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The Safe Demilitarized Border Zone (SDBZ)

Almost a year has passed since the 27 September 2012 agreements, which committed both Sudan and South Sudan to implement a Safe Demilitarized Border Zone (SDBZ) along their mutual border, following a map drawn up by the African Union High-Level Implementation Panel (AUHIP). Despite numerous declarations to the contrary, both countries retain troops within the SDBZ, and the Joint Border and Verification Monitoring Mechanism (JBVMM), which was designed to oversee the demilitarization of the border, remains effectively inoperative.

From September 2012 to March 2013, no moves were taken to implement a SDBZ. However, on 8 March 2013, both countries agreed on an implementation matrix to put the 27 September agreements into effect. Initially, both countries removed some of their troops from the border region, with the Government of Sudan (GoS) claiming that it had withdrawn from the SDBZ on 26 March, and the Government of the Republic of South Sudan (GRSS) echoing their claim on 11 April.

These withdrawals did not prevent a series of low-intensity border skirmishes between July and September 2013. On 3 July, the Sudan Armed Forces (SAF) conducted an aerial bombardment of Jaw, one of the most important Sudan People's Liberation Army (SPLA) military bases on the Unity-South Kordofan border, and SAF's 17th division launched ground assaults on SPLA positions around Jebel Megeinis, on the Upper Nile-White Nile border. On 5 August, there were further clashes on the Unity border, when SPLA troops encountered SAF soldiers within the SDBZ around Tishwin. On 7 September, only four days after a summit meeting between Presidents Kiir and Bashir, SAF again bombed SPLA positions around Jaw.

These clashes take place against a backdrop of increased military deployment inside the SDBZ by both armies. SAF maintains positions at Radom, in South Darfur, and around Hejlij—one of the principal oil producing sites in South Kordofan, contested by South Sudan—as well as at a series of positions along the Upper Nile-White Nile border: it maintains at least two companies in the Jordah border area, and an infantry company at Jebel Megeinis.

UN sources report that the SPLA moved back to Kiir Adem—a crucial military position on the Northern Bahr el Ghazal-East Darfur border—just two weeks after its official withdrawal. As of September 2013, the SPLA continues to maintain troops within the SDBZ at Kwek and Wunthou on the Upper Nile-White Nile border, at Jaw and Tishwin on the Unity State-South Kordofan border, and at several points on the Upper Nile-White Nile border.

Soon after both sides' partial withdrawal from the SDBZ, the two countries accused each other of violating the SDBZ. On 22 April, just as the Joint Political and Security Mechanism (JPSM)—the organization responsible for investigating security violations along the border—was announcing the opening of eight border crossing-points, the GRSS claimed that the SAF still occupied positions at Radom, Kafia Kingi, and Tishwin. The GoS counterclaimed that the SPLA had re-entered the SDBZ at Kiir Adem.

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The GRSS asserted instead that its forces were outside the SDBZ according to the AUHIP map. This response exploits an ambiguity in the design of the SDBZ. The AUHIP map does not indicate a centre-line to the SDBZ, from which the 10 km extent of the demilitarised area can be calculated. Furthermore, the scale of the map is not sufficiently detailed to allow it to be used to verify the extent of the SDBZ at the local level. Both countries have exploited this ambiguity to argue that their troops are actually outside of the SDBZ.

In an effort to resolve this ambiguity, Thabo Mbeki, the Chairperson of AUHIP, wrote a letter on 9 June proposing that the African Union Border Program (AUBP) establish an ad-hoc committee, the African Union Border Technical Team (AUBP-TT), which would determine the SDBZ's centre-line with sufficient detail to allow the AUHIP map to be used to determine violations on the ground. The AUBP-TT was also mandated to determine ten border crossing-points to be opened. On 30–31 July, at the second meeting of the Joint Security Committee (JSC)—which is charged with investigating security violations along the border but outside the SDBZ—in Juba, both sides agreed to redeploy their forces according to the findings of the AUBP-TT, which was supposed to have finished its work by the end of July.

However, due to a series of delays, the team only began its work on 29 July, when it visited Kadugli. The first centre-line point that the team attempted to determine was the border-crossing point along the route from Bentiu to Hejlij. On 14 August, the team then arrived in Renk to determine the second point of the centre-line. However, the GRSS and GoS observers accompanying the AUBP-TT could not agree on a centre-point at the Jordah crossing between White Nile and Upper Nile. The team also encountered a great deal of hostility from local communities that feared the centre-line would have negative impact on their lives in the border zone. The committee returned to Addis Ababa on 16 August. The AUBP-TT report has yet to be made public, but whatever its findings, it remains unlikely that the committee will be able to determine a centre-line for the SDBZ: the issue is sufficiently politically explosive that only a political agreement between the GoS and the GRSS would lead to its establishment. In the meantime, the absence of a centre-line makes the SDBZ effectively unworkable.

