



## Tackling the South Sudan Conflict within a Complicated Regional Security Complex

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Since the South Sudan conflict erupted in December 2013, it has resulted in a huge loss of life, human displacement within and across borders, and deep divisions among South Sudanese and within the Intergovernmental Authority on Development (IGAD), a bloc of African states committed to regional solutions to environmental degradation, peace and security, and economic cooperation. IGAD—composed of Djibouti, Ethiopia, Kenya, Somalia, Sudan, and Uganda—has led the way in facilitating dialogue and attempting to build peace, but it has been hampered by its own internal divisions and the reluctance of international partners to exert pressure on the warring sides. The conflict is paused by a tenuous peace agreement, but the underlying issues remain, and should violence resume, IGAD and its international partners must overcome their reluctance and internal divisions or a lasting peace based on accountability and reconciliation will remain elusive.

### South Sudan Conflict Overview

South Sudan seceded and gained independence from Sudan in 2011 via a referendum based on the 2005 Comprehensive Peace Agreement (CPA), which ended the war between the government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A), a war which cost over 2 million lives. Following independence, the leaders of South Sudan developed the 2011 Transition Constitution, which exhorts the

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people of South Sudan to rebuild the country and transform the political, economic, and social fabric of the society that had been affected by decades of civil war. However, such commitments have yet to be realized as political elites of different ethnic backgrounds—mainly Dinka and Nuer—contend for political and economic power, which culminated in the outbreak of violence in December 2013.

The violent internal conflict started when long-standing tensions within the county's ruling party, the Sudan People's Liberation Movement (SPLM), exploded in the nation's capital, Juba.

The rift between South Sudanese President Salva Kiir, who is of Dinka ethnic background, and his former deputy Riek Machar, of Nuer background, who was sacked from his position in July 2013, split the national army along their ethnic lines. Fighting broke out soon after among the Presidential guard in Juba on the night of December 15, 2013. The violence spread rapidly amongst other security forces in Juba and other parts of South Sudan, particularly Jonglei, Unity, and Upper Nile states, resulting in hundreds of civilian deaths in less than a week. Much of the violence was carried out along ethnic lines in Juba, with retaliatory actions in Bor, Bentiu, and Malakal. This caused the Sudan People's Liberation Army (SPLA) to further disintegrate, with one splinter becoming the Sudan Peoples' Liberation Movement in Opposition (SPLM-IO), a rebel group under the leadership of former Vice President Riek Machar.<sup>1</sup>

Although some researchers have argued that the current conflict is ethnically-based, pitting Kiir's Dinka against Machar's Nuer ethnic groups, the underlying problems are deeply associated with poor political and economic leadership and governance in the post-independence era, during which ethnicity was used as an instrument to maintain or gain political and economic power. The personal leadership crisis caused the military to act in the spirit of ethnic solidarity as there was no strong central command and order for the army to adhere to. The result was that a political disagreement between two leaders of Dinka and Nuer ethnic backgrounds also served to divide the army along ethnic lines, leading to a catastrophic war that has claimed more than 50,000 lives.<sup>2</sup>

There are five major underlying causes that have contributed to the current instability in South Sudan:

1. A violent power struggle between President Salva Kiir and former Vice President Riek Machar;
2. High rates of corruption, patronage, and impunity by former and current government officials;
3. A lack of effective Disarmament, Demobilization, and Reintegration (DDR) and Security Sector Reform (SSR), resulting in high militarization of society;
4. Tremendous development challenges such as a lack of government structures and institutions, a severe lack of basic infrastructure and services, limited human and institutional capacity, and a weak economic base;
5. A lack of mechanisms to implement checks and balances between or among the various branches of government.<sup>3</sup>

