

## **Background Briefing Note**

### **An Analysis of Conflict Dynamics in South Sudan**

**December 2013 to July 2017**

[July 21, 2017]

## Contents

Acronyms .....	3
Introduction .....	5
The Narrow Conflict – December 2013 to December 2014.....	7
The Negotiation – January 2015 to August 2015.....	12
The Broadening Conflict – January 2015 to August 2015 .....	15
The Bad Peace – August 2015 to July 2016 .....	19
Failure – July 2016.....	23
Shifting Allegiances – July 2016 to August 2016.....	26
The National War – July 2016 to July 2017 .....	31
Signs of hope? – July 2017 .....	35
Conclusion – A country in the balance.....	40

## Acronyms

ARCSS – Agreement for the Resolution of Conflict in South Sudan

CoHA – Cessation of Hostilities Agreement

CPA – Comprehensive Peace Agreement

CTSAMM – Ceasefire and Transitional Security Arrangements Monitoring Mechanism

DDR – Disarmament, Demobilization and Reintegration

IGAD – Intergovernmental Authority on Development

JCE – Jieng Council of Elders

JMEC – Joint Monitoring and Evaluation Commission

JOC – Joint Operations Center

LRA - Lord's Resistance Army

NCAC – National Constitutional Amendment Committee

NLC – National Liberation Council

NSS – National Security Service

PoC – Protection of Civilian Site

RPF – Regional Protection Force

SPLA/M – Sudan People's Liberation Army / Movement

SPLA/iO – Sudan People's Liberation Army in Opposition

SSDA/M – South Sudan Democratic Army / Movement

SSDF – South Sudan Defense Force

SSLM – South Sudan Liberation Movement

TNA – Transitional National Assembly

TSA – Transitional Security Arrangement

TGoNU – Transitional Government of National Unity

UNMISS – United Nations Mission in South Sudan

UNSC – United Nations Security Council

UPDF – Uganda People’s Defense Force

WFP – World Food Program

## Introduction

In 2013 South Sudan collapsed under the weakness of its newly created state structures. Far from uniting the people, the construction of the nation brought different groups into competition over new political and economic resources. These became particularly contested as the country gained access to oil revenues as well as significant and often poorly managed disbursements from development and aid projects from a well-intentioned international community. The weak institutions were unable to cope with the strains of the competing interests of a communally divided society that maintained easy access to weapons and preserved localized militia structures that had existed throughout several decades of civil war as part of Sudan.

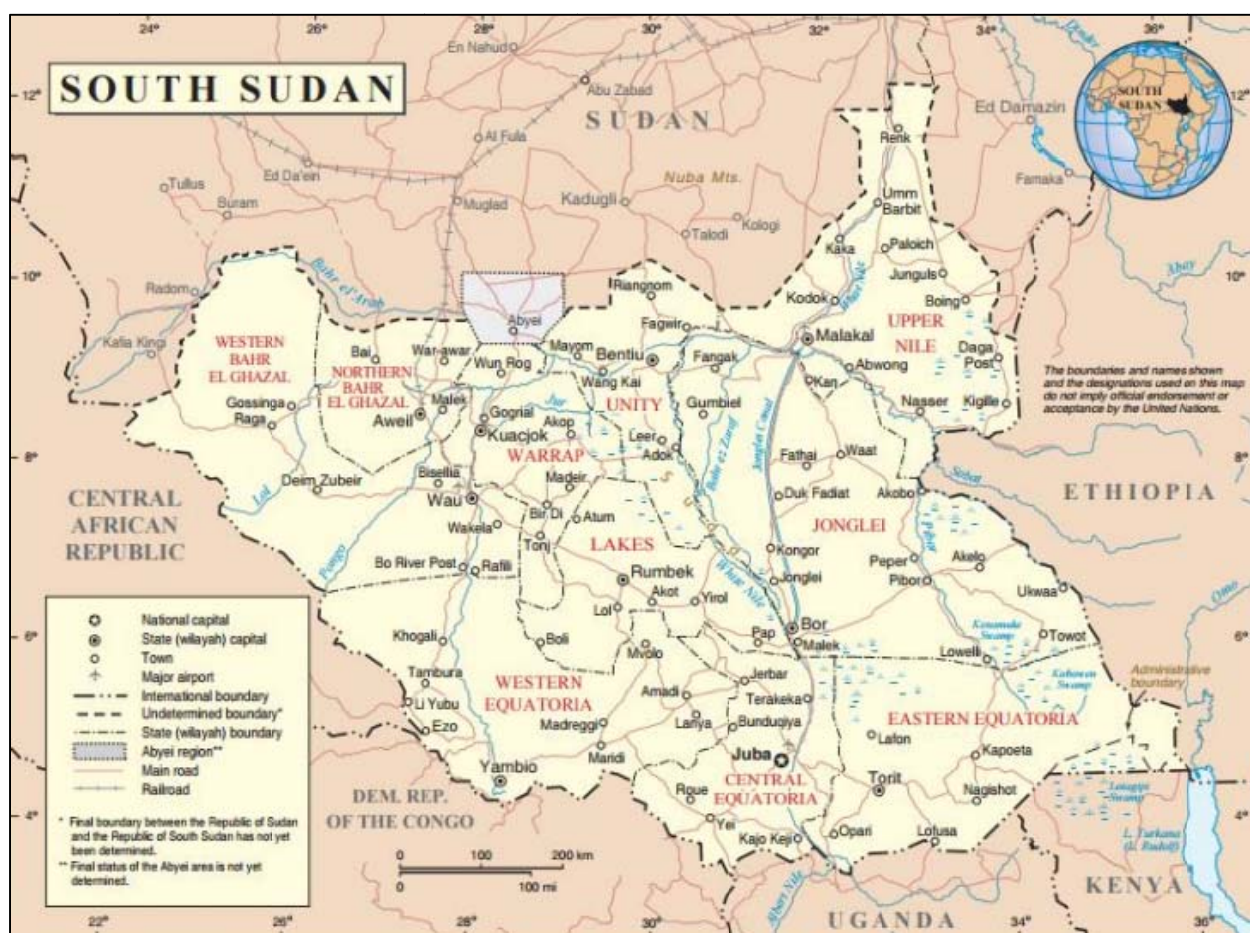
The incidents of violence that took place between the declaration of independence in 2011 and the ruptures of 2013 provided an early warning for the nationwide turmoil that was to come. George Athor's South Sudan Democratic Movement (SSDA) and then David Yau Yau's Cobra Faction offshoot waged a war on the Government between 2010 and 2014. Between 2011 and 2013 the South Sudan Liberation Movement (SSLM) led a rebellion in Unity State which only ended when the Government offered to integrate its forces to the SPLA. In both instances, the failure of influential community leaders to gain political office and perceived injustices in the distribution of Government resources to certain communities played a role in instigating rebellion. When the national conflict broke out in 2013, it was an escalation of these trends with the two largest communal groups taking center stage.

Yet while the root causes of the 2013 conflict are set in the weaknesses of the construction of the new nation, war was not inevitable. The failure of individuals to rise above the structural disadvantages of a weak state and play a responsible role in creating stability in the country ultimately led the country to civil war within three years of its creation.

Since 2013, the conflict dynamics in the country have changed greatly. What started as a narrow struggle, with the two largest communities playing the most prominent roles, has evolved into a much broader conflict involving most of the diverse communities that make up South Sudan. This report will chart how that process has occurred. I will suggest that at the center of the initial conflict was the existential need of dominant groups to capture centralized power as a means to enrich elite groups and also ensure the survival and prosperity of the communities that served as their power base.

The initial peace process negotiations revolved around an attempt to address that initial conflict primarily through a renegotiation of power sharing arrangements. The peace agreement in 2015 however, was inadequate in as much as its provisions represented a reset of conflictual political arrangements without dealing with the root causes of violence in the country.

In addition, over in the past two years the conflict has changed and the grievances that pulled smaller and more peripheral communities into the conflict created increasingly complex dynamics in the country. The conflict that currently exists demands a more comprehensive solution that addresses the root causes of the conflict across all communities.



## The Narrow Conflict – December 2013 to December 2014

A key element in the drama that led to the outbreak of violence on 15 December, 2013 was the relationship between Salva Kiir and Riek Machar. The animosity between the men was not spontaneous. They were once comrades in the Sudan People's Liberation Army (SPLA) during the 1980s civil war that pitted the southern part of Sudan against the north. Machar split with the SPLA following disagreements over the leadership of John Garang which was perceived to be increasingly authoritarian and partial towards the Dinka community from which he came from.

The schism in the SPLA was made official following the 1991 Nasir Declaration. During the early 1990s, what became known as the SPLA / Nasir Faction under the leadership of Lam Akol fought against the SPLA in a vicious internecine struggle that left thousands dead. In one particularly notorious incident a group of Nasir Faction supported by the Nuer militia group 'The White Army' attacked the Dinka community living in Bor resulting in the deaths of more than 2,000 civilians. As a General in the Nasir Faction, Machar has admitted some responsibility for the incident.<sup>1</sup>

The rebellion against the SPLA also led Machar to develop closer relations with the Sudanese Government in Khartoum, firstly through their support of the Nasir Faction against the SPLA and then as he became a signatory of the 1997 Khartoum Peace Agreement. As part of that agreement Machar was made President of the Southern States Coordinating Council and leader of the South Sudan Defense Force (SSDF) which maintained the conflict with the SPLA. The SPLA had refused to participate in the agreement. However, following the failure of Machar to protect Nuer civilians from abuses by the Sudanese Government, Machar's popularity with his own community fell considerably.<sup>2</sup> Perhaps in reaction to this, Machar left the Sudanese Government in 2000 and fought against them again alongside the SPLA. By 2002, Machar rejoined the SPLA. With the end of the civil war and the signing of the Comprehensive Peace Agreement (CPA) in 2005 he was appointed the interim Vice President.

Under a policy that was supposed to heal previous divisions within the SPLA, John Garang invited former enemies to play an integral role in the new government. In so doing he called on soldiers that had previously been enemies to work together for the sake of their common struggle. Yet when Garang died suddenly in 2005, a key unifying figure within the country was lost. When South Sudan gained its independence in 2011, that common struggle also disappeared. Following Garang's death, Salva Kiir took up the leadership of the SPLA and Presidency of the interim and then actual Government.

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<sup>1</sup> The London Evening Post, Riek Machar Breaks Down in Tears as he Admits to 1991 Bor Massacres, 16 August 2011. Available in <http://www.thelondoneveningpost.com/riek-machar-breaks-down-in-tears-as-he-admits-to-1991-bor-massacres/>

<sup>2</sup> Human Rights Watch, Sudan, Oil and Human Rights, 2003.

The economic and political opportunities of independence were significant. In 2012 humanitarian aid was more than \$1.5 billion making it one of the largest per capita recipients of aid in the world.<sup>3</sup> There were even larger revenues from oil with 85% of all Sudanese oil reserves now south of the new border. The new state either did not have strong anti-corruption measures in place or only halfheartedly implemented them. In the oil sector Government officials were alleged to be reluctant to even meter oil production let alone participate in international anti-corruption initiatives such as the Extractive Industries Transparency Initiative.<sup>4</sup> In 2012, the level to which government officials were feverishly competing to capture newly available economic resources appeared to have reached absurd levels when the President's office accused government employees of stealing \$4 billion in oil revenue.<sup>5</sup>

In the frenzy to secure access to economic resources, and the political positions to reach those resources, it is therefore unsurprising that jealousy and distrust festered within the Government. Historical grievances and communal bias inevitably characterized that distrust. Machar began to draw accusations that he was trying to unfairly capture mechanisms of Government by aggressively pursuing positions for his own supporters. His detractors even alleged that he was conniving with his former allies in Khartoum as a means to leverage his power.<sup>6</sup> In this atmosphere of mistrust, Kiir became increasingly reliant on supporters that had historically formed part of his inner circle. Those predominantly Dinka individuals eyed Machar's largely Nuer supporters warily.

In March 2013, President Kiir stripped Machar of his executive powers as First Vice President. Over the next 6 months Kiir then fired all but 4 cabinet ministers. Machar responded by announcing his decision to run for the Presidency in 2015, a move that potentially confirmed suspicions from Kiir's supporters that his ambitions extended to control of the entire country. On 6 December, a group of senior politicians that had organized themselves within the Sudan People's Liberation Movement (SPLM) in opposition to the President called a press conference in which they were reported to have accused Kiir of 'dictatorial tendencies'.<sup>7</sup> On 14 December, the divisions within the SPLM became particularly heated at a meeting of National Liberation Council (NLC) at which important decisions on the structure of the party were due to take place. The changes being argued over had the potential to decide who from the SPLA would become the next President.

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<sup>3</sup> World Bank Development Indicators, Retrieved 15 March 2017. Available in [http://data.worldbank.org/indicator/DT.ODA.ALLD.CD?end=2013&start=2012&year\\_high\\_desc=true](http://data.worldbank.org/indicator/DT.ODA.ALLD.CD?end=2013&start=2012&year_high_desc=true)

<sup>4</sup> The Atlantic, Smothering Love: How the West's South Sudan Obsession Hurts the Country, 22 June, 2012. <https://www.theatlantic.com/international/archive/2012/06/smothering-love-how-the-wests-south-sudan-obsession-hurts-the-country/258858/>

<sup>5</sup> Reuters, South Sudan officials have stolen \$4 billion: president, 4 June, 2012. Available in <http://www.reuters.com/article/us-southsudan-corruption-idUSBRE8530QI20120604>

<sup>6</sup> Oilprice.com, "Sudan Attacks After Machar's Failed Diplomatic Mission, 8 July, 2013. Available in <http://oilprice.com/Geopolitics/Africa/Sudan-Attacks-after-Machars-Failed-Diplomatic-Mission.html>

<sup>7</sup> AU Commission of Inquiry on South Sudan, Final Report, 15 October, 2014. Available in <http://www.peaceau.org/uploads/auaiss.final.report.pdf>



What happened next remains a matter of deep contention. On 15 December, fighting broke out between members of the Presidential Guard. Reports suggest that an order was issued by the President's office for the Nuer members of the guard to be disarmed.<sup>8</sup> President Kiir later claimed that his actions in the initial days of the conflict were a reaction to a credible threat of a coup. Despite the Government's continued protestations no evidence to suggest that such a threat was real has been produced.<sup>9</sup> The fighting spread from the Presidential Guard to other organized forces in Juba. By 16 December, general members of the population were being targeted for violence based on their ethnicity. Largely Nuer communities rushed into bases belonging to the United Nations Mission in South Sudan (UNMISS) seeking protection. Dinka militia groups referred to as the 'Mathiang Anyoor', that had been organized in the state of Northern Bahr e Ghazal, purportedly to contend with militia threats from Sudan, were transported to the capital to help secure the position of the President. The poorly trained militia quickly became accused of some of the most ruthless acts of brutality that occurred in the capital in December and helped escalate the violence further.

