



# Salvaging South Sudan's Fragile Peace Deal

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*Preventing War. Shaping Peace.*

## Table of Contents

|  |    |
|--|----|
| Executive Summary.....   | i  |
| I. Introduction .....  | 1  |
| II. The Khartoum Declaration.....  | 6  |
| A. The Road to Khartoum .....  | 6  |
| B. Khartoum Strikes a Deal.....  | 8  |
| C. Regional Confusion and Disunity .....                                       | 11 |
| III. Fault Lines: Preventing Another Collapse .....                            | 13 |
| A. Security Dilemmas .....   | 14 |
| B. No Guarantors .....   | 17 |
| C. Machar’s Fragile Coalition.....   | 19 |
| D. Splinters and Detractors .....  | 21 |
| E. No Endgame.....   | 24 |
| IV. Making the Best, Preventing the Worst .....                                | 25 |
| A. Showing Political Will.....   | 25 |
| B. Mediating Regional Interests .....  | 26 |
| C. Wider African Leadership?.....  | 28 |
| D. Washington’s Empty Chair .....  | 29 |
| E. The UN Security Council .....   | 31 |
| F. Pressing for More.....  | 33 |
| V. Conclusion .....  | 35 |
| APPENDICES   |    |
| A. Map of South Sudan .....  | 36 |
| B. List of Acronyms .....  | 37 |
| C. Tasks Undone in the Roadmap to the May 2019 Unity Government .....          | 38 |
| D. Timeline of Key Political Developments and Peace Agreement Violations ..... | 39 |
| E. About the International Crisis Group .....                                  | 40 |
| F. Crisis Group Reports and Briefings on Africa since 2016.....                | 41 |
| G. Crisis Group Board of Trustees .....  | 43 |

# Principal Findings

**What's new?** South Sudan's new peace deal is nearing its first critical test: the formation of a unity government in May 2019. But steps toward key interim benchmarks – unifying a national army and drawing internal boundaries – are lagging far behind schedule.

**Why does it matter?** South Sudan's five-year civil war has brutalised the fledgling nation's population, killing hundreds of thousands and uprooting millions from their homes. The new peace deal's collapse could spark another wave of violence and displacement.

**What should be done?** The main warring parties should hammer out new political deals on security and internal boundaries before forming a new government. If they push back the May deadline, they should do so by consensus. They should also urgently request a third-party force to protect opposition leaders in Juba.

## *Executive Summary*

Five years into South Sudan's civil war, the main belligerents have once again agreed to stop fighting and form a unity government. But the set of agreements, finalised on 12 September 2018, two years after the last accord collapsed, does not end the country's deep crisis. It neither resolves the power struggle between President Salva Kiir and erstwhile rebel leader Riek Machar nor outlines a final political settlement for the country. Rather, it establishes a wobbly Kiir-Machar truce and grafts it onto the previous failed peace terms, without delivering much benefit to other groups that have been shut out of power. The new deal has lessened fighting, a welcome outcome, but it could break down over any number of outstanding disputes. Diplomats should handle the truce with care, nurturing momentum toward peace while pressing urgently for a more lasting settlement.

The accord, brokered by Sudan's Omar al-Bashir and Uganda's Yoweri Museveni, is not a finished product and requires revision, a reality that mediators are not yet ready to admit. Additional political deals are necessary on two crucial matters – unifying a national army and resolving bitter disagreements over local boundaries and administration inside South Sudan. Absent such deals, the Kiir-Machar truce may fail its first major test in May 2019, when the two South Sudanese leaders are scheduled to form a unity government.

Most worrying at present, Kiir and Machar are still negotiating shared security control of the capital Juba, the scenario which led to the bloody setback in 2016. This prospect is a powerful argument for delaying the unity government's formation past May, to grant mediators time to organise a small, limited-mandate third-party protection force for opposition leaders, the least objectionable of bad options for Juba's security arrangements. The parties should come to consensus on whether to move back the May deadline. They should also remain open to supplemental negotiations with those opposition leaders commanding large forces who have rejected the peace deal.

The accord's flaws should be a call to international action; instead, diplomatic apathy prevails. Western diplomats, whose countries have paid billions to feed and care for South Sudan's beleaguered civilian population, have failed to keep up with the rapid pace of events. The U.S. in particular appears to have abdicated its leading role in South Sudan diplomacy; outside of other Horn of Africa states, no country has stepped up to assume the mantle. The absence of diplomatic leadership is baffling. A more proactive posture is urgently needed.

To shore up the truce, and avert a return to large-scale violence, the Intergovernmental Authority on Development (IGAD), the regional bloc overseeing the deal, as well as the African Union (AU), the UN and donors, especially the U.S. and allies, should step up and sustain their diplomacy. In particular, they should:

- Urge Kiir and Machar to strike new political deals on security and boundaries so that these provisions do not derail the rest of the accord. Push the parties as well to reach agreement on whether to postpone formation of the unity government now slated for May. Far more important than which route to take – delay or no delay – is maintaining consensus between the two main parties.

- ❑ Propose – and strongly push both sides to accept – a third-party protection force for opposition leaders to prevent Juba's remilitarisation by competing armed parties. Opposition fighters should not deploy to the capital in significant numbers, not even as part of a "unified" national force.
- ❑ Begin a new mediation track for Thomas Cirillo, a former deputy army chief who now leads rebels in the Equatoria region opposed to the peace deal, which should be open to amendment. The government should halt its ill-advised military offensive against Cirillo's forces, and both sides should recommit to the December 2017 cessation of hostilities.
- ❑ Fill the diplomatic vacuum created by Washington's retrenchment by empowering a lead envoy with donor backing to conduct shuttle diplomacy between the regional capitals. The simplest path forward would be to appoint a U.S. envoy to reassume leadership of the Troika countries (the U.S., the UK and Norway) in close coordination with the EU and other donors. This envoy should focus on sustaining regional pressure on the parties and fostering a longer-term strategy for addressing South Sudan's systemic political instability.
- ❑ Regional leaders, under IGAD's auspices, should speedily appoint a new head of the Joint Monitoring and Evaluation Commission (JMEC), the body tasked with overseeing the parties' implementation of the agreement. They should pick a figure who commands the key belligerents' respect and who, when necessary, can marshal regional governments to intervene to broker deals and constrain saboteurs. Donors should condition financial support for JMEC activities upon the appointment of a full chair.

For the first time since war broke out, Kiir's forces have ceased fighting Machar's. But this breakthrough is fragile, and the possible triggers of fresh combat are many. Diplomats should move ahead along two tracks. They should pursue a deeper political settlement, one that addresses the reasons why South Sudan seems trapped in perpetual conflict; but they should do so while muddling through the rollout of a peace agreement that many South Sudanese, including the parties who negotiated it, fear is doomed to fail.

**Juba/Nairobi/Brussels, 13 March 2019**

# Salvaging South Sudan's Fragile Peace Deal

## I. Introduction

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South Sudan collapsed into civil war in December 2013, just two years after achieving its independence from Sudan. Since then, its Horn of Africa neighbours have led efforts to end the fighting through their regional body, the Intergovernmental Authority on Development (IGAD).<sup>1</sup> The model of a peace deal emerged in May 2014, when John Kerry, then U.S. secretary of state, brokered an understanding that would return the main rebel leader Riek Machar to the post of first vice president, which he first held from 2011-2013, ahead of elections for a new government. This basic framework has remained in place ever since, even as the fighting engulfed most of the country.

Ethiopia, chair of IGAD, took charge of mediation efforts from the start, but faced steep challenges. The talks proved especially difficult because IGAD member states Sudan and Uganda were backing different sides in the war – Machar and President Salva Kiir, respectively. In 2013, Uganda went so far as to deploy forces to areas including South Sudan's capital Juba to shield Kiir's government from an imminent rebel offensive. The Ugandan intervention probably averted a bloodbath in the city, but it also set the stage for prolonged conflict. Protected on his perch, Kiir stuck to hardline negotiating positions even as the country fell apart.

In July 2015, after more than a year of deadlock at the bargaining table, U.S. President Barack Obama, during a visit to Kenya and Ethiopia, tried to marshal regional heads of state to demand that Kiir and rebel leader Machar step aside. Only Uganda's Yoweri Museveni pushed back strongly, adamant that Kiir remain in place. Obama's advisers were split as to whether Museveni's lone resistance was insurmountable, but in the end the U.S. president reportedly opted not to proceed down this path.<sup>2</sup> Instead, the U.S. turned the screws on IGAD – which in turn pressed the warring parties – to find a way for Kiir and Machar to share power.

In August 2015, the regional heads of state concluded a deal along the lines of Kerry's model, whereby Kiir retained the presidency and Machar again became first vice president. But the deal had two fatal flaws: first, Kiir never truly accepted the final product, proclaiming his resistance to the deal even as he signed it; and secondly, mediators, at the last minute and at Museveni's behest, stripped out provisions for a demilitarised Juba protected by a third-party force, leaving the two sides to eventually negotiate shared control of the capital.<sup>3</sup> Implementation flagged, and Machar

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<sup>1</sup> Crisis Group Africa Report N°228, *South Sudan: Keeping Faith with the IGAD Peace Process*, 27 July 2015.

<sup>2</sup> Crisis Group interviews, U.S. officials in Obama administration, 2018. For another account of Obama's failed pitch in Addis Ababa for a political transition without Kiir and Machar, see Zach Vertin, *A Rope from the Sky* (Gloucestershire, 2018), pp. 271-274.

<sup>3</sup> Crisis Group analyst's interviews in a previous capacity, officials involved in the 2015 mediation, 2017-2018. Kiir refused to sign the deal at the first scheduled ceremony, though Machar did sign. Kiir returned to Juba for more consultations. He later signed at a second ceremony, on 26 August 2015, but gave a speech to the assembled diplomats assailing the coercive pressure placed on him and predicting that the peace deal would fail. He then tabled a detailed list of "reservations" –

returned behind schedule in April 2016 with over a thousand heavily armed bodyguards. The deal fell apart that July when Kiir's military clashed with Sudan People's Liberation Movement/Army-In Opposition (SPLM/A-IO) units loyal to Machar in Juba.<sup>4</sup> Kiir's forces won in a rout, pursuing Machar's fighters across the country and over the border into the Democratic Republic of Congo (DRC). Dozens of SPLM/A-IO men starved to death.<sup>5</sup>

The U.S. saw an opportunity to remove Machar, at least, from the picture. Washington pressured IGAD countries to deny the rebel leader residency and exile him from the region. Only the Sudanese government pushed back – the UN had evacuated Machar from the DRC border, and he then flew to Khartoum – but it eventually relented when the Obama administration linked Machar's fate to Sudan obtaining sanctions relief.<sup>6</sup> With regional and U.S. backing, South Africa subsequently placed Machar under house arrest while the rebel leader was visiting that country for medical care. Kiir replaced him as first vice president with the SPLM/A-IO chief mediator, Taban Deng Gai. While some opposition elites joined Taban in the government, the bulk of the rebel forces remained loyal to Machar.

U.S. officials say they looked to replace Kiir, too, during this episode, but they found neither a political mechanism nor regional support for doing so. As a result, the U.S. endorsed Taban as Machar's replacement, granting Juba's strategy international legitimacy.<sup>7</sup> The effect was lopsided, politically isolating one side in the civil war to unclear ends without halting the conflict on the ground.

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essentially, objections to the final text. Copy of Kiir's prepared remarks on file with Crisis Group. "The Reservations of the Government of the Republic of South Sudan on the 'Compromise Peace Agreement on the Resolution of the Conflict in South Sudan'", Government of South Sudan, Juba, 26 August 2015. Copy on file with Crisis Group. For a more detailed account, see Vertin, *A Rope from the Sky*, op. cit., pp. 278-280.

<sup>4</sup> The Sudan People's Liberation Movement/Army (SPLM/A) formed in 1983 under the leadership of John Garang. It waged war, primarily in what is now South Sudan, against the Khartoum government until IGAD brokered the Comprehensive Peace Agreement (CPA) in 2005. The CPA granted South Sudan the right to a 2011 referendum on independence. Kiir, Garang's deputy, took leadership after Garang died in a helicopter crash later in 2005. Two years after South Sudanese voted for independence, Kiir ousted Machar as vice president of the new country amid an internal challenge from Machar and others for the SPLM chairmanship. A December 2013 firefight between ethnic factions of the presidential guard – Kiir's co-ethnic Dinka and Machar's Nuer – sparked widespread massacres of the latter. Machar fled the capital and formed the SPLM/A-IO. For more, see Crisis Group Africa Report N°243, *South Sudan: Rearranging the Chessboard*, 20 December 2016.

<sup>5</sup> See Alan Boswell, "Spreading Fallout", *Small Arms Survey*, 2017.

<sup>6</sup> Crisis Group interview, U.S. official in Obama administration, 2018.

<sup>7</sup> Crisis Group interviews, U.S. officials in Obama administration, 2018. See also "From Independence to Civil War: Atrocity Prevention and US Policy toward South Sudan", Simon-Skjoldt Center for the Prevention of Genocide, July 2018. The report states that: "One strand of thinking in the US government seemed to be that finding a way to remove both Kiir and Machar was desirable, and this moment presented an opportunity to do half the job. A former senior official described the strategy this way: 'Nobody was a fan of either of those guys, but there was literally no path forward with Riek. The two couldn't be reconciled. ... [Machar's departure] was an opportunity to turn that page. We were not prepared to turn away from the [August 2015 deal], so we did the next best thing'. If the plan was to then seek to sideline Kiir as well, however, there was no clear strategy or concerted effort to do so". The view that the peace deal was worth clinging to after it collapsed prevailed in Western diplomatic circles even as the war widened.

Thereafter, the war quickly spread to previously unaffected parts of the former Central and Eastern Equatoria states, as the government fought with groups associated with the SPLM/A-IO and new rebel fronts.<sup>8</sup> Both government troops and (on a smaller scale) rebel forces used brutal tactics, driving more than one million people across the border to neighbouring Uganda.<sup>9</sup>

With Machar detained in South Africa, the war continued without effective mediation through the end of the Obama administration. The government conducted a military campaign that depopulated much of the Equatoria region, which spans the southern third of the country. Over time fighting subsided, largely because rebels, lacking external backing, had run short on ammunition and other military equipment and were squabbling among themselves.<sup>10</sup> Meanwhile, insecurity and economic mismanagement brought parts of the country to the brink of famine.<sup>11</sup>

A military stalemate set in. Kiir's army held most of the towns, while opposition forces loosely controlled parts of the hard-to-access countryside. Other rural areas were ungoverned.

Enter the Trump administration, which began to push for renewed peace talks as part of the Troika (the U.S., the UK and Norway) that has long spearheaded international diplomacy on the two Sudans.<sup>12</sup> In mid-2017, under pressure from the Troika and the EU, IGAD launched the High-Level Revitalisation Forum to breathe life into the moribund August 2015 power-sharing accord.<sup>13</sup> An October 2017 visit to Juba by Nikki Haley, then U.S. ambassador to the UN and the most senior Trump administration official to devote attention to South Sudan, added to the pressure. Haley met with Kiir and demanded that he commit to the talks. The Revitalisation Forum brought the government together with opposition leaders – some of whom soon formed new rebel groups – and opposition political parties hoping to benefit from a future power-sharing agreement. The host of smaller opposition groups outside Machar's party formed the South Sudan Opposition Alliance.<sup>14</sup>

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<sup>8</sup> South Sudan's internal boundaries are a matter of heated dispute. This report uses the term "former state" to refer to the geographic divisions in place at the country's 2011 independence.

<sup>9</sup> Approximately 750,000 South Sudanese entered Uganda between July 2016 and August 2017. "South Sudan Situation", UN High Commissioner for Refugees. As of 31 January 2019, UNHCR was reporting the presence of 794,387 South Sudanese refugees and asylum seekers in Uganda. UNHCR, "Refugees and Asylum-Seekers from South Sudan – Total", UNHCR Operations Portal, 15 February 2019.

<sup>10</sup> Crisis Group interviews, government officials, Juba, February 2018; SPLM/A-IO members, Ethiopia and Sudan, 2017-2018.

