



# Déjà Vu: Preventing Another Collapse in South Sudan

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**What's new?** South Sudan could slide back into war. With a 12 November deadline for the formation of a unity government looming, President Salva Kiir is hinting at assembling one without his chief rival Riek Machar. Even if he includes Machar, contentious issues such as security arrangements and state boundaries remain unresolved.

**Why does it matter?** Since the September 2018 peace deal, the parties have largely stopped fighting and people can move more freely between towns and fields near front lines. External actors could imperil these gains if they push the parties into a unity government that then falls apart or permit Kiir to exclude Machar.

**What should be done?** Regional heads of state, the African Union and Western diplomats should urge President Kiir to avoid forming a new government without consensus. They should step in to help mediate a way forward, given political paralysis among South Sudan's neighbours, initially envisioned as the deal's key guarantors.

## I. Overview

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South Sudan is barreling toward a crisis as it nears a 12 November deadline to form a government. President Salva Kiir is threatening to leave opposition leader and former vice president Riek Machar, who is demanding a delay to the new government, out of a new cabinet. Even if the two leaders agree to share power, disputes over security arrangements and state boundaries would poison the new administration, potentially leading to its collapse. Either scenario risks reigniting a war that has killed, by some estimates, several hundred thousands of people and displaced one third of the population. Regional leaders, supported by the African Union (AU), the UN and Western diplomats, should urge Kiir not to form a government without Machar. They should push the parties to agree on state boundaries, even if they leave the most contentious ones for later; on a credible security plan for the capital Juba; and on a new timeline for military reform. While mounting frustration with Kiir and Machar is justified, external actors should not press the two men to share power absent such agreements.

The September 2018 peace deal signed by Kiir and Machar is at risk, as is the accompanying ceasefire. That ceasefire has largely ended five years of war pitting Kiir against Machar and other rebels. South Sudanese enjoy more freedom of movement and better access to their fields and humanitarian aid. But the parties have failed to form a transitional unity government, a precondition for elections in 2022. Their

deadline for doing so, according to the 2018 deal, was originally May. It is now 12 November, after an extension facilitated by the Intergovernmental Authority on Development (IGAD), a bloc of East African states. The two leaders have done virtually nothing over the past six months to resolve the two main sticking points: security arrangements and South Sudan's state boundaries. While the ceasefire has held, it is endangered by the two leaders' failure to reach an agreement on those issues, combined with pressure from external actors for them to form a government without doing so, and, worst of all, by Kiir's threats that he might appoint a cabinet that excludes Machar.

A revival of IGAD heads of state's high-level diplomacy that helped forge the 2018 peace deal is a priority. In the past, only when IGAD leaders have been directly involved have Kiir and Machar shown any inclination to compromise. Given Sudanese President Omar al-Bashir's overthrow, a new configuration for regional diplomacy could include Sudan's new civilian leader Prime Minister Abdalla Hamdok, together with his Ethiopian, Kenyan and Ugandan counterparts, and potentially with AU and UN support. Hamdok and Ethiopian Prime Minister Abiy Ahmed in particular have their hands full at home. But all South Sudan's neighbours would suffer the consequences – refugee influxes, economic disruption, including loss of South Sudan's oil, and proxy conflicts straddling their borders – were the ceasefire to break down.

Regional heads of state should stress to Kiir that he form a government only with Machar on board and press both parties to reach agreements on security arrangements and state boundaries. On the former issue, they should try to thwart Kiir's and Machar's plans to share armed control of the capital Juba, a scenario which has twice triggered war in the past. More broadly, IGAD leaders should seek the two leaders' consensus on a new, incremental timeline for unification of their forces into a national army. A staggered timeline would allow those forces ready to integrate into the national army to do so, while creating space for political steps to win over those reluctant to lose their autonomy. On state boundaries, regional leaders should push for agreement on the number of states, which appears to be within reach and would allow for the local power sharing envisaged in the 2018 peace deal that could in turn prevent more conflict. They could defer agreement on the most contentious boundaries, particularly that around Malakal in the Upper Nile region.

Many South Sudanese and external actors are infuriated – and justifiably so – by the two South Sudanese leaders' failure to form a government or make headway on army reform and delimitation over the past year. The two men's intransigence stands in stark contrast to the desperation of war-weary South Sudanese to find a sustainable end to the conflict. But the demand that Kiir and Machar form a government, come what may, is perilous. It could jeopardise a ceasefire that has not yet turned the page on the country's brutal civil war but has brought a let-up in the bloodshed and disruption. The better option is renewed diplomacy by IGAD heads of state, supported by the AU, aiming to block Kiir from unilaterally appointing a new cabinet and to press him and Machar to at least partly resolve their most bitter disputes before entering a unity government.