As the violence in Juba spiraled out of control, Nuer based units around the country start to rebel. On 18 December, Peter Gadet led soldiers from Division 8 in taking Bor in Jonglei. On 24 December Gathoth Gatkuoth led members of SPLA Division 7 in taking Malakal in Upper Nile. James Kuol Chol led members of Division 4 in taking Bentiu in Unity. Over the forthcoming months the violence perpetrated by both sides was extreme. In a haunting echo of the bloodshed in 1991, the White Army resurfaced in support of Riek Machar and entered Bor later in December, killing hundreds of civilians. In a similar incident in April, a militia associated with supporters of Machar targeted and killed civilians sheltering inside a hospital and a mosque during an SPLA/iO offensive in Bentiu.

On 20 December, the Uganda People's Defense Force (UPDF) entered South Sudan in order to try and stabilize the situation. It managed to secure the capital and pushed as far north as Bor, effectively forcing anti Government armed groups out of the south of the country. Violence continued in areas of the north. Bentiu and Malakal changed hands multiple times, with the large oil fields in Unity being rendered useless as a result of the ongoing conflict. Today they remain offline. In early 2014, the opposition elements coalesced around a military structure led by Riek Machar under the title of the Sudan People's Liberation Army / in Opposition (SPLA/iO).

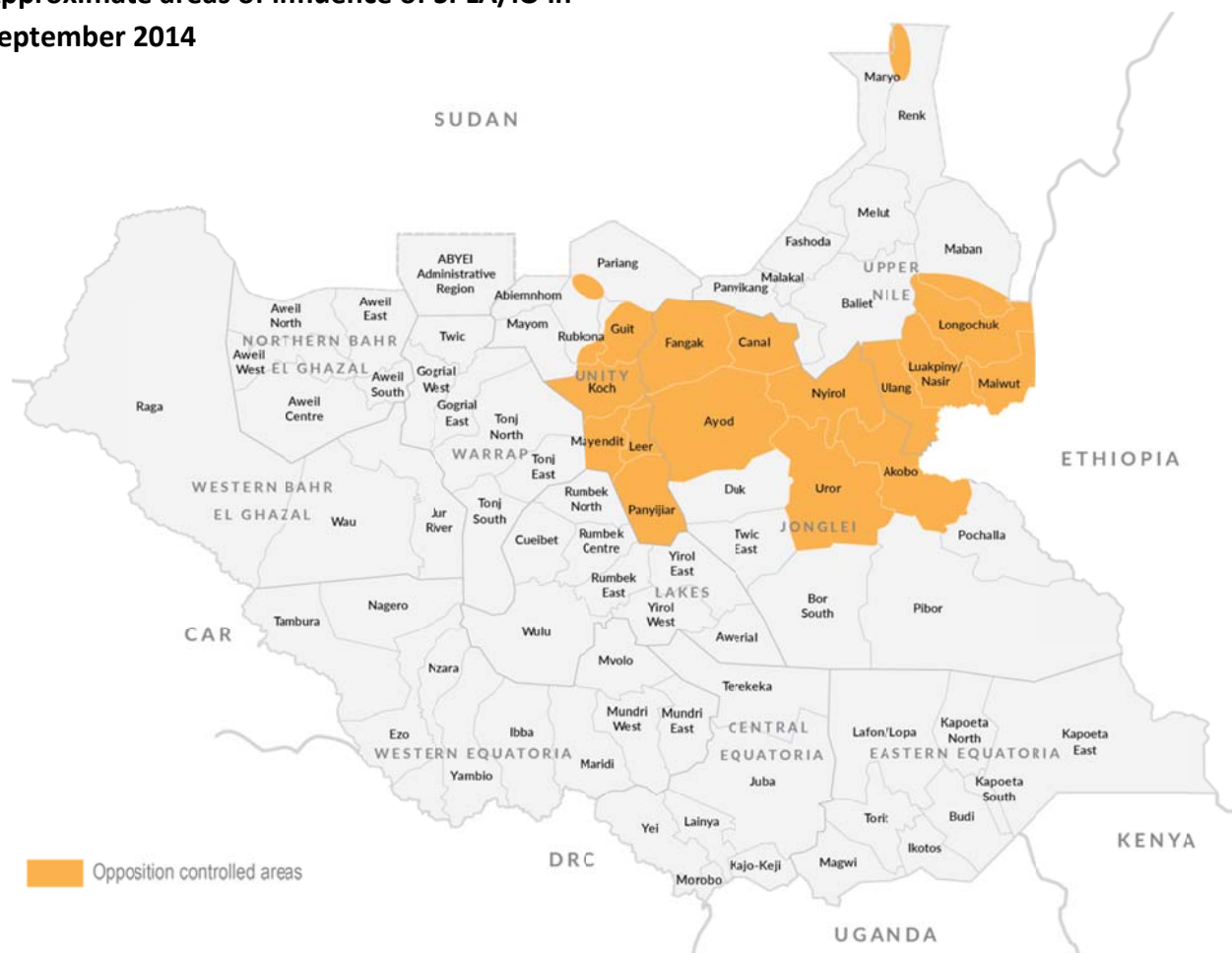
A diplomatic intervention by the international community led to the Cessation of Hostilities Agreement (CoHA) between the warring parties on 23 January, 2014, under the auspices of the Intergovernmental Authority on Development (IGAD), which had successfully overseen the implementation of the CPA. However, it had little impact on the tempo of the conflict. It was only with the onset of the rainy season in the middle of 2014, that the front lines began to settle.

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<sup>8</sup> Ibid.

<sup>9</sup> Voice of America, South Sudan Still Insists Coup Bid Started Conflict, 28 October, 2014. Available in <https://www.voanews.com/a/south-sudan-african-union-inquiry-coup/3026843.html>

## Approximate areas of influence of SPLA/iO in September 2014



By mid-2014, the conflict appeared isolated to the three Greater Upper Nile states. Of those states the front lines fell remarkably close to the unofficial boundaries that traditionally marked the border around predominantly Nuer territories. Only in Unity, where influential figures within the Bul Nuer community, including Mathew Puljang and the brothers Joseph and Bapiny Monytil, chose to stay loyal to the Government, did predominantly Nuer territory remain within the Government's control.

With the violence since December largely pitting Nuer against Dinkas and front lines being drawn between their territories it is impossible to deny the communal aspect to the conflict. However, to essentialize the conflict at this stage as being a communal one is misleading. The negative cycle that resulted in an environment of extreme competition encouraged people to seek support from available

structures. The tendency of competing political elites to reach back into communities that offered strong and trustworthy social networks was natural. For both Dinka and Nuer communities, once coopted into opposing camps, their historical rivalry and enmity hardened the communal character of the conflict. As violence escalated, those tendencies increased as the competition increasingly focused on mobilizing men and weaponry for military operations. Cultivation of a cohesive support base built around communal signifiers was further deployed as a means to legitimize those operations. An example of this was Riek Machar's possession of the ceremonial stick of Prophet Ngundeng. Some of Machar's supporters have inserted him into the prophecies of the nineteenth century Nuer spiritual leader as a means to suggest that his presidency is a prophesized divine right.<sup>10</sup> For the Dinka community, the role of Dinka John Garang as leader of the SPLA and unofficially designated 'father of the nation' has played a role in mobilizing groups around Kiir as the Dinka inheritor of that title.

Historically communities in South Sudan have targeted each other for significant levels of violence as a result of communal rivalries. Frequently this is associated, at a local level, with conflict over territorial and cattle disputes. However, such disputes have previously been periodic and temporary with communities able to settle their differences and resume reasonably peaceful intercommunal interactions in a way that is difficult to understand from other cultural viewpoints. What occurred in 2013 was different. The rivalry that emerged was the consequence of a new kind of competition over resources that had not been available on such a vast scale. The new national structures were unable to cope with the competition that was generated. Recent historical circumstances meant that mobilization of communities and access to weaponry made the resort to violence as an alternative means to compete over those resources relatively simple.

Nonetheless, at the end of 2014 the dynamics of the conflict looked comparatively simple. They were entrenched in the competition of fairly transparent agendas from the two dominant communities in the country, each trying to solidify their political and economic positions in new structures. Hope that the different claims in the country could yet be mediated to a peaceable solution remained. Expectation that the warring factions were edging towards an agreement were raised when Kiir and Machar signed a framework Areas of Agreement document in February 2015. However, within a short space of time and as mediators began hammering out details of a more comprehensive agreement, cooperation fell apart.

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<sup>10</sup> Rift Valley Review, The fate of Ngundeng's dang, 29 August, 2014. Available in <http://riftvalley.net/news/fate-ngundeng%E2%80%99s-dang#.WXDSF1GZGM8>

## The Negotiation – January 2015 to August 2015

If 2014 had ended in a stalemate between two comparatively strong opponents it is possible that the conflict may have found a resolution as they might have been forced to negotiate their way around an impasse. However, despite some initial success, it was the SPLA/iO that was pushed out of all the major towns. The SPLA were supported by the UPDF who could ensure that the SPLA/iO were unable to move back into areas of the south. The Government also maintained control over all significant state resources including the Government cash reserves and access to oil revenues. With good reason Kiir could point to a superior position vis-à-vis the opposition. The appointment of a bullish new Chief of Staff in April 2014, is likely to have emboldened the President to adopt a more hawkish approach to the conflict.

The replacement of the Nuer SPLA Chief of Staff, James Hoth Mai, with Paul Malong will have raised eyebrows among those who already accused the Government of being biased against the interests of the Nuer community. Malong came from the Dinka community and was considered a close ally of the President. It was Malong who was strongly implicated in the mobilization of the militia group Mathiang Anyoor who were accused of being involved in the targeting of Nuer civilians in Juba during violence in 2013.<sup>11</sup> Malong's support of the Mathiang Anyoor has led to allegations that he supported a policy of violence that was communally partial. That perception has been strengthened by his alignment with the activities of the Jieng Council of Elders (JCE). The JCE is a Dinka community group that has been accused of attempting to unfairly exploit its communal networks to lobby Government on behalf of economic and political interests within the Dinka community.<sup>12</sup> It is also alleged to have provided material support to the Mathiang Anyoor.<sup>13</sup>

Given the reins of the SPLA, Malong aggressively brought the financial advantage of the Government to bear. A sample of the weapons that were recorded as being bought in 2014 / 15 includes; 173 armored personnel carriers<sup>14</sup> as well as at least 10 tracked amphibious vehicles<sup>15</sup> and a number of desert patrol vehicles. In 2014, the South Sudanese Government spent more than 20 million USD on a single small arms and light weapons contract with the Chinese arms manufacturer Norinco. It also purchased at least

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<sup>11</sup> World Peace Foundation, Clemence Pinaud on South Sudan, 11 July, 2016. Available in <https://sites.tufts.edu/reinventingpeace/2016/07/11/recommended-clemence-pinaud-on-south-sudan/>

<sup>12</sup> Sudan Tribune, "Dinka Council of Elders Denies Forming Shadow Government", 3 March, 2017. Available in <http://www.sudantribune.com/spip.php?article61781>

<sup>13</sup> World Peace Foundation, Clemence Pinaud on South Sudan, 11 July, 2016. Available in <https://sites.tufts.edu/reinventingpeace/2016/07/11/recommended-clemence-pinaud-on-south-sudan/>

<sup>14</sup> Canadian Broadcasting Corporation, "Armoured Car Sale to South Sudan Should be Investigated, Rights Group Say", 10 August, 2016. Available in <http://www.cbc.ca/news/politics/streit-south-sudan-1.3711685>

<sup>15</sup> Interim report of the Panel of Experts on South Sudan established pursuant to Security Council resolution 2206, 2015, p. 21

six Mi-24 attack helicopters<sup>16</sup> and two L-39 Albatros jets from unknown origins.<sup>17</sup> It is likely that the full extent of SPLA procurement during this period is likely to be considerable more. By 2015, South Sudan had the largest military expenditure in East Africa despite being one of the smallest and poorest countries in the region.<sup>18</sup> In contrast, the SPLA/iO was reported to have received a number of automatic weapons and ammunition from the Sudanese Government.<sup>19</sup> However, there is little evidence to suggest that they managed to gain access to large quantities of these weapons or any heavy weaponry other than that which they have captured from the SPLA.

When the conflict resumed in the first half of 2015, the rise in capabilities of the SPLA vis-à-vis the SPLA/iO became clear. In successive offensives in Upper Nile and Unity states, the SPLA made gains winning virtually every battle they engaged in. SPLA/iO influence in parts of central and northern Unity significantly diminished ending their threat on Bentiu. SPLA/iO in northern Upper Nile was pushed out of the country and their positions in northern Jonglei were overrun, limiting their ability to attack Malakal. Only the natural protection offered to the SPLA/iO in the swampy areas of Panyijar in southern Unity offered the opposition an opportunity to successfully defend one of its strongholds.