<sup>11</sup> Crisis Group Africa Briefing N°124, *Instruments of Pain (II): Conflict and Famine in South Sudan*, 26 April 2017. The Integrated Food Security Phase Classification projected 5.2 million people to be severely food-insecure in between January and March 2019. "Key Findings: September 2018 - March 2019", Integrated Food Security Phase Classification: The Republic of South Sudan, September 2018.

<sup>12</sup> The informal body is a legacy of the "Naivasha talks" that produced the 2005 CPA between the Sudanese government and the rebel SPLM/A.

<sup>13</sup> Crisis Group interviews, Troika and IGAD officials, Juba and Addis Ababa, 2017.

<sup>14</sup> Crisis Group interviews, opposition leaders, Addis Ababa and elsewhere, 2017-2018. Taban's SPLM/A-IO faction joined as part of the transitional government. Most opposition groups, armed and unarmed, participated under the banner of the South Sudan Opposition Alliance. Machar's SPLM/A-IO faction negotiated independently. During talks, which focused on revisiting and forcing



The Forum concluded a cessation of hostilities agreement in December 2017, but it never really took effect. The negotiations stalled over disagreement among the parties about power sharing, future security arrangements and the question of whether Machar could return from exile to political life in South Sudan.

As the formal IGAD-led process languished yet again, developments in the Horn of Africa thrust two individual heads of state – first Ethiopian Prime Minister Abiy Ahmed and then Sudanese President Omar al-Bashir – into the spotlight as direct mediators between Kiir and Machar. The latter's efforts eventually gained traction, and on 27 June 2018, Kiir and Machar signed a Declaration of Agreement on a Permanent Ceasefire, known as the Khartoum Declaration. It formed the basis for an amended final peace deal concluded later. Thus far, the accord has succeeded in reducing the fighting between the main belligerents, but it has many flaws, some of which replicate the defects of the August 2015 power-sharing deal.

In particular, the peace deal failed to close the gap on two immediate issues – security and internal boundaries – while also failing to address longer-term questions about how South Sudan would share power and resources among its regions and ethnic groups.

On security, the parties agreed to assemble, screen and train their respective armed forces and unify them into a national army prior to the May formation of a unity government. But none of these steps has occurred, just two months before the deadline.<sup>15</sup> Instead, Kiir and Machar are negotiating between themselves to put together a smaller, putatively “unified” force to deploy to Juba before the national government's formation. The last time they shared armed control of the capital, in 2016, they soon clashed in days of bloody warfare. Meanwhile, it was a firefight between ethnic units of the presidential guard that sparked the outbreak of civil war in 2013.

Disputes over South Sudan's internal boundaries, meanwhile, threaten to reignite conflicts outside the capital. At independence in 2011, South Sudan had ten states. Soon after signing the 2015 peace accord, Kiir carved up the ten states into 28, a number which he later expanded to 32. In so doing, Kiir sought to placate the Dinka – the nation's largest ethnic group and his political base – by gerrymandering traditional boundaries. Two groups in particular, the Fertit of former Western Bahr el Ghazal state and the Shilluk of former Upper Nile state, believe that Kiir annexed their land in what amounts to a Dinka land grab. The peace deal left this contentious issue unresolved, instead providing for two committees, one of which has yet to form, which are to recommend boundary resolutions and, in case of deadlock, organise a referendum over the number of states.

South Sudan is a vast and variegated country, and the government cannot prevail by force of arms in all the diffuse and often local conflicts that continue. Kiir's Dinka dominate the Bahr el Ghazal region, while Machar's Nuer, the nation's second largest

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new agreement on some of the 2015 deal's provisions, the Opposition Alliance bid as a bloc for a share of power in the government and security forces.

<sup>15</sup> A recent statement by the South Sudan Catholic Bishops' Secretariat expressed strong scepticism toward the peace deal, noting that “many of the committees and commissions mandated by the R-ARCSS have not been set up at all, have been set up late, or have not begun their work”. “Pastoral Message from the South Sudan Catholic Bishops' Meeting in Juba, 26th-28th February 2019”, South Sudan Catholic Bishops' Secretariat, 28 February 2019.

ethnic group, are concentrated in the Greater Upper Nile region, where Dinka and other groups also live. Fighters from both the Fertit and Shilluk minorities have joined the SPLA-IO out of hostility to Kiir. South Sudan's third region, Equatoria, is ethnically diverse and has struggled to unite politically, though its groups broadly desire greater devolution of power. Machar's rebel coalition is thus broad but factious.

Peace requires bringing rebels, including those loyal to Machar but others as well, into a political settlement. That task, in turn, requires addressing the peace deal's shortcomings as a crucial first step.

This report reconstructs the background to the new peace deal, identifies the biggest immediate dangers to the agreement and suggests some ways of heading off those perils before they risk becoming mortal. It is based on two years of fieldwork consisting mainly of interviews with South Sudanese government and rebel figures; IGAD, UN and Troika state officials; and African and Western diplomats. It argues that sustained and energetic international diplomacy is needed to make the deal stick and spare South Sudan still more years of devastating war.

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## II. The Khartoum Declaration

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### A. *The Road to Khartoum*

The first development in the Horn of Africa lending the peace talks fresh momentum was the ascent of new Ethiopian Prime Minister Abiy Ahmed.<sup>16</sup> Soon after taking office in April 2018, he toured the Horn of Africa, meeting with other IGAD heads of state and discussing options for incentives, such as help reviving the economy, that could be offered to South Sudanese leaders to reinvigorate talks.

Abiy persuaded President Kiir to meet face to face with Machar in Addis Ababa on 20 June. It was the first such meeting since Machar's exile following the Juba fighting in July 2016. Machar's insistence that he be allowed to resume the first vice presidency remained a sticking point in the talks. According to an official involved, Kiir told Machar he would accept his return as a private citizen but would not work with him again. Kiir then insisted that Machar appoint someone to serve as first vice president in his stead.<sup>17</sup> Machar said no, and the meeting ended in stalemate. A video of Abiy trying to coerce an awkward hug between Kiir and Machar went viral.<sup>18</sup>

At this point, Abiy agreed to give up the lead mediator's role. The IGAD heads of state then handed the file over to Sudan.<sup>19</sup>

Sudan may have seemed an odd choice, given that it had armed Machar's forces early in the civil war. In recent years, however, Khartoum has largely refrained from supporting South Sudanese rebels, and Juba has returned the favour.<sup>20</sup> Bilateral relations have been steadily improving as Khartoum tries to present itself as constructive, in particular in order to persuade the U.S. to lift Sudan's state sponsor-of-terror designation.<sup>21</sup> Sudanese President Omar al-Bashir has long been engaged in behind-the-scenes talks with Kiir, as well as Machar, about security and economic issues. Both countries have been hit by economic crises, prompting them to think anew about the benefits of cooperation.<sup>22</sup>

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<sup>16</sup> For background, see Crisis Group Africa Report N°269, *Managing Ethiopia's Unsettled Transition*, 21 February 2019.

<sup>17</sup> Crisis Group WhatsApp interview, official in the office of the presidency, June 2018.

<sup>18</sup> Tweet by Alan Boswell, @alanboswell, 12:52am, 21 June 2018.

<sup>19</sup> "Communiqué of the 32nd Extra-Ordinary Summit of IGAD Assembly of Heads of State and Government on South Sudan", IGAD, Addis Ababa, 24 June 2018.

<sup>20</sup> Khartoum mostly ended its support for South Sudanese rebels in 2016, prompting reciprocal action from Juba, which expelled a few Darfuri groups from South Sudan in 2017. The Sudanese and South Sudanese architects of the rapprochement have drawn upon the model of a deal between Sudan and Chad negotiated between 2008 and 2010, which calmed the Darfur conflict and reduced threats to Chadian President Idriss Deby's rule in N'Djamena. Crisis Group interviews, South Sudanese official, Juba, October 2016, February 2018.

<sup>21</sup> Crisis Group Africa Briefing N°128, *A New Roadmap to Make U.S. Sudan Sanctions Work*, 29 September 2017.

<sup>22</sup> Monthly inflation in Sudan reportedly peaked at 55.6 per cent in March 2018. Crisis Group Briefing N°143, *Improving Prospects for a Peaceful Transition in Sudan*, 14 January 2019; Magnus Taylor, "Can Sudan Manage Economic Discontent amid Volatile Geopolitics?", Crisis Group Commentary, 23 February 2018; "Sudan inflation rises to 55.6 pct. in March", Reuters, 13 April 2018; "Sudan Staff Report for the 2017 Article IV Consultation", IMF Country Report No. 17/364, 13 November 2017, p. 25. The inflation rate in Sudan was recorded at 43.45 per cent in January 2019. Trading Economics, "Sudan Inflation Rate", January 2019. Though South Sudan's hyperinflation has slowed,

Oil money has been at the heart of the Khartoum-Juba rapprochement – and it will also be central to any lasting peace in South Sudan. Over the past year, Khartoum and Juba have struck a series of accords over oil production, in keeping with previous agreements designed to soften the economic blow to Sudan of South Sudan's 2011 independence, which cost the former substantial oil revenue.<sup>23</sup> An integral element of these accords is to restart production in the former Unity state oil fields destroyed at the start of South Sudan's civil war. That task, in turn, requires protecting the fields from forces allied with Machar, as well as independent-minded local militias, operating in the vicinity.

Sudan took over the talks amid mounting regional and international frustration with the pace of negotiations. IGAD leaders were increasingly impatient with their South Sudanese counterparts. Other African leaders, in turn, were irked by the regional body itself, as its years of mediation had yielded no sustainable peace. Donors were also vexed. The UN Security Council's imposition of an arms embargo on 12 June was the strongest indication of this dynamic.<sup>24</sup>

With Sudan stepping in, interests finally aligned for a truce. Both sides in the civil war had reason to reset their stance. For Kiir, an agreement would solidify his regional legitimacy and improve access to hard currency – both through boosted oil revenue and, he expected, donor support for peace. If he were to obstruct talks, on the other hand, South Sudan would face further financial difficulties and international ostracism. Some African Union (AU) officials believe that threats to impose sanctions, agreed to in July 2018 by the five African countries known as the C5 and designated by the AU to support peace efforts, also convinced Kiir to shift his strategy.<sup>25</sup> Bashir had in hand plenty of sticks as well as carrots, since Khartoum regularly hosts many of South Sudan's current and former militia leaders.<sup>26</sup>

For their part, rebels also feared alienating regional leaders and losing access to neighbouring countries. Returning to some form of power sharing would give them a portion of oil revenues and a chance to regroup. Machar, in particular, was desperate for political resurrection following his detention in South Africa, which many close to him believe took a big emotional toll. Bashir offered to host Machar while talks proceeded, and retains great influence with the Nuer leader, who tells fellow opposition-

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the IMF estimates the annual inflation rate at 104 per cent and its real GDP growth at -3.8 per cent (annual per cent change). "Republic of South Sudan: Country Data", IMF Country Data Graphic, April 2018. The inflation rate in South Sudan was recorded at 40.10 percent in December 2018. Trading Economics, "South Sudan Inflation Rate", January 2019.

<sup>23</sup> Crisis Group interviews, South Sudanese officials, Juba, October 2016, February 2018; Crisis Group WhatsApp interview, May 2018; Crisis Group interview, Sudanese official, June 2018.

<sup>24</sup> "Resolution 2428 (2018)", S/RES/2428 (2018), 13 July 2018.

<sup>25</sup> Crisis Group interviews, AU officials, Addis Ababa, 2018. The C5 is made up of the heads of state of the five AU countries that have previously supported IGAD's mediation: Algeria, Chad, Nigeria, Rwanda and South Africa.

<sup>26</sup> These leaders include Bul Nuer commander Peter Gatdet of former Unity state, Dinka chief Abdelbagi Ayii of former Northern Bahr el Ghazal state and Shilluk commander Johnson Olony of former Upper Nile state. Gatdet and members of Abdelbagi's family are part of the South Sudan Opposition Alliance. Olony's militia joined the SPLA-IO in 2015. Khartoum had also started assembling a critical mass of opposition officials in Khartoum ahead of its negotiations with Juba. One opposition leader living abroad said Khartoum tried to entice him over with a first-class ticket at this time. Crisis Group interview, senior South Sudan opposition official, Nairobi, 2019.

ists that the Sudanese president is his only friend left in the region.<sup>27</sup> Machar is less keen to advertise that he remains effectively a political prisoner even in Khartoum, with severely restricted movement and speech.<sup>28</sup>

### B. *Khartoum Strikes a Deal*

The South Sudan file in hand, Khartoum moved quickly to strike a deal. When necessary, Bashir called on Uganda's Museveni to lean on Kiir, while he used his leverage with both Kiir and Machar. Bashir first proposed a radical but thin outline for a new power structure in South Sudan – involving spreading government officials across three national capitals – but Machar rejected it.<sup>29</sup> Instead, the talks produced a stream of smaller-bore agreements from June to August 2018.

On 27 June, Kiir and Machar signed a Declaration of Agreement on a Permanent Ceasefire, known as the Khartoum Declaration. The declaration had three primary provisions. First, it called for a permanent ceasefire “supervised” by African forces.<sup>30</sup> Secondly, it committed the parties to a new three-year transitional government, with the same parameters as the 2015 peace agreement. Thirdly, it provided for Sudan to coordinate with South Sudan on oil field security and rehabilitation in the former Unity state, with independent verification of the costs.

After signing the ceasefire agreement, the parties began discussions on security arrangements and power sharing – in essence revisiting select chapters of the 2015 agreement while leaving the rest of that pact (more or less) intact. On 6 July, the parties agreed to new security arrangements, including a special role for Sudan and Uganda in monitoring and enforcing the ceasefire. Khartoum also foresaw a role for its forces in securing the oil fields, officially at Juba's request. (An original draft omitted a South Sudanese role, but the government and opposition banded together to demand one.<sup>31</sup>) As far as the parties were concerned, these clauses clearly designated Sudan and Uganda as “guarantors” of the budding peace deal.<sup>32</sup>

The parties discussed many options for including regional forces to deploy as “guarantors” of the accord, even if the nature of such a role remained ill defined.<sup>33</sup> Some mediators in Khartoum floated the idea of an “AMISOM model” – in other words, a donor-funded, African-led force like the AU Mission in Somalia.<sup>34</sup> This

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<sup>27</sup> Crisis Group interview, senior South Sudan opposition official, December 2018.

<sup>28</sup> Crisis Group interviews, senior SPLM/A-IO officials, Khartoum and Juba, 2019.

<sup>29</sup> Early draft of Khartoum Declaration, June 2018, on file with Crisis Group. As proposed, Kiir and Machar would share power but not occupy the same city. Some in the SPLM/A-IO leadership thought Machar missed an opportunity for a settlement to the war. Others bristled at a perceived attempt by Sudan to divide South Sudan for its own interests. Crisis Group interviews, South Sudan opposition officials, Khartoum, 2018.

<sup>30</sup> “Khartoum Declaration of Agreement Between Parties of the Conflict of South Sudan”, 27 June 2018.

<sup>31</sup> Crisis Group interviews, South Sudanese political leaders involved in the talks, July 2018.

<sup>32</sup> “The Agreement on Security Arrangements signed in Khartoum on the 6<sup>th</sup> of July stipulated that Sudan and Uganda were the Guarantors of the Agreement.” Joint Press Statement by SPLM/A-IO and SSOA, 28 August 2018, Khartoum. On file with Crisis Group.

<sup>33</sup> Given the government's resistance to an empowered outside force, this proposal remained vague in order to mask the underlying disagreement.

<sup>34</sup> Crisis Group WhatsApp interview, Troika official, July 2018.

model was appealing to the Sudanese and Ugandan governments, since at this point they thought they would contribute all the troops, and they were happy to have the West subsidise the deployments. But many South Sudanese, including senior military officials, viewed it as an affront to their sovereignty. Other regional countries, particularly Ethiopia and Kenya, also objected, fearing that such a force, if all Sudanese and Ugandan, would undermine their influence in South Sudan.