## **Impact of the Conflict**

### **Human Rights Violations**

Several reports, including those by the United Nations, show that violations of international human rights and humanitarian law have been committed by both parties in the conflict. There have been attacks on hospitals, churches, mosques, and United Nations bases. In addition, there have been extrajudicial killings, enforced disappearances, arbitrary arrests and detentions, and the use of rape and other acts of sexual violence.<sup>4</sup> Many of these reports have estimated that at least 50,000 people have been killed so far,<sup>5</sup> and 1.5 million people have been internally displaced,<sup>6</sup> including more than 150,000 South Sudanese sheltering inside UN bases.<sup>7</sup> Furthermore, more than 700,000 refugees have fled to Ethiopia, Kenya, Sudan, and Uganda.<sup>8</sup>

A report from the United Nations Children’s Fund (UNICEF) indicates that there is evidence of abduction and recruitment of child soldiers, and it is estimated that 13,000 children have been recruited and are being used by all sides of the conflict. The report also indicates that 680 children have been killed; 235,000 children are at risk of severe malnutrition; 400,000 children have been forced to drop out of school as a direct result of the crisis; and another 600,000 children have been affected by psychological distress as a result of the violence.<sup>9</sup>

In February 2015, UNICEF reported that 89 children taking school exams in Upper Nile state were abducted by a militia commander linked to the government and forcibly recruited into the armed forces. Later, the South Sudan army vowed to release them.<sup>10</sup> Similarly, thousands of children are still in the hands of rebel groups such as the Cobra Faction, an armed group in South Sudan.<sup>11</sup> Apart from children, thousands of civilians are in a critical humanitarian situation as many areas are difficult to access, and it is particularly hard to reach injured and displaced people hiding in the bush. Both conflicting parties are directly responsible for these ethnic-based massacres and serious human rights violations against civilians.

### **Economic Impact**

The economy of South Sudan continues to deteriorate, given the fall in global oil prices and the downturn in oil production in conflict-affected areas. Among other issues, this has raised concerns about the government’s ability to pay its soldiers and other employees. Depending on the intensity of the conflict, the costs for South Sudan could reach a staggering sum of between U.S. \$22 billion and \$28 billion over the next five years (Table 1).<sup>12</sup>

The conflict in South Sudan has also had adverse economic effects on neighboring countries and the international community. If the war worsens, Kenya, Uganda, and Tanzania will suffer substantial GDP losses of 9%, 4.5%, and 4.7% respectively.<sup>13</sup> As one of South Sudan’s biggest trading partners, Uganda’s economy in particular could be severely impacted. Uganda’s exports to South Sudan totaled \$1.3 billion in 2012, but have fallen 30% since the outbreak of hostilities. Uganda is also incurring costs as it fights alongside the government of South Sudan, which increases its military expenditures. Uganda’s security spending for the fiscal year 2013–2014 was around 111% of what was originally budgeted. Uganda was forced to raise its borrowing ceiling by more than a quarter billion, to a total of \$659 million, to accommodate a budget deficit caused partially by the ongoing military intervention in South Sudan.<sup>14</sup> The deficit is estimated to have shaved 0.2–0.3% off Uganda’s growth this year.<sup>15</sup>

Kenya’s strong economic ties to South Sudan, particularly in banking,<sup>16</sup> insurance, aviation, construction, hospitality, information and communication technologies (ICT), transportation, and wholesale and retail trade, also appear to have been adversely affected.<sup>17</sup> Kenya’s exports to South Sudan in 2012 were \$210 million, but that has decreased sharply since the outbreak of the civil war. For instance, Kenya Commercial Bank (KCB), the largest bank in South Sudan in terms of branch networks, has closed some of its 19 branches in South Sudan because of the conflict. In addition, for the fiscal year 2015, Kenya is expected to spend \$200 million on security in South Sudan.

