CONCEPT PAPER

for a policy advisory group seminar on

Building Peace in South Sudan: Progress, Problems, and Prospects

Cape Town, South Africa
14–15 December 2016

Centre for Conflict Resolution (CCR), Cape Town, South Africa

November 2016
1. Introduction

The Centre for Conflict Resolution (CCR), Cape Town, South Africa, will host a two-day policy advisory group seminar at the Vineyard Hotel in Cape Town, South Africa, from Wednesday, 14 December to Thursday, 15 December 2016, on the theme “Building Peace in South Sudan: Progress, Problems, and Prospects”.

The Centre has, for nearly five decades, worked on a pan-continental basis to promote a just and sustainable peace in Africa, with an emphasis on strengthening the capacity of African institutions and civil society actors to resolve conflicts and to build peace in their own communities. This seminar will draw on CCR’s policy development and research work on issues pertaining to South Sudan since 2006, as well as its sustained capacity-building work in the country since 2012. The meeting will build, in particular, on the Centre’s December 2015 policy seminar “The Peacebuilding Role of Civil Society in South Sudan”, which reflected critically on the record of, and prospects for, civil society in peacemaking and peacebuilding efforts in South Sudan. CCR previously organised a seminar, in April 2006, on the theme “South Sudan within a New Sudan”, which devised concrete recommendations on how the emerging country could use the opportunity of the signing of the 2005 Comprehensive Peace Agreement (CPA) to establish strong governance institutions. The Centre held a further policy meeting in August 2010 that focused on the domestic, sub-regional, and external challenges facing Sudan, as then South Sudan prepared for its landmark referendum in January 2011; and included the participation of Francis Deng, then the United Nations (UN) Secretary-General’s Special Adviser on the Prevention of Genocide and later South Sudan’s first Permanent Representative to the UN. Furthermore, based on this experience, since 2012, CCR has been working on a sustained basis in South Sudan to build the capacity of diverse local actors in the areas of human rights, security sector reform, conflict resolution, and HIV/AIDS. Nine capacity-building workshops have been held in Juba, South Sudan, with the most recent workshop – held in May 2016 – focusing on building the conflict management capacities of local human rights and peacebuilding civil society organisations.

The Centre’s December 2016 Cape Town seminar will take place at a particularly uncertain and critical juncture in South Sudan’s young history as an independent state: three years after the outbreak of civil war in December 2013, and about six months after renewed fighting in the capital of Juba in July 2016 brought the status of South Sudan’s precarious formal peace into further doubt. The violence that began in December 2013 shattered the high expectations that had accompanied South Sudan’s independence in July 2011. Though there had been other conflicts after independence, and relations with the government of Sudan continued to be strained, the fighting that broke out in Juba in December 2013 – as in the case of the subsequent violence in July 2016 – rapidly spread to other parts of the country, taking its civil conflict to a new, deeper, and more destructive level.

The December 2013 conflict was precipitated by a leadership crisis, but was rooted in deeper political tensions, within the Sudan People’s Liberation Movement/Army (SPLM/A). These had been simmering over the course of the year, particularly after South Sudanese president, Salva Kiir, stripped his vice-president, Riek Machar, of key powers in April 2013, and then dismissed the cabinet – including Machar – in July 2013. At the same time, there was a breakdown of clientelistic politics, fuelled by reduced oil money in the context of weak state structures and the historic legacies of violence from previous conflicts. Amidst these internal political tensions, failure to resolve the political differences between the SPLM’s top leaders led, in December 2013, to the outbreak of fighting targeting people from the Nuer ethnic group in Juba, when Kiir (a Dinka) claimed and

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1 This concept paper draws mainly on research by Dr Daniel Large, Assistant Professor at the School of Public Policy at the Central European University in Budapest, Hungary.
denounced an attempted coup led by Machar (a Nuer). The subsequent African Union Commission of Inquiry on South Sudan (AUCISS) – chaired by former Nigerian President Olusegun Obasanjo – found no evidence, in its report, of such a coup attempt; but concluded that “widespread and systematic” killings had occurred in Juba in December 2013, later spreading to other parts of South Sudan. The Juba fighting sparked a rapid descent into violent, inter-ethnic conflict and led to the formation of the SPLM/A-In-Opposition (SPLM/A-IO), led by Riek Machar. The conflict also drew in key regional actors, including the Intergovernmental Authority on Development (IGAD), the African Union (AU), as well as individual countries such as Kenya, Uganda, Ethiopia, and South Africa. Notably, in December 2013, Uganda intervened militarily to support Salva Kiir, while peace negotiations have been held since the start of the crisis under the auspices of IGAD.

