International Crisis Group
WORKING TO PREVENT CONFLICT WORLDWIDE

South Sudan: A Civil War by Any Other Name

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Executive Summary

On 15 December 2013 the world's newest state descended into civil war. Continuing fighting has displaced more than 1,000,000 and killed over 10,000 while a humanitarian crisis threatens many more. Both South Sudanese and the international community were ill-prepared to prevent or halt the conflict: the nation's closest allies did little to mediate leadership divisions within the Sudan Peoples' Liberation Movement's (SPLM). The SPLM and its army (SPLA) quickly split along divisions largely unaddressed from the independence war. Were it not for the intervention of Uganda and allied rebel and militia groups, the SPLA would likely not have been able to hold Juba or recapture lost territory. The war risks tearing the country further apart and is pulling in regional states. Resolving the conflict requires not a quick fix but sustained domestic and international commitment. Governance, including SPLM and SPLA reform and communal relations, must be on the table. Religious and community leaders, civil society and women are critical to this process and must not be excluded.

Although the dispute within the SPLM that led to the conflict was primarily political, ethnic targeting, communal mobilisation and spiralling violence quickly led to appalling levels of brutality against civilians, including deliberate killings inside churches and hospitals. Dinka elements of the Presidential Guard and other security organs engaged in systematic violence against Nuer in Juba in the early days. Armed actors, including the Nuer White Army, responded by targeting Dinka and other civilians in more than a dozen locations. Other communities are being drawn into the conflict and there is an increasing possibility of more significant foreign intervention.

The regional organisation, the Inter-Governmental Authority on Development (IGAD), responded quickly. Three envoys, Ambassador Seyoum Mesfin (Ethiopia), General Lazarus Sumbeiywo (Kenya) and General Mohammed Ahmed Mustafa al-Dhabi (Sudan) shuttled between Juba, Addis Ababa, where peace talks have been held, and opposition-controlled territory and, after weeks of pressure and negotiation, obtained a cessation of hostilities. However, this was violated almost immediately, and fighting continues, as a monitoring and verification mission struggles to establish itself on the ground.

Neighbouring Uganda (also an IGAD member), as well as forces associated with Sudanese armed opposition groups, notably the Justice and Equality Movement (JEM), intervened early in support of the South Sudanese government. That in turn may yet trigger Sudan government support to the SPLA in Opposition. Announced plans for an IGAD-led force, about which there are critical mandate, composition and funding questions, raises the prospect of even greater regional involvement in the civil war.

The UN Mission in South Sudan (UNMISS) is hosting almost 70,000 civilians fleeing ethnic reprisals, but its badly outgunned peacekeepers are no match for the thousands of heavily armed forces and militias. It has already come under attack, including a fatal one in Jonglei, while protecting civilians. In at least five locations, South Sudanese seeking protection have been targeted and killed by armed actors in or around UNMISS bases. Increasingly hostile rhetoric from government officials and some opposition commanders and limitations on its freedom of movement are additional challenges. The reprioritisation of its mandated tasks has essentially di-

vided the country in two for the beleaguered UNMISS: it remains impartial in one part, while supporting the government in another. This decision will do little to clarify its role for South Sudanese and should be reviewed before the mandate is renewed.

As peace talks stall, the civil war rages on. To prevent further catastrophe, the country's leaders and its international partners need to consider a radical restructuring of the state. Propping up the government in Juba and polishing its legitimacy with a dose of political dialogue and a dash of power sharing will not end the conflict. New constituencies have to be admitted to a national dialogue and their perspectives respected, including armed groups and disaffected communities that go beyond the contending forces within the SPLM/A, as well as women and civil society more generally. These constituencies are critical to rebuilding the SPLM, increasing democratic space within and beyond the party, drafting a national constitution and preparing for credible national elections. If these processes are to be viable, they will not be able to proceed according to the pre-war timeline. Political commitments must match the new realities. The country needs fundamental reworking of the governance agreement between and within elites and communities if a negotiated settlement is to lead to a sustainable peace.

Recommendations

To address immediately the deteriorating political, security and humanitarian situation

To the UN Security Council:

1. Amend the mandate of the UN Mission in South Sudan (UNMISS) to ensure it is consistent across the country and emphasises protection of civilians, human rights reporting, support for the Inter-Governmental Authority on Development (IGAD) mediation process and logistical help for the African Union (AU) Commission of Inquiry.
2. Signal clearly that leaders will be held responsible for the actions of troops they command, and any interference with UNMISS and humanitarian operations may give rise to targeted sanctions.
3. Ensure that any support provided to an IGAD or other regional force is consistent with and does not undermine UNMISS' ability to carry out its mandated tasks, particularly its protection of civilians responsibilities.

To UNMISS:

4. Communicate more effectively to all parties the parameters of its refocused mandate, including its Chapter VII protection of civilians responsibility, and respond consistently to increasing restrictions and violations of its status of forces agreement with the government of South Sudan that undermine its ability to carry out the tasks assigned by the Security Council.

To armed actors:

5. Enable impartial humanitarian access to civilians in need and do not link this access to the cessation of hostilities or any other agreement.
6. Comply with international humanitarian law, specifically:
   a) halt the targeting of civilians, including by stopping combat operations in areas where civilians cannot be distinguished from combatants and avoiding combat in areas around UN bases where those seeking protection are sheltered; and
   b) end the looting and destruction of humanitarian facilities.

To promote inclusive political dialogue, ensure accountability for war crimes and atrocities and prevent further regionalisation of the conflict

To South Sudanese actors, IGAD, the AU and other international partners:

7. Establish three separate negotiation tracks – focused on the SPLM, armed groups and communal conflict – that are appropriately sequenced and contribute to the broader process of national political dialogue.

8. Discuss and plan interim political and military arrangements that go beyond simple power sharing between the elites driving the conflict to bring in an inclusive group of South Sudanese who reflect the country's political and ethnic diversity, as well as regional figures.
9. Include in the peace process South Sudanese civil society representatives, such as religious leaders, community-based organisations, youth leaders, women's associations and others.
10. Recognise that engagement with all armed groups and militarised communities is critical to sustainable conflict resolution and that failure to do so will undermine the mediation and may make spoilers of those who could otherwise be constructively engaged in national processes.
11. Ensure that truth, justice, and reconciliation are part of a process to address mass atrocities and prevent further conflict.
12. Provide the AU Commission of Inquiry into Human Rights Abuses adequate staff, time and resources to consult widely when formulating its recommendations, including with the parties in conflict, civil society, religious organisations and communities.
13. Consider a hybrid tribunal with South Sudanese and international judges, similar to the Special Court for Sierra Leone, as a vehicle through which to obtain concrete and visible justice for the people of South Sudan.
14. Deploy an IGAD or other regional force only if:
    a) it has a clear mandate that supports a political resolution of the conflict;
    b) there are adequate troops and financial resources available for speedy deployment; and
    c) adequate precautions are put in place to ensure it works toward a shared political vision and not troop contributors' individual interests.
15. Increase political coordination between the IGAD mediation process and the African Union High-Level Implementation Panel (AUHIP) for Sudan and South Sudan, as tensions continue to increase between the two states.
16. Establish a Contact Group that includes IGAD, the AU, UN, Troika (U.S., UK and Norway), European Union (EU), China and South Africa to facilitate discussions on the way forward and coordination between international actors.
17. Avoid competing, parallel and piecemeal efforts by ensuring that no donor or externally driven peace and reconciliation projects, or politically sensitive development work, is undertaken in isolation from the national processes; and engage to improve any national processes that are not legitimate rather than advance alternatives.

Addis Ababa/Juba/Nairobi/Brussels, 10 April 2014

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I. Introduction

The civil war started on 15 December 2013, following a weekend meeting of the SPLM's National Liberation Council (NLC), when fierce fighting erupted between rival units of the Sudan People's Liberation Army (SPLA) in Juba, South Sudan's capital.[1] The next day President Salva Kiir, dressed in the uniform of the Presidential Guard (the Tiger Battalion), announced on national television that former Vice President Riek Machar had attempted a coup. Within days, eleven senior political figures were arrested for alleged involvement.[2] Machar, who escaped from Juba, denied involvement in a coup or any hand in the initial fighting.[3] However, he soon declared himself the leader of an armed opposition movement that became the "SPLM/A in Opposition". That movement quickly took control of significant parts of Jonglei, Upper Nile and Unity states, and fighting spread to other areas as well.

The government and SPLM in Opposition have fundamentally different views of what happened on 15 December, leading to deeply divergent understandings of the core problem and how to resolve it. Most government officials maintain Machar was planning to take power by force and believe the failure of the wider international community to condemn a coup attempt has encouraged him.[4] The SPLM in Opposition maintains there was no coup attempt and that Kiir and a small group of Dinka hardliners from Warrap and Northern Bahr el Ghazal used the fighting as an excuse to arrest and purge rivals and allowed Dinka units of the Presidential Guard, SPLA, National Security and police to carry out atrocities against Nuer in Juba.[5]

Most armed groups that were previously in conflict with the government have not joined Machar's movement, preferring to see how the fighting plays out.[6] At the same

[1] "President says a coup failed in South Sudan", *The New York Times*, 16 December 2013.
[2] These were the suspended SPLM secretary general, Pagan Amum Okech, and several former ministers, including Oyay Deng Ajak (investment); Gier Choung Aloung (internal affairs); Majak D'Agoot (deputy defence); John Luk Jok (justice); Cirino Hiteng (culture); Deng Alor Koul (foreign affairs); Madut Biar (telecommunications); and Kosti Manibe (finance); as well as the former ambassador to the U.S., Ezekiel Lol Gatkuoth, and former Lakes state Governor Chol Tong Mayay. "More UN troops to South Sudan, AU wants Kiir to release detainees", Radio Tamazuj (https://radiotamazuj.org), 24 December 2013.
[3] "South Sudan's Machar speaks to Al Jazeera", Al Jazeera, 19 December 2013; "Riek Machar denies South Sudan coup attempt", *The East African*, 18 December 2013.
[4] This is despite multiple statements that the international community will not accept a government that takes power by force. Crisis Group interview, Defence Minister Kuol Manyang Juuk, Juba, February 2014. "Norway provides an additional NOK 50 million in emergency relief to South Sudan", press release, the permanent mission of Norway in Geneva, 27 January 2014.
[5] "Interim Report on Human Rights: Crisis in South Sudan", UNMISS Human Rights Division, 21 February 2014; "South Sudan: War Crimes by Both Sides", Human Rights Watch, 27 February 2014.
[6] These include the South Sudan Democratic Movement/Army-Cobra; South Sudan Democratic Movement/Army-Upper Nile; South Sudan Defence Forces; South Sudan Defence Forces Affiliates;

time, the government is struggling to maintain internal cohesion, including within the military, on key questions such as how to conduct the war, the type of political reform necessary and management of diversity within an administration increasingly viewed as "Dinka-dominated".[7] Kiir and Machar sent delegations to Addis Ababa for peace talks in early January but, despite the 23 January cessation of hostilities agreement, conflict continues.[8] A separate agreement on the status of the eleven political detainees was also signed, and seven (the "SPLM 7") were released to participate in the talks; four remain in Juba, defendants in an ongoing trial for treason.[9]

and South Sudan Liberation Movement/Army. "Pendulum Swings: The Rise and Fall of Insurgent Militias in South Sudan", Small Arms Survey HSBA Issue Brief, no. 22 (2013).

[7] Crisis Group interviews, civilian and military officials, Juba, February 2014.

[8] "South Sudanese parties sign Agreements on Cessation of Hostilities and Question of Detainees", IGAD, 23 January 2014.

[9] The "SPLM 7" include: Gier Choung Aloung; John Luk Jok; Cirino Hiteng; Deng Alor Koul; Madut Biar; Kosti Manibe; and Chol Tong Mayay. The four on trial for treason in Juba include: Pagan Amum Okech; Oyay Deng Ajak; Majak D'Agoot; and Ezekiel Lol Gatkuoth. "7 South Sudanese Political Detainees Released", Citizen News (www.citizennews.co.ke), 29 January 2014; "South Sudan Political Detainees' Treason Trial Begins", Voice of America, 11 March 2014.

II. Evolution of the Conflict

The 2005 IGAD-brokered Comprehensive Peace Agreement (CPA) that ended Sudan's second civil war (1983-2005) was negotiated between the SPLM/A, the leading southern movement and armed group, and Sudan's ruling National Congress Party (NCP). It excluded other political and military opposition groups in both North and South.[10] In the years following, many southern groups were absorbed into the SPLM/A, which, however, never forged a joint platform representative of its diverse membership.[11] After independence, dissatisfaction increased, and many blamed the leadership for failing to deliver on much needed security and basic services.[12]

The divisions between combatants and communities that characterised so much of the conflict following the 1991 split within the SPLM/A (see below) were not reconciled during the critical CPA period. Today, in the midst of spiralling ethnic violence, many communities are aligning themselves with military factions, giving the conflict a dangerous ethno-military nature reminiscent of past conflicts within the SPLA.[13]

A. *2013: The SPLM Unravels*

The crisis within the SPLM grew unchecked throughout 2013, centred on the political disagreements over the party's leadership and future direction.[14] With elections in 2015 approaching, the urgency to make critical decisions increased, as did divides within the movement. Internal SPLM debates occupied much of the country's political leadership. Decisions on a national census, constitution and elections began to revolve around support for or opposition to the president's rule and eventually stalled.[15] SPLM dominance, and the conflation of party with state, meant that whoever commanded the former also controlled the latter.[16]

[10] When the CPA was signed, territorial control in South Sudan was split between the Sudan Armed Forces (SAF), SPLA, the South Sudan Defence Forces (SSDF) and a number of smaller forces. The CPA declared all forces other than the SAF and SPLA illegal "Other Armed Groups". "Armed groups in Sudan: The South Sudan Defence Forces in the aftermath of the Juba Declaration", Small Arms Survey, October 2006.

[11] Crisis Group Africa Report N°172, *South Sudan: Politics and Transition in the New South Sudan*, 4 April 2011.

[12] "SPLM leadership heads to grassroots constituencies", SPLM Today, 27 June 2012; "Governing South Sudan", National Democratic Institute, March 2012; Crisis Group interviews, senior South Sudanese officials and civil society leaders, Juba and Jonglei, November 2013; Kate Almquist Knopf, "Fragility and State-Society Relations in South Sudan", Africa Center for Strategic Studies, no. 4 (2013); Mareike Schomerus and Tim Allen, "Southern Sudan at Odds with itself", London School of Economics (2013).