Sudan has also borne the costs of its continuing intervention in South Sudan. In the wake of South Sudan’s independence, the two states reached a four-year agreement. Beginning in September 2012, South Sudan would pay Sudan to transport oil through its territory, while Sudan would provide about \$3 billion worth of transitional assistance to South Sudan. Falling oil production in war-torn areas of South Sudan has caused a production drop of 60,000 barrels a day, worth almost \$300 million in payments to Sudan over the remaining length of the agreement.<sup>18</sup>

The war in South Sudan has also adversely affected a jointly-launched regional mega infrastructure project, the Lamu Port-South Sudan-Ethiopia Transport Corridor (LAPSSET). The LAPSSET project includes plans for a new

road network, a railway line, and an oil refinery and pipeline to help connect the region and to facilitate trade between Kenya, Ethiopia, and South Sudan. Even though LAPSET-related construction has begun on road networks within Kenya and Ethiopia, scheduled pipeline construction in South Sudan, which would help the country to transport crude oil to Lamu port, has not yet begun. This has also an adverse impact on “the planned transport arrangements for the oil that has been found in north-western Kenya and Uganda. South Sudan was expected to deliver 46 per cent of the total oil volume to the pipeline but, if the conflict continues, it will result in decreased revenue for all the countries involved and a large reduction in the expected crude oil exports from the region.”<sup>19</sup>

Apart from refugee-related costs, the conflict in South Sudan has also impacted Ethiopia’s economy in the energy and construction sectors by causing major projects to be put on hold. South Sudan is one of the primary potential beneficiaries of Ethiopia’s hydroelectric power, and the two countries agreed to install a power grid as part of the East African power pool. Both countries also planned to build an alternative oil pipeline from South Sudan to Djibouti through Ethiopia, which is not currently feasible because of the civil war.

Costs borne by	Reason	2014–2018
South Sudan	Conflict	\$28 billion
Neighboring countries (Ethiopia, Kenya, Sudan, Uganda)	Lost trade	\$52 billion
International community	Humanitarian cost within South Sudan	\$21 billion
International community	Humanitarian cost within region (excluding South Sudan)	\$11 billion
Uganda	Military expenses	\$65 billion (2014 only)
Sudan	Lost oil-related revenue	\$.3 billion (2014–2016 only)

Table 1: Estimated economic costs of the South Sudan conflict.<sup>20</sup>

## Reasons for Futility of the IGAD-led Mediation Peace Process

Even though IGAD was successful in getting the two parties to sign an agreement for cessation of hostilities in January 2014, it is still struggling to ensure that the signatories fully implement the agreed-upon commitments. In addition, IGAD led several cease-fire agreements which were signed, but which have since been broken. The IGAD Monitoring and Verification Mechanism (MVM) in South Sudan was established in January 2014 within a broader framework of mediation and negotiation processes, aimed at bringing sustainable peace and stability to South Sudan and restoring respect for the rule of law. The IGAD MVM included a regional Protection and Deterrence Force (PDF) whose goal was to ensure the success of an agreement for the cessation of hostilities through the deployment of regional forces to secure key installations in South Sudan. This was controversial, as there were concerns that such a force might carve South Sudan into areas controlled by different neighbors and give military assistance to warring parties. Even the UN declined to support the idea, politically or financially.<sup>21</sup>

On March 6, 2015, the IGAD-led peace process in South Sudan collapsed after the warring parties failed to agree on issues of power sharing, security arrangements, and a federal system of government.<sup>22</sup> SPLM-IO demanded a peace agreement in which Machar held the position of first vice president in the interim government, while the government side demanded that he become a twin deputy vice president alongside the incumbent James Wani Igga. The government also demanded that with the exception of new recruits (the White Army), SPLM-IO rebel members who had previously served in the regular South Sudan army should lay down their arms

and be reintegrated into the army. On the other hand, Machar insisted on maintaining SPLM-IO forces during the envisioned two and a half year transitional period. The government also did not want a federal system of government to be implemented during the interim period; rather it demanded that this be implemented during the drafting process of the permanent constitution.<sup>23</sup>