## **II. The War's Longest Ceasefire**

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Though the political roadmap outlined in the September 2018 peace deal is stalled, the ceasefire between the two main warring camps has been a boon for South Sudan. It is the longest truce since civil war erupted in December 2013 amid a dispute between factions of the ruling party, one led by President Kiir and another by his former vice president, Machar, himself the leader of a loose coalition of disgruntled groups across the country. On the ground, the ceasefire has done more than simply end hostilities. Rebel generals frequent government-held towns. More importantly, security is much improved and civilians are free to move between towns, most of which are held by government troops, and rural areas held by opposition fighters. Farmers can travel to their villages to cultivate crops without being cut off from urban markets, health facilities and schools. The ceasefire has also enabled better provision of humanitarian aid. According to the UN, as of mid-September there had been 30 per cent fewer incidents targeting humanitarian workers than there were last year.<sup>1</sup>

Important as they are, these gains could collapse at any time – either if Kiir or Machar themselves opt to resume fighting or if other groups in Machar's rebel coalition do so on their own. Sustaining the ceasefire will require diplomats to manage the peace process with care, despite the fatigue to which they often confess due to the length of South Sudan's crisis and the impasse between its chief protagonists. For better or for worse, the current peace deal is the only available format for wrestling the two main parties and associated groups into consensus. Nevertheless, regional states have shown little initiative in pursuing the high-level mediation needed to shore up the ceasefire.

## **III. The Risks, Unity Government or Not**

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South Sudan's ceasefire is in danger. The first and most obvious peril is that the peace process collapses. President Kiir has publicly threatened to form a government without Riek Machar.<sup>2</sup> Doing so would de facto jettison the 2018 peace accord.<sup>3</sup> It would also likely fragment the opposition groups that signed the deal. The government is widely believed to have found people from all the opposition parties, including Machar's, who are willing to join a new government that excludes him. If Kiir proceeds in this fashion, South Sudan could return to war, with the core of Machar's forces resuming hostilities even if Kiir manages to peel away some of his loyalists.<sup>4</sup>

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<sup>1</sup> "Statement of the Special Representative of the UN Security-General David Shearer Briefing to the Security Council on South Sudan", press release, UN Mission in South Sudan, 18 September 2019.

<sup>2</sup> "Kiir hints he may form government without Machar", Radio Tamazuj, 20 September 2019.

<sup>3</sup> Opposition officials say forming a government without Machar would scuttle the peace deal. Machar may not declare a return to war in such a scenario, fearing international condemnation, but the ceasefire would likely erode on the ground. Crisis Group interviews, opposition officials, 2019.

<sup>4</sup> A senior official in Machar's Sudan People's Liberation Movement/Army in Opposition (SPLM/A-IO) bluntly said "the IO will split" if Kiir forms a government without Machar. Crisis Group interview, senior SPLM/A-IO official, Juba, September 2019. This split, however, would involve defections by senior officials in Juba, leaving the core rebel forces intact and at war. Senior SPLM/A-IO officials have stated privately that they would return to war if Machar is not included in a newly-formed

The second risk is that the peace deal moves ahead, with a unity government formed on schedule by 12 November, but that the parties then immediately deadlock over the issues of army formation and state boundary delineation. If, amid such tensions, the two sides end up sharing control of the capital, as occurred in 2016, then rising political temperatures along the path to elections scheduled for 2022 could spark new fighting. This scenario also closely resembles the situation in 2013, when the power struggle inside the ruling party led to a firefight between Kiir's and Machar's loyalists in an integrated presidential guard unit, the first skirmish of the six-year civil war.

South Sudanese and diplomats offer a wide range of assessments of a new unity government's viability, from mildly rosy to bleak. Some government officials and foreign emissaries express guarded optimism.<sup>5</sup> They primarily point out that Kiir is the stronger party and that his advantage would constrain Machar upon his return, locking him into the transitional government. Many, however, are far gloomier, given the bitter rivalry between the two men. One senior Sudanese security official who helped broker the peace deal said that Machar's imminent return would be a "worst-case scenario" since the peace deal is failing. Should Machar return, he predicted, both sides will bring more fighters to Juba, and the government likely will not last past February. "There will be fighting inside and outside Juba", he said.<sup>6</sup> A top lieutenant to Machar likewise said that the current state of affairs is an "encore" performance of the run-up to renewed conflict in 2016 – it is, he said, "déjà vu".<sup>7</sup>

#### **IV. Security Arrangements and State Boundaries**

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The September 2018 peace deal originally stipulated that a unity government be established in May 2019. The parties agreed to a six-month delay when they made no progress on establishing security provisions for the "pre-transitional" period or on resolving South Sudan's internal boundaries.<sup>8</sup>

Less than a month remains until the new 12 November deadline, and little has been accomplished on either of these issues that will form the basis of power in any new government. The former will determine the command structure and composition of the national army, as well as control of Juba; the latter will determine the degree

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government, or if he does not win enough concessions on security arrangements and state boundary delineation. Crisis Group interviews, Juba and other South Sudan locations, 2019.

<sup>5</sup> Crisis Group interviews, 2019.

<sup>6</sup> Crisis Group interview, Juba, September 2019.

<sup>7</sup> Crisis Group interview, Juba, September 2019.

<sup>8</sup> At independence in 2011, South Sudan had ten states. Soon after signing the 2015 peace accord, Kiir carved up the ten states into 28, a number that he later expanded to 32. In so doing, Kiir gerrymandered traditional boundaries to favour the Dinka – the nation's largest ethnic group and his political base. Two groups in particular, the Fertit of former Western Bahr el Ghazal state and the Shilluk of former Upper Nile state, believe that Kiir annexed their land in what they saw as a Dinka land grab. The peace deal left this contentious issue unresolved, instead providing for two committees to recommend boundary resolutions and, in case of deadlock, organise a referendum over the number of states. Both committees failed and disbanded. There is no active plan for a referendum. For more background, see Crisis Group Africa Report N°270, *Salvaging South Sudan's Fragile Peace Deal*, 13 March 2019.

