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Fighting Resumes in South Sudan

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The conflict in South Sudan flared up again on the fifth anniversary of independence. After almost two years of war between forces controlled by President Kiir and those of Vice-President Machar, the latter had only recently – in April 2016 – returned to the capital Juba with his ministers and some of his troops to form a Transitional Government of National Unity, together with Kiir's cabinet. But both sides obstructed implementation of the August 2015 peace agreement, and repeated breaches of the cease-fire were reported in other parts of the country. On 7 July shooting broke out between the opposing forces in Juba. More than three hundred people died in the following days. In the meantime, Machar and his forces have left Juba and his chief negotiator Taban Deng Gai was installed as his replacement by President Kiir, splitting the leadership of the SPLM in Opposition. The question now is the fate of the peace agreement and the legitimacy of the two leaders. The United Nations has more than 13,000 troops on the ground, and the African Union is preparing an intervention mission to enforce peace.

The power struggle between President Salva Kiir and his deputy Riek Machar continues unabated. A falling out in April 2013 escalated into civil war by December. In August 2015 the two sides signed the Agreement on the Resolution of the Conflict in South Sudan (ARCISS), negotiated under the auspices of the regional organisation IGAD (Intergovernmental Authority on Development). IGAD and AU act as guarantors for the agreement; the UN, European Union, United States, United Kingdom, Norway and China are witnesses. The agreement was preceded by demands for democratisation, accusations of an attempted coup, the violent deaths of more than fifty thousand

South Sudanese (largely civilians) and the displacement of more than two million. The first weeks of power-sharing were already difficult. Both sides portrayed the peace agreement as an instrument of control by the international community and exhibited little commitment to it. Two days before the outbreak of fighting in July 2016, Vice-President Machar and his chief of staff General Simon Gatwech Dual claimed that the international community had lured them into a trap. President Kiir in turn stated in an interview on the anniversary of independence on 9 July that the peace agreement, which he said he had never wanted, treated him and his government

as little children. Defence Minister Kuol Manyang complained that the international community was not committed enough to implementation of the peace agreement.

Current Situation

At first the 7 July 2016 clashes appeared to be no more than a random discharge of tensions in the city. But the next day's fighting was most definitely an exchange between the armed forces of President Kiir and Vice-President Machar. Helicopters and tanks were deployed, and two Chinese UN peacekeepers died in an attack on their armoured vehicle. UN camps, where many of the more than 40,000 displaced persons had sought refuge, were also attacked. Fighting was also reported from the Equatoria region, while the Nuer "White Army" militia is said to be gathering in Jonglei state. The armed groups in these two parts of the country are close to Vice-President Machar. After Kiir called on 11 July for a cease-fire and demilitarisation, Machar is reported to have left Juba with his troops. Most foreigners were evacuated, but South Sudanese men were prevented from leaving. On 23 July Riek Machar was replaced by Taban Deng Gai, just one day after he was dismissed from the party. This is thus a highly contested political manoeuvre splitting the SPLM-IO leadership.

The recent fighting has created an alarming humanitarian situation. Almost two million people, one fifth of the population, are displaced, with almost half the population reliant on food aid. Many receive nothing, as armed groups prevent access to those in need.

The causes of the conflict are the struggle for sole power and for control over (currently meagre) oil revenues. The political leaderships on both sides are playing the zero-sum game of kleptocratic clientelism. To mobilise their ethnic followings and stoke the confrontation they disseminate hate propaganda and extermination threats. Even traditional conflict mediators like councils of elders and representatives

of the church have been stirring ethnic resentment.

President Kiir changed the constitution by decree, tripling the number of states and thus deepening ethnic rifts. Where trust in society has been so thoroughly demolished, a new start will be difficult. Neither of the parties shows any genuine interest in implementing the peace plan. Expressions of regret or responsibility to the traumatised population are rare. Regional and international actors, like neighbouring countries and international donors, find their efforts stymied by frustration, regional power struggles and conflicts of loyalties. They have watched their ability to urge the country's political leadership to implement the peace agreements slip away.

Challenges

None of the country's massive structural problems has been resolved. There is no functioning infrastructure of state institutions, nor does the state generate an income that could secure its existence. Basic Services are mainly outsourced to international organisations. The oil price will remain low in the medium term. When it became independent, South Sudan was still classed as a middle-income country. Per capita GDP in 2011 was \$1,696, five times Ethiopia's and three times Uganda's. But state revenues were neither saved nor invested, and flowed instead into the pockets of corrupt civil servants and military procurement.

Implementation of the peace agreement is practically non-existent. Festus Mogae, chair of the Joint Monitoring and Evaluation Commission (JMEC), has since January 2016 repeatedly called on the parties to make progress on implementation – without effect. Elections in 2018 are, however, under discussion.