When in July, 2015, IGAD mediators pressed both sides to sign an agreement to end the violence the apparent power dynamics of the two main parties to the conflict had considerably shifted. Riek Machar, likely conscious of his military weakness, seemed the happier to accept an agreement that restored and secured his senior political position in the country. The move provoked dismay however among his more hawkish senior Generals. Peter Gadet, Gabriel Tanginye and Gathoth Gatkuoth left the SPLA/iO to form their own movements, decimating the senior command of the SPLA/iO military. However, expectations that these defections would lead to a disintegration of the SPLA/iO were not realised. It appeared that the weary communities in areas under SPLA/iO control also appeared eager to draw an end to the conflict.

Within the Government there were believed to be a number of voices privately urging Kiir to accept the political settlement being offered by IGAD. The influential Defense Minister, Kuol Manyang, is thought to have supported the peace process. However, there were other equally powerful dissenting views. For the likes of Malong, the evidence of SPLA military superiority provided by the victories of the first part of 2015 will have offered a viable alternative strategy to political negotiations. That position found support from other hardline elements within the Dinka community. In August, representatives of the JCE issued

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<sup>16</sup> Ibid. p. 20

<sup>17</sup> Jane's International Defense Review, "South Sudan Now Flying L39 Jets", 12 September, 2016.

<http://www.janes.com/article/63601/south-sudan-now-flying-l-39-jets>

<sup>18</sup> Stockholm International Peace Research Institute, SIPRI Military Expenditure Database, 2015. Available in <https://www.sipri.org/sites/default/files/Milex-constant-2015-USD.pdf>

<sup>19</sup> Conflict Armament Research, Weapons and Ammunition airdropped to SPLA/iO forces in South Sudan, June 2015. Available in [https://www.conflictarm.com/wp-content/uploads/2015/06/Weapons\\_and\\_ammunition\\_aidropped\\_to\\_SPLA-iO\\_forces\\_in\\_South\\_Sudan.pdf](https://www.conflictarm.com/wp-content/uploads/2015/06/Weapons_and_ammunition_aidropped_to_SPLA-iO_forces_in_South_Sudan.pdf)

a statement complaining that the agreement unfairly favored Machar and set the preconditions for a recolonization of the country by foreign interests.<sup>20</sup>

Kiir appeared torn. On 17 August, amid much anticipation and considerable international pressure he arrived in Addis Ababa for the signing ceremony. Machar duly signed the document. However, when it came to Kiir's turn he prevaricated, finally only committing pen to paper in order place his initials acknowledging he had read the document. After another round of international pressure a hastily convened ceremony was arranged in Juba on 26 August for Kiir to apply his full signature. Malong refused to attend the ceremony. The Information Minister Michael Makuei, that had described the agreement as a 'sellout',<sup>21</sup> is alleged to have walked out of the ceremony half way through. Kiir's speech at the ceremony was emotional and wrought and reflected the conflicting pressures that he was being placed under. He stated confusingly that, 'The current peace we are signing today has so many things we have to reject.'<sup>22</sup>

Unsurprisingly, the completion of the signing of the Agreement for the Resolution of Conflict in South Sudan (ARCSS) was met with limited celebration. The lack of enthusiasm around its formation was underlined when on 31 August SPLA and SPLA/iO forces clashed in the western part of Panyikang County in Upper Nile State. Over the next few months both sides would consistently and egregiously break the ceasefire components of the agreement. The Government made good on its intentions to revisit the terms of the agreement when President Kiir decreed on 2 October, that the current administration of local government would be revises by replacing the 10 state system with a 28 state structure. In so doing the President not only broke a key aspect of the agreement that prohibited him from making constitutional amendments during the interim period, apart from those outlined in the ARCSS, but also destroyed the vital agreements on structures for power sharing agreements within state governments.

Significant breaches of the ceasefire and a disregard to fundamental components of the terms of the ARCSS would probably have been sufficient to ensure that it would ultimately fail. However, a deep rooted and less easily recognizable flaw was equally troubling. By early 2015, the dynamics of the conflict had already changed. Designed for a narrow conflict focused on a dispute between the competing interest of the Dinka and Nuer communities, by the time of signing, the dynamics of the violence had shifted considerably in scope ensuring that the terms of the ARCSS now only served as a means to address one aspect of the conflict.

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<sup>20</sup> South Sudan Nation, The Position of Jieng Council of Elders on the IGAD-Plus Proposed Compromise Agreement, 31 July, 2015. <http://www.southsudannation.com/the-position-of-jieng-council-of-elders-on-the-igad-plus-proposed-compromise-agreement/>

<sup>21</sup> African Arguments, "South Sudan's Unwanted Peace Agreement", 27 August, 2015. Available in <http://africanarguments.org/2015/08/27/south-sudans-unwanted-peace-agreement/>

<sup>22</sup> Deutsche Welle, "South Sudan President Salva Kiir Signs Peace Deal Expressing Reservations", 26 August, 2015. Available in <http://www.dw.com/en/south-sudan-president-salva-kiir-signs-peace-deal-expressing-reservations/a-18673920>



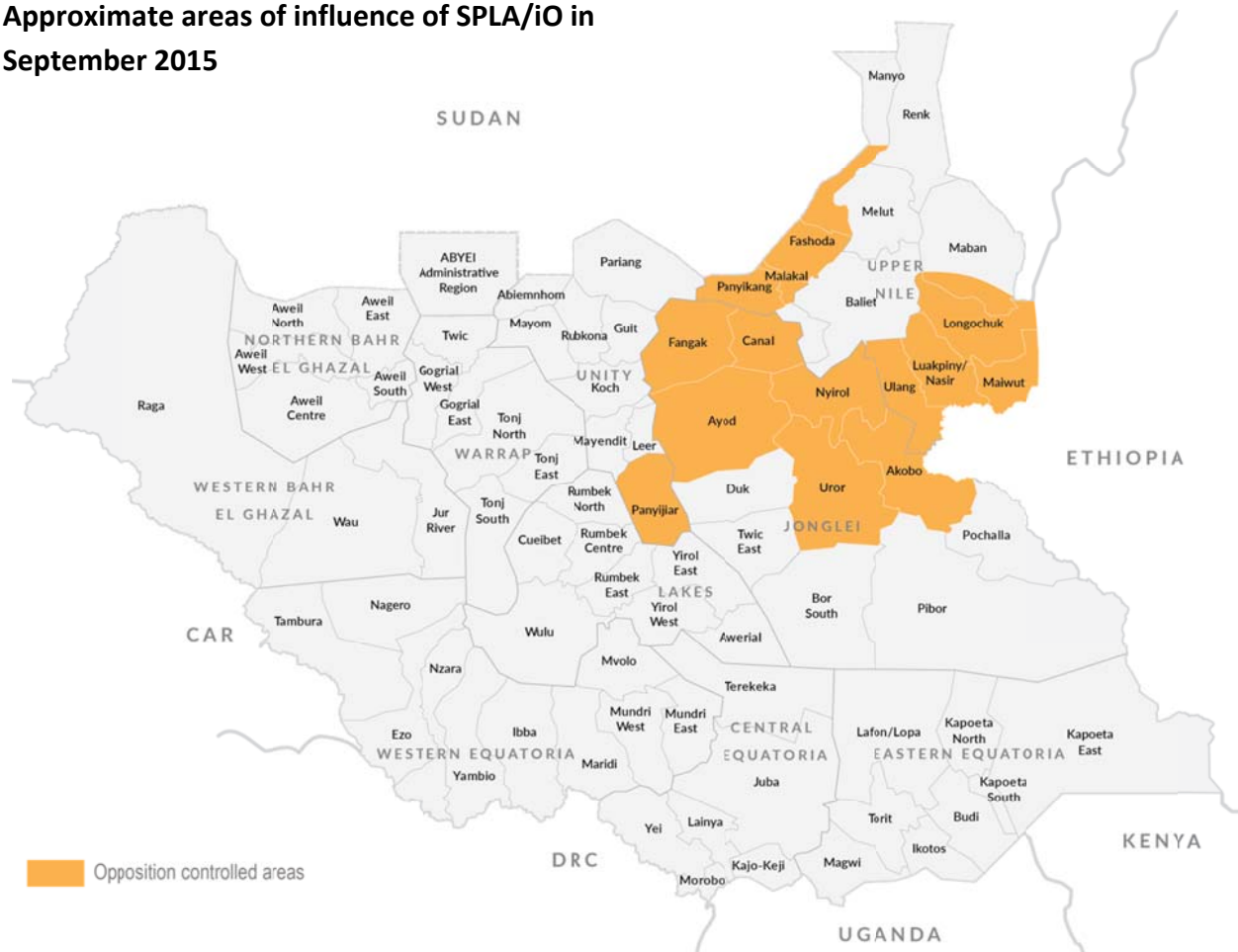
## The Broadening Conflict – January 2015 to August 2015

During the Government offensives against the SPLA/iO in Upper Nile in early 2015, the Shilluk Agwelek forces commanded by Johnson Olony provided significant support to the Government and participated in offensives against the SPLA/iO. As those operations concluded, Olony's Deputy James Bwongo was shot and killed on Lul Bridge by allied militias. The reasons for the fighting that led to his death appear to have been the result of a longstanding historical dispute over territory between the Shilluk community to which Olony belonged and the neighboring Dinka Padang community. The Government attempted to arbitrate between the two as violence flared up, unwilling to lose the support of either valuable ally as it carried out a successful military campaign in Upper Nile.

Olony was likely the less favored ally to the Government. He had only recently made peace with the Government following his involvement with the recent rebellion by the SSDM/A. Furthermore, the location of the Dinka Padang community, in areas around the last working oil fields in the country, likely made their continued support to the Government indispensable. Nonetheless, as regular SPLA soldiers increasingly appeared to support the Dinka Padang community in the dispute, the perception that a Government whose head of state and military Chief of Staff were Dinka will have created the perception that the Government was choosing to support a Dinka community over a non-Dinka minority for communally partial reasons. Olony eventually rebelled against the Government. After taking Malakal town for a short time on 23 May, Olony declared him and his forces allied to the SPLA/iO.

At about the same time as Olony was rebelling in the north, Dinka cattle herders were in the midst of their annual migration through southern parts of the country in areas occupied by Equatorian communities. These migrations have been controversial in the past and led to incidents of violence between herders and host communities. However, independence and the conflict had changed aspects of the migrations in 2014 and 2015. It is likely that conflict in the country had pushed larger concentrations of cattle into the south which was relatively untouched by fighting. Another relatively new aspect of these migrations was the fact that politically influential owners of those herds were able to procure the services of serving SPLA soldiers as armed cattle keepers. In the first few months of 2015, there had already been a high number of incidents of violence in the Equatorias as a result of these migrations increasing tensions across the south. When a dispute emerged in May 2015, between herders and the local Moru community in Mundri West in Western Equatoria, the ferocity of the fighting that ensued is believed to have led to an intervention one of the many dormant Equatorian militia groups. Wesley Walebe's 'Nyarango Boys', that had been one of the many groups set up to contend with the threat of Joseph Kony's Lord's Resistance Army (LRA), found themselves directly fighting SPLA soldiers that were protecting cattle.

## Approximate areas of influence of SPLA/iO in September 2015



Another aggravating factor in the conflict in Mundri West was the involvement of SPLA soldiers stationed in the region. As part of a policy to avoid communalization of the national army, soldiers were often moved out of their home regions. Many Equatorians were deployed to divisions located in the north of the country while barracks in the Equatorias were often filled with Dinka soldiers. Under the attack of the capable militia of Walebe, the cattle herders turned to the SPLA stationed nearby. When a largely Dinka SPLA appeared to intervene on the side of the cattle herders, that intervention looked communally partial. When an Executive Director from the Western Equatoria State Administration



arrived to investigate the fighting he was alleged to have been shot by an officer from that contingent.<sup>23</sup> The fighting escalated and spread to other parts of Mundri West and East leading to large displacements. Without likely intending to, Walebe found himself in opposition to Government forces and a rebel, ultimately leading to him effectively aligning himself and his forces with the SPLA/iO.

As with the incident between the Shilluk and the Dinka Padang in Upper Nile, the inclination of state structures toward a single community turned a localized dispute into a component of the national conflict. During the summer of 2015, similar dynamics played out in Wau in Western Bahr e Ghazal where there had been a rising number of incidents between a Dinka dominated security services and the local Balanda community. In Yambio, fighting broke out between Dinka dominated SPLA and Azande militia groups for different reasons. Those militia groups eventually coalesced under Alfred Futiyo as another component to the SPLA/iO.

The cumulative incidents of Dinka members of the national security services involving themselves in conflict with non-Dinka communities were increasing the scope of the national conflict. The Government aggravated the situation with its response. By the summer of 2015, the security stance of the SPLA under the stewardship of Paul Malong had become ruthless. As part of a huge offensive against the SPLA/iO in Unity, members of the SPLA were accused of being involved in numerous incidents of rape and murder as well as being complicit with local militia groups to target civilian areas for wholesale looting. In what the United Nations Office of Human Rights (UNOHR) described as a 'scorched earth policy',<sup>24</sup> the Government specifically targeted entire communities perceived to be allied to the SPLA/iO.

Even though there was no significant presence of SPLA/iO in the Equatorias and Western Bahr e Ghazal, perceived dissension from the Government was increasingly met with tough security responses. The SPLA conducted heavy handed security operations in Wau, Yambio and Mundri in 2015. In Yambio, Malong, apparently exceeding his own authority, ordered the SPLA in the area to 'shoot to kill'.<sup>25</sup>

A particularly resented element of these operations was the increased use of paramilitary units that were deployed in the wake of local disturbances. These units were formed out of the remains of the Mathiang Anyoor militia mobilized in the wake of the December 2013 violence. Recruits were directly taken from Dinka areas in Northern Bahr e Ghazal and Warrap. Often poorly trained and unable to speak either local languages or the Arabic or English lingua franca, these units had fractious relationships in almost every area that they were deployed. Their command structure existed outside of the regional sector commands and they responded directly to instructions from the SPLA HQ in Juba, making them

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<sup>23</sup> Sudan Tribune, "South Sudan army accused of killing top Western Equatoria official", 23 May, 2015. <http://www.sudantribune.com/spip.php?article55076>

<sup>24</sup> Reuters, UN Accuses South Sudan Forces Of Deliberately Raping, Killing Civilians, 3 November, 2016. Available in [http://www.huffingtonpost.com/entry/south-sudan-scorched-earth-policy\\_us\\_56e2a510e4b0b25c9181873f](http://www.huffingtonpost.com/entry/south-sudan-scorched-earth-policy_us_56e2a510e4b0b25c9181873f)

<sup>25</sup> Sudan Tribune, South Sudan army chief orders shoot to kill in Western Equatoria state, 2 August, 2015. Available in <http://www.sudantribune.com/spip.php?article55904>

difficult to discipline and largely unresponsive to the local grievances articulated by local authorities or even local SPLA commanders.