of representation each party to the conflict enjoys including how much influence the armed groups that fought under Machar's banner wield locally. Machar stated on 20 October that he could not return on 12 November, due to the lack of progress on these two issues.<sup>9</sup>

The seeds of the impasse were embedded in the peace deal itself. When Prime Minister Abiy Ahmed took power in Ethiopia in April 2018, he handed off the mediator's role to Omar al-Bashir, then president of Sudan. Unable to bridge all the gaps between the parties, Sudanese mediators punted on the thorniest questions. The Sudanese expected that Kiir and Machar would need Bashir's continued mediation, in partnership with Ugandan President Yoweri Museveni, to muddle through the tasks of governing. This scenario suited Sudanese interests, as it would ensure that Khartoum remained central to political deal-making in Juba. As a result, however, the peace deal, despite being signed on paper, remained an unfinished product. Talks continued along a technical track to start carrying out narrow provisions for security arrangements and state boundary delineation, and a political track to broker a way past the broader challenges of forming a unity government and reaching agreement on how to implement the technical provisions.

With Sudan engulfed in its own political crisis since December 2018, and with Bashir's downfall in April 2019, the political track collapsed and the technical track therefore stalled. While the ceasefire holds, its shelf life is dependent on progress toward durable security arrangements and the drawing of state boundaries.

#### *A. Security Arrangements*

The main technical obstacle to forming a unity government is the peace accord's precondition that the parties first assemble, train and deploy a unified national army. This task will not be complete by the 12 November deadline, since the two sides have made almost no progress on it in the past year. Senior military officials from both sides give varying estimates of how many more months are required to complete the first phase of force unification, if the government fulfils its promise to fund the process.<sup>10</sup> The two parties are also negotiating over a prospective joint VIP protection force for Machar's return to Juba as first vice president, an issue the 2018 peace deal did not directly address.

The parties keep shifting the goalposts for the unification of armed forces. At first, the peace deal's signatories claimed that hundreds of thousands of fighters needed to be included in a unified force. This figure was highly inflated, and they later agreed that the "necessary unified forces" number 83,000.<sup>11</sup> At an IGAD Council of Ministers meeting in Addis Ababa in August, the parties agreed to expedite unifying and deploying half those fighters – some 40,000 – by the end of September.<sup>12</sup> Some

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<sup>9</sup> "Machar threatens to opt out of unity government", Radio Tamazuj, 20 October 2019.

<sup>10</sup> Crisis Group interviews, Juba, Wau and Malakal, September-October 2019.

<sup>11</sup> Communiqué of the IGAD Council of Ministers on the Consultation Meeting of the Parties to the R-ARCSS, IGAD, 21 August 2019.

<sup>12</sup> By the end of September, the parties had not unified any forces. Report of the Revitalised Joint Monitoring and Evaluation Committee, October 2017.

in the opposition talk of this 40,000 figure as the minimum required before they enter a new unity government.<sup>13</sup>

For such unification to take place, the parties would need to transport thousands of troops to the remote locations designated as training sites, which are sometimes hundreds of miles away, in a country with few roads. “There is huge complexity in this. This is a military operation that would challenge even us”, said a Western security official in Juba.<sup>14</sup> But even if most acknowledge the difficult logistics, nearly all, including regional diplomats, accuse the government of intentionally slow-rolling integration. The government does little to debunk this notion, since it promised \$100 million for unification but then disbursed only a trickle of funds.<sup>15</sup> A senior South Sudanese security official involved in the peace process admitted that the government sees only formation of the 3,000-strong joint VIP protection force for Juba as a priority ahead of the November deadline. The rest, he said, can wait.<sup>16</sup>

Behind the technical and funding issues are political problems. The agreement to unify all forces ahead of a unity government was not only ambitious but also flew in the face of the main armed actors’ political incentives. Kiir and his top security personnel fear that the cantonment preceding integration would serve primarily as a means for the opposition to regroup its forces and recruit new fighters, concerns that Western donors also cited privately in declining to support the process.<sup>17</sup> Immediate and full integration also would require Machar’s forces, many of whom are fighting for local rather than national power, to dissolve prior to seeing tangible benefits from the peace process. Then there is the question of who will be in charge. For Kiir, unification means bringing Machar’s forces under his loyalists’ command. Machar, however, wants a new national army with a new command structure. Though registration for cantonment sites finally kicked off in most locations in September, both sides are keeping fighters – and weapons – in reserve.<sup>18</sup>

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<sup>13</sup> Crisis Group interviews with opposition officials involved in the peace process, Juba and elsewhere, 2019.

<sup>14</sup> Crisis Group interview, September 2019.

<sup>15</sup> “IGAD asks Kiir to disburse peace deal funds”, *The East African*, 22 August 2019.

<sup>16</sup> Crisis Group interviews, senior SPLM/A-IO officials and senior government security official, Juba, September 2019.

<sup>17</sup> Crisis Group interview, Salva Kiir, president of the Republic of South Sudan, Juba, May 2019; Crisis Group interview, Akol Koor and senior National Security Service officials, Juba, May 2019; Crisis Group interviews, South Sudanese security officials and Western officials, 2018-2019. Western donors balked at both the price tag and the concept, aware that opposition parties saw cantonment primarily as a recruitment drive and that all sides saw it as a means of diverting funds. The UN Mission in South Sudan shared this assessment and declined to channel in-kind donations from a foreign country to the cantonment sites. Crisis Group interview, senior UN Mission in South Sudan official, Juba, May 2019.