## **Lack of Inclusivity**

One of the major problems with the IGAD-led peace process is that it has mainly focused on Kiir and Machar, the two principals who are unable and unwilling to deal with the underlying causes behind the violence. Both have very little political goodwill to address the problem as they are seen as acting in their personal, political, and economic interests. Given their historical relationship before and after the secession of South Sudan, a united government dominated by the two warring parties would likely not create a favorable environment to bring about the necessary reforms. In 1991, Machar split from the SPLM/A, calling for self-determination for the people of South Sudan as the main objective of the group. He also cited a lack of democratic principles and human rights abuses as factors that prompted his split. Despite those concerns, he rejoined the SPLM/A in 2002 with his forces to become the party's deputy chairman as well as the vice president of South Sudan until President Kiir sacked him in July 2013. Focusing on the two principals will most likely return the country to the status quo before the firing of Machar. A unity government largely under the control of Kiir and Machar would be seen as a Dinka-Nuer power sharing arrangement that excludes other ethnic groups. This situation could encourage other political elites, particularly from marginalized ethnic groups, to organize themselves and raise arms just as Machar did.

IGAD has also failed to provide space in the peace process for the active participation of the South Sudanese churches, elders, women, youth, and civil society, as well as opposition political parties and semi-autonomous armed groups. Their inclusion is critical to ensure that their concerns, needs, and aspirations are heard and that they can play an active role in shaping and rebuilding their country.

## **Incompatible IGAD Member Interests**

IGAD has been unsuccessful because of the lack of political will on the part of the warring parties and the vested economic, security, and political interests of countries in the region. This makes the prospect for IGAD's role in South Sudan gloomy, as most of the member countries have incompatible interests in the country. For example, Uganda and Sudan on the one hand, and Sudan and South Sudan on the other, are continuously struggling against one another. This situation has created sets of contradictions which cannot be reconciled; instead it has created additional pressure on these states to support one side or the other. The warring parties have taken advantage of the various interests of IGAD member countries and have now mastered the game of playing one country against the other. This has enabled them to disobey past agreements.<sup>24</sup>

### *Sudan versus South Sudan*

South Sudan's independence from Sudan did not resolve internal conflicts in either country. Even though both governments signed a Cooperation Agreement on September 27, 2012 in which they agreed to cease supporting or harboring rebel groups, establish a buffer zone on the border, and form a joint monitoring team to prevent rebel infiltration, they are still acting in ways which destabilize each other. Both sides of the border remain tense and unpredictable as each country continues to support rebel groups in the other. For instance, a report by Conflict Armament Research shows that Sudan has been supplying South Sudanese rebels, including SPLM-IO, with weapons and ammunition. It further said 70% of the ammunition it examined was recently manufactured in Sudan. Sudan also accuses South Sudan of harboring rebels opposed to the government in

Khartoum.<sup>25</sup> Furthermore, Khartoum has allegedly been training rebels along its border to Unity and Upper Nile states and even agreed to open a coordination office for SPLM-IO. This situation has negatively impacted the IGAD-led peace process.

Khartoum is helping SPLM-IO in that Sudanese rebels are fighting alongside the South Sudanese government. Additionally, al-Bashir is strained by the ongoing dynamics, complexities, and animosities that complicate the current situation in South Sudan. However, no one will put Sudan under pressure to resolve other unsettled issues, such as the contested border areas, particularly Abyei. Because of this situation, the South Sudan government has demanded the expulsion of Sudan from the IGAD mediation team.<sup>26</sup>

