudan People's Defence Forces/Democratic Front (SPDF) in February 2000. His personal maneuvers in exile to retain a significant political and military role in the affairs of Sudan played straight into the hands of the government.

For a while, Machar's Nuer forces (including many who had signed on with the UMCC) and those of Peter Gatdet, who had since joined the SPLM/A, combined. Their actions included impeding the construction of the oil roads for Blocks 5A and 4, which were guarded by the government troops and the Paulino Matiep militia. But in April 2000, the Sudanese government launched a new offensive supported by hundreds of muraheleen (Baggara militia) on horseback. Backed by artillery, gunships, and Antonov bombers,

Sudan, Oil and Human Rights

they advanced into Block 4. Another government force advanced from Bentiu south to their military stronghold at the Block 5A oil exploration site at Thar Jath (Ryer).²⁴

The working alliance among the Nuer rebels did not last long; its end was hastened by the government's ready supply of ammunition to the Riek Machar commanders to fight the SPLA/Gatdet troops in a mutual fury of grievance-settling and revenge-taking. In July-August 2000 fighting between government-supplied and antigovernment Nuer forces left a wide swath of territory between Nimne and Nhialdiu burned to the ground and tens of thousands of civilians displaced.

This fighting, with scores of civilian casualties and substantial destruction of civilian property, continued between Cmdrs. Peter Paar Jiek (SPDF, backed by regular Sudanese government forces) and Peter Gatdet (SPLA) until August 2001—more than a year of scorched-earth tactics displacing Nuer civilians by the tens of thousands—with killing, rape, and abduction as well. A February 2001 attack by SPLA Cmdr. Peter Gatdet on the SPDF Nuer area of Nyal, Western Upper Nile/Unity State, a U.N. relief hub, threatened the West Bank Nuer-Dinka peace agreement concluded in March 1999 at Wunlit.

When in August 2001 the two “Peters” reached a standstill agreement, Cmdr. Peter Paar Jiek ceased to serve as a local guard for the Lundin Thar Jath (Ryer) Block 5A oilfield. The two commanders formally reached a peace covenant in February 2002—a few weeks after the SPLM/A and SPDF leaders, Dr. John Garang and Dr. Riek Machar, announced their unity at a press conference with much fanfare in Nairobi.

With Cmdr. Peter Paar Jiek no longer on the Sudanese government's side, the situation of Lundin's project became precarious. The pro-government Paulino Matiep Bul Nuer militia, based in the government garrison town of Mayom, was not native to the Jagei Nuer area where Paar Jiek had drawn many troops—and where the Thar Jath (Ryer) rig was located. In response to the SPLA's increased forays into this area following the Paar/Gatdet standstill, the Sudanese government launched a dry season offensive to protect the Block 5A Lundin Thar Jath (Ryer) project. In the meantime, however, on January 22, 2002, Lundin suspended operations on Block 5A due to insecurity; its helicopter had been shot down in December (reportedly by an angry member of the Paulino Matiep militia).

The Sudanese government's early 2002 attack on Block 5A adjacent to Block 1 (the Nimne/ Nhialdiu corridor), and near its garrison in Ler made use of Nuer pro-government militias and Baggara. The Baggara crossed the Bahr El Ghazal (Nam) River

²⁴ Human Rights Watch interview, Elijah Hon Top (deceased 2000), chief of staff, South Sudan Defence Forces (SSDF), Khartoum, July 26, 1999.

into Block 5A via the Lundin-constructed bridge at Bentiu and began their “standard” raids, destroying villages, looting cattle, and capturing women and children. The government forces followed up and/or paved the way with Antonov bombing and helicopter gunships, forcing more tens of thousands to move, some for the second or third time. They moved southwest, towards rivers and toic dividing Dinka and Nuer in Bahr El Ghazal. In May 2002, the same displacement process started in Bul Nuer territory between Mayom and Mankien, as efforts to build a second bridge, this one in GNPOC’s Block 4 at the military garrison at Wangkei, proceeded. The U.N. special rapporteur on Sudan reported to the March/April 2002 session of the U.N. Commission on Human Rights that: “the overall human rights situation has not improved” since 2001.²⁵ He stated his belief that “oil exploitation is closely linked to the conflict which . . . is mainly a war for the control of resources and, thus, power.”²⁶ He further stated that “oil has seriously exacerbated the conflict while deteriorating the overall situation of human rights,” and said that he had received information whereby “oil exploitation is continuing to cause widespread displacement”²⁷

By 2002, the government had apparently reached a strategic balance point in this process. It was able to generate enough income from the relatively small GNPOC areas already producing oil to start a domestic arms industry and purchase sixteen new attack helicopters in two years and armaments from abroad that would enable it to target, clear populations, and secure the next oil concession area with road building and garrisons. Thus, the circle was completed, providing a government strategy that could be reproduced successively until all oil areas and transport corridors could be brought under heavy government guard—protecting the oil which in turn funds a larger guard.

Government Revenue from Oil and Expenditures on Arms

Before the oil project went on-line, Sudan’s economy was in dire straits. In 1990, the International Monetary Fund (IMF) issued a declaration of noncooperation against Sudan due to the government’s unpaid IMF debt and debt service. Sudan agreed to a schedule of payments to the IMF in 1997 and made progress in fiscal reforms that

²⁵ Report of the special rapporteur, Gerhart Baum, to the Commission on Human Rights, “Situation of human rights in the Sudan,” E/CN.4/2002/46, January 23, 2002, <http://www.unhchr.ch/Huridocda/Huridoca.nsf/TestFrame/64639579934bf6dcc125669d002cfbcd?opendocument> (accessed June 20, 2002).

²⁶ Ibid.

²⁷ Ibid.

Sudan, Oil and Human Rights

ultimately led the IMF to lift its declaration on August 27, 1999—just days before Sudan exported its first crude oil.²⁸

Government oil revenues rose from zero in 1998 to almost 42 percent of total government revenue in 2001.

Oil revenue has made the all-important difference in projected military spending. The president of Sudan announced in 2000 that Sudan was using the oil revenue to build a domestic arms industry. The military spending of 90.2 billion dinars (U.S. \$ 349 million) for 2001 was to soak up more than 60 percent of the 2001 oil revenue of 149.7 billion dinars (U.S. \$ 580.2 million). Cash military expenditures, which did not include domestic security expenditures, officially rose 45 percent from 1999 to 2001. This was reflected in the increasing government use of helicopter gunships and aerial bombardment in the war.

In U.N. mandatory filings, Russia confirmed that in 2001 it had exported to Sudan twenty-two armored combat vehicles and twelve attack helicopters. In 2002, Russia sold eight armored combat vehicles and four attack helicopters to Sudan, and Belarus sold Sudan fourteen large-caliber Russian-made artillery systems.

This represents an increase in Sudan's attack helicopter fleet from six in 2000 to twenty-two in 2002—more than tripling the fleet.

Corporate Responsibility

The major oil operators in Sudan are all partners of the government's state-owned oil company, Sudapet.