<sup>18</sup> This dynamic is already present in some places, where the government has been slow to withdraw troops from front-line positions and opposition combatants are registering without guns. At one cantonment site Crisis Group visited outside Wau, opposition forces claimed to have registered over 3,000 fighters yet had secured fewer than 50 guns. One commander stated that real forces were still deployed outside the cantonment because the government, too, had troops on the front lines. Crisis Group interviews, SPLM/A-IO military commanders, Wau and Ngo-Vongo cantonment site in Baggari area south west of Wau, September 2019. At another opposition cantonment site Crisis Group saw near Tonga, opposition forces registered but then returned to their positions, leaving the camp mostly empty. Once again, the local commander blamed the government for keeping its forces in

The dispute over force unification, meanwhile, has obscured the largest of the outstanding hurdles: Machar's security in Juba. Both he and Kiir continue to view the number of loyalist troops in the capital as a zero-sum game correlating to political leverage over what happens in the transitional period. Practically speaking, Machar will not return to Juba until he has negotiated security arrangements for his return. In 2016, he returned to the capital with a 1,370-strong protection force; war erupted in less than three months after a deadly firefight between bodyguards as Kiir and Machar met inside the presidential compound. Machar has demanded nearly the same number of his own troops in Juba as in 2016 – 1,400 in the joint VIP protection force. This time, the parties say VIP protection forces in Juba will be fully integrated, though such a hastily integrated force would likely maintain several overlapping chains of command and risk disintegrating should political disputes over army formation fester.<sup>19</sup>

If he remains uncomfortable with the security arrangements, Machar may continue to insist that Kiir otherwise demilitarise the city as required in the peace deal, a step that Kiir refused to execute in 2016 and is likely to balk at again. As a result, Machar may not return to Juba so long as government forces vastly outnumber his own in the capital's vicinity. Some continue to hope that this problem will solve itself, with Machar agreeing to return to Juba without substantial security demands.<sup>20</sup> He is unlikely to do so, however, given that many leaders in his opposition alliance say they would view that as surrender and would not "follow him" to the capital.<sup>21</sup> Even if Machar could be convinced (which again seems a long shot), by entering Juba under those conditions he would risk losing control of a significant portion of his forces. Those forces would continue to resist the government, adding another layer of complexity to the conflict.<sup>22</sup>

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front-line positions, also expressing scepticism that the peace deal will hold. Crisis Group interviews, SPLM/A-IO senior military officer, Tonga and Amariyai, October 2019. Near both locations, Wau and Malakal, government division commanders admitted that their forces remained in their original positions in contravention of the peace deal. One also said it was "very important" to demilitarise towns, as the peace deal demands, but that he received no order to do so. Crisis Group interviews, senior South Sudanese government military commanders, Wau and Malakal, September and October 2019.

<sup>19</sup> Crisis Group interviews with senior government and SPLM/A-IO officials, Juba and Addis Abba, 2019.

<sup>20</sup> Crisis Group interviews, senior Western and UN officials, Juba, 2019.

<sup>21</sup> Crisis Group interviews, 2019.

<sup>22</sup> A leader in the South Sudan Opposition Movements (SSOM), an alliance of figures who did not sign the peace deal, claims to communicate with several prominent commanders in Machar's camp who, reportedly, express willingness to abandon him if he gives Kiir too much. Crisis Group interviews, senior SSOM leader, 2019. Others inside Machar's tent likewise claim that core groups of supporters, including one led by his chief of staff Simon Gatwech, have set an internal hard line against Machar's premature return to Juba. The top political body inside the SPLM/A-IO has repeatedly tried to bar Machar from returning to negotiate with Kiir in Juba, fearing that he would strike a self-serving deal. One opposition leader described meeting with Machar as he fielded calls from angry local commanders protesting his agreement to return to Juba in September to meet with Kiir. Crisis Group interviews, 2019.

## B. *Contested Boundaries*

The other significant obstacle to forming a unity government is agreeing on the number and internal boundaries of states. Continued deadlock on the exact configuration of states could result in renewed local conflict. Even after the delineation of states, the parties will need to negotiate who will take power, locality by locality, according to complex local power-sharing provisions that give the parties positions in state and local governments – including the powerful position of state governors – across the country. This complex horse-trading cannot take place until there is an agreement on the number of states, which will then determine lower levels of administration for the peace deal’s signatories to share.<sup>23</sup> Some armed groups may be unwilling to integrate their fighters, or even continue observing the ceasefire, if they remain outside the new local governments or are displeased with their final positions.

The failure to settle boundary disputes could also reignite conflict between the government and local armed groups in Machar’s loose coalition, including near Malakal and in Raja, a vast but sparsely populated area that borders Darfur and the Central African Republic. Armed groups in both locations believe that Kiir manipulated the new state boundaries to annex their land for nearby Dinka (the president’s ethnic group). The dispute over Malakal, once one of South Sudan’s three bustling provincial capitals, and now mostly abandoned, is particularly bitter. It pits the people of the Shilluk kingdom, many of whom are aligned with Machar, against Dinka neighbours backed de facto by the government.<sup>24</sup> Machar will struggle to keep Shilluk armed groups inside the peace deal without securing concessions on their boundary demands, and pushing for those concessions would almost certainly require him to maintain an adversarial stance toward Kiir inside a putative unity government.