On the other hand, Sudan's rebel groups, notably the Sudan Revolutionary Front (SRF)—which is a coalition of the Justice and Equality Movement (JEM), the Sudan Liberation Army-Abdul Wahid (SLA-AW), the Sudan Liberation Army-Minni Minawi (SLA-MM), and the Sudan People's Liberation Movement-North (SPLM-N) (in addition to Uganda) continue to be a major stumbling block to the IGAD-led peace process. The South Sudanese government has allegedly been supporting SRF with military aid and territorial bases in Unity, Northern, and Western Bahr el Ghazal states.<sup>27</sup> In exchange, SRF is fighting against the SPLM-IO to protect the oilfields in Bentiu and Paloch, which the government uses to fund its military expenses against the rebels. The SRF preferred to fight alongside the forces of Kiir because it worried that Machar would seek help from Khartoum, as he did in the early 1990s. Similarly, some Dinka politicians of South Sudan, particularly those from Abyei, Unity, and Northern Bahr el Ghazal states, wanted to use the SRF to pressure Khartoum to give up the disputed territories at the border of the two countries. The SRF and SPLM-IO fight each other in many places in Unity and Upper Nile states, with the former becoming an active actor in the South Sudan conflict.<sup>28</sup>

### *Uganda versus Sudan*

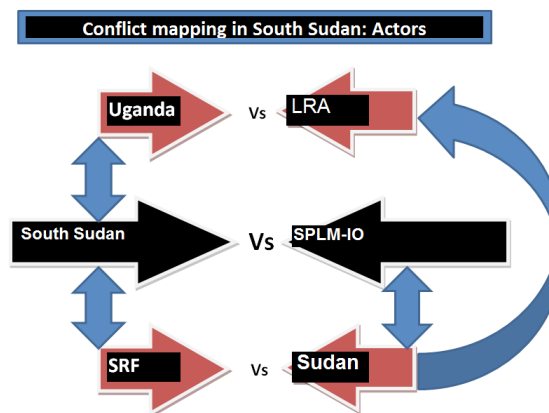
Similarly, an ongoing Uganda-Sudan proxy war has exacerbated the conflict dynamics in South Sudan. Uganda has forces fighting on the ground alongside South Sudan government troops against the SPLM-IO, which has angered Sudan, its regional rival. Sudan and Uganda are not on good terms: Uganda claims Sudan has been supporting Uganda's rebel group, the Lord's Resistance Army (LRA), and Sudan similarly accuses Uganda of providing support to the SRF.

Many reports confirm that Sudan's increasing support to the SPLM-IO is driven primarily by Ugandan support for the SRF's activities in Juba against the SPLM-IO. Historically, the relationship between the Ugandan government and Machar was based on suspicion because Machar, together with the government of Sudan, was a keen supporter of the LRA, particularly between 1991 and 2002. However, Uganda is not supporting the government out of goodwill; rather, South Sudan is one of its most important export markets. Apart from a military presence, Uganda has actively lobbied against UN sanctions and an arms embargo against South Sudan. This strong military and diplomatic support from Uganda has minimized the need for the government of South Sudan to make a major compromise with the rebel groups, inhibiting the efforts of IGAD to resolve the conflict sustainably.

### *Ethiopia and Kenya*

While Ethiopia and Kenya have tried to reach a peaceful settlement of the conflict in South Sudan through IGAD, the continuing intervention by Uganda and Sudan has thwarted their efforts to address the conflict. Both Ethiopia and Kenya are unable to exert leverage on Sudan and Uganda without jeopardizing their national agendas, including the Grand Ethiopian Renaissance Dam (GERD) for Ethiopia and combating

terrorism (al-Shabaab) for Kenya. GERD is located about 40 kilometers from the border with Sudan, and is expected to generate around 6,000 megawatts of power to countries across the region. Thus Sudan's cooperation is critical to the success of the GERD, causing Ethiopia to hesitate to press Sudan on issues related to the peace process. Kenyan officials have indicated concern that sanctions against South Sudanese elites by the United Nations Security Council (UNSC) and the African Union (AU) could negatively impact Kenya's business activities in South Sudan such as banking, insurance, and aviation.