[13] Politicians and civilians alike note the similarity to ethno-military violence of the 1990s. Crisis Group interviews, Nairobi, December 2013; Addis Ababa, January 2014; telephone interviews, December 2013. "Full Statement by President Salva Kiir on attempted coup", Gurtong (www.gurtong.net), 16 December 2013.

[14] Many of these same factions have been at odds in various periods in the movement's history, and there are deep historical roots to the crisis. The divisions are not entirely ethnic, and some cross ethnic lines, such as the split between Bahr el Ghazal Dinka and Jonglei Dinka. Crisis Group Report, *South Sudan: Politics and Transition*, op. cit. For greater detail, see Douglas H. Johnson, *The Root Causes of Sudan's Civil Wars* (Oxford, 2003).

[15] Crisis Group interviews, NLC members, Juba, November 2013; Nairobi, December 2013.

[16] Crisis Group Report, *South Sudan: Politics and Transition*, op. cit.

Since its founding in 1983, the SPLM has struggled to establish legitimate internal democratic processes and instead relied on ever-shifting alliances to maintain stability. The six-year "interim" CPA period was intended to allow it to transform from a liberation movement into a cohesive political party capable of governing. At independence in 2011, however, progress was limited.[17] Following passage the next year of the Political Parties Act, the SPLM was required to submit a constitution to formally register as a political party.[18] The debates over its provisions were heated, especially over the method of choosing the chairman.[19] Crucial opportunities to resolve contentious issues were avoided: the national SPLM convention, scheduled for May 2013, was repeatedly delayed, as were other key meetings, such as those of the SPLM Political Bureau and NLC, in part because Kiir's rivals appeared to have more supporters in those bodies.[20]

As party forums failed to resolve leadership differences, the conflict spilled into the public domain. Following preliminary moves, President Kiir dismissed Vice President Machar in July 2013, replaced most of the cabinet and suspended SPLM Secretary General Pagan Amum pending a corruption investigation.[21] Three of ten elected governors, including Unity state's Taban Deng Gai, were also removed.[22] Many long-serving senior SPLM ministers were replaced by outsiders, including former NCP members.[23] There was also a contentious reshuffling of state-level party and political leadership, even leading to an armed confrontation between SPLM members in the Upper Nile parliament.[24]

Out of government, the sacked officials tried to fight back within the party and in the public sphere. On 6 December, Machar, Rebecca Nyandeng de Mabior, presidential adviser and the widow of Dr John Garang (the SPLM's first chairman), Pagan Amum and many dismissed cabinet members held a press conference in Juba at which

[17] Ibid.
[18] Political Parties Act, Ch. IV (29 February 2012).
[19] This included whether votes should be by secret ballot or show of hands. Following years of retribution against those who openly spoke out or voted against the wishes of the president, Kiir's opponents believed that open voting would be too intimidating.
[20] The last national convention was held in May 2008. A new convention was required within five years by the current SPLM constitution. As party consensus could not be reached, debates moved inconclusively between different SPLM organs but remained unresolved.
[21] Pagan Amum's freedom of speech and movement were also restricted. Following death threats, his legal counsel went into exile in August 2013. Crisis Group interview, Pagan Amum's legal counsel, Addis Ababa, January 2014. Okech, Petitioner, Versus 1. Chairperson SPLM Party Salva Kiir Mayardit, 1st Respondent 2. SPLM Party, 2nd Respondent, at gurtong.net; "Pagan Amum takes President Kiir to court", South Sudan News Agency, 7 August 2013. Pagan was first suspended, then removed by the NLC.
[22] Jonglei Governor Kuol Manyang Juuk was promoted to defence minister; the Unity and Lakes states governors were not given new posts. "South Sudanese welcome appointment of Jonglei governor as defence minister", *Sudan Tribune*, 31 July 2013.
[23] The NCP, the governing party of Sudan, is widely reviled within the SPLM. "South Sudan's Kiir names new cabinet, leaves out VP post", *Sudan Tribune*, 31 July 2013.
[24] Following the 2013 SPLM Leadership Visit to the Grassroots also known as the Thanksgiving Campaign, during which state-level cadres expressed dissatisfaction with the party's performance, the president's supporters recognised the party's weakness at state and local level and began a process to ensure these party members and structures would be loyal to him in the contest for SPLM chair and later the presidency. "SPLM to investigate constitutional crisis involving its members in Upper Nile", *Sudan Tribune*, 25 October 2013; Crisis Group interviews, SPLM and SPLM in Opposition leaders, Juba, November 2013, Nairobi, January 2014.

they denounced the party's "loss of vision" and accused President Kiir of "dictatorial tendencies".[25]

In a bid to stem the crisis, the long-delayed NLC meeting was held on 14 December. During the very tense gathering, Kiir gained approval for Pagan Amum's removal and for future votes to be by show of hands rather than secret ballot.[26] The dismissed officials and their supporters boycotted the next day's session: the armed conflict began that evening on 15 December and most were arrested in the following days.[27]

B. *The Illusion of a Big Tent: The Post-CPA SPLA*

In the midst of the growing political crisis of the past few years, longstanding SPLA divisions became increasingly combustible. The SPLA is the largest and most important institution in South Sudan. Multi-ethnic from the outset, its constituent groups and the divides between them reflect the bitter internecine history of the liberation struggle.[28]

The most important division occurred in 1991, when, citing Garang's unilateral decision-making, the lack of Political-Military High Command meetings and the failure to hold a SPLM convention, Machar (a Nuer), Lam Akol (a Shilluk) and several other leaders left to form a separate armed group.[29] The two sides fought, and during the 1991 "Bor Massacre", forces including the White Army that was fighting alongside Machar's group were responsible for the deaths of some 2,000 Dinka civilians in Bor".[30] This led to some of the worst combat of the second civil war, with opposing southern forces increasingly divided along ethnic lines and targeting each other's civilian populations.[31] The CPA ended the fighting between the SPLM/A and the Sudanese government but made other southern armed groups, including the tens of

[25] "The SPLM Chairman has completely immobilised the party, abandoned collective leadership and jettisoned all democratic pretensions to decision making. The SPLM is no longer the ruling party. The leader of South Sudan Democratic Forum heads the SPLM Government Cabinet and recent infiltrators/converts from the NCP now lead the National Legislative Assembly and the Council of States respectively". "Press Statement: SPLM Leadership Crisis", SouthSudanNation.com, 6 December 2013.

[26] Opposition figures believe that party members will be less likely to vote against the incumbent chairman if they must do so publicly. Several senior SPLM members alleged that the president obtained passage of these resolutions through intimidation and other undemocratic methods. Crisis Group interviews, Nairobi, December 2013, Addis Ababa, January 2014.

[27] Crisis Group interviews, SPLM members, Nairobi, December 2013.

[28] This was aided by Khartoum's policy to split and co-opt rebel factions. During the liberation struggle, the SPLM was of secondary importance to the SPLA. Douglas H. Johnson, *The Root Causes of Sudan's Civil Wars*, op. cit., pp. 91-94, 111-126.

[29] Nasir Declaration (1991), on file with Crisis Group. A year later, Khartoum began providing arms and other supplies. The "SPLM/A-United" soon fractured into largely ethnically-based armed groups. For more, see ibid, pp. 91-142; John Young, "The South Sudan Defence Forces in the Wake of the Juba Declaration", Small Arms Survey, November 2006.

[30] In August 2011, Riek Machar, in tears, accepted responsibility and apologised for the Bor Massacre. For more on the Bor Massacre, see "Sudan, a continuing human rights crisis", Amnesty International, 14 April 1992, p. 17.

[31] The first Sudanese civil war (1956-1972) ended with the Addis Ababa Agreement. Problems with, and lack of implementation of, that peace deal, contributed to the outbreak of the second civil war. Arop Madut-Arop, *Sudan's Painful Road to Peace*, (Booksurge, Charleston, 2006), pp. 283-287; Douglas H. Johnson, *The Root Causes of Sudan's Civil Wars*, op. cit., pp. 114-118.

thousands-strong and largely Nuer South Sudan Defence Forces (SSDF) illegal; violent conflict between many of these and the SPLA continued.[32]

Following Garang's death in 2005, Salva Kiir took a radically different approach to managing Southern divisions. In 2006 he announced the Juba Declaration, leading to incorporation of the SSDF into the SPLA and other security services under a "big tent" and creation of a more unified Southern front in the run-up to the 2011 referendum on self-determination.[33]

In the years following, President Kiir continued to co-opt armed groups through an "amnesty policy" that allowed groups to join the SPLA, sometimes with senior rank for their leaders. While this ended numerous insurgencies, many senior SPLA officers believed it encouraged armed rebellion and that absorbing and giving senior ranks to possibly disloyal elements with doubtful military capabilities undermined the army.[34] On the other hand, groups integrated by Kiir argued that they had fought for independence when much of the SPLM/A was still fighting to reform a united Sudan and that armed action was necessary to defend their communities from encroachment and abuses by the Dinka-led SPLA.[35] One result of the amnesty policy was that more than half the SPLA troops were Nuer.[36] Despite efforts by key individuals, the army remained deeply divided.[37]

The president did try to impose his authority on the army. In January 2013, he replaced all the deputy chiefs of general staff and placed 35 senior officers on the reserve list. A month later, 118 brigadier generals were added to the reserve list, in effect retiring them.[38] He also launched a process of consolidating security forces personally loyal to him, including presiding over the graduation of several hundred new Presidential Guards in 2013, many of whom were *gelweng* and *titweng* (armed and well-organised Dinka youth).[39] Many of these were recruited during the brief conflict with

[32] Some former Southern opposition leaders were among the first to defect from the SPLA following the outbreak of violence in Juba. Crisis Group interviews, SPLM in Opposition, Nairobi, Addis Ababa, January 2014.

[33] It is commonly believed that Garang intended, after the CPA's signing and despite fourteen years of failure to do so, to defeat his Southern opponents rather than forge a common platform as Kiir tried. The Juba Declaration, which also paved the way for integrating other smaller armed groups, reflected differences in Garang's desire to reform a united Sudan and Kiir's decision to seek Southern independence. Other armed group members were integrated into the SPLA, as well as the national security, police, prisons, wildlife and fire brigade services. "Armed groups in Sudan", op. cit.

[34] Many officers opposed to the policy were Dinka; several groups absorbed into the SPLA were Nuer. Crisis Group interviews, senior SPLA, SPLM members, Juba, November 2013. "Pendulum Swings: The Rise and Fall of Insurgent Militias in South Sudan", Small Arms Survey, November 2013.

[35] Crisis Group interviews in another capacity, former SSDF commanders, Malakal, August 2011; Akobo, June 2012; John Young, *The Fate of Sudan* (London, 2012), pp. 54-57.

[36] Government officials, including the defence minister, contend that the SPLA was 65-70 per cent Nuer. Crisis Group interviews, Juba, February 2014.

[37] Crisis Group interviews, SPLA officers, Jonglei, September, November 2013; Juba, November 2013.

[38] Republican Decrees 8, 25 (2013), Government of South Sudan, available at gurtong.net.

[39] The *gelweng* are armed and organised western Dinka youth who serve as cattle camp and community defence forces and are associated with raiding neighbouring territory. They became a significant force in the 1990s. Peter Adwok Nyaba, "The Disarmament of the Gel-Weng of Bahr el Ghazal and The Consolidation of the Nuer – Dinka Peace Agreement of 1999", New Sudan Council of Churches and Pax Christi-Netherlands, January 2001.

Sudan over the oil-producing Heglig area in 2012.[40] Kiir's expanded Presidential Guard reports directly to him, rather than the military high command, an arrangement widely viewed as a means of protecting himself with members of his own tribal section.[41] A more forgiving interpretation is that he had to act to head off coup plots – several were allegedly planned – and that the 15 December events vindicated the need for a loyal guard.[42]

[40] An alternative spelling is Hejlij. Some suggest the number of *gelweng* recruited into the Presidential Guard ran into the thousands. Crisis Group interviews, government officials and SPLA officers, Juba and Jonglei, November 2013; Nairobi, December 2013; office of the president official and international security analyst, Juba, February 2014. "Preventing Full Scale War between Sudan and South Sudan", Crisis Group Conflict Alert, 18 April 2012.

[41] The Presidential Guard had previously been multi-ethnic, an example of integrating Dinka, Nuer and other groups into a functional military unit. Bringing in the *gelweng* under Dinka command was viewed by some as a betrayal of the multi-ethnic SPLA ideal. Dinka from Upper Nile and Jonglei were not brought into the Presidential Guard during this period, and there are persistent allegations that members of the Presidential Guard were involved in threatening and targeting Dinka from Jonglei during 2012-2013, including the assassination of political columnist Isaiah Abraham in December 2012. Crisis Group interviews, senior SPLA officers and international security experts, Juba, November 2013; Addis Ababa, Nairobi, January 2014; "UN peacekeeping mission deplores killing of journalist, urges investigation", press release, UNMISS, 7 December 2012.

[42] "South Sudan president admits forming private army", *Sudan Tribune*, 17 February 2014.

III. Marshalling an Armed Opposition

The SPLM/A in Opposition is not unified either. The chain of command is weak, with Riek Machar as political leader and General Peter Gatdet Yak (former SPLA 8th Division commander) is in the process of becoming overall military commander. In Unity state, General James Koang Chuol (former SPLA 4th Division commander) is the commander and military governor. In Upper Nile, General Gathoth Gatkouth (former commissioner for Nasir county, then adviser to the Upper Nile governor) is the governor and General Gabriel Tanginye is military commander, with General Saddam Chayout Manyang as his deputy. In Jonglei, Gabriel Duop Lam (the former Jonglei state law enforcement minister) is the governor, and General Simon Gatwich Dual is military commander for Jonglei and the Equatorias.[43] They lead an increasingly organised but disparate collection of defected SPLA units and community-based, largely Nuer militias.

Government officials suggest as much as 70 per cent of the SPLA may have defected – entire units decamped to the opposition, while others deserted and returned to their home areas.[44] Many defected troops continue to operate and fight as military units, in contrast to the Nuer White Army (often divided into Lou and Jikany factions) that is highly organised but lacks military training. Formally under SPLA in Opposition command, its primary loyalty is to its members and their communities, making sustained command and control a challenge.[45]

Local communities, often well-armed and not involved in elite politics, engage in the conflict on their own terms. In numerous areas, positions reflect local grievances, such as longstanding land disputes, more than national politics.[46] These actors vary in organisation, military skills and weaponry, as well as whether their objectives require political or military action.[47] Although the SPLM/A in Opposition, various armed communities and the political detainees want to change the status quo, their interests diverge in key respects; forging a coalition will require a careful balancing act between players in Juba, Addis Ababa, Nairobi, the field and local communities.