Human Rights Watch believes that the companies in the two oil consortiums during the 1998-2002 period covered by this report, Talisman (Blocks 1, 2, and 4) and Lundin (Block 5A), and their partners CNPC, Petronas, and OMV, have benefited from the government's continued abuses of human rights. (Chevron was also a beneficiary, but suspended operations as of 1984. Arakis benefitted and was able to put several wells into production before it ran out of money and withdrew in 1998.) Some of these oil companies denied that violations took place, and hosted journalists on tours of the oilfields. In 2001, Talisman paid for a costly project: selective satellite photographs and analysis by an expert reader that "proved" that there had never been any displacement—carefully limiting the scope of the project to several small areas inside its concession.

²⁸ International Monetary Fund, "IMF Lifts Declaration of Noncooperation from Sudan," News Brief No. 99/52, Washington, D.C., August 31, 1999.

Human Rights Watch

Modern technology was used in lieu of conducting interviews with any people who were actually forcibly displaced or were eyewitnesses to this brutality and its visible aftermath.

From the beginning of its involvement in Sudan, Talisman resolutely refused to speak out against or to seriously investigate the Sudanese government's policy of forcibly displacing civilians from areas designated for oil extraction and the human rights abuses that have been an essential element of this policy.²⁹ Yet, under modern concepts of corporate responsibility that Talisman claims to endorse, it had a responsibility to ensure that its business operations did not depend upon, or benefit from, gross human rights abuses such as those that have been committed by the government and its proxy forces in Sudan.

From the outset, Talisman had ample warning of human rights abuses in Sudan: even before Talisman became involved, Canadian nongovernmental organizations (NGOs) had been campaigning for the Canadian government to force Talisman's Canadian predecessor investor, Arakis, to pull out of Sudan because of the Sudanese government's record of gross human rights abuses. These Canadian NGOs then wrote to Talisman and publicly called for the company to stay out of Sudan. Senior Talisman officials later had meetings with Riek Machar and other southern leaders. Although Talisman denies it, these southern leaders say that early on they told Talisman about the forcible displacement of civilians from its oilfield areas.

In a letter to Talisman shareholders dated March 10, 1999, Talisman CEO Jim Buckee acknowledged that Canadian NGOs and others had raised troubling questions about human rights abuses by the Sudanese government, but stated:

Because Sudan presents significant challenges, we realized that this project would attract questions from varied sources. However, careful study last summer [1998] persuaded management that this is a sound business investment and our involvement could be carried out in a responsible, ethical manner. Experience to date confirms that judgment.

We recognize that Sudan's chronic troubles, including poverty and conflict running along political and tribal "fault lines", create special challenges. . . . Talisman is taking the necessary steps to ensure the safety of our employees. . . .³⁰

²⁹ The only known exception occurred when Jim Buckee joined the international chorus of protest of the government helicopter gunning of an emergency food relief distribution location near Ler that killed twenty-four civilians in February 2002. He wrote a private letter to President El Bashir.

³⁰ James W. Buckee, Talisman CEO, "President's Letter to Shareholders," March 10, 1999, <http://www.Talisman-energy.com/ar98pres.html> (accessed February 3, 2001).

Sudan, Oil and Human Rights

In July 1999, Human Rights Watch asked Talisman's Khartoum-based general manager for the GNPOC pipeline division if he had received any information about forced civilian displacement from the GNPOC concession area. He said that he had received some reports but that he had not investigated them because of the frenetic pace of work that Talisman was maintaining in order to meet its pipeline and production deadlines.³¹

U.N. Special Rapporteur for Human Rights in Sudan Dr. Leonardo Franco presented a report to the U.N. General Assembly on October 14, 1999, in which he noted that the May 1999 government assault on Ruweng County (in Block 1) had caused many people to become displaced, adding that the offensive had lasted ten days.³² Jim Buckee rejected this report as "hearsay"³³ and indicated that he might present contradictory evidence, though he did not do so. In late 1999, after months of pressure from the Canadian government, Talisman finally signed the International Code of Ethics for Canadian Business; this committed the company to the "value" of "human rights and social justice" and to "support and respect the protection of international human rights" within its "sphere of influence" (undefined), and "not be complicit in human rights abuses."³⁴

Talisman justified its presence in Sudan—and argued even that its withdrawal would be "immoral"—on the grounds that it undertook community development programs for the dwindling population, and because of the unsubstantiated claim that "development" would be beneficial and would bring peace.

But, while Talisman provided clean water to several communities, these and other charitable contributions amounted to only a fraction of one percent of Talisman's post-tax revenue.³⁵ Talisman spent about \$ 1 million in fifteen Sudanese community development projects in 2000,³⁶ the majority of which, in fact, were located in the

³¹ Ralph R. Capeling, General Manager, GNPOC, Pipeline Division, Human Rights Watch telephone interview, Khartoum, July 28, 1999.

³² Leonardo Franco, Special Rapporteur on the situation of human rights in Sudan, "Report on the situation of human rights in Sudan," prepared for the UN General Assembly, A/54/467, October 14, 1999, [http://www.unhcr.ch/Huridocda/Huridoca.nsf/\(Symbol\)/A.54.467.En?Opendocument](http://www.unhcr.ch/Huridocda/Huridoca.nsf/(Symbol)/A.54.467.En?Opendocument), (accessed August 13, 2003).

³³ Steven Edwards, Claudia Cattaneo, and Sheldon Alberts, "Calgary firm tied to Sudan 'atrocities'," *National Post* (Toronto), Khartoum and Ottawa, November 17, 1999.

³⁴ International Code of Ethics for Canadian Business, <http://www.uottawa.ca/hrrec/busetics/codeint.html> (accessed June 6, 2001).

³⁵ The pre-tax segmented revenue was U.S. \$ 1,768 million in 2000, of which U.S. \$ 184 million was attributable to its Sudan operations. The comparable amounts were revenue of U.S. \$ 1,616 million in 2001, with U.S. \$ 210 million derived from the Sudan operations, and revenue of U.S. \$ 1,352 million in 2002, with U.S. \$ 310 million derived from Sudan. Talisman Energy, *2002 Annual Report*, March 4, 2003, p. 55.

³⁶ Talisman Energy, *Corporate Social Responsibility Report 2000*, p. 23.

Human Rights Watch

northern part of Sudan.³⁷ It spent an additional U.S. \$ 469,070 (estimated) on GNPOC community development projects in 2000,³⁸ or a total of approximately U.S. \$ 1,469,070 in social spending in Sudan in 2000. This is equal to 0.12 percent of Talisman's post-tax revenue.

The percentage was almost the same in 2001, when it spent less: U.S. \$ 819,541 (of which \$ 190,687 was carried over from 2000) in its own projects, and U.S. \$ 662,545 (estimated) on GNPOC community development projects, or a total of approximately U.S. \$ 1,482,086 in all in 2001.³⁹ This is equal to 0.12 percent of Talisman's 2001 post-tax revenue.⁴⁰ These benefits represent the positive side, but they are insignificant compared to the impact of Talisman's involvement in Sudan's oil extraction on those communities in the south who have been targeted for forcible displacement and other human rights abuses in order to clear them from actual and potential oilfields.

One of the oft-repeated charges was that GNPOC did not hire local southern Sudanese laborers, even for the most menial work. The Chinese CNPC-related subcontractors that predominated admittedly brought in thousands of Chinese and some northern Sudanese laborers to build the pipeline. Thus even the small spin-off that communities ordinarily realize from foreign oil investment, jobs in infrastructure construction, was denied to the southern Sudanese.

