

A Short Window to Resuscitate South Sudan's Ailing Peace Deal¹

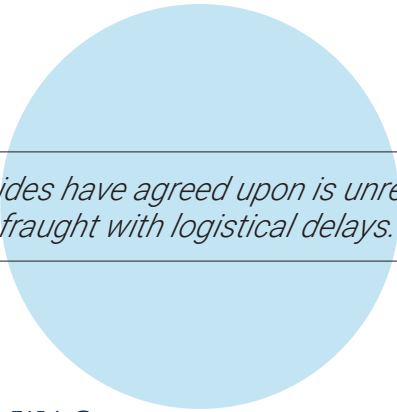
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INTRODUCTION

On 7 November 2019, President Salva Kiir and armed opposition leader Riek Machar agreed to a second extension of the deadline for forming a unity government, a requirement of their September 2018 agreement aimed at ending South Sudan's six-year civil war. The 100-day deferral, brokered at an emergency summit in Uganda, comes after a six-month delay in May. Importantly, it keeps alive the war's longest ceasefire. But it does not bring the two sides closer to resolving their core differences. One issue that is critical to breaking the impasse is an agreement on the number and boundaries of states, which set the distribution of power across the country. Absent such an agreement, Kiir and Machar may have little incentive to form a unity government or to strike final bargains on unifying the army and security arrangements in the capital Juba. Mediators from Uganda, Sudan and Kenya should step up efforts to forge a deal on states. If they cannot do so before January 2020, the new extension's midpoint, other African leaders should step in. If the two sides cannot agree on states, they risk sliding back into war.

FOOTNOTES

1. This article is republished with permission from The International Crisis Group (Brussels, Belgium): International Crisis Group. 2019. "A Short Window to Resuscitate South Sudan's Ailing Peace Deal." International Crisis Group, accessed December 2. https://www.crisisgroup.org/africa/horn-africa/south-sudan/short-window-resuscitate-south-sudans-ailing-peace-deal?utm_source=Sign+Up+to+Crisis+Group%27s+Email+Updates&utm_campaign=b4f3356eb6-EMAIL_CAMPAIGN_2019_12_02_12_11&utm_medium=email&utm_term=0_1dab8c1ea-b4f3356eb6-359396393.



"The roadmap the two sides have agreed upon is unrealistic, underfunded and fraught with logistical delays."

THE EXTENSION OF THE DEADLINE FOR THE UNITY GOVERNMENT'S FORMATION WAS NECESSARY BUT DOES NOT IN ITSELF GUARANTEE PROGRESS

The extension of the deadline for the unity government's formation was necessary but does not in itself guarantee progress on the 2018 peace deal's implementation, as Crisis Group made plain recently.² Mediated by Uganda's President Yoweri Museveni, Sudan's Sovereign Council chair General Abdel Fattah al-Burhan and Kenya's envoy Kalonzo Musyoka at a Tripartite Summit attended by Kiir and Machar, the deferral preserves a ceasefire that has largely ended five years of war. Thanks to the truce, South Sudanese enjoy more freedom of movement and better access to their fields and humanitarian aid. Rushing the unity government while the parties remained so far apart on key issues – crucially, those of states and internal boundaries, army reform and security arrangements in Juba – could have risked the ceasefire's bloody collapse. Yet making progress now requires effective diplomacy from outside high-level mediators whose limited engagement over the past year gives little cause for optimism.

The question of states and boundaries is one immediate stumbling block. Outstanding issues on the army are important and will likely be difficult to resolve, but the parties have agreed to a roadmap, even if it needs amending. Joint security committees established by the 2018 peace deal are operating and surprisingly collegial and there does not appear to be an absolute impasse. In contrast, on states and boundaries, discussions are deadlocked; committees created to resolve the issue have failed and disbanded. Security arrangements in Juba are also critical, as Crisis Group has previously underscored³, given that the capital has been a flashpoint in the past and because Machar will not go back without his security ensured. But negotiations on that issue are, in essence, on hold, largely because Machar almost certainly will not return to the capital absent a deal on states and boundaries. If the two men can strike such a deal, then the road to a unity government becomes clearer and pressure will mount to resolve outstanding issues related to the army and Juba security. A priority for international mediators should be to unlock the states and boundaries question.