On 7 July, Bashir, Kiir and Machar flew to Entebbe, Uganda to meet with Museveni, hoping to agree on the final terms of the power-sharing deal. The deal initially had a first vice president (Machar) and three vice presidents, two from the incumbent government (which would allow Taban and the other current vice president, James Wani Igga, to stay in office) and a woman from the South Sudan Opposition Alliance, an assembly of smaller groups which formed after the collapse of the first peace deal in 2016.<sup>35</sup> Machar reportedly demanded that Taban be barred from serving in a future government and that the agreement resolve the contentious issue of state boundaries in South Sudan. At times during the talks, Bashir, Kiir, Machar and Museveni reportedly were the only people in the room, prompting protests from the Opposition Alliance and other groups.<sup>36</sup>

After returning to Khartoum, the mediators eventually settled on appointing Machar as first vice president and designating four other vice presidents, with the government nominating two and the Opposition Alliance a third. An SPLM splinter called the Former Detainees would name the fourth vice president, who is to be a woman. The tacit understanding in the government was that Rebecca Garang, the widow of SPLM/A founder John Garang, would serve in that role.<sup>37</sup>

IGAD had initially agreed that the talks to finalise the accords would move to Nairobi, but Bashir decided to keep them in the Sudanese capital. (His success in doing so frustrated the Kenyan government, though some diplomats privately questioned whether it was prepared to take up the mediation role.<sup>38</sup>) The Sudanese negotiators moved to graft the newly brokered understandings onto the 2015 peace deal: the result is known as the Revitalised – Agreement for the Resolution of the Conflict in South Sudan, or R-ARCSS. The deal called for a bloated power-sharing government headlined by five vice presidents to be formed after an ambitious eight-month “pre-transitional” period. The key tasks prior to the government’s formation would be training and unifying a new national army from among the armed groups and resolving

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<sup>35</sup> Crisis Group interviews, Sudanese and South Sudanese officials, July 2018.

<sup>36</sup> “SSOA Press Release on the Entebbe Proposal on Governance”, South Sudan Opposition Alliance, 8 July 2018 (hard copy on file with Crisis Group).

<sup>37</sup> The SPLM-Leaders/Former Detainees group are senior South Sudanese politicians and security officials imprisoned at the beginning of the civil war. They include Pagan Amum Okech, General Oyay Deng, General Gier Choung Aloung, Dr Majak D’Agoot, John Luk Jok, Dr Cirino Hiteng, Deng Alor Kuol, General Madut Biar and Kosti Manibe. Previous members include Ambassador Ezekiel Lul Gatkouth (now petroleum minister), who joined the SPLM/A-IO in 2014 and is part of Taban’s faction, and Chol Tong Mayay, who rejoined the ruling SPLM in 2016 and is now ambassador to Russia. For more on the dismissal of most Former Detainees from their official positions, their subsequent arrest and eventual release, as well as their role in the IGAD talks, see Crisis Group Africa Report N°217, *South Sudan: A Civil War by Any Other Name*, 10 April 2014. For more on their current disunity, see Crisis Group Report, *South Sudan: Rearranging the Chessboard*, op. cit.

<sup>38</sup> Crisis Group analyst’s interviews in a previous capacity, senior Western officials, 2018.

the disputes over the number and boundaries of states to pave the way for local power sharing.

On 30 August 2018, the parties signed an amended peace deal incorporating the Khartoum agreements, but bracketed four outstanding issues for resolution at a forthcoming IGAD summit: 1) how the swollen power-sharing government would make decisions; 2) how many states South Sudan would have and what their boundaries would be; 3) what a new constitutional process would look like; and 4) what a regional “guarantor” force would consist of, particularly in the capital.<sup>39</sup> Of these issues, the disagreements over Juba security and the number and boundaries of states remain the most critical.<sup>40</sup>

The fact that key issues remain outstanding is one cost of Sudan’s tactics in Khartoum: its mediators were willing to twist arms to get what they wanted. Rather than bring the parties together in one room, the Sudanese security and intelligence officials who acted as the mediation team met with each party singly, bringing their own proposed language, and attempted to coerce agreement.<sup>41</sup>

Another worrying cost of the strong-arm tactics is that some opposition leaders abandoned the peace process out of frustration. Sudan treated many of the Opposition Alliance groups dismissively, knowing that they were wildly overstating their military strength. This approach backfired when former deputy South Sudan army chief Thomas Cirillo, the Opposition Alliance leader with the largest rebel force, fled Khartoum and withdrew from the talks. Cirillo eventually formed a new alliance of groups that refused to sign the accord. Sudan’s mediation misstep has thus led to an escalating insurgency in the Equatoria region. In another instance, when the Opposition Alliance refused to sign one of the agreements, Sudanese mediators peeled off one representative to sign on behalf of the group anyway. This manoeuvre led to further infighting in the Opposition Alliance, which later fractured still more.<sup>42</sup> Khartoum also sidelined the Former Detainees, many of whom Bashir disdains as anti-Khartoum acolytes of John Garang, though most of this group later backed the accord.

Sudan’s closed-door, heavy-handed mediation approach alienated a last key constituency: the fatigued donors to the troubled, off-and-on peace process. The U.S.-led Troika and the EU, in particular, found themselves kept in the dark, together with the civil society groups that they have long argued deserve a seat at the table. The donors’ discontent throws into question the peace deal’s ambitious timelines, which they never agreed to back financially.

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<sup>39</sup> Joint press statement, SPLM/A-IO and SSOA, Khartoum, 30 August 2019. Copy on file with Crisis Group.

<sup>40</sup> A UN official referred to security arrangements and state boundaries as “the two nightmares” of the pre-transitional period. Crisis Group interview, senior UN official, Addis Ababa, December 2018.

<sup>41</sup> The mediation team also sometimes included Sudanese Foreign Minister Al-Dirdiri Mohamed Ahmed. Crisis Group interviews, South Sudanese party to the Khartoum peace talks, Juba, Khartoum, Addis Ababa and Nairobi, 2018-2019.

<sup>42</sup> The Opposition Alliance suspended the South Sudan United Movement, led by Peter Gatdet, from its membership after determining that Gatdet’s representative signed the 25 July agreement on behalf of the Opposition Alliance “with full knowledge that it was contrary to SSOA’s position”. Copy of internal suspension letter, 26 July 2018, on file with Crisis Group.

### C. *Regional Confusion and Disunity*

Following the agreement's near-conclusion in Khartoum, IGAD organised a September signing ceremony in Addis Ababa. In so doing, the regional body reasserted its own role as custodian of the peace process. IGAD's formal blessing mollified Ethiopia, Kenya and Western partners, the Troika in particular, who had been put off by Sudan's aggressive and unilateral approach in Khartoum. Yet, along with stamping its approval on the Khartoum deal, IGAD was also supposed to bridge the four remaining divides. It succeeded with two – decision making and constitutional process – but failed with internal boundaries and Juba security. The final version of the agreement lacks satisfactory provisions on the latter two issues; it also omits the special security guarantor roles carved out for Sudan and Uganda in Khartoum without any clarity on what would take their place. The result is confusion and regional disunity that has dimmed the accord's prospects.

Several opposition parties continue to object to the final accord's provisions regarding the number and boundaries of states. In particular, some opposition parties want assurances in case the two committees charged with resolving the issue do not do so, as now appears likely, leaving Kiir's 32 states intact within existing boundaries. The real grievance is the manipulated boundaries: several groups are unlikely to lay down their arms until the peace process addresses this matter to their satisfaction.<sup>43</sup>

IGAD and the parties punted as well on security arrangements for Juba. Even though negotiations frequently centred on this question, the final peace deal made no reference to these arrangements or to a regional security force. Neither did it assign special roles to Sudan and Uganda as the parties had agreed in July. Instead, in a separate resolution, IGAD proposed adding units of Sudanese, Ugandan, Kenyan, Djiboutian and Somali troops to the UN peacekeeping force present since 2011, the UN Mission in South Sudan (UNMISS).<sup>44</sup> Kiir's side acceded to this notion on the condition that the force's size not exceed the limit in the mission's existing mandate. The AU Peace and Security Council has endorsed this idea, which is still thin on details.<sup>45</sup>

The result is that both the Juba security arrangements and the regional actors' security role remain undefined. Sudanese officials still refer to themselves as the "guarantors" of the peace deal, together with the Ugandans, even though the final deal does not. Other IGAD member states and South Sudanese parties also continue to refer to Sudan and Uganda as guarantors.<sup>46</sup> In November 2018, two months after the final deal, the Sudanese foreign minister was still insisting that Sudanese and Ugandan troops would oversee training of the new national army in South Sudan de-

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<sup>43</sup> As explained earlier, these boundary disputes arose when Kiir formed the new 28, and later 32, states. Some outside policymakers have thus been confused into thinking that groups are fighting over the number of states, when in fact it is the contested boundaries of the new states that is driving local conflicts, particularly in former Upper Nile state and former Western Bahr el Ghazal state. The number of states is important to some South Sudanese elites, but not a driving factor for most fighters.

<sup>44</sup> "Communiqué of the 33rd Extra-Ordinary Summit of IGAD Assembly of Heads of State and Government", IGAD, 12 September 2018.

<sup>45</sup> UNMISS presently has fewer troops than its mandated upper limit. "Communiqué of the Peace and Security Council of the African Union, at its 820th Meeting", African Union, 31 December 2018.

<sup>46</sup> Crisis Group interviews, regional and South Sudanese officials, Juba, Addis Ababa and Khartoum, New York, 2018-2019.



spite no clause to this effect in the final deal.<sup>47</sup> IGAD Special Envoy Ismail Wais has instructed diplomats to “ignore” what Sudan says and focus on the text signed in Addis Ababa, even though all understand that Khartoum negotiated the underlying political deals.<sup>48</sup> The rushed merger of the Khartoum talks and the longstanding Addis Ababa process marred the accord in other ways, leaving contradictions and ambiguities in the final text that some see as sloppy.<sup>49</sup>

Other grudges linger. Some in Ethiopia and Kenya resent that Sudan and Uganda used the IGAD banner to strike a deal so overtly in pursuit of national interests. Kenya, too, remains miffed that Sudan refused to relinquish the lead mediator's role. Kenyan officials were conspicuously absent from a Juba peace celebration on 31 October attended by Bashir, Museveni and other regional heads of state.

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<sup>47</sup> Remarks by Sudanese Foreign Minister Al-Dirdiri Mohamed Ahmed at the Atlantic Council, Washington, November 2018. Attended by Crisis Group. Dirdiri said some troops in UNMISS may need to be subtracted in order to make room for the addition of 4,000 Sudanese and Ugandan troops.

<sup>48</sup> Crisis Group interview, Western official, October 2018, Nairobi.

<sup>49</sup> For instance, there are discrepancies between the peace deal's appendices, which include the implementation matrix, and the main text. The implementation matrix includes an earlier provision that Sudan and Uganda lead the ceasefire monitoring body. Instead, an Ethiopian general chairs this body; he has a Sudanese deputy. Lawyers advising the peace oversight bodies have determined that the main text supersedes any others. Crisis Group interviews, IGAD officials, Juba, January 2019.

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### III. Fault Lines: Preventing Another Collapse

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The September 2018 signing ceremony in Addis Ababa started the clock on an eight-month “pre-transitional” period before the unity government’s formation. As of March 2019, with just two months of this period remaining, the parties had made little progress on key issues, particularly on unifying the national army and resolving the questions over the number and boundaries of states for local power sharing. The parties will not finish these provisions by May 2019 as scheduled.

Thus, the peace deal will likely head down one of two paths. In the first scenario, the government is delayed, either unilaterally or by consensus, because Machar refuses to return to the capital saying that critical issues, especially security arrangements in Juba, are unresolved. Publicly, Machar is committed to the eight-month timeline.<sup>50</sup> Privately, however, both he and his confidants hint at delays, speaking of the need to achieve progress on security and state boundaries.<sup>51</sup> Some regional and Western officials doubt that Sudan would allow Machar to threaten the accord with such a move; others are sceptical that Machar himself would let the agreement stall. A senior Opposition Alliance official stated, however, that a minimum delay of six to eight months is likely necessary to finish the tasks of the pre-transitional period.<sup>52</sup> If Machar unilaterally delays, the government could choose to pressure Machar by forming a partial “unity” government with the other opposition signatories to the peace deal, imperilling the accord.<sup>53</sup>

In the other scenario, under heavy outside pressure, the national unity government is created on or near schedule, while most of the “pre-transitional” issues slip behind. The UN has already formulated an approach aimed at avoiding the first scenario by achieving a version of the second. It focuses on two key goals: finalising the transitional security arrangements in Juba and forming the national unity government.<sup>54</sup>

Adding to the pressure, if and when a unity government is formed, the stage will be set for a countdown to elections and likely a new showdown between Kiir and Machar – barring a new alliance between the two, a remote possibility that is nonetheless the topic of much suspicious whispering within Machar’s camp.<sup>55</sup> While a vote may not occur on schedule, the looming spectre of elections can raise tensions and

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<sup>50</sup> David Shearer, head of UNMISS, confirmed this point in reference to a conversation he had with Machar. Shearer said Machar explained that he is “not going to be insisting that everything [is] in place” in the pre-transitional period. “Updates on the Peace Process and the Situation in South Sudan”, press conference at UN headquarters, New York, 4 February 2019.

<sup>51</sup> Crisis Group interviews, senior SPLM/A-IO officials, Juba and Khartoum, 2019.

<sup>52</sup> Crisis Group interviews, senior opposition leaders, Juba and Khartoum, 2018-2019; Crisis Group interviews, regional and Western officials, Juba, Nairobi and Addis Ababa, 2018-2019.

<sup>53</sup> To justify such an action, the government could invoke clause 2.3.1 of the peace deal, which reads: “Notwithstanding any agreement to the contrary, the Transitional Period of (36) thirty-six months shall start on completion of redeployment of necessary unified forces, or on the expiry of eight (8) months whichever takes place first”. “Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS)”, IGAD, 12 September 2018. It is not clear whether other opposition leaders would agree to form the government without Machar.

<sup>54</sup> “Report of the Secretary-General on South Sudan (covering the period from 2 September to 30 November 2018)”, UNSC S2018/1103, 10 December 2018.

<sup>55</sup> Crisis Group interviews, senior SPLM/A-IO officials, Juba and Khartoum, 2019.

trigger conflict – as it did in 2013 when polls were planned for 2015. The risk is particularly acute if the two parties share armed control of the capital, as they did in 2016.

At present, fearing being labelled spoilers, the South Sudanese parties are playing along with the fiction that the peace deal timeline is doable. This approach has suppressed the difficult dialogue necessary to save the peace process and will result in brinkmanship as crises mount.

Meanwhile, foreign diplomats are resigned to the fact that the peace accord will not be rolled out fully or on time.<sup>56</sup> But the likelihood of delay is no excuse for apathy on their part. Rather, it should be a reason for extra vigilance, for it means that the fragile political deal will be subject to messy, ad hoc bargaining and at constant risk of collapse.

To salvage the peace deal, outside parties – regional and Western mediators – should supplement the UN's approach above. They should acknowledge that the deal needs amending and urge the parties to revisit the security and boundaries provisions sooner rather than later. They should not sit back while Kiir and Machar negotiate shared control of the capital but instead propose a third-party force to protect opposition leaders on a transitional basis. They should not hold the parties tightly to the May deadline if the necessary security and political deals remain unresolved. Rather, they should urge the parties to reach consensus on whether to delay formation of a unity government – and, above all, to eschew unilateral decisions.

Shoring up the deal deserves laser-like focus, in particular from regional heads of state or senior officials and Western donors, so as to prevent renewed civil war. If the deal breaks down, it will likely happen along one of five fault lines: the inadequacy of security arrangements, particularly in Juba; the absence of outside guarantors; the fragility of Machar's coalition, due mostly to the unresolved boundaries issue; the presence of possible spoilers; and the lack of an endgame. All concerned to save the South Sudan peace deal should concentrate their efforts in these places.

#### A. *Security Dilemmas*

No issue is more critical to the peace deal's stability than the security arrangements in Juba. The August 2015 deal gave the job of policing the capital to a force composed of separate units of Kiir's government troops and Machar's rebels: by the following July, a skirmish between the two had reignited the civil war. If there is one lesson to draw from the 2016 disaster, it is that Machar cannot bring part of his army with him to Juba. It is alarming, then, that the parties are discussing allowing just that. Talks on creating a new unified army – including Machar's fighters – before his return are not only behind schedule but are also prompting all sides to mobilise their own forces. The upshot is that the accord's security provisions are broken and in need of urgent repair.