Talisman's defense of its presence was challenged both by southern rebel organizations and by the government's civilian opposition. The United Sudanese African Parties (USAP), a southern political party registered under the government's political association system in Khartoum and operating within the Sudanese political system, issued a declaration in 1999 calling on the government to suspend immediately all oil operations. It condemned not the government, however, but the oil companies, and singled out Talisman for hiring agents in Europe, North America, and elsewhere to launch "foolish propaganda that claims that people of Southern Sudan are incapable of appreciating the economic advantages which petroleum exploitation" will offer them.⁴¹ It accused

³⁷ Talisman (Greater Nile) B.V., "Community Development Strategy – 2001," undated, pp. 6-8.

³⁸ Talisman Energy, *Corporate Social Responsibility Report 2000*, p. 23. The GNPOC project expenses were deducted as expenses to the project.

³⁹ Talisman Energy, *Corporate Social Responsibility Report 2001*, pp. 11, 23. Talisman approved a U.S. \$ 2 million community development work plan for 2001, but because it was not all expended, it put the balance (U.S. \$ 581,515) into a trust. *Ibid.*, p. 11.

⁴⁰ For the year 2002, in which Talisman sold out its interest in Sudan, it issued its *Corporate Social Responsibility Report 2002* that did not include comparable information.

⁴¹ "Statement by USAP on Oil," as reproduced in *Sudan Democratic Gazette*, Year X, no. 115, London, December 1999, p. 9.

Sudan, Oil and Human Rights

Talisman of knowing full well: that the Dinka and Nuer national groups were suffering brutal death, wanton destruction of their homes, and unprecedented displacement of whole families and clans. "Their ancestral land has instead become a theatre of war, fueled with inputs from oil interests in Canada, China, Malaysia and some European countries."⁴²

The Christian church leadership in Sudan, in the government and rebel areas, also condemned the presence of foreign oil companies and oil development in the absence of a just peace:

Since it started the exploitation of the oil last year 1999, the government of the Sudan has however not used the revenues from the oil for the development of the people of Sudan and in particular those in the oil areas who throughout history were neglected in terms of equitable allocation of the national resources. Instead, the oil revenues have been used for the purchase of military necessities and weapons used for killing and displacing people in these oil areas. The government has assumed that it can end the conflict militarily.

Further, the government is using the roads and airstrips of the multinational oil companies engaged in the production of oil in the Sudan, for military purposes, carrying out aerial bombardment on civilian targets . .

. .⁴³

Like other oil companies engaged in Sudan, Talisman knew or should have known that oil production was taking place in areas where local pastoral populations lacked the basic rights necessary to defend their interests. Talisman also knew or should have known of government displacement and attacks on civilians in its and adjacent concessions prior to its investment in Sudan; it knew or should have known that the government was attacking civilians in Talisman's GNPOC concession in May 1999 and thereafter, and that forced displacement of civilians by government forces was occurring in this and adjacent concessions. Although Talisman would occasionally protest to the government of Sudan (for instance, on the use of the airstrip), it also knew or should have known

⁴² Ibid.

⁴³ New Sudan Council of Churches (NSCC), "Statement of the Sudanese Churches on the Oil Factor in the Conflict in the Sudan," press release, Geneva, April 12, 2000, <http://www.pcusa.org/pda/sudanoil.htm> (accessed June 24, 2001). The statement was signed by the chairmen and other officers of the Sudan Council of Churches (SCC) based in Khartoum and the NSCC based in Nairobi, April 14, 2000, the temporary branch of the SCC.

Human Rights Watch

that government forces were targeting civilian infrastructure, including aerial bombings of hospitals, churches, and schools throughout the south and the Nuba mountains.⁴⁴

Talisman's complicity in the government's abuses was not limited to its inaction in the face of the continued displacement campaign rolling through the oil areas. Its activities in some cases assisted forcible displacement and attacks on civilians. For example, it allowed government forces to use the Talisman/GNPOC airfield and road infrastructure in circumstances in which it knew or should have known that the facilities would be used to conduct further displacement and wage indiscriminate or disproportionate military attacks that struck and/or targeted civilians and civilian objects. Its activities also allowed the government to expand its program of forced displacement into Block 5A, which had been overlooked in the conflict until the pipeline neared completion just seventy-five kilometers from Block 5A's first drilling site.

The military use of the transportation infrastructure built by the oil operators in the concession areas has raised particular issues of corporate responsibility. The long all-weather airstrip at the oil operators' camp at Heglig is confirmed to have been used by the Sudanese military, as have the roads built from north to south and east to west through the concession areas. A large military base at Heglig intended to protect the oilfield operations sits almost on top of the oil operators' enclave and airstrip. A Canadian human rights delegation concluded that government helicopter gunships and Antonov bombers have taken off from the oil company airstrip at Heglig "with their payloads of death and displacement."⁴⁵ The Sudanese army also makes military use of the excellent road system installed by the oil companies to move their heavy equipment; armored personnel carriers are able to reach the government's targeted villages by surprise, in much less time than before.

Far from bringing peace, prosperity and security, in Sudan oil development has brought conflict, displacement and widespread abuse. After Talisman came on the scene in 1998, fighting and displacement in Western Upper Nile/Unity State drastically increased. As documented in several human rights reports by international NGOs, non-Sudanese government commissions, and international agencies, Western Upper Nile/Unity State became the focal point of the war, where the Sudanese government has invested large amounts of soldiers and aviation resources in the see-saw battle for control of the oilfields. Talisman admitted, when it sold off its interest in GNPOC, that it was

⁴⁴ "Human Security in Sudan: The Report of a Canadian Assessment Mission," prepared for the Canadian Ministry of Foreign Affairs, Ottawa, January 2000 ("Harker report"), p. 63: "But the point is that by seeking the truth, we think we have found it, &, within limits, were Talisman to actively seek the truth of what was/is going on around it, it too would find the truth as we have. And the truth can be uncomfortable."

⁴⁵ *Ibid.*, p. 16.

Sudan, Oil and Human Rights

“unsuccessful in . . . attempts to finalize a protocol [with the Sudanese government] that endeavoured to address the provision of security and the appropriate use of oilfield infrastructure.”⁴⁶

Human Rights Watch believes that CNPC and Petronas, Talisman’s partners, share complicity with Talisman. Indeed, they began investing money and expertise some years before Talisman, and they laid the groundwork for the project that Talisman then completed. They have shown little interest in corporate responsibility, however; they are state-owned corporations based in countries, Malaysia and China, whose governments have shown little interest in human rights accountability. At Talisman’s urging, GNPOC signed a code of corporate conduct, but CNPC and Petronas did not individually sign any codes.

Lundin has followed Talisman’s lead, and also failed to investigate or acknowledge forcible displacement of tens of thousands of civilians from its concession area in the years after it began active exploration. Lundin scarcely acknowledged that there was a war anywhere in Block 5A—despite the fact that a May 1999 rebel attack at its only exploratory rig caused it to suspend all operations for more than a year. On the day of the attack, it withdrew its one hundred employees and subcontractors from the Thar Jath (Ryer) rig to Bentiu, a twenty-minute helicopter ride north. The government, using proxy Nuer militias followed up by army and Islamist militias, then ousted tens of thousands of civilians from their homes in Block 5A, some more than once, in three sweeps lasting months in 1999. But Lundin in its public statements about its 1999 suspension of activities disclosed only that operations were suspended because of the “rainy season,” later referred vaguely to “logistics,” and much later made a passing comment on “insecurity” as reasons for withdrawing.

