



# South Sudan: Rearranging the Chessboard

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## *Executive Summary*

Fighting in Juba in July ended efforts that had brought President Salva Kiir and former First Vice President Riek Machar together in a transitional government. Since then, Kiir has played a weak hand well, reconfiguring domestic and regional politics in his favour. Machar's exile makes the president more amenable to certain compromises. The result has been calm in the capital, while national peace remains distant with much of the country under fragile local truces or in conflict. The government's ability to balance its military and diplomatic advantages with peacemaking will determine whether conflict diminishes. Regional consensus to support it and isolate armed opposition groups presents a brief window when a strengthened Juba's political calculations favour ending conflicts. Regional and wider international powers should seize the opportunity to push strongly for inclusive national dialogue and negotiations with rebel groups focused on politics (eg, governance arrangements), local security dynamics, the economy and communal relations rather than military-based solutions.

The Intergovernmental Authority on Development (IGAD, the regional body) peace process and the August 2015 Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS) prevented South Sudan's war from turning into a regional conflict. However, ARCSS has been less successful in creating an effective, inclusive Transitional Government of National Unity (TGoNU), despite the pragmatic international consensus behind Taban Deng Gai's replacement of Machar as first vice president. Taban Deng faces an uphill struggle to gain wider domestic credibility and bring armed opposition groups into the TGoNU.

Most of the Sudan People's Liberation Movement/Army-In Opposition (SPLM/A-IO) rejected his elevation and vowed to fight on. Yet, without military resupply and an internationally recognised leader able to negotiate on its behalf, the Machar-led SPLM/A-IO's future is uncertain, and it is struggling to restructure. There has been little fighting in its Greater Upper Nile heartland, partly because support it previously received from Sudan has dwindled, but there are likely to be clashes in areas of contention. Parts of the Equatoria region – around Yei, Lanya and Morobo, the former Western Bahr al Ghazal state – including Raja and Wau, and the former Unity state continue to experience complex local conflicts whose intensity varies and have included ethnically targeted violence. Most of these are driven by local political grievances and exacerbated by abusive security responses that consistently fail to protect local people and drive support to rebel groups.

On 14 December, Kiir announced national dialogue to complement ARCSS implementation and negotiations with armed groups. Since there have been few tangible steps toward a sustainable peace on the ground, and the prior approach ignored fundamental drivers of rebellion, these three interconnected processes are the only realistic means available to make the TGoNU more inclusive. Yet, if these processes lead to deals that create overt winners and losers, they will likely sow the seeds of new conflicts. Armed opposition groups and disaffected communities also have insufficient confidence in Juba's ability and willingness to deal fairly with them. The TGoNU needs to take a balanced, politics-first approach to resolving the conflicts, and IGAD, with wider international support, should support and guarantee the process.

The major violence of the war that broke out in December 2013 triggered a convergence of IGAD member states' interests in mitigating the risks of regional spill-over. For the past half year, South Sudan's neighbours have placed a premium on regional stability and put aside aspirations that ARCSS would be a transformative agreement for the country. One result of the delicate diplomatic process is that relations between Khartoum, Juba and Kampala have improved. The most tangible sign is Sudan's support for the TGoNU and rejection of Machar's return to rebellion. Juba is now expected to reciprocate with concessions regarding its support for Sudanese armed groups. Full agreement and implementation would strengthen both countries, significantly altering the calculus for armed opposition groups in the region. International partners should encourage and support this.

South Sudan's historically fraught relations with Khartoum mean there are powerful constituencies and emotive forces opposed to a new arrangement, despite its obvious benefits. Both Juba and Khartoum are facing severe economic challenges. Juba is in dire economic straits, and oil is central to bilateral relations. Talks to reform the provisional oil revenue-sharing regime, in force since 2012, are dependent on halting support to one another's rebels. Without an agreement on armed groups and oil revenue, bilateral relations will remain unstable and recent gains insecure.

Following the July fighting in Juba, the UN Security Council approved an IGAD-proposed regional protection force (RPF) to focus on security there. Juba's objections to aspects of the mandate caused the Council to threaten an arms embargo if it did not accept the force unconditionally. Following regional negotiations, Juba dropped its objections to the RPF and is seeking to use it to its advantage. The RPF is intended to improve security in Juba and to deter further conflict. There is some hope it could help create conditions for inclusivity, such as an environment for national dialogue. Over the longer term, however, tensions among regional powers involved in the force – whose relations are dynamic – could be a challenge. With IGAD's political lead and the force's role in supporting its political objectives, the potential for differences between the UN and region requires careful management by the UN Secretary-General.

Today's regional relative stability may be short lived, and international partners should take advantage of it to support national dialogue and negotiations between the TGoNU, armed opposition and disaffected communities. The TGoNU's ability to reduce conflicts is its only buffer against growing economic distress and the risk of a shift in regional dynamics favourable to its armed opponents. If it does not seize this opportunity, any progress toward peace may be reversed.

## *Recommendations*

*To bring and sustain peace in South Sudan*

### **To South Sudan's Transitional Government of National Unity:**

1. Emphasise the following four key areas in ARCSS implementation, national dialogue and negotiations with armed groups to increase inclusivity in the TGoNU: politics (eg, governance arrangements); local security dynamics; the economy; and communal relations.
2. Seek external support and capacity building from IGAD and other trusted actors for national dialogue and negotiations with armed groups and their communities to increase the inclusivity of the TGoNU and other ARCSS institutions.

### **To the Joint Monitoring and Evaluation Commission:**

3. Continue efforts to increase inclusivity in ARCSS, including of non-signatories.

*To encourage greater inclusivity in the TGoNU*

### **To IGAD:**

4. Support the TGoNU in the facilitation of national dialogue and negotiations with armed groups that emphasise politics (eg, governance arrangements); local security dynamics; the economy; and communal relations.

### **To IGAD-PLUS:**

5. Provide financial and political support to the TGoNU for ARCSS implementation and national dialogue, conditioned on the TGoNU's genuine efforts toward inclusivity.

### **To the African Union:**

6. Provide support to national dialogue participants within the parameters of ARCSS provisions on transitional justice, accountability, reconciliation and healing.

*To further the shift from regional instability to regional peace*

### **To the governments of Sudan, South Sudan and Uganda:**

7. Continue efforts to find lasting solutions to conflicts in Darfur, the Two Areas and South Sudan.

### **To the governments of Sudan and South Sudan:**

8. Continue discussions over unresolved bilateral issues from the 2012 Cooperation Agreements, including financial arrangements, support for armed groups and border delineation; and put into practice commitments to reduce cross-border armed group activity.

**To the governments of Sudan and Uganda:**

9. Continue to work together in support of peace efforts in South Sudan and Sudan; and institutionalise relations by reactivating the Joint Permanent Commission.

**To the government of Uganda:**

10. Continue to support peace processes in Sudan, using its good offices and influence with armed groups.

**To South Sudan's Transitional Government of National Unity:**

11. Emphasise stability along the Ethiopian and Ugandan borders, including working collaboratively to prevent cross-border raiding and reducing armed group activity.
12. Ensure full support for humanitarian service delivery to reduce destabilising refugee inflows into neighbouring countries.

*To help prevent abuses and reduce that driver of rebellion in South Sudan*

**To IGAD-PLUS:**

13. Consider supporting training of security forces, but strictly limited to adherence to international humanitarian law during counter-insurgency operations.

*To reduce a source of tensions between South Sudan and its neighbours and between the UN and the TGoNU*

**To the UN Secretary-General:**

14. Ensure the Secretariat maintains careful oversight of the regional force's actions and regional relations.

**Juba/Nairobi/Brussels, 20 December 2016**

# South Sudan: Rearranging the Chessboard

## I. Introduction

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The August 2015 Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS) sought to end the civil war that broke out in December 2013. It also aimed to improve governance and begin to address longstanding sources of tension between Juba, Kampala and Khartoum that have driven proxy conflict and undermined peacemaking. The government signed ARCSS under extreme pressure, and both it and the Sudan People's Liberation Movement/Army-In Opposition (SPLM/A-IO) subsequently undermined the agreement. With members of the regional body, the Intergovernmental Authority on Development (IGAD), unwilling to force implementation, ARCSS in effect collapsed amid fighting in Juba in July 2016, and former First Vice President Riek Machar later fled the country.

The new iteration of the agreement currently taking shape with a significantly curtailed reform agenda is far more favourable to the wartime government. South Sudan's neighbours are now more interested in ARCSS's regional stability agenda, which not only survived July's fighting but has been strengthened. At present, most armed groups in both Sudan and South Sudan are relatively isolated, with no reliable source of resupply.

This report analyses the regional and domestic political drivers of South Sudan's crisis, focusing on the post-July period and offers suggestions for pursuit of solutions. It is based on research in South Sudan, Addis Ababa, Brussels, Kampala, other Horn of Africa locations, London, Paris, Nairobi and New York.

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## II. Khartoum and Juba: A Difficult Divorce

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Southern Sudan, now independent South Sudan, has been at the centre of a conflicted region for more than half a century. For decades, its wars have drawn neighbouring countries into protracted conflicts that often spilled into their own territories.<sup>1</sup> The war that broke out in December 2013 risked destroying delicately balanced regional relations that had developed, with several setbacks, since the IGAD-brokered Comprehensive Peace Agreement (CPA) ended Sudan's second civil war (1983-2005). South Sudan's civil war, which began as a domestic political crisis, threatened to precipitate a regional proxy conflict. This led IGAD to launch mediation efforts that sought to reduce tensions while pushing for a domestic solution.<sup>2</sup>

### A. Khartoum and Juba Reshape Relations after 2011

Between secession in July 2011 and the civil war's start in December 2013, South Sudan's relationship with Sudan was its most significant and difficult to manage. The biggest challenges were associated with armed groups, oil and the border. These unresolved issues led to an oil production shutdown and brief border conflict in 2012, but the two countries pulled back from the brink and, despite the start of South Sudan's civil war, relations slowly improved. Nevertheless, the same factors continue to influence relations and how both manage their internal conflicts.

#### 1. Armed groups

Not everyone was pleased by the CPA and southern secession. While some groups reconciled with their own government, others, leveraging historical relationships with Juba or Khartoum, continued armed insurgencies to challenge their government. Khartoum and Juba have used, and continue to use, these groups in pursuit of strategic advantages over their neighbour. Yet, the groups have their own agendas and motivations which, at times, diverge from those of their patrons.

In Sudan's South Kordofan and Blue Nile states (the Two Areas), which border South Sudan, the CPA left many who had joined the insurgent Sudan People's Liberation Movement/Army (SPLM/A) territorially isolated in an unreformed Sudan.<sup>3</sup> When the now Sudanese People's Liberation Movement/Army-North (SPLM/A-N) went back to war with Khartoum in 2011, its ties to Juba became a significant issue

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<sup>1</sup> Crisis Group has worked on issues of conflict within South Sudan and Sudan, Khartoum-Juba relations and the regional dynamics of these conflicts, for many years. Major reports include: Crisis Group Africa Reports N°s 228, *South Sudan: Keeping Faith with the IGAD Peace Process*, 27 July 2015; 223, *Sudan and South Sudan's Merging Conflicts*, 29 January 2015; 217, *South Sudan: A Civil War by Any Other Name*, 10 April 2014; 204, *Sudan's Spreading Conflict (II): War in Blue Nile*, 18 June 2013; N°198, *Sudan's Spreading Conflict (I): War in South Kordofan*, 14 February 2013; 172, *Politics and Transition in the New South Sudan*, 4 April 2011; 159, *Sudan: Regional Perspectives on the Prospects of Southern Independence*, 6 May 2010; and Crisis Group Africa Briefing N°76, *Negotiating Sudan's North-South Future*, 23 November 2010.

<sup>2</sup> Crisis Group Reports, *South Sudan: A Civil War*, pp. 3-7; *South Sudan: Keeping Faith*, both op. cit.