In the history of South Sudan's political crises, failed security arrangements have often sparked conflict. 2016 is only the most recent case in point. There were frequent clashes between forces loyal to Khartoum and forces loyal to Juba within the Joint Integrated Units during South Sudan's 2005-2011 pre-independence period. In 2013,

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<sup>56</sup> Diplomats predicted that progress would slow after the parties finished setting up various committees and throwing peace celebrations. Said one: "We've seen the easy stuff. The hard stuff is still to come". Crisis Group interview, senior Western official, Addis Ababa, December 2018.

fighting among units of the presidential guard, which were de facto segregated along ethnic lines, sparked the civil war. The best way to safeguard the new peace process is to prevent Kiir's forces from coming into the proximity with Machar's in cities, particularly Juba.

Unfortunately, both main parties have interpreted the peace deal to provide for a "unified" force (including Machar's fighters) to deploy to Juba to provide security.<sup>57</sup> Senior SPLM/A-IO figures continue to insist that including Machar's fighters is the *sine qua non* for the erstwhile rebel leader's return.<sup>58</sup> Figures such as Colonel Lam Paul Gabriel, the SPLM/A-IO military spokesperson, claim that unification will be a straightforward procedure, saying Kiir's forces "are not our enemies anymore. They are our allies and our comrades".<sup>59</sup> But any joint force deployed by May or soon thereafter will be "unified" in name only; in practice, it will be divided between Kiir and Machar loyalists who might easily come to blows once more. International actors are enabling this dangerous scenario by staying resolutely above the fray. The UN, meanwhile, is encouraging a security deal between the parties.<sup>60</sup>

The most responsible option, instead, is a limited-duration third-party force brokered between the parties to protect opposition leaders that paves the way for a unity government without repeating the previous mistake of further militarising the capital with forces loyal to competing factions.

The wider task of unifying a national army before the creation of the unity government is predictably nowhere near completion as the clock ticks. The accord specified that cantonment start in late October.<sup>61</sup> By March 2019, the government had refused to canton its forces and the armed opposition parties were struggling to get their fighters, many of whom have deserted and now live in refugee camps or other East African capitals, to return.<sup>62</sup> In addition, training for the new unified army was sup-

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<sup>57</sup> A senior government official in charge of peace implementation confirmed that the government has agreed to allow the joint deployment to Juba, but also stated its discomfort with the idea. Crisis Group interview, cabinet Minister Martin Elia, February 2019. Preparations for this force have yet to move forward, indicating that the government may be dragging its feet to prevent it from forming.

<sup>58</sup> Crisis Group interviews, senior SPLM/A-IO officials, Juba, January 2019.

<sup>59</sup> "Democracy in Action Speaks with Col. Lam Paul Gabriel, SPLM-IO Military Spokesperson", podcast, Radio Miraya, 25 February 2019.

<sup>60</sup> Crisis Group interviews, senior UN officials, Juba and New York, 2019. See also UNMISS head David Shearer's press conference, New York, February 2018. Jean-Pierre Lacroix, the UN under-secretary-general for peacekeeping operations, stated that "the parties must come to a comprehensive agreement on the security sector and on the establishment of transitional security arrangements". "Report of the Secretary-General on South Sudan (covering the period from 2 September to 30 November 2018)", UNSC S2018/1103, 10 December 2018.

<sup>61</sup> The implementation matrix, found at the back of the R-ARCSS, specifies that cantonment of all forces should take place within 45 days of 12 September 2018. "Revitalised – Agreement on the Resolution of the Conflict in the Republic of South Sudan", IGAD, 12 September 2018.

<sup>62</sup> The parties to the R-ARCSS argue that a lack of funding has delayed cantonment. The first formal request for funds was reported in the *Juba Monitor* on 9 January 2019. Spokesperson Major General Lil Ruai Kwang of the South Sudanese People's Defence Force and deputy military spokesperson Colonel Lam Paul Gabriel, of the SPLA-IO, asked for \$59 million for cantonment. Morris Dogga, "Joint forces appeal for USD 59M for security arrangements", *Juba Monitor*, 9 January 2019. On 19 February 2019, the National Pre-Transitional Committee released a formal budget of \$285,080,509, mostly allocated for security provisions, for implementation of the Pre-Transitional period of the peace deal. "Budget and Road Map for the Implementation of the Pre-Transitional Period of the

posed to commence by mid-November but has not started.<sup>63</sup> The government does not plan on cantoning its own forces and wants the opposition to integrate its troops into the existing army, rather than create a new army as per the accord's provisions.<sup>64</sup> Overall, Kiir will seek to maintain effective control of the security forces.<sup>65</sup> No external party appears willing or able to compel Kiir to do otherwise.

A further risk to the peace deal is the widespread military recruitment and mobilisation its provisions have sparked. The opposition plans to lengthen the cantonment process in order to recruit more fighters, as it did following the 2015 accord.<sup>66</sup> Opposition elites hope to achieve three objectives through this recruitment: stacking the armed forces, which are perceived as a proxy for political power, with loyalists they recruit from ethnic or clan networks; widening their patronage networks; and building up strength in case of more war.<sup>67</sup> Such mobilisation of additional rebel fighters by the SPLA-IO from hitherto unaffected areas was largely responsible for the war's expansion into the former Equatoria states after the 2015 accord.<sup>68</sup> Disputes over these new forces were also a key point of tension leading up to the July 2016 return to war.

This time around, mediators should have acted to curb another round of mobilisation by strictly capping integration totals for all parties together with a rapid verification process designed to avoid abuse. Instead, the accord does the opposite, as the parties have agreed to train a new security sector of 300,000.<sup>69</sup> The accord also increases the number of opposition groups eligible for cantonment beyond Machar's group to all the additional opposition signatories, namely the Opposition Alliance, which do not have significant forces yet are now trying to recruit to fill their slots.<sup>70</sup> This decision poses additional conflict risks, including infighting among opposition groups as politicians seek to expand their presence (and political influence) on the ground.

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R-ARCSS", NPTC Secretariat, 19 February 2019. Copy on file with Crisis Group. Many of the costs appeared inflated, such as budgeting a hundred footballs at \$150 each. "Four (4) Months Budget for the Implementation of the activities of the security sector mechanisms", The Republic of South Sudan National Pre-Transitional Committee (NPTC), 13 February 2019. Copy on file with Crisis Group.

<sup>63</sup> Crisis Group WhatsApp communication, SPLM/A-IO spokesman, March 2019.

<sup>64</sup> Crisis Group interviews, South Sudanese government and opposition officials, Juba and Khartoum, 2018-2019.

<sup>65</sup> Crisis Group interviews, South Sudanese security officials, Juba, 2014-2018.

<sup>66</sup> See "Conflict in Western Equatoria", *Small Arms Survey*, 2016 and Boswell, "Spreading Fallout", op. cit.

<sup>67</sup> Crisis Group interviews, opposition commanders, 2017-2019; Crisis Group analyst's interviews in previous capacity, opposition commanders, 2015-2018.

<sup>68</sup> Boswell, "Spreading Fallout", op. cit.

<sup>69</sup> Crisis Group interviews, South Sudanese members of security and implementation committees and analysis of committee resolutions, 2019. A small fraction of these 300,000 forces exist, meaning the parties plan to both widely recruit and inflate their budgets.

<sup>70</sup> The Opposition Alliance of smaller opposition groups has already demonstrated its own contempt for the process by declaring that it has over 200,000 fighters across South Sudan eligible for cantonment – many times more than the combined total of combatants in the war. Crisis Group interviews, regional officials and foreign diplomats, 2019. (In reality, it may have fewer than 1,000 troops in the country.) The Opposition Alliance leaders are now recruiting to fill their slots allotted in the future army and build their own power bases.

The arms race is not one-sided. The government, too, has launched a conscription drive in President Kiir's homeland stronghold in the former Warrap state.<sup>71</sup> Civil society members from Warrap report the establishment of training camps in those areas. Some recruits, including, allegedly, schoolchildren, have also been taken to Luri, near Juba, for training.<sup>72</sup> This recruitment drive continues earlier bouts of government mobilisation throughout the war among the Dinka of Bahr el Ghazal, to shore up the military's ranks with Kiir's co-ethnics deemed loyal to the president.<sup>73</sup>

Donors are right to decline funding for plans to create the 300,000-strong security force, as the parties currently propose, most of which would need to be freshly recruited, at a cost of over \$200 million, as the parties have officially proposed. The availability of these funds would only enable the ongoing armed recruitment.<sup>74</sup> South Sudan needs fewer men with guns, not more. Donors and all partners should encourage the parties to strike a realistic deal that accommodates active combatants while limiting new recruitment and concentrates soldiers outside cities.

If donors wanted more bang for their bucks, they would fund an immediate audit of existing forces, which would show massive inflation of numbers by the armed parties, including many declared units that do not exist. This audit should then be used to cap integration figures to halt the ongoing mass recruitment to fill the gap. Donors could then consider funding a very limited package for this opposition integration conditioned on its deployment away from civilian centers.

## B. *No Guarantors*

A problem related to the security dilemmas is that, to date, no guarantor has stepped up to enforce the accord. When the first peace agreement failed in 2016, IGAD countries complained that the Troika had not stood behind it.<sup>75</sup> Troika countries likewise blamed IGAD states for failing to serve as guarantors.<sup>76</sup> This time around, the Troika has stated explicitly that it will not enforce the deal, a welcome clarification that, however, exposes a yawning gap in preparations.

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<sup>71</sup> Crisis Group interviews, civil society actors from former Warrap state, Juba, 2019. These accounts are backed up by internal military directives from a senior South Sudanese army official ordering the recruitment after the peace deal, in apparent violation of the ceasefire. Military documents on file with Crisis Group.

<sup>72</sup> Crisis Group interviews, civil society actors from former Warrap state, Juba, 2019. Investigation of this alleged training, including of child soldiers, is what prompted the ceasefire monitors who were assaulted in Luri to enter the camp.

<sup>73</sup> Some blame the new recruitment drive on fears that Machar's ethnic Nuer forces will join the military. "The fear of the Dinka group is that Nuer will maintain [its earlier pre-2013] dominance in the security sector. If that is the assumption, then they [Dinka elite in government] will want to balance it out by recruitment. ... Is it to create balance that would keep peace? Or is it to create imbalance for confrontation? We don't know". Crisis Group interview, senior Opposition Alliance official, Juba, February 2019.

<sup>74</sup> For a good analysis of these dynamics, see "South Sudan: The Perils of Payroll Peace", Conflict Research Programme, London School of Economics, March 2019.

<sup>75</sup> Western officials felt burned by the failure of the 2015 accord. "We made the case [in 2015] that this was the only game in town ... and probably threw that money out the window". Crisis Group interview, senior Western official, Addis Ababa, December 2018.

<sup>76</sup> This reaction speaks to the swift waning of the so-called *pax Americana*, since the Troika itself is a legacy of the 2005 CPA, in which the U.S. in particular played a key role as guarantor.

It is unlikely that IGAD member states will be willing or able to enforce the peace process. While Sudan and Uganda were co-signing guarantors of the deals struck in Khartoum, in the final accord, the IGAD countries signed up for the job as a group.<sup>77</sup> But they are far from unified, and they have no clear mandate to enforce the accord or mechanism for doing so.

Juba and other South Sudanese parties are well aware of their ample wiggle room. Absent signs of greater enforcement, Juba in particular will continue to view most provisions of the accord as optional. As the strongest party, the government believes it has leeway to flout stipulations for demilitarising Juba and other towns and for sharing executive powers.<sup>78</sup> Almost certainly, it will also ignore provisions for financial reforms, which include measures designed to increase transparency over the government's use of oil revenues, and justice mechanisms, including a "hybrid court" to try war crimes composed of both South Sudanese and other African judges nominated by the AU.<sup>79</sup>

The question of who will guarantee that the parties honour their commitments faced a significant test in December. In Luri, outside Juba, Kiir's forces detained and assaulted three ceasefire monitors, one Sudanese, one Ethiopian and one Kenyan, who were conducting a routine inspection of a government facility they suspected was being used for military training.<sup>80</sup> Ethiopian General Desta Abiche Ageno, chairman of the monitoring body, wrote a letter to the Ethiopian foreign affairs minister and chair of IGAD's Council of Ministers, Workneh Gebeyehu, pleading for a forceful response. He noted:

If members of an ... international-observer monitoring team can be treated with such disrespect and violence at a training facility in Luri, how can representatives of the Opposition Parties be advised that their own safety and security in Juba is secured.<sup>81</sup>

But, beyond issuing condemnatory statements, neither IGAD nor any of the offended member states undertook any notable response to the Luri assaults. In effect, Juba has already called the would-be guarantors' bluff.

Without a willing guarantor, attempts to impose the deal will likely fail. This lesson remains unlearned by IGAD and international diplomats, who often resort to public statements of disapproval as a cover for disengagement. Instead, diplomacy is

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<sup>77</sup> Tweet by Ambassador Mahboub Maalim, @amb\_mahboub, IGAD executive secretary, 1:26pm, 7 August 2018.

<sup>78</sup> Crisis Group interviews, regional officials and South Sudanese civil society leaders, Juba, Nairobi and Addis Ababa, 2018-2019.

<sup>79</sup> Crisis Group interviews, regional officials and South Sudanese civil society leaders, Juba, Nairobi and Addis Ababa, 2018-2019.

<sup>80</sup> Members of Kiir's forces stripped the Ethiopian officer, a woman, naked. Crisis Group interviews, ceasefire monitors and diplomats, Juba, December 2018. In a 24 December 2018 radio interview, a presidential spokesman, Ateny Wek Ateny, confirmed the ceasefire monitors' suspicions when he stated that the monitors had "strayed into the training camp". The existence of a training camp for Kiir's forces is a clear violation of the R-ARCSS. "712: Presidency explains attack on ceasefire monitors in South Sudan", podcast, Radio Miraya, 24 December 2018.

<sup>81</sup> Copy of letter on file with Crisis Group.

needed help broker the political deals to hold a truce between the parties intact while pressing the peace process forward.

### C. *Machar's Fragile Coalition*

If the Kiir-Machar truce holds, Machar will struggle nonetheless to keep his coalition together. The pressure will primarily stem from those smaller groups that are fighting over local boundaries and for greater devolution of powers. The provisions addressing these two issues are among the vaguest in the peace deal, and Machar will have little leverage to extract concessions from Kiir to satisfy those groups. Indeed, Kiir may feel disinclined to allow Machar a political win and refuse to make concessions on substantive issues. The cost of the Kiir-Machar truce, then, may be the weakening, if not the fracturing, of the latter's coalition. Regional mediators and donors should encourage Kiir and Machar to strike a political deal over the most bitter boundary disputes prior to the unity government's formation to avoid more violence.

Since 2015, many groups outside of Machar's core Nuer constituency joined the SPLM/A-IO because it is the main rebel party. Though they are formally part of the SPLM/A-IO, these groups retain a great deal of autonomy on the ground and view the SPLM/A-IO as a political coalition from which they could withdraw at any time.<sup>82</sup> These constituencies are not preoccupied with Machar's struggle for the presidency. Their two key demands are greater local autonomy (often expressed as an end to "Dinka rule") and, for some, redrawn local boundaries, which Kiir heavily gerrymandered during the war to please his Dinka political coalition.<sup>83</sup> The peace deal contained no up-front concessions on either of these two issues.

Talks on fleshing out the peace deal are unlikely to produce movement on devolution of powers, a key demand especially for Equatorians.<sup>84</sup> Those pushing for greater federalism must hope that the parties allow a new constitutional committee to do its work – and then adhere to its recommendations. There is also disagreement among the opposition between 1) those who prefer keeping many states, and devolving some powers to each; and 2) those who care little about the number of states but wish to devolve significant power to each of South Sudan's historical trio of provinces, Bahr el Ghazal, Greater Upper Nile and the Equatorias. In the long run, South Sudan may need to do both.

The second core demand relates to South Sudan's internal boundaries, which for decades have contributed to conflict. Kiir greatly exacerbated these tensions by redividing the country's original ten states into 28 and then 32.

The final peace agreement creates a technical committee to advise on the internal ethnic boundaries in South Sudan and a separate commission to suggest the number of states. Yet these provisions appear set up for failure. The technical boundary committee has begun its work but has already faced significant difficulties and delays, while the commission tasked with determining the number of states has yet to be

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<sup>82</sup> Crisis Group analyst's interviews in a previous capacity, non-Nuer SPLA-IO officers, 2015-2018.