[43] Crisis Group interviews, SPLM in Opposition delegate Hussein Maar, Addis Ababa, January 2014; General Simon Gatwech Dual, Jonglei, March 2014.

[44] "Parliament reveals 70 percent SPLA defected to opposition", Catholic Radio Network, 17 February 2014; "S. Sudan admits mass defection of army troops to Machar rebels", *Sudan Tribune*, 17 February 2014. Others question this figure, Crisis Group interview, Chief of General Staff General James Hoth Mai, Juba, February 2014.

[45] White Army forces seeking to fight alongside defecting 7th and 8th Division forces in Upper Nile and Jonglei were asked to operate under those forces' chains of command; while many did, their groups continue to have their own objectives and political and spiritual leaders, and are less likely to respect chains of command than the defected SPLA forces. Crisis Group interviews, SPLM/A in Opposition representatives, Nairobi, December 2013; Addis Ababa, January 2014; interviews, White Army leaders, December 2013, January 2014, March 2014.

[46] An example is the longstanding dispute between the Ma'adi and displaced Dinka over land in Nimule. The dispute escalated in late 2013 with the killing of a Ma'adi paramount chief and threatens to deteriorate further. "Pendulum Swings", op. cit.

[47] Crisis Group interviews, community members, Nairobi, January 2014, Juba, February 2014; telephone interviews, Kampala, January 2014.

A. *Multiple Armed Groups, Multiple Objectives*

Prior to December 2013, there were multiple armed opposition groups, many comprised of ethnic minorities that view both Nuer and Dinka leaders with suspicion.[48] These communities have longstanding grievances that are similar but not identical to those of Machar's group.[49]

The South Sudan Democratic Movement-Cobra Faction (SSDM), representing Murle grievances, was already in a protracted, intense conflict with the government in southern Jonglei that was accompanied by substantial SPLA and auxiliary police violence against Murle civilians.[50] SSDM representatives said their grievances and demands remained a separate state along the lines of the former Pibor county (which includes most of Anyuak Pochalla county); an end to their political and economic marginalisation; and an investigation into SPLA human rights abuses against Murle.[51] The presidential peace envoy acknowledged that the SSDM "have a point" with respect to marginalisation, a rare public recognition of the government's challenges in managing diversity.[52]

To ensure the SSDM did not join the SPLA in Opposition and threaten Juba's eastern flank, the government signed a ceasefire with it on 30 January and began peace talks.[53] The government and SSDM are reviewing a draft agreement that calls for the establishment of a Greater Pibor Administrative Area (GPAA), which is not a state but would report to the president rather than the Jonglei governor.[54] Alongside this process, and similar to the amnesty agreement for the SSLA in Unity state (see below), a Murle was appointed deputy governor for Jonglei state, a significant step in light of Murle demands for greater representation in the state government.[55] The

[48] "Pendulum Swings", op. cit.

[49] Many grievances are not "anti-government" but about land, discrimination, state-sponsored violence, failure of the state to provide security and other issues. Many aggrieved communities are not seeking to overthrow or even change the government; rather they oppose certain policies or local/state officials. For example, the SSDA always made clear it was fighting the Jonglei state government but supported the national government in Juba.

[50] Many suggested that this conflict led to the highest number of SPLA casualties since the CPA was signed. Crisis Group interviews, SPLA and SSDA officers, local government officials and UN officials, Jonglei and Juba, November and December 2013.

[51] Crisis Group interviews, General David Yau Yau, Jonglei, February 2014; SSDM representatives, Jonglei, November 2013; Addis Ababa, January 2014. The violence included arming neighbouring ethnic groups such as the Jie and Lou Nuer to support SPLA offensives that largely failed to distinguish civilians from combatants and led to the forced depopulation of five of the six towns populated primarily by Murle. "Pendulum Swings", op. cit.

[52] The government side of the peace process is managed from the office of the president, with limited involvement of Jonglei Dinka. Crisis Group interviews, presidential peace envoy Akot Luak, Juba, February 2014; Jonglei state officials, Juba, February, April 2014.

[53] "Agreement on a Cessation of Hostilities between the Government of the Republic of South Sudan and the South Sudan Democratic Movement/Defence Army-Cobra Faction", 30 January 2014, on file with Crisis Group.

[54] "Draft Agreement on the Resolution of the Conflict in Jonglei State between the Government of the Republic of South Sudan and the South Sudan Democratic Movement/South Sudan Defence Army (SSDM/SSDA-Cobra Faction)", Addis Ababa, Ethiopia, March 2014, on file with Crisis Group.

[55] Some suggest that the president's decision to place Jonglei under a Nuer governor and Murle deputy governor is also related to the ongoing disagreements between the Bahr el Ghazal Dinka and the Jonglei Dinka, particularly given that most Nuer and Murle territory in the state is not under government control. Crisis Group interviews, March-April 2014; "Jonglei's deputy governor, commissioner sworn in", *Sudan Tribune*, 3 April 2014.

GPAA is not popular with many Murle and SSDM rank and file.[56] At the same time, local peace talks are underway between Murle and Nuer border communities and the SPLA in Opposition and White Army still want to recruit the SSDM into the rebellion.[57] The SSDM has consistently said it intends to remain neutral and not permit government, SPLA in Opposition or other forces to move through its territory. This prevents the opening of another front in volatile Jonglei state, something that regional and other international actors should support.[58]

The government has begun mass recruitment and in many places is giving communities weapons to defend their territory against the armed opposition. Many government officials oppose this practice, recognising the dangers it presents, particularly in areas of the Equatorias, Unity, Jonglei and Upper Nile, where grievances, historic and new, may lead some to turn these arms against Juba.[59] At the same time, Machar and his allies are trying to recruit among disaffected populations in many of the same areas. The inclusion of Alfred Ladu Gore (an Equatorian) and Angelina Teny Dhurgon (Machar's wife) – two 2010 gubernatorial candidates many believe had elections stolen from them by the SPLM – in the SPLM/A in Opposition delegation at the Addis Ababa negotiations indicates their efforts to widen the coalition against Kiir.[60]

Political and other grievances between the two major ethnic groups and within the political elite should not overshadow the government's broader struggle to manage diversity.[61] The various groups' multiple and often competing interests and loyalties must be included in a multi-track mediation process.

B. *Ethnic Violence and Mobilisation*

The armed conflict quickly turned brutal, with ethnic violence against and between civilians.[62] Rape and the deliberate destruction and theft of household assets left many women, particularly those whose husbands and male relatives joined the warring

[56] Some would rather continue fighting until they get their own state. Crisis Group interviews, David Yau Yau, Arzen Kong Kong, Jonglei, February 2014; telephone interviews, SSDM and community members, April 2014. The draft agreement also leaves open how a predominantly Murle administrative area would accommodate Anyuak, Jie, and Kachipo populations.

[57] Crisis Group interview, General Simon Gatwech Dual, Prophet Dak Kueth, and White Army leaders, Jonglei, March 2014.

[58] Both the government and SPLM/A in Opposition are pressing the SSDA to take a side.

[59] The escalating situation in Mabaan county, home to tens of thousands of Sudanese refugees and Sudanese rebels' rear bases, is fuelled in part by government provision of weapons to civilians and is an example of the deteriorating circumstances in many parts of the country. Crisis Group interviews, SPLA officers, community members, UN officials, Juba, February 2014, April 2014. "South Sudan VP calls for mass military mobilization", *Sudan Tribune*, 9 January 2014; "South Sudan president admits forming private army", *Sudan Tribune*, 18 February 2014; "Juba denies Sudan rebels involved in South Sudan conflict", *Sudan Tribune*, 23 February 2014.

[60] Gore ran for governor of Central Equatoria and Teny for governor of Unity state as independent candidates. Several Teny supporters were shot and killed protesting the electoral process in Benitu. John Young, *The Fate of Sudan*, op. cit., pp. 148-164; "Rebels threaten mass armed resistance unless Kiir resigns", *Sudan Tribune*, 26 February 2014.

[61] Crisis Group interview, presidential envoy Akot Luol, Juba, February 2014.

[62] For example, people were killed in Juba because they could not speak Dinka; people were killed and their homes were burnt in Bor because they lived in areas where Dinka were thought to live. Crisis Group interviews, internally displaced persons (IDPs) inside UNMISS camp, Juba; acting Jonglei state Governor Akiel Amam and Bor County Commissioner Dr Abor Ayer, Jonglei, February 2014.

parties, in an especially precarious situation.[63] Systematic targeting of Nuer civilians in Juba in the days following 15 December was perhaps the single most critical factor in mobilising Nuer to join Machar's movement. Investigating what happened, how to prevent it from occurring again and holding those responsible will need to be addressed as part of a mediated agreement to break the cycle of violent ethnic conflict.[64]

Armed youth from different ethnic groups have mobilised and are responding to attacks against community members elsewhere in a widening circle of reprisal and revenge. Many do not directly report to any political leader, and the longer the violence continues, the more difficult it becomes to contain.[65] While much of the conflict is "political", there are also ethnic drivers to the escalating violence, and the two are often difficult to distinguish.[66] Dinka and Nuer ethnic identities were deliberately politicised during the second civil war, and militarised structures within communities, such as the *gelweng*, *titweng* and White Army/*bunam* remain powerful reference points for many young Dinka and Nuer.[67]

There are also differences within the Dinka and Nuer, and ethnicity is not the determinative factor for some. There has long been a distance between the Jonglei and Bahr el Ghazal Dinka within the SPLM.[68] Over the past year, divergent views between the Jonglei Dinka, some represented by members of the "SPLM 7", and the Bahr el Ghazal Dinka have come increasingly to the fore.[69] Some Jonglei Dinka resent being put in the middle and bearing the brunt of revenge for what they consider a Bahr el Ghazal Dinka (Salva Kiir's home area) effort to maintain the Kiir presidency and their recourse to ethnic violence in Juba to do so.[70] Many influential figures within

[63] Crisis Group interviews, women associated with the government and SPLM in Opposition delegations, Addis Ababa, January 2014. UNMISS human rights department recorded incidents of "rape, including penetration with objects, forced abortion, and sexual harassment", "Interim Report on Human Rights", op. cit.

[64] Crisis Group telephone interviews, White Army members, December 2013.

[65] There are political and military figures who have prevented or halted ethnic violence. Examples include, senior Dinka leaders from Lakes state protecting Nuer residents; Nuer SPLA in Opposition commanders who have protected Dinka colleagues leaving Nuer areas; and Murle within the SSDM-Cobra Faction who protected both Dinka and Nuer SPLA troops when units split and both groups had to cross areas under their control in Pibor. This indicates officials on all sides of the conflict can move beyond superficial rhetoric against ethnic violence and protect fellow citizens when they so decide. Crisis Group interviews, SPLA in Opposition members, Nairobi, December 2013; Information Minister Michael Makuei, Addis Ababa, January 2014; SPLA officers, Juba, February 2014; General David Yau Yau, Jonglei, February 2013.

[66] Ethnic violence has killed thousands annually since independence. An official asked: "We have experienced ethnic war for years in Jonglei. Why should anyone be surprised this is happening in other areas?" Crisis Group interview, SPLM official, Nairobi, December 2013.

[67] *Bunam* is the Nuer word for youth and is often used to describe the White Army. See generally, Jok Madut Jok and Sharon Elaine Hutchinson, "Sudan's Prolonged Second Civil War and the Militarization of Nuer and Dinka Ethnic Identities", *African Studies Review*, vol. 42, no. 2 (September 1999).

[68] Crisis Group interviews, Juba, November 2013; John Young, *The Fate of Sudan*, op. cit., pp. 313-315.

[69] An international observer described the effort to re-take Bor as a "Sons of Jonglei" operation, led by Bor and Twic Dinka SPLA generals, to eject the White Army from the Dinka areas of Jonglei following the disastrous early Juba-led efforts. Crisis Group interview, security analyst, Juba, February 2014.

[70] Crisis Group interviews, Juba, February 2014, Jonglei, November 2013 and February 2014.

the SPLA are deeply unhappy and are becoming increasingly vocal about what they perceive to be the "politicisation" of the SPLA.[71]

Many Nuer remain with the government: some reject ethnic politics; others do not consider Machar their leader.[72] The position of Nuer within the SPLA is increasingly tenuous, however, with reports of mistreatment even of loyalists.[73] Some senior Nuer appear to be stepping back from the government without joining the opposition, including by leaving the country.[74] Defections of Nuer and others are ongoing, most recently before the SPLA in Opposition offensive on Malakal; others, such as the recently amnestied South Sudan Liberation Army (SSLA), comprised of Bul Nuer from Unity state, remain loyal to the government.[75] The partially integrated SSLA forces, rather than the SPLA, are securing much of Unity state for the government.[76]

Recognising the history of violence and disagreement, as well as inter-marriage, cooperation and co-existence, within and between communities, is integral to building a sustainable peace in a national process. This critically requires honesty within and between communities, politicians and military leaders.

[71] Crisis Group interviews, SPLA, November 2013 and March-April 2014; "SPLA chief of staff warns against politicizing army", *Sudan Tribune*, 20 April 2013; "Talking to South Sudan's top general", *The Economist*, 3 February 2014. SPLA director of military intelligence, Mac Paul, surprised observers when he testified he had no evidence linking the defendants to any attempted military coup. "Treason court demands interior minister testify", Radio Tamzuj, 31 March 214; "High profile witness, Mac Paul, fails to provide evidence of coup attempt", The Upper Nile Times (www.upperniletimes.net), 27 March 2014.

[72] Crisis Group interview, SPLA Chief of General Staff General James Hoth Mai, Juba, February 2014. He estimated that at least 30,000 Nuer remained in the army.

[73] Crisis Group interviews, SPLA officers, UN officials, Juba, February 2014.

[74] Crisis Group interviews, government officials, Juba, February 2014.

[75] As part of the amnesty and integration process, several SSLA officers were awarded senior SPLA ranks as well as civilian postings and, in a related move, the brother of SSLA leader Bapiny Monytuel, Dr Joseph Monytuel, was appointed Unity state governor. According to sources interviewed, the desire to keep these positions is a primary motivating factor for the SSLA to side with the government. Crisis Group interviews, government officials, SPLA officers and civilians, Juba and Unity, March-April 2014.

[76] There are reports that up to 800 combatants and civilians were killed in a single battle in late December. General Peter Gatdet Yak was the SSLA commander until he and a small group of SSLA accepted a presidential amnesty in August 2011; the rump SSLA continued fighting the government until April 2013 when they accepted a presidential amnesty. Crisis Group interviews, General Yak, Jonglei, November 2013; telephone interview, SSLA spokesman Gordon Buey December 2013, January 2014; SPLA in Opposition, Addis Ababa, January 2014; civilians from Mayom county, January, February, April 2014.