The AUBP-TT was set up at the same time as another Ad-Hoc committee: the Ad-Hoc Investigative Mechanism (AIM), which was created by AUHIP and the Intergovernmental Authority on Development (IGAD), a regional forum that had been involved in the Comprehensive Peace Agreement negotiations, to investigate allegations made by both countries that the other is supporting armed rebels in their territory. The committee was supposed to have completed its investigation by 7 September. However, while AIM began its work on 22 July, and visited Sudan (23–25 July, 17–18 August, and on 15 September), and South Sudan (26–27 July, 12–17 August, and 29 August–5 September), AUHIP reported that it only received AIM's report on 19 September, after the deadline for the completion of its work. The relatively speedy write-up of its investigation was presumably so that the African Union Peace and Security Council (PSC) could discuss its contents at the Council's meeting on 23 September. The PSC communiqué that was published after the meeting

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makes no mention of the AIM report, AUHIP said, because it was written before the AIM report was received.

However, even if there is an agreement on the centre-line of the SDBZ, it is still unlikely that the JBVMM will be able to effectively verify that the area is demilitarized. From April to June 2013, the JBVMM conducted air patrols, principally by helicopter. Following patrols on 23–26 March, it claimed that the SPLA had left Tishwin, Kiir Adem, Wunthou, and Siri Malaga, while subsequent patrols on 1–3 April led to it claiming that SAF had left a series of positions along the border. Subsequent patrols failed to detect military forces in the SDBZ, despite witness and satellite imagery confirming their presence.

The JBVMM’s aerial reconnaissance suffers from a series of serious shortcomings. Both the SPLA and the SAF are aware of the aerial reconnaissance and satellite monitoring that occurs in the SDBZ area, and go to some lengths to hide their military: satellite imagery from May, for instance, shows an SPLA tank at Kiir Adem parked under a tree to avoid aerial detection.

Furthermore, following the shelling of the UNISFA headquarters at Kadugli on 14 June by the Sudan Revolutionary Front, all JBVMM monitoring flights were suspended until 21 July, leaving the mission unable to monitor the SDBZ. Even when flights are possible, their observational capacity is limited. After the SPLA shot down a UN helicopter in Jonglei on 21 December 2012, UN sources report that their helicopters are flying at higher altitudes, limiting their ability to observe military deployments on the ground.

The UNISFA commander conceded, in a report to the JPSM, that the JBVMM could not make definitive conclusions about troops inside the SDBZ until it could conduct ground patrols, which currently cannot occur due to a lack of protection.

UNSC Resolution 2014, signed on 29 May 2013, attempts to resolve this problem by agreeing to augment UNISFA’s mandated force from 4,200 to 5,326, with the additional personnel designed to protect JBVMM observers on the ground. An advanced group, composed of 120 soldiers, were supposed to deploy in August 2013, but have yet to do so.

The rest of the additional troops will not deploy until the end of the rainy season, at the earliest, leaving the JBVMM hamstrung until then. One problem facing the JBVMM is the difficulty in establishing bases for its observers. Under the 8 March implementation matrix, these bases were to be finished by 8 June. However, as of September 2013, only one of the bases (in addition to the central HQ in Kadugli) is operative. On 26 March, the GRSS provided land for a base at Gokk Machar, Northern Bahr el Ghazal, which became operational at the end of April.

UNISFA had intended to build two further bases. The GoS only gave permission to build a base at Buram, South Darfur, on 30 June, and has delayed further progress by refusing to allow UNISFA to conduct aerial reconnaissance of Buram to assess viable future sites for the base.

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The observers have also encountered difficulties in Malakal, Upper Nile, the putative location of the second base, after the United Nations Mission in South Sudan (UNMISS) did not allow UNISFA to use land within its own base. Underlying this refusal, UNMISS sources claim, is a struggle between the two organizations over who has access to the SDBZ. Privately, UNMISS officers complain that UNISFA will not have a civilian protection mandate in the SDBZ (which it does have in Abyei), and thus will not be able to defend civilians under attack in the border areas. UNMISS wishes to maintain access to the SDBZ, and such access is currently limited.

With work on both of these bases yet to start, it remains highly unlikely they will be operational by the beginning of the dry season. Even when the additional 1,126 troops given to UNISFA are able to operate effectively, however, it remains doubtful whether the JBVMM can accurately verify the demilitarization of the SDBZ.

The aerial patrols conducted thus far have given advanced notice to both sides. UNISFA claims this is to ensure there are no unexpected diplomatic hurdles for the patrols. However, this notification also allows both armies to know in advance the destination and time of the patrols, making it easier for army personnel in the SDBZ to escape detection. Evasion is made even easier by the fact that the UNISFA force will be split into four companies. The Sudan-South Sudan border is 2,010 km, and four companies of 267 troops each will struggle to monitor such a long and porous border, often inaccessible by land.

The patrols conducted thus far also require all the monitors present on the mission to agree to what is being seen, raising the possibility that a military observer may simply deny seeing his own troops in the SDBZ. During flights over Tishwin, for instance, the SPLA's representatives in the JBVMM argued that the troops the mission had observed were not actually in the SDBZ but in South Sudan, an argument that again turns on the centre-line of the SDBZ.

At present, both sides are profiting from the ambiguity over the SDBZ, which allows Sudan and South Sudan to move troops into the demilitarised zone, while decrying the other side's violation of the 27 September security agreement. With little chance of an agreement on the centre-line of the SDBZ in sight, effective JBVMM patrols many months off at best, and continuing troops movements inside the SDBZ, as of September 2013, the SDBZ is neither safe, nor demilitarised.

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