<sup>83</sup> A UN official referred to Kiir's manipulation of the internal boundaries, since 2015, as "Gerrymandering 501, a graduate-level course". Crisis Group interview, senior UN official, December 2018.

<sup>84</sup> See Crisis Group Africa Report N°236, *South Sudan's South: Conflict in the Equatorias*, 25 May 2016.



formed.<sup>85</sup> If the latter commission, should it be formed, reaches deadlock – the expected outcome since the parties failed to reach consensus in the peace talks – it has a mandate to conduct an ill-defined referendum to determine the number of states, the boundaries of which are to be informed by the technical committee's findings. Few believe that such a referendum is logistically or technically feasible in the current climate.<sup>86</sup>

The South Sudanese parties, IGAD mediators and partners should admit that the peace deal's provisions for boundaries and states are inadequate and require revision. It is a matter of some urgency: failure to broker a deal on the number of states could decouple national from local power sharing, creating a unity government in Juba that finds itself immediately paralysed by this issue. Because all parties will want more positions to accommodate as many of their followers as possible, the most likely scenario is retention of something like the status quo of 32 states, even if some South Sudanese prefer returning to ten.<sup>87</sup> To agree on the states, however, the parties will need to resolve two of the stickiest boundary disputes, specifically the fates of the regional capital Malakal, which was transferred from an ethnic Shilluk to an ethnic Dinka administration, and former Raja county, ethnic Fertit land conjoined to densely populated Dinka areas.<sup>88</sup> If Kiir and Machar are unable to resolve these two boundaries, they will need to bracket these disputes, even if that means delaying local power sharing in those areas.

Machar will find it a steep challenge to gain these concessions from Kiir on devolution and to convince him to reverse annexations that benefit the president's Dinka constituents. Yet without any sign of progress on those issues, Machar will struggle to retain the loyalty of his wider coalition of fighters, especially Shilluk forces near Malakal (the regional capital of Greater Upper Nile), Fertit forces near Wau (the regional capital of Bahr el Ghazal) and Equatorian forces.<sup>89</sup> Faced with a similar impasse in 2016, Machar vowed to form the unity government and push for resolution from inside. The government instead deadlocked, then imploded.

If unable again to deliver these concessions, Machar will likely ask his coalition allies to defer most of their demands until after the elections that the peace process envisions in 2022. If he can maintain his broad-based coalition, he could threaten Kiir's hold on power. Such an eventuality, however, would dramatically escalate ten-

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<sup>85</sup> Three members of the Technical Boundary Committee asked for more time and resources to complete their expansive mandate. Letter to IGAD Special Envoy Ismail Wais, February 2019, on file with Crisis Group. The two experts designated by the Troika to join the committee resigned in late February.

<sup>86</sup> Crisis Group interviews, South Sudanese officials and foreign diplomats, 2018-2019.

<sup>87</sup> Kiir and Machar could strike a short-term deal on the number of states but then vow to revisit their decisions following the outcome of a National Dialogue, launched by Kiir but joined belatedly by Machar, which is set to finish this year and expects to produce recommendations on this very issue.

<sup>88</sup> For more on the Malakal dispute and Shilluk conflict, see "The Conflict in Upper Nile", *Small Arms Survey*, March 2016. For more on the Raja dispute and Fertit conflict, see Sarah Vuylsteke, "Identity and Self-Determination: The Fertit Opposition in South Sudan", *Small Arms Survey*, December 2018.

<sup>89</sup> Angelina Teny, a senior SPLM/A-IO official and Machar's wife, admitted that the SPLA-IO must put up a strong fight for instituting federalism or else continue losing support to Cirillo in Equatoria. Crisis Group interview, Juba, January 2019.

sions between Kiir and Machar far ahead of the vote – another among the many reasons why a new security arrangement is necessary in Juba to avoid repeating the 2013 and 2016 clashes.

#### D. *Splinters and Detractors*

A longer-term challenge is to reintegrate into the peace process several groups and individuals who have rejected the current deal.

The main opposition thereto comes from Equatoria, the ethnically diverse southern third of South Sudan where war is most likely to continue. Thomas Cirillo, who defected from President Kiir's forces in early 2017 when he was a deputy army chief and the highest-ranking Equatorian in active service, leads a coalition of opposition groups – the National Democratic Alliance – that split off from the South Sudan Opposition Alliance when it decided to sign the accord. Cirillo's own group, the National Salvation Front, is the largest active rebel force except for Machar's SPLA-IO. The ex-deputy army chief and his key advisers believe that they will peel disaffected fighters away from Machar when, as they expect, he fails to deliver on his promises as the peace deal is rolled out.<sup>90</sup> Cirillo derives his support from Equatoria, where his troops are active primarily in the Central and Western Equatoria areas. His forces are a loose collection of militias who defected from Machar's SPLA-IO.<sup>91</sup> Several flipped their allegiance to Cirillo after the peace deal was signed.<sup>92</sup>

Equatorian grievances stem from a powerful sense of political neglect and even stronger sentiment that their land is occupied. Most Equatorians think that they continue to lose in the two-way struggle between Kiir's Dinka and Machar's Nuer. They push instead for various forms of strong decentralisation – whether federal or confederal arrangements. This agenda is one reason why some other opposition leaders have shunned Cirillo: in critics' view, his movement flirts with separatism by promoting a greater Equatoria to balance out Kiir's Dinka-dominated Greater Bahr el Ghazal and Machar's Nuer-dominated Greater Upper Nile.<sup>93</sup> On the popular level, many Equatorians view "federalism" as the right to expel armed Dinka and Nuer – whether soldiers or the gun-toting cattle herders who regularly enter their lands.<sup>94</sup> In

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<sup>90</sup> Crisis Group interviews, Thomas Cirillo, Addis Ababa, December 2018; senior member of Cirillo's party, October 2018.

<sup>91</sup> Cirillo gained additional strength from past supporters of Joseph Bakosoro, the former Western Equatoria state governor, when Bakosoro's party splintered after he acceded to the peace deal. Bakosoro's active forces were based primarily outside the city of Yei under the command of former deputy Yei Governor Abraham Wani. Some of his fellow opposition elite believe that Bakosoro signed the accord hoping to become the Opposition Alliance vice president. (Bakosoro denies that he is seeking the vice presidency.) Bakosoro was deemed a leading vice presidential candidate in the Opposition Alliance in part due to the need for that group to appoint an Equatorian to maintain balance among the country's three regions. Cirillo was viewed as an unlikely vice presidential candidate since he hails from the same Bari ethnic group as fellow Equatorian James Wani Igga, Kiir's longest-serving vice president. Crisis Group interviews, opposition leaders, 2018-2019.

<sup>92</sup> Crisis Group interviews, Yei town, February 2019.

<sup>93</sup> Crisis Group interviews, South Sudanese politicians, 2017-2019; Crisis Group analyst's interviews in previous capacity, South Sudanese politicians, 2017-2018.

<sup>94</sup> Crisis Group analyst's interviews in previous capacity, Equatorians, 2016-2018. See also Crisis Group Report, *South Sudan's South: Conflict in the Equatorias*, op. cit.

his public statements since defecting Cirillo has stressed a nationalist agenda and downplayed his Equatorian base of support, but his forces on the ground mobilise using just this local appeal.<sup>95</sup>

The government has played into Cirillo's hands by launching a military offensive against positions loosely held by Cirillo-aligned forces since January 2019.<sup>96</sup> Though the offensive has taken territory, it has had the dual contrary effects of elevating Cirillo's previously marginal position while impelling a new wave of recruits into his ranks.<sup>97</sup> The government's tactics resemble its scorched-earth campaign in 2016, which drove much of the population into neighbouring Democratic Republic of Congo and Uganda, while failing to defeat the insurgency. The government would be well advised to move ahead with the peace deal, which would neutralise non-signatories to some degree, while seeking support from the region and donors to engage in dialogue over Equatorian grievances. Civil society actors, particularly church leaders, should pursue their own mediation tracks if regional diplomacy through IGAD fails to produce a credible peace process. The region should press the government, in particular, to recommit to the December 2017 cessation of hostilities agreement that Cirillo signed and claims adherence to.<sup>98</sup>

Another detractor of the peace deal is Paul Malong, a Dinka hardliner who formerly was army chief and is now Kiir's rival. A veteran SPLA warlord, Malong was governor of former Northern Bahr el Ghazal state when the war erupted in late 2013. When South Sudan's army fragmented at the beginning of the war, Kiir relied heavily on an informal force of Dinka fighters, known as the Mathiang Anyoor, mustered by Malong. Kiir then appointed him chief of staff of the army in April 2014.<sup>99</sup> Malong opposed the 2015 peace deal as caving to external pressure. Eventually, he became a fierce adversary of Kiir's other security strongman, Akol Koor, chief of the National Security Services. Kiir sacked Malong in 2017, later accusing him of plotting a coup.<sup>100</sup> He is now a self-declared rebel leader in exile in Nairobi.

Malong continues to scheme for a return to circles of power in Juba. Kiir successfully blocked his several attempts to participate in the IGAD peace process. Malong

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<sup>95</sup> Crisis Group interviews, Yei town, February 2019; Crisis Group analyst's interviews in previous capacity, Equatorians, 2017-2018.

<sup>96</sup> Crisis Group interviews, displaced people of Mukaya and Mursak origin, Yei town, February 2019; Crisis Group interviews and electronic communication, Yei civil society leaders, 2019; Crisis Group interviews, ceasefire monitors, Juba and Yei, 2019. Many locals believe that the local governor helped plan the offensive to retake administrative centres in a bid to save his seat from being handed to the opposition. See R-ARCSS 1.16.4: "In sharing State and local government positions the Parties shall take into account the relative prominence each Party has in the respective State or county". Crisis Group interviews, Yei civil society actors, 2019.

<sup>97</sup> Crisis Group interviews, Yei town, February 2019.

<sup>98</sup> Instead, IGAD has done the opposite, declaring the December 2017 cessation of hostilities agreement no longer applicable, effectively legitimising the government's military offensive. Letter from IGAD special envoy Ismail Wais to Thomas Cirillo, 1 March 2019. Copy on file with Crisis Group. The government has attempted to ward off a new external mediation track. In February, South Sudan's national security chief Akol Koor met with Cirillo in Addis Ababa, facilitated by Ethiopia. Crisis Group interview, Thomas Cirillo, Addis Ababa, March 2019.

<sup>99</sup> "S. Sudan president sacks army chief Hoth Mai", Radio Tamazuj, 24 April 2014.

<sup>100</sup> Malong sought support for a coup in regional capitals. Crisis Group analyst's interview in a previous capacity, Ethiopian official with knowledge of Malong's quiet lobbying, 2016.

engages with opposition leaders, including Machar, whom he has sought to talk to face to face, and the Former Detainees, some of whom he meets in Nairobi.<sup>101</sup> Boxed out of the accord, Malong is trying to forge a coalition of non-signatory groups.<sup>102</sup> But he has struggled to overcome deep hostility from other opposition leaders, including Cirillo.<sup>103</sup> Still, Malong remains relevant because he challenges Kiir from within his Dinka base, has close ties to many senior army officials, and reputedly has substantial personal wealth and a wide network of kin through multiple marriages.<sup>104</sup> Many expect Malong to eventually negotiate his way back into the government. The region should facilitate political dialogue between the two sides if requested to do so. Kenya, which is hosting Malong in exile, should also insist he refrain from organising armed violence.

Some current officials who will lose in the peace deal's rollout could become spoilers. Chief on that list is Taban Deng Gai, who was Machar's former deputy and replaced him as first vice president after the July 2016 fighting.<sup>105</sup> Speculation among South Sudan's elites over Taban's political fate increased after Kiir publicly chastised him at a rare party conference in December.<sup>106</sup> Taban's faction also holds the oil and other ministries in the government. In contrast to Machar, he has no clear political constituency; in fact, many Nuer hate him for betraying Machar in 2016.<sup>107</sup> Yet others view him as a skilled political operator and a man of means.<sup>108</sup> If Taban loses his vice presidential seat, regional mediators should immediately open dialogue with him and threaten sanctions to deter him from resorting to violence.

Kiir will struggle to accommodate yet other officials in a new unity government. Similarly, local power-sharing arrangements may also create would-be spoilers. Kiir has already announced that the unity government will replace nearly half of the governors with opposition figures, but he did not specify which or with whom.

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<sup>101</sup> Crisis Group analyst's interview in a previous capacity, Paul Malong, Nairobi, September 2018.

<sup>102</sup> Malong says he remains in contact with Cirillo and that both have agreed to "principles" for an allegiance. Crisis Group interview, Paul Malong, Nairobi, February 2019. Cirillo confirms communicating but denies any formal agreement. Cirillo previously expressed reservations to partnering with Malong. Crisis Group interviews, Thomas Cirillo, Addis Ababa, December 2018, March 2019.

<sup>103</sup> Cirillo considers Malong responsible for government atrocities during the war. Another opposition official formerly aligned to Malong claims that he tried to act as an interlocutor. He says Cirillo replied that if Malong wants to form an alliance, he should "go back to Bahr el Ghazal and fight". Cirillo denies talking to this official directly. Crisis Group interviews, 2018.

<sup>104</sup> South Sudanese frequently say Malong has dozens of wives. Whatever the number, he has several, and his marriages have built him a wide network of in-laws.

<sup>105</sup> Kiir speech at SPLM conference, Lobonok, December 2018.

<sup>106</sup> Kiir explained at the SPLM meeting in December 2018 that he does not consider Taban a full member of the ruling party. "SPLM-IO Taban is not yet part of South Sudan ruling party: Kiir", *Sudan Tribune*, 7 December 2018. This remark has fuelled greater speculation over Taban's future as first vice president. Crisis Group interviews, South Sudanese politicians, Juba and Khartoum, 2018-2019.

<sup>107</sup> Crisis Group interviews, SPLM/A-IO supporters, 2016-2019.

<sup>108</sup> Crisis Group interviews, South Sudanese politicians, 2016-2019.

### E. *No Endgame*

A final anxiety-inducing prospect for the peace deal is not that it falls apart right away but rather that it proceeds as designed. The peace deal is a truce between the parties, and it does not forge a final or sustainable political settlement. Instead, it sets up another Kiir versus Machar contest as the country approaches elections in 2022.<sup>109</sup>

The battle over who would run the country produced the 2013 crisis within South Sudan's ruling party, which eventually led Kiir to oust Machar as first vice president. This same dynamic doomed the 2015 accord, since Kiir viewed Machar, who vowed to challenge him in elections, as a political competitor rather than partner. Thus, he always resisted ceding Machar any actual power, heightening his rival's sense of grievance.

There are exits from this impasse, but none to be found in the peace deal. A wider political settlement is needed, ideally well ahead of elections. It is disappointing that five years of on-and-off mediation have failed to produce a broader and more durable solution. Achieving a comprehensive settlement will require both a vision for moving beyond the Kiir-Machar power struggle and a more sustained focus on ending the conflict.

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<sup>109</sup> Even the Sudanese, who brokered the deal, privately downplay the notion of elections. One senior Sudanese official told Crisis Group that to go to elections within three years "is not practical or advisable". He also argued that the interim period should be extended, due to the likelihood that the "country will not be ready, politically, economically or socially". Crisis Group interview, senior Sudanese official, November 2018. Many Western diplomats privately share this view. Crisis Group interviews, 2018-2019, Juba, Nairobi, and Addis Ababa.

## IV. Making the Best, Preventing the Worst

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### A. *Showing Political Will*

For the South Sudanese population to have faith in a peace deal, the bare minimum requirement is that both Kiir and Machar exhibit a willingness to respect the agreement. Thus far, both leaders have shown that they want to carry out their own version of a peaceful settlement. It is uncertain if there is enough overlap between the two visions to sustain the Kiir-Machar truce.

Kiir has publicly embraced the accord. This stance is a departure from the past; in 2015, he objected that the deal was foisted upon him. Kiir is in a stronger position vis-à-vis Machar than in 2015, allowing him to negotiate with his rival from a position of strength. Meanwhile, Kiir also has more room for manoeuvre within his own coalition following the exile of his former army chief Paul Malong and the decline of the once-influential Jieng Council of Elders, a collection of hardline Dinka. The Khartoum Declaration's promise of rebounded oil revenue also gave Kiir a clear incentive to play along, to a point. The president, however, is unlikely to put into practice portions of the accord that would weaken his hold on power. The peace deal's ambitious reform agenda, which includes a revamped security sector, transparent financial oversight mechanisms and justice for the victims of war crimes, is thus a non-starter.