IV. The Political Opposition and the "SPLM 7"

As opposition to President Kiir's government grew during 2013, the group of twelve senior political figures within the SPLM became the face of the political opposition. Many of the eleven who were detained were "Garang Boys", long-serving, educated party leaders committed to John Garang's vision of a multi-ethnic SPLM. Quite a few of them have their own ambitions, and their shared opposition to Kiir does not mean there is universal support for Machar or political consensus within the group.

These leaders reflect widespread dissatisfaction with the status quo within the movement.[77] The release of seven of the eleven detainees and their decision to form a separate, multi-ethnic negotiating group, the "SPLM 7", illustrate the complex divisions between and within ethnic communities. Their participation and support for non-violent political change in the Addis Ababa talks presents an opportunity to begin to bridge the gulf between the government and SPLM/A in Opposition and forge a new path within the old movement and government.[78]

However powerful these figures are within the SPLM, this does not mean they are popular among South Sudanese more generally.[79] In the SPLM-dominated government, many were linked to allegations of corruption, support for ethnic violence and illiberal decisions. Although they represent an important political constituency, many view their current vocal stances against corruption and for greater democracy with a great deal of cynicism.[80]

Political opposition to the state of affairs includes other political parties, civil society and additional marginalised groups that have not taken up arms against the government [81] The SPLM 7's position is critical, particularly as it falls between the increasingly polarised positions of the government and SPLM in Opposition, but mediators should ensure greater inclusion as talks expand beyond SPLM issues and touch on those of general national importance.

[77] The dissatisfaction with the party expressed during the 2013 SPLM Leadership Visit to the Grassroots, also known as the Thanksgiving Campaign, is an example. Crisis Group interviews, SPLM and SPLM in Opposition members, Nairobi, December 2013; Juba, February 2014.

[78] SPLM former detainees speech, delivered by John Luk Jok, Addis Ababa, 15 February 2013, on file with Crisis Group. Senior officials indicated that part of their resistance to an SPLM 7 role in the negotiations is a belief the unstated goal is the ultimate imposition of the SPLM 7 in the government. Crisis Group interviews, Juba, March, April 2014.

[79] For example, John Luk Jok lost his 2010 parliamentary bid in his home district. Crisis Group interviews, Defence Minister Kuol Manyang Juuk, Juba, February 2014; White Army members, Jonglei, November 2013.

[80] Many noted the detainees only seriously called for internal party reform after being dropped from government and had behaved differently when in power. Crisis Group interviews, civil society and women's group representatives, Nairobi, January 2014; Juba, February 2014.

[81] Crisis Group interview, Dr Lam Akol, Addis Ababa, January 2014.

V. Impact

The civil war has produced a political, economic and humanitarian catastrophe. Much of the progress made since 2005 has been reversed, and the country faces both immediate and long-term challenges.

A. *Widespread Displacement and Humanitarian Crisis*

Humanitarian actors are unprepared to respond to the scale of need created by the civil war. More than a million people have been displaced, and 5.9 million civilians will need assistance in coming months, more than half South Sudan's population.[82] There are also nearly 200,000 refugees from Sudan in South Sudan, and the conflict has disrupted supply lines to the camps in Yida and Mabaan.[83] All armed actors have committed to allowing humanitarian assistance to civilians in need, but increasing limits placed on access, bureaucratic impediments, looting of supplies and equipment, violence against aid workers, concerns about the association of humanitarians with UNMISS and the rainy season are enormous challenges.[84]

In February, the UN designated South Sudan a Level 3 humanitarian emergency, a designation shared only by Syria and the Central African Republic.[85] And, in a country all too familiar with conflict-induced starvation, the UN has also issued a famine warning.[86] The best defence against famine would be to end the conflict, but enabling neutral, impartial, needs-based humanitarian services is essential to averting an avoidable famine.

As the relationship between UNMISS and the government deteriorates (see below), it is critical that mission leadership gives humanitarian actors a wide berth and ensures all armed actors understand and can visibly distinguish between humanitarians and peacekeepers.[87] Already armed actors, while allowing humanitarian access, have prohibited UNMISS from travelling to certain areas, a trend likely to continue.[88] If humanitarian actors are too closely associated with UNMISS and forced to deliver aid under its operational parameters, it would seriously jeopardise their ability to provide food and other essential services.

The situation for the nearly 70,000 civilians sheltering inside UNMISS bases presents a challenge to humanitarians, who typically do not provide services inside military bases but have responded due to the unprecedented situation and level of need. Maintaining humanitarian services and effective coordination with UNMISS, while

[82] "South Sudan Crisis, Situation Report No. 25", UN Office for the Coordination of Humanitarian Affairs (OCHA), 6 March 2014.
[83] "South Sudan Situation", UN High Commissioner for Refugees (UNHCR), 16 March 2014; Crisis Group interviews, civilians and NGO representatives, Juba, February 2014. There has been heavy fighting in areas around both camps since the war began.
[84] Crisis Group interviews, SPLA in Opposition humanitarian liaison, Nairobi, December 2014; Undersecretary Clement Taban Dominic, gender, child and social welfare ministry, humanitarian affairs and disaster management; NGO representatives, Juba, February 2014; telephone interview, White Army representatives, December 2014; "Report of the Secretary-General on South Sudan (UNMISS)", S/2014/158, 6 March 2014, para. 27.
[85] "South Sudan Crisis, Situation Report No. 19", OCHA, 13 February 2014.
[86] "Top UN official warns of famine in South Sudan", Associated Press, 11 February 2014.
[87] The same distinction will be necessary between humanitarian actors and the IGAD force.
[88] Crisis Group interviews, SPLA in Opposition representatives, Addis Ababa, January 2014; UN officials, Nairobi, January 2014.

distinguishing themselves from an armed actor, will be an ongoing challenge.[89] There are concerns that because it is easier to provide services in UNMISS bases, a disproportionate amount of effort is being allocated to those inside such areas, leaving the much larger displaced population lacking.

A critical element of the response is UN ability to distinguish between internally displaced persons (IDPs) who have fled their homes to safer areas, some of whom are in IDP camps where UNMISS and other military presence is forbidden in order to ensure the neutrality and civilian nature of the camps, and civilians who have fled to UNMISS for protection, cannot leave safely and are under UNMISS military protection in Protection of Civilians (PoC) areas.[90] Civilians in these areas rely on the international community both for physical protection that only UNMISS can provide and for life-saving humanitarian support that comes from humanitarian actors. Those actors and civilians sheltering in PoC areas were concerned that civilians may be "pushed out" of the safe areas.[91] Chaloka Beyani, the UN Special Rapporteur for IDPs, provided much needed clarity, stating that civilians "must not be forced or induced to leave".[92]

However difficult the task at hand, UNMISS must prepare to host large numbers of civilians seeking long-term protection and not encourage them to move to areas they believe are unsafe. Given the conflict's trajectory and the stalling of the peace process, returns are unlikely to begin in the next few months.[93] The presence of tens of thousands of civilians in UNMISS bases also undermines government claims that the situation is returning to "normal" and increases hostility toward the mission among some elements in the government.[94] Clear Security Council support for what will become an increasingly contentious matter is critical to the mission's ability to protect civilians. Equally critical is member states providing combat-equipped troops and riverine units to enable the mission's troop levels to reach mandated strength.

B. *Falling Oil Production*

The civil war has significantly disrupted oil production, led to capital flight and destroyed markets and infrastructure in major cities. 98 per cent of government revenues derived from oil; a non-oil economy was only just establishing itself prior to the

[89] "Report of the Secretary-General on South Sudan (UNMISS)", op. cit., para. 51.
[90] UNMISS has no official role in refugee or IDP camps unless requested by humanitarian actors to provide force protection for necessary humanitarian activities. Most IDP camps or areas of concentration in South Sudan did not have an UNMISS presence prior to 15 December and are unlikely to move forward as the preference is always to limit the presence of armed actors, including peacekeepers, unless absolutely necessary to enable humanitarian service provision. Ibid, para. 26.
[91] Despite ongoing ethnic targeting of Nuer in Juba, UNMISS suggested the environment is conducive for Nuer civilians to return. UNMISS has also worked closely with the police to patrol and provide security in what were formerly Nuer areas of Juba. Ibid, para. 29, 70. For many IDPs, this has had the opposite effect, as they see their protectors working with those from whom they seek protection. Crisis Group interviews, humanitarian actors, UN officials and civilians seeking protection, December 2013-March 2014.
[92] Humanitarian organisations, as well as civilians sheltering in UNMISS bases, have consistently raised worries the mission wants to "push" people out. "Protecting South Sudan's internally displaced must be priority, says UN rights expert", UN News Centre, 31 January 2014.
[93] "Report of the Secretary General on South Sudan (UNMISS)", op. cit., para. 57.
[94] Crisis Group interview, senior UNMISS official, 21 March 2014.

civil war.[95] The conflict has also strained relationships with investors in the region and further afield, particularly China.

Prior to the war, South Sudan's heavy reliance on oil revenues had already placed it in difficult financial straits. The 2012 decision to halt oil exports through the pipelines in Sudan led to a dramatic decline in government revenue; Juba took out loans and reportedly engaged in other non-transparent efforts to obtain funds in this period. Although the pipelines were re-opened in 2013, the country had not regained fiscal stability prior to the outbreak of civil war.[96] An emergency shutdown took place in the Unity state fields, as oil workers were evacuated; in the Upper Nile fields, there has been at least a partial shutdown, as non-essential workers have been evacuated.[97] This means not only that the government is running a war with diminished resources – threatening its ability to maintain critical salary commitments to the army – but also that returning to pre-2012 shutdown production rates anytime soon is increasingly unlikely.[98]

If production falls below a minimum-sustainable level, the ageing pipelines may need to be shut down again, with the prospect of permanent damage to the infrastructure.[99] While both the government and SPLA in Opposition said they do not want oil infrastructure damaged, the evacuation of skilled workers, as well as combat in and around the oil facilities, risks this.[100] With global oil prices rising in response to reduced production, the impact of the conflict is felt well beyond South Sudan's borders.[101]

C. *Testing China's Patience*

China has invested heavily in the oil industries of both Sudans, is the primary consumer of their oil and was poised to make a desperately needed $2 billion dollar investment in basic infrastructure in South Sudan.[102] It has devoted considerable time and resources in recent years to building strong relationships with Juba in order to improve its reputation, following years of working closely with Khartoum. South Sudan was "open for business", and Chinese investors were expanding well beyond the oil sector in a growing and mutually beneficial economic relationship.[103] That relationship was not entirely smooth: soon after independence, China was forced to renegotiate its contracts, while also being called upon to intervene during the 2012

[95] "South Sudan overview", The World Bank, 6 April 2013.
[96] "S Sudan silent on 4.5 bn loan obtained after oil shutdown", *Sudan Tribune*, 22 November 2013; "UPDATE 1-South Sudan can restore oil output, defend new FX rate: minister", Reuters, 12 November 2013.
[97] "Report of the Secretary General on South Sudan (UNMISS)", op. cit., para. 20; Crisis Group email correspondence, international oil expert, March 2014.
[98] Without salaries, it will be extremely difficult for the government to maintain unity and discipline among what is left of the SPLA. Crisis Group interview, international security analyst, Juba, February 2014; email correspondence, international oil expert, March 2014.
[99] Luke Patey, "South Sudan fighting could cripple oil industry for decades", African Arguments, 10 January 2014.
[100] Crisis group interviews, SPLM in Opposition representatives, Nairobi, December 2013, Addis Ababa, January 2014; government officials, Juba, February 2014.
[101] "South Sudan, Libya unrest offsets falling oil prices", *Times Live* (South Africa), 20 February 2014.
[102] "Even China has second thoughts on South Sudan after violence", *The Los Angeles Times*, 20 February 2014.
[103] For more, see Crisis Group Africa Report N°186, *China's New Courtship in South Sudan*, 4 April 2012.

oil crisis between Sudan and South Sudan. As the war continues, Beijing is again looked upon to act to secure what may be its highest-risk energy investment.[104]

China's frustration with the government is evident. The war has brought the second oil production shutdown in as many years, destroyed or made many Chinese businesses unviable and forced oil company workers to seek shelter in UN bases and request emergency evacuation.[105] Senior officials have visited Juba and Addis in support of a mediated solution and China is in discussion to provide combat troops to UNMISS.[106] As talks stall, Beijing will again be faced with unpalatable options as it seeks to secure its investments while avoiding further interference in South Sudanese domestic matters.[107]

D. *Regional Capital Flight*

The economy grew 24.7 per cent in 2013 and was projected to grow 43 per cent in 2014.[108] Much of this was based on trade and investment with Uganda, Kenya, Ethiopia and Sudan.[109] The country had quickly become an integral trading partner for its neighbours and Uganda's biggest export market. In line with its political and economic objectives, South Sudan has sought, thus far unsuccessfully, to join the East African Community.[110]

The war destroyed many businesses and much of the market infrastructure regional investors relied upon.[111] Insecurity and violence targeting foreign nationals caused many regional businessmen to leave.[112] Many goods, including critical foodstuffs, are in increasingly short supply. South Sudan's burgeoning economy provided an outlet for surplus capital and manpower, and its economic crisis will reverberate through the region, providing additional incentives for mediators to seek a quick fix, rather than durable resolution to the conflict.[113]

[104] "Even China has second thoughts", op. cit.
[105] Crisis Group interviews, international analysts, Nairobi, December 2013, January 2014, Juba, February 2014.
[106] China rarely contributes combat troops to UN missions. Crisis Group interviews, UN officials, Juba, April 2013.
[107] Any increase in involvement of Sudan or forces associated with the Sudan Revolutionary Front (see Section VI) will only further complicate matters for Beijing.
[108] "World Economic Outlook", International Monetary Fund, October 2013.
[109] "South Sudan: A Study on Competitiveness and Cross Border Trade with Neighbouring Countries", African Development Bank, 2013.
[110] "East African body rejects S. Sudan, Somalia membership bids", *Sudan Tribune*, 4 December 2012.
[111] So many foreign civilians sought protection in the UNMISS Bor camp that for a while an entire section was dedicated to them. In Bor, both small shops and larger buildings were destroyed and goods were looted. The situation in other cities was similar. Crisis Group observations and interviews, UNMISS acting state coordinator and Bor County Commissioner Dr Abor Ayer, Jonglei, February 2014.
[112] "Interim Report on Human Rights", op. cit.
[113] "East Africa: The new Great Game", *The Africa Report*, no. 58, March 2014.