Unresolved, the state boundaries issue is thus set to hobble any new government in Juba, which could immediately deadlock over the matter, risking renewed hostilities of the sort that occurred in 2016. Kiir and Machar are unlikely to resolve the dispute over the number of states if they cannot do so before forming the government, since, once formed, Kiir will have little incentive to make concessions to Machar, who has little leverage over the president besides the threat of renewed violence. If they do not agree, the new government would gridlock, local power-sharing in effect would be stillborn, and key groups within Machar’s coalition might revert to violence.

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## V. **Averting Another Breakdown**

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### A. *Learning from 2016*

Two lessons from the bloody falling-out in 2016 are especially pertinent. First, there are worse outcomes than a stalled political process. In 2016, vexed by delays – notably as both sides continued to haggle over control of the capital – the U.S. and its allies

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<sup>23</sup> The peace deal allocated a percentage of positions in local governments to each party, but the parties will need to negotiate, for instance, which parties will appoint governors in which states.

<sup>24</sup> Crisis Group interviews, Dinka Padang chiefs, elders and community representatives; government officials, Malakal, October 2019; Crisis Group interviews, Shilluk chiefs, elders and community representatives; opposition officials, Tonga, October 2019; Crisis Group analyst’s interviews in a previous capacity, Malakal, Kodok and Wau Shilluk, 2016.

exerted heavy pressure on Machar to return to Juba. When he did so, with over a thousand elite bodyguards, clashes broke out within three months. The war then spread and the peace process collapsed.

Secondly, shortcuts to political mediation tend not to work. Frustrated with the lack of a clear path toward a workable settlement between Kiir and Machar after the July 2016 return to fighting, external powers opted to endorse Kiir's decision to scuttle the peace deal by appointing a senior defector from Machar's camp, Taban Deng Gai, to the vice presidency instead. Peace talks ceased. The gambit failed: the war raged on, at terrible human cost, until mediators brokered a fresh deal in September 2018.

Three years later, all sides are wearier of war than before, but fatigue alone will not necessarily prevent renewed conflict. Exhaustion can facilitate, but not take the place of, a political settlement. Both sides are capable of reverting to war in the right conditions. The international guarantors of South Sudan's peace deal should not risk the ceasefire's stability, which could be severely tested by the formation of a non-consensual government or the premature assembly of a unity government. Instead, they should work toward reducing the danger of a political and security crisis.

#### *B. The Danger in Rushing Formation of a New Government*

There are understandable reasons to push for the formation of a unity government by 12 November. Many African and Western diplomats believe that the biggest risk to the peace deal is that it stalls endlessly, pushing back scheduled elections further and further.<sup>25</sup> Some make the case that further delays would cause greater harm than moving ahead with a new government without agreement on security arrangements and borders, and that the parties can work out those issues later. For their part, some opposition elites who are eager to join the government argue that waiting only further entrenches Kiir and blocks ostensible reforms he committed to in the peace deal. They argue that they are better placed to maintain pressure on Kiir from within a new government.<sup>26</sup>

The UN Security Council delegation that travelled to Juba in October adopted that stance. It pushed Kiir and Machar to form a unity government on 12 November and resolve subsequent issues later, a position previously iterated by top UN officials in South Sudan.<sup>27</sup> Some foreign officials say such pressure is merely a tactic to compel the two sides to negotiate, while others genuinely see 12 November as a hard deadline.<sup>28</sup> In recent months, some Western diplomats appear even to have flirted with the notion that Kiir should push ahead without Machar, but with other willing opposition figures, if Machar refuses to return to Juba.<sup>29</sup> As the deadline nears, the

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<sup>25</sup> Crisis Group interviews, 2019.

<sup>26</sup> Crisis Group interviews, senior opposition figures, Juba and Addis Ababa, 2019; Crisis Group interviews, regional and Western officials, Juba, Addis Ababa and Nairobi, 2019.

<sup>27</sup> See "Near Verbatim Transcript – UN Security Council visit to South Sudan Sunday 22nd October 2019 Press Conference", 22 October 2019; and "Media Briefing by the Special Representative of the Secretary-General and Head of the United Nations Mission in South Sudan, Mr David Shearer", 3 October 2019.

<sup>28</sup> Crisis Group interviews, African and Western officials, 2019.

<sup>29</sup> Crisis Group interviews, June-October 2019.

U.S., in particular, has expressed increasing frustration with both Kiir and Machar, threatening sanctions if they fail to form a government on time.<sup>30</sup>

However understandable, such deadline-driven strategies have shortcomings. First, Kiir has interpreted the exhortation to meet the 12 November deadline as political cover to stand pat in his positions, while threatening to move ahead without Machar, the weaker party. More critically, the two parties need to resolve outstanding disputes over security and the formation of states, the new government's basic foundations, to give it a fighting chance to succeed. Pushing them into a unity government without taking at least some steps toward resolving those questions would risk upsetting the fragile truce, as the parties get bogged down in disputes over those issues, potentially wrecking the government. Allowing Kiir to form a government without Machar would be the worst of these options, since it would shatter the peace accord and, likely, the active military truce. A better path is for regional leaders to revive diplomatic efforts and seek preliminary consensus on security and boundaries that would put an eventual unity government on a firmer footing.

### C. *Reviving Regional Diplomacy*

Resolving the impasse requires resuscitation of high-level political mediation between Kiir and Machar. Previous impasses between the two men have been overcome only through mediation involving either regional heads of state or the highest levels of the U.S. government. The latter's marginal engagement today means that IGAD leaders offer the best hope.