Machar, meanwhile, continues to view the talks primarily from the vantage point of a hostage negotiating his release, which in this case means a platform from which he can continue his pursuit of the presidency. Inasmuch as he welcomes his return to Juba as first vice president, Machar's agenda partly overlaps with Kiir's in embracing the deal. In line with this strategy, Machar prioritised securing his return to the post while capitulating on issues dearest to his fighters' hearts, including securing justice for war crimes and obtaining commitments to devolve power or share resources more equally.

Of the two men, Machar appears to be the more motivated to carry out the accord, agreeing to send his committee members, including his powerful wife, Angelina Teny, to Juba before negotiating new arrangements for their security. Machar cannot tango solo, however. His dilemma will be what few concessions he must extract from Kiir before agreeing to proceed to forming the unity government. Meanwhile, many others in the SPLA-IO view the accord as an opportunity to regroup but also as a trap. Rumblings of discontent are loud in Machar's camp, with many suspicious of his intentions.<sup>110</sup>

The other opposition leaders are not powerful, though their inclusion in the deal remains symbolically significant and reduces the chances that spoilers will emerge. One of the 2015 deal's chief flaws was its binary Kiir-Machar power structure, which essentially designated Machar the leader of the entire opposition in South Sudan. When restarting talks in 2017, IGAD widened the table to make the talks more "inclusive" and dilute Machar's stake. What followed was a rapid proliferation of new opposition groups. Though the mediators said they would include only rebel parties that were active militarily, they did not enforce this condition. In reality, most of the

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<sup>110</sup> Crisis Group interviews, SPLA-IO officials, Juba and Khartoum, 2018-2019.

“rebel” groups had few or negligible forces on the ground, and none actively fought against Kiir’s forces. While these parties are not very relevant to the war, they could still decrease donor confidence in the peace process if they choose to withdraw from it. After signing the final peace deal, some opposition figures privately admitted that they hoped the accord would fail and further isolate Kiir’s regime.<sup>111</sup>

Both Kiir and Machar desire to be seen carrying out the accord, and no other signatory has thrown an obstacle in its path. But this initial momentum is stalling as the agreement’s flaws glare with the first major deadline, the May formation of the unity government, approaching. The parties, especially Kiir and Machar, should reach consensus on whether to delay the unity government’s formation while striking the deals necessary to save the peace deal from its unworkable security and boundaries provisions.

### B. *Mediating Regional Interests*

The regional bloc, IGAD, should be commended for brokering an agreement that has reduced fighting in South Sudan. Still, IGAD is not on its own able to secure a sustainable peace deal in volatile South Sudan. Crucial international players remain detached from the IGAD peace process at an especially critical phase. The absence of a lead Western or Western-backed envoy empowered to lead shuttle diplomacy among the regional capitals to bolster South Sudan’s peace process is worrying.

For all its limitations, IGAD almost certainly will remain in the lead on the peace process. The African Union is unlikely to take charge while the regional body is determined to retain control, due to its principle of subsidiarity that devolves responsibility for peace processes to sub-regional organisations. Nor is the UN able to step in; the Security Council is too divided to force African leaders to accept a UN role and those leaders are unlikely to request one. Lastly, the U.S. government and its allies appear uninterested in assuming the lead.

But if IGAD expects donors – understandably hesitant to support another flawed agreement in South Sudan – to invest in this deal, heads of state must display both their commitment to enforce it and their ability to anticipate and overcome inevitable obstacles. Since IGAD decision-making requires the consensus of heads of state, who often ignore agreements negotiated by working-level officials, the bloc struggles to quickly change course when necessary or maintain a cohesive strategy. The protests gripping Sudan and the rapid political changes in Ethiopia have weakened IGAD’s focus even further.

Following the 2015 agreement, the IGAD heads of state handed over political monitoring to the Joint Monitoring and Evaluation Commission (JMEC), a body led by former Botswanan President Festus Mogae and staffed by representatives of IGAD member states, China and the Troika.<sup>112</sup> But when monitors reported that the South Sudanese parties were stalling or subverting that deal’s implementation, IGAD lead-

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<sup>111</sup> Crisis Group interviews, opposition officials, 2018-2019. Some in the SPLM/A-IO backed the accord with the same political logic. A representative of South Sudanese civil society signed the accord despite believing that the parties would never implement it. Crisis Group interviews, 2018-2019.

<sup>112</sup> “Agreement on the Resolution of the Conflict in the Republic of South Sudan”, Addis Ababa, 17 August 2015, pp. 48-49.

ers did not step in.<sup>113</sup> Many Western diplomats felt that they were left holding the bag – expected to enforce an IGAD-brokered agreement that IGAD itself considered a futile endeavour.<sup>114</sup>

IGAD should acknowledge that the new peace deal is not a finished product, both because some of its key provisions need to be renegotiated and because at least one significant armed party remains outside the accord. Therefore, IGAD should:

- ❑ Appoint a strong JMEC chair who commands the parties' respect and can mediate an unfinished peace process. This person must not be merely a cheerleader-in-chief.
- ❑ Broker transitional security arrangements for Juba that do not include a sizeable deployment of opposition troops in any form, including as part of a "unified" force. Unless Machar agrees to return without such a force, obtain a clear mandate from both Kiir and Machar for a third-party force to provide close protection for opposition leaders, either as part of UNMISS or under another aegis.
- ❑ Create a new mediation process for Thomas Cirillo while pressuring both the South Sudanese government and Cirillo to recommit to the December 2017 cessation of hostilities agreement. This political dialogue should seek to address the legitimate grievances of Cirillo's main constituents in the Equatoria region. The peace deal is not comprehensive and should be open to amendment in order to bring other actors like Cirillo in.
- ❑ Coordinate with an empowered new JMEC chair and intervene with high-level diplomacy to stave off the breakdown of the process at critical junctures. Such sustained, high-level engagement also would help build donor confidence in IGAD's commitment to the peace process.

Donors should also unify behind an empowered lead envoy to help corral sustained, high-level regional engagement of regional countries and forge a strategy for addressing South Sudan's political instability over the longer term. Reappointing a U.S. special envoy remains the clearest way forward, given that Washington has always assumed this role in the past as the *de facto* Troika lead.<sup>115</sup> No other country or institution appears ready or willing to step into the void. Other donors, however, should not wait for the U.S. to act and should urgently consider other solutions.

A lead external envoy is likely necessary to sustain a cohesive regional strategy on South Sudan amid a region in rapid flux, even as old regional rivalries appear on the wane. Most South Sudanese leaders enjoy ties to a neighbouring country (and sometimes more than one) and regional leaders are keen to see allies in power in Juba. Of South Sudan's neighbours, Sudan and Uganda remain the most influential. Sudanese-Ugandan proxy battles reached their apex in the 1990s, but remained influential in South Sudanese politics until Khartoum and Kampala began a period of *détente* in

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<sup>113</sup> Crisis Group interviews, opposition political party and SPLM/A-IO members, Juba, June 2016; monitoring body members, Juba, June 2016, Addis Ababa, March 2018.

<sup>114</sup> Crisis Group interviews, Western diplomats, Juba, June 2016.

<sup>115</sup> Special envoy positions are starting to make a comeback in the Trump administration, which had axed many of them. For instance, the Trump administration appointed J. Peter Pham as special envoy for the Great Lakes region in November 2018.



2015. These two powers' aligned interest in the peace process is the most promising regional development since South Sudan's civil war began.

As the Sudanese-Ugandan rivalry ebbed, however, differences between Ethiopia and Egypt over the Grand Ethiopian Renaissance Dam (GERD) on the Blue Nile river, which Cairo is concerned will reduce the flow of Nile waters it depends on for survival, have gained prominence. To pressure Addis Ababa, Cairo deepened its relationship with Kiir, who himself worried that Ethiopia would support Western efforts to weaken or change his government. While Prime Minister Abiy's mid-June 2018 visit to Cairo appears to have brought a new tone to Ethiopia-Egypt relations, friction over the GERD and other dams is likely to persist.<sup>116</sup> Still, with the Sudanese and Ugandans in the driver's seat, the Ethiopian-Egyptian rivalry is, for now, less of an obstruction.

The political instability in Sudan and political transition in Ethiopia will further reshuffle regional politics, and inevitably therefore, the region's approach to South Sudan.<sup>117</sup> Sudan is warming up to Kampala even as it cools on Abiy's Ethiopia. Indeed, Bashir fears losing the fruits of his years of cultivating relations with Addis Ababa as Abiy's outreach to Cairo and Asmara risks isolating the Sudanese president regionally, given Sudan's tense relations with both neighbours. The popular protests against Bashir's regime, persisting, and even intensifying, in the early months of 2019, also strain Sudan's stability.<sup>118</sup>

A total collapse of Bashir's regime would undermine the political deals orchestrated by Khartoum. This scenario appears unlikely, however, even if less so every week the protests continue. Other paths would affect the peace process less substantially. A political transition within the regime might pose little risk, since it was security and intelligence officials likely to remain in power, headed by none other than Salah Gosh, Bashir's spy chief, who cobbled the peace deal together. Already, however, the escalating political crisis is limiting the regime's capacity to project its influence on the peace process. Overall, Sudan's political crisis stretches the region's bandwidth as regional leaders struggle to sustain focus on South Sudan.

### C. *Wider African Leadership?*

In 2018, the AU stepped up its engagement on South Sudan, issuing strong statements and threatening to impose "punitive measures", by which it meant sanctions, upon referral from IGAD.<sup>119</sup> The heads of state of the five AU countries that have previously supported IGAD's mediation (Algeria, Chad, Nigeria, Rwanda and South

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<sup>116</sup> "Egypt, Ethiopia agree to settle differences over Nile mega-dam", Reuters, 10 June 2018.

<sup>117</sup> For more on Abiy's challenges, see Crisis Group Africa Report N°269, *Managing Ethiopia's Unsettled Transition*, 21 February 2019.

<sup>118</sup> See Crisis Group Africa Briefing N°143, *Improving Prospects for a Peaceful Transition in Sudan*, 14 January 2019; and Crisis Group Statement, "Bashir Moves Sudan to Dangerous New Ground", 26 February 2019.

<sup>119</sup> Communiqué PSC/PR/COMM.(DCCLI), African Union Peace and Security Council, Addis Ababa, 8 February 2018; "Joint Statement by the Chairperson of the African Union and the Secretary-General of United Nations on the Situation in South Sudan", Joint Statement, AU Chairperson Moussa Faki and UN Secretary-General António Guterres, New York/Addis Ababa, 12 January 2018.

Africa – collectively known as the C5) should intensify their diplomatic efforts, especially vis-à-vis South Sudanese leaders and their IGAD counterparts.

One critical role the C5 can play is to lean into the task that IGAD assigned them in the Independent Boundaries Commission, if it is formed, shepherding the parties to agreement on final internal boundaries and administration. Whether or not the Commission ever materialises, the C5 should embrace the mandate to engage on this issue and encourage the parties to reach consensus on a path forward that does not sever, perhaps irreparably, national from local power-sharing provisions. This task may appear thankless, but it is also among those most in need of strong external leadership.

#### D. *Washington's Empty Chair*

The U.S. has sat in the pilot seat of Western policy on Sudan and South Sudan for some two decades. The Trump administration appears to have vacated this seat, however, and no other country or institution appears ready to occupy it. Since 2017, the U.S. has gone without a special envoy to Sudan and South Sudan, a fixture of the West's diplomatic engagement with the Sudans since the early 2000s. Responsibility for making U.S. policy is vaguely divided among five centres: the National Security Council, the State Department, the U.S. Agency for International Development, the U.S. mission to the UN and the sanctions-wielding Treasury Department. A review of U.S. South Sudan policy, initiated in early 2017, is still incomplete. Without a lead envoy and without clear policy guidance, the U.S. withdrawal has left a critical gap in peace efforts.

While the Trump administration has stepped back diplomatically, it has also taken a tougher line toward Juba. The UN Security Council arms embargo in July 2018 (which followed a unilateral U.S. embargo in February), championed by the U.S., is part of a wider shift in Washington, where officials are frustrated with what they see as Kiir's intransigence. During Ambassador Haley's 2017 meeting with Kiir in Juba, she made clear that the U.S. wanted him to do more to make peace and resolve South Sudan's humanitarian crisis. He rebuffed her request, and when Haley wrote to Kiir to reiterate it, she received no response.<sup>120</sup> The relationship between Washington and Juba steadily deteriorated thereafter. Unlike their immediate predecessors, senior Trump administration officials harbour little ill will for Machar; have little affection for the ruling SPLM; have no longstanding ties to regional leaders; and are less ready to defer to IGAD.<sup>121</sup> The U.S. further signalled its growing dissatisfaction with Kiir's government when it announced a critical review of its aid to South Sudan in May 2018.<sup>122</sup>

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<sup>120</sup> Crisis Group interviews, UN Security Council members and representatives to the UN, New York, June 2018.

<sup>121</sup> Crisis Group interviews, Obama and Trump administration officials, Juba, Addis Ababa, Washington, 2014-2018.

<sup>122</sup> The Trump administration's new strategy for Africa, rolled out on 13 December 2018, captured U.S. scepticism about the ruling elite in South Sudan. John Bolton, Trump's national security advisor, stated that the U.S. "will not provide loans or more American resources to a South Sudanese government led by the same morally bankrupt leaders". "The Trump Administration's New Africa Strategy", podcast, Heritage Foundation, 13 December 2018. Tibor Nagy, assistant secretary of state

But the U.S.'s harder line against Kiir and his government led to no decisive break with regional peace efforts, primarily because Washington has yet to formulate a clear South Sudan policy. Though Haley pushed for new peace talks, the U.S. expressed its scepticism about those that occurred even as it failed to propose an alternative.<sup>123</sup> The U.S. has also shown little willingness to integrate its approach on South Sudan into its wider regional engagement, which is primarily based on counter-terrorism cooperation. Its relationships with Uganda, an ally in the fight against Al-Shabaab in Somalia, is a case in point. Washington's failure to put concerted pressure on Uganda, Kiir's main foreign ally, to rein in Juba or change course, was a missed opportunity early in the war.

With Haley's departure, and the likely downgrading of her replacement from a cabinet-level position, the U.S. has lost one of its leading, though sporadic, voices on South Sudan. Her departure also weakens one of the diffuse centres of gravity for South Sudan policy in the Trump administration. It remains to be seen which agency will assume clear leadership on South Sudan in the remainder of Trump's term. U.S. support for the South Sudan peace process is further imperilled by the White House's reluctance to issue a partial waiver, as in years past, for South Sudan's designation as an offender under trafficking in persons regulations.<sup>124</sup> This designation would likely halt non-humanitarian aid to South Sudan, specifically in-kind support for the ceasefire monitors and peace oversight bodies.<sup>125</sup> The Trump administration should allow this support to continue, especially to the ceasefire monitors, whose work is critical to holding parties publicly accountable for violence.

At special risk is the Troika, the Washington-led trio of the U.S., UK and Norway, which requires a rethink. The State Department manages the Troika relationship, but the Trump administration is sceptical of both multilateral ventures and greater engagement on South Sudan. The UK and Norway have worked behind the scenes to convince the U.S. to continue the alliance rather than veer off on its own.<sup>126</sup> These efforts have been somewhat successful, inasmuch as they have kept the three countries' signalling once again aligned in public statements. But the lack of a U.S. special

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for Africa, has not notably publicly engaged on South Sudan, not even during a visit to the Horn of Africa. This lack of engagement contrasts to assertions he made during his confirmation hearing before the Senate Foreign Relations Committee. He said he "would put [South Sudan] at the top of [his] inbox if confirmed". He reinforced this statement minutes later: "I can promise you, if confirmed, the South Sudanese will realise just how involved the United States is". "South Sudan - SFRC hearing for Tibor Nagy, nominee for Assistant Secretary of State (African Affairs)", video, 14 June 2018.