The IGAD-led peace talks eventually resulted in the August 2015 Addis Ababa agreement, signed first by Riek Machar, on behalf of the SPLM-IO, and then by a more reluctant Salva Kiir, on behalf of the South Sudanese government. From the outset, implementation of the Addis Ababa agreement proved very challenging, with both parties seeking delays and with regular ceasefire violations documented by the international Joint Monitoring and Evaluation Commission (JMEC) for the agreement. In October 2015, a controversial presidential decree re-divided South Sudan’s ten states into 28. Following advance deployment by the SPLM-IO, Machar finally returned to Juba to be sworn in as first vice-president, as part of a Transitional Government of National Unity (TGoNU), in April 2016. There was cautious optimism, but then, on the eve of the fifth anniversary of South Sudanese independence in July 2016, heavy fighting between SPLA and SPLA-IO forces broke out in Juba, rocking the Addis Ababa agreement; and with destructive effects, as the violence rippled out to other parts of South Sudan and the humanitarian situation deteriorated precipitously. Following Machar’s flight to the Democratic Republic of the Congo (DRC), he was formally replaced by Taban Deng Gai – a former ally, and leader of a Juba-centred faction of the SPLM/A-IO – as first vice-president of the transitional government. Machar declared that Taban had “defected”, and announced his dismissal from the SPLM/A-IO Political Bureau.

Building on IGAD and AU communiqués, in August 2016, the UN Security Council condemned the July 2016 fighting in Juba; and authorised an increase in the strength of the UN Mission in South Sudan (UNMISS) – deployed since 2011 – from 13,000 to 17,000 troops, including a 4,000-strong Regional Protection Force (RPF). In September 2016, a UN Security Council delegation also visited South Sudan on a fact-finding mission to show the world body’s “firm commitment to bring … the much-needed peace.” It initially appeared that the Regional Protection Force was accepted, and support for the Addis Ababa agreement reaffirmed, by the South Sudanese government, but this was subsequently cast into doubt amidst political contestation about the role of the force and international intervention in South Sudan. Meanwhile, the SPLM/A-IO Political Bureau stated from Khartoum – to where Machar had since been moved from the DRC – that South Sudan “had slid [sic] into another round of civil war”; and “that the people of South Sudan should brace for long term popular armed resistance led by the SPLM/SPLA(IO)” against the Kiir government. Since July 2016,

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7 The August 2015 Addis Ababa agreement was also signed by a third party, Pagan Amum Okiech, on behalf of the Former Detainees group, which was marginalised in South Sudan’s militarised political landscape.
8 Riek Machar, “To All Members SPLM/A (IO), Field Commanders SPLA (IO)”, letter, 22 July 2016.
9 See Communiqué of the Intergovernmental Authority on Development (IGAD) Plus Heads of State, 18 July 2016, which called for the deployment of a regional protection force. See also Communiqué of the African Union (AU) Assembly, 18 July 2016; and Communiqué of the Second IGAD Plus Extra-Ordinary Summit, 5 August 2016.
11 Interview with the Special Representative of the UN Secretary-General for South Sudan, Ellen Margrethe Lej, UN News Centre, 1 September 2016, http://www.un.org/apps/news/story.aspx?NewsID=54824#.WBNtgGSEx7Y.
conflict has spread in Central and Western Equatoria, and Northern and Western Bahr El Ghazal states, against the backdrop of economic crisis, deteriorating humanitarian conditions, and worsening relations between the transitional government and key external actors including UNMISS and the United States (US). As of October 2016, there were an estimated 4.8 million people classified as food insecure and 1.6 million internally displaced persons (IDPs) in South Sudan, with over one million South Sudanese refugees spilling into neighbouring countries, particularly Ethiopia, Uganda, and the DRC.14

2. Seminar Objectives

Building on CCR’s well-established academic and policy networks, and ground engagement in South Sudan, the December 2016 Cape Town seminar will bring together about 30 key policymakers, academics, and civil society actors to reflect critically upon the challenges of, and prospects for, peacebuilding in South Sudan; and to examine the role of major external actors – such as IGAD, the AU, the UN, and South Africa – in supporting local and national peace processes. The seminar will aim to develop concrete and actionable recommendations for addressing the challenges of achieving national reconciliation and building sustainable peace in South Sudan. It will also seek to provide recommendations aimed at promoting a sense of local ownership over peace processes, identification of problems, and the search for solutions in the conflict-affected country.