VI. Regional Involvement in South Sudan's Conflict

Support from many neighbours was critical to South Sudan's independence.[114] Following years of IGAD-facilitated negotiation that led to the CPA, South Sudan became a critical link in the regional economy, absorbing both capital and workers from neighbouring countries.[115] Renewed war has brought economic loss, reduced oil production, refugee flows, regional military engagement and the spectre of greater regional instability.[116] Ethiopia, Kenya, and Sudan have put their weight behind the IGAD-led mediation process.[117] Following the mid-2013 Sudan-South Sudan rapprochement, Khartoum's interest in South Sudan's stability is greater than ever, and President Bashir has publicly supported President Kiir.[118] Uganda has given Juba direct military support, both to defend and to retake territory; forces associated with Ugandan-supported Sudanese armed groups (notably JEM) have also intervened alongside other regional non-state armed groups that reportedly support the government.[119]

Rwanda is a significant troop contributor to UNMISS, and Ethiopia is the sole contributor to the UN Interim Security Force for Abyei (UNISFA), the lynchpin of stability in that volatile and disputed border region. Each neighbour's specific interests have made it difficult to maintain a regional approach, and the tensions threaten to expand the conflict.

A. *Pipeline Politics*

The economic ties that bind South Sudan to its neighbours included plans for massive regional infrastructure projects, involving railways, roads and oil export pipelines. While the focus remains on existing oil infrastructure in Sudan, all IGAD member states, with the exception of Somalia, have significant financial interests in where the

[114] For more, see Crisis Group Africa Report N°159, *Sudan: Regional Perspectives on the Prospect of Southern Independence*, 6 May 2010.
[115] "Kenya stands to lose big if peace proves elusive in South Sudan", *Daily Nation*, 4 January 2014.
[116] "Kenyan firms stare at massive losses in South Sudan conflict", Standard Media, 22 December 2013.
[117] "Sudan's leader flies to south for crisis talks", *The New York Times*, 6 January 2014.
[118] "Bashir, Kiir pledge to accelerate implementation of cooperation agreements", *Sudan Tribune*, 20 November 2013.
[119] JEM and SPLM-N are part of the Sudan Revolutionary Front (SRF) coalition fighting in Sudan's Darfur, South Kordofan and Blue Nile states. Crisis Group Africa Report N°211, *Sudan's Spreading Conflict (III): The Limits of Darfur's Peace Process*, 27 January 2014. JEM fought Riek Machar's forces twice in Pariang (an important trade hub for them), supporting the government's efforts to retake Bentiu, Unity state. It is also alleged to have helped recapture the Unity oil fields, which JEM leaders deny. JEM was also involved in the SPLA's campaign to re-take areas in southern Unity state, including Machar's home area. UNMISS has accused JEM forces, whose presence was reported in multiple locations in Unity state, of human rights violations in the course of government-rebel fighting in the state. SPLM-N leaders who have long-time friends on both sides of the South Sudanese conflict seem keen to avoid taking sides. Crisis Group interviews, senior government officials, UN officials and civilians, Juba, February 2014 and JEM representatives, March-April 2014; "Interim Report on Human Rights", op. cit. Elements associated with the Mouvement du 23-Mars, "M23", active in the Democratic Republic of Congo between 2012 and 2013, are also reported to be fighting for the Juba government. Crisis Group interviews, UN analysts, Juba, February 2014; regional expert, Addis Ababa, January, March 2014.

pipeline from South Sudan's Block B, mostly located in Jonglei state, is built.[120] The government is keen to have an export option that does not rely on Sudan and is exploring options.

The Lamu Port Southern Sudan Ethiopia Transport Corridor (LAPSSET) is one of Africa's largest planned infrastructure projects. It involves a new deep-water port in northern Kenya, regional rail links and road networks, as well as an oil pipeline between South Sudan and Kenya.[121] Some suggest that South Sudan's agreement to export its oil through LAPSSET is critical to the economic viability of the underfunded project.[122] Kenya and Uganda sit atop new oil finds, and the pipeline infrastructure needed to export their oil might allow South Sudanese oil, and its transit fees, to flow through East Africa rather than a proposed alternative pipeline traversing Ethiopia to Djibouti.[123] Total Oil, which holds a significant stake in Uganda's fields, is a strong proponent of linking Ugandan and South Sudanese pipeline infrastructure to an outlet in Kenya.[124]

Pipeline calculations are also impacted by plans for in-country refineries; South Sudan has plans for two; Ethiopia is exploring options to build one along the South Sudanese border; Uganda, Rwanda and Kenya have discussed building one in Uganda.[125] Pipeline decisions will impact South Sudan's economic and political relationships for decades to come, and Juba is re-assessing its options in light of the current crisis.

[120] The large Block B, held by Total, was reportedly recently broken into smaller concessions for Exxon Mobile and Kufpec as well as Total. In addition to pressuring Total to begin production, the break-up was another means for cash-strapped Juba to raise hard currency. "Total to bring Exxon Mobile and Kufpec into South Sudan", *Petroleum Africa*, 4 June 2013; "Total in talks to regain acreage in South Sudan oil block", Reuters, 25 November 2013. Exploitation of the concession has been limited by nearly constant insecurity and local community claims that the government, for oil production, intends to remove them from their land by force. Crisis Group Africa Report N°154, *Jonglei's Tribal Conflicts: Countering Insecurity in South Sudan*, 23 December 2009; Crisis Group interviews in another capacity, Jonglei, June 2012, October 2013.

[121] "Lamu Ports and New Transport Corridor Development to Southern Sudan and Ethiopia (LAPSSET)", at www.vision2030.go.ke.

[122] "All eyes on South Sudan as Kenya, Uganda push for Lapsset Corridor Project", *The East African*, 26 October 2013.

[123] Some suggest the Djibouti pipeline would be more economical, others that it would be more costly. Ethiopia is early in the exploratory phase, making economies of scale less likely than a Lamu port pipeline. Tullow Oil has a stake in both Kenyan and Ugandan finds but indicated it may sell its Ugandan holdings due to disputes with the government. At the same time, Uganda is exploring refining and export options that would not make it reliant on Kenya, such as export through Tanzania. "Kenya, South Sudan, and Uganda: Pipeline Poker", *The Economist*, 25 May 2013; "South Sudan 'leaning towards Djibouti oil pipeline", *Africa Review*, 23 August 2013; "Tullow says Kenya sees first oil exports as 'National Priority'", Bloomberg, 12 February 2014; "Tullow may sell part of stake in Ugandan oil field", *New Vision* (Kampala), 13 February 2014.

[124] "Total touts Uganda hub for South Sudan oil", Africa Business Center, 7 December 2011.

[125] There is also a plan for an import pipeline from Mombasa port in Kenya to Kampala and Kigali. Some officials have expressed hope the pipeline could be built so it could be used for export if and when production comes online in Uganda and Rwanda. "Joint Communique by Governments of Uganda, Kenya and Rwanda as Heads of State of the Three Countries Concluded Trilateral Talks", The State House of Uganda, 26 June 2013; "Kenya-Uganda-Rwanda oil pipeline aims to strengthen regional economy", *Sabahi* (online), 27 June 2013; "Kenya, South Sudan, and Uganda: Pipeline Poker", op. cit.; "Nairobi Steals the Show from Kampala", *Africa Energy Intelligence*, no. 718, 11 March 2014.

B. *Regional Mediation and its Limits*

Regional leaders were quick to launch IGAD-led mediation efforts, focusing on a cessation of hostilities and the release of the eleven political detainees.[126] Negotiations continued for more than three weeks, with the SPLM/A in Opposition demanding the detainees' release first, and the government demanding a stop to the fighting before discussing political issues, including the detainees.[127] Under strong regional and Western pressure, the parties relented, and agreements for a cessation of hostilities and for "every effort" to release the detainees were signed on 23 January 2014. Neither the government nor the SPLM/A in Opposition have complied with the cessation of hostilities, and the monitoring and verification mission is not yet operational.[128] Seven detainees were released into Kenyan custody and eventually permitted to join the talks in Addis in early February. Four remain in custody, and are being tried for treason.

A second round of talks in February and March was inconclusive and the current round of mediation is adjourned until 22 April.[129] A declaration of principles was discussed without result, as the parties traded accusations of ceasefire violations. Uganda's ongoing combat role has complicated IGAD's task and been a stalling point for the SPLM in Opposition, which demands that Kampala withdraw the troops prior to further dialogue.[130]

On 4 April, President Obama issued an executive order paving the way for sanctions against individuals who obstruct the peace process or are responsible for human rights violations.[131] The U.S. has not identified whom it might sanction, but given that both the government and SPLM in Opposition have been accused of obstruction (particularly over the question of inclusion of the SPLM 7 in the talks), individuals on each side are likely to face sanctions, if the parties do not return to the table.[132] Also seeking to break the deadlock, South African President Jacob Zuma appointed Cyril Ramaphosa, deputy president of the African National Congress (ANC), as special envoy to South Sudan.[133] He, along with leaders from Ethiopia's ruling Ethiopian People's Revolutionary Democratic Front (EPRDF) party, are promoting internal SPLM dis-

[126] "South Sudan detainees join mediation team", *New Vision*, 8 February 2014.
[127] Crisis Group interviews, Information Minister Michael Makuei and SPLM in Opposition delegate Hussein Maar, Addis Ababa, January 2014.
[128] Crisis Group interviews, UN officials, Juba, Jonglei, February 2014.
[129] In the meantime, the envoys and parties are consulting their constituencies and the mediation secretariat is preparing documents for the next negotiating round. Crisis Group email correspondence, close observer of the talks, 7 April 2013.
[130] The cessation of hostilities agreement calls for redeployment and/or progressive withdrawal of forces; however, Ugandan officials have suggested they are unlikely to withdraw meaningfully in the near future. There are also opposition calls for the withdrawal of JEM forces from Unity state. "South Sudanese parties sign Agreements on Cessation of Hostilities and Question of Detainees", ReliefWeb, 23 January 2014; "Uganda to withdraw from South Sudan in two months", *Daily Nation*, 18 February 2014; Crisis Group interviews, SPLM in Opposition, Addis Ababa, February 2014; "South Sudan peace talks stall over participation of seven officials", *Sudan Tribune*, 2 April 2014; "Nhial Deng sees 'modest progress' at Addis talks", Radio Tamazuj, 6 April 2014.
[131] "Executive order – blocking property of certain persons with respect to South Sudan", Office of the Press Secretary, White House, 3 April 2014.
[132] Crisis Group interviews, Juba, April 2014.
[133] "Mr Ramaphosa visits South Sudan", media release, international affairs and cooperation department, South Africa, 5 March 2014.

cussions that are a critical element of the broader national process that must take place if the talks are to escape their current stasis.[134]

The involvement of IGAD and non-IGAD neighbours as well as the AU, UN, Troika, China, and others in resolving South Sudan's civil war poses challenges to the international community's ability to coordinate and reach consensus. To support coordination and dialogue, the international community should establish a Contact Group.

C. *The IGAD Protection and Deterrence Force*

Despite divisions over how best to resolve the civil war, IGAD recently announced its intention to send a Protection and Deterrence Force (PDF) as part of the ceasefire Monitoring and Verification (MVM) mechanism.[135] Discussions surrounding its mandate reportedly include: enforcing the cessation of hostilities; protecting MVM members; securing the oil fields; and ensuring IGAD member states do not push one objective in Addis while supporting others on the battlefield.[136] IGAD's struggle to operationalise the small, proposed force and the modestly-sized MVM observer teams, as well as the lack of clarity over the former's mandate leave many questioning whether an IGAD force is feasible or is more likely to be used as cover for national armies to pursue divergent interests.[137]

Rwanda, Burundi and Egypt have volunteered to contribute troops – none are IGAD member states – highlighting the increasingly wide regional dimensions of the conflict.[138] Some suggest a key rationale for the PDF is to guarantee the security of Juba and oil installations, enabling the Ugandans to withdraw as called for in the cessation of hostilities agreement or to re-hat and join the PDF.[139] However, Ugandan participation in the PDF would undermine perceptions of its neutrality among

[134] "Cyril Ramaphosa has his work cut out in South Sudan", Institute for Security Studies, 6 March 2014. On 5 April, an advance team of the SPLM Politburo members convened in Addis Ababa in preparation for the party's leadership review and a self-assessment forum. "AU welcomes launch of SPLM intra-party dialogue forum", *Sudan Tribune*, 7 April 2014.

[135] There are also calls, instead, for an AU force, but given the AU's leadership role in responding to the crises in Mali and the Central African Republic, it likely will be cautious, particularly given the UNMISS presence and the absence of a clear objective for the proposed force. "Communique of the 25th Extraordinary Session of the IGAD Assembly of Heads of State and Government on the Situation in South Sudan", Addis Ababa, 13 March 2014; "Shooting in Juba, Talking in Addis", *Africa Confidential*, 7 March 2014.

[136] Juba has denied requesting an IGAD force to assist in oil-field protection. "East African Nations Ready to Send a Stabilization Force to South Sudan", Voice of America, 5 March 2014; "South Sudan: Juba denies requesting IGAD troops to protect oil fields", *Sudan Tribune*, 7 March 2014.

[137] Crisis Group interviews, UN officials and diplomats, Juba, February 2014; EU officials, Brussels, March 2014. Funding has not yet been secured for the PDF. The EU, often asked to support such operations, has allocated the bulk of its African Peace Facility funding to the AU Somalia and Central African Republic missions. IGAD's ability and willingness to self-fund the PDF will be indicative of the importance it places on regional unity and resolving the conflict in Juba.

[138] Ambassador Mesfin has indicated Ethiopia, Djibouti, Kenya, Rwanda and Burundi have volunteered forces. This raises additional questions about Rwandan involvement following the reported deployment of M23 forces alongside the SPLA. "Egypt to position troops in South Sudan", *The Reporter* (Ethiopia), 15 March 2014.

[139] Any IGAD member state may participate in the MVM and by extension the IGAD force. Summit Decision on South Sudan, 13. Uganda has made it clear it will not withdraw and leave a security "vacuum" that would place Juba again under threat. "Communique of the 25th Extraordinary Session of the IGAD Assembly", op. cit.; Crisis Group interview, Ugandan Ambassador (Maj. General) Robert Rusoke, Juba, March 2014.

the warring parties.[140] It is critical for the proposed force to have a clear mandate – before deployment – that directly supports political resolution of the conflict and adequate troops and funding to accomplish its mandate.

The current intervention of regional forces, including but not limited to the Ugandan and Sudanese armed groups, puts Kampala and Khartoum on a collision course in South Sudan (see below). Indeed, broader regional intervention opens a pandora's box of possible proxy conflict. Egypt's offer to send troops in the midst of its dispute with Ethiopia over Nile water is just one example of regional rivalries that could find their outlet on South Sudanese territory.[141] At best, the PDF may contain escalating regional rivalries, but deployment of so many regional forces would put at risk some of South Sudan's hard-fought sovereignty. At worst, it could exacerbate and prolong conflict, as it did in Sudan's second civil war.