Malong's leadership of the SPLA showed at the very least a lack of sensitivity toward an increasingly fractious relationship between the national security forces and non-Dinka communities in the country. Publicly, Kiir offered the image of someone that was concerned about these localized conflicts and attempted to demonstrate his impartiality. In April, 2015 he issued a decree ordering the immediate return of all cattle to their areas of origin. However, progress on implementing that decree was sluggish. There does not appear to have been any indication that the same level of force was brought to bear in its implementation as was used against non-Dinka communities in areas perceived to be supportive of Government opposition groups in the Equatorias and Western Bahr e Ghazal.

By the summer of 2015, as the ARCSS was being signed the conflict was already changing in a way that made the agreement poorly matched to the emerging conflict dynamics in the country. An increasing number of incidents of violence were laying bare deep rooted grievances that pitted local non-Dinka communities against a Government that appeared to be increasingly communally partial.

In January 2015, the influential Governors of the three Equatorial States, without being invited to participate, inserted themselves into the peace talks. Travelling to the negotiations in Addis Ababa they advocated for a more federal system of Government to be a part of the ARCSS settlement. The concept ran counter to the instincts of both Kiir and Machar in the likelihood that it would dilute their capacity to control a strong centralized state. The sight of Equatorial politicians breaking ranks with Government policy while their communities appeared increasingly restless will have created new concerns for an untrusting Government. Kiir responded. The most vocal of the three Governors, Joseph Bakasoro, was arrested on 16 August. With the introduction of the 28 States in October, the three comparatively powerful Equatorial governorships were diminished as the states were sliced into eight smaller and less powerful entities with handpicked Presidential loyalists appointed as governors in December that year. The process would similarly neuter the political voice of Balanda and Fertit communities in Western Bahr e Ghazal and would hasten the shift toward violence as a means to express local grievances.

By August 2015, the conflict had already changed. It was no longer limited to the three states in the Greater Upper Nile area but had spread to other parts of the country. Before the ink on the ARCSS was even dry its relevance was already disappearing. The SPLA/iO felt as though they had been forced into it by their military weakness. The Government resented the restraints that they felt hobbled a winning military strategy. Those that were left out were frustrated by a lack of means to redress a growing list of serious grievances. With major components of the ARCSS being ignored and broken within weeks, its future looked depressingly bleak.

## The Bad Peace – August 2015 to July 2016

As ceasefire violations took place the Ceasefire and Transitional Security Arrangements Monitoring Mechanism (CTSAMM), created as part of the ARCSS structure, duly investigated and reported. If they struggled it was because, despite having field teams across the country, the incidents were so numerous that they had difficulty keeping up. Also notable was that, as these violations were occurring, neither the Joint Monitoring and Evaluation Commission (JMEC) to which CTSAMM reported, nor the international community that sponsored it, were moved to intervene beyond non-specific admonishments. Even as every deadline in the agreement was broken there was no system to sanction either side. The lack of discipline that therefore accompanied the process allowed it to be stretched and manipulated by the parties. That process in turn helped cultivate suspicion and mistrust between the two parties that undermined their ability to work together.

As 2015 ended and with the conflict continuing in the background the likelihood that there would be sufficient trust to allow Machar to return to Juba seemed doubtful. Priority was given to the workshops that would allow for the Transitional Security Arrangement (TSA) that was supposed to create security structures in the capital that would allow both sides' sufficient forces for their own protection. In the astonishingly ill-conceived plan, the parties agreed that 2,910 SPLA/iO and 4,920 SPLA would be permitted to carry weapons in Juba.<sup>26</sup> All other SPLA forces were supposed to be cantoned in areas 25 kms outside of the city placing them less than an hour's drive from the capital. The role of other armed Government security services including the fire brigade, prison services and regular police was left ambiguous. There was no mechanism to ensure verification of armed groups inside the capital and no clear process to sanction either side should the limitations of the TSA be deemed to have been breached. When the initial stages of the TSA were implemented the cantonment activities that took place among Government forces appeared piecemeal. It is likely that under the TSA, Juba had the potential to be militarized to an even higher level than it had been before the 2013 crisis.

The security arrangements failed to inspire confidence. It is surprising then that the delegation of SPLA/iO under the leadership of Taban Deng arrived in Juba on 21 December. However, in what looked at the time as a significant and even courageous show of trust, the Government responded in a way that was contemptuous. Three days after Deng's arrival, the President announced that he would move ahead with his plan to scrap the ten states system of administration in the country by appointing Governors for the 28 new states, thereby altering the constitution, breaking the terms of the ARCSS and destroying the agreements for power sharing at the state level.

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<sup>26</sup> UN Mission in South Sudan, Information minister lays down transitional security arrangements, 6 November, 2016. <http://reliefweb.int/report/south-sudan/information-minister-lays-down-transitional-security-arrangements>

By the start of 2015, the ARCSS had been seriously if not fundamentally undermined. Trust between the two parties remained low. The TSA allowed for a potentially volatile situation between armed actors to unfold in Juba. Despite the dangers, an international community that had neither the interest, nor the resources to revisit the process encouraged the parties to the conflict to persist.

That faith appeared to pay off as Deng and his delegation made headway in the first few months of July. In January, the fifty SPLA/iO delegates to the Transitional National Assembly (TNA) were named and then confirmed by President Kiir. The Government ministries were divided among the two factions in a way that seemed reasonable and fair. Yet while Deng's delegation made progress, Machar still refused to return to Juba. He bemoaned the lack of progress by the Government in moving the SPLA out of the city. He also continuously denounced the implications of the President's declaration of the 28 states. In an act of protest, he recalled his delegation for a while back to Pagak in January and then refused to name his Ministerial appointments, thereby preventing the formation of the Transitional Government of National Unity (TGoNU).

When Machar finally did decide to return to Juba it is unlikely he did so feeling that the many political and security issues of the process had been resolved. What he will have been acutely aware of was the rising profile of Taban Deng. Despite a high profile diplomatic tour of the region by Machar in the first part of 2016, it was Taban Deng who increasingly looked like the day to day leader of the SPLA/iO. As the delegation in Juba grew with the prospect of Government positions being allocated it was Deng who was regularly meeting with senior political leaders of the party to discuss strategy. It is possible that Machar, irritated by the growing stature of Deng and desperate to retain control of the SPLA/iO finally relented. On 26 April he returned to Juba and was sworn in to resume his position as First Vice President. Within days the TGoNU was appointed by the President and there was hope that the momentum that existed at the start of the year might continue.

Even before Machar landed however, the environment for further progress in the ARCSS looked problematic. With negotiations restored to Juba, under control of the Government and with limited interference by the international community, the Government's attitude looked increasingly bullish. On 22 April, Government security services attempted to arrest the British Deputy Chairperson of JMEC for 'misrepresenting' the Government.<sup>27</sup> An attempt to detain him at a meeting with international ambassadors led to a farcical intervention by the representatives of several international governments before he was officially expelled.

Far from being a reason to accelerate the process, Machar's arrival only seemed to aggravate the negotiations. The discussions that had been taking place began to fall apart at the working level as a result of a growing number of disagreements. The committees that had been operating began to falter,

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<sup>27</sup> Sudan Tribune, South Sudan defends expulsion of peace monitor, 28 April, 2016. Available in <http://www.sudantribune.com/spip.php?article58803>

meeting less or failing to achieve a quorum. Key joint security apparatus such as the Joint Operations Center (JOC) did not become operational. New areas of disagreement emerged. The National Constitutional Amendment Committee (NCAC) became paralyzed over the limits of the President's right to choose a speaker of the legislative assembly. At the highest level, Kiir and Machar continued to argue over the issue of the 28 states.<sup>28</sup> The inability of JMEC to provide any kind of discipline to the process was becoming ever more apparent.

As the political environment degraded so did the security. In two separate incidents on 16 June, National Security Service (NSS) were accused of shooting at cars belonging to Riek Machar's retinue. On 19 June, the car of a senior SPLA/iO officer was also shot at.<sup>29</sup> Tensions rose considerably when on 2 July George Gismallah, a senior military officer in the SPLA/iO, was shot and killed in a café in Juba. Reports from the time implicated Government security services in the killing.<sup>30</sup> Following that incident, tensions between the two sides escalated precipitously. On 7 July, SPLA/iO soldiers were accused of firing on Government security services at a checkpoint with the resulting conflict leaving 5 dead.<sup>31</sup>

In other parts of the country, tensions were also rising. In February, in the Malakal Protection of Civilian (PoC) site, more than thirty people were killed and a large part of the camp destroyed when intercommunal violence erupted. Although serving SPLA soldiers from outside of the site were implicated in the fighting, the Government denied any responsibility.<sup>32</sup> In the early part of 2016, the Government also launched significant security operations against opposition groups in areas around Mundri and Yambio in Western Equatoria as well as Wau in Western Bahr e Ghazal. Even though these groups had aligned themselves with Machar's SPLA/iO, the Government insisted that they remained outside of the peace agreement and could be targeted without reference to the ARCSS ceasefire.<sup>33</sup> The severity of the responses however, was on occasions extreme.

In parts of the country, previously peaceful areas were growing restless under ever more severe security operations. Following a spate of ambushes on vehicles the Juba / Yei Road in Central Equatoria in March, the Government deployed SPLA paramilitary units to the area. Those units alienated the population through a series of incidents of indiscipline, increasing resentment of the Government that reached a

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<sup>28</sup> Voice of America, "President Kiir, Former Rebel Leader Machar Meet But Don't Resolve Disputes", 2 June, 2016. Available in <https://www.voanews.com/a/president-kiir-former-rebel-leader-machar-meet-over-disputes/3359401.html>

<sup>29</sup> Ceasefire & Transitional Security Arrangements Monitoring Mechanism, CTSAMM Report 70, 10 February 2017

<sup>30</sup> Sudan Tribune, South Sudan police denies army behind death of SPLA-IO officer, 2 July, 2016. Available in <http://www.sudantribune.com/spip.php?article59509>

<sup>31</sup> British Broadcasting Corporation, "South Sudan: Heavy gunfire following death of soldiers", 8 July, 2016. Available in <http://www.bbc.com/news/world-africa-36744636>

<sup>32</sup> Center for Civilians in Conflict, A Refuge in Flames: The February 17 – 18 Violence in Malakal PoC, 2016. [http://civiliansinconflict.org/uploads/files/publications/ViolenceMalakalPOC\\_LowResSingle.pdf](http://civiliansinconflict.org/uploads/files/publications/ViolenceMalakalPOC_LowResSingle.pdf)

<sup>33</sup> Sudan Tribune, "SPLA admits attacking opposition forces around Wau", 6 April, 2016. Available in <http://www.sudantribune.com/spip.php?article58547>

peak with those units being implicated in the killing of a Catholic nun on 16 May.<sup>34</sup> In Western Bahr e Ghazal on 22 June, two SPLA soldiers were killed in an ambush outside of Wau. The event triggered several days of violence in which Government security services are alleged to have been complicit in the deaths of dozens of civilians that were targeted based on their communal identity.<sup>35</sup> For the first time since the conflict began a major new PoC site was opened up in the city. By September, more than 30,000 people were living under UNMISS protection in Wau with thousands more displaced in areas outside.

The growing tensions outside of the areas considered to be covered by the provisions in the ARCSS were also driven by reports of further mobilization. Almost immediately following the signing of the ARCSS in 2015, there were reports of additional recruitment to the SPLA/iO across their areas of influence. This was true even of areas that had not been traditional areas of SPLA/iO operations including parts of the Equatorias. According to interviews conducted by the author with individuals in Yei there had been a noted increase in the intensity of recruitment in areas south of Yei in Central Equatoria, immediately following the signing of the ARCSS. The primary focus of this recruitment is unlikely to have been the resumption of hostilities. Political elites have come to associate Disarmament, Demobilization and Reintegration (DDR) processes with opportunities to capture financial resources and increase representation of their constituents in the armed forces. The arrangements under the ARCSS are likely to have presented another such opportunity. However, this recruitment drive coincided at a time when grievances against the Government outside of the Greater Upper Nile area were increasing.

As Salva Kiir and Riek Machar brought their forces together for a meeting at the Presidential Palace on 9 July, the tensions inside and outside of Juba were palpable. Politically, the process had run out of steam. The original vision of the ARCSS had been lost in the attempts by both sides to bend and shape it into an arrangement that would most benefit their side. In other parts of the country, an increasing number of individuals continued to be subjected to security operations with no place in the political process that was ongoing. As the prospect of reaching a successful conclusion deteriorated so did the likelihood of continued peaceful coexistence in the capital.

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<sup>34</sup> Catholic News Service, Slovak Nun Shot in South Sudan, 23 May, 2016.  
<http://www.catholicnews.com/services/englishnews/2016/slovak-nun-shot-in-south-sudan-dies-in-nairobi-hospital.cfm>

<sup>35</sup> Al Jazeera, South Sudan: Dozens killed as violence flares in Wau, 3 July, 2016. Available in  
<http://www.aljazeera.com/news/2016/07/south-sudan-dozens-killed-violence-flares-wau-160703063621236.html>

## Failure – July 2016

There remains no decisive evidence of exactly what happened outside of the Presidential Palace in Juba on 8 July. What is clear is that the tensions as a result of repeated confrontations between armed forces from the different factions were high. Despite claims from both sides to the contrary, neither Salva Kiir nor Riek Machar appear to have had prior knowledge that violence would take place. As the bullets flew between the two security services the two old rivals nervously sheltered in the same room together. Even as Machar was whisked out of the area following a lull in the skirmish, both sides appeared to prevaricate.