The policy advisory group seminar will seek to achieve six key objectives:
1. To identify the main challenges currently facing the Transitional Government of National Unity, in particular, and South Sudan more generally, in the context of the ongoing civil conflict;
2. To examine critically the challenges of, and prospects for, implementing the August 2015 Addis Ababa peace agreement;
3. To assess systematically the human rights situation in South Sudan, with a view to identifying more effective ways to protect and promote such rights meaningfully, while addressing their gross violations;
4. To explore ways of strengthening local and national, as well as international engagement, with issues related to gender and women’s empowerment as important aspects of conflict management and peacebuilding in South Sudan;
5. To understand the challenges facing South Sudanese civil society and to assist the sector in identifying opportunities in support of peacebuilding, in the context of the current conflict; and
6. To provide an informed assessment of the role of key external actors in South Sudan such as the UN, the US, and China, as a way of identifying concrete ways in which international engagement can support conflict resolution and peacebuilding efforts in the country more effectively.

3. Challenges facing the Transitional Government of National Unity

More than a year after the signing of the Addis Ababa peace agreement in August 2015, South Sudan’s Transitional Government of National Unity, created under its terms but without key SPLM-IO members after the Juba violence of July 2016 – as well as in South Sudan more generally – faces severe, inter-locking political and security challenges, compounded by dire economic straits. South Sudan’s economic crisis has, in part, been a product of, and in part a further symptom of, and contributing factor to, its ongoing political crisis, mounting conflict, and worsening humanitarian conditions. Government finances have been badly affected by reduced oil production, with production from Upper Nile state running at about 120,000 barrels a day in May 2016 and approximately 165,000 barrels a day in July 2016 (having earlier been at around 329,000 barrels a day in 2011), amidst efforts to boost output. Oil income has further fallen due to lower international oil prices (since June 2014) and Juba’s fixed oil transit fee agreement with Sudan. Other economic problems include: deficit financing caused by the devaluation of the South Sudanese pound (SSP) in December 2015

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and the printing of money; hyper inflation of more than 660 percent (as of August 2016); growing fuel shortages due, in part, to the insecurity of supply routes from Uganda; and resort to a subsistence economy amidst the disruption of livelihoods by conflicts. According to the South Sudan Bureau of Statistics, the consumer price index (CPI) rose by 682.1 percent between September 2015 and September 2016. As far back as May 2015, vice-president James Wani Igga had implored regional leaders to save South Sudan from economic collapse. Juba has since made further efforts – mostly unsuccessful – through its foreign relations to secure financial support from external actors, including China. While the economic crisis affected the ability of the South Sudanese government to operate abroad, including its ability to pay its diplomatic corps and embassy rents, the political consequences of its reduced finances gave greater cause for concern. The government’s former strategy of buying off defectors and rebels at high prices could not be sustained. Notably, South Sudan’s delayed draft budget for the fiscal year 2016–2017 – presented only in October 2016 – allocated about SSP 11 billion for the security sector (mostly for salaries, but including SSP 1,983 million for “operation costs” and SSP 307 million for “new capital expenditures”) and SSP 5 billion for “peace expenditure”, some of which could be disbursed through security organs or the presidency, while putting aside a mere SSP 177 million for social and humanitarian affairs.  

The July 2016 Juba fighting and ensuing conflict have, at best, severely set back the August 2015 Addis Ababa agreement and, at worst, fatally undermined it. Even before the July 2016 violence, however, the creation of 28 states through a unilateral presidential decree in October 2015 – in violation of the peace agreement and its provisions for SPLM-IO state representation – meant further political disruption, amidst a proliferation of political administrative units. Politics beyond Juba and below the central government level added depth to the challenges facing the Addis Ababa agreement, underlining the need to consider a wider multiplicity of dynamics devolved from, but connected to, the South Sudanese state at the centre. Partly driven by this redrawn political map, as well as other inter-communal tensions, the geography of the current violence in South Sudan has expanded to include, among other places, the Equatorias, where tensions predating the signing of the August 2015 agreement were exacerbated by the withdrawal of SPLA-IO troops from Juba in July 2016. This has underscored the need to address local violence, including locally driven violence and conflicts occurring through the extension of power from central state institutions.