<sup>123</sup> Crisis Group interview, U.S. official, Addis Ababa, July 2018; White House, "Statement from the Press Secretary on the South Sudan Peace Process", 22 July 2018.

<sup>124</sup> See White House, "Presidential Memorandum for the Secretary of State", 29 November 2018. Violators of the Trafficking Victims Protection Act of 2000 can face a ban on non-humanitarian and non-trade-related assistance until a country complies with the "minimum standards or make[s] significant efforts to bring themselves into compliance with the Act". The U.S. issued such a partial waiver previously. "Presidential Determination – Foreign Governments' Efforts Regarding Trafficking in Persons", press release, White House Office of the Press Secretary, 27 September 2016.

<sup>125</sup> Crisis Group interviews and electronic communications, U.S. officials, Juba, 2019.

<sup>126</sup> Crisis Group interviews and exchanges, senior Troika officials, December 2018-January 2019.

envoy has left the Troika – and, by extension, Western donors – diminished, without a clear lead in conducting high-level shuttle diplomacy outside of Juba.<sup>127</sup>

### E. *The UN Security Council*

On 4 February, the UN Security Council received a request from IGAD, endorsed by the AU, to deploy nearly 1,700 troops under a UN mandate as part of the UNMISS Regional Protection Force.<sup>128</sup> Later that month, UN Secretary-General António Guterres emphasized that progress on security arrangements would be required before determining any adjustments to the UN's presence based on IGAD's proposal.<sup>129</sup> The council, which will be renewing the UNMISS mandate on 14 March, should seriously consider but not rubber-stamp this proposal, which must clearly and directly provide a viable solution to the trickiest portion of the peace accord: securing Juba, in particular protecting opposition leaders, as part of a deal to stave off transitional security arrangements that split control of the capital between armed parties. If no other solution presents itself, the council, in consultation with the region, should mandate UNMISS to provide such VIP protection in Juba as the least objectionable of all bad options for responsibly paving the way for a unity government.

The UN Security Council will find it difficult to push back against the IGAD proposal, given the regional body's ownership of the peace process.<sup>130</sup> Yet the council

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<sup>127</sup>A senior Western official, surveying the field, described each crucial Western player as follows: the U.S. is "asleep at the wheel"; the EU: "don't see [it] stepping up"; UK representatives "say no and duck for cover". Crisis Group interview, senior Western official, Addis Ababa, December 2018. While Japan has agreed to put up funds to help with the transitional arrangements, both it and China are unlikely to play overtly political roles.

<sup>128</sup>"Letter dated 4 February 2019 from the Secretary-General addressed to the President of the Security Council", UN Security Council document S/2019/110, published 7 February 2019. In August 2016, following the July fighting in Juba, the UN Security Council authorised an IGAD request for the deployment of an additional 4,000 troops to comprise the Regional Protection Force within UNMISS. "Resolution 2304 (2016)", UNSC S/RES/2304/2016, 12 August 2016. The Regional Protection Force is widely acknowledged as a failure, due primarily to Juba's resistance to its mandate. The first batch of peacekeepers arrived in the country in August 2017, after an eleven-month delay. It was made up of Rwandan and Ethiopian troops, accompanied by a Nepalese company and over 100 Bangladeshi engineers. "Press Conference on Arrival of Regional Protection Forces into Juba, South Sudan", UNMISS Media Relations and Spokesperson Unit, 8 August 2017. These troops remain miles outside the city, unable to perform their mandate of protecting the airport and other "key facilities" in Juba. Several UN officials described this deployment as a "gimmick", meaning political cover for Security Council and regional inaction in the spreading violence after the July 2016 collapse. Others involved in the mandate negotiations say that U.S. officials in particular quietly pushed the force as a mechanism for evacuating personnel in case of more violence. Hence, its mandate to protect "the means of ingress and egress" from Juba. Resolution 2327 (2016), UNSC S/RES/2327/2016, 16 December 2016. Crisis Group interviews, 2018-2019. The key takeaway from this episode was the Security Council's failure to impose an UNMISS mandate opposed by Juba.

<sup>129</sup>Guterres was non-committal toward the proposal. He claimed that the UN was ready to submit an assessment of adjustments required but only after security arrangements for Juba are finalised. "Report of the Secretary-General on South Sudan (covering the period from 1 December to 26 February 2019)", UN Security Council document, S/2019/191, published 28 February 2019.

<sup>130</sup>Privately, some Security Council members indicate discomfort but not outright hostility toward the plan. An official from one of the permanent three Western members of the Security Council stressed that, despite misgivings with the IGAD proposal, they did not want to be a "spoiler" of the

must not abdicate its political oversight if the region's proposal falls short. The original proposal to deploy Sudanese and Ugandan troops was an attempt to recreate Somalia's AMISOM model in South Sudan – getting Western donors to pay for each country's deployment to South Sudan, where both Sudan and Uganda have substantial interests. The risks of deploying forces that could back different sides warrant closer examination, as do questions about these forces' motives and intentions. Senior UN peacekeepers rightly worry that the additional regional deployments will ultimately not enhance security protection and will undermine the UN mission's chain of command even more. The council should pay heed to these concerns. Indeed, there is likely to be strong resistance at the UN to the notion of giving Sudanese troops blue helmets.<sup>131</sup>

But problems with the IGAD proposal should not distract the Security Council from the vital task of preventing a repeat of the 2016 scenario wherein Kiir and Machar's forces clashed in the capital, restarting the bloody civil war. If the Regional Protection Force (RPF) is not going to provide this solution, or if Kiir refuses to grant this role to a neighbouring country, then another solution is needed. Machar may very well decide not to return to the capital if he has no promise of protection beyond Kiir's forces.

While one can imagine other options, the existing mechanism for VIP protection in Juba is UNMISS. The UNMISS leadership has argued in many forums against such an expanded mandate for itself, but the Security Council should nevertheless ask UNMISS to step into this role if necessary. UN officials worry about peacekeepers' capacity to provide close protection. They also fear that the mandate may prove open-ended.<sup>132</sup> These concerns are undoubtedly valid and need to be taken into account. But they also need to be weighed against a worst-case scenario pursuant to which Kiir's Dinka and Machar's Nuer, in de facto ethnically segregated units, again patrol the capital in proximity to one another.

Each of the main warring parties has reasons to back deployment of a third-party force if it provides the narrow path to forming a government together. A small outside force with a mandate limited to opposition leaders' protection would not threaten Kiir's control of Juba.<sup>133</sup> Kiir's government has its own understandable misgivings about allowing significant forces loyal to Machar back into the capital, as Machar demands. Despite what his representatives have said in official meetings, it is still far from clear that Kiir will, in the end, acquiesce. Machar's negotiators, meanwhile, previously pushed for a strong regional force during the Khartoum talks.<sup>134</sup> A third-

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regional peace process. Crisis Group interviews, New York, November 2018. In January 2019, a senior Western official told Crisis Group: "There is still no formal proposal or details on the proposed force, nor have regional or IGAD officials engaged Council members in such dialogue". Crisis Group interview, Nairobi, January 2019.

<sup>131</sup> Crisis Group interviews, senior UN officials and Security Council members, New York and Juba, 2018-2019.

<sup>132</sup> Crisis Group interviews, senior UN officials, New York and Juba, 2018-2019.

<sup>133</sup> This limitation, critically, is what would distinguish a limited VIP protection mandate from the UNMISS force's current failure to live up to its much more expansive mandate.

<sup>134</sup> Opposition press releases, August 2018. On file with Crisis Group.

party force would provide Machar not just greater security guarantees but, perhaps more critically, political cover for returning without his own forces in tow, if he must.<sup>135</sup>

Regional and donor countries should push the parties to craft an alternative to the redeployment of opposition forces to the capital. If no other option presents itself, they should urge the parties to accept a UN-mandated force.

#### F. *Pressing for More*

The new peace deal is moving forward, yet the risk of collapse is high. Even the best-case scenarios likely entail partial peace. The 2015 peace deal was “revitalised” not because of any conviction as to its efficacy but simply because it was the only model on hand. If the new deal fails, the world will again be without a backup plan. It would be unwise and irresponsible for this situation to endure. Five years of civil war have not only despoiled South Sudan, they have also exposed just how unrealistic – and naïve – were the original donor blueprints for South Sudan: these plans ignored the fact that South Sudan lacked the institutions, infrastructure and unified national identity necessary for governing a huge state even during times of relative peace. Oil revenue, once conceived as the vital start-up capital for South Sudan’s long path to development, instead has been monopolised, looted and become a core conflict driver. Meanwhile, a winner-take-all presidential system has entrenched incentives for war: those in power have little reason to share, and those without power have few options for extracting concessions without threatening violence.

R-ARCSS, like ARCSS before it, does not address these issues. Regional countries are well aware of this fact but believe they lack options. South Sudanese, neighbouring states and donor countries should work on tackling the underpinnings of South Sudan’s instability, taking into account that South Sudan will need bespoke solutions, not a playbook adopted from other post-conflict situations.

The key issues that a future South Sudan settlement must address include:

- ❑ South Sudan’s centralised power structure, which requires unity governments that in turn are at constant risk of collapse and infighting. A feasible solution would provide an exit from the “king of the hill” war between Kiir’s Dinka and Machar’s Nuer. It would also need to accommodate the many other groups that have taken up arms to protect themselves from the political centre. It is difficult to envision a more stable South Sudanese future that does not include significant devolution of power to subnational units and an end to manipulation of traditional ethnic boundaries.
- ❑ Oil revenues, which South Sudanese and their friends hoped would fund the new country’s development, have instead become an obstacle to peace. South Sudan’s leaders are able to siphon off huge amounts of money even as international actors,

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<sup>135</sup> This political cover is necessary because many of Machar’s senior commanders and top officials consider it “surrender” to return without his own sizeable security contingent. One of his top officials said that Machar has been told that if he goes back without such security arrangements in place, “he goes back alone”. Crisis Group interviews, senior SPLM/A-IO commanders and officials, Juba and Khartoum, 2019. Machar will likely always demand a small contingent of his own bodyguards, under any scenario.

largely Western donors, continue to foot the bill of keeping millions of South Sudanese alive. This situation is unsustainable. Donors should search for leverage to push for some form of oversight of South Sudan's oil funds to promote transparency, even if parties benefiting from the status quo will fiercely resist such measures. Humanitarian groups, too, must strive to make sure that aid is not a long-term enabler of conflict. They should start by following their own trail of large contracts to determine in whose hands their hard currency lands, while also scrutinising their aid operations for systematic diversions.

## V. Conclusion

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The Sudanese-led peace process for South Sudan, since endorsed by IGAD, is imperfect, incomplete and at high risk of collapse. Western donors are right to be sceptical that it will yield sustainable peace. Yet the world should embrace even a wobbly truce if it continues to stop the fighting between the main warring parties. That the accord could still fall apart is all the more reason to remedy its many deficiencies.

The deal has seeded newfound hope for a political settlement between Kiir and Machar, but in practice offers only a path to reduced violence in the country, for now. Machar likely plans to use his return as first vice president to renew his efforts to defeat Kiir in the elections slated for 2022. Important groups have not signed the accord, and plan to expand their ranks by exploiting predictable disappointment with the deal. Machar's coalition is wide but fragile; it may come unglued when he fails to extract his allies' desired concessions. Much like in 2015, the peace deal lacks credible guarantees it will be enforced. Security arrangements for Juba, the very issue most to blame for the 2016 violence, remain unresolved, just two months ahead of the scheduled unity government formation.

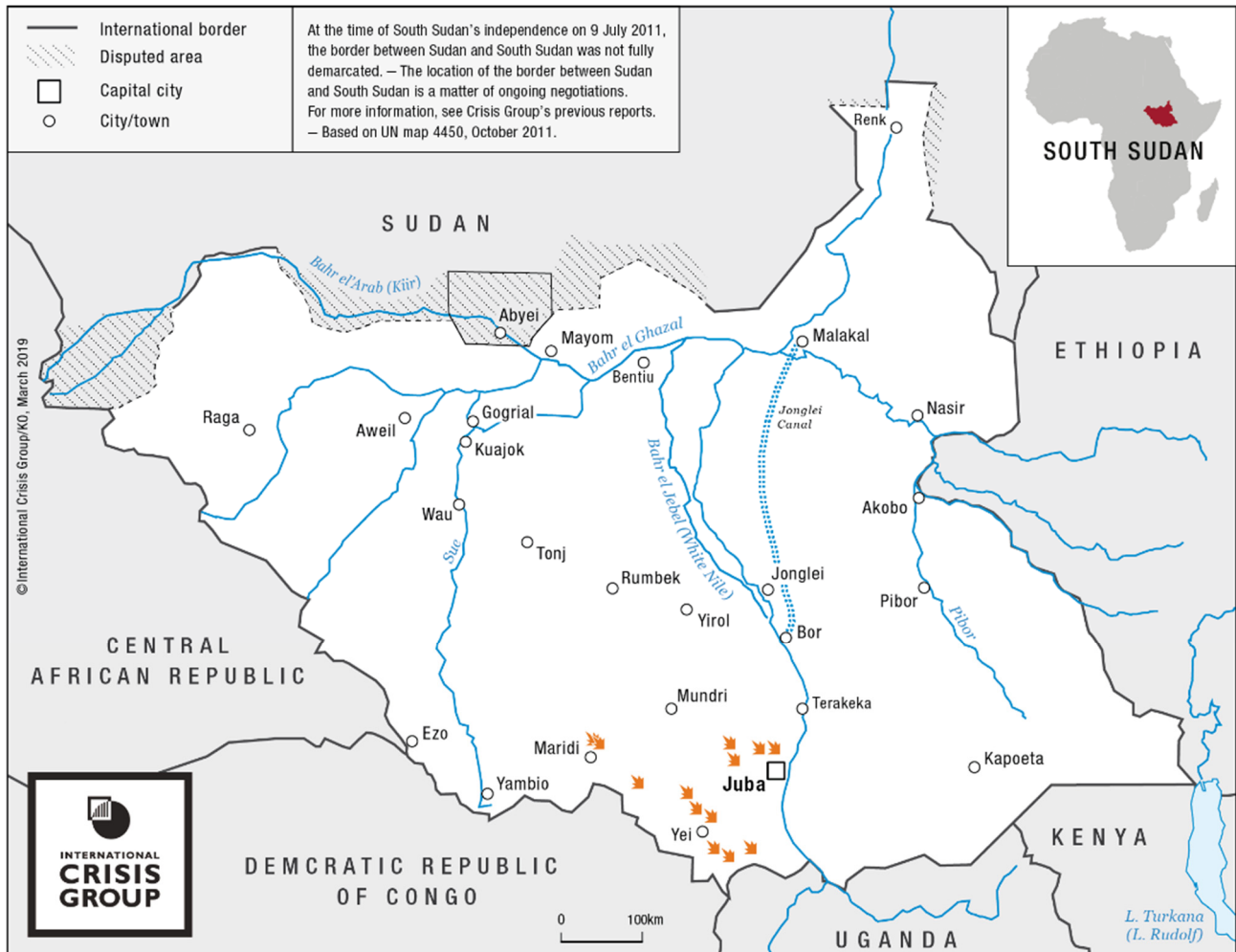
This opening for peace should be a time of redoubled engagement by neighbour states and donors. These international partners should seize the momentum and work to avoid a repeat of the 2016 collapse. Instead, the world seems to be sleepwalking.

Reversing South Sudan's downward spiral will require diplomatic dexterity and creativity. This news may be unwelcome in a world beset with diplomatic deficits, but there are no short cuts toward stitching the world's newest nation-state back together.