BOTH KIIR AND MACHAR BEAR RESPONSIBILITY FOR CREATING THAT DISPUTE

Both Kiir and Machar bear responsibility for creating that dispute. In 2011, when South Sudan became an independent nation, it had 10 states. State governors wield substantial power, access to resources and influence over political appointments down to the local level. Powerful allies of both Kiir and Machar, who at the time was Kiir's vice president, wanted to increase the number of governors so as to widen the pool of spoils. In turn, state boundaries matter a great deal, as they can determine which ethnic group dominates each state and benefits from its resources, including oil. In 2014, after the civil war began, Machar called for redividing the country into 21 states. Kiir subsequently redrew the map to divide it into 28, and later 32, states, carved up to favour his political base.

The 32-state configuration is a source of great aggravation to Machar and many of his fighters. Rebel hardliners view it as surrender for Machar to join a unity government so long as that configuration remains in place. Meanwhile, some armed groups in Machar's coalition vow to keep fighting if there is no change to specific boundaries, which they believe have been used to apportion their land to other groups. The most bitter of these disputes is over control of Malakal, a city in South Sudan's north east that was once one of its three administrative capitals. Since Machar is the weaker party, his commanders know that he will have little leverage once in government to win concessions on states or boundaries. For this reason, he is unlikely to join a unity government absent a new deal on those questions. Nor, indeed, should diplomats attempt to force him to do so: were that to happen, the new government would immediately deadlock over the issue and Machar's coalition might splinter, leading to renewed but more fragmented conflict.

IF PRESSED HARD ENOUGH, KIIR COULD BUDGE FROM THE 32-STATE CONFIGURATION

There could be a way to break the impasse. Many insiders to whom Crisis Group has spoken believe that, if pressed hard

enough, Kiir could budge from the 32-state configuration, especially if mediators made clear that intransigence would mean he would shoulder much of the blame should the peace deal collapse over this issue. Machar has also said in private that he is not wedded to a specific number of states so long as he is not forced to accept the status quo.

Nor do the stickiest boundary disputes, especially over Malakal and its surrounds, need to hold up the process. The two sides could settle on a compromise on the number of states, even as concerned with boundaries a genuine alternative to perceived surrender or a return to war.

THE ROADMAP THE TWO SIDES HAVE AGREED UPON IS UNREALISTIC, UNDERFUNDED AND FRAUGHT WITH LOGISTICAL DELAYS

With an agreement on states and boundaries, and a unity government in sight, mediators are more likely to make progress on the other major obstacles: a reasonable timetable for unifying a government and rebel armed forces into a single national army and security arrangements in Juba. On the former, Kiir and Machar have made some progress on a technical deal that would unify a first batch of 83,000 fighters and, as noted, commissions charged with advancing army reform are functioning. But the roadmap the two sides have agreed upon is unrealistic, underfunded and fraught with logistical delays. Kiir's government is justifiably concerned that Machar is using cantonment – a process the 2018 peace deal lays out for assembling and registering his forces – to amass fighters. Bolstering rebels' ranks jeopardises the peace process, because Machar could draw on more forces if the ceasefire collapses and because Kiir's camp may refuse to integrate such a large number of opposition loyalists into the military. For their part, Machar and his allies fear that Kiir will renege on pledges to bring in their forces.

Work toward an agreement on the army should not sit still even if international mediators are focusing primarily on states and borders. Machar will need to make compromises – involving a more realistic timeline, rigorous screening of his forces to reduce the number of new recruits and a reasonable ceiling for the number he can bring into the army – and he is unlikely to do so until the states and boundaries questions are resolved. At the same time, Kiir needs to show that he is committed to integrating opposition contingents. Important first steps would be releasing funds for army unification and making progress on creating new joint units.

Settling the issue of states could also facilitate resolving the question of Machar's personal safety in the capital. Negotiations over that issue will likely only commence in earnest once Machar believes he has the go-ahead to return to Juba from his coalition, which requires a deal on states. That said, some preparatory steps could help. The UN Security Council could, for example, consider mandating the UN Mission in South Sudan or request assistance from

regional states to offer Machar third-party protection. This would prevent him from using his safety as the rationale for returning with a large opposition contingent, as he did in 2016; fighting subsequently erupted in Juba between his and Kiir's fighters. Kiir has reportedly indicated that he would accept third-party protection, presumably since it would allow him to maintain military hegemony in the capital. African and Western diplomats will likely need to pressure Machar to do so, though he is unlikely to consider such an offer until he is ready to form a unity government and once his own negotiations with Kiir over the issue reach an impasse.