The calm of 9 July is further evidence that what happened next was not an event that had been a longtime in the planning. It may even be that at moments during that day, both sides were still considering their options. What is clear however is that when violence began on 10 July, it was the result of a massive and coordinated assault by the Government on the SPLA/iO base in the capital.

Over the next 24 hours, the SPLA/iO fought a surprisingly robust defense against the SPLA, despite the overwhelming superiority of the latter that had deployed tanks, heavy artillery and Mi-24 gunships in the attack. The SPLA/iO was vastly outnumbered and only had access to small arms and light weapons. By the 11 July, the SPLA/iO had been defeated but had still been able to mount a sufficient defense to allow Machar to escape the city. With nobody left to fight looting, violence and rape were perpetrated on a large scale in the city with evidence that Government security services were prominent among the perpetrators. The well documented invasion of the humanitarian at Terrain is only an example.<sup>36</sup> At times this indiscipline appeared chaotic and uncoordinated with civilian property and persons bearing the brunt of incidents. At other times the looting showed a level of logistical sophistication that suggested an organized effort requiring senior SPLA involvement. This included the removal of almost \$30 million of food and equipment from the World Food Program (WFP)<sup>37</sup> compound including 4,500 metric tons of food and a large number of vehicles.<sup>38</sup>

The dismal operational performance of UNMISS in its failure to protect humanitarian compounds, or even South Sudanese civilians within perimeters under its protection during the conflict as well as the subsequent sexual assaults and rapes that occurred in the vicinity of the UNMISS base in the weeks that

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<sup>36</sup> United Nations, Executive Summary of the Independent Special Investigation into the violence which occurred in Juba in 2016 and UNMISS response, 1 November, 2016. Available in [http://www.un.org/News/dh/infocus/sudan/Public\\_Executive\\_Summary\\_on\\_the\\_Special\\_Investigation\\_Report\\_1\\_Nov\\_2016.pdf](http://www.un.org/News/dh/infocus/sudan/Public_Executive_Summary_on_the_Special_Investigation_Report_1_Nov_2016.pdf)

<sup>37</sup> Ibid.

<sup>38</sup> World Food Programme, WFP Condemns Looting Of Food Warehouse In Juba, Still Assists Thousands Affected By Fighting, 16 July, 2016. Available in <https://www.wfp.org/news/news-release/wfp-condemns-looting-food-warehouse-juba-still-manages-assist-thousands-affected-f>



followed has been well documented elsewhere.<sup>39</sup> The institutional problems of the organization, of which these failures were symptomatic, have had much more far reaching consequences in the conflict and been less rigorously addressed.

Poor leadership up to December 2013, meant that UNMISS was poorly positioned for the conflict that ensued. Spread out over a large number of bases across the country it struggled to cope with the protection of more than 100,000 people that arrived in the first 3 months of the fighting. That figure would more than double by 2017. When Ellen Margrethe Loj was appointed in July 2014, she took over an organization under stress and still reeling from an attack on its base in Bor that killed more than 50 people under UNMISS protection in April.<sup>40</sup> The POC sites looked increasingly burdensome on the capacities of UNMISS. They absorbed much in the way of logistical capacity to maintain the sites as well as military and police personnel to protect the sites.

Under the leadership of Loj, UNMISS problematized the POC sites, with energies being focused on what means and strategies could be deployed to close the sites, even as the trajectory of the conflict suggested that long term occupation would be likely. That perspective led to an increasingly adversarial relationship between UNMISS and humanitarians who were perceived to be encouraging IDPs to stay.<sup>41</sup> For UNMISS, the POC sites represented a drain on its resources as well as an increasingly problematic security threat. Riots, civil unrest and criminality that occurred in the sites appeared like a constant threat to UN personnel living on the bases. Allegations from Government supporters that SPLA/iO fighters were sheltered inside under UNMISS protection made them a target from the outside.

Even though UNMISS were eventually mandated for an impressive 13,000 strong force, their position in the country was constantly defined by vulnerability. Aside from the attack on Bor, at the outset of the conflict three peacekeepers were killed when their base in Akobo in Jonglei was besieged in December 2013.<sup>42</sup> In the aftermath of the crisis, Government supporters turned against the UN who it accused of unfairly favoring the SPLA/iO. The stoning of UN vehicles became commonplace in early 2014 in Government areas and negative perceptions of UNMISS among supporters of the Government are likely to have instigated the attack on Bor POC site. In April 2014, a UN barge was attacked with small arms and RPGs, injuring four peacekeepers. In August 2014, a UN helicopter was shot down in Bentiu killing

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<sup>39</sup> Op Cit. UN Special Investigation.

<sup>40</sup> Sudan Tribune, “UN condemns “deadly attack” on Jonglei’s Bor camp”, 17 April, 2014. Available in <http://www.sudantribune.com/spip.php?article50690>

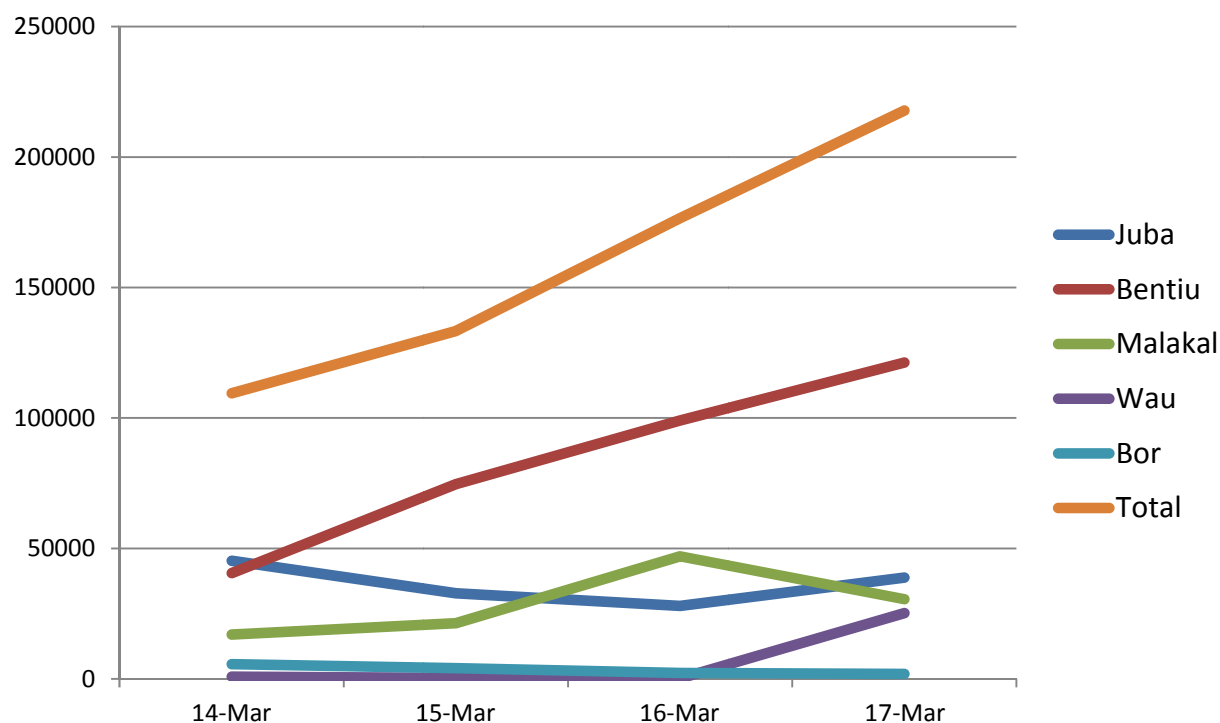
<sup>41</sup> Medecins Sans Frontiere, Opinion and debate: If basic life support is a pull-factor, let them come, 12 December, 2016. Available in <https://www.msf.org.uk/article/opinion-and-debate-if-basic-life-support-is-a-pull-factor-let-them-come>

<sup>42</sup> The Guardian, South Sudan: “UN peacekeepers from India killed”, 20 December, 2013. Available in <https://www.theguardian.com/world/2013/dec/19/south-sudan-rebel-militia-seizes-strategic-town-bor>



three air crew members.<sup>43</sup> In October 2015, SPLA/iO soldiers under Johnson Olony hijacked a UN barge holding peacekeepers hostage while emptying the barge of its entire contents of fuel and taking UN weapons.

### Displacement in South Sudan since 2014



UNMISS attempts to flex its operational capacities were constantly hampered. On a daily basis, both parties to the conflict violated previous agreements with the UN by restricting their movement. The Government refused to permit entry to the country of the tactical military helicopters and unmanned aerial systems that the UN Security Council mandated to the mission. In the two and a half years before the July 2016 incident neither the international community or UNMISS were able to bring sufficient leverage to bear to have the restrictions on its operations lifted to allow it to operate effectively as a peacekeeping mission.

<sup>43</sup> The Guardian, Three killed in UN helicopter crash in South Sudan after rebel warning, 26 August, 2014. Available in <https://www.theguardian.com/world/2014/aug/26/rebel-commander-claims-shot-down-un-helicopter-south-sudan>

However, even though UNMISS undoubtedly faced significant challenges in its mission there is an argument to suggest that at least some of those challenges were to some extent more imagined than real. As was born out by subsequent inquiries into the defense of its bases in Bor in 2014 and Malakal and Juba in 2016 the mission has continuously and significantly underperformed and failed to properly apply the military capacities available to it, which directly led to the deaths of individuals under its protection.

UNMISS has also looked like a mission that actively avoided engagement in the conflict. The noticeable absence of UNMISS from the structures of the ARCSS is likely deliberate and a reflection not only of the Government's resistance to that involvement but a desire among the international community that a peace process be grounded in a regionally based solution. However, it is difficult to understand how, given the precarious nature of the agreement, the international community and UNMISS failed to insist that the peacekeepers play any substantive role in providing much needed verification and policing of the Transitional Security Arrangements (TSA), instead largely deferring that responsibility to the JMEC which had neither the experience, nor the capacity.

In the lead up to the outbreak of violence on 8 July, UNMISS activities outside of its bases were allowed only at the discretion of the Government. It had become inward looking and preoccupied with the issue of POC sites rather than its capacities to deescalate the broader conflict in the country. It appeared to believe that it neither had a political role in the conflict nor the capacity to stand against the SPLA in an armed confrontation. When the SPLA began its offensive against SPLA/iO targets in Juba on 10 July UNMISS peacekeeping influence in the country was minimal. Instead peacekeepers withdrew from areas outside of their bases. They made no attempt to intervene in the unfolding violence in the capital. The consequence of that inaction was not simply a failure to mitigate the tragedy that unfolded in the city leading to at least hundreds of deaths<sup>44</sup> but a failure to preempt an escalation of violence that would lead to another even more deadly phase of the conflict.

## Shifting Allegiances – July 2016 to August 2016

The tumultuous month of July had far reaching implications. For the SPLA/iO it saw the deaths of some of its best soldiers and a separation of their senior political ranks that remained in Juba. While, Machar managed to escape the city, his fate appeared far from secure. Over the next 40 days he would be chased through Equatorial forests as the Government deployed considerable forces including helicopter gunships to capture, or more likely kill him. The gambit by the Government was clear. Machar, possibly

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<sup>44</sup> The Guardian, More than 300 dead as South Sudan capital is rocked by violence, 10 July, 2016. Available in <https://www.theguardian.com/world/2016/jul/10/south-sudan-capital-juba-violence-salva-kiir#img-1>

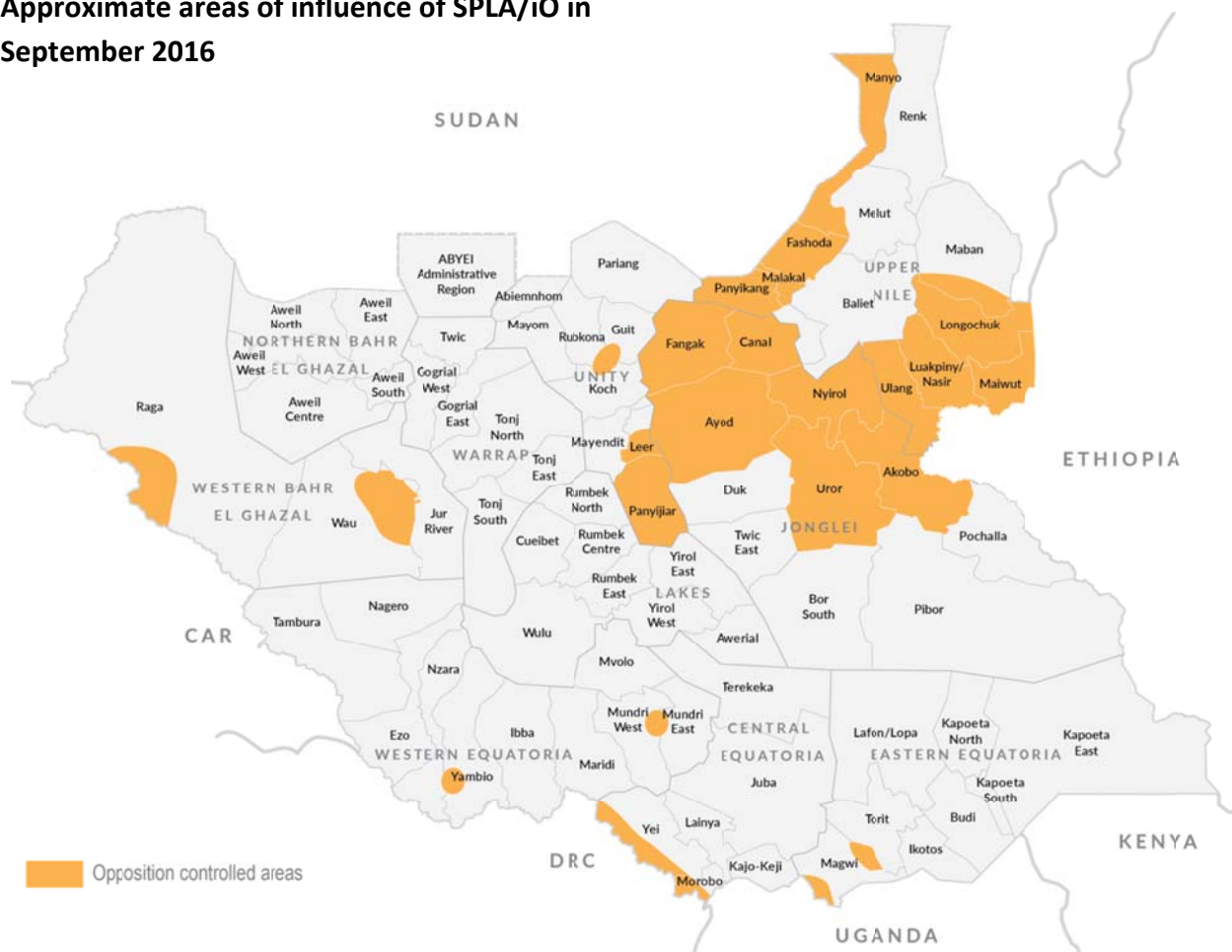
as a consequence of the jealous way in which he had guarded his power, had no clear successor to the leadership of the SPLA/iO. With his death and the bulk of the SPLA/iO political leadership secured in Juba, the Government could reasonably expect to manipulate what remained of the peace process in its favor.