**Juba/Nairobi/Brussels, 13 March 2019**



Appendix A: Map of South Sudan



Map of South Sudan marking clashes between Thomas Cirillo's branch of the National Salvation Front and the South Sudan People's Defense Forces

## Appendix B: List of Acronyms

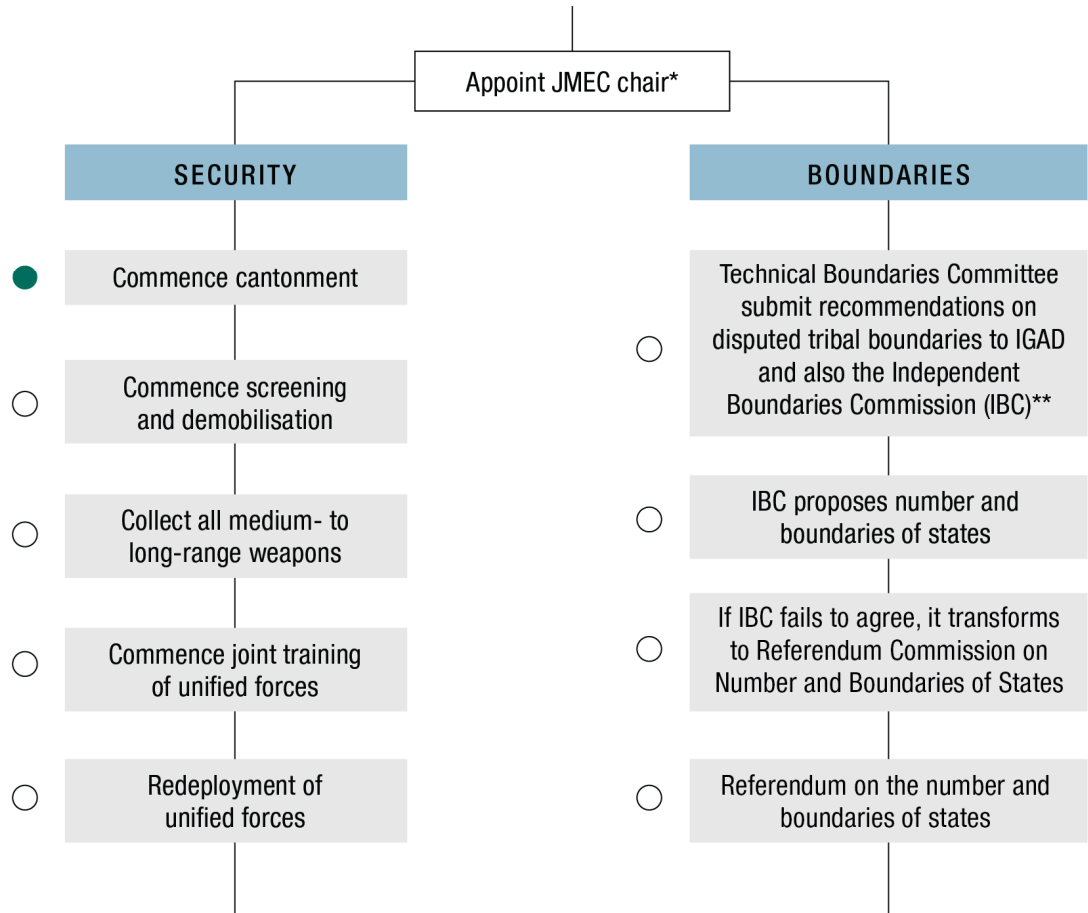
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|           |   |
|-----------|---|
| AMISOM    | African Union Mission in Somalia  |
| ARCSS     | Agreement for the Resolution of the Conflict in South Sudan   |
| AU        | African Union   |
| C5        | Heads of state of five AU countries that have previously supported IGAD's mediation (Algeria, Chad, Nigeria, Rwanda and South Africa) |
| CPA       | Comprehensive Peace Agreement   |
| GERD      | Grand Ethiopian Renaissance Dam   |
| IGAD      | Intergovernmental Authority on Development  |
| JMEC      | Joint Monitoring and Evaluation Committee   |
| R-ARCSS   | Revitalised Agreement for the Resolution of the Conflict in South Sudan   |
| SPLA/M    | Sudan People's Liberation Army/Movement   |
| SPLM/A    | Sudan People's Liberation Movement/Army   |
| SPLM/A-IO | Sudan People's Liberation Movement/Army-In Opposition   |
| SRSG      | Special Representative of the Secretary-General   |
| SSOA      | South Sudan Opposition Alliance   |
| UNHCR     | UN High Commissioner for Refugees   |
| UNMISS    | UN Mission in South Sudan   |
| USAID     | United States Agency for International Development  |

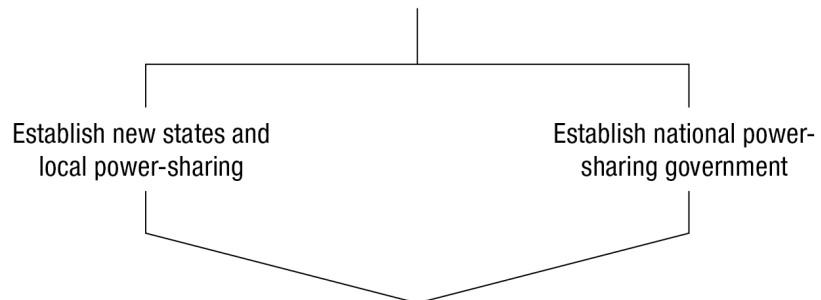
Appendix C: Tasks Undone in the Roadmap to the May 2019  
 Unity Government

12 September 2018

**PRE-TRANSITIONAL PERIOD**



**END OF PRE-TRANSITIONAL PERIOD**



12 May 2019

**START OF TRANSITIONAL PERIOD**

- Some movement to cantonment but sites not officially opened
- Not commenced

\* JMEC chair not yet appointed

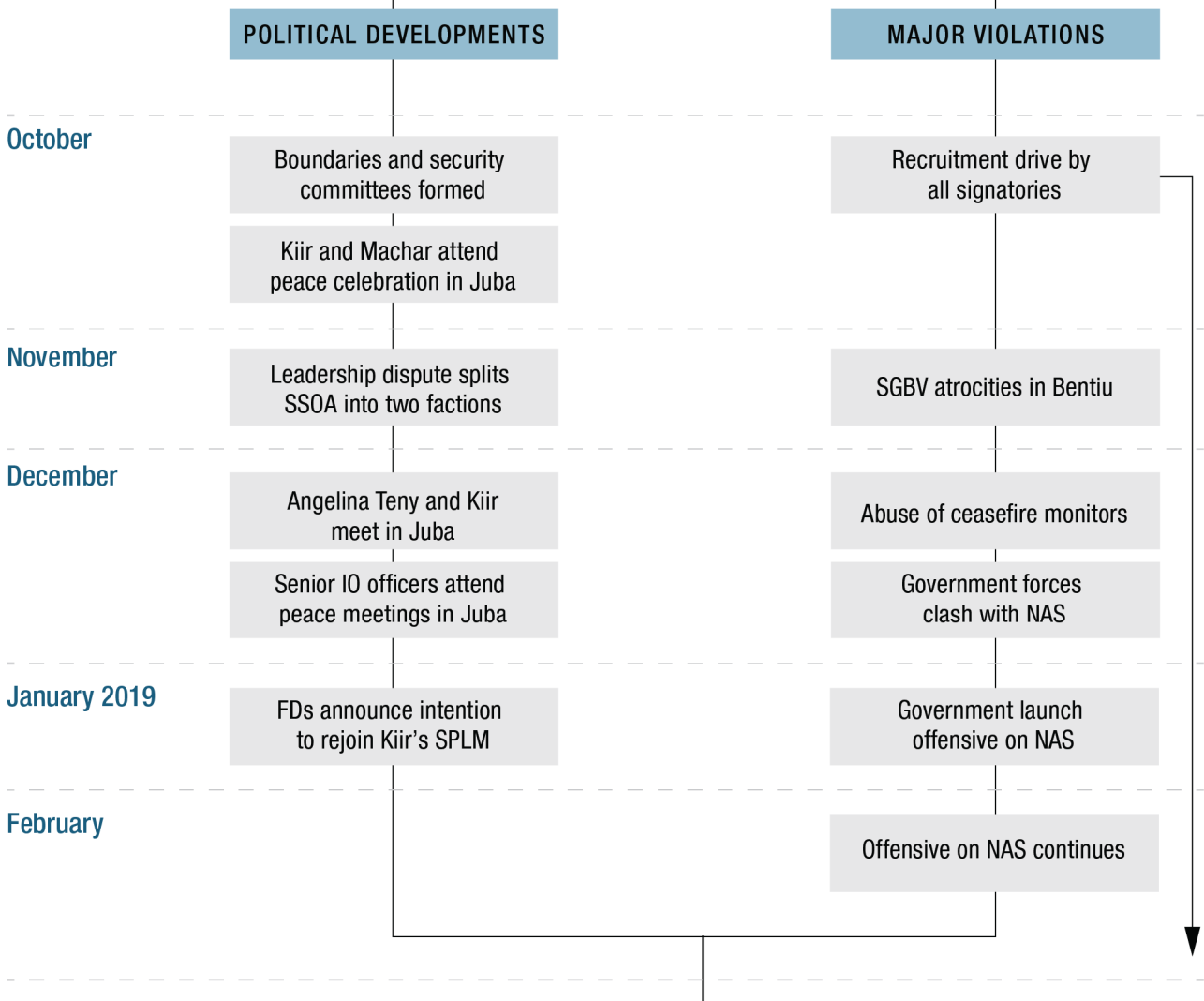
\*\* IBC not yet formed

Appendix D: Timeline of Key Political Developments and Peace Agreement Violations

12 September 2018

Peace Deal Signed

**START OF PRE-TRANSITIONAL PERIOD**



12 May 2019

**END OF PRE-TRANSITIONAL PERIOD**

➔ Recruitment ongoing for all signatories

Charts by Crisis Group/Will Johnston

## Appendix E: 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.

Crisis Group's reports are distributed widely by email and made available simultaneously on its website, [www.crisisgroup.org](http://www.crisisgroup.org). Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board of Trustees – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policymakers around the world. Crisis Group is chaired by former UN Deputy Secretary-General and Administrator of the United Nations Development Programme (UNDP), Lord (Mark) Malloch-Brown.

Crisis Group's President & CEO, Robert Malley, took up the post on 1 January 2018. Malley was formerly Crisis Group's Middle East and North Africa Program Director and most recently was a Special Assistant to former U.S. President Barack Obama as well as Senior Adviser to the President for the Counter-ISIL Campaign, and White House Coordinator for the Middle East, North Africa and the Gulf region. Previously, he served as President Bill Clinton's Special Assistant for Israeli-Palestinian Affairs.

Crisis Group's international headquarters is in Brussels, and the organisation has offices in seven other locations: Bogotá, Dakar, Istanbul, Nairobi, London, New York, and Washington, DC. It has presences in the following locations: Abuja, Algiers, Bangkok, Beirut, Caracas, Gaza City, Guatemala City, Hong Kong, Jerusalem, Johannesburg, Juba, Mexico City, New Delhi, Rabat, Tbilisi, Toronto, Tripoli, Tunis, and Yangon.

Crisis Group receives financial support from a wide range of governments, foundations, and private sources. Currently Crisis Group holds relationships with the following governmental departments and agencies: Australian Department of Foreign Affairs and Trade, Austrian Development Agency, Danish Ministry of Foreign Affairs, Dutch Ministry of Foreign Affairs, European Union Emergency Trust Fund for Africa, European Union Instrument contributing to Stability and Peace, Finnish Ministry for Foreign Affairs, French Development Agency, French Ministry of Europe and Foreign Affairs, Germany Federal Foreign Office, Irish Aid, Japan International Cooperation Agency, Principality of Liechtenstein, Luxembourg Ministry of Foreign Affairs, New Zealand Ministry of Foreign Affairs and Trade, Norwegian Ministry of Foreign Affairs, Qatar Ministry of Foreign Affairs, Swedish Ministry of Foreign Affairs, the Swiss Federal Department of Foreign Affairs, the UK Department for International Development, and the United Arab Emirates Ministry of Foreign Affairs and International Cooperation.

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**March 2019**

## Appendix F: Reports and Briefings on Africa since 2016

### Special Reports

*Exploiting Disorder: al-Qaeda and the Islamic State*, Special Report N°1, 14 March 2016 (also available in Arabic and French).

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

*Counter-terrorism Pitfalls: What the U.S. Fight against ISIS and al-Qaeda Should Avoid*, Special Report N°3, 22 March 2017.

### Central Africa

*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 (only 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 (also available in French).

*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 (also available in French).

*Fighting Boko Haram in Chad: Beyond Military Measures*, Africa Report N°246, 8 March 2017 (also available in French).

*Burundi: The Army in Crisis*, Africa Report N°247, 5 April 2017 (also available in French).

*Cameroon's Anglophone Crisis at the Crossroads*, Africa Report N°250, 2 August 2017 (also available in French).

*Avoiding the Worst in Central African Republic*, Africa Report N°253, 28 September 2017 (also available in French).

*Time to Reset African Union-European Union Relations*, Africa Report N°255, 17 October 2017 (also available in French).

*Cameroon: A Worsening Anglophone Crisis Calls for Strong Measures*, Africa Briefing N°130, 19 October 2017 (also available in French).

*Cameroon's Far North: Reconstruction amid Ongoing Conflict*, Africa Briefing N°133, 25 October 2017 (also available in French).

*Time for Concerted Action in DR Congo*, Africa Report N°257, 4 December 2017 (also available in French).

*Seven Priorities for the African Union in 2018*, Africa Briefing N°135, 17 January 2018 (also available in French).

*Electoral Poker in DR Congo*, Africa Report N°259, 4 April 2018 (also available in French).

*Cameroon's Anglophone Crisis: How the Catholic Church Can Promote Dialogue*, Africa Briefing N°138, 26 April 2018 (also available in French).

*Increasing the Stakes in DR Congo's Electoral Poker*, Africa Briefing N°139, 8 June 2018 (also available in French).

*DR Congo: The Bemba Earthquake*, Africa Briefing N°140, 15 June 2018 (also available in French).

*Cameroon's Far North: A New Chapter in the Fight Against Boko Haram*, Africa Report N°263, 14 August 2018 (also available in French).

*Helping the Burundian People Cope with the Economic Crisis*, Africa Report N°264, 31 August 2018 (also available in French).

*Election présidentielle au Cameroun : les fractures se multiplient*, Africa Briefing N°142, 3 October 2018 (also available in French).

*Chad: Defusing Tensions in the Sahel*, Africa Report N°266, 5 December 2018 (also available in French).

### Horn of Africa

*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.

*South Sudan: Rearranging the Chessboard*, Africa Report N°243, 20 December 2016.

*Instruments of Pain (II): Conflict and Famine in South Sudan*, Africa Briefing N°124, 26 April 2017.

*Instruments of Pain (III): Conflict and Famine in Somalia*, Africa Briefing N°125, 9 May 2017.

*Instruments of Pain (IV): The Food Crisis in North East Nigeria*, Africa Briefing N°126, 18 May 2017.

*Kenya's Rift Valley: Old Wounds, Devolution's New Anxieties*, Africa Report N°248, 30 May 2017.

*Time to Repeal U.S. Sanctions on Sudan?*, Africa Briefing N°127, 22 June 2017.

*A New Roadmap to Make U.S. Sudan Sanctions Relief Work*, Africa Briefing N°128, 29 September 2017.

*How to Ensure a Credible, Peaceful Presidential Vote in Kenya*, Africa Briefing N°129, 2 October 2017.

*Managing the Disruptive Aftermath of Somalia's Worst Terror Attack*, Africa Briefing N°131, 20 October 2017.

*An Election Delay Can Help Avert Kenya's Crisis*, Africa Briefing N°132, 23 October 2017.

*Uganda's Slow Slide into Crisis*, Africa Report N°256, 21 November 2017.

*After Kenya's Leaders Reconcile, a Tough Path Ahead*, Africa Briefing N°136, 13 March 2018.

*Somalia and the Gulf Crisis*, Africa Report N°260, 5 June 2018.

*Averting War in Northern Somalia*, Africa Briefing N°141, 27 June 2018.

*Al-Shabaab Five Years after Westgate: Still a Menace in East Africa*, Africa Report N°265, 21 September 2018.

*Improving Prospects for a Peaceful Transition in Sudan*, Africa Briefing N°143, 14 January 2019.

*Managing Ethiopia's Unsettled Transition*, Africa Report N°269, 21 February 2019.

#### **Southern Africa**

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

*Zimbabwe's "Military-assisted Transition" and Prospects for Recovery*, Africa Briefing N°134, 20 December 2017.

#### **West Africa**

*Burkina Faso: Transition, Act II*, Africa Briefing N°116, 7 January 2016 (only available in French).

*Implementing Peace and Security Architecture (III): West Africa*, Africa Report N°234, 14 April 2016 (also available in French).

*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.

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