<sup>3</sup> The CPA allowed the Two Areas only a vaguely defined "Popular Consultation" on their future status. Crisis Group Report, *Sudan's Spreading Conflict (I)*, op. cit., p. 15. After secession, SPLA forces from the Two Areas became the SPLA-North. The SPLM/A became the dominant political and military force in South Sudan.



in North-South relations.<sup>4</sup> Khartoum accused Juba of continuing to support the group and allowing it to operate in South Sudan.<sup>5</sup> Tensions increased when the SPLM/A-N and Darfur rebels formed the Sudanese Revolutionary Front (SRF) in November 2011 to fight Khartoum jointly.<sup>6</sup> This gained the Darfuris some support from Juba.<sup>7</sup> After civil war broke out in South Sudan, the Darfur rebels allied with Juba and fought alongside the SPLA in some operations.<sup>8</sup>

Sudan has long supported anti-SPLA armed groups, notably the SPLM/A-Nasir faction, which split from the SPLM/A in 1991, led by Machar and the Shilluk political leader, Dr Lam Akol.<sup>9</sup> After the 2005 CPA and following contested elections in South Sudan in 2010, new rebels, including Johnson Olony's Shilluk forces, organised under the banner of the South Sudan Democratic Movement/Army (SSDM/A).<sup>10</sup> In 2011, with Khartoum's support, Bul Nuer and other Nuer groups formed the South Sudan Liberation Movement/Army (SSLM/A).<sup>11</sup> In 2012, some members fought alongside the Sudanese army when the SPLA and SRF briefly seized the disputed Hejlj border region. In late 2013, under a deal to improve Sudan-South Sudan

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<sup>4</sup> The war began after the ruling National Congress Party (NCP) claimed victory over the SPLM/A-N candidate in disputed South Kordofan gubernatorial elections. Attempts to disarm SPLA-N troops failed in May 2011, and fighting broke out in both states in June. Crisis Group Report, *Sudan's Spreading Conflict (I)*, op. cit., pp. 15-17.

<sup>5</sup> Juba paid the salaries of ex-SPLA soldiers operating as SPLA-N until at least the end of 2011 and gave some logistical aid. Crisis Group interview, Sudanese journalist with SPLM-N contacts, 11 March 2016; Crisis Group Report, *Sudan's Spreading Conflict (I)*, op. cit., p. 20.

<sup>6</sup> The Darfur rebel groups were the Justice and Equality Movement (JEM), Sudan Liberation Army-Minni Minnawi (SLA-MM) and Sudan Liberation Army-Abdel Wahid (SLA-AW). In July 2013 the SRF raided into North Kordofan state, briefly capturing the town of Abu Kershola. Crisis Group Report, *Sudan's Spreading Conflict (I)*, op. cit.; Andrew McCutchen, "The Sudan Revolutionary Front: Its Formation and Development", HSBA Working Paper, no. 33 (2014). The SRF promotes a "New Sudan" vision, aiming to replace the NCP regime with an administration of the progressive political opposition and armed groups. Crisis Group interview, SPLM-N Secretary General Yasir Arman, Paris, 28 April 2016.

<sup>7</sup> Juba also saw an alliance with Darfuri rebel groups as potentially useful in countering expected northern aggression over the shared border. Crisis Group Africa Report N°211, *Sudan's Spreading Conflict (III): The Limits of Darfur's Peace Process*, 27 January 2014, pp. 19-21.

<sup>8</sup> Darfur rebels' strength and territorial control have diminished due to government counter-insurgency, a 2010 Chad-Sudan agreement to restrict rebel movements and resupply and the splintering of the groups. Victor Tanner and Jérôme Tubiana, "Divided They Fall: The Fragmentation of Darfur's Rebel Groups", HSBA Working Paper, no. 6 (2007); Crisis Group Africa Report N°144, *Chad: A New Conflict Resolution Framework*, 24 September 2008, pp. 27-28; "Khartoum to lead joint Sudan-Chad border force", Agence France-Presse, 5 February 2010; Crisis Group Africa Briefing N°110, *The Chaos in Darfur*, 22 April 2015.

<sup>9</sup> For more, see Douglas H. Johnson, *The Root Causes of Sudan's Civil Wars* (Oxford, 2003); John Young, *The Fate of Sudan* (London, 2012).

<sup>10</sup> Crisis Group Africa Report N°221, *South Sudan: Jonglei – "We Have Always Been at War"*, 22 December 2014, p. 3; "Pendulum Swings. The Rise and Fall of Insurgent Militias in South Sudan", Small Arms Survey, November 2013.

<sup>11</sup> The SSLM/A included commanders such as Gatluak Gai, James Gai Yoach and Carlo Kuol. In April 2011, SPLA General Peter Gatdet defected and became the SSLM/A leader. In majority Nuer Unity state, the population has frequently fought the SPLM/A, often with Khartoum's support. After the 2001-2002 "Nuer civil wars", many Bul Nuer remained allied to Khartoum. Crisis Group Report, *Sudan and South Sudan's Merging Conflicts*, op. cit., p. 7.

relations, Bul Nuer SSLM/A leaders and Olony accepted an amnesty and fought with Juba when civil war broke out in December 2013.<sup>12</sup>

## 2. Oil, financial arrangements and border conflict

Sudan lost three-quarters of its oil production capacity and half its fiscal revenues at secession. With international help, it negotiated financial measures to soften the blow.<sup>13</sup> At independence Juba informally agreed to pay transit fees to use Sudan's pipeline.<sup>14</sup> In January 2012, with a final deal not agreed, Khartoum began appropriating "payment in kind", loading oil into its own tankers at Port Sudan. Furious, Juba shut down production, and tensions led to clashes centred on oil facilities and the bombing of installations near Bentiu.<sup>15</sup> In April 2012, the SPLA occupied the Hejlij oil-producing region, but withdrew under foreign pressure.<sup>16</sup>

The oil shutdown was popular in the South but damaged both economies.<sup>17</sup> This motivated the September 2012 Cooperation Agreements, which included a restructuring of transit fees in favour of a Transitional Financial Arrangement (TFA).<sup>18</sup> Both countries also said they would stop harbouring or supporting the other's rebels and withdraw their armed forces to a fourteen-mile Safe Demilitarised Border Zone (SDBZ), monitored by the Joint Border Verification and Monitoring Mission (JBV-MM).<sup>19</sup> The agreements created principles on which Khartoum and Juba could pin relations, but they are only partially implemented.

## B. Kampala and Khartoum Intervene in the Civil War

The civil war's most significant external interventions came from Uganda and, to a lesser extent, Sudan. Fearing that Juba would be captured by a Machar-led opposition that could serve as a proxy for Sudan (historically a Ugandan adversary), in December 2013 Ugandan forces intervened to defend the capital, preventing a second

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<sup>12</sup> Crisis Group Report, *South Sudan: A Civil War*, op. cit. p. 27.

<sup>13</sup> Sudan lost an estimated \$6 billion per year due to reduced oil exports. "Sudan 2012 Article 12 consultation", IMF, November 2012.

<sup>14</sup> The informal settlement enabled production to continue, with South Sudan to make back-payments once a formal agreement was concluded. Laura M. James, "Fields of Control: Oil and (In)security in Sudan and South Sudan", HSBA Working Paper, no. 40 (2015), p. 43.

<sup>15</sup> Ibid, pp. 43-45.

<sup>16</sup> Luke Patey, *The New Kings of Crude: China and India's Global Struggle for Oil in South Sudan* (London, 2014), pp. 235-236; Hannah McNeish, "S. Sudan completes withdrawal from flashpoint oil field", Agence France-Presse, 22 April 2012.

<sup>17</sup> The revenue loss forced Juba to cut public spending, use \$2 billion in reserves and borrow an estimated \$4.5 billion. Alex de Waal, "Brute Causes of the Civil War in South Sudan", *African Affairs*, vol. 113, no. 452 (2014), p. 364; "Sudan Economic Brief: Recent Economic Developments 2nd Semester 2012", The World Bank, December 2012.

<sup>18</sup> Processing and transport fees remained, but Khartoum focused on the TFA, revised to \$3.028 billion. This would be repaid via a \$15 per barrel fee and a package of other charges over a three-and-a-half-year period. "Sudanese official explains how they calculated oil transportation fees", Sudan Tribune, 11 August 2012.

<sup>19</sup> "The Cooperation Agreement between The Republic of the Sudan and The Republic of South Sudan", 27 September 2012. The SDBZ was to prevent either side controlling border infrastructure, such as bridges, for military purposes. Joshua Craze, "Contested Borders: Continuing Tensions over the Sudan-South Sudan Border", HSBA Working Paper, no. 34 (2014), p. 21.

massacre in Juba, and then, with the SPLA, pushed the rebels from the city of Bor to the north.<sup>20</sup>

Prompted by the Juba massacre in December 2013, Nuer communities and military leaders launched their rebellion with little immediate support from Sudan. Khartoum considered the war a challenge – particularly after fighting destroyed some oil infrastructure – but also an opportunity to assert its agenda over a weakened neighbour.<sup>21</sup> President Omar al-Bashir continued to positively engage with Salva Kiir, while maintaining leverage through limited support to the SPLM/A-IO (though not enough to win the war).<sup>22</sup> Khartoum also strengthened its hand by serving as one of the three IGAD mediators (alongside Ethiopia and Kenya).

### C. *A Regional Peace Deal*

ARCSS was signed in August 2015 after eighteen months of negotiations.<sup>23</sup> It was an attempt to end a conflict fought entirely in South Sudan but in which regional powers were extensively involved and considered their own interests and regional stability threatened.<sup>24</sup> The talks were lengthy – most of the time neither side favoured a peace agreement – but successful in moderating IGAD members' most bellicose tendencies. The agreement called for withdrawal of Ugandan troops (completed in October 2015) and expulsion of “non-state security actors” – specifically the SRF – which has not occurred.<sup>25</sup> ARCSS was a basis for a solution to conflict in South Sudan, but in its first iteration it proved more effective at neutralising regional tensions than ending internal conflict. South Sudanese warring parties variously complied with, prevaricated over or completely undermined the provisions that applied to them.

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<sup>20</sup> During the Second Sudanese Civil War (1983-2005), Uganda supported the SPLA as a buffer between it and newly Islamist Khartoum's military expansionism. Khartoum channeled support to the Ugandan rebel group Lord's Resistance Army (LRA.) The Khartoum-Kampala proxy conflict was mainly fought in South Sudan. Relations began to improve due to the signing of the CPA in 2005. Gerard Prunier, “Rebel Movements and Proxy Warfare: Uganda, Sudan and the Congo (1986-99)”, *African Affairs*, vol. 103, no. 412 (2004), pp. 359-383; Mareike Schomerus, “The Lord's Resistance Army in Sudan: A History and Overview”, *Small Arms Survey*, September 2007.

<sup>21</sup> “A South Sudan that is busy with itself is better than a complete collapse”. Crisis Group interview, senior Sudanese diplomat, Brussels, 10 May 2015.

<sup>22</sup> Crisis Group interviews, SPLM/A-IO military leadership, Addis Ababa, Nairobi, 2014-2016. Crisis Group Report, *South Sudan: Keeping Faith*, op. cit., p. 10.

<sup>23</sup> An IGAD mediation team led negotiations. It excluded Uganda due to its military deployment (it was included at head-of-state level). After March 2015, under IGAD-PLUS, it included the African Union (AU), UN, European Union (EU), the Troika (U.S., UK, Norway), China and the IGAD Partners Forum. Crisis Group Report, *South Sudan: Keeping Faith*, op. cit., p. 10.

<sup>24</sup> Hundreds of thousands were internally displaced. Between 15 December 2013 and the end of August 2015, 622,220 fled abroad (223,071 to Ethiopia, 189,809 to Sudan, 162,845 to Uganda and 46,495 to Kenya). “South Sudan Situation UNHCR Regional Update 74”, UN High Commissioner for Refugees (UNHCR), September 2015.

<sup>25</sup> The Uganda People's Defence Force (UPDF) was allowed to keep forces associated with an AU counter-LRA force in South Sudan. “Agreement on the Resolution of Conflict in the Republic of South Sudan”, IGAD, 17 August 2015, p. 20.

### III. Beyond ARCSS: Deal-Making for National Interest

ARCSS required concerted effort from IGAD to implement, but in the months following signing, the organisation lost focus and, by default, the U.S. took the implementation lead. This, in conjunction with oversight by the Joint Monitoring and Evaluation Commission (JMEC), was not enough to prevent steady deterioration in relations between Kiir and Machar.<sup>26</sup> The deployment of hundreds of SPLA-IO troops to Juba as part of ARCSS created a tense and fragile security situation; intense fighting in early July forced Machar and his forces to flee.<sup>27</sup> Soon after, Machar's former chief negotiator, Taban Deng Gai, was sworn in to replace him as first vice president, splitting the SPLM/A-IO. He has since been accepted by IGAD. This has given Kiir and his government the opportunity to reshape ARCSS. In the absence of an IGAD institutional approach, a series of bilateral relationships now influence the country's immediate future – more so than multilateral or international interventions.