Lundin and its partners, Austrian OMV and Malaysian Petronas, made no public statement condemning this displacement, destruction, or other abuses brought about by oil development. The U.N. special rapporteur and international NGO reports of continuing displacement in Block 5A have proliferated from 2000 to date, however, evidencing the stepped-up expulsion.

Lundin claimed that upon completion of the road to its Thar Jath (Ryer) drilling rig in January 2001, its representatives visited the (militarized) “habited areas along the road” to assess their basic needs, and claimed that people were grateful for the road. A Swedish journalist visiting in April 2001, however, found that “the road is bordered with misery

⁴⁶ Talisman Energy, “Corporate Responsibility Report,” March 4, 2003, p. 8. ONGC Videsh Ltd. completed its purchase of Talisman’s interest in GNPOC on March 12, 2003. <http://www.talisman-energy.com/operatingareas/africa/sudan.html> (accessed July 28, 2003).

Human Rights Watch

and military.”⁴⁷ But traditionally Nuer did not live along that new road or any other. While denying the existence of any displacement from Block 5A, Lundin took full advantage of the heavy army presence to develop its concession.

Lundin was forced to suspend its operations in Block 5A again in early 2002, as a “precautionary measure to ensure maximum security for its personnel and operation.”⁴⁸ Lundin is also invested in Block 5B, with the same partners as Block 5A; Petronas is the managing partner on Block 5B, where it appears that no exploration activity has taken place since Chevron pulled out almost two decades ago.

Lundin announced on March 27, 2003 that because of progress in the peace talks it would “carry out work on the existing infrastructure within Block 5A and the equipment stored in the Rubkona base camp, as a first step towards and eventual recommencement of activities.”⁴⁹ A month later, however, Lundin announced that it would sell off its interest in Block 5A to Petronas. The sale was complete on June 23; Lundin retained its interest in Block 5B.⁵⁰

Based on the findings of our research, Human Rights Watch concludes that CNPC and Petronas operations in the GNPOC Sudanese oil concession Blocks 1,2, 4 (and the operations of Talisman Energy prior to the sale of its interest), and Lundin, Petronas, and OMV operations in Block 5A have been complicit in human rights violations. Their activities are inextricably intertwined with the government’s abuses; the abuses are gross; the corporate presence fuels, facilitates, or benefits from violations; and no remedial measures exist to mitigate those abuses. Human Rights Watch believes that a corporation should not operate in Sudan if its presence there has an unavoidable, negative impact on human rights. Human Rights Watch therefore recommends that all foreign oil companies immediately suspend their operations in Sudan, and agree to resume them only when certain minimum human rights benchmarks are met.

⁴⁷ See Anna Koblanck, “Lundin Oil’s road/DN in Sudan: On flight from the war over oil,” *Dagens Nyheter* (Stockholm), April 28, 2001 (translated by Human Rights Watch).

⁴⁸ Lundin press release, “Lundin Petroleum Announces a Temporary Suspension of Activities in Block 5A Sudan,” Geneva, January 22, 2002.

⁴⁹ Lundin press release, “Update on activities in Block 5A, Sudan,” Geneva, March 27, 2003.

⁵⁰ Lundin press release, “Lundin Petroleum completes sale of Block 5A Sudan,” Geneva, June 23, 2003. The announcement of the agreement to sell was made on April 28, 2003. Lundin press release, “Lundin Petroleum Sells Interest In Block 5A, Sudan To Petronas For USD 142.5 Million,” Geneva, April 28, 2003.

Talisman and the Canadian Government

Although the Canadian government acknowledged the ethical dilemma faced by any Canadian company operating in Sudan, it never provided clear direction or took effective action in the case of Talisman. According to the statements of Canadian officials in early 1999, the optimum time for Talisman to have brought pressure on the Sudanese government to reach a negotiated solution to the civil war, or to bring about human rights improvements, was before the pipeline was completed (June 1999) and oil exports began (late August 1999).⁵¹

But the Canadian government did not make a Sudan policy statement until October 26, 1999. It then hinted that sanctions on Sudan might be appropriate on human rights grounds and appointed a Canadian government human rights delegation led by consultant John Harker to visit Sudan, mandating it to find whether oil exploration had exacerbated the conflict.⁵² The report came back in the affirmative. The delegation found, in February 2000, that

We can only conclude that Sudan is a place of extraordinary suffering and continuing human rights violations, even though some forward progress can be recorded, and the oil operations in which a Canadian company is involved add more suffering.⁵³

Despite this finding by its own commission, the Canadian government failed to impose any penalties or restrictions on Talisman. In mid-2000, the Canadian government attempted to put Sudan on the agenda of the U.N. Security Council, of which it was then a member and chair. But its proposal was forestalled by Chinese threats to bring up the U.S. bombing of the pharmaceutical plant in Khartoum in 1998 in any discussion of Sudan, leading the U.S. to ask its Canadian ally not to move forward on this item. Thereafter, the Canadian government took no further concrete action on Sudan or Talisman's involvement there.

The Role of the U.S.

After 1989, when a coup deposed the elected government and imposed a military-Islamist junta on Sudan that committed gross human rights abuses, the U.S.

⁵¹ Madelaine Drohan, "Sudan play bad timing for Talisman," *Globe and Mail* (Toronto), Ottawa, October 27, 1999.

⁵² Talisman did even not sign on to the code of conduct for Canadian businesses until after the Canadian government human rights investigative mission was actually on the ground in Sudan in late 1999.

⁵³ Harker report, p. 15.

Human Rights Watch

administration was legislatively mandated to vote against such a government in international lending institutions, and it did so. Under President Bill Clinton (1993-2001), the U.S. government gradually adopted a policy of isolating the Sudanese government; Sudan was placed on the State Department's list of countries supporting terrorism in 1993. In 1997, U.S. sanctions were escalated through an executive order barring any U.S. person from doing business with the government of Sudan or its entities.⁵⁴ The only exception was for the import of gum arabic from Sudan (an exception under U.S. anti-terrorism legislation made by the State Department for Occidental Petroleum in 1996 was dropped after it came to light).

Under the George W. Bush administration starting in January 2001, two domestic U.S. lobbies flexed their muscles in seeking to influence U.S. policy toward Sudan: one extremely powerful—the oil industry—and one just beginning to test its foreign policy strength, on Sudan—a conservative religious grouping concerned about treatment of Christians. This conservative religious lobby scored a victory over the oil and business community when the Sudan Peace Act passed the U.S. House of Representatives by 422-2 on June 13, 2001. This act contained an amendment imposing capital market sanctions on foreign companies doing oil business in Sudan, prohibiting them from any access to U.S. capital markets. This would have required that Talisman Energy be delisted from the New York Stock Exchange.

The oil and financial industries prevailed, however. The Senate subsequently passed a version of the bill lacking these capital market sanctions. In October 2002, in light of Bush administration hostility to any capital market sanctions, the House passed another version of the Sudan Peace Act, one which omitted such controversial sanctions. This passed the Senate also and was signed by the president.