A fundamental challenge that the reconstituted Transitional Government of National Unity faced after July 2016, was that “South Sudan has already relapsed into civil war.” Key military figures in the SPLA appeared strongly opposed to implementation of the August 2015 Addis Ababa peace agreement. After July 2016, opposition forces denounced president Salva Kiir for abrogating the agreement by attacking Riek Machar and his forces in Juba. Lam Akol, who resigned as the transitional government’s minister of agriculture and food security in July 2016, called the Juba fighting “pre-meditated and well planned” and declared: “the [Addis Ababa] agreement is dead”. This followed a meeting of opposition groups, held in Nairobi, Kenya, in August 2016, which produced a communiqué challenging government claims that the August 2015 peace agreement could

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19 For example, a separate Shilluk force, the Tiger Faction New Forces, was formed to oppose the creation of the 28 states.
20 Mareike Schomerus and Lovise Aalen (eds.), Considering the State: Perspectives on South Sudan’s Subdivision and Federalism Debate (London: Overseas Development Institute [ODI], August 2016), p. 29.
21 Majak D’Agoot and Remember Miamingi, “In South Sudan, Power Flows from the Barrel of a Gun; This Must Change”, Africa Review, 2 October 2016.
22 “Press Statement: Dr. Lam Akol Resigns from TGoNU”, 1 August 2016.
be implemented, and declaring the overthrow of Salva Kiir’s government as its ultimate objective. In August 2016, the SPLM/A-IO Political Bureau called for a reorganisation of its forces “so that it can wage a popular armed resistance against the authoritarian and fascist regime of president Salva Kiir in order to bring peace, freedom, democracy and the rule of law in the country.” In other words, South Sudan may have, or have had, a formal peace, but faced the reality of proliferating informal conflicts.

4. Implementing the August 2015 Addis Ababa Peace Agreement

In October 2016, the challenges of implementing the August 2015 Addis Ababa peace agreement were daunting. The chair of the Joint Monitoring and Evaluation Commission, former president of Botswana, Festus Mogae, criticised both the government and the opposition, in August 2016, for not following the peace deal “from day one”. The questions then are: is the Addis Ababa agreement, flawed though it may be, the best remaining option for building peace in South Sudan? What are the prospects for implementing the accord on the ground? Or does continued focus on the stalled agreement detract from the need to consider alternatives to it?

Political accommodation and power-sharing amidst militarised politics remain the most important overall challenge for establishing any viable government in South Sudan. The political will of a divided South Sudanese government to implement the Addis Ababa agreement was in doubt from the start, with divisions over the agreement reflecting long-standing opposition to it led by hard-liners such as SPLA chief of staff, Paul Malong Awan. After July 2016, the reconstituted Transitional Government of National Unity has been bitterly contested. Taban Deng Gar’s controversial status as the new first vice-president divided the SPLM-IO further. For those SPLM-IO members who did not go along with Taban’s appointment, Riek Machar remained “the legitimate first vice-president”. However, with Machar driven out of Juba, the fragmented SPLM-IO came out against the post-July 2016 government. The challenges and prospects for the security provisions of the Addis Ababa agreement, in particular, were immense, with the problems evident even before July 2016 – as mentioned earlier – in the form of continued ceasefire agreement violations and problems with military cantonment. Demobilisation, disarmament, and reintegration remained extremely contentious. For the South Sudanese government, the issue of the Regional Protection Force has also become a rallying call against further international military deployment, while the SPLM-IO has supported it. Beyond the national-level conflict, inter- and intra-community fighting have continued to be a key source of violence and insecurity in South Sudan; and these local conflicts have increasingly become part of a complex, interconnected conflict system.

Amidst worsening humanitarian conditions, the prospects for the justice and accountability provisions of the Addis Ababa agreement are similarly in doubt. The agreement calls, among other things, for the creation of three key transitional justice institutions: an independent Hybrid Court to prosecute cases of genocide, crimes against humanity, and war crimes; a Commission for Truth, Reconciliation, and Healing; and a Compensation and Reparation Authority. After July 2016, Senegal’s Adama Dieng, the UN Secretary-General’s Special Adviser on the Prevention of Genocide, called on South Sudan’s transitional government to implement these provisions, and asserted that: “It would be a mistake to think that peace, reconciliation and national healing can be achieved in South Sudan without any accountability for the crimes committed.” Overall, the Addis Ababa peace agreement may remain

23 This included the SPLM/A-IO, National Democratic Movement (NDM), People’s Revolutionary Movement/Army (PRM/A), Western Bahr El Ghazal Group, Eastern Equatoria Group. See “S. Sudanese Opposition Parties Plot to Overthrow President Kiir”, Sudan Tribune, 25 August 2016.
formally in place, but faces extremely challenging new political and military realities that are widening the gaps between its formal provisions and intent, and realities on the ground.