#### A. Sudan, South Sudan and Uganda

##### 1. Khartoum-Juba: armed groups and oil

The Khartoum-Juba relationship is the most important variable affecting the scale, scope and intensity of conflict in South Sudan. Cross-border support to rebels is linked to disputes over armed groups, oil, the border, debt and other post-secession issues (often treated as a “package”).<sup>28</sup> Khartoum and Juba have focused more than a year of discussions on the specifics of a deal over armed groups and oil.<sup>29</sup>

Machar's replacement by Taban Deng advanced talks further. Following an August 2016 visit, Khartoum announced that the new first vice president promised to expel the SPLA/M-N from South Sudan; he said he hoped Sudan “wouldn't serve as a launching pad for Machar”.<sup>30</sup> Since then, Khartoum has denied Machar entry, as well as political and military support.<sup>31</sup>

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<sup>26</sup> Crisis Group Statement, “Preventing Renewed War in South Sudan”, 1 July 2016. The ARCSS created JMEC, which is “responsible for monitoring and overseeing the implementation of the Agreement and the mandate and tasks of the TGoNU”. It reports to the IGAD heads of state. “Agreement on the Resolution of the Conflict in the Republic of South Sudan”, Chapter VII, 17 August 2015.

<sup>27</sup> See Crisis Group Commentary, “De-escalating South Sudan's New Flare-up”, 10 July 2016.

<sup>28</sup> The 2012 Cooperation Agreements were such a package.

<sup>29</sup> In the first half of 2016, negotiations were a priority. This led to several announcements. Sudan said in January it would reopen the border (closed since South Sudan's secession) and in June that the SDBZ would be activated and completed within the month. “Sudan opens border with South Sudan for first time since 2011 secession”, Reuters, 28 January 2016; “Sudan closes its common border with South Sudan”, Sudan Tribune, 30 March 2016; “Sudan and S. Sudan agree to activate the buffer zone”, Sudan Tribune, 6 June 2016; “Sudan completes troop pull out from buffer zone with South Sudan”, Sudan Tribune, 26 June 2016. While the border never fully opened, and new arrangements are a work in progress, this period was the most sustained era of positive relations since South Sudan's 2011 independence. See also Crisis Group Commentary, “From Conflict to Cooperation? Sudan, South Sudan and Uganda”, 20 June 2016.

<sup>30</sup> Crisis Group Commentary, “South Sudan's Risky Political Impasse”, 17 August 2016; “Khartoum says Juba vowed to drive out Sudanese rebels within three weeks”, *Sudan Tribune*, 30 August 2016.

<sup>31</sup> Crisis Group interview, Riek Machar, September 2016. Machar has been in exile in South Africa since October; Sudan and Ethiopia turned him away in November, when he attempted to return to

Khartoum wants diplomatic and security benefits from the deal. Its international reputation improved with its relative restraint in South Sudan since December 2013.<sup>32</sup> However, the conflicts in Darfur and the Two Areas are financially and politically costly, and ending the rebellions could ease a host of pressures and better its relations with Western powers.<sup>33</sup> Khartoum wants Juba to expel or limit the operations of the SPLM-N and Darfuri armed groups in its territory.<sup>34</sup> In return it would deny the SPLM/A-IO support and compromise on oil-related payments.<sup>35</sup>

If implemented, this would significantly alter the military context and potentially force rebel groups to negotiate over their future political and military status. The recent involvement of Ugandan President Yoweri Museveni and Chadian President Idriss Déby in facilitation has put additional pressure on rebel groups to increase engagement with Khartoum.<sup>36</sup> Sudanese rebel leaders understand this dynamic but are unwilling to abandon the AU mediation process, despite major reservations, given its international support and their weak military position.<sup>37</sup> They generally doubt Juba has the capacity or inclination to expel them.<sup>38</sup> Khartoum, holding the current military advantage in Darfur and the Two Areas, appears prepared to be patient but firm, offering few compromises during AU negotiations.<sup>39</sup>

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the region. Crisis Group interviews, SPLM-IO members, Nairobi, October 2016, by telephone, November 2016.

<sup>32</sup> Crisis Group telephone interview, Western diplomat with focus on Sudan, 19 July 2016; interviews, Sudanese official, August 2015; senior UN official, Nairobi, 3 November 2016.

<sup>33</sup> Crisis Group interview, senior Sudanese official, 2015.

<sup>34</sup> SPLM-N representatives seek to distance themselves from Juba to retain legitimacy as a Sudanese movement rather than South Sudanese proxies. Secretary General Yasir Arman said the leadership decided not to participate significantly in the South Sudan war because it was “a power struggle [within the SPLA], not a war of liberation”. Crisis Group interview, Paris, 28 April 2016. Representatives admitted the SLM/A-MM’s presence in South Sudan but denied formal contact with the SPLA. Crisis Group interviews, senior SLM/A-MM members, Kampala, 17 June 2016.

<sup>35</sup> Juba denies these groups operate in South Sudan. Crisis Group interviews, South Sudanese officials, Juba, February, May 2016.

<sup>36</sup> In October 2016 President Museveni brokered talks between the Sudan and the SPLM-N in Addis Ababa, and Déby met with the Darfuri JEM and SLA-AW in Berlin to discuss their joining the National Dialogue. Crisis Group Skype interview, Gibril Ibrahim, JEM chairman, 31 October 2016; interviews, Sudanese political opposition, rebel group representatives and civil society, London, Kampala, Nairobi, April-September 2016.

<sup>37</sup> Sudanese opposition groups often see the AU High-Level Implementation Panel (AUHIP) process as a Khartoum attempt, in concert with international actors, to push them toward an unfavourable peace agreement. The Darfur armed groups control virtually no territory and largely operate outside their home areas. The SPLM-N is confined to strongholds in the Nuba Mountains (South Kordofan state) and small areas in Blue Nile state. It was weakened by the South Sudan civil war, which reduced Juba’s ability to give support. Crisis Group interview, Gibril Ibrahim, JEM chairman, Addis Ababa, 10 August 2016; senior members, SLM/A-MM, Kampala, 17 June 2016; Senior SPLM-N official, Kampala, 7 April 2016; email exchange, international expert on the Two Areas conflict, 29 April 2016. An SRF leadership struggle in 2016 led to a formal split between the SPLM-N and Darfur armed groups. Magdi el-Gizouli, “The Sudanese Revolutionary Front: Comrades in a Squabble”, *African Arguments*, 9 November 2015.

<sup>38</sup> Crisis Group interviews, Sudanese opposition activists engaged in the process, Kampala, September 2016; Nairobi, September 2016; Gibril Ibrahim, JEM chairman, 31 October 2016.

<sup>39</sup> One solution would bring rebel groups from both sides of the border into a security arrangement that could provide a degree of local autonomy (such as the SSLA currently enjoys in South Sudan). Crisis Group interview, South Sudanese involved in the negotiations, Juba, March 2016.

A deal offers Juba the prospect of avoiding further Khartoum-supported destabilisation and some assistance in shoring up its ailing economy. Sudan sees Machar and the SPLM/A-IO as a bargaining tool because support could easily be re-activated.<sup>40</sup> On 21 October, following a U.S. call on Juba to “comply with its commitments to cease harbouring or providing support for Sudanese armed opposition groups”, Bashir gave South Sudan two months to honour those commitments.<sup>41</sup>

Juba is seeking to lower its oil-transit payments to Sudan.<sup>42</sup> Khartoum is asking for political concessions in return.<sup>43</sup> With its lines of credit from most other sources overextended, South Sudan has few options. An International Monetary Fund (IMF)-sponsored bailout would come with stringent conditions, including significant oversight of government finances.<sup>44</sup> Many in Juba see a deal with Sudan as the least bad option.<sup>45</sup> Despite the likely advantages, however, the two remain distrustful and wary of giving up strategic assets. There are also constituencies both in Juba and Khartoum and further afield that seek to undermine a deal.

## 2. The Kampala-Khartoum rapprochement

At South Sudan’s independence, Kampala was a staunch supporter and distrustful of Khartoum’s motives.<sup>46</sup> When the war in Sudan’s Two Areas resumed in 2011, it saw an opportunity and allowed the SRF leadership to base itself there.<sup>47</sup> Uganda’s military intervention in South Sudan and Sudanese support to South Sudanese rebels Juba was fighting after December 2013 further strained relations.

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<sup>40</sup> Crisis Group interviews, South Sudanese officials, Juba, October 2016; Sudanese officials, September 2016.

<sup>41</sup> The U.S. statement referred to “credible reports [that] continue to indicate the GoRSS [Government of the Republic of South Sudan] is harboring and providing assistance to armed Sudanese opposition groups”. “South Sudan’s support of armed Sudanese opposition groups”, press release, U.S. State Department, 20 October 2016; “Sudan’s Bashir gives Juba two months to expel armed groups”, Sudan Tribune, 21 October 2016; “Sudanese rebels given ultimatum to leave South Sudan”, Sudan Tribune, 24 October 2016.

<sup>42</sup> The original transit fee was calculated when oil prices were much higher. When it dropped to a low of \$28 per barrel in January 2016, South Sudan’s oil industry became unprofitable. This happened when Juba needed dollars to finance a budget stretched by war and economic disruption. Sudan can appropriate delayed payments “in kind” from oil exported through Port Sudan. “South Sudan Economic Overview”, World Bank, April 2016.

<sup>43</sup> “The TFA is untouchable ..., but extension of the payment period would be permitted”. Crisis Group interview, senior Sudanese diplomat, Brussels, 10 May 2016. Provisions for an oil deal have been agreed, but are dependent on progress to reduce support to armed groups.

<sup>44</sup> “Strong policy efforts by the government could lay the basis for donors to play a role in providing support to close the fiscal gap”. “IMF staff completes 2016 Article IV mission to South Sudan”, press release, IMF, 1 June 2016.

<sup>45</sup> Crisis Group interviews, South Sudanese officials, Juba, February, May 2016.

<sup>46</sup> Crisis Group interviews, Ugandan academic and political analyst, Kampala, 4 April 2016.

<sup>47</sup> This climaxed with the signing of the New Dawn Charter by Sudanese armed and political opposition in Kampala in January 2013. Kampala is also alleged to have given rebels militarily supplies in conjunction with Juba. Crisis Group Report, *Sudan and South Sudan’s Merging Conflicts*, op. cit., p. 15. Uganda’s support for Sudanese rebels remained low, compared with its backing for the SPLA in the 1990s. Crisis Group Skype interview, Sudanese political analyst, May 2016. In May 2014, Khartoum sought intervention of the Organisation of Islamic Cooperation (OIC) and International Conference on the Great Lakes Region (ICGLR), to pressure Kampala over its SRF support. “Sudan Accuses Uganda of Backing Rebel Groups”, *Daily Monitor*, 7 May 2014.

Seeking to improve ties, Kampala and Khartoum have organised senior-level meetings since mid-2014, in addition to regular Bashir-Museveni engagement as part of the South Sudan peace process. Their détente deepened as they developed arrangements to protect shared interests, including South Sudan's relative stability under Kiir.<sup>48</sup> In February 2015, Sudanese Vice President Hasabo Abdel Rahman visited Kampala and announced formation of a Joint Security Committee.<sup>49</sup> Thereafter, Uganda told the SRF leadership it could no longer operate from Kampala.<sup>50</sup> In September 2015, President Museveni visited Khartoum, and in October Ugandan forces withdrew from South Sudan.<sup>51</sup> In May 2016, President Bashir attended Museveni's fifth-term inauguration.<sup>52</sup> The two also are reactivating a Joint Permanent Commission (JPC) on a broad range of technical and business issues.<sup>53</sup>

Kampala and Khartoum are using their influence to secure arrangements in both Sudan and South Sudan between rebel groups and their respective central governments that meet core national interests and stabilise the region.<sup>54</sup> They draw for this on ARCSS, the Cooperation Agreements and the AU mediation process, but primarily negotiate directly rather than through the mechanisms created by those agreements and processes.