A year earlier, on September 6, 2001, President Bush named former U.S. senator John Danforth as his special envoy for peace in Sudan. Days later, on September 11, 2001, Islamic militants belonging to al-Qaeda attacked New York and Washington, D.C. With terrorism becoming the main focus of U.S. foreign policy following these attacks, the Sudanese government—which had hosted al-Qaeda leader Osama bin Laden from 1990 to 1996—moved quickly to attempt to improve bilateral relations, publicly offering to cooperate with the U.S. in its efforts to combat terrorism.

⁵⁴ U.S. President William J. Clinton, Executive Order 13067, "Blocking Sudanese Government Property and Prohibiting Transactions with Sudan," Washington, D.C., November 4, 1997, <http://www.pub.whitehouse.gov/uri-res/12R?urn:pd:oma.eop.gov.us/1997/11/5/2.text.2> (accessed February 24, 2000). These sanctions were renewed by the Bush administration in November 2001 and 2002.

Sudan, Oil and Human Rights

With assistance from the State Department and U.S. AID, peace envoy former senator Danforth devised a four-point plan to test the willingness of the Sudanese government and the SPLM/A to come to a peace agreement. These four points, although not conceived as such, were essentially human rights points, and the two parties agreed to all of them and began to comply with some of them, thus convincing the U.S. administration that they were sufficiently committed to peace that the U.S. should stay deeply involved in the international diplomatic push for peace.

Perhaps the single most important human rights agreement of the four Danforth points, signed by both government and rebel forces in March 2002, was the agreement not to target civilians or civilian objects, with the provision that a team of international monitors could operate freely in Sudan to verify compliance with that agreement. The monitoring of this agreement, to be undertaken by the U.S. State Department, did not begin until late 2002.

Postscript: Peace Talks Update 2003

The U.S. peace agenda, in which several U.S. agencies played roles supporting Danforth's efforts, proceeded with noticeable momentum. The peace talks, pending under the auspices of the regional Intergovernmental Authority on Development (IGAD) since 1994, when the government and the SPLM/A signed a Declaration of Principles,⁵⁵ were taken up again in June 2002, with the renewed engagement of several international partners, particularly the U.S., the U.K., and Norway (the "Troika").

On July 20, 2002, in Machakos, Kenya, the Sudanese government and the SPLM/A signed a protocol agreeing to settle two of the most contentious issues in the Sudanese conflict: self-determination for the south and the role of religion in the state. This Machakos protocol was reached as a first step in the peace process. In it, the government agreed to a referendum for southern self-determination after a six-year interim period following the signing of a final peace agreement. The government also agreed that—for the six-year interim period—*shari'a* or Islamic law would not be applied in the south, which could have its own legislation. As of the writing of this report, the difficult issues of resource and power sharing are still being negotiated, as are security and the fate of three African-populated marginalized areas in the transitional area just

⁵⁵ The parties agreed to the Declaration of Principles (DOP) in 1994 and the Sudanese government spent considerable effort backing away from it until the Machakos Protocol was signed in Machakos, Kenya, on July 20, 2002. In the DOP the parties affirmed the "rights of self-determination of the people of South Sudan to determine their future status through a referendum" and agreed that a "secular and democratic state must be established in the Sudan." Declaration of Principles, articles 2 and 4, signed by representatives of the government of Sudan and the SPLM/A, Nairobi, May 20, 1994.

Human Rights Watch

north of the north-south border (and in which the SPLA has also been waging war): Abyei, the Nuba Mountains, and Southern Blue Nile.

When the July 20 Machakos agreement was reached, many Sudanese groups who were not included in the peace talks protested that this agreement would never last because it was an agreement between minorities (the Islamist government and the SPLM/A) and would—withstanding written agreements for democracy, good governance, and human rights during the six-year interim period—consolidate two dictatorships. The dictators would be Sudanese President Omar El Bashir and SPLA Cmdr.-in-Chief Garang, neither of whom had been elected in free elections, both of whose forces were guilty of gross human rights abuses.

On October 4, 2002, after the Sudanese government returned to the peace talks—following an evident power struggle within the Islamist ruling party and the capture of Torit by the SPLM/A and its recapture by the Sudanese government—the parties agreed to a cessation of hostilities. An October 15, 2002 memorandum of understanding provided for “a period of tranquility during the negotiations by ceasing hostilities in all areas of the Sudan and ensuring a military stand down for their own forces, including allied forces and affiliated militia.” There was no provision for this ceasefire to be monitored. Following on this agreement, on October 26, the government and SPLM/A agreed with the U.N.-coordinated umbrella relief agency Operation Lifeline Sudan (OLS) that humanitarian access would not be impeded by either.⁵⁶

The peace talks in August 2003 were to discuss the outstanding issues. The parties were to decide, among other things, on deployment of troops and police during the interim period; the SPLM/A wanted two armies (the SPLA and that of the Sudanese government) and the government wanted a united army.

The future role of the pro-government southern militias, mostly Nuer, is crucial for a lasting peace, as this report illustrates. As of the writing of this report, the parties to the peace talks do not seem to have reached this vital topic. The government-backed southern militias, now organized under the umbrella of the SSDF, are not party to the talks, and their political counterparts, some of which are technically in the government, have not been allowed to play any role at the IGAD talks. An SSDF delegation was permitted to attend security talks in April 2003 and tabled a proposal for three armies during the interim period (the third being the SSDF). This proposal was not discussed nor addressed by the parties to the talks.

⁵⁶ The unimpeded access agreement was between the government, the SPLM/A, and U.N. Operation Lifeline Sudan. “Meeting Held On The Implementation Of Clause 5 Of The Machakos MOU On Unimpeded Humanitarian Access,” Nairobi, October 25-26, 2002.

Sudan, Oil and Human Rights

The mostly Nuer militias remain a stumbling block for the SPLM/A, which lays claim to govern the entire south. These militias (or armed groups, as they ask to be called) are also a challenge to the government, which does not trust them because they are southerners and continue to insist on the right of self-determination as outlined in the Khartoum Peace Agreement of 1997. Although the SPLA seems to have a position, from time to time, within Block 5A sufficient to block its development, the government militias are situated in different parts of Blocks 1, 2, 4, 5A, and 5 in Western Upper Nile/Unity State, and in Blocks 3 and 7 in the Melut Basin in Eastern Upper Nile also. These areas have changed hands often, even after the October 2002 ceasefire, demonstrating the parties' and the militias'/armed groups' continued high interest in controlling the valuable oil resource.

If peace is reached, it should mean that there will be no more fighting or displacement of civilians from the oilfields or elsewhere, and that the displaced may return to their homes. Whether they will return with compensation for the losses suffered and international monitoring of the parties' respect for human rights is not yet known. The serious human rights abuses detailed in this report have never been accounted for by any of the parties to the conflict.

Nor is it clear that the fighting and the abuses will end with a peace agreement. If peace means that the SPLM/A is the sole government of the southern region and it refuses to compromise or reconcile with the other southern military and political forces, it is likely that Sudanese government hard-liners will continue to use the SSDF militia/armed groups to foment war in the south—in order to frustrate the goal of a self-determination referendum. In these circumstances, displacement and death in the oil war will continue to be the fate of southern Sudanese, even if a peace agreement is signed by the Sudanese government and the SPLM/A.

CONCLUSION

Human Rights Watch believes that corporations may become complicit in human rights violations where their activities facilitate or exacerbate human rights violations, or where they benefit from past or on-going violations.