It is possible that there was some coercion of the SPLA/iO delegates left behind in Juba. However, with the fate of Machar looking bleak and the probable fragmentation of the SPLA/iO military imminent, the offer of Kiir for those remaining politicians to join his Government as de facto representatives of the opposition to implement the ARCSS will have looked like the best, if not the only, option. Personal dislike of Machar and private questions over the quality of leadership by senior ranks of the SPLA/iO during the first two years of the conflict may have further encouraged a general defection. On 23 July, Taban Deng was sworn in as the new First Vice President of the country.

The Government's strategy was a Machiavellian one that made no attempt to resolve the grievances that lay at the heart of conflict. Even if it had succeeded, in the long term the unresolved root causes of political grievances in the country would have still likely meant a return to violence. However, the likelihood of the strategy working even in the short term was fundamentally undermined when the SPLA failed to get Machar. On 17 August, Machar crossed over the Democratic Republic of Congo (DRC) border. Exhausted and in poor health he had to be carried the final part of his 300 kilometer bush trek. Following a personal appeal, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) picked up Machar at the border and transported him to safety and medical treatment. UNMISS appear to have been unaware of the MONUSCO operation.

The Government did not simply fail to neutralize Machar. The incident fanned the flames of the embryonic conflict that had been building in parts of the Equatorias. Known SPLA/iO aligned Equatorian commanders such as Wesley Walebe and Kenyi Lo Buron coordinated operations to assist Machar's flight from Juba. Hitherto non-operational militia groups joined those operations in Yei and Lainya in Central Equatoria as well as along the Juba / Nimule Road in Central and Eastern Equatoria. The operations disrupted SPLA movements and hampered the operation against Machar. The large scale of the military operations and their apparently coordinated objectives suggested that the conflict that had been small in the Equatorias in early 2015 had reached an advanced level of maturity. Together, with the escalation of violence that had occurred in Western Bahr e Ghazal, the conflict looked dramatically different by the middle of 2016.

## Approximate areas of influence of SPLA/iO in September 2016



Having been a competition between predominantly Dinka political interests against predominantly Nuer political interests and articulated in violent conflict in the three northwest states of Greater Upper Nile, serious conflict after July moved focus to the three southern Equatorian states and Western Bahr el Ghazal. The groups fighting there under the SPLA/iO drew support from Fertit, Balanda, Azande, Moru, Kuku, Kakwa, Madi, Achioli and other communities. For the first time the conflict looked like a truly national one. Far from weakening the SPLA/iO, the violence after July 2016 suggested that the organization had expanded its base and was able to now muster in strongholds within reach of the capital city. In contrast, the trickle of minor SPLA/iO officers that joined Taban Deng's faction failed to stop the group looking like an inauthentic representation of the opposition. Tellingly, while meetings on the implementation of the ARCSS resumed in Juba, opposition to the Government's positions that had previously been fiercely fought over by SPLA/iO representatives now drifted away.

The international community was slow to appreciate the changing dynamics in the country. In July, the UN expressed concern about the appointment of Taban Deng as First Vice President.<sup>45</sup> The relationship between the international community and the Government deteriorated as the United Nations Security Council (UNSC) called for a vote on a potential arms embargo as well as the deployment of an additional 4,000 personnel to secure Juba as part of Regional Protection Force (RPF). The Government countered testily, likening the deployment of the RPF to a colonial conquest.<sup>46</sup> However, Government concerns about a robust international response as a repercussion for its role in returning the country to conflict proved unnecessary. By the end of August, the international community appeared to broadly consent to supporting the Government fiction that Taban Deng offered genuine representation to the country's opposition.

The decision to support the Government narrative that legitimized Deng was not supported by evidence on the ground. However, with the absence of Machar, the broader SPLA/iO looked confused and was unable to articulate a way forward. Those representatives of the SPLA/iO that were available to be interlocutors to the international community were largely from the Taban Deng faction that stayed in Juba. These individuals reinforced the Government's narrative. Among them, the charming and adept Deng was key. Perceived as being more affable and reasonable than his former boss, he was also credited with moving along the slow paced implementation of the ARCSS in early 2016. The possibility that Deng might replace the irascible Machar at the negotiating table would have been a welcome prospect to many third parties involved in the peace process.

Others will have been putting pressure on policymakers to accept the Government's plan to find a quick resolution to the crisis. For Donald Booth, the US Special Envoy for Sudan and South Sudan, it is likely that stability in the south was a key component to his ongoing strategy to encourage better behavior from Sudan as the US negotiated the easing of sanctions with Khartoum. When the South Sudanese Government laid out its plan for moving past the July 2016 crisis, it offered a known quantity, namely the processes and mechanisms already laid out in the ARCSS. The greatest prospect to regional stability looked, from a certain perspective, to lie with the Government.

However, if the US and the rest of the international community remained unsure of its stance, it is because the evidence continued to show that the Government had used violence to marginalize the opposition and force the ARCSS to become a mechanism that benefitted its agenda alone. The morality of now accepting the political settlement that the Government had brought about as a result of force was questionable. And while the evidence of a viable SPLA/iO looked unclear in August, the more sensible voices continued to point out that Taban Deng's support base remained pathetically small to

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<sup>45</sup> Namibian Broadcasting Corporation, UN Concerned over Appointment of Taban Deng, 18 July, 2017.

<https://www.nbc.na/international/un-concerned-over-appointment-taban-deng-gai.363>

<sup>46</sup> Voice of America, South Sudan Rejects Regional Troop Deployment by UN, 10 August, 2016.

<https://www.voanews.com/a/south-sudan-rejects-regional-troop-deployment-united-nations/3459401.html>

allow him to negotiate on behalf of any significant constituency. Furthermore, the sustained military activity in the west and south of the country pointed to a comparative increase in Machar's support base. And while that expansion did appear communally and politically diverse, their distance from the negotiating table and their shared hatred of the Government ensured that even if their command and control structures appeared limited, their political direction was strongly cohesive.

In the end, the decision to support the Government is likely to have come down to perceptions rather than evidence. When Machar did emerge from the bush at the end of August, he appeared sick and defeated. His movement looked directionless and weak. Salva Kiir and Taban Deng in contrast were healthy and had a political plan. At a press conference held by Secretary of State John Kerry in late August in Nairobi he was asked about the decision to replace Machar as First Vice President. Kerry answered that the US had no position on who the leadership are and he affirmed that the peace process did not prohibit changes in personnel among representatives of the parties. It was a question that the international community had more or less avoided for much of the previous month.<sup>47</sup> The answer that Kerry provides was so innocuously stated that it cannot be ruled out that the statement was a flub. Nonetheless it was enough to indicate a significant shift in policy towards the position of the Government that was quickly followed by the rest of the international community. Within a week IGAD reached the same position as did other regional and international stakeholders.

With the policy change in favor of the Government, determination to apply other mechanisms to bolster the peacekeeping force slipped away. The much discussed arms embargo failed to materialize when it finally faced a UNSC vote in December. Russia, China, Japan, Malaysia, Venezuela, Angola, Egypt and Senegal all abstained, leading to its failure. The RPF failed to materialize. Having been mandated to exist since August, 2016, almost a year later an operational force had still not been deployed. While the Government has obstructed this force's deployment, lack of international interest and UN bureaucracy appears to have played the greater part in its failure to materialize.

Following a long convalescence, first in the DRC and then in Sudan, Riek Machar emerged to find the political world had changed around him. He was an isolated figure. SPLA/iO supporters in Kenya were harassed and deported to Juba.<sup>48</sup> Regional countries increasingly refused to accept him as a visitor. Turned back from Ethiopia he returned to Khartoum only to find that, deep in negotiation with the US over sanctions, he was encouraged to travel further afield.<sup>49</sup> A medical visit to South Africa in October 2016, turned into an extended stay with the Government there placing restrictions on his onward travel.

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<sup>47</sup> Eye Radio, Replacement of Riek in line with peace deal – Kerry, 26 August, 2016. Available in <http://www.eyeradio.org/replacement-riek-line-peace-deal-kerry/>

<sup>48</sup> Sudan Tribune, Kenya deports South Sudan rebel leader's spokesman to Juba, 3 November, 2016. Available in <http://www.sudantribune.com/spip.php?article60734>

<sup>49</sup> The East African, Machar leaves Sudan for South Africa, 12 October, 2016. Available in <http://www.theeastafrican.co.ke/news/Machar-leaves-Sudan-for-South-Africa/2558-3414038-5twaht/index.html>

Its leadership divided and its leader trapped on the other side of the continent, the prospect of the SPLA/iO continuing to exist as a political force seemed unlikely. Nonetheless, while as a politically active entity it had dwindled, as a symbolic umbrella for increasing Government opposition it flourished.

## The National War – July 2016 to July 2017

The error of basing diplomatic policy on perception rather than reality quickly became clear. The violence that accompanied the flight of Machar out of Juba continued on a massive scale. Sustained conflict saw significant violence in parts of the Equatorias throughout the rest of the year. The comparative military weakness of the SPLA/iO in these areas encouraged the use of asymmetric tactics to ambush SPLA units. However, with limited training and often under poor command and control structures, many convoys were targeted by SPLA/iO just for carrying Dinka civilians. In a single incident in October at least 21 Dinka civilians were murdered while trying to escape the violence in Yei.<sup>50</sup> The characteristics of this kind of warfare contributed to an increase in communal tensions and a ruthless Government response including the violent targeting of certain communities. The use of paramilitary units under the direct control of Paul Malong is believed to have been a key factor that added to the brutality of many of these operations. Researchers have documented numerous stories of murder and rape being used against Equatorian civilians by Government security services, particularly in the vicinity of Yei.<sup>51</sup> Thousands of homes were reported to have been burned to the ground.<sup>52</sup> Similar incidents were reported from the areas of Magwi and Kajo Keji. The level of communal antagonism that accompanied the violence became so significant that senior diplomats increasingly referred to the potential for genocide in the country.<sup>53</sup>

The level of violence in this period was comparable to the worst incidents of the conflict that had taken place before July in Greater Upper Nile. In terms of the damage it did to the country, it was likely considerably more devastating. In the last 6 months of 2016, the number of refugees leaving the country was almost 600,000, almost doubling the total number of refugees from South Sudan in neighboring

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<sup>50</sup> Reuters, South Sudan says rebels kill 21 civilians in ambush, 10 October, 2016. Available in

<http://www.reuters.com/article/us-southsudan-security-idUSKCN12A17N>

<sup>51</sup> Human Rights Watch, South Sudan: New Abuse of Civilians by Both Sides, 22 November, 2016. Available in

<https://www.hrw.org/news/2016/11/22/south-sudan-new-abuse-civilians-both-sides>

<sup>52</sup> Associated Press, South Sudanese forces blamed for torching thousands of homes, 31 March, 2017. Available in

[http://newsok.com/south-sudanese-forces-blamed-for-torching-thousands-of-homes/article/feed/1195091?custom\\_click=rss](http://newsok.com/south-sudanese-forces-blamed-for-torching-thousands-of-homes/article/feed/1195091?custom_click=rss)

<sup>53</sup> New York Times, U.S. Push for South Sudan Arms Embargo Falls Short at U.N., 23 December, 2016. Available in

<https://www.nytimes.com/2016/12/23/world/africa/south-sudan-genocide-arms-embargo-united-nations.html>



countries.<sup>54</sup> The vast majority of this new displacement came from the Equatorial region where the conflict was at its most intense. The southern area of South Sudan has generally functioned as the 'breadbasket' of the country. However, the demographic exodus decimated the agricultural industry. In the Integrated Phase Classification (IPC) for the country in 2015, the vast majority of most food secure areas were in the south. The Central Equatoria counties of Yei, Morobo and Kajo Keji were the only counties in the country to have a 'minimal' phase classification in August/September of 2015.<sup>55</sup> Following sustained conflict, food security plummeted with Yei, Morobo and Kajo Keji becoming some of the most food insecure places in the country. Morobo and Kajo Keji even attained 'emergency' phase classification in 2017.<sup>56</sup>

Another corrosive element of the conflict was the increase in destructive intercommunal relations. The brutal ambushes of Dinka civilians by Equatorial components of the SPLA/iO travelling along roads south of Juba aggravated increasing amounts of anti-Equatorial sentiment. Tensions were particularly high in October when rumors of Kiir's death provoked a panic in Juba, with concerns that the controversial Paul Malong would seize power and carry out communally based revenge attacks. Only the appearance of Kiir travelling around the city on the back of a pickup truck managed to calm concerns.<sup>57</sup>

Multiple high profile defections from senior members of Government representing non-Dinka communities took place during this period. In September, the Murle, Boutros Khalid, Deputy Leader of the SSDA / Cobra Faction and a senior SPLA officer defected. In October, Bapiny Monytil, a Deputy Chief of Staff of the SPLA and Bul Nuer, resigned. In February 2017, Thomas Cirillo, another Deputy Chief of Staff of the SPLA and Bari defected. In their departures, all three cited the communally partial behavior of the Government as a key motivating factor in their decision. If Kiir was successful in engineering the international marginalization of Machar, domestically he could not claim similar success. With little effort by Machar, Kiir was looking increasingly isolated in his own country.