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<sup>48</sup> "When the SPLA game turned ugly, both Kampala and Khartoum saw the dangers of disintegration". Crisis Group interview, Ugandan government analyst, 4 April 2016. Also, Crisis Group interviews, Ugandan diplomat; National Resistance Movement (NRM) intellectual, 4 April 2016.

<sup>49</sup> The committee's mandate would include security sector cooperation and intelligence sharing. Crisis Group interviews, Ugandan diplomat; intelligence officials, April 2016.

<sup>50</sup> "Uganda created a good environment for [the SRF] to operate ..., but Museveni had his own problems". Crisis Group interview, senior former Darfur rebel leader, Kampala, 14 June 2016. The SRF leadership can still access Uganda; its families, supporters and associated civil society groups remain in Kampala. Crisis Group interviews, SRF leadership; Sudanese civil society, Kampala, London, Paris, February-June 2016.

<sup>51</sup> Units deployed prior to the civil war as part of the Lord's Resistance Army-Regional Task Force (LRA-RTF) remain. The LRA-RTF is the military component of the Regional Cooperation Initiative-Lord's Resistance Army (RCI-LRA), launched to combat the group in Uganda, South Sudan, the Democratic Republic of Congo (DRC) and Central Africa Republic (CAR). It is headquartered in Yambio, South Sudan.

<sup>52</sup> In his inauguration speech, Museveni called the International Criminal Court (ICC), which indicted Bashir for war crimes in 2008, "a bunch of useless people" and said he no longer supported its agenda. "Western envoys in Uganda walk out of Museveni swearing-in", BBC, 12 May 2016.

<sup>53</sup> Crisis Group interview, Ugandan foreign policy official, 5 April 2016.

<sup>54</sup> Crisis Group interviews, Ugandan and Sudanese diplomats, Brussels; Kampala, April; June 2016; Ugandan diplomats and intelligence officials, September 2016. In August, Uganda hosted Khartoum's lead on the Darfur file, Amin Hassan Omar, to a meeting with armed group leadership in Kampala, following the collapse of AU talks that month. Crisis Group telephone interview, Darfur rebel group member, Kampala, 10 September 2016; interview, Sudanese opposition political analyst, Kampala, 9 September 2016. Museveni attended the closing session of Sudan's National Dialogue conference in Khartoum. "President Museveni hails Sudan on historic dialogue", *New Vision*, 10 October 2016. The national dialogue process has been criticised for lacking major armed and opposition groups. Crisis Group Africa Briefing N°108, *Sudan: The Prospects for "National Dialogue"*, 11 March 2015. During his speech at the closing session, Museveni stated: "Uganda will do everything possible to support Sudan in peace-making". "President Museveni hails Sudan on historic dialogue", *New Vision*, 10 October 2016.

### 3. Kampala-Juba: a diplomatic approach

Kampala's military support to President Kiir was criticised by some IGAD members and other international actors (including some Western governments whose diplomats in Juba had initially welcomed the deployment), which has made it more cautious. Uganda also felt unjustly excluded from the IGAD peace negotiations (except at head-of-state level).<sup>55</sup> When the July 2016 fighting broke out, it did not intervene and sent only an army (Uganda People's Defence Force, UPDF) convoy to rescue its citizens.<sup>56</sup>

Fighting in the Equatoria region along its border most concerns Uganda. More than 331,883 South Sudanese have crossed into Uganda since July. Officials worry that the insurgency, whose members come from communities straddling the frontier, such as the Kakwa, Kuku, Acholi and Madi, could cause instability. Insecurity in the Equatorias, particularly along major roads, and hard currency shortages in Juba have cut trade and hurt Uganda's economy.<sup>57</sup> In October, due to deteriorating security in border areas and provocations against Ugandan civilians, Uganda and South Sudan began joint police patrolling of the Juba-Nimule road.<sup>58</sup>

Museveni is the leader with most influence over Kiir, and economic, historical, political and ideological ties between the countries are strong. Soon after the July violence Museveni counselled Juba to allow deployment of the Regional Protection Force (RPF) but negotiate on its composition, which Juba accepted (see below).<sup>59</sup> Ugandan officials believe Juba could do much more to reduce internal conflicts, but Kampala's focus on strategic security and economic partnership leaves it disinclined to try to micromanage what it sees as South Sudanese internal affairs.<sup>60</sup>

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<sup>55</sup> Crisis Group interviews, Ugandan diplomats, security and intelligence personnel, Kampala, April-September 2016; presidential adviser, Kampala, 7 September 2016.

<sup>56</sup> UPDF spokesperson Paddy Ankunda stated on Twitter that Uganda evacuated 38,000 citizens from South Sudan by 20 July 2016. Tweet by Paddy Ankunda, @defenceuganda, 2:50 am, 20 July 2016. Juba did not request its assistance, and Kampala calculated that, given the relatively small number of SPLA-IO troops in the capital, its allies did not need military help. Crisis Group interview, Ugandan intelligence official, Kampala, 6 September 2016.

<sup>57</sup> "Uganda: South Sudan Refugee Situation (Info-Graphic)", UNHCR, 28 November 2016. The SPLM/ A-IO earlier sought, with little impact, to link with Ugandan opposition groups and communities perceived as disaffected from Museveni's government. Crisis Group interviews, SPLM/A-IO officials, Addis Ababa, January 2014, June 2015; Ugandan diplomats and intelligence officials, Kampala, September 2016. "Kenya, Uganda lose \$12m as S. Sudan inflation hits 600pc", *The East African*, 13 August 2016.

<sup>58</sup> In 2007, during insecurity in the same area, the UPDF and SPLA deployed to secure the road. Sending police, rather than troops, this time acknowledged Uganda's ARCSS commitments and the desire that its efforts not precipitate regional tensions. Crisis Group interviews, Ugandan officials, Juba, June, October 2016. "Joint Communique Between Uganda Police and S. Sudan Police", Uganda Police, 22 October 2016.

<sup>59</sup> The SPLM/A-IO have also sought to influence Museveni. Machar met him in Uganda in January and Khartoum in October. Crisis Group interviews, SPLM/A-IO officials, Nairobi, January, October 2016. "Ugandan president advises S. Sudan to accept deployment of regional forces", *Sudan Tribune*, 24 July 2016. Ugandan officials doubt the RPF can improve the security situation. Crisis Group interviews, Ugandan diplomats and security official, Kampala, April 2016.

<sup>60</sup> Crisis Group interviews, Ugandan officials, Kampala and Juba, 2014-2016; Ugandan officials and analysts, Kampala, February, April 2016.



## B. Wider Regional Involvement

### 1. Ethiopia

When the civil war started, Ethiopia sought to be a neutral broker, while protecting its economic interests and border security.<sup>61</sup> It hosted and led the IGAD peace talks in Addis Ababa and permitted SPLM/A-IO members to stay there during them. Juba increasingly perceived Ethiopia as favouring the rebels and seeking to influence its internal affairs. Relations reached a nadir after July 2016, as Addis supported the RPF, which many of its supporters proposed Ethiopia lead. Juba viewed this as tantamount to an invasion.<sup>62</sup>

Relations have since improved. Officials of the current transitional government of national unity in Juba (TGoNU) supported the ending of Thokwath Pal's long-running (though minimally active) rebellion in Ethiopia's Gambella region.<sup>63</sup> Subsequently, Ethiopia announced Machar would not be welcome as a rebel leader and officially received First Vice President Taban on 9 September. Prime Minister Hailemariam Desalegn's 28 October visit to Juba and a mutual commitment not to support each other's rebels was another positive step.<sup>64</sup>

Since widespread political protests broke out, Ethiopia is focused on its internal stability.<sup>65</sup> Among cross-border communities, there are multiple, overlapping communal tensions that sometimes require national-level intervention. For example, after a large Murle raid from South Sudan into the Gambella region in April, the Ethiopian army (temporarily) deployed into South Sudan's Boma state to secure the return of abducted children and monitor both sides of the border. This took place as another round of Anuyak conflict with Nuer in Gambella also required national-level intervention.<sup>66</sup> It would reduce refugee inflows (by ensuring stability and humanitarian service delivery in South Sudan) and further contribute to improved relations

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<sup>61</sup> Ethiopia also saw itself as mediating between the wartime government and SPLM/A-IO's regional backers (Kampala and Khartoum). Crisis Group Report, *South Sudan: Keeping Faith* op. cit., p. 8.

<sup>62</sup> Crisis Group Commentary, "South Sudan's Risky Political Impasse", op. cit. Negotiations over the RPF highlighted IGAD rivalries. Uganda reportedly tried to prevent Ethiopian participation it saw as a move to increase influence over Juba. Crisis Group email exchange, senior UN official, 7 September 2016; "South Sudan army says it will fight regional security force if it enters country", Radio Tamazuj, 21 July 2016.

<sup>63</sup> Thokwath Pal was the senior leader from Gambella in Ethiopia's Derg regime (1974-1987, though Derg leader Mengistu Haile Mariam kept power until 1991). Crisis Group interview, Thokwath Pal, September 2016.

<sup>64</sup> "S. Sudan's FVP confers with Ethiopia leader", 9 September 2016; "Ethiopia says will not allow Riek Machar to stay within territory", 24 September 2016; "Ethiopia and South Sudan sign anti-rebels' security agreement", 28 October 2016, all articles in Sudan Tribune.

<sup>65</sup> Crisis Group interview, EU official, Addis Ababa, 15 September 2016.

<sup>66</sup> There was also conflict in April between Nuer refugees and "highlander" populations that left at least eight Ethiopians dead and showed the refugees' capacity for large-scale mobilisation. "Calm returns to Gambella town after clashes involving Nuer and highlanders", *Sudan Tribune*, 25 April 2016. The Nuer refugee population in Gambella is now almost equal to the region's Ethiopian population. Gambella's population is around 320,000; the refugee population is reaching 320,000, and humanitarian aid planners estimate a further 100,000 will arrive in 2017. Crisis Group Skype interview, humanitarian official, November 2016. Further movement of Nuer refugees into Gambella, particularly as new camps may be located on Anuyak land, could lead to more violence. For more on communal conflicts between Nuer, Anuyak and Murle along the shared border, see Crisis Group Report, *South Sudan: Jonglei*, op. cit.

and civilian quality of life if Juba were to limit armed group activity along the border and cross-border raiding.

## 2. Egypt

Egypt's interests in South Sudan centre on Nile water and a shared history dating to the Anglo-Egyptian condominium.<sup>67</sup> It is embroiled in a long-running dispute over Ethiopia's construction of the Grand Ethiopian Renaissance Dam (GERD) on the Blue Nile, which it worries would reduce the river's downstream flow.<sup>68</sup> Anticipating this, it is in talks with South Sudan on increasing the White Nile's flow.<sup>69</sup> Relations with Ethiopia became more visibly strained when Addis publicly accused unidentified Egyptians of arming groups in the country, which Cairo denies.<sup>70</sup>

Egypt has become an important ally on the UN Security Council, at a time when Juba faces calls from other Council members for further targeted sanctions, an arms embargo, demilitarisation of the capital and the RPF's deployment. In August 2016, Egypt (along with Russia, China and Venezuela) abstained from the vote that mandated the RPF. Cairo's offer to participate in the force – which received African Union (AU) endorsement – is seen as a move to limit Ethiopia's influence, but it risks embroiling South Sudan in the two countries' deteriorating relations.<sup>71</sup>

### C. *The Regional Protection Force*

In August, the UN Security Council (UNSC) mandated a 4,000-strong RPF to provide “a secure environment in and around Juba” by facilitating safe and free movement; and protecting civilians, UN and other humanitarian workers, the airport and other key facilities”. In response to Juba's various objections, the resolution also calls for an arms embargo if there are “political or operational impediments to operationalising the RPF or obstructions to UNMISS in performance of its mandate”.<sup>72</sup>

Though IGAD proposed the RPF (with U.S. prompting), the technical negotiations over implementation are between the UN, the region and TGoNU. Juba is already obligated to security arrangements under ARCSS and post-ARCSS deals. The RPF mandate differs from these and has required trilateral talks between the JMEC, the UN Mission in South Sudan (UNMISS) and the transitional government. Though the threat of an arms embargo incentivised the government's general consent to the RPF, it was the region backing Machar's exile – and cutting off the possibility he

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<sup>67</sup> Cairo was wary of South Sudan's independence, believing another Nile Basin state would complicate efforts to protect its regional interests. Crisis Group Africa Report N°159, *Sudan: Regional Perspectives*, op. cit., pp. 8-11.