Complicity occurs in several cases. First, when corporations benefit from the failure of government to enforce human rights standards. Second, when corporations are involved in systematic violations of rights and the state, aware of such violations, and fail to meet its obligations under international human rights law; this constitutes human rights abuse by state omission and corporate commission. Third, when a corporation facilitates or participates in government human rights violations. Facilitation includes the company's provision of material or financial support for governmental forces which then commit human rights violations.

In some rare cases, companies cannot avoid the taint of complicity in human rights violations: their activities are inextricably intertwined with the abuses, the abuses are gross, the corporate presence either facilitates or continues to benefit from violations, and no remedial measure exists to mitigate those abuses. This amounts to inappropriate corporate presence, meaning that a corporation should not operate in a particular area because of its unavoidable, negative impact on human rights.

Based on the facts and law set forth above, Human Rights Watch concludes that the participation of international oil companies in two Sudanese oil concessions, Blocks 1,2, 4, and Block 5A, amounts to inappropriate corporate presence.

There are grave and systematic human rights violations taking place within Sudan, particularly with regard to the conduct of the war in the oil-producing regions and elsewhere, that the government of Sudan has been unable or unwilling to address and to date have not been susceptible to remedy through the ordinary mechanisms of the state's legal system nor through international mechanisms; and no form of pressure from the international community has had any reasonable prospect of having a significant effect in reducing or mitigating the abuses.

In Sudan, the deliberate, forcible displacement, without notice or compensation, of tens and even hundreds of thousands of civilians from the southern oil regions in Western Upper Nile/Unity State has occurred during several periods since the discovery of oil in the south, and is still occurring. The means are military, used by government army or government-armed militias against civilian populations in the context of a war that has

Sudan, Oil and Human Rights

been going on for almost twenty years. The oilfields have become the “main conflict area” in Sudan, according to the U.N.⁵⁷

The government’s military campaign in the oil producing regions was specifically designed to clear the civilian population out of the area to facilitate oil production. In this regard, the oil companies clearly benefited from grave and systematic abuses by the state—without such a vicious displacement campaign, the companies would not be able to operate, or so the government seemed to believe. The government chose to depopulate the areas rather than reach and keep peace agreements or other arrangements with those who lived in and had a historical claim on the land.

Contrast the treatment that southern Sudanese agro-pastoralists living in oil areas received to the treatment that GNPOC and the government provided for northern Sudanese living along the pipeline. The latter had the benefit of an environmental assessment (including the human environment) and compensation in cash, for instance, when they were moved to a safe (two kilometers) distance from the pipeline. Whether or not these payments were adequate, they did at least constitute an attempt to mitigate the possible adverse effects of oil development. Southerners, as described above and in many other reports on the subject, received no environmental assessment and no compensation. Instead, they were moved by military force off their land, their houses and communities were destroyed, their grain and livestock stolen, and some family members lost, killed, or injured. They had to find food and shelter as best they could, while still under military threat. Not only did the government and the oil companies fail to compensate them, they provided no emergency assistance (except for a token amount of aid Talisman provided in August 2000), and the government actively prevented relief agencies from reaching those displaced in the oilfields on countless occasions.

Sudanese pastoralists are not so very different from Canadians, Swedes, Austrians, or other people who live in countries where the oil companies have their headquarters. They want the peaceful enjoyment of their homes. If they are to be taken away from their homes in the name of “development,” they want to have some say in it, and at a minimum they deserve fair (not violent) treatment, a just process to determine the need for their displacement, and adequate compensation for their losses. Canadians, Swedes, and Austrians would not be impressed by the treatment the southern Sudanese have instead received at the Sudanese government’s and the oil companies’ hands. They would not think that a few water wells, a clinic, and relief handouts were an adequate compensation for having their livelihood and homes destroyed and their families subjected to attack, injured, perhaps killed, dispersed, and forced to live in intolerably

⁵⁷ U.N. *Consolidated Appeal 2001*, p. 11

Human Rights Watch

substandard conditions exposed to life-threatening epidemics for an indefinite period of time, deprived of the opportunity to return to self-sustaining life.

The oil companies have claimed to be ignorant of facts that are readily apparent to those who want to see. The oil companies acquiesced in the government's mistreatment of its citizens, while claiming that "development" would promote peace—a claim for which they offered absolutely no evidence, and which has in no way been borne out by the progress of the war in Sudan.

Oil development also has tended to retard peace and in some cases is a *causus belli* for insurgents. That is certainly the case in Sudan. In two other countries in Africa that have large reserves, Nigeria and Angola, the oil wealth has neither been used to improve conditions for the poor, nor has it contributed to progress towards democratic government.⁵⁸

The means by which the Sudanese government chose to protect the oil companies were draconian and arbitrary: it expelled rural people from their land and livelihood, killed their family members, and robbed and burned their property, because these people lived in areas where oil was found—and were presumed on grounds of their ethnic origin to be opposed to the government of Sudan exploiting that oil. Those it did not expel on the first or second wave were left economically insecure and terrified of another raid. The government not only failed to compensate and provide adequate substitute shelter for the displaced, it actively hindered agencies that tried to reach the displaced with emergency relief.

The oil operations, on-line since August 1999, have introduced a new source of revenue to a very abusive government, enabling it to increase its expenditures for military and security operations during which egregious rights violations continue to be committed. After receiving this new income, the government escalated the level of warfare in the south, the Nuba Mountains, and the east, illustrated by the more frequent use of helicopter gunships and increased aerial bombing hitting civilians and civilian infrastructure such as hospitals, relief centers, churches, and schools. The government admitted that it was spending its oil income to build its own arms and munitions factories, and its own budget figures showed that it was spending a substantial chunk of its oil income on defense.

⁵⁸ Human Rights Watch, *The Price of Oil: Corporate Responsibility and Human Rights Violations in Nigeria's Oil Producing Communities* (New York: Human Rights Watch, 1999); Human Rights Watch, *The Niger Delta: No Democratic Dividend* (Human Rights Watch: New York, October 2002); Human Rights Watch Backgrounder, "The International Monetary Fund's Staff Monitoring Program for Angola: The Human Rights Implications" (New York: Human Rights Watch, September, 2000), and Backgrounder, "The Oil Diagnostic in Angola: An Update" (New York: Human Rights Watch, March 2001), www.hrw.org/corporations.

Sudan, Oil and Human Rights

Indeed, the flow of oil may still work as a disincentive to peace, depending on the outcome of pending peace talks. The issues of power sharing and revenue or resource sharing for the six-and-a-half-year interim period between the signing of a peace agreement and the self-determination referendum remained outstanding issues in the peace negotiations sponsored by IGAD as of the writing of this report.

The oil companies constructed transportation infrastructure such as airstrips and all-weather roads, which served to extend government control. These facilities were nonexistent in these areas before. The government provided “protection” to these oil operations, and used oil company infrastructure and transport vehicles, including occasionally company helicopters, to ferry army officers and others around. The roads brought closer to the oil operation areas villages which previously were too remote to be of interest to the various warring parties or to threaten oil installations by their presence. The roads in turn enabled the government to conduct attacks on the villages in vehicles; whereas before soldiers would have had to advance on foot, at much greater danger from rebels. The government used the consortiums’ airstrips, particularly the long runway at Heglig, as military staging points to conduct war on the southern oilfields and beyond. Although Talisman said that it asked the government not to make offensive military use of the airstrip, by Talisman’s own admission the government used the airstrip for military offensives at least four times in the year 2000. Thus, the airfield and road infrastructure required, justified, and facilitated an ever-expanding area of displacement and discriminate military attacks against civilians.