THE COSTS OF FAILING TO RESOLVE KEY DISAGREEMENTS ARE RISING

The costs of failing to resolve key disagreements are rising. The ceasefire is unlikely to indefinitely survive without forward momentum and if South Sudanese on all sides lose hope in the peace deal. Moreover, despite the benefits that the ceasefire has brought much of the country, conflict still rages in parts of the Central Equatoria and Western Equatoria regions between the government and rebel leader Thomas Cirillo, who is not a signatory to the peace agreement. Consolidating the 2018 peace deal's gains would allow international actors to focus on pressuring Kiir and Cirillo to negotiate an Equatorias ceasefire.

An accord between Kiir and Machar – first on states and then on security arrangements – will require concerted diplomacy. That Uganda's President Museveni and Sudan's Burhan brought Kiir and Machar together for the 7 November meeting is encouraging albeit overdue: it was the first such high-level mediation this year even as the peace deal stalled. This track must be sustained. These leaders should schedule another high-level meeting by early January, the midway point set for reviewing progress; that meeting should focus on brokering a way forward on the configuration of states so as to break the impasse. Mediators, working with South Sudanese civil society delegates to the peace process, should begin drafting compromise plans to put before the two leaders to get talks started.

REGIONAL STATES SHOULD SET ASIDE THEIR REMAINING DIVISIONS AND PRESSURE THE SOUTH SUDANESE PARTIES TO FIND COMMON GROUND

If this fails, others need to step up. The Intergovernmental Authority on Development (IGAD) should call a wider heads-of-state summit to resolve the issue. The sub-regional bloc itself has been divided over several issues, including its leadership succession, quarrels over which have repeatedly postponed a summit. Now that Sudan has assumed the chair from Ethiopia, these disagreements are over. Regional states should set aside their remaining divisions and pressure the South Sudanese parties to find common ground. For their part, the so-called C5 group of African nations, which is

chaired by South Africa, also comprises Algeria, Chad, Nigeria and Rwanda, and was mandated by the African Union to support IGAD's efforts, should press IGAD members to convene a summit and Kiir and Machar to reach an agreement on states and boundaries. Donors led by the U.S. and the EU should do the same.

Both Kiir and Machar face dangers in continuing to stall in forming a unity government, even after this second, 100-day reprieve. The pressure on Machar's cash-poor coalition will only mount if he remains outside Juba as Kiir's regime rakes in oil revenue. The longer the deadlock persists, the likelier more defections and a split in Machar's rebel forces. Kiir, meanwhile, will face renewed isolation if war breaks out. Indeed, officials from the U.S., South Sudan's largest donor and historical partner, are losing patience with him and Machar and say they are inclined to re-evaluate relations and impose sanctions on key individuals in both camps.

BOTH MEN MAY BE NEARING THEIR LAST CHANCE TO MAKE PEACE TOGETHER IN THE COUNTRY THEY HELPED BIRTH

To bolster mediation efforts, Washington could respond to calls from Congress to nominate a special envoy to South Sudan senior enough to conduct high-level shuttle diplomacy in the region and augment the efforts of U.S. allies in the so-called Troika, the UK and Norway, which already have their own envoys. The African Union Peace and Security Council could also outline to Kiir and Machar that they would face punitive measures, including targeted sanctions, if they fail to reach an agreement. The Council threatened to move toward sanctions last year; the parties signed the peace deal soon thereafter.

Both men may be nearing their last chance to make peace together in the country they helped birth. Kiir, as the stronger party, is well able to absorb the costs of peace; his close advisers should encourage him to do so. Machar's allies should press him, too, to make this peace deal work, since he may not get another shot at helping lead the country. There is a path forward, should they choose to take it.

FOOTNOTES

2. International Crisis Group, "Déjà Vu: Preventing Another Collapse in South Sudan" in Crisis Group Africa Briefing N°147 (Juba/Nairobi/Brussels: International Crisis Group. Accessible from <https://www.crisisgroup.org/africa/horn-africa/south-sudan/b147-deja-vu-preventing-another-collapse-south-sudan>, 2019).
3. "Salvaging South Sudan's Fragile Peace Deal" in Africa Report N°270 (Brussels, Belgium: International Crisis Group. Accessible from <https://www.crisisgroup.org/africa/horn-africa/south-sudan/270-salvaging-south-sudans-fragile-peace-deal>, 2019).



About the Author

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

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