<sup>68</sup> Egypt believes the dam will reduce the water flow, particularly as its reservoir fills, violating principles on preventing downstream harm and treaties on Nile water usage. Crisis Group Commentary, “South Sudan's Risky Political Impasse”, op. cit.

<sup>69</sup> Crisis Group interviews, South Sudanese officials, Juba, January 2014, August 2016.

<sup>70</sup> William Davison, “Ethiopia alleges Oromo protesters receiving support from Egypt”, Bloomberg, 10 October 2016; Aaron Maasho, “Ethiopia blames foreign groups for stoking unrest”, Reuters, 10 October 2016; “Ethiopia blames Egypt and Eritrea over unrest”, BBC, 10 October 2016.

<sup>71</sup> The AU Peace and Security Council welcomed Egypt's readiness to participate in the RPF. “Communique of the 626th PSC meeting on the Situation of South Sudan”, 19 September 2016.

<sup>72</sup> UNSC/RES/2304 (2016). “UN approves robust peace force in South Sudan”, Deutsche Welle, 12 August 2016; Crisis Group Commentary, “South Sudan's Risky Political Impasse”, op. cit.

would return to Juba with fighters – that finally prompted the TGoNU to accept the RPF unconditionally.

The UN's initial thinking was that the force would be Ethiopian-led with a Kenyan contribution. Juba objected to its immediate neighbours' participation. In a positive step for regional stability, Sudan and Uganda declined to participate, but Uganda is actively involved in the negotiations.<sup>73</sup> After the UN Secretary-General fired the Kenyan UNMISS force commander in November for lack of forceful action during the July fighting in Juba, Kenya said it also would not participate in the RPF.<sup>74</sup> IGAD called upon Kenya to reconsider in December.

If the RPF is able to increase security in Juba and its environs, in conjunction with the TGoNU, it could help deter further conflict. It could also create a security environment to encourage participation in national dialogue and other related negotiations to further the peace process.<sup>75</sup> However, significant deployment challenges remain, and UNMISS is ill-equipped for quick success given its recent failings, leadership gap and poor government relations. Moreover, when the RPF is eventually deployed, the UN Secretariat will need to provide close scrutiny and oversight in a regional environment whose dynamics could change, leading to competing national priorities within the force and with the TGoNU.

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<sup>73</sup> Rwanda is an uncontroversial additional proposed primary contributor. "South Sudan sets new conditions after accepting deployment of protection force", Sudan Tribune, 6 September 2016. This is part of a global debate over whether neighbours are ideal peacekeepers, a particularly acute concern in the Horn of Africa given its history of inter-state and proxy conflicts. Proponents argue that because neighbours are invested, they are more willing to undertake such dangerous work; opponents suggest they may be focused on their own national interest, which may be at odds with their host's sustainable peace. See, for example, Paul D. Williams, *Global and Regional Peacekeepers* (New York, 2016), pp. 7-9. "Uganda, Sudan not part of regional forces deployment to South Sudan", Sudan Tribune, 11 August 2016.

<sup>74</sup> Kenya has so far removed only around 200 of its troops. Crisis Group interviews, New York, November 2016. There have been several internal and public UN and NGO investigations into reported failures in UNMISS responses to violence in Malakal in February and Juba in July. In October, the Special Representative of the Secretary-General resigned, and in November the force commander was fired. The mission is struggling to fulfil its existing mandate, let alone the challenges presented by an additional, discrete set of 4,000 troops. Crisis Group interviews, UNMISS officials, Juba, October 2016; "Letter dated 1 November 2016 from the Secretary-General addressed to the President of the Security Council", UNSC S/2016/924, 1 November 2016.

<sup>75</sup> Many opposition figures in exile have expressed concern about their safety were they to return for national dialogue. For example, "Position of FDP-SSAF on President Salva Kiir's call for national dialogue", Federal Democratic Party-South Sudan Armed Forces, 16 December 2016.

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## IV. The Transitional Government of National Unity

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Late July saw formation of the second iteration of the TGoNU, with First Vice President Taban Deng replacing Machar. It initially focused, successfully, on gaining international recognition. By also improving ties with Khartoum, Juba now has a more amenable regional environment than at any time since independence. Yet, beside a collapsed economy, rebellions and grievances are widespread, and Juba must show in the next months whether it wants to and can tackle widespread insecurity.

### A. Political Priorities

No longer hostage to the Kiir-Machar rivalry, the TGoNU is increasingly unified but to be more effective must bring armed groups and opposition-leaning communities into the governance structure. Implementation of the interconnected peace process, national dialogue and negotiations with armed groups must all take place to ensure an inclusive government. For example, ARCSS processes of cantonment of armed groups require negotiations with individual armed groups and will only lead to a sustainable result if communal grievances are addressed through dialogue. While Kiir is the national dialogue's patron and the government is a stakeholder, the process is to be led by "eminent personalities and persons of consensus". Kiir stated that national dialogue will begin at the grassroots level and move to the national level.<sup>76</sup> For the first time since civil war began in 2013, the government is opening the door for dialogue with its citizens.

It is to take place under the parameters of the peace agreement, meaning, among other things, that Kiir's presidency, which is guaranteed under ARCSS until 2018, would not be altered.<sup>77</sup> The government is already backed by IGAD-PLUS members – including the UN, AU, IGAD, U.S. and China – meaning concerns about national dialogue serving to further entrench the government fail to recognise that it is already entrenched and does not need national dialogue for this. National dialogue offers the prospect – if implemented in good faith and with international support – of enabling the government to be more inclusive and better represent the nation. Support and capacity building, for both TGoNU and other dialogue participants, is required to ensure it is an effective and credible process and to mitigate the worst tendencies that may arise. International actors should help the TGoNU enhance its ability to make smart local deals and improve national-level systems, institutions, laws and processes to reduce conflict.

National dialogue may begin a process of moving away from the TGoNU's prior focus on amnesties and other inducements to end rebellion, while avoiding consideration of underlying causes of rebellion. The TGoNU has indicated a willingness to compromise, including addressing grievances related to the controversial unilateral declaration to create 28 states (from the original ten) and cantonment of armed groups, but has not yet acted.<sup>78</sup> In other locations, it continues or maintains the

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<sup>76</sup> Salva Kiir, "Speech on National Dialogue" to parliament, Juba, 14 December 2016.

<sup>77</sup> "Agreement on the Resolution of the Conflict", *op. cit.*

<sup>78</sup> ARCSS' state-level power sharing was based on the ten-state structure; the October 2016 presidential decree was widely seen as contravening the agreement. The new states and their boundaries, while supported in some areas, are deeply unpopular in others and further exacerbate conflict in some places.

threat of military action. As rebellions are largely about political issues, a security sector response – counter-insurgency operations, cantonment, amnesty or armed group integration into the military – can only partially deal with underlying causes. Juba should focus – through the peace process, national dialogue and negotiations with armed groups – on finding bespoke solutions to individual conflicts that help restore citizen faith in a broad-based state, and it should seek external support for inclusive political solutions.

To be successful, those must focus on four key areas: politics (eg, governance arrangements), local security dynamics, the economy and communal relations. The TGoNU's acknowledgement that the new 28 state boundaries drive conflict in Malakal and Raja, as well as the recommendations of its report on violence in Wau, are steps toward the discrete processes necessary to tackle causes of rebellion.<sup>79</sup> Yet, balancing interests within and between competing communities is difficult in South Sudan's winner-take-all environment.

#### B. *Security Sector*

The TGoNU is working on joint security sector architecture that includes short- and longer-term activities and reforms intended to support conflict resolution. These are:

- halt fighting;
- separate forces;
- withdraw to assembly/cantonment sites and conduct related activities, such as registration and arms control;
- conduct a Strategic Defence and Security Review – mandated to make recommendations on integration and demobilisation parameters by early 2017; and
- begin integration, demobilisation, disarmament and reintegration (DDR) or other processes.<sup>80</sup>

The TGoNU approved cantonment for opposition forces in Greater Bahr el Ghazal and Greater Equatoria. The Joint Military Ceasefire Commission (JMCC) identified a first set of sites in the Equatorias and Bahr el Ghazal (for the time being it has left aside cantonment in Greater Upper Nile).<sup>81</sup> It does not view the conflicts in the Equatorias and Bahr el Ghazal as part of the same rebellion as Greater Upper Nile. Unlike the August 2015-July 2016 period, the SPLM/A-IO leaders in the TGoNU are not using cantonment for recruitment, but, as intended, as a significant step towards

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<sup>79</sup> "South Sudan president set to further increase number of states", Sudan Tribune, 19 October 2016; "Public Statement", Lam Akol, Addis Ababa, 1 August 2016; "Report of the Investigation Committee on Wau Incident of 24-26 June 2016", Republic of South Sudan, 1 August 2016.

<sup>80</sup> It is not anticipated that these processes will begin at the same time across the country. The timeline for the Strategic Defence and Security Review was agreed at the Permanent Ceasefire and Transitional Security Arrangements (PCTSA) workshop in September 2016.

<sup>81</sup> The Joint Military Ceasefire Commission is comprised of members from both warring parties and is to directly oversee the forces in cantonment. Cantonment is a process whereby forces move to approved, secure sites where they are provided for while beginning registration, integration or DDR. Cantonment is hoped to begin between February and May 2017 in four different locations in the Equatorias. Crisis Group interview, security sector adviser, Nairobi, December 2016.

the permanent ceasefire.<sup>82</sup> Kiir and Taban Deng see it as a way forward, particularly to address smaller rebellions. Cantonment will likely require international support, which may be on offer, but senior officials are also lobbying the Council of Ministers for internal financial assistance.<sup>83</sup>

Cantonment is a step toward peace that should enable reform and professionalisation but is not, on its own, a long-term solution. Much too frequently security forces' response to rebellion includes mistreatment of civilians, which exacerbates conflict. Many of the forces recruited since the start of the 2012 border war have received almost no training, lack discipline and have little respect for command. Some also do not know about the laws of war and act with impunity.<sup>84</sup>

The Strategic Defence and Security Review (SDSR) Board, established as part of ARCSS, intends to recommend by early 2017 a revised defence and security policy, including the size and composition of the army, integration of armed groups and DDR parameters.<sup>85</sup> Juba has long used the security sector as a short-term bandage to address a host of thorny political issues. The review process should be supported to ensure that security sector deals, such as blanket integration of fighters and "promotion" of rebel officers, do not continue to be the primary means of ending rebellions.<sup>86</sup> As a mitigation measure meanwhile, donors should educate forces on the laws of war.

At the same time, the SPLA continues to strengthen its bilateral relations, focusing on arms, equipment and infrastructure support, further outpacing rebel groups. There is, however, little appetite within the army for major offensives into Nuer opposition strongholds in Latjior or East and West Bieh. The status quo is acceptable to both war-weary sides. Only a change in the regional position of Sudan or Ethiopia or a surge in armed activity by SPLA-IO members is likely to force a government offensive in those areas.<sup>87</sup> The TGoNU understands that time is on its side so long as it can deny major opposition forces external support.

However, localised and limited conflict may continue or restart in areas such as the former Unity state and Western Upper Nile. Conflict is only likely to become more significant if opposition forces receive military resupply. In Unity, the TGoNU has brought historic enemies together in an uncomfortable alliance against a small

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<sup>82</sup> Prior to July, the wartime government had not committed to cantonment in the Equatorias and Greater Bahr el Ghazal and focused on Greater Upper Nile. Given the ongoing conflict in the Equatorias and more recent fighting in Bahr el Ghazal, the government is hoping cantonment can reduce conflict there. Crisis Group interviews, JMCC member, Juba, October 2016. Crisis Group Report, South Sudan's South, op. cit., p.19-22.

<sup>83</sup> Many in Juba believe the Equatorian conflicts would not have emerged as they did without Machar's incitement and think that isolating the Equatorians from Machar is a first step to resolving them. Some Equatorian opposition members are increasingly amenable to this view. Crisis Group interview, government minister, Juba, October 2016; Equatorian SPLM-IO member, Nairobi, November 2016. The Council of Ministers includes all government ministers and meets with President Kiir every Friday.