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<sup>54</sup> OCHA, South Sudan Humanitarian Snapshot, 26 January, 2017. Available in <http://reliefweb.int/report/south-sudan/south-sudan-humanitarian-snapshot-december-2016>

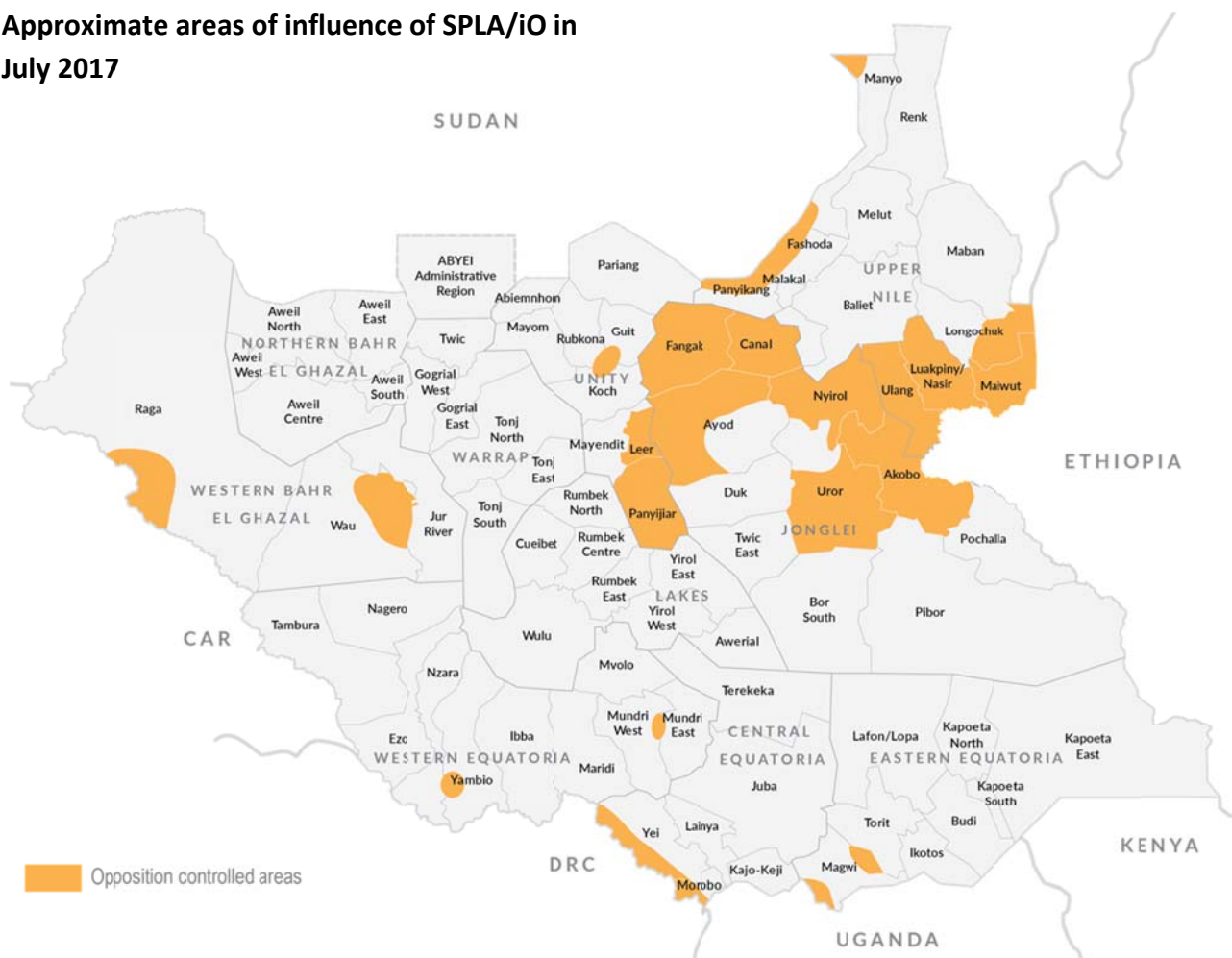
<sup>55</sup> Integrated Food Security Phase Classification, The Republic of South Sudan, September 2015. Available in [http://www.ipcinfo.org/fileadmin/user\\_upload/ipcinfo/docs/1\\_IPC%20South%20Sudan%20-%20September%202015%20-FINAL.pdf](http://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/1_IPC%20South%20Sudan%20-%20September%202015%20-FINAL.pdf)

<sup>56</sup> Integrated Food Security Phase Classification, The Republic of South Sudan, May 2017. Available in [http://www.ipcinfo.org/fileadmin/user\\_upload/ipcinfo/docs/IPC\\_South\\_Sudan\\_AcuteFI\\_May2017\\_June-July2017.pdf](http://www.ipcinfo.org/fileadmin/user_upload/ipcinfo/docs/IPC_South_Sudan_AcuteFI_May2017_June-July2017.pdf)

<sup>57</sup> Al Jazeera, UN: South Sudan unrest rises amid Kiir's death rumours, 12 October, 2016. Available in <http://www.aljazeera.com/news/2016/10/south-sudan-unrest-rises-kiir-death-rumours-161012153747930.html>



## Approximate areas of influence of SPLA/iO in July 2017



Despite the setbacks, Kiir's Government continued to apply pressure on the SPLA/iO. On 3 February 2017, the SPLA advanced into Wau Shilluk in Upper Nile, the headquarters of Johnson Olony's SPLA/iO. Over the next three months the SPLA would advance throughout the west bank of the Nile in Upper Nile taking the towns of Kaka and Kodok and effectively pushing Olony's forces out of the country. Simultaneously, the SPLA made advances in Jonglei, taking the towns of Yuai and Waat. These towns had not been under Government control since the start of the conflict and the offensives represented major advances. Significant operations were also reported in Western Bahr e Ghazal, Unity as well as Central and Eastern Equatoria during the first half of 2017.

At the same time, the Government tried to demonstrate that it was taking a conciliatory approach. It continued to insist in the legitimacy of the ARCSS with Taban Deng as the representative of the opposition and called on the international community to support its implementation of the peace agreement. In December it announced plans to commence a National Dialogue process as a means to promote reconciliation in parallel with the ARCSS.

The Government ignored the contradictions of the fact that while reconciliation initiatives were being planned, military operations were being waged. The willingness to open a dialogue also sat badly with the President's decision to maintain an exclusive peace process that marginalized large sections of the national community. The President's decision to make himself the patron of the National Dialogue created general suspicion that the process, like the ARCSS, would simply become another mechanism to legitimize the Government's narrow agenda. However, evidence that the signs that the political façade that had sustained Government policy since Jul 2016, were fading were becoming increasingly apparent. In the end more than half of those chosen to join the National Dialogue Steering Committee never took up their seats.<sup>58</sup>

Other aspects of the Government strategy in 2017 also looked fragile. The military victories against the SPLA/iO looked more impressive on paper than in reality. The offensives began to show the strain of a Government that was struggling to maintain a huge military machine. Many of the more complicated weapons systems including the Mi-24 helicopters, L-39 Jets and many of the armored vehicles disappeared from the battlefield suggesting that they have struggled to maintain them. Logistical problems in accessing supplies and transportation delayed advances around Waat in Jonglei. Problems ensuring salaries and supplies reached soldiers caused a delay in the advance of the SPLA toward Longochuk in Upper Nile.

The advances that the SPLA made in Greater Upper Nile look like they may ultimately become pyrrhic. In Upper Nile, the SPLA failed to effectively engage Olony's forces in direct battle allowing them to escape largely intact. In the months after the SPLA advance, the SPLA/iO was still able to carry out successful raids on SPLA positions in all three counties on the west bank in Upper Nile. Likewise, the most forward positions gained in Jonglei have come under attacks by the SPLA/iO since being overrun. The benefit of taking significant SPLA/iO strongholds may have been outweighed by the damage of putting an SPLA with diminishing resources and stretched supply lines into vulnerable areas easily accessed by the opposition.

The flaws behind the logic of the SPLA projecting sufficient military force to achieve a decisive victory in the country are becoming increasingly glaring. Even should the SPLA be able to maintain sufficient capacity to resume a successful nationwide campaign that pushes the SPLA/iO out of the country, they

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<sup>58</sup> Voice of America, South Sudan Suspends National Dialogue Steering Committee, 8 May, 2017.  
<https://www.voanews.com/a/south-sudan-suspends-national-dialogue-steering-committee/3843235.html>

are unlikely to manage to destroy the opposition's military capacity. It is likely that Olony has already retreated to safe havens in Sudan, beyond the reach of the SPLA. The SPLA/iO is known to have maintained other bases in Sudan as well as the DRC, Uganda and Ethiopia. The SPLA/iO continues to maintain significant levels of support from large communities that exist in these border areas. Using the example of the LRA, the porous borders and difficult terrain can ensure that even with minimal support, armed groups can continue to survive and operate in these areas for long periods of time.

That the SPLA are struggling to handle a war that has increased exponentially in terms of its geographical scope while seeing their capacities and resources degrade has been meant their ability to respond to incidents not related to the conflict has diminished. Toward the end of the dry season in 2017 there was a significant increase in intercommunal tensions between Dinka sections in Warrap and Lakes. Issues between Dinka and Mundari groups in Central Equatoria also increased leading to a rise in ambushes traveling along roads north of Juba. Hundreds are believed to have died as a consequence of these incidents not related to the national conflict. Evidence suggests that compared to previous years the SPLA has been slower to respond, exacerbating the severity of the incidents.<sup>59</sup>

## Signs of hope? – July 2017

The Government's zero sum calculation that sought to ensure minimal political gains by opposition voices irrespective of the legitimacy of those claims was looking increasingly hollow. The failure of the National Dialogue to achieve significant popular support was indicative of the failing policy. The continuing violence undermined the international community's faith in the capacity of the Government to deliver stability in the country, leaving repeated requests for support to the Government unanswered. If there was an increasing realization among sections of the Government that there needed to be a change in strategy there remained hardliners who were likely to be obstructive.

Paul Malong's command of the SPLA after July 2016 continued to show a level of ruthlessness and communal partiality that alienated the majority of his countrymen and outraged the international community. Paramilitary units, directly under his command, looked increasingly wayward, even within his own Government. In November 2016, National Security Services (NSS) were deployed in Yei in Central Equatoria in what looks to have been an attempt to control those units. On 3 April 2017, the SPLA advanced on the village of Pajok in Eastern Equatoria. During that advance the civilian Equatorian population in the area was deliberately targeted. Official reports suggested that at least 16 civilians were

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<sup>59</sup> Radio Tamazuj, No troops sent to defuse tension between Apuk and Aguok clans in Gogrial: official, 21 June, 2017. Available in <https://radiotamazuj.org/en/news/article/no-troops-sent-to-defuse-tension-between-apuk-and-aguok-clans-in-gogrial-official>

killed by SPLA forces and an undetermined number of women raped. Before the incident, civilians were reported have heard news that the ‘Mathiang Anyoor’, the common term to describe the paramilitary units loyal to Malong, would be a part of the forthcoming offensive.<sup>60</sup> Investigations in the area suggest the number of actual deaths is likely to have exceeded 50. The incident attracted widespread international condemnation, yet exactly a week later SPLA soldiers were complicit in the murder of at least 29 civilians in Wau, Western Bahr e Ghazal. Malong had been in the area a few days earlier reviewing operations. In both incidences, the victims appear to have been solely targeted base on their communal identities.<sup>61</sup>

While it is difficult to prove the level of responsibility that Malong has in regard to specific incidents, the public perception that he was responsible for the worst excesses of the SPLA was widespread. In a situation where the Government has been under increasing pressure both domestically and internationally to pivot away from violence toward an inclusive negotiated solution, Malong increasingly looked like a liability. The fact that Malong is believed to have built up his own system of patronage within the SPLA and home base in Northern Bahr e Ghazal and was happy for the moniker ‘King’ Malong to become commonplace will have also meant that he also increasingly looked like a potential threat to others in Government. The logic that Paul Malong needed to be removed was increasingly compelling.

When the axe fell on Malong, the incident was drawn out and dramatic. The night of his sacking he left the city, without permission of the President, by car to return to his home in Northern Bahr e Ghazal. The President flew a contingent of his personal bodyguard and NSS to block his way. A standoff ensued in which Malong refused the entreaties of delegations and offers of transport on Government planes for three days, before he finally returned to Juba. In the weeks that followed, Kiir used his position to dismantle the networks that Malong had built up with reports of dismissals and detentions of Malong acolytes from the security services. He also reorganized the SPLA, ensuring firmer control over the organization and increased the prominence of NSS as a counter weight to the army. Malong currently remains detained in his house in Juba.

The marginalization of one of the most divisive individuals in the country will also have quietened other more hardline voices. The possibility that the Government might adopt a more genuinely conciliatory approach has become a more realistic possibility. Moves by the Government appeared to make such an approach a possibility. The President removed himself from the National Dialogue and reconstituted a

<sup>60</sup> Ceasefire and Transitional Security Arrangement Monitoring Mechanism, CTSAMM Report 032 – Killing and Displacement of Civilians in Pajok, 15 May, 2017. Available in <http://jmecsouthsudan.org/wp-content/uploads/ctsamm/0031%20-%20CTSAMM%20REPORT%20038%20-%20KILLING%20%26%20DISPLACEMENT%20OF%20CIVILIANS%20IN%20PAJOK.pdf>

<sup>61</sup> Ceasefire and Transitional Security Arrangement Monitoring Mechanism, CTSAMM Report 032 – Killing and Displacement of Civilians in Pajok, 15 May, 2017. Available in <http://jmecsouthsudan.org/wp-content/uploads/ctsamm/0032%20-%20CTSAMM%20REPORT%20039%20-%20KILLING%20OF%20CIVILIANS%20IN%20WAU.pdf>

more palatable steering committee. When that steering committee promptly travelled to South Africa to try and meet with Riek Machar, Kiir remained silent despite earlier statements that Machar would not be permitted to participate.