5. Human Rights

The formal status of human rights in South Sudan – both in its Interim and Transitional Constitutions of 2005 and 2011 respectively, as well as through initiatives such as the cabinet-level South Sudan Human Rights Commission (SSHRC) – is fairly good on paper. In 2015, South Sudan also ratified the 1989 Convention on the Rights of the Child, and became a party to the 2002 UN Convention Against Torture and its Optional Protocol. Even before December 2013, the actual status of human rights in South Sudan, however, was a world removed from these legal paper provisions. Many of the reasons for the gap between theory and practice emanate from the government itself, including its National Security Services, which are empowered by a 2014 National Security Law widely described as draconian, and the SPLA; as well as armed opposition groups. There was a sharp deterioration in the state of freedom of the press and association in 2015, featuring armed attacks against, as well as the intimidation of, journalists and newspapers, with an even worse climate in 2016.

The December 2013 civil war has been a key driver of human rights abuses, from gender-based violence, to the use of child soldiers, to the systematic targeting of civilians. In September 2016, a delegation of the UN Commission on Human Rights in South Sudan – established in March 2016 by the UN Human Rights Council – visited the country; and expressed grave concern at the slow pace of implementing the August 2015 Addis Ababa peace agreement, as well as “the ongoing impunity and lack of accountability for serious crimes and human rights violations in South Sudan, without which lasting peace cannot be achieved.”

Much of the focus of the human rights work by South Sudanese civil society groups and international non-governmental organisations (NGOs) is now focused on the prospects for a Hybrid Court and for meeting the demands for accountability and effective transitional justice processes across multiple levels in South Sudan. In April 2015, the country’s justice minister, Paulino Wanawilla, stated that South Sudan would not sign the 1998 Rome Statute and become a member of the International Criminal Court (ICC). In light of the conflict in South Sudan, and wider trends in Africa – led by South Africa, and also including Burundi and Gambia – towards withdrawal from the ICC, this appears to be all but certain. However, there remains widespread commitment to, and demand for, measures to address injustice and impunity, and advance accountability in South Sudan, for which the Addis Ababa agreement provides the building blocks. In October 2016, the AU Commission Chair, South Africa’s Nkosazana Dlamini-Zuma, expressed support for the establishment of the Hybrid Court. Despite such backing, the prospects for the court remain in doubt, though, because of the uncertain political situation and opposition to it by influential South Sudanese leaders, as well as the widespread and continued conflict within South Sudan.

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30 See, for example, many alerts by the Committee to Protect Journalists including: “In South Sudan, Editor Arrested As Harassment of Press Increases”, 26 July 2016, https://cpj.org/2016/07/in-south-sudan-editor-arrested-as-harassment-of-pr.php.
33 “Human Rights Groups Call for Establishment of Hybrid Court in South Sudan”, Sudan Tribune, 14 October 2016.
6. Gender and Peacebuilding

Even before the outbreak of conflict in December 2013, women in South Sudan suffered more than men from inadequate access to services such as education, justice, and maternal and child healthcare.\(^{(36)}\) As of January 2012, for example, only 37 percent of girls between the ages of six and 13 were attending school.\(^{(37)}\) South Sudan’s 2011 Transitional Constitution accords women full and equal dignity, and provides for “affirmative action” through a quota of at least 25 percent in the country’s legislative and executive organs. At the same time, the Constitution includes “customs and traditions of the people” as a source of legislation.\(^{(38)}\) Furthermore, customary laws and courts are the primary means through which the vast majority of South Sudanese access justice. However, in a deeply patriarchal society, these have the “potential to reinforce practices that perpetuate gender inequality”.\(^{(39)}\) Translating constitutional principles on gender equality into practice thus remains a formidable challenge that has been exacerbated by the country’s ongoing civil conflict.

Upon attaining independence in 2011, South Sudan further agreed to the AU’s 2006 Post-Conflict, Reconstruction, and Development strategy,\(^{(40)}\) which calls for gender mainstreaming to inform nation- and state-building; and Juba ratified the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in September 2014. In addition, the South Sudanese government and the UN signed a joint communiqué to address conflict-related sexual violence in October 2014. Accurate data on sexual and gender-based violence is difficult to find, but such violence was widespread in South Sudan before renewed conflict in December 2013.\(^{(41)}\) The challenges of translating avowed principles on gender equality into practice were formidable even then, but are even greater now that they have been exacerbated by the ongoing conflict, in which sexual and gender-based violence have become a weapon of war, with the UN describing women and children “being deliberately targeted, with countless incidents of sexual violence, including gang rapes, abductions, killings, arson and displacement”.\(^{(42)}\) The report of the AU Commission of Inquiry on South Sudan only further exposed the extent of such violence.\(^{(43)}\) Even after the signing of the Addis Ababa agreement, sexual and gender-based violence remained a widespread problem. A study, conducted in Unity State in November–December 2015, has demonstrated how gender analysis can be used as a powerful tool for understanding the full range of gendered vulnerability in South Sudan. It found an increase in female-headed households since the end of the rainy season in 2014, with males suffering the most number of deaths overall, especially violent deaths. It also found that females were more likely than males to be abducted; and that most child-headed households were led by girls.\(^{(44)}\)