<sup>84</sup> Crisis Group interviews, SPLA soldiers, civilians, Juba, Bentiu, Pibor, 2013-2016.

<sup>85</sup> The SDSR will make recommendations on the security sector's "future command, function, size, composition and budget", demobilisation requirements, the role of different security forces and management and oversight of the security sector. Crisis Group Report, South Sudan's South, op. cit., p. 18. Crisis Group interview, SDSR Board member, Juba, October 2016.

<sup>86</sup> Armed groups' military integration is a preferred method, though it has failed.

<sup>87</sup> Crisis Group interviews, SPLA officers, Juba, October 2016.

number of SPLA-IO forces that have not joined it and multiple armed youth groups with varying loyalties. The Aguelek forces on the Nile's west bank of Johnson Olony, who rejected peace overtures, may continue small-scale attacks on government positions; Olony and some of his forces were recently attacked by competing rebel forces loyal to General Tanginye.<sup>88</sup>

### C. *Economy*

The deep economic crisis limits the government's options. Revenues, usually 95 per cent derived from oil, fell drastically with the 2012 shutdown, the outbreak of civil war, damage to industry infrastructure and the global decline in oil prices since 2014.<sup>89</sup> The government's reliance on loans to cover expenditures, including ballooning military spending, increased debt obligations.<sup>90</sup> The consumer price index has doubled since June, and annual inflation reached 835.7 per cent in October.<sup>91</sup> Mitigating measures such as the December 2015 exchange rate liberalisation have not improved conditions. Poverty has increased to the point that humanitarian agencies now provide emergency services in Juba.<sup>92</sup>

Despite IMF warnings, the government likely will finance some of the anticipated \$1.1 billion 2016/2017 budget deficit by accumulating arrears. The IMF has stressed that the central bank needs to regain control of monetary policy, raise non-oil revenue and strengthen expenditure controls and budget preparation. However, even if implemented, there is little hope reforms alone can address the crisis. With neither the IMF, major donors nor the government pushing for a bailout package, the crisis is likely to deepen and lead to growing humanitarian crisis, lack of salary payments and further collapse of civilian institutions as security sector obligations continue to be prioritised.<sup>93</sup>

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<sup>88</sup> Crisis Group interview, SPLM-IO member, SPLA officer, Nairobi, December 2016.

<sup>89</sup> "South Sudan African Economic Outlook 2016", African Development Bank, Organization for Economic Cooperation and Development, UN Development Programme, 2016. Prior to the oil shutdown, South Sudan produced 330,000 barrels per day. While production recovered by the end of 2013 to some 235,000 barrels, it fell back to 160,000 barrels after the civil war's outbreak. It expects net oil-revenue in fiscal year 2015/2016 to be only 17 per cent of that in 2014/2015. "Republic of South Sudan 2014 Article IV Consultation – Staff Report; Staff Statement; and Press Release", IMF, December 2014.

<sup>90</sup> This is in addition to oil transit fees South Sudan has to pay to Sudan. *Ibid.*

<sup>91</sup> "South Sudan Inflation Rate", "South Sudan Consumer Price Index Cpi", Trading Economics ([www.tradingeconomics.com](http://www.tradingeconomics.com)); "Drastic food price increases further reduce household food access in South Sudan", alert, Famine Early Warning System (FEWS), 23 August 2016.

<sup>92</sup> The pound's value dropped almost 90 per cent. "South Sudan African Economic Outlook 2016", *op. cit.* "IMF Staff Completes", *op. cit.* Crisis Group interviews, humanitarian officials, Juba, October 2016.

<sup>93</sup> The IMF urged the central bank to refrain "from lending to the government, setting inflation on a decelerating path, and gradually start replenishing its international reserves". "IMF Staff Completes", *op. cit.* 2016. External sources will most likely be needed to fill the gap. *Ibid.*

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## V. Armed and Unarmed Opposition Groups

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Kiir's success in consolidating power surprised the SPLM/A-IO, many of whom are still reeling from the altered state of affairs. Machar remains committed to leading an armed struggle despite his inability to resupply his fighters and international attempts to isolate him. The SPLA-IO lost members from the former Unity state who joined Taban Deng, while gaining new ones in the former Central Equatoria. Dr Lam Akol, head of the largest opposition political party, resigned and launched the National Democratic Movement (NDM), which intends to encompass armed and unarmed opposition groups. The "SPLM-Leaders" (Former Detainees) lack unity, with some in exile calling for a UN trusteeship, while others hold ministerial portfolios in the TGoNU.<sup>94</sup> Kiir surprised many exiled political and civil society leaders who were calling for a new political process with his announcement of national dialogue. If these efforts are not successful, conflict will continue, somewhat restrained by lack of external support.

### A. Status of the SPLM/A-IO

The SPLM/A-IO has changed significantly.<sup>95</sup> While it retains members through the Nuer heartland, save parts of the former Unity state, the most active fronts are no longer there. Parts of the former Central and Western Equatoria and Fertit areas of Bahr el Ghazal state have seen the most fighting in 2016, and the SPLM/A-IO's strongest armed forces are the Shilluk under Johnson Olony. The SPLM/A-IO remains a "fractious rebellion" whose primary shared objective is Kiir's downfall, but it is also a genuinely multi-ethnic coalition.<sup>96</sup> With Machar's position, as both internationally recognised leader and arms supplier, weakened, many leaders of the SPLM/A-IO's smaller groupings are under pressure from Juba and the region to join the TGoNU or national dialogue or accept a discrete peace deal.<sup>97</sup>

In late November, some SPLM/A-IO leaders met in Khartoum to consider the way forward given Machar's international isolation. Subsequently, Machar appointed Henry Odwar, an Equatorian, deputy commander in chief, and Tingo Peter, a Fertit, SPLM/A-IO secretary general. It is widely believed that he selected politicians unlikely to challenge his overall leadership and who may not be able to lead the move-

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<sup>94</sup> "The Resolutions of the SPLM/SPLA (IO) Political Bureau Meeting, September 20-23 2016, Khartoum, Sudan", SPLM/A-IO, 23 September 2016. "Pagan Amum says campaigning for foreign intervention in South Sudan", Radio Tamajuz, 4 August 2016.

<sup>95</sup> This section describes some of the challenges and objectives of the larger SPLM/A-IO membership groupings but is not a comprehensive list of all SPLM/A-IO components.

<sup>96</sup> Its armed Dinka component under General Dau Aturjong rejoined the government in July, however, and since then it has had almost no Dinka members.

<sup>97</sup> "A Fractious Rebellion: Inside the SPLM-IO", Small Arms Survey, September 2015. Many in the SPLA-IO feel the conditions offered to join the government are far less favourable than they are entitled to because it was an "unfair fight" in which the government received Ugandan support and was freely able to re-arm and acquire advanced weapons. Crisis Group interview, senior SPLA-IO general, September 2016; SPLA-IO members, Addis Ababa, Juba, SPLA-IO controlled areas in South Sudan, 2014-2016.



ment out of the woods.<sup>98</sup> The moves were controversial among many Nuer SPLM/A-IO, who allege he seeks to protect his position at the expense of the movement's Nuer majority, which believes someone from its community should have been appointed to act on Machar's behalf.<sup>99</sup> Machar's SPLM/A-IO have mixed feelings about the dialogue; some would consider participation if it addressed the killings of Nuer in Juba in December 2013, while others dismiss it out of hand.<sup>100</sup>

### 1. Nuer unity and disunity

Much of 2015-2016 was characterised by disunity among Nuer opposition leaders and groups. For example, three top generals renounced Machar, the SPLM/A-IO debated whether to rejoin the SPLM or become its own party and internal manoeuvrings for positions and influence in the transitional government were deeply divisive.<sup>101</sup> Many blame Machar for returning to Juba with such a small force.<sup>102</sup> At the same time, even Nuer critics believe he was mistreated, and the July fighting was another government attack on their community.<sup>103</sup> "We knew we were going back to fight", an SPLA-IO member said, "but we did not know Juba would once again be a killing ground for Nuer".<sup>104</sup>

Apart from many northern Unity Nuer, most are united in opposition to the TGoNU, but this does not translate into support for one leader or shared platform. Many Nuer also question continued support for Machar.<sup>105</sup> Any attempts he makes to reorganise the armed opposition will bring to the fore the same issues, but the group now lacks external support and legitimacy. A sustainable peace, however, requires that the Nuer communities who support Machar's SPLM/A-IO be brought into the TGoNU.

### 2. The Shilluk question

When Johnson Olony and his Aguelek forces defected to the SPLA-IO in May 2015 and briefly captured Melut town, it was the culmination of long-simmering disputes between the Shilluk and Dinka Padang and resulted in the last major conventional military conflict in Greater Upper Nile. In October 2015, Yohannes Okiech launched a smaller Shilluk rebellion, the Tiger Faction New Forces.<sup>106</sup> At stake for both is the loss of historic Shilluk land and their position in a state where the government questions

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<sup>98</sup> Neither are well connected to the armed leadership on the ground, thus protecting Machar from a potential challenge from the military leadership. Crisis Group interviews, SPLM/A-IO members, November 2016.

<sup>99</sup> Crisis Group interviews, SPLM/A-IO members, November, December 2016.

<sup>100</sup> Press release, SPLM-IO, 15 December 2016; Crisis Group interviews, SPLM/A-IO members, Nairobi, December 2016.

<sup>101</sup> Generals Gabriel Gatwech Chan "Tanginye", Peter Gatdet Yaka and Gathoth Gatkuoth Hothnyang left the SPLM/A-IO. Crisis Group Report, *South Sudan: Keeping Faith*, op. cit.; Crisis Group Commentary, "South Sudan's Risky Political Impasse", op. cit.

<sup>102</sup> Crisis Group interviews, SPLM/A-IO members and civilians in SPLM/A-IO controlled areas, September 2016.

<sup>103</sup> Crisis Group interview, General Peter Gatdet Yaka, September 2016.

<sup>104</sup> Crisis Group interview, SPLA-IO member, September 2016.

<sup>105</sup> Crisis Group interviews, eastern Nuer leaders, Addis Ababa, September, Nairobi, October 2016.

<sup>106</sup> Crisis Group Report, *South Sudan: Keeping Faith*, op. cit., p. 14. "South Sudan's new rebel group unveil demands to end hostilities", *Sudan Tribune*, 2 November 2015.

their loyalty.<sup>107</sup> The Shilluk and neighbouring Dinka Padang have contested territory, including Malakal (one of South Sudan's largest cities), for years. The civil war changed the dynamics, as the government supported the Dinka Padang, allowing them to press their land claims with force, while Shilluk groups responded in kind.<sup>108</sup>

Olony's forces remain the best-armed SPLA-IO contingents but lack immediate options for resupply. Following July's fighting, the government sought to draw him back to its side, offering substantial concessions, including over Malakal. At the same time, Lam Akol sought to bring the Aguelek under the NDM's umbrella. Neither succeeded, but Olony remains primarily committed to the Shilluk cause. There could be more clashes, such as those that took place in October, though circumstances may change if the government moves forward with national dialogue and plans to redraw the new state boundaries to the Shilluk's benefit, and Sudanese support is still not forthcoming.<sup>109</sup>

### 3. The Equatorian struggle

After their expulsion from Juba in July, Machar and SPLA-IO allies fled south through areas around Lanya, Yei, Mundri and Morobo and eventually into the Democratic Republic of Congo (DRC). Though his forces in Juba were primarily Nuer, Machar's months of recruitment in the Equatorias paid off, as some Equatorians left Juba with him, and others joined during his flight.<sup>110</sup> While most Nuer SPLA-IO crossed into DRC, some stayed behind to fight alongside Equatorian SPLA-IO. This was the first time Machar's vision of a multi-ethnic rebel force was a reality. Equatorian General Martin Kenyi remained in charge of the overall front, and a Nuer, John Jok Gai, is the operational commander around Yei.<sup>111</sup> While the region previously had largely rejected Machar's entreaties to join the rebellion, the treatment of civilians by the government forces pursuing the SPLA-IO finally turned the tide against Juba.<sup>112</sup>

Most SPLA-IO forces in the Equatorias are poorly armed and trained, with no realistic hope of resupply. Nevertheless, they are fighting a successful guerrilla campaign. They have cut off or made travel extremely risky along many routes and threatened the SPLA with ambush outside of towns. Resulting harsh government treatment of local communities, on grounds that they support the rebels, has led to

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<sup>107</sup> It is a consequence of many Shilluk defections from the SPLA in 1991.