Calls for the regional intervention force indicate frustration with the slow progress in Addis Ababa and how little faith national, regional and other international actors have in UNMISS to fill its role.[142] Yet with UNMISS protecting civilians in theatres of active combat, the Security Council should be cautious in establishing the relationship between the two forces. While members of both delegations have expressed need for an inclusive, substantive dialogue on national political issues, modalities have not been agreed, nor has the deeply contentious question of the composition and formation of an interim political structure been resolved. The role of regional actors has been a further impediment, as enmities and balance of power questions are increasingly motivating positions.[143] South Sudan factions that seek to ally with regional patrons should be wary of the trade-offs they are making for short-term benefits. The PDF may be a temporary fix, but ending the war requires a South Sudanese commitment to the peace process that has been lacking.

D. *Uganda to the Rescue*

Uganda arguably has the deepest links to the SPLM/A, including decades of joint military deployments. When conflict broke out in December 2013, the Ugandan People's Defence Force (UPDF) was deployed beside the SPLA as part of a regional force to counter the Lord's Resistance Army (LRA), the one-time Ugandan insurgency that is causing chaos in the Central African Republic (CAR), Democratic Republic of Congo (DRC) and South Sudan.[144] Additional UPDF forces, including an air wing, were deployed to Juba on 20 December and were critical in securing it and recapturing

[140] Crisis Group interviews, SPLM in Opposition, Nairobi, March 2014.

[141] Egypt also reportedly offered troops to UNMISS. Crisis Group interview, UN official, Juba, April 2014.

[142] The significant civilian protection responsibilities UNMISS has make it an even less desirable candidate. Crisis Group interviews, Addis Ababa, January 2014, Juba, February 2014.

[143] Crisis Group interviews, regional expert, Addis Ababa, January 2014; email correspondence, regional expert, February 2014.

[144] The Ugandan ambassador to South Sudan believes the security of Uganda and South Sudan have been inextricably linked since at least Idi Amin's rule in his country (1971-1979). Opposition figures in both Kampala and Juba suggest there were UPDF deployments in South Sudan in mid-2013 to shore up President Kiir's government; some suggested the SPLA would turn against Kiir if the UPDF pulled out. "The shadow defense minister in parliament Hassan Kaps Fungaroo has warned", YouTube, www.youtube.com/watch?v=oqn2DB3P1h4; Crisis Group Africa Report N°182, *The Lord's Resistance Army: End Game?*, 17 November 2011; Crisis Group interview, Ambassador (Maj. General) Robert Rusoke, Juba, March 2014.

Bor. As the Ugandan ambassador to South Sudan said, "if it weren't for the UPDF deployment, there wouldn't be talks in Addis; there would be urban warfare for control of Juba".[145] However, their actions have been criticised; the alleged use of cluster bombs is particularly controversial, and in another incident in December, the UPDF reportedly bombed a peace meeting between Dinka and Nuer groups in Jonglei.[146]

In February 2014, Defence Minister Kuol Manyang Juuk publicly stated that the South Sudan government was "footing the bill" for UPDF operations, but this was refuted in Kampala, where parliament passed a supplementary budget for the deployment.[147] Uganda may have also played a role in mobilising forces associated with JEM in support of the government.[148] As was the case with earlier UPDF deployments in South Sudan, the current operation has been criticised for its alleged economic motivation and its treatment of civilians.[149]

Uganda's military intervention – it believes tacitly approved by the U.S. – diverged substantially from subsequent AU, UN and IGAD calls for a ceasefire and put the latter's neutrality as mediator in question.[150] Nevertheless, Uganda will not necessarily see its unilateral action on behalf of a close ally as particularly exceptional; the deployments of Ethiopia and Kenya in Somalia before re-hatting (and joining Uganda) as part of the AU mission there (AMISOM) are indicative of the region's proclivity for involvement in a neighbour's conflict.

E. *Sudan and Control of the Oil Fields*

Oil revenue is critical to both Juba and Khartoum, and control over South Sudan's oil fields will be pivotal in Sudan's calculations as the conflict evolves.[151] South Sudan's oil-producing areas have experienced decades of violent conflict, involving many of the same actors as today, though relationships have changed substantially. In particular, since mid-2013, relations between Sudan's President Bashir and President Kiir have improved, as part of the process of post-secession negotiations and Khar-

[145] Crisis Group interview, Ambassador (Maj. General) Robert Rusoke, Juba, March 2014.
[146] Uganda is a signatory to the Convention on Cluster Munitions prohibiting these weapons. South Sudan is not. "United Nations Treaty Collection", at https://treaties.un.org. Uganda reportedly refused to cooperate with the investigation into the use of cluster munitions in South Sudan and denied their use. "South Sudan: Investigate New Cluster Bomb Use", Human Rights Watch, 15 February 2014. "Statement attributable to the Spokesperson for the Secretary-General on South Sudan", UN, 12 February 2014; "South Sudan: Ugandan army won't take part in cluster bomb investigation – spokesperson", *Sudan Tribune*, 19 February 2014; Crisis Group interviews, SPLM in Opposition, civilians and international experts, Nairobi, December 2013.
[147] There continue to be reports of disputes over the financial arrangements between the two governments. Kuol Manyang Juuk interview, Eye Radio, Juba, 15 February 2014; "Uganda, South Sudan Feud over UPDF Funding", Uganda Radio Network (URN), 17 February 2014; "Cabinet Approves Shs120b for UPDF in South Sudan", *Daily Monitor* (Kampala), 21 February 2014.
[148] Crisis Group interviews, SPLA officials, diplomats and UN officials, Juba, February 2014.
[149] For past complaints, see Mareike Schomerus, "They forgot what they came for: Uganda's Army in Sudan", *Journal of East African Studies*, vol. 6, no. 1 (2012).
[150] Following its deployment, Uganda has not played a role in the IGAD mediation in Addis Ababa. It is unclear whether the U.S. supported Uganda's actions in securing the airport and protecting Juba and in the recapture of Bor. Crisis Group interviews, diplomats, Addis Ababa, January 2014; Juba, February, March 2014.
[151] "Government of Southern Sudan-Revenue, Transparency and Pro-Poor Spending", Sudan Consortium Paris, March 2006.

toum's gradual switch to economic and security cooperation with its neighbours.[152] The AUHIP is continuing work on bilateral issues, and coordination between it and the IGAD process is critical to success on both fronts.

When the conflict spread to Unity state, with the defection of 4th Division Commander General James Koang Chuol, oil-producing areas became battlegrounds, and production was halted as workers fled. The government, reportedly with the assistance of forces associated with JEM, retook most of those fields in January.[153] The SPLA in Opposition's offensive that began with the taking of Malakal in late February now targets the Upper Nile oil fields. With the shutdown of production in Unity, these are the economic lifeline for both Juba and Khartoum.[154] Aware of the stakes for Sudan, the SPLM/A in Opposition has said it would negotiate with Khartoum over sharing oil revenues, if the oil fields can be secured.[155] Many are wary that Sudan may publicly support the government, while aiding the SPLA in Opposition.[156]

Given continued hostility between Khartoum and Kampala, Ugandan and some Sudanese opposition groups' support to Juba risks pushing Khartoum to side with Machar.[157] The unilateral Abyei referendum and recent low-level fighting there also increase tensions between Juba and Khartoum.[158] In addition to the southern armed groups, South Sudan's border with Sudan hosts nearly 200,000 Sudanese refugees, as well as Sudanese rebel groups, in particular JEM and SPLM-N, that are united under the banner of the Sudan Revolutionary Front (SRF).[159] Already, JEM has fought alongside the South Sudanese government, another illustration of the increasingly regional nature of the conflict.[160] A Sudanese official said, "we've been very neutral so far, but there is no guarantee it will last. If the government of South Sudan supports

[152] Crisis Group interviews, government officials, Juba, November 2013; Information Minister Michael Makuei, Addis Ababa, January 2014; diplomats, Pretoria, January 2014.

[153] The prospect of an SPLA in Opposition offensive to re-take the Unity fields will further challenge efforts to restart production. Crisis Group interviews, Bentiu, April 2014; SPLA in Opposition, Nairobi, March 2014. "China's oil fears over South Sudan fighting", BBC (Chinese service), 8 January 2014.

[154] On oil companies' request, the Upper Nile state petroleum minister agreed to evacuate their staff (requiring an emergency shut-down of production). But, indicative of how critical the Upper Nile fields had become, the president fired him and declared production would continue. Crisis Group interviews, international analyst, Juba, February 2014. "South Sudan president sacks Upper Nile oil minister", *Sudan Tribune*, 26 February 2014.

[155] "South Sudan's Machar to keep oil flowing after fields captured", *Bloomberg*, 24 December 2013.

[156] Crisis Group interviews, government officials and diplomats, Juba, February 2014.

[157] Sudan-Uganda hostility has been characterised by decades of support for each other's rebel movements. With Uganda hosting SRF leaders, Sudanese and South Sudanese alike express scepticism a configuration that aligns Uganda, Sudan and anti-government Sudanese groups with President Kiir is tenable in the medium to long-term. Crisis Group interviews, Sudanese and South Sudanese civilians, Nairobi, December 2013; diplomats, Pretoria, January 2014; and civilians, Juba, February 2014. Crisis Group Report, *Sudan's Spreading Conflict (III)*, op. cit.

[158] Ban Ki-moon described it as an "untenable and highly volatile security situation". "Report of the Secretary-General on the Situation in Abyei", UNSC S/2014/126, 25 February 2014.

[159] "South Sudan Situation", UNHCR, 16 March 2014; Crisis Group Africa Reports N°198, *Sudan's Spreading Conflict (I): War in South Kordofan*, 14 February 2013; N°204, *Sudan's Spreading Conflict (II): War in Blue Nile*, 18 June 2013.

[160] This raises concerns for violence against Sudanese, particularly Darfuri, refugees and traders in other parts of South Sudan who have already been subject to violence from host communities and opposition elements. Crisis Group interview, UN official, Nairobi, January 2014; civilians from Unity state and South Kordofan, Nairobi, January 2014, Juba, February 2014.

the SRF, we might have to intervene directly".[161] Sudanese involvement in South Sudan's internal conflict could mean that Khartoum and Kampala would play out their differences through the war in South Sudan.

Khartoum appointed General Mohammed Ahmed Mustafa al-Dhabi to serve on the IGAD mediation, alongside Ethiopian and Kenyan envoys. Reportedly close to President Bashir, he formerly headed Sudan's military intelligence and was ambassador to Qatar before leading security arrangements for Darfur, where he became the focal point for the UN Security Council sanctions committee on Sudan.[162] It is hoped that his presence in the mediation may help Khartoum regain international credibility and keep it from intervening in the conflict.

F. *Ethiopia and Kenya*

Ethiopia and Kenya have a long history of support for the SPLM/A, the former especially militarily, the latter diplomatically (Kenya played a pivotal role in the CPA negotiations).[163] Following years of bearing the burden of tens of thousands of refugees and related instability, independence brought a chapter of peaceful and economically beneficial relations.[164]

Ethiopia, under Ambassador Mesfin, is leading IGAD mediation efforts. Ethiopia is a key broker of improved South Sudan-Sudan relations and has taken the primary role in UNISFA, as well as supporting the nascent South Sudan-Sudan border-monitoring mission. It has worked closely with the SPLA on joint border security initiatives and has further incentive for a peaceful resolution to the conflict given the links between its own restive and rival Nuer and Anyuak populations and the potential involvement of Eritrea, its arch-rival, with whom it has often been in proxy conflict.[165] There are allegations Eritrea may be siding with Machar in an attempt to undermine Ethiopia's peacemaking while Egypt is increasingly close to Juba.[166] Tensions with Uganda over management of the crisis have become increasingly public, with Ethiopia calling for the UPDF to withdraw from South Sudan.[167]

Kenya has given the government civilian advisers and is a UNMISS troop contributor.[168] President Kiir has a strong relationship with former President Moi and General Sumbweiyo, who was the primary mediator during the CPA process. Sumbweiyo has returned as Kenya's mediator in the current IGAD process.

[161] Crisis Group interview, March 2014.
[162] "Chief of Arab League's mission in Syria is lightning rod for criticism", *The New York Times*, 2 January 2012.
[163] Douglas H. Johnson, *The Root Causes of Sudan's Civil Wars*, op. cit.; Crisis Group Africa Report N°39, *God, Oil and Country: Changing the Logic of War in Sudan*, 28 January 2002, pp. 56-61.
[164] Crisis Group Report, *Sudan: Regional Perspectives*, op. cit., pp. 1-4, 12-15.
[165] "Armed Groups Along Sudan's Eastern Frontier: An Overview and Analysis", Small Arms Survey, November 2007.
[166] Egypt views the proposed Renaissance Dam in Ethiopia as a threat to Nile water security and an issue of national security. Crisis Group telephone interviews, international observers, February 2014; "Egypt plans dam-busting diplomatic offensive against Ethiopia", United Press International, 27 February 2014.
[167] Ethiopia may also seek to balance Uganda's use of force by other means. Crisis Group email correspondence, regional expert, February 2014; "Ethiopia's Premier urges Museveni to pull troops out of South Sudan", *Daily Nation*, 11 February 2014; "East Africa: The new Great Game", *The Africa Report*, no. 58, March 2014.
[168] Kenyan troops have been noted for successful efforts to protect civilians under threat, particularly in Jonglei. Crisis Group interviews, UN officials, Juba, February 2014.

G. *Eritrea*

The SPLA long had close ties with Eritrea.[169] However, shifting relationships between Eritrea, Ethiopia, Sudan and South Sudan in the years following the 1998-2000 Ethiopia-Eritrea war and leading up to and following the CPA gradually cooled them. Since 2005, elements within Eritrea have provided substantial support to the southern armed groups.[170] This history and Sudanese President Bashir's visit to Asmara in January are offered as support for allegations of Eritrean support to the SPLA in Opposition that Asmara vehemently denies.[171]

[169] Cooperation included shared military bases and intelligence and troop deployments in support of SPLA offensives. Crisis Group Report, *Sudan: Regional Perspectives*, op. cit., pp. 16-17.
[170] It is not clear whether this is official Eritrean government policy or the independent actions of military and intelligence officials involved in arms trafficking and other illicit activities. Crisis Group interviews, senior civilian and military officials, Juba, February 2014. "South Sudan army accuses unnamed foreign force of aiding rebels", *Sudan Tribune*, 17 February 2014; letter dated 18 July 2011 from the chairman of the Security Council committee pursuant to Resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea, to the president of the Council, S/2011/433; "Reaching for the Gun: Arms Flows and Holdings in South Sudan", Small Arms Survey, April 2012.
[171] Such allegations are likely to occur whether or not Eritrea supports the SPLA in Opposition. Statement of the Eritrean foreign ministry on South Sudan, 10 March 2014; "Sudan, Eritrea announce political support for Juba", *Sudan Tribune*, 18 January 2014; "Eritrea denies supporting South Sudan rebels", *Sudan Tribune*, 20 March 2014; "Ethiopia admonishes Eritrea over South Sudan's conflict", The Reporter (www.thereporterethiopia.com), 29 March 2014.