Under the peace agreement six working groups were set up under the auspices of JMEC. The Monitoring and Verification Mechanism comprises thirty-two members, including representatives of the govern-

ment (SPLM/A-IG) and the opposition (SPLM/A-IO), former party and cabinet members arrested when the war broke out in 2013, and representatives from other political parties, South Sudanese civil society, neighbouring countries and the international community.

Appeals by the UN Security Council and the JMEC working group for the Ceasefire and Transitional Security Arrangement Monitoring Mechanism (CTSAMM) to both parties in the transitional government to observe the cease-fire and make a start with implementation of the peace agreement have to date fallen on deaf ears. After the latest clashes, that prospect seems even more remote.

Human Rights

The legacy of war crimes represents another urgent problem. Human rights organisations, UN and AU all agree that war crimes and crimes against humanity have been committed by both sides in South Sudan, under control of their leaders Salva Kiir and Riek Machar. Even after the peace agreement was signed, armed clashes persisted in many parts of the country. The practice of impunity comes cloaked in the rhetoric of reconciliation. But a supposed reconciliation process without attribution of responsibility for human rights violations would cement the “two-class system” in South Sudan: Those who hold the weapons possess the power – and stand above the law.

Economic Situation

In order to fund his war, Kiir’s government borrowed hundreds of millions of dollars from foreign oil companies operating in the country. Their repayment will place a great burden on the state budget in coming years. The war was financially expensive and the loss of trust among the international community will have repercussions for future cooperation. As well as targeted sanctions imposed on individuals, the donor community has also agreed to with-

hold budget finance and introduce a strict control and monitoring system. All these measures hurt the clientelist economy. The governing party SPLM/A-IG had placed its hopes above all in the International Monetary Fund. By agreeing to the IMF’s comprehensive catalogue of demands, it had hoped to persuade donors to restart the flow of funds. The opposition party SPLM/A-IO, on the other hand, rejected the IMF’s demands, speculating that the government’s economic collapse would improve its own chances of gaining power. But now that most embassies have closed and IMF staff have left the country, the talks are unlikely to resume any time soon.

What Needs to Happen?

After the renewed outbreak of violence and Machar’s withdrawal from Juba it is hard to imagine a return to business as usual. The IGAD states’ call for an immediate cease-fire was certainly necessary, but implementation of the peace agreement has become impossible for the foreseeable future.

The leadership’s legitimacy is in question. The priority now is ending the fighting, to prevent a conflagration and a further fragmentation of fighting units. But with Vice-President Machar no longer in Juba and President Kiir rejecting UN and AU peacekeepers, joint moves are unlikely. In order to prevent further war crimes, the region should commit to acting collectively. Unilateral moves by neighbouring countries would only exacerbate the situation.

To protect the civilian population, the UN’s South Sudan-Mission (UNMISS) needs to be strengthened and provided with a mandate under Chapter VII of the UN Charter. On the political level it is imperative that respected South Sudanese leaders persuade the fragmented armed groups not to expand the fighting. In the medium term support needs to be channelled above all to those authorities working for peaceful resolution.

Further, the entire international community should massively step up its pressure

on South Sudan's political class, and immediately impose an arms embargo and direct financial sanctions. The prospects are reasonable, as China would not oppose such measures in the Security Council after the attack on its peacekeepers, and Russia has also indicated that it would be willing to relax its anti-sanctions line in this case. The threat of excluding South Sudan from IGAD and AU would also send a message to the country's elites that they cannot simply return to the status quo ante.

Three development scenarios are conceivable for South Sudan:

Further *fragmentation*, as in Somalia or Libya, is the most likely outcome. Resources would be shared among the top leaders and increasing numbers of small groups would take up arms to secure their share of these dwindling resources. For lack of alternatives IGAD and the international community would support the remaining actors in the government of national unity.

A *protectorate* of some form would be highly unrealistic. In the short term those responsible for the war crimes of recent years would have to resign or be forced out by a UN resolution. Financial flows would be externally controlled and the international community would take charge of political, economic and military decisions. This scenario is unlikely to come about, because neither the UN nor any other organisation would be willing or able to carry through such an intervention. Such a proposal has a strong colonial resonance and has already sparked angry reactions from South Sudanese.

A gradual *transformation* of kleptocratic clientelism would be more sustainable and therefore the best solution. As in the second scenario, those responsible for war crimes would have to be forced out without delay. Transformation would require long-term engagement. The international donor community and neighbouring countries should avoid rehabilitating elites opposed to reforms. Instead they should direct their attention above all to areas like anti-corruption and budget distribution and improve

the situation of the population. State-building and stabilisation can only succeed in the long term if the good of the population shifts to centre-stage of politics in Juba. Only if the citizens of South Sudan learn that they can join in shaping their state and society without suffering violence will the transformation of the elites towards public service and responsibility be successful. And that cannot be accomplished from outside.

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