<sup>108</sup> "Letter ... from the Panel of Experts on South Sudan ... to the President of the Security Council", UNSC S/2016/70, 22 January 2016.

<sup>109</sup> Many Aguelek leaders questioned government sincerity. Crisis Group interviews, government official, Juba, October 2016; SPLA-IO official, Nairobi, September 2016. On the clashes, see "South Sudan: at least 56 rebels and four SPLA soldiers killed in clashes", *The Guardian*, 17 October 2016; "SPLA-IO admits losing control of areas after fighting near Malakal", Radio Tamazuj, 23 October 2016.

<sup>110</sup> Equatorian support for Machar in Juba and an attack on the SPLA barracks in Yei during the fighting in Juba seemed to confirm some of the government's fears of an "Equatorian fifth column" and are used as justification for increasing surveillance, detention and other mistreatment of Equatorian civilians suspected of disloyalty.

<sup>111</sup> Crisis Group interviews, Equatorian intellectuals and SPLM/A-IO members and officials, Juba, Nairobi, October 2016.

<sup>112</sup> Crisis Group interviews, SPLA-IO members, Juba, May 2016, Nairobi, September 2016; Equatorian civilians, Juba, October 2016.

increased rebel support. In one of the most egregious incidents, soldiers killed more than twenty civilians outside Kitigiri in August.<sup>113</sup>

Rebel forces also target civilian transport and deliberately kill Dinka civilians. Most attacks begin with indiscriminate shooting at vehicles, killing civilians of all ethnicities. This has led to calls for revenge on Equatorian civilians, particularly those living in Dinka areas.<sup>114</sup> Though Equatorian civilians generally support the insurgents, rape, forced recruitment, abduction and detention by rebels, as well as the threats on the road and their impact on trade have made some more hesitant. A civilian from Yei said, “we cannot stay in the town, because the soldiers are killing the people, but we cannot escape on the roads or the rebels can kill us”.<sup>115</sup>

Many in the SPLA realise they need a different strategy to win the war and recall their late leader John Garang’s successful Equatorian recruitment during the civil war, after a similar period of conflict with local communities.<sup>116</sup> However, most soldiers are too young to remember this, lack training and have no idea what successful counter-insurgency requires. With international actors wary of engaging with an army with an abysmal human rights record, thousands of untrained youth will likely continue contributing to a cycle of atrocities, leaving one of South Sudan’s most prosperous regions in ruins.

#### 4. The Fertit

Much like with the Shilluk, the conflict in Fertit areas in the former Western Bahr el Ghazal state centres on land and power and is exacerbated by divisions from the second Sudanese civil war.<sup>117</sup> Driving the violence is a struggle for control of Wau town and the division of Fertit areas into two new states, including locating Fertit-majority Raja town in a state with many Dinka Malual rather than fellow Fertit of Wau. Fertit rebels control territory south west of Wau and have launched small attacks around Raja, briefly overrunning the town in June.<sup>118</sup> The early 2016 counter-insurgency campaign was marred by abuses. After attacks and intimidation, many Fertit fled Wau. Those that remain have grouped together in locations perceived as safe and do not feel free to move at night or outside the town.<sup>119</sup>

External actors have limited contact with Fertit communities, in part due to language, religion and their historic affiliation with Sudan, which undermines efforts to

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<sup>113</sup> Crisis Group interviews, SPLA-IO officials, Equatorian leaders, October 2016. “South Sudan: New Abuse of Civilians by Both Sides”, Human Rights Watch, November 2016. Abuses include indiscriminate killings, rape, violence against civilians and widespread looting. Some civilians report that soldiers take the opportunity of a relatively lawless atmosphere to settle grudges. Crisis Group interviews, Equatorian civilians, victims and eyewitnesses, September, October 2016.

<sup>114</sup> This is despite the involvement of Nuer SPLA-IO forces in some of these attacks.

<sup>115</sup> “South Sudan: New Abuse of Civilians”, op. cit. Crisis Group interview, October 2016.

<sup>116</sup> Crisis Group Report, *South Sudan’s South*, op. cit.

<sup>117</sup> During the war, many Fertit and Dinka fought on opposing sides. Daniel S. Blocq, “Grassroots nature of counterinsurgent tribal militia formation: the case of the Fertit in Southern Sudan, 1985-1989”, *Journal of Eastern African Studies*, vol. 8, no 4 (2014), pp. 710-724.

<sup>118</sup> Crisis Group interview, Fertit SPLM-IO member, October 2016.

<sup>119</sup> “South Sudan: Civilians Killed, Tortured in Western Region”, Human Rights Watch, 24 May 2016. Wau was already a somewhat segregated city, but Fertit have now concentrated in “safe” places. Crisis Group interviews, Fertit civilians, Juba, 2016, Nairobi, September 2016.

support conflict resolution.<sup>120</sup> A government investigation of the violence in Wau town was unflinching in describing the conflict's roots, its ethnic dimensions and the need for a combination of political, security and reconciliation efforts to stabilise the region. The government proposed that the boundary issue affecting Raja be addressed and cantonment begin and is engaged in other efforts to tackle the conflict.<sup>121</sup> Yet, given these efforts' lack of urgency, the conflict is likely to remain in stasis.

#### 5. SPLA-IO Forces in the Democratic Republic of Congo

Following July's fighting, most SPLM/A-IO in the TGoNU fled Juba. The majority reached the DRC by August.<sup>122</sup> They requested assistance from Sudan, which engaged Kinshasa, which in turn asked MONUSCO (the UN Stabilisation Mission in DRC) to give humanitarian aid. MONUSCO moved most to Goma, where they received medical and food help under conditions of restricted movement.<sup>123</sup> Sudan soon airlifted Machar and some 150 men from Goma; he and the senior leadership went to Khartoum, while the soldiers returned to Pagak (the former SPLA-IO headquarters). Following its agreement with Juba not to support Machar, Sudan halted transportation, so most fighters remain in Goma.<sup>124</sup>

What to do with these forces and who is responsible for them is not obvious. Kinshasa requested MONUSCO's involvement and now treats them as the UN's responsibility. Its actions were controversial within the UN, raising concerns it may not have consulted first with the Security Council.<sup>125</sup> This fed perceptions in Juba that the UN supports the SPLA-IO and further undermines UNMISS-government relations.<sup>126</sup>

#### B. *Non-SPLM/A-IO Armed and Political Opposition*

The opposition is diverse, including armed and unarmed groups and individuals. United against Kiir, they lack a shared program for the future, which undermines their ability to challenge Juba. Machar's recent challenges gave figures outside the SPLM/A-IO opportunities, but most are in exile, and their support on the ground

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<sup>120</sup> Many educated Fertit speak Arabic rather than English and they tend to displace into Sudan where Western advocates lack access. Raja, which has many Muslims, had the highest proportion of voters in favour of unity with Sudan during the 2011 referendum. Crisis Group interviews, Juba, Addis Ababa, Nairobi, 2014-2016; "Southern Sudan Referendum Final Results Report", Southern Sudan Referendum Commission, February 2011.

<sup>121</sup> "Report of the Investigation Committee", op. cit. "South Sudan President set to further increase number of states", Sudan Tribune, 19 October 2016.

<sup>122</sup> Fighting killed hundreds of the 1,400 troops who went to Juba. Because Kampala has long made clear it would defend its territory against their incursions, the SPLM/A-IO went to the DRC, which has long relations with Khartoum and an ungoverned border zone. Crisis Group interviews, eyewitnesses, October 2016; telephone interview, SPLA-IO member now in DRC, July 2016.

<sup>123</sup> Crisis Group telephone interview, SPLA-IO member in DRC, August 2016; "MONUSCO extracted hundreds of individuals from the Garamba National Park on humanitarian grounds", MONUSCO press release, 10 September 2016. MONUSCO disarmed them prior to the move.

<sup>124</sup> Crisis Group interviews, SPLA-IO soldiers, Pagak, September 2016; Sudanese officials, October 2016. Both the Congolese government and the local community in Goma want them gone. "Hundreds protest presence of S. Sudan rebels in DRC", Worldbulletin, 2 October 2016.

<sup>125</sup> Crisis Group interview, Security Council member, New York, 2016.

<sup>126</sup> "MONUSCO extracted hundreds of individuals", op. cit; "Congo demands deportation of South Sudan rebels by U.N. mission", Reuters, 5 October 2016. Crisis Group interviews, UN Security Council member, October 2016; government officials, October 2016.

varies greatly. There is a danger that international actors will focus excessively on these leaders, so fail to understand rapidly changing domestic dynamics.

### 1. Lam Akol and the National Democratic Movement

Following July's conflict, the senior Shilluk politician Dr Lam Akol, head of the Democratic Change Party (DCP) and then agriculture minister, resigned his official positions. He travelled through the region, receiving a warm welcome in Sudan, while canvassing other opposition leaders and groups.<sup>127</sup> In a September meeting of opposition groups in Nairobi, he launched the NDM to serve as an umbrella for the armed and unarmed opposition.<sup>128</sup> Unaligned armed group leaders have shown interest in joining. Political opposition leaders, particularly Equatorians, are already members. The NDM also seeks to pull in civil society and other activists inspired by 2012's "Sudan Call" movement in Sudan.<sup>129</sup>

An SPLA general who fought beside him in the 1980s said Lam "wants to lead a revolution not a rebellion".<sup>130</sup> Through the organisation, he has carved out an influential role as the head of many non-aligned rebel groups, political parties and opposition civil society.

### 2. SPLM-Leaders/Former Political Detainees

Following release in 2014, the former political detainees, now known as the SPLM-Leaders, participated as a separate bloc in the IGAD mediation. Differences in opinion were apparent over how the group should position itself.<sup>131</sup> Those who returned to Juba are committed to making the best of challenging circumstances, and in April some took up ministerial portfolios allocated to the bloc in ARCSS; Deng Alor is foreign and John Luk Jok transport minister.<sup>132</sup> When the TGoNU was formed, Chol Tong Mayai left the bloc to rejoin the government and SPLM.

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<sup>127</sup> "Public Statement", op. cit. Lam is a longstanding SPLM/A critic and launched the SPLA-Nasir faction with Machar in 1991 to fight the SPLM/A. Dr. Lam Akol, *SPLM/SPLA: Inside an African Revolution*, 3rd edition (Khartoum, 2011). Prior to independence, Lam returned to Juba and launched the SPLM-Democratic Change Party (changed to the DCP in 2016.) For years his party was the SPLM's largest challenger and sought to chart a path for a political opposition in the new state. Crisis Group interviews, SPLM-DC members, SPLM members, Juba, 2013-2016.

<sup>128</sup> "South Sudan Democratic Movement/Cobra Press Statement", press release, SSDM/Cobra, 27 September 2016. The NDM is similar in concept to Sudan's National Democratic Alliance – a coalition of Sudanese political parties, professional organisations and trade unions launched in October 1989 to counter the National Islamic Front regime. The SPLM/A joined it in 1990 and Dr. Lam was involved in some of the negotiations. Dr Lam Akol, *SPLM/SPLA*, op. cit.

<sup>129</sup> Crisis Group interviews, non-SPLM/A-IO military leaders, Nairobi, September 2016, by telephone, October 2016. "South Sudan Democratic Movement/Cobra Press Statement", SSDM/Cobra, 27 September 2016. Sudan Call united armed and political opposition to work for Sudanese government reform.

<sup>130</sup> Crisis Group interview, SPLA officer, Juba, October 2016.

<sup>131</sup> The group known as SPLM-Leaders/Former Detainees (FD) includes Pagan Amum Okech, Oyay Deng, General Gier Choung Aloung, Dr Majak D'Agoot, John Luk Jok, Dr Cirino Hiteng, Deng Alor Kuol, Madut Biar, Kosti Manibe, Ezekiel Lol Gatkuoth and Chol Tong Mayay. For example, Ambassador Ezekiel Lol Gatkuoth (now petroleum minister) left the bloc and joined the SPLM/A-IO in 2014. Crisis Group interviews, SPLM-Leaders, Nairobi, Addis Ababa, 2014-2015.