VII. Building Peace from the Ashes of War

Resolving South Sudan's internal conflict needs more than a short-term political fix; it requires sustained commitment and political will from domestic leaders and international partners alike. The fundamental aspects of governance, including reform of the SPLM and SPLA and relations with and among communities, must be on the table. International partners need to prepare for a long, difficult process that requires impartiality and dedication. South Sudanese civil society, including religious leaders, community-based organisations, traditional leaders and youth and women's leaders, are critical to this process and must not be excluded.[172]

A. *Overcoming the Preference for a Military Solution*

As noted above, the government and SPLM in Opposition signed both a cessation of hostilities and an agreement on the status of the eleven detainees on 23 January 2014. Provisions for halting combat operations were clear, while others, such as the call for the parties to "redeploy and/or progressively withdraw" allied forces and to make "every effort to expedite the release of the detainees", were less explicit.[173] Due to this ambiguity and questionable political will, neither agreement has been adequately implemented, the conflict continues to rage, and the political talks have been hampered.

The cessation of hostilities agreement was violated almost immediately.[174] Following signature, the government, with the support of JEM, regained control over most of Unity state and, with the support of the UPDF, retook parts of Jonglei, while the SPLA in Opposition made significant gains in Upper Nile.[175] Monitoring and verification teams still lack sustained presence on the ground and have not investigated a single reported violation. The agreement on the detainees has fared better, with the release of seven into Kenyan custody who are now participating in the Addis Ababa talks. However there has been little progress on release of the remaining four, who are on trial for treason, a capital offence.[176] While the international community put great pressure on the parties to sign the agreements, relatively little effort has been devoted to ensuring compliance.

The government was able to turn around early losses by cobbling together a diverse set of forces, including the rump SPLA, UPDF, JEM and recently amnestied but not yet integrated Bul Nuer and Shilluk militias (which until late last year were fighting the government in Unity and Upper Nile states respectively). While most government officials recognise that even with these forces it will not be possible to defeat the SPLA in Opposition entirely, hardliners hope to stabilise the situation such that the

[172] Civil society and community leaders represent different constituencies and a multiplicity of views, including on the question of support for the continued use of force to resolve the conflict. Mediators should be careful not to ask civil society to speak with one voice and recognise that bringing together these diverse actors and their views is part and parcel of a successful process.

[173] "Agreement on Cessation of Hostilities Between the Government of the Republic of South Sudan (GRSS) and the Sudan People's Liberation Movement/Army in Opposition", 23 January 2014; "Agreement on the status of detainees between the government of the Republic of South Sudan and the Sudan People's Liberation Movement/Army SPLM/A", IGAD, 23 January 2014.

[174] Crisis Group interviews, UN officials, Juba, February 2014.

[175] "Clashes continue in South Sudan town of Malakal: Reports", PressTv, 25 December 2013.

[176] "South Sudanese political leaders call for release of prisoners", Business Day Live, 13 February 2014.

conflict can be treated like the many other local rebellions it has faced since 2005.[177] It could then question the content or even the necessity for internationally mediated peace talks.

Conversely, after suffering a round of defeats in early 2014, the SPLA in Opposition sees a number of benefits from delaying peace talks: the growing potential for greater international support, the advantage its forces will have during the rainy season and the hope that the UPDF would withdraw, either due to international pressure or the cost of prolonged deployments.[178] The length and nature of Uganda's deployments, the IGAD force mandate and possible U.S. sanctions have the greatest potential to break the deadlock.

B. *The Incomplete Reorientation of UNMISS*

UNMISS was neither politically nor operationally prepared for the conflict. Eleven days after fighting started, the UN Secretary-General's special representative, Hilde Johnson, acknowledged: "We did not see this coming".[179] As recently as November 2013, the mission was "cautiously optimistic" in the face of a growing number of warning signs that the country was increasingly unstable.[180] UNMISS has struggled to engage proactively in political crises and to maintain the impartiality required to protect civilians under threat.[181] State support and the extension of state authority were prioritised over critical but more contentious and difficult aspects of the mandate such as support for political transition, early warning, protection of civilians and human rights reporting.[182] Following the outbreak of violence, the mission's continued

[177] Crisis Group interviews, government officials and SPLA officers, February, March 2014.
[178] Crisis Group interviews, SPLM/A in Opposition leaders, February, March 2014.
[179] "Near verbatim transcript, including questions and answers, Press Conference on the Situation in South Sudan", 26 December 2013. Regional and other diplomats – who for the most part had also failed to publicly warn of the impending crisis – expressed incredulity at UNMISS statements given the seriousness with which they viewed the escalating crisis within the SPLM. Crisis Group interviews, Nairobi, December 2013; Addis Ababa, January 2014; Pretoria, January 2014. Since independence, UNMISS has consistently presented South Sudan as a post-conflict, developing country rather than a politically fragile, highly conflict-prone polity, despite the several thousand South Sudanese killed in violent conflict in three out of its ten states in that period. Mareike Schomerus and Tim Allen, "Southern Sudan at Odds with itself", op. cit.
[180] UNMISS called the cabinet dissolution in July 2013 an "encouraging development", one of a number of "positive steps". Warning signs included crackdowns on the media and threats to civil society leaders, exile of the head of the South Sudan Law Society and public statements by senior party officials that there was a national crisis. "Report of the Secretary-General on South Sudan", S/2013/251, 8 November 2013; "Press must be able to work freely in South Sudan, Open letter to President Salva Kiir Mayardit", Committee to Protect Journalists, 22 May 2013. South Sudan fell twelve places in a 2013 press freedom ranking. "Press freedom index 2013", Reporters Without Borders. "Dispatches: Don't Squelch South Sudan's Independent Spirit", Human Rights Watch, 5 December 2013; "Q&A exiled lawyer says regime change 'only way forward' in South Sudan", *New Sudan Vision*, 23 September 2013; "Press statement: SPLM leadership crisis", SouthSudanNation.com, 6 December 2013.
[181] At the time of the crisis, UNMISS did not have a political strategy to address armed rebellion and ethnic conflict in Jonglei that was killing thousands annually, let alone a national strategy commensurate with the growing political crisis. Crisis Group interviews, senior UN officials, Juba, November 2013.
[182] UNMISS is not alone in failing to address some of the more difficult political work required to help create a viable new state. Other international actors should also re-consider their broader approach to state- and peacebuilding support to South Sudan in the conflict's wake.

policy of state support compromised perceptions of its neutrality.[183] For example, despite widespread and serious allegations of extrajudicial killings by government security forces, UNMISS continued to use armed SPLA escorts for its protection patrols in Juba.[184]

This has not prevented the government from criticising the mission. In January, following public incidents with his officials, President Kiir complained that UNMISS was brought in as a "parallel government".[185] In March, government actors intercepted a mislabelled UN weapons shipment, leading to allegations of UNMISS support to the SPLM/A in Opposition, protests by senior government figures and public calls for Johnson's removal.[186] Tensions remain high, and the mission's policy of state-support in some parts of the country and neutrality in others has left government and opposition figures alike confused and frustrated.[187]

Years of failure – across the UN system and from member states – to demand accountability for attacks on peacekeepers and the acceptance of onerous government conditions on civilian and troop movements have left UNMISS ill-equipped and lacking the esprit de corps necessary to provide robust and impartial protection in and around bases where civilians have sought protection.[188] For days after 15 December, while civilians in Juba were being directly targeted on the basis of ethnicity, UNMISS was denied SPLA permission to patrol even its own perimeters and was repeatedly obstructed at government checkpoints.[189] As Secretary-General Ban Ki-moon called for a ceasefire, UNMISS continued to provide support to the SPLA, thus failing to establish its impartiality and raising serious questions about how the UN coordinated its approach to conflict reduction and protection of civilians under threat.[190]

Within hours of the outbreak of conflict, civilians began arriving at UNMISS bases seeking protection. The speed with which the fighting spread required immediate

[183] Opposition figures have accused UNMISS of reporting information to the government and, at times, have forbidden UNMISS flights into certain areas under their control where they have allowed humanitarians to operate. Crisis Group interviews, SPLM in Opposition, Nairobi, December 2013, January, February 2014.

[184] Crisis Group interviews, UN officials, IDPs and refugees, Nairobi; by telephone to Juba, December 2013 and January 2014.

[185] "South Sudan President Salva Kiir hits out at UN", BBC, 21 January 2014.

[186] "South Sudan protest against UN after weapons found", Agence France-Presse, 10 March 2014.

[187] SRSG Johnson recommended the mission operate under different parameters in different areas of the country. In some areas, such as Juba, UNMISS is seeking to be impartial and maintain state support at the same time. Crisis Group interviews, government and opposition delegates, Addis Ababa, January 2014; government officials and SRSG Hilde Johnson, Juba, 1 April 2014.

[188] The results of investigations have not been made public and there has been no accountability for three fatal attacks on UNMISS peacekeepers, all of which have occurred in Jonglei. The government has repeatedly halted the investigation into the shooting down of a UNMISS helicopter in December 2012. UNMISS' decision to evacuate senior staff threatened by government actors further hurt staff morale. Crisis Group interviews, UN military and civilian staff, November 2013, February and March 2014. "Report of the Secretary General on South Sudan (UNMISS)", op. cit., para. 42.

[189] This included door-to-door searches and roadblocks where government security officials targeted Nuer civilians, who were killed or have disappeared. Crisis Group telephone interviews, senior government officials, civilians, and UN officials, Juba, December 2013; Nairobi, December 2013; Addis Ababa, January 2014; "Report of the Secretary-General on South Sudan (UNMISS)", op. cit., para. 37.

[190] "Calls grow for South Sudan cease-fire", CNN, 29 December 2013; Crisis Group telephone interviews, UN officials in South Sudan, December 2013; interviews, UN officials, Nairobi, January 2014.

action and UNMISS senior leadership took the risky but right decision to open its gates.[191] In the early days of the civil war, it was not foreseen that the UN mission would become the long-term host to tens of thousands of civilians.[192] Once it became clear that civilians were not leaving within a few days, UNMISS' task was made more difficult by the evacuation of nearly all international humanitarian staff, the widespread looting of humanitarian facilities and combat operations – including attacks on civilians – near UNMISS bases in many locations.

Mission staff are not humanitarians and did not have access to humanitarian supplies, such as tents, food and materials to build latrines, leading to dire conditions in some of the bases.[193] Acknowledging the logistical and political difficulties, there is no question UNMISS' action saved – and continues to save – many thousands of civilian lives. Currently, the UN mission has nearly 70,000 civilians sheltering in its bases; this must be the mission's foremost imperative and will be a critical consideration in shaping its mandate moving forward.

The UN Secretary-General's decision to reorient the mission's efforts to reflect the unprecedented scale of its protection responsibilities; its unique position to enable humanitarian service delivery; the need for reliable and consistent human rights reporting; and the role required of it to support the IGAD-led mediation process must be communicated fully and transparently for the mission to rebuild its credibility with all actors.[194] Member states should enhance UNMISS capacities by providing the necessary troops, including engineering and riverine units.

UNMISS early warning capabilities also should be reviewed and enhanced.[195] In particular, greater resources need to be allocated to early warning and the mission should systematise the response to early warning indicators. This will become even more critical as it seeks to maintain state-support activities in areas that have seen limited or no conflict.[196] For example, a far more substantial review of the impact of plans is needed in parts of the Equatorias and Western Bahr el Ghazal that have been quiet but are far from stable. The suggestion that state-support in such areas would reduce the likelihood of eventual conflict needs to be carefully evaluated.[197] In advance of the mandate renewal in July, the UN Secretariat's Department of Peacekeeping Operations (DPKO) should undertake a review of the applicability of the mission's state-building model in the midst of a civil war.

[191] Crisis Group interview, deputy special representative of the Secretary-General Raisedon Zenenga, 4 April 2014.
[192] Prior to December 2013, civilians had sought shelter in UNMISS bases in Wau, Western Bahr el Ghazal and Pibor, Jonglei. In these instances, civilians left the bases following the restoration of stability in the areas. Many anticipated a similar situation in December. Crisis Group interviews, UN staff, February, April 2014.
[193] Crisis Group interviews, senior UN officials, Bor, February 2014, Bentiu, April 2014, and Juba, February-April 2014.
[194] The division of states into "red" and "green" where state support is and is not ongoing was a recommendation of the Secretary-General's special representative. Crisis Group interviews, senior UN officials, Juba, February, April 2014; "Report of the Secretary-General on South Sudan (UNMISS)", op. cit., para. 68.
[195] The early warning system is currently being "revamped" but mission leadership insists this is unrelated to the failure of early warning to predict the civil war. Crisis Group interview, senior UN official, April 2014.
[196] Ibid, para. 69.
[197] Particularly given that the mission's model of state-support had negligible impact on the trajectory of the crisis throughout 2013 and into 2014.

Of particular concern is the proposed support to the National Police Service. Most officers were members of armed groups that were integrated into the SPLA, as well as the police, prisons, wildlife and fire brigade services.[198] When the fighting erupted in December, the police engaged in active combat; its officers are implicated in abuses in multiple locations.[199] Attempts to provide support that "does not enhance fighting capabilities" will not alter the fundamental nature of the police, which will continue to serve as a reserve force for the SPLA.[200]

Efforts to reorient the mission's posture to "strict impartiality in its relations with both parties" are undermined by continued state-support.[201] The same government the mission is mandated to assist in one area is fighting a war in another.[202] The UNMISS mandate must be clear and implemented consistently across the country.