Unfortunately, IGAD has largely been missing in action over the past year. Part of the problem is its own divisions, chiefly the rivalry between Ethiopia and Kenya over the bloc's leadership, which has particularly hampered its ability to convene summits and broker deals between Kiir and Machar. Indeed, IGAD has repeatedly failed to live up to its commitments as guarantor. After South Sudanese government officers brutally attacked its ceasefire monitors in December 2018, IGAD failed to respond; as a result, the ceasefire monitors pulled back from sensitive reporting assignments.<sup>31</sup> A year on, IGAD has still failed to appoint a chairman to the body responsible for overseeing the peace agreement's implementation, the Joint Monitoring and Evaluation Commission. The bloc's latest failure to convene a heads of state summit in September, as promised to the parties in August, is another in a series of indications that regional leaders are not taking their lead role in the South Sudan peace process sufficiently seriously.

A new format for IGAD diplomacy could err on the side of inclusivity. The September 2018 deal resulted largely from the involvement of Presidents Omar al-Bashir of Sudan and Yoweri Museveni of Uganda. Bashir was subsequently pulled away from his role as the leading mediator to address the uprising that eventually toppled him. In his absence, it is unclear which leader can forge as constructive a relationship with Museveni, who alone among his peers seems to have Kiir's ear. Absent a new formula, all hands, including Museveni, Kenyan President Uhuru Kenyatta,

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<sup>30</sup> "U.S. warns South Sudan may face sanctions", *Wall Street Journal*, 10 October 2019. U.S. officials say they have made clear to Kiir that he must form the government to include Machar. Crisis Group interviews, Juba, October 2019.

<sup>31</sup> Crisis Group interviews, IGAD officials and other diplomats, Juba, 2019.

Ethiopian Prime Minister Abiy Ahmed and new Sudanese Prime Minister Abdalla Hamdok, are needed on deck. These leaders should invite Kiir and Machar to a heads of state summit for crisis talks. Kenyatta has also recently appointed Kenya's former vice president, Kalonzo Musyoka, as a senior special envoy, a welcome step that South Sudan's other neighbours could follow.

Other African governments and the AU can play their part. Many diplomats in Addis Ababa and New York continue to hope, perhaps forlornly, that South African President Cyril Ramaphosa will step into a larger role, perhaps alongside Museveni, as chair of the "C5" African countries that the AU has mandated to support IGAD's work on the South Sudan peace process.<sup>32</sup> AU Commission Chairperson Moussa Faki could perhaps appoint a special envoy to coordinate efforts with other international guarantors to get the transition back on the rails. This approach would borrow from a model applied to reach the 17 August power-sharing deal in neighbouring Sudan.<sup>33</sup> Since IGAD frequently kicks into gear only when competing mediation initiatives begin to take form, pressure from the AU is a win-win: it could lead either to greater IGAD engagement or to talks about how to share responsibility for the peace process or transfer it away from the subregional bloc.<sup>34</sup>

External guarantors could help push both Kiir and Machar toward compromise by offering some limited incentives. Machar is desperate to be formally "released" from restrictions on his movement imposed since late 2016, while Kiir craves renewed external legitimacy.<sup>35</sup> IGAD could ease Machar's concerns by allowing his release, conditional on his continued commitment to the ceasefire and his climb-down from maximalist positions on security arrangements. Mediators should warn Kiir, meanwhile, that unless he compromises, his government will remain a pariah and subject to continued external pressure – a message that could carry special resonance at the moment since Juba is courting diplomats to persuade them to back South Sudan's role hosting peace talks between the new Khartoum government and Sudanese rebel leaders.<sup>36</sup> Juba considers these talks critical to maintaining leverage over the new

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<sup>32</sup> The C5 are South Africa, Algeria, Chad, Nigeria and Rwanda.

<sup>33</sup> Crisis Group Africa Report N°281, *Safeguarding Sudan's Revolution*, 21 October 2019.

<sup>34</sup> Crisis Group interview, senior African diplomat, Addis Ababa, August 2019.

<sup>35</sup> Regional and Western officials believe that Kiir is keen to ease his international isolation. Crisis Group interviews, Nairobi, Addis Ababa and Juba, 2019. Many in Machar's camp grumble that their leader's top priority is securing his personal freedom. Crisis Group interviews, 2019. After the last peace deal collapsed in 2016, Machar was placed under house arrest in South Africa at Washington's urging and IGAD's request. He now resides in Khartoum but his movements and activities are restricted. Machar wants IGAD to formally grant him full freedom of movement. Machar frequently raises the issue of his "personal status" as his top private demand with regional and international diplomats. Some diplomats believe Machar returned to Juba in September 2019 to meet directly with Kiir only on the condition that the IGAD heads of state would meet later that month to discuss his release. Crisis Group interviews, African and Western diplomats, Addis Ababa and remote communication, August-September 2019. This attempted quid pro quo failed when IGAD did not call a heads of state summit, as agreed. Some senior officials in the SPLM/A-IO believe this failure resulted in Machar's subsequent hardline stance that he would not return on 12 November. Machar fears that Kiir will restrict his freedom of movement even as first vice president. Crisis Group interviews, opposition officials, October 2019.

<sup>36</sup> Crisis Group interviews, senior Western diplomats, Juba, September 2019.