<sup>132</sup> Deng Alor is the most senior politician from Abyei, which the CPA guaranteed a referendum on whether to join Sudan or South Sudan that was never credibly held. Though many from Abyei are

Despite participation during the civil war in SPLM reconciliation processes in Tanzania, others never reconciled with the wartime government or returned to Juba. Many have strong connections to current and former U.S. officials and influential lobby groups.<sup>133</sup> The perceived nexus between their positions and U.S. government policy leads many in Juba to see such policies – which are unfavourable toward the government – as motivated by these critics. Of these, the most controversial is Pagan Amum, a former SPLM secretary general, who has called for South Sudan to be placed under UN trusteeship.<sup>134</sup> Dr Majak D’Agoot, a former deputy defence minister, has also become a frequent public government critic.<sup>135</sup>

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frustrated with Kiir’s government, they realise they need its backing to avoid the area staying in Sudan. Crisis Group interviews, politicians from Abyei, Addis Ababa, Juba, 2015-2016.

<sup>133</sup> Crisis Group Report, *South Sudan: Keeping Faith*, op. cit.; interviews, SPLM-Leaders, current and former U.S. officials, lobby group members, Juba, Addis Ababa, Washington, 2014-2016.

<sup>134</sup> “Pagan Amum says”, op. cit.

<sup>135</sup> See, for example “Former political detainee calls on Kiir and Machar to resign”, Radio Tamazuj, 13 July 2016.

## **VI. Conclusion**

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South Sudan's short but turbulent post-independence trajectory took another twist following July's fighting in Juba. The wartime government used the opportunity to consolidate power and exploit a split in the SPLM/A-IO. It capitalised on its improving relationship with Sudan to isolate Machar and cut off support to the SPLM/A-IO. The region and wider international community largely followed suit. The next chapter depends on Juba. In taking tangible steps, with Uganda's support, toward a wider settlement between the Sudans on support for each other's armed rebel groups, it could further weaken armed opposition in both countries. It also has the opportunity to negotiate sustainable settlements with armed groups and disaffected communities to break the cycle of rebellions and military integration of armed groups. Its next steps will determine whether the country is on the path to peace or still mired in perpetual conflict and economic crisis.

**Juba/Nairobi/Brussels, 20 December 2016**

**Appendix A: Map of South Sudan's Historic Regions and the Border with Sudan**





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## Appendix B: Glossary

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ARCSS	Agreement on the Resolution of the Conflict in the Republic of South Sudan
AU	African Union
AUHIP	Africa Union High-Level Implementation Panel
CPA	Comprehensive Peace Agreement
DCP	Democratic Change Party, South Sudanese opposition political party founded by Dr Lam Akol.
DRC	Democratic Republic of Congo
GERD	Grand Ethiopian Renaissance Dam
IGAD	Intergovernmental Authority on Development
IMF	International Monetary Fund
JBVMM	Joint Border Verification and Monitoring Mission
JEM	Justice and Equality Movement, Darfur rebel group under leadership of Gibril Ibrahim.
JMCC	Joint Military Ceasefire Commission
JMEC	Joint Monitoring and Evaluation Commission
LRA-RTF	Lord's Resistance Army-Regional Task Force
NDM	National Democratic Movement, South Sudanese opposition political movement under leadership of Dr Lam Akol.
PCTSA	Permanent Ceasefire and Transitional Security Arrangements
RCI-LRA	Regional Coordination Initiative for the elimination of the Lord's Resistance Army
RPF	Regional Protection Force
SAF	Sudan Armed Forces
SDBZ	Safe Demilitarised Border Zone
SDSR	Strategic Defence and Security Review
SLM/A-AW	Sudanese Liberation Movement/Army-Abdel Wahid, Darfur rebel group led by Abdul Wahid al-Nur.
SLM/A-MM	Sudanese Liberation Movement/Army-Minni Minnawi, Darfur rebel group led by Minni Minnawi.
SPLM/A	South Sudan People's Liberation Movement/Army
SPLM/A-IO	South Sudan People's Liberation Movement/Army-In Opposition
SPLM/A-N	South Sudan People's Liberation Movement/Army-North, Sudanese rebel group active in South Kordofan and Blue Nile states.
SPLM-FD	South Sudan People's Liberation Movement-Former Detainees
SRF	Sudanese Revolutionary Front, Coalition of Sudanese rebel groups from Darfur and the Two Areas founded in 2011.
SSDM/A	South Sudan Democratic Movement/Army, South Sudanese anti-SPLA rebel group mainly active in the former Jonglei and Upper Nile states in 2010-2012.
SSLM/A	South Sudan Liberation Movement/Army, South Sudanese anti-SPLA rebel group mainly operational in the former Unity state.
TFA	Transitional Financial Arrangements
TGoNU	Transitional Government of National Unity
UNHCR	United Nations High Commissioner for Refugees
UNMISS	United Nations Mission in South Sudan
UPDF	Uganda People's Defence Force

## Appendix C: About the International Crisis Group

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The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 120 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries or regions at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international, regional and national decision-takers. Crisis Group also publishes *CrisisWatch*, a monthly early warning bulletin, providing a succinct regular update on the state of play in up to 70 situations of conflict or potential conflict around the world.

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**December 2016**

## Appendix D: Reports and Briefings on Africa since 2013

### Special Reports

*Exploiting Disorder: al-Qaeda and the Islamic State*, Special Report, 14 March 2016 (also available in Arabic).

*Seizing the Moment: From Early Warning to Early Action*, Special Report N°2, 22 June 2016.

### Central Africa

*Central African Republic: Priorities of the Transition*, Africa Report N°203, 11 June 2013 (also available in French).

*Understanding Conflict in Eastern Congo (I): The Ruzizi Plain*, Africa Report N°206, 23 July 2013 (also available in French).

*Central African Republic: Better Late than Never*, Africa Briefing N°96, 2 December 2013 (also available in French).

*Fields of Bitterness (I): Land Reform in Burundi*, Africa Report N°213, 12 February 2014 (only available in French).

*Fields of Bitterness (II): Restitution and Reconciliation in Burundi*, Africa Report N°214, 17 February 2014 (only available in French).

*The Security Challenges of Pastoralism in Central Africa*, Africa Report N°215, 1 April 2014 (also available in French).

*The Central African Crisis: From Predation to Stabilisation*, Africa Report N°219, 17 June 2014 (also available in French).

*Cameroon: Prevention Is Better than Cure*, Africa Briefing N°101, 4 September 2014 (only available in French).

*The Central African Republic's Hidden Conflict*, Africa Briefing N°105, 12 December 2014 (also available in French).

*Congo: Ending the Status Quo*, Africa Briefing N°107, 17 December 2014.

*Elections in Burundi: Moment of Truth*, Africa Report N°224, 17 April 2015 (also available in French).

*Congo: Is Democratic Change Possible?* Africa Report N°225, 5 May 2015.

*Burundi: Peace Sacrificed?* Africa Briefing N°111, 29 May 2015 (also available in French).

*Cameroon: The Threat of Religious Radicalism*, Africa Report N°229, 3 September 2015 (also available in French).

*Central African Republic: The roots of violence*, Africa Report N°230, 21 September 2015 (also available in French).

*Chad: Between Ambition and Fragility*, Africa Report N°233, 30 March 2016 (also available in French).

*Burundi : anatomie du troisième mandat*, Africa Report N°235, 20 May 2016 (also available in French).

*Katanga: Tensions in DRC's Mineral Heartland*, Africa Report N°239, 3 August 2016.

*The African Union and the Burundi Crisis: Ambition versus Reality*, Africa Briefing N°122, 28 September 2016.

*Boulevard of Broken Dreams: The "Street" and Politics in DR Congo*, Africa Briefing N°123, 13 October 2016.

*Cameroon: Confronting Boko Haram*, Africa Report N°241, 16 November 2016 (only available in French).

### Horn of Africa

*Kenya's 2013 Elections*, Africa Report N°197, 17 January 2013.

*Sudan's Spreading Conflict (I): War in South Kordofan*, Africa Report N°198, 14 February 2013.

*Eritrea: Scenarios for Future Transition*, Africa Report N°200, 28 March 2013.

*Kenya After the Elections*, Africa Briefing N°94, 15 May 2013.

*Sudan's Spreading Conflict (II): War in Blue Nile*, Africa Report N°204, 18 June 2013.

*Ethiopia: Prospects for Peace in Ogaden*, Africa Report N°207, 6 August 2013.

*Sudan: Preserving Peace in the East*, Africa Report N°209, 26 November 2013.

*Somalia: Puntland's Punted Polls*, Africa Briefing N°97, 19 December 2013.

*Sudan's Spreading Conflict (III): The Limits of Darfur's Peace Process*, Africa Report N°211, 27 January 2014.

*South Sudan: A Civil War by Any Other Name*, Africa Report N°217, 10 April 2014.

*Somalia: Al-Shabaab – It Will Be a Long War*, Africa Briefing N°99, 26 June 2014.

*Eritrea: Ending the Exodus?*, Africa Briefing N°100, 8 August 2014.

*Kenya: Al-Shabaab – Closer to Home*, Africa Briefing N°102, 25 September 2014.

*South Sudan: Jonglei – "We Have Always Been at War"*, Africa Report N°221, 22 December 2014.

*Sudan and South Sudan's Merging Conflicts*, Africa Report N°223, 29 January 2015.

*Sudan: The Prospects for "National Dialogue"*, Africa Briefing N°108, 11 March 2015.

*The Chaos in Darfur*, Africa Briefing N°110, 22 April 2015.

*South Sudan: Keeping Faith with the IGAD Peace Process*, Africa Report N°228, 27 July 2015.

*Somaliland: The Strains of Success*, Africa Briefing N°113, 5 October 2015.

*Kenya's Somali North East: Devolution and Security*, Africa Briefing N°114, 17 November 2015.

*Ethiopia: Governing the Faithful*, Africa Briefing N°117, 22 February 2016.

*Sudan's Islamists: From Salvation to Survival*, Africa Briefing N°119, 21 March 2016.

*South Sudan's South: Conflict in the Equatorias*, Africa Report N°236, 25 May 2016.

*Kenya's Coast: Devolution Disappointed*, Africa Briefing N°121, 13 July 2016.

### **Southern Africa**

*Zimbabwe: Election Scenarios*, Africa Report N°202, 6 May 2013.

*Zimbabwe's Elections: Mugabe's Last Stand*, Africa Briefing N°95, 29 July 2013.

*A Cosmetic End to Madagascar's Crisis?*, Africa Report N°218 (also available in French), 19 May 2014.

*Zimbabwe: Waiting for the Future*, Africa Briefing N°103, 29 September 2014.

*Zimbabwe: Stranded in Stasis*, Africa Briefing N°118, 29 February 2016.

### **West Africa**

*Guinea: A Way Out of the Election Quagmire*, Africa Report N°199, 18 February 2013 (only available in French).

*Mali: Security, Dialogue and Meaningful Reform*, Africa Report N°201, 11 April 2013 (also available in French).

*Burkina Faso: With or Without Compaoré, Times of Uncertainty*, Africa Report N°205, 22 July 2013 (also available in French).

*Niger: Another Weak Link in the Sahel?*, Africa Report N°208, 19 September 2013 (also available in French).

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*Burkina Faso: Nine Months to Complete the Transition*, Africa Report N°222, 28 January 2015.

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*The Central Sahel: A Perfect Sandstorm*, Africa Report N°227, 25 June 2015 (also available in French).

*Curbing Violence in Nigeria (III): Revisiting the Niger Delta*, Africa Report N°231, 29 September 2015.

*The Politics Behind the Ebola Crisis*, Africa Report N°232, 28 October 2015.

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*Boko Haram on the Back Foot?*, Africa Briefing N°120, 4 May 2016 (also available in French).

*Nigeria: The Challenge of Military Reform*, Africa Report N°237, 6 June 2016.

*Central Mali: An Uprising in the Making?*, Africa Report N°238, 6 July 2016 (also available in French).

*Burkina Faso: Preserving the Religious Balance*, Africa Report N°240, 6 September 2016 (also available in French).

*Nigeria: Women and the Boko Haram Insurgency*, Africa Report N°242, 5 December 2016.

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