Unlike Kenya, Ethiopia is less economically entangled in the conflict but it has important security and strategic interests. Working with Kenya under the umbrella of IGAD, it has played an important diplomatic role in mediating between the warring parties, which has helped Ethiopia to maintain its leadership role as the chair of IGAD. Despite this, Ethiopia has not shown a willingness to support measures against South Sudanese elites who undermine the peace process, despite the fact that these measures cannot be effective without regional consensus.<sup>29</sup> For example, it was the Ethiopian Prime Minister in his capacity as chairperson of IGAD who raised a motion to defer consideration and publication of the African Union Commission of Inquiry on South Sudan (AUCISS) report, for fear of the impact it would have on the ongoing IGAD-led peace process.<sup>30</sup> The withholding of this report was an important contributor to the collapse of IGAD-led peace process on March 6, 2015, as the main spoilers of the peace agreement from both sides were not named and therefore could not be punished.

### The AU Commission of Inquiry on South Sudan and the Role of International Partners

The AUCISS, chaired by former Nigerian president Olusegun Obasanjo, started its official work in March 2014. Its major objective was to conduct an investigation into gross human rights violations, war crimes, and crimes against humanity committed since the conflict broke out in December 2013. It was also mandated to recommend the best ways to maximize accountability, reconciliation, and healing among South Sudanese communities. This commission of inquiry was welcomed by the IGAD mediation team. The findings of the inquiry were to be presented to the AU in late January, but the release was postponed, and many suspected that the controversial document had been shelved.

The AU's initial decision not to release the report appeared to be driven by the fear that its findings might jeopardize the IGAD-led peace process. However, by postponing the release of findings of the inquiry commission, the AU undermined the very goal of the peace process undertaken by IGAD. Thus far, the AU member states have been unwilling to sanction top rebel, political, and military elites without the findings of the still-unpublished AUCISS report. Coupled with a gloomy prospect for justice and accountability, the delay in releasing the report raised questions as to whether the AU and IGAD are categorically committed to ending the conflict and violence in South Sudan.

Many countries and concerned institutions urged the AU to release the report, including the UN Security Council, the United States, Britain, Norway, Amnesty International, the Enough Project, Human Rights Watch, and numerous South Sudanese and other international NGOs. However, IGAD and the AU had been turning a deaf ear to these requests, as most of those countries and institutions have a declining influence in the region.

Therefore, the AU's September decision to publicly release the report of the AU Commission of Inquiry on South Sudan (AUCISS) is welcome, and should be followed through as soon as possible.

Even though the international partners (the Troika—consisting of the United States, the United Kingdom, and Norway—as well as China, the European Union, the African Union, and the United Nations) are keenly aware of the humanitarian crisis in South Sudan, they are evidently reluctant to exert the leverage they still have on the conflicting parties and mediators to address the problem successfully. Beyond strongly worded statements followed up by inaction, most of them do not have a coherent policy to address the South Sudan conflict.

## Conclusions

Solving the current crisis in South Sudan requires a concerted effort and sustained pressure on the warring parties to resolve their differences through peaceful and diplomatic mechanisms. Realizing the interplay of regional interests and addressing the root causes of the conflict in South Sudan will be critical to IGAD member states that stand to benefit from a stable, secure, and well-governed neighbor. After releasing the AU report to enhance accountability, key steps must include removing the spoilers within IGAD from the peace process and involving South Sudanese actors to provide for more inclusiveness. Further, sustainable peace cannot be realized in South Sudan unless the international partners, namely, the AU, the Troika, China, the EU, and the UN are fully and actively involved in the ongoing peace process. As members of "IGAD Plus," they should conduct frequent discussions and cooperate with IGAD member countries to take swift and decisive action to end the ongoing war and to attain an inclusive and negotiated peace agreement.

For a set of policy recommendations regarding the role of IGAD in the South Sudanese crisis, see the accompanying Southern Voices Network Policy Brief No. 2, by Getachew Zeru Gebrekidan.

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