Sudanese government as it renegotiates its long list of key oil, border and security interests with its northern neighbour.<sup>37</sup>

Renewed regional diplomacy along these lines should focus on steps to break the impasse on security arrangements and the configuration of states. If progress toward a unity government appears to indefinitely stall, or war returns, then the region should acknowledge repeated failure to end the conflict and seek greater support to find a viable path forward.<sup>38</sup>

#### D. *Security Arrangements*

On security, two steps are needed. First mediators need to work out a timetable and procedures for an elongated army unification process. This step would give a complex technical process more time. It would allow the thousands of forces who have already registered for integration to take positions in the national army, ideally after having been screened to filter out the large number of civilians posing as armed combatants in order to inflate their communities' positions in the army. It would also provide more time for the political process to advance sufficiently for other armed groups allied to Machar, which are not assembled in the designated cantonment sites and whose demands are not yet met, to join the national army.

Secondly, Kiir and Machar should rethink their plans to share control of Juba under a stated verbal agreement between them in September to form a 3,000-strong VIP force. South Sudan's worst recent patches of violence were triggered in 2013 and 2016 by firefights between Kiir's and Machar's close protection forces in Juba, amid high political tensions. The VIP force under consideration risks repeating those scenarios. The best of all bad options would be a third-party force, limited in size and requested by the parties, to protect the opposition and prevent shared control of the capital between fighters loyal to rival camps.<sup>39</sup> If such a force is not feasible, then the high-level mediators should at least push the parties to reduce the number of men under arms in Juba. The UN, given its dual civilian protection and political mandates, should also work with regional mediators and the parties to seek a less combustible way to manage security for a unity government than the return of Machar's forces to the capital.

Should the parties form a joint VIP protection force anyway, and deploy it in Juba, IGAD should take extraordinary steps to reduce the tension that will likely emerge within that force's ranks. One option would be to embed formal military observers from the regional bloc inside its units. This arrangement would serve two purposes at once, both of which could limit the potential for violence. First, the presence of formal observers inside the force could nudge the parties toward fulfilling the pledge in the peace agreement to unify their forces as much as possible and desisting from

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<sup>37</sup> Crisis Group interviews, South Sudanese security officials and foreign diplomats, 2019.

<sup>38</sup> Regional officials are privately vocal in acknowledging IGAD's failures and increasing paralysis. Crisis Group interviews, 2019. Earlier this year, Kenyan President Uhuru Kenyatta told senior African officials that IGAD has failed as a political body and should hand over its peace and security mandate to the AU. Crisis Group interviews, African officials, Addis Ababa, August 2019. Kenyatta may be next in line for the IGAD chairmanship.

<sup>39</sup> For more background, see Crisis Group Africa Report, *Salvaging South Sudan's Fragile Peace Deal*, op. cit.

hostile actions. Secondly, the observers could serve as an early warning mechanism in case of escalating tensions. The ceasefire monitoring body in South Sudan at present, staffed by IGAD military monitors, could quickly step into the role of embedded observers; the UN's mission in South Sudan might also contribute observers.

#### *E. State Configuration and Boundaries*

The high-level mediation would also need to prioritise the most pressing political issue that threatens the ceasefire: disputes over how many states should exist in the country and how their borders should be drawn. Failure to do so would result in a new government that is immediately deadlocked at the national level, while derailing negotiations over power sharing at the level of state governors and below. Machar and his loyalists demand a shift from the status quo of 32 states, in which boundaries are manipulated to disproportionately benefit Kiir's Dinka ethnic group and political base.<sup>40</sup> That said, neither Machar nor Kiir appears wedded to any specific number of states. In Machar's case, he needs to show his supporters signs of movement from Kiir. In that sense, reaching a preliminary agreement on the number of states could be feasible if regional heads of state demand a compromise from Kiir, in exchange for Machar agreeing to return under a less stringent timeline for force unification.

It might also be necessary to defer the most contentious border dispute, the fierce disagreement over the city of Malakal and its surrounds. This dispute could be bracketed into a lengthier process rather than allowed to indefinitely delay a broader agreement on states. Forging ahead with a unity government without addressing the Malakal dispute could trigger more violence.<sup>41</sup> Setting a separate process for this dispute could allow all other state delineation to take place and move the peace process forward while preventing renewed local conflict. Other boundary disputes could be similarly bracketed if they prove equally thorny.

## **VI. Conclusion**

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South Sudan is not yet ready for a unity government. The security arrangements remain contested, both in Juba and outside. The parties have not agreed upon the number of states, leaving local power-sharing and boundaries disputes in limbo. Amid these disagreements, the political temperature between the two main camps continues to rise. Despite the years of mediation efforts required to finally reach a sustained ceasefire between the two sides, grave risks to South Sudan's peace still lie ahead. High-level political mediation will be required to resolve the outstanding issues standing in the way of forming a viable and functional government while reducing risks to the country's population. Simply pressing the parties to form a unity government is a strategy that could backfire if that government's foundation is so shaky that it cannot stand.