Following the events of, and since, July 2016, gender, conflict, and peacebuilding remain important issues in South Sudan, as Sierra Leone’s Zainab Hawa Bangura, the UN Secretary-General’s Special Representative for Sexual Violence in Conflict, emphasised after visiting the country in August 2016. The issue is rendered even more complicated by the breakdown of social norms surrounding such

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\(^{(36)}\) Friederike Bubenzer and Orly Stern (eds.), *Hope, Pain and Patience: The Lives of Women in South Sudan* (Sunnyside/Auckland Park: Fanele, 2011).


\(^{(38)}\) See The Transitional Constitution of the Republic of South Sudan, 2011, articles 16 and 5.

\(^{(39)}\) Friederike Bubenzer and Elizabeth Lacey, *Opportunities for Gender Justice and Reconciliation in South Sudan*, Policy Brief no. 12, Institute for Justice and Reconciliation (IJR), Cape Town, July 2013, p. 6.


\(^{(42)}\) UN Security Council, “Report of the Secretary-General on South Sudan (Covering the Period from 14 April to 19 August 2015)”, UN doc. S/2015/655, 21 August 2015, p. 15.


violence and the lasting legacy suffered by survivors and communities. The report of the AU Commission of Inquiry on South Sudan recommended that any structured process around healing and reconciliation be gender-sensitive and involve women as key stakeholders. More generally, the potential roles of civil society organisations in ensuring the inclusion of gender justice in community, state, and national reconciliation; promoting women’s empowerment through greater engagement, dialogue, and advocacy; and ensuring a gendered approach to peacebuilding, all need to be actively explored.

7. The Role of Civil Society in Peacebuilding

Despite myriad challenges, civil society groups have sought to play a positive role in seeking to support the implementation of the August 2015 Addis Ababa peace agreement. Civil society support for the Hybrid Court and other accountability and transitional justice measures, for example, has been strong. This was particularly evident after the publication of an opinion-editorial in the New York Times opposing the Court, supposedly co-authored by Salva Kiir and Riek Machar, but which Machar later disavowed. Following these developments, a group of seven South Sudanese civil society groups wrote to Festus Mogae, asking the independent Joint Monitoring and Evaluation Commission to urge the AU Commission to move forward with the Hybrid Court as one important element of a wider push for transitional justice in South Sudan. However, the upsurge in conflict in many parts of the country, and a deteriorating political space for civil politics, has meant that the environment in which civil society is to operate has become even more challenging. This was sharpened by the adoption of UN Security Council Resolution 2304 in August 2016, authorising the Regional Protection Force, which triggered demonstrations by pro-government civil society groups against the proposed force. Leaders of seven South Sudanese civil society organisations issued a memo to the visiting UN Security Council delegation in September 2016, in which they rejected the Council’s resolution and the proposed regional troops. The memo also called for international support for people-to-people dialogue; for a civil society role in the popular dissemination of, and education about, the Addis Ababa agreement; and cooperation between civil society organisations and the UN on “human rights-freedoms and democracy”.

It is worth noting that the current conflict has significantly altered not only the context in which civil society organisations work in South Sudan, but also damaged relations within and between these organisations by sharpening divisions based on a combination of political and ethnic affiliations. Furthermore, there is an important need to expand analysis beyond Juba, in order to gain a better understanding of the situation facing assorted civil society actors – including traditional authorities – across Sudan. In the context of the mass displacement that has occurred due to the ongoing conflict, this analysis must also include protection-of-civilian camps within the country and extend to affected spaces beyond its borders. How far do, and can, civil society groups act to advance peace in view of the fractures generated by South Sudan’s multiple conflicts, and politicisation of any anti-government or “anti-other” political group? Is there even, realistically, a viable space for independent civil society to operate? What roles can, and should, civil society in all its diversity beyond Juba have in peace processes at different levels beyond, but connected to, the central state and opposition territories? How should, and can, civil society engage with international actors outside South Sudan to advance progressive goals within the country?