The completion of the pipeline through Blocks 1 and 2 to the Red Sea led inexorably to the extension of the program of forced displacement into Block 5A, which had been overlooked in the conflict until then. The pipeline, designed with excess capacity to carry anticipated production from Block 5A and other concessions in the area, spurred oil activity in Block 5A and indeed was the reason for the economic feasibility of Block 5A.

In turn, the local rebel forces tried to resist the government’s control of the area, leading the government to move in with massive army and militia force, displacing as they went. In 1999 the government established its toehold: two new military bases in Block 5A to guard the oil, one at the well site, Ryer/Thar Jath, and another in Ler, the largest settlement in Block 5A. Since then military posts have proliferated. Oil development extended the geographical area of conflict, enmeshing pastoralists who had previously not been directly affected by the civil war.

None of the companies operating in Sudan has taken adequate steps to prevent or stop abuses from taking place. The human rights abuses continue, and even worsened from 1999 to 2003 according to the U.N. special rapporteur on Sudan’s report to the April 2003 session of the of the U.N. Commission on Human Rights. Tens of thousands of people were displaced from wider and wider areas around oilfields in the GNPOC and

Human Rights Watch

Lundin concessions (Blocks 1, 2 and 4 and Block 5A) during that time period. Far from preventing this mass forced displacement from taking place after they commenced operations in 1999, the oil companies denied any forced uncompensated displacement was taking place, while taking few steps to establish the truth. Nor have oil companies protested the bombing (with one belated private exception), the continued suspension of the constitution, the denial of free assembly and movement rights, and the blockade of humanitarian relief to civilians displaced from oilfields, some few of Sudan's many human rights violations.

GNPOC and its non-Sudanese members, Talisman Energy, Petronas Carigali, and the China National Petroleum Company; and Lundin, OMV, and Petronas Carigali; operating respectively in Blocks 1, 2 and 4 and in Block 5A throughout most of the period covered by this report, are not able to avoid complicity in these abuses. They cannot reliably ensure that they and their operations, individually or jointly, do not facilitate or benefit from human rights abuses. Indeed, they operate in the midst of the abuses, arguing that their presence alone, and small-scale development assistance, constitutes responsible corporate behaviour.

For these reasons, Human Rights Watch concludes that the companies are inappropriately operating in Sudan and should suspend their operations unless and until the steps recommended below are taken by both the companies and the government of Sudan.

RECOMMENDATIONS

Human Rights Watch recommends that the Greater Nile Petroleum Operating Company (GNPOC), the Lundin Block 5A Consortium, the Petronas 5B Consortium, and each of their member companies, namely Talisman Energy (and its successors), CNPC, Petronas, Lundin Oil, OMV (and its successors), and Sudapet should suspend their activities in Sudan. None of these nor any oil company, including TotalFinaElf, nor industry contractors and subcontractors, should resume or commence operations in Sudan unless the following minimum benchmarks are met:

I. Minimum Benchmarks

Displacement

The companies

The companies adequately finance a team, under the supervision of the U.N. High Commissioner for Human Rights, composed of independent experts on southern Sudan to compile an authoritative, credible survey of the identities and numbers of civilians forcibly displaced in or from the relevant oil concessions. The survey should attempt to determine the scope of human rights abuses since displacement from oil concession areas began, and who was responsible for their forcible displacement. Its findings should be made public. The survey should be in a form usable for determining future compensation.

The government

The government provides temporary accommodation for those who have been displaced in accordance with the standards utilized by the UNHCR, including the U.N. Guiding Principles on Internal Displacement.⁵⁹ Furthermore, the government implements a credible and verifiable process to allow those forcibly displaced to return to their homes, with adequate compensation. If return is not possible, it provides them with adequate compensation for an acceptable place of relocation. The U.N. Guiding Principles on Internal Displacement state that:

⁵⁹ U.N. Guiding Principles on Internal Displacement, Principle 29 (2), http://www.reliefweb.int/ocha_ol/pub/idp_gp/idp.html. Although non-binding, the Guiding Principles are based upon and reflect international humanitarian and human rights law, which are binding.

Human Rights Watch

Competent authorities have the duty and responsibility to assist returned and/or resettled internally displaced persons to recover, to the extent possible, their property and possessions which they left behind or were dispossessed of upon their displacement. When recovery of such property and possessions is not possible, competent authorities shall provide or assist these persons in obtaining appropriate compensation or another form of just reparation. . . . (Principle 29(2))

[Furthermore,] competent authorities have the primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily...to their homes or places of habitual residence, or to resettle voluntarily in another part of the country. . . . (Principle 28)

The compensation should include not only relocation funds, but also compensation for the loss of livelihood, family members, and property, and pain and suffering as a result of government army or militia attack and subsequent displacement.

The government protects returnees from all forms of harassment, abuse, or further displacement by its agents or others, and provides full access for independent monitoring of the conditions of their resettlement.

The government ceases all use of oil company airfields, transport, and infrastructure for military purposes, except to treat or evacuate the injured, wounded, or dead.

The government takes credible, verifiable steps to cease forced displacement from concession areas, and targeted or indiscriminate aerial bombardment or other attacks on civilian areas, including on civilian infrastructure such as relief sites, hospitals, churches, and schools.

The government permits unimpeded access to the oil-producing areas for Sudanese citizens, international organizations, human rights monitors, journalists, and humanitarian organizations.

Transparency

The companies

Oil companies, consortia members, and subcontractors disclose whether they have provided cash or in kind equipment or services for military, security, or dual use purposes.

The government

The government adheres in full to the International Monetary Fund (IMF) Code of Good Practices for Fiscal Transparency (see Appendix B). The government publishes the audits that the IMF Auditor General has conducted of Sudapet oil revenue and Sudanese government revenue from 1999 through 2002, and of the year 2003, and future such audits.

II. Failure to meet benchmarks

To the European Union and its member states (notably Sweden, Austria, France, Germany, and the United Kingdom), and the governments of Canada, China, and Malaysia, and any other state where oil companies operating in Sudan are headquartered:

Should the minimum benchmarks not be met within six months and companies based in your countries fail to withdraw from Sudan, pressure them to do so through targeted legislation and other measures.

III. Additional Recommendations

To the companies:

Publicly and privately condemn human rights violations by all parties in Sudan, and the inappropriate use of oil facilities by the government forces, and establish procedures to ensure that the activities of the consortia, their company members, and their subcontractors do not result in, benefit from, or contribute to human rights abuses.

Engage high-level government officials in active dialogue about human rights on a regular and timely basis. Actively monitor the status of Sudanese government or U.N. human rights investigations and press for their resolution.

Contribute to a trust fund to benefit the victims of human rights abuses in the oil producing areas, including compensation for those forcibly displaced. The fund should be transparent and fully audited.

Contribute to a fund to establish an independent human rights monitoring organization for all Sudan oilfields and related territory, and work to ensure that the organization has full access to the oil producing areas. The organization should include qualified, salaried, and experienced full-time staff based in the area and region, with supervision by the U.N. High Commissioner for Human Rights, and other independent human rights professionals.