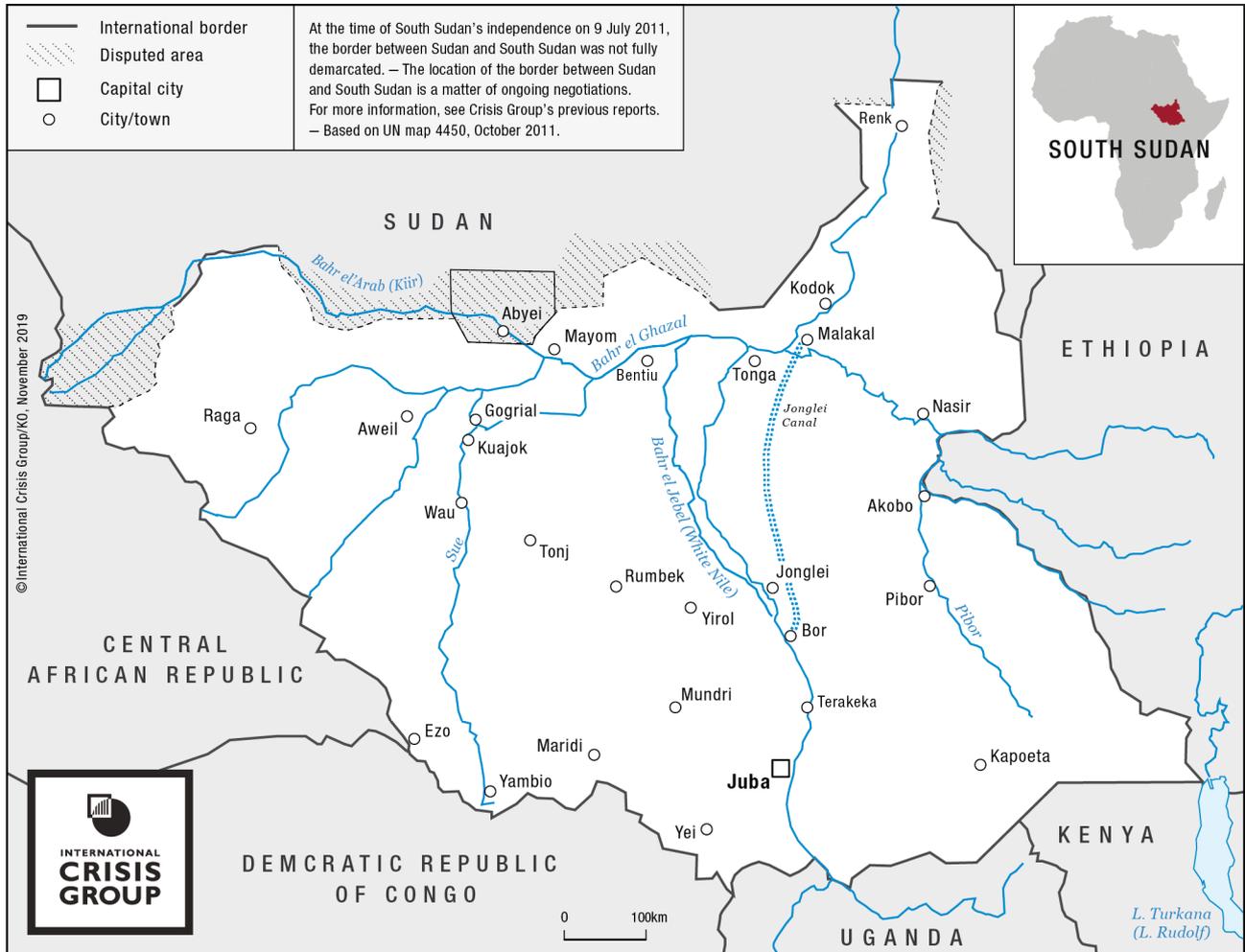
**Juba/Nairobi/Brussels, 4 November 2019**

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<sup>40</sup> Ibid.

<sup>41</sup> Ethnic Shilluk SPLM/A-IO officials in the Agwelek militia and Shilluk community leaders specifically threaten this scenario. Crisis Group interviews, SPLM/A-IO Agwelek commanders and officials; Shilluk community leaders, Tonga, October 2019. Tonga is a town in SPLM/A-IO territory near Malakal.

Appendix A: Map of South Sudan



## Appendix B: About the International Crisis Group

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The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 120 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 or regions 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, regional and national decision-takers. Crisis Group also publishes *CrisisWatch*, a monthly early-warning bulletin, providing a succinct regular update on the state of play in up to 70 situations of conflict or potential conflict around the world.

Crisis Group's reports are distributed widely by email and made available simultaneously on its website, [www.crisisgroup.org](http://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 of Trustees – 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 policymakers around the world. Crisis Group is chaired by former UN Deputy Secretary-General and Administrator of the United Nations Development Programme (UNDP), Lord (Mark) Malloch-Brown.

Crisis Group's President & CEO, Robert Malley, took up the post on 1 January 2018. Malley was formerly Crisis Group's Middle East and North Africa Program Director and most recently was a Special Assistant to former U.S. President Barack Obama as well as Senior Adviser to the President for the Counter-ISIL Campaign, and White House Coordinator for the Middle East, North Africa and the Gulf region. Previously, he served as President Bill Clinton's Special Assistant for Israeli-Palestinian Affairs.

Crisis Group's international headquarters is in Brussels, and the organisation has offices in seven other locations: Bogotá, Dakar, Istanbul, Nairobi, London, New York, and Washington, DC. It has presences in the following locations: Abuja, Algiers, Bangkok, Beirut, Caracas, Gaza City, Guatemala City, Hong Kong, Jerusalem, Johannesburg, Juba, Mexico City, New Delhi, Rabat, Tbilisi, Toronto, Tripoli, Tunis, and Yangon.

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