45 See David Deng and Rens Willems, “Sexual and Gender-based Violence (SGBV) in Unity State, South Sudan”, University of Peace, the Hague, Netherlands, March 2016.
49 “Memo by South Sudan Civil Society Organisations to the UNSC Delegation to South Sudan”, 3 September 2016, http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/19831/Memo-by-South-Sudan-Civil-Society-Organizations-to-the-UNSC-Delegation-to-South-Sudan.aspx. These were the South Sudan Civil Society Alliance, Juba; South Sudan Women General Association, Juba; Community Empowerment and Progress Organisation (CEPO), Juba; South Sudan National Youth Union, Juba; South Sudan Chiefs Council, Juba; University of Juba Students’ Union; and Rally for South Sudan Group.
8. The Role of External Actors in South Sudan

The Intergovernmental Authority on Development has taken a lead role in external efforts to end the current conflict in South Sudan, appointing three special envoys in December 2013 to lead the mediation process: Ethiopia’s Seyoum Mesfin, Kenya’s Lazaro Sumbeiywo, and Sudan’s Mohammed Ahmed Moustafa El Dabi. This role, as well as that of the AU and other major external actors in South Sudan (including the UN), has become more prominent and come under greater scrutiny in the more strained atmosphere since July 2016. In October 2016, IGAD joined Sudan, Uganda, Kenya, Ethiopia, the EU, and the Troika (comprised of the US, Britain, and Norway) in issuing a statement that opposed the SPLM-IO’s calls for renewed war. IGAD’s approach to, and role in, the negotiations that led to the Addis Ababa agreement has, however, met with criticism for being exclusionary, with little connection to the reality of the ever more complex struggles of South Sudan; for being based on elite-accommodation; for rewarding only those taking up military struggle; and for running the risk of encouraging opportunistic rebellions. Although the issue of deploying a Regional Protection Force has since dominated debates, IGAD’s engagement – as well as that of the AU, among others – appears to be based on the belief that the Addis Ababa agreement can be salvaged despite forces opposed to the peace; that Juba needs to be stabilised; and that there are two coherent sides to the South Sudanese conflict with leaders who can enforce a negotiated settlement. However, this does not reflect the more complex, fluid, and dynamic political and security situation within South Sudan.

On the ground, the UN Mission in South Sudan – with an authorised strength of 17,000 – is the main organised framework for external engagement in South Sudan. UNMISS has, however, faced criticisms over its failure to protect civilians during the July 2016 violence in Juba. Also, the adoption of UN Security Council Resolution 2304 in August 2016 has since triggered a surge in aggression against humanitarian personnel and assets. The challenges facing UNMISS, as well as other UN agencies, in providing much-needed humanitarian assistance are thus greater than ever before in a climate of fear and paranoia, amidst South Sudanese government accusations of espionage; pervasive looting; road insecurity; ethnic targeting; pervasive harassment; threats of detention; and attacks such as the one against Juba’s Terrain Hotel in July 2016 in which one person was killed and several civilians were raped and beaten. Anti-UN sentiments have further been compounded by the UN’s role in airlifting Riek Machar from South Sudan to the DRC in August 2016.

The role of neighbouring countries, meanwhile, has varied and evolved since December 2013, as part of a changing constellation of regional circumstances and interests. From Ethiopia to Uganda and the DRC, refugees are now extending into neighbouring states. More than 250,000 people fled South Sudan after July 2016, including 190,014 to Uganda. As of October 2016, Uganda hosted the largest number of South Sudanese refugees (420,476), followed by Ethiopia (304,174); Sudan (250,178); Kenya (91,191); the DRC (53,974); and the Central African Republic (CAR) (4,931). As well as deploying his forces to support Kiir, Ugandan President Yoweri Museveni has, since December 2013, played a continued role in efforts to broker a settlement in South Sudan. Amidst a rapprochement between Sudan and Uganda, there seem to be some signs of a shared interest in fostering regional security and stabilising Sudan, involving greater cooperation between the two regional actors, as indicated by Museveni’s visit to Khartoum, in September 2015, where he met Riek Machar about the

50 “Joint Statement on South Sudan: Statement of the IGAD, Troika and EU Partners of JMEC Regarding Calls for Armed Conflict”, 7 October 2016.
Addis Ababa agreement. Though relations between the two Sudans have remained strained, they have also cooperated, albeit warily. Sudanese President Omar al-Bashir, as Taban Deng Gai’s visit to Khartoum in August 2016 demonstrated, remains an important actor, in view of the combination of security and economic ties that both countries have in common. Although Khartoum and Juba accepted a proposal, made by the AU High-Level Implementation Panel for Sudan and South Sudan, for a Safe Militarised Border Zone, the issue of support to rebel forces has continued to strain bilateral ties. After earlier denying that there were any rebels; in October 2016, South Sudan gave an ultimatum to Sudanese rebels to leave its territory. Meanwhile, Kenya has been concerned about the negative economic impact of South Sudan’s conflict and South Sudanese refugees on its territory, and has made efforts to prevent the SPLM/A-IO using the country as a base, including through the threat of sanctions against belligerents with interests in Kenya.