Human Rights Watch

Adopt internal guidelines for the provision of security by public or private forces for facilities in oil producing areas, emphasizing the need to respect human rights, to institute effective monitoring to ensure the guidelines are being followed, and to initiate disciplinary proceedings when they are violated. Those guidelines should prevent conduct that would be in violation of the international humanitarian rules of war if carried out by government or rebel forces and be in line with the U.N. Code of Conduct for Law Enforcement Officials, U.N. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and the various corporate codes of conduct in effect.

Allow and cooperate with independent verification of compliance by GNPOC, Lundin, and Petronas consortia, their members, and subcontractors, with international human rights and humanitarian law standards.

Issue independent and verified reports on the government's compliance with international standards of human rights and humanitarian law. Issue independent and verified reports on internal company compliance with the International Code of Ethics for Canadian Business or any other code of conduct which any of the consortia, companies, or subcontractors may have adopted.

Ensure human rights training for all public or private security providers, based on the U.N. Code of Conduct for Law Enforcement Officers and international humanitarian law.

To the Government of Sudan:

Protect all civilians in war zones and refrain from targeted or indiscriminate attacks upon population centers or other civilian settlements, and on civilian objects including relief sites, hospitals, churches, and schools.

Demonstrate your commitment to international human rights and humanitarian law by ratifying or acceding to and respecting the Convention on the Prohibition of the use, stockpiling, production and transfer of antipersonnel mines and on their destruction (the Mine Ban Treaty); the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention for an International Criminal Court; and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

Disarm and disband the Baggara militia (*murabeleen*), on account of their abusive record, and any Popular Defence Force or army units in which they are included.

Cease funding or using in any military activities any other armed groups who are reported to have carried out widespread and systematic abuses.

Sudan, Oil and Human Rights

Ensure that any military unit operating with the Sudanese army observes the same rules of international humanitarian law by which the Sudanese government is bound.

Investigate and prosecute those alleged to be responsible for attacking civilians and civilian objects, looting, kidnapping, abducting, or engaging in forced labor practices or slavery.

Permit the ICRC to conduct inspections of all detention and jail facilities, and to conduct private interviews with any prisoners or others detained in connection with the conflict. Permit the ICRC to have access to military places of detention.

Contribute to a trust fund for the compensation of individuals who have been displaced by the government or government agents from their homes in the oil concessions. The fund should be transparent and fully audited.

Adhere in full to the IMF Code of Good Practices on Fiscal Transparency and publish a detailed account of military expenditures and the source of such revenue under IMF guidance, allowing for a reasonable balance between full detail and valid national security concerns.

Develop legislation and regulations requiring present owners and prospective purchasers of oil concessions and other oil facilities to conduct an independent human rights and environmental impact assessment and to protect the human rights of those living in or near the oil projects.

To the United States:

Condemn abuses by all parties to the conflict—including the Sudanese government armed forces and its ethnic militias, SSDF, Baggara militias, Popular Defence Force, SPLM/A, and others—and insist that those responsible for abuses be held accountable.

Continue existing sanctions on Sudan until concrete and measurable progress has been made toward ceasing human rights abuses.

Avoid providing funding, directly or indirectly, to or through any rebel movement, armed force, or coalition, whether it be U.S. AID or Economic Support Funds or other, until that rebel, armed, or coalition force has demonstrated that it will respect human rights and humanitarian law in the conduct of its own troops, officers and members. Specific actions would include investigation and appropriate punishment for human rights abusers, past and present.

Human Rights Watch

Investigate allegations of abuses by any rebel formation, and issue a public report to Congress on rebel abuses every six months, with specific steps that the U.S. will take to help prevent such abuses in the future.

To the Canadian Government:

Put Sudan on the Area Control List for selective trade restrictions in support of human rights objectives.

Enact legislation that would permit Canada to apply unilateral economic sanctions to companies engaged in the oil business in Sudan. Apply sanctions if the minimum conditions listed above are not met within a limited time frame.

In conjunction with Canadian human rights experts and the nongovernmental Canadian-based organizations which have been associated with the Sudan oil campaign, establish and finance a Canadian monitoring office for the Sudan oilfields. It should operate under the direction of human rights experts and the campaigning NGOs, and issue reports on human rights abuses in the oilfields and related territory. It should monitor government and rebel conduct, as well as compliance by Canadian and other companies and the consortia of which they are members with the International Code of Ethics for Canadian Business, whether or not they have signed it.

To the governments of Canada, China, and Malaysia:

Contribute to a trust fund for the compensation of individuals who have been displaced by the government or government agents from their homes in the oil concessions. The fund should be transparent and fully audited.

To the European Union and its member states, notably Sweden, Austria, France, Germany, and the United Kingdom:

Initiate a consultation with the government of Sudan under Article 96 of the Cotonou Agreement between the E.U. and the African-Caribbean-Pacific (ACP) states, and insist on measurable progress including remedies for past human rights abuses, an immediate cessation of government bans on relief flights and denial of access to relief operations, and cessation of targeting civilians and civilian objects. In particular the consultation must stress abuses in the oil areas.

Authorize and fund an independent and professional human rights and environmental assessment of all oil concession areas in Sudan where E.U. companies have invested or provided good or services, supervised by the U.N. High Commissioner for Human Rights—where at least a full year is provided for field work—to determine whether or

Sudan, Oil and Human Rights

not oil development has contributed to human rights abuses, the spread of the conflict, loss of livelihood of original residents, or potential or actual environmental damage.

Authorize and fund an independent and professional investigation of possible breaches of the E.U. arms embargo on Sudan, including any arms sales or transfers by E.U. aspiring members.

Devise regulations for transnational companies incorporated or based in the E.U. regulating their conduct so that they do not become complicit, directly or indirectly, with human rights abuses in countries where they are doing business.

Seek from all companies incorporated or based in the E.U. which are engaged in oil-related business in Sudan detailed annual reports relating to their compliance with international business codes and international business human rights norms.

To the members of the United Nations Security Council:

Impose and enforce an embargo on trade or transfer of all arms and other war materiel between any person, company, or country and the Sudanese government or any rebels operating inside Sudan until concrete and measurable progress in compliance with international human rights and international humanitarian law is made toward ending human rights abuses, as established by the U.N. High Commissioner for Human Rights.

To the World Bank:

Refrain from lending to or funding of the government of Sudan, including funding for research, until the above minimum benchmark conditions are met.

To the rebel forces: the SPLM/A and other anti-government armed groups:

Publicly condemn abuses against civilians by your forces, and adhere to human rights and humanitarian law standards.

Conduct investigations of human rights and humanitarian law abuses.

Ensure the protection of civilians in war zones, including smaller ethnic groups, Muslims, women, and children.

Allow unimpeded access to humanitarian organizations, human rights monitors, and journalists.

Human Rights Watch

Cooperate with efforts of international, national, and U.N. human rights monitors to investigate and publicize abuses of human rights and humanitarian law occurring within your territory.

Permit the ICRC (according to its modalities) to conduct inspections of all detention and jail facilities, and to conduct private interviews with any prisoners or others detained in connection with the conflict.

Immediately demobilize all child soldiers under the age of eighteen and cooperate with UNICEF, Rädä Barnen, and others in their efforts to reunite the children with their families.

For the SPLM/A, stop supporting Nuer factions, whether inside or outside of the SPLA, that engage in fighting other Nuer.