C. *The AU Investigation into Human Rights Abuses*

On 26 December 2013, the AU Peace and Security Council announced it would establish a commission to investigate human rights abuses and make recommendations on accountability, truth and reconciliation.[203] The AU also has twice threatened sanctions against those who incite ethnic violence or violence against civilians, hinder humanitarian operations and undermine dialogue or UNMISS protection activities.[204]

Senior AU officials have expressed the organisation's commitment to taking a leading role in documenting and reporting on human rights violations, as well as addressing accountability and reconciliation.[205] The membership of the commission announced in March, including its chair, former Nigerian President Olusegun Obasanjo, indicates the importance with which the AU views its task.[206] However there are con-

[198] Lesley Ann Warner, "Armed Group Amnesty and Military Integration in South Sudan", Royal United Services Institute Journal, vol. 158, no.6 (December 2013), pp. 40-47.
[199] The inspector general of police personally led troops in front-line combat. Crisis Group interviews, security officials, Juba, February 2014. "Minister of Interior and Minister of Defence address the organized forces", South Sudan National Police Service, 6 February 2014; "Interim Report on South Sudan Internal Conflict December 15, 2013 – March 15, 2014", South Sudan Human Rights Commission, 19 March 2014; "Interim Report on Human Rights", op. cit.
[200] Members of the police have fought on behalf of the government and the SPLA in Opposition. The mission should also be concerned that the police may experience further desertions. "Report of the Secretary-General on South Sudan (UNMISS)", op. cit., para. 69.
[201] Ibid, para. 68.
[202] This divided stance is not likely to improve the mission's relationship with the government; many officials resent what they view as the UN's blanket categorisations of entire state governments and their officials as either acceptable or unacceptable. Opposition leaders see this as another demonstration that UNMISS is not impartial, further undermining its ability to operate in opposition-controlled territory. Crisis Group interviews, government officials, Juba, March 2014; SPLM in Opposition representatives, Nairobi, March 2013.
[203] "411th meeting of the Peace and Security Council at the level of Heads of State and Government on the situation in South Sudan", AU, 30 December 2013.
[204] "Communique", AU Peace and Security Council, 29 January 2014.
[205] Crisis Group interviews, AU Commission Chairperson Madam Nkosazana Dlamini-Zuma, and Commissioner for AU Peace and Security Council, Ambassador Smaïl Chergui, Addis Ababa, January 2014.
[206] "South Sudan Commission of Inquiry established and members appointed", press release no. 039/2014, AU, 7 March 2014. The members, in addition to Obasanjo, are president of the African Court on Human and Peoples' Rights, Justice Sophia A.B. Akuffo; Director of the Makerere University Institute of Social Research and Columbia University Professor, Mahmood Mamdani; special envoy for women, peace and security of the chairperson of the African Union commission, Bineta

cerns it may formulate recommendations based on ideological preference for reconciliation rather than through consultation with South Sudanese victims, perpetrators and communities.[207] Although it was scheduled to report in April, it is only just beginning work that is made more difficult by disappearing evidence and the rainy season.

In the wake of further atrocities after the ceasefire, political, civil society and community leaders have drawn a direct link between past impunity and present abuses and demanded accountability.[208] It is imperative to fix any justice and accountability process in the specific South Sudanese historical, political and judicial context. A truth-telling and documentation project could contribute to creating an impartial national record or shared understanding of events.[209] But before another reconciliation process is recommended, the commission must understand why past processes, with limited exceptions, have failed to address the drivers of conflict and avoided accountability.[210]

The government has launched several judicial proceedings and investigations into the post-15 December events: the ongoing trial of the four former SPLM leaders for treason; a police investigation into the force's role in atrocities in Juba; two presidential committees; and a general court martial ordered by the SPLA chief of general staff.[211] Many South Sudanese, including within the government, say they have little

Diop; and member of the African Commission for Human and People's rights and University of Ottawa Professor Pacifique Manirakiza.

[207] Crisis Group email interviews, civil society actors, March 2014; Thabo Mbeki and Mahmood Mamdani, "Courts can't end civil wars", *The New York Times*, 5 February 2014.

[208] "Kiir orders probe into killings", *Daily Monitor* (Kampala), 27 January 2014; "S Sudan FM vows accountability for all behind violence", News 24, 13 February 2014; "Exclusive: Interview with ex-VP wife Angelina Teny", *Sudan Tribune*, 8 March 2014; "Civil society statement on the establishment of a commission of inquiry into atrocities committed during the conflict in South Sudan", signed by sixteen South Sudanese civil society organisations, 25 January 2014, on file with Crisis Group; "Open letter to the members of the African Commission on Human and Peoples' Rights (ACHPR) from South Sudanese civil society organizations", signed by thirteen South Sudanese and fourteen African and international civil society organisations, 6 March 2014, on file with Crisis Group; Crisis Group interviews, SPLM/A in opposition and civil society representatives, Nairobi, January 2014; government officials, General David Yau Yau, civil society representatives and victims and perpetrators of human rights abuses, Juba, Jonglei, February 2014.

[209] A truth-telling exercise has never been done in South Sudan; it could also examine events prior to 15 December 2013, as many trace the roots of the current conflict to CPA-era disputes, the 1991 split in the SPLA and the struggle between the SPLA and Anyanya II, another separatist movement, in the early 1980s. Impartial truth-telling may also be useful, as many interviewees were unaware, failed to recognise or dismissed accounts of atrocities against other ethnic groups than their own, views that tend to reify divisions rather than enable understanding of shared suffering.

[210] On past reconciliation processes' avoidance of accountability as a factor enabling present impunity, see David Deng, "Challenges of Accountability", South Sudan Law Society (2013); Mareike Schomerus and Tim Allen, "Southern Sudan at Odds with itself", op. cit.; "Peace and Conflict Assessment of South Sudan 2012", International Alert, 2012.

[211] The South Sudan Human Rights Commission expressed concerns about the arrests of the eleven political figures and the trial of four. "Interim Report on South Sudan Internal Conflict", op. cit., p. 10; "South Sudan: Ethnic Targeting, Widespread Killing", Human Rights Watch, 16 January 2014; "Convening Order forming a Committee to investigate the cause of the shoot out within the Republican Guard Division on 15th December 2013", and "Convening Order forming a Committee to investigate extra-judicial Killings in Juba", office of the SPLA chief of general staff, 31 December 2013; "Convening Order forming a GCM", office of the SPLA chief of general staff, 23 January 2014; "Committee to investigate into the allegations labeled as to involvement of some elements of Joint Patrol and other organized forces in human violation and abuses during the failed coup attempt",

faith in the police and judiciary to investigate and prosecute government abuses and of the SPLA's ability to investigate the Presidential Guard.[212]

A hybrid South Sudanese and international tribunal, such as has been used in Sierra Leone, should be considered as a means of building domestic judicial capacity to address long-term impunity, while providing justice in the short term. Prosecutions are important in ending impunity, but national or international criminal prosecutions should proceed with an understanding that compensation, rather than punishment, is an important South Sudanese form of redress.

D. *Mediation at Multiple Levels*

The conflict between senior politicians, military leaders and communities requires separate, although closely linked, approaches to mediation that can begin in Addis Ababa, but, pending appropriate security arrangements, will need to shift back to South Sudan and not be limited to Juba.[213] The mediation must move beyond securing a power-sharing deal between the political elites of the SPLM. While internal party dialogue is critical, reconciliation of armed groups that fought one another for decades and are again at odds must be addressed alongside internal party dialogue in order to create a national and professional army that is a force for stability rather than a stopgap in the absence of broader political reform. The equally urgent and deeply political work of reconciling communities must also take place. It must not be limited to negotiations between and with senior political and military figures but be inclusive of civil society, religious leaders, youth leaders and women's associations – both to ensure credibility and to provide a vital link with communities caught up in violence.[214]

Sequencing processes such that they are mutually reinforcing and that warring parties do not engage in forum shopping will be a difficult task for mediators given South Sudanese leaders' decades of experience with externally mediated negotiations. Truth, justice and accountability are necessary elements of the painful national conversations that must take place. Mediators must acknowledge that decisions on accountability and reconciliation are deeply political and must be consciously integrated into the processes. Lastly, these efforts should not be rushed to meet externally imposed deadlines for a constitution, census or election. While those democratic steps should be eventual goals, reconciling the divisions between the SPLM, armed groups and communities is essential before they can realistically be undertaken without leading to further violence.

police inquiry, South Sudan National Police Service, Office of the Inspector General, 28 December 2013. Hard copies on file with Crisis Group.

[212] The Presidential Guard does not report through the SPLA chain of command, which would make efforts to investigate and court martial members difficult. Crisis Group interviews, SPLM/A in opposition and civil society representatives, Nairobi, January 2014; government officials, General David Yau Yau, civil society representatives, Juba, Jonglei, February 2014.

[213] Security arrangements include creating an environment in which the political opposition, SPLM/A in Opposition and Nuer civilians can be assured safety in Juba.

[214] Apart from the SPLA, the churches are the institution with the widest reach in South Sudan.

1. Reconciliation among political leaders

The SPLM's political leaders have worked together – and often at the same time against one another – for decades. Many were early members of the movement, and their shared history both divides and unites them. What unites is the desire for the SPLM to transition into a functioning governing party that remains true to the ideals of the liberation struggle. Their not easily resolved differences revolve around the party's vision and internal democracy, as well as power sharing among political and ethnic groups. Critical questions, such as the role of President Kiir and former Vice President Machar in an interim political arrangement must be addressed. Political leaders from all camps, including other parties, need to discuss and determine South Sudan's future, and ample time should be provided for a meaningful process. The international community should support and monitor this process, including welcoming the involvement of South Africa's governing party, the African National Congress (ANC), which has a long and strong relationship with the SPLM.

2. Reconciliation between armed groups

Military leaders command the loyalty of tens of thousands of heavily-armed combatants, many of whom are alienated from the country's political leaders.[215] The ability of senior military figures to reconcile is also critical to a sustainable political agreement. Simplistic approaches such as disarming combatants in isolation from broader political agreements should be avoided.[216] The IGAD mediation process should support military-military engagement as a distinct and necessary component of the overall political mediation.

3. Reduction in ethnic conflict

In addition to and alongside the military conflict, tremendous ethnic violence has taken place and will continue in the absence of credible mediation. Communal conflicts cannot be separated from the political and will be difficult to resolve without addressing the conflict between the country's political and military leaderships. Political and military figures must demonstrate a willingness to be constructive participants in resolving ethnic conflict, and mediators should be willing to hold to account those who do not.

[215] Crisis Group interviews in another capacity, combatants associated with the SPLA and non-state armed groups, South Sudan, September-November 2013.

[216] Regional and other international actors should ensure that efforts to demilitarise South Sudan are based on a sound understanding of the SPLA's and other armed groups' political roles and status within communities and should not apply models from other conflicts that have little in common with the nature of the war and structure of armed groups in South Sudan to avoid the violence and failures of past demobilisation and civilian disarmament efforts.

VIII. Conclusion

The conflict that broke out on 15 December 2013 was decades in the making. The speed with which the SPLM and SPLA collapsed reveals the ephemeral nature of the "big tent" policy. The transition to more broadly representative political and military institutions clearly remained woefully unfinished, due to the lack of substantive SPLM and SPLA reform.

The failure to reconcile political and military grievances that built up during the 1983-2005 civil war was also reflected in the rapid recourse to ethnic violence. Yet, while incomplete, President Kiir's initial steps to establish multi-ethnic and broadly representative political and military institutions that began in 2006 could serve as the basis of a serious reform process for both institutions. The democratic space that was closed after independence must be reopened urgently to enable peace and reconciliation processes to take root. The difficult challenge of building a stable polity and mending relations between communities requires a long-term commitment from both South Sudanese and international actors.

Addis Ababa/Juba/Nairobi/Brussels, 10 April 2014

Appendix A: Map of South Sudan

Appendix B: About the International Crisis Group

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 150 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 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 decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and made available simultaneously on the website, 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 – 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 policy-makers around the world. Crisis Group is chaired by former U.S. Undersecretary of State and Ambassador Thomas Pickering. Its President and Chief Executive since July 2009 has been Louise Arbour, former UN High Commissioner for Human Rights and Chief Prosecutor for the International Criminal Tribunals for the former Yugoslavia and for Rwanda.

Crisis Group's international headquarters is in Brussels, and the organisation has offices or representation in 26 locations: Abuja, Baghdad/Suleimaniya, Bangkok, Beijing, Beirut, Bishkek, Bogotá, Cairo, Dakar, Gaza, Islamabad, Istanbul, Jerusalem, Johannesburg, Kabul, London, Mexico City, Moscow, Nairobi, New York, Seoul, Tbilisi, Toronto, Tripoli, Tunis and Washington DC. Crisis Group currently covers some 70 areas of actual or potential conflict across four continents. In Africa, this includes, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Eritrea, Ethiopia, Guinea, Guinea-Bissau, Kenya, Liberia, Madagascar, Nigeria, Sierra Leone, Somalia, South Sudan, Sudan, Uganda and Zimbabwe; in Asia, Afghanistan, Indonesia, Kashmir, Kazakhstan, Kyrgyzstan, Malaysia, Myanmar, Nepal, North Korea, Pakistan, Philippines, Sri Lanka, Taiwan Strait, Tajikistan, Thailand, Timor-Leste, Turkmenistan and Uzbekistan; in Europe, Armenia, Azerbaijan, Bosnia and Herzegovina, Cyprus, Georgia, Kosovo, Macedonia, North Caucasus, Serbia and Turkey; in the Middle East and North Africa, Algeria, Bahrain, Egypt, Iran, Iraq, Israel-Palestine, Jordan, Lebanon, Libya, Morocco, Syria, Tunisia, Western Sahara and Yemen; and in Latin America and the Caribbean, Colombia, Guatemala, Mexico and Venezuela.

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April 2014

Appendix C: Reports and Briefings on Africa since 2011

Central Africa

Burundi: From Electoral Boycott to Political Impasse, Africa Report N°169, 7 February 2011 (also available in French).

Chad's North West: The Next High-risk Area?, Africa Briefing N°78, 17 February 2011 (only available in French).

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The Lord's Resistance Army: End Game?, Africa Report N°182, 17 November 2011.

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

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

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South Sudan: Compounding Instability in Unity State, Africa Report N°179, 17 October 2011 (also available in Chinese).

Kenya: Impact of the ICC Proceedings, Africa Briefing N°84, 9 January 2012.

Kenyan Somali Islamist Radicalisation, Africa Briefing N°85, 25 January 2012.

The Kenyan Military Intervention in Somalia, Africa Report N°184, 15 February 2012

Somalia: An Opportunity that Should Not Be Missed, Africa Briefing N°87, 22 February 2012.

China's New Courtship in South Sudan, Africa Report N°186, 4 April 2012 (also available in Chinese).

Uganda: No Resolution to Growing Tensions, Africa Report N°187, 5 April 2012.

Ethiopia After Meles, Africa Briefing N°89, 22 August 2012.

Assessing Turkey's Role in Somalia, Africa Briefing N°92, 8 October 2012.

Sudan: Major Reform or More War, Africa Report N°194, 29 November 2012 (also available in Arabic).

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

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

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

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