Regionally, the escalation of the conflict over the past year has contributed to a general nervousness from neighboring countries. The massive increase in South Sudanese refugees is looking increasingly problematic to surrounding countries. In Uganda, the likelihood is that the number of South Sudanese refugees in the country will reach the one million mark in August. Ethiopia and Sudan have also seen high levels of movement across its borders. All three of those countries have also seen serious incidents within their border areas. In April 2016, there was a serious outbreak of violence between Nuer and Anyuak communities in Ethiopia leading to at least 14 deaths.<sup>62</sup> The militarization of the Gambella region was likely a significant contribution that allowed fighting to escalate. Following the rescue of SPLA/iO soldiers loyal to Riek Machar by MONUSCO in the DRC in August 2016, there were protests regarding the soldier's continued presence in a country that has suffered significantly by the disturbances of a foreign armed militia.<sup>63</sup> In 2017 Johnson Olony was only the latest opposition commander to withdraw to bases within Sudan, joining the likes of Agany Abdel-Baqi Ayii Akol who is believed to be active in Sudanese border areas of Northern Bahr e Ghazal. In June and July, there were media reports of SPLA soldiers crossing the Uganda border to carry out raids.<sup>64</sup> Other armed groups have been accused of carrying out forced recruitment in the area. As the war in South Sudan has progressed and the conflict expanded the possibility that violence will spill over into other parts of the region has increased.

Mineral and water resources in South Sudan will continue to tempt foreign Governments to coopt the conflict to their own advantage for economic gain. Likewise, the intense national rivalries between regional countries will continue to make the country tempting as a staging ground for proxy conflicts. However, there is a growing consensus among regional governments on the need for stability in the country. In August 2015, the region worked together to put pressure on Machar and Kiir to agree to the ARCSS. Following the crisis in July 2016, there was a consensus to allow the Government to impose its solution, while marginalizing opposition voices. However, the failure of that strategy to deliver any peace benefits and possibly even aggravate conflict has meant regional policy swinging back towards a negotiated and inclusive approach. President Museveni was reported at the end of June, 2017 to have reiterated his invitation to Riek Machar to join talks that he is hosting on SPLM Reunification. That same

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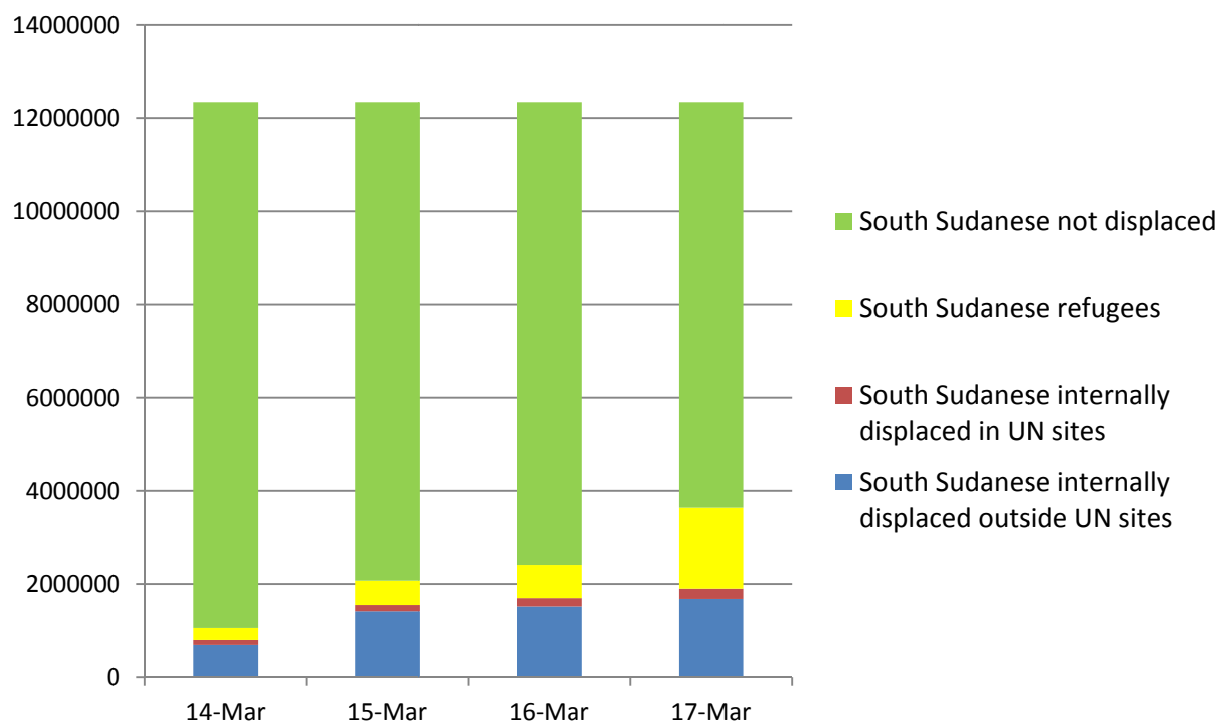
<sup>62</sup> Sudan Tribune, Calm returns to Gambella town after clashes involving Nuer and highlanders, 25 April, 2016. <http://www.sudantribune.com/spip.php?article58752>

<sup>63</sup> Eye Radio, UN asked to remove of SPLM-IO soldiers from DRC, 5 October, 2016. <http://www.eyeradio.org/asked-remove-splm-io-soldiers-drc/>

<sup>64</sup> The Observer (Kampala), Uganda: Armed South Sudanese Abduct 13 Refugees, Steal 180 Cows in Moyo, 23 July, 2017. <http://allafrica.com/stories/201706230461.html>

month the IGAD Heads of State agreed to a ‘revitalization’ process of the ARCSS that included a role for ‘estranged parties’.<sup>65</sup>

### Displacement in South Sudan since 2014



If it is becoming clear that the international and regional community is trying to prompt the Government to accept a broader approach to the ARCSS, then it is illustrative that the President has not been vocal in trying to resist. Not only has he avoided criticism of more inclusive approaches by the National Dialogue Steering Committee as well as the activities of the Ugandan Government and IGAD but in May he declared a unilateral ceasefire which, while not ending SPLA operations, has significantly lowered their tempo.

The genuineness with which Kiir might be considering a more inclusive approach however, is likely to be limited. With the removal of Malong from a position of influence and the sidelining of his supporters, Kiir has created the space to negotiate a more moderate strategy. However, the level of moderation which defines his policy will be limited as a consequence of fears about further alienating hardline

<sup>65</sup> IGAD, Communique of the 57<sup>th</sup> extraordinary session of the IGAD Council of Ministers, Available in <https://www.igad.int/communique/1586-communique-of-the-57thextra-ordinary-session-of-the-igad-council-of-ministers>

elements from within his own community and risk provoking a backlash. Malong's sacking and his decision to intervene to prevent retaliatory raids on Murle communities by Dinka militia in Jonglei<sup>66</sup> has undermined his influence among his traditional support base.

Even among those within his Government that support a more moderate track there does not seem to be much appetite for any settlement that is likely to be significantly divergent from current political interests. Taban Deng will resist any attempt to diminish his newly earned political stature. Other senior politicians within his Government will take exception to reforms that undermine the current control of strong executive powers by a single community.

Also, the Government continues to show signs that it continues to err toward a more authoritarian approach rather than an open dialogue. Attempts to restrict freedom of speech have continued. Foreign journalists that have been critical of the Government continue to struggle to access visas and credentials. The Government has recently started restricting public access to news websites it deems critical.

The Government's commitment to its May ceasefire may also be less of a concession than it first appears. Given the onset of the rainy season the terrain is no longer optimal for the kind of large and more mechanized offensives that the SPLA/iO have recently engaged in. Conversely, the terrain will favor the kind of small scale guerilla style ambushes that many SPLA/iO commanders favor. At a time when we would expect and uptick in SPLA/iO operations, the Government may increasingly be able to point to the SPLA/iO as an aggressor in a way that would justify a resumption of operations when the dry season returns. Recent operations in Upper Nile in areas around Maiwut also suggest that the Government's commitment to its own ceasefire is qualified.

A further limit on the extent of a more constructive phase within the current political process will be what looks like a rigid position from within the SPLA/iO. Machar declined Museveni's invitation to negotiations in Uganda. He also refused to meet with the National Dialogue Committee that sought to speak to him in South Africa. Machar has legitimately claimed that the current restrictions on his movement by the Government of South Africa prohibit him from any participation in external processes. However, he has also made clear his unwillingness to negotiate in any other forum than that offered by the ARCSS. It is likely that he continues to aspire to lock down the narrow political deal that was offered to him in 2015. In such a scenario it is unclear what share of power representatives of communities that only recently became parties to the conflict can expect such as those in the Equatorian or Western Bahr e Ghazal regions.

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<sup>66</sup> Radio Tamazuj, Taban Deng proposes 'de-escalation zone' between feuding Murle and Dinka Bor tribes, 15 May 2017. Available in <https://radiotamazuj.org/en/news/article/south-sudan-s-fvp-proposes-de-escalation-zones-between-feuding-murle-and-dinka-bor-tribes>



While the prospect of a more inclusive range of actors moving closer to the negotiating table is positive, the journey to a more constructive process looks less dramatic than many would hope.

## Conclusion – A country in the balance

At the time of writing both sides look exhausted. As already noted the SPLA are seeing a progressive decline in their capabilities as weapons systems degrade and the intermittent pay of an increasingly worthless salary demoralize the rank and file. South Sudan's economic base has collapsed with its oil production capacities decimated by conflict and plummeting oil prices. The destruction of its agricultural industry has shattered its ability to feed its own people. The value of the South Sudanese Pound has plummeted from around 3 SSP in early 2014 to the dollar to about 160 SSP at the time of writing. The inflationary impact of the currency crisis is likely to be exacerbated by an ongoing and severe fuel crisis. On the SPLA/iO side, communities have seen their home's destroyed and mass displacement take place among their communities. The SPLA/iO military appears to have had minimal external support since 2015 and has faced the far greater defeats in individual battles. The prospects of a decisive military victory by either side look increasingly remote. The opportunity to negotiate an achievable peace agreement exists. However the forces lined up against such a possibility as a result of continued narrow political interests are significant.

Much has changed since 2013. The Government has struggled to maintain an image of being an independent arbiter in a complicated patchwork of diverse communities. At its lowest, its detractors were able to point to incidents of violence and suggest, with some justification, that they were the product of a communally partial Government. It aggravated the situation when it refused to compromise in political negotiations and tried to manipulate the processes, supposed to resolve the conflict, in order to obtain a narrow outcome with limited beneficiaries. Over the past few months it has made some progress in trying to move away from that position. However, the movement has been neither dramatic, nor irreversible. The conflicting interests within the Government continue to pull it in opposing directions even as the economic bonds that hold the state together weaken. The question is increasingly not whether the Government wants to negotiate a peace but whether it is able to do so.

The opposition has also been forced to change. The historical rivalry between Dinka and Nuer communities was inflamed by the arrival of vast political and economic resources with the creation of the new state of South Sudan. In 2013, a community mobilized as a consequence of actual and perceived loyalty to a Vice President that, likely through a combination of his own ambition and the President's paranoia, was pushed out of Government. It remains likely that Riek Machar remains committed to a narrow view of the conflict in which wresting control of as much of the country's



resources for him and his community remains a priority. However, by 2017 the SPLA/iO has become a broad coalition of a large number of different South Sudanese communities with diverse grievances and correspondingly different political aspirations. If the SPLA/iO has managed to weather the absorption of such diversity it is likely a result of its loose structures and its distance from actually having to project a coherent and cohesive political strategy. The closer the group gets to the negotiating table, the more likely it will struggle to maintain that cohesion.

The current political direction that continues to use the ARCSS as a viable roadmap to peace looks fundamentally flawed. The power sharing formulas and state building structures appear like the kind of mechanisms diplomats within the international community have long regarded themselves experts in, even when the evidence is much less unequivocal in showing the success of previous similar projects. There is reason to suggest that such mechanisms would not simply be ineffective in dealing with the conflict dynamics of South Sudan but may be one of their root causes. They promote competition over concentrated centralized resources that bring large dominant groups into conflict while alienating smaller groups that have less political access. Such dynamics likely lie at the heart of the breakdown of the state and subsequent violence that led to the outbreaks of violence in 2013 and 2016.

If a transformative and durable peace exists it is likely in a radically different perspective being accepted on all sides as to how the country should be governed. Such a plan will need to empower local communities by diffusing the control of resources away from the center, thus limiting opportunities for the kind of attempts to capture political and economic power that lead communities into political and subsequently violent conflict. That such a will exists is doubtful. Elite groups within dominant communities currently appear unwilling to relinquish such a level of control of the state. Without such a resolution however, it is likely that the conflict in the country will worsen in the long term. The already fragmented political picture will likely continue to degrade as the national Government is increasingly unable to mobilize resources to maintain influence throughout the country even among communities that have hitherto strongly supported it. The opposition too has the capacity to fragment, as Machar fails to adapt to accommodate an increasingly diverse opposition and articulate the varied aspirations of the communities he represents. Should such fragmentation take place, the eventual breakdown could lead to the proliferation of ever increasing number of political and military interests attempting to carve out localized goals in lieu of a national settlement. In such a scenario the likelihood will be that South Sudan will become a failed state leading to the depressingly short lifespan of what is still the world's newest country.

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