Outside the region, South Africa’s engagement has continued to be notable, mainly for its diplomatic support for AU and IGAD efforts to address the South Sudanese conflict. Tshwane (Pretoria) was in favour of UN Security Council Resolution 2304 and its authorisation of a Regional Protection Force, and South Africa has also continued to support efforts to implement the Addis Ababa peace agreement. In October 2015, Salva Kiir visited Tshwane to brief President Jacob Zuma on the peace accord, with Riek Machar visiting the country on two occasions in February and October 2016. While South Africa was at pains to call the February 2016 trip, in particular, a “private visit”, Machar met Zuma and discussed the Addis Ababa peace agreement with him. In September 2016, another South Sudanese government delegation from Juba visited Tshwane – led this time by Taban Deng Gai, who sought to muster support for the post-July 2016 transitional government and against Machar. The South African government has also mounted a notable bilateral political engagement, headed by deputy president, Cyril Ramaphosa, as the Special Envoy of President Jacob Zuma; and the ruling African National Congress (ANC) is co-guarantor – alongside Tanzania’s ruling Chama Cha Mapinduzi (CCM) party – of an intra-party dialogue process aimed at promoting SPLM unity.

In addition, the Troika is a key extra-regional actor, which has supported the IGAD-led peace process in various ways; and has been committed to reviving and implementing the Addis Ababa peace accord. In September 2016, British defence secretary, Michael Fallon, announced an increase in the planned British troop deployment (from 300 to 400) to the UN Mission in South Sudan. The Norwegian foreign minister, Børge Brende, also visited Juba in October 2016 to discuss the Addis Ababa agreement and assess the humanitarian situation. External pressure, led by the US, was key to getting the peace deal signed in August 2015. Washington has since continued to call for the agreement to be implemented, with US Secretary of State, John Kerry – while on a visit to Nairobi in August 2016 – offering new aid to Juba and accepting Taban Deng Gai’s appointment as first vice-president in the transitional government. As part of an apparent effort to reposition its support for the new regime in Juba, the US Ambassador to the UN, Samantha Power, and US National Security Advisor, Susan Rice, held talks with Taban Deng Gai in September and October 2016, in which the deployment of the regional force and the need to implement the Addis Ababa agreement were pushed. Beyond the Troika, China – rocked by the death of two Chinese UN peacekeepers in Juba in July 2016 – has continued to offer diplomatic support for the IGAD-mediated peace deal, and shown an increased humanitarian interest in the situation on the ground. However, apart from its much reduced oil operations, and in a context where the government in Juba has requested financial support from China (as well as the Troika and other potential external funders), Beijing has showed little appetite for more serious economic investments in South Sudan without a credible, lasting peace. It also continues to balance its relations with Khartoum and Juba carefully.

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56 “Machar Discussed South Sudan Peace with President Zuma”, Sudan Tribune, 19 February 2016.

The role of external actors in South Sudan is, thus, in a critical phase, against the backdrop of continued debate on the deployment of the Regional Protection Force, the deteriorating humanitarian situation on the ground, and an escalation of conflict. The idea of a UN or AU Trusteeship has been mooted, as well as the possibility of withdrawal raised, given the conjunction of challenges facing South Sudan and the external pressures on the country.58 Is South Sudan on the road to disintegration? Can the Addis Ababa peace accord be salvaged? Or are the assumptions, upon which it is based – that Juba must be stabilised and that there are two sides to the conflict with leaders who can enforce a negotiated settlement – deeply flawed, given the fast-moving political and security situation on the ground and the more complex, fragmented current conflict? What are the alternatives? These are but a few of the difficult questions facing South Sudan and the international community in charting the way forward for Africa’s youngest and most fragile country. They will be addressed in detail at the Cape Town seminar in December 2016.

9. Dissemination

After the December 2016 Cape Town seminar, the Centre will produce a six-page policy brief and a 30-page seminar report, documenting the meeting’s discussions and recommendations. These will be widely disseminated within and outside Africa through CCR’s established distribution databases, including African governments, sub-regional bodies on the continent such as IGAD, diplomatic missions at the AU in Addis Ababa, the AU Commission, UN missions in New York, key foreign embassies in Africa, African university libraries, and African and relevant past participants at the Centre’s policy seminars. The publications will further be disseminated, through a targeted approach, to civil society organisations, UN agencies, and diplomatic missions in South Sudan, as well as key external actors engaged in stabilisation and peacebuilding efforts in the country, in particular, IGAD, the AU, South Africa, the Troika (the US, Britain, and Norway), the European Union (EU), and China. The documents will also be made freely available on the Centre’s website.