

Research Paper

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South Sudan's Slide into Conflict: Revisiting the Past and Reassessing Partnerships



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Summary

- South Sudan's return to violence in December 2013 poses questions about the quality of partnership between donors and fragile and conflict-affected states more broadly. The quality of the Comprehensive Peace Agreement (CPA) and the thinness of donor appetite for risk combined to highlight the fatal flaws in the nascent South Sudan's foundations.
- The conflict caught donors and many long-term observers of South Sudan unawares, and has led to a suspension of much development programming, in favour of humanitarian assistance to alleviate the effects of the violence.
- There is an urgent need to return to development activity based on a new political partnership between the international community and South Sudan, one that seeks to address – rather than work around – the real obstacles to the realization of a peaceful, stable and democratic South Sudan.
- In the future, donors will need to be much better at integrating their development and political activity; be able to manage a higher degree of political risk; avoid the temptation to work only on the 'demand side'; and learn how to work with the political/security as well as the technical dimensions of the current context.

Introduction

The seeds of South Sudan's return to violent conflict in December 2013 were sown long before the world's newest country achieved independence in July 2011. The consequences of the renewed conflict have been serious. Tens of thousands of people have been killed, and almost 2 million displaced, with at least 400,000 South Sudanese having fled to neighbouring countries by July 2014 and as many as 715,000 refugees anticipated by the end of the year.¹ The threats of famine and of sexual violence have increased dramatically; and ethnic tensions and violence have returned to the forefront of intra-South Sudanese relations. The psychological damage to people – and to a country that was slowly shedding the spectre of civil war – is enormous.

South Sudan matters internationally. Its independence marked a change in the dynamics of the Horn of Africa – long a source of worry and insecurity for African and non-African partners alike. The region is one of the world's most politically unstable, shaped and reshaped by a shared history of cross-border conflict, socio-economic and cultural ties, and competing claims over territory. What had previously seemed to be a single regional conflict dynamic with Somalia at its heart (involving Djibouti, Eritrea, Ethiopia, Kenya and Uganda) has transformed into a less manageable dynamic, dividing international attention between conflicts on both sides of the Horn of Africa in the context of increasing global uncertainty.² An unstable, conflict-prone South Sudan will not change without improved and increased engagement by the outside world.

Home to some 11 million people, South Sudan is a growing potential market, a stakeholder in efforts on the part of the region towards furthering the resilience and integration of its countries, and a partner for regional peace. Both the African Union (AU) and the Intergovernmental Authority on Development (IGAD), the regional bloc mediating efforts to end the conflict, have been unequivocal about the conduct of the warring parties. Clearly, all sides have behaved in a way that African countries consider to be beyond the pale. Countries of the region including Uganda, Sudan, Ethiopia and Kenya, while not always acting in ways likely to win approval from the wider world, have been clear about their interests. They have engaged robustly and sometimes unilaterally to mitigate the spread of instability into their own territories.

South Sudan is revisiting its war-ridden recent past. Seeing South Sudan in a wider context, and understanding why the country matters to the region and the international community, is essential to shaping the country's future. This paper charts the path to the outbreak of violence in December 2013, the role of key actors such as that played by the country's security sector, and examines the context in which the international community must work to support a sustainable way out of conflict and towards an inclusive state.

The path to independence

South Sudan's formation and independence from Sudan followed a significant and sustained international effort. The adoption of the Comprehensive Peace Agreement (CPA) in 2005 was meant to have brought an end to the history of violence and conflict between the two. The agreement itself was not in fact comprehensive, given that several outstanding issues remained unresolved, including

¹ UN High Commissioner for Refugees (2014), UNHCR seeks massive boost in funding for South Sudan refugees, 11 July 2014; <http://www.unhcr.org/53bfdc1a6.html>.

² Healy, S. (2011), *Hostage to Conflict: Prospects for Building Regional Economic Cooperation in the Horn of Africa*, Africa Programme Report, London, Chatham House; <http://www.chathamhouse.org/publications/papers/view/179951>.

the status of Abyei, South Kordofan and Blue Nile; the final demarcation of the two country's boundaries; and the arrangements for sharing oil revenues. In reality, the CPA was an elite pact between one of a number of Southern Sudanese leaders and the government in Khartoum. Almost a decade after the signing of the agreement, none of these issues has been resolved apart from oil revenue sharing. The omissions point to the fact that the CPA was more about preventing continued war than about establishing the conditions for stability and was therefore not a practical road map for sustainable peace. This was reinforced by the difficulty in reaching the agreement, a process requiring a great deal of directive support from an international community that had little appetite for allowing the conflicts in Sudan to rumble on without resolution.

As Southern Sudan (as the territory was known during the transition period provided for under the CPA) entered into the period before the January 2011 referendum on independence, it was afforded the opportunity to demonstrate a new model of post-conflict engagement. Donors spent billions of dollars building the essentials of a state, working tirelessly to engage nascent institutions – and where they did not exist, to create them.³ For most of the time, the Sudan People's Liberation Movement/Army (SPLM/A) in Juba went along with donors' wishes. Despite commitments to the contrary, and attempts to find ways to make unity more attractive, there seemed to be very little sense that, between them, donors and beneficiaries were trying to level the playing field in such a way as to offer voters in the referendum a genuine choice between unity and independence. Khartoum made little effort to demonstrate that it wanted the south to stay, even though it did; and Juba acted as though independence was the foregone conclusion of the referendum (as in fact turned out to be the case). Donors tried to be neutral in the process, but found Juba a much easier partner than Khartoum and seemed content, at least informally, to work with Southern Sudan on the assumption that independence was inevitable.

Once the referendum was concluded, with more than 98 per cent of the votes cast in favour of secession, Southern Sudan began the build-up towards independence in July 2011 and the establishment of the new Republic of South Sudan. Worrying signs of autocracy were already becoming evident, although most such indications were excused as being necessary to meet the tight timetable for implementation of the CPA. Discussions about the new constitution were effectively guillotined by the president when the issue of federalism (much favoured in the Equatorial states) and the question of presidential powers threatened to embarrass the new republic in the run-up to independence. Early signs of resistance on the part of the Government of the Republic of Southern Sudan (GRSS) to any form of criticism were essentially passed off with the acknowledgment that the new South Sudan would have a lot to learn.

The swift post-independence decline

Following independence, the first signs of dysfunction within the governance of South Sudan did not take long to show themselves. President Salva Kiir did not announce the composition of the first post-independence government for more than six weeks. Initially, this was put down to the need to be as inclusive and balanced as possible, although the president appeared to be having trouble

³ For example, OECD estimates that donor support to Southern Sudan in the period 2005–09 was in the region of \$8 billion, taking into account the costs of the UN Mission in Sudan and published data from non-Development Assistance Committee (DAC) donors. OECD further estimates that 65–85 per cent of this money was spent on socio-economic development (including humanitarian assistance); see <http://www.oecd.org/countries/sudan/47063482.pdf>.

accommodating the personalities and political groupings that surrounded him in the SPLM.⁴ In the absence of the unifying quest to secede from the Republic of Sudan, long-suppressed resentments rose to the surface. That it was possible to navigate a way through what was a genuinely complex set of tensions and come up with an administration that remained relatively coherent for the first 18 months is a credit to President Kiir's political skills, even if his subsequent management of his ministers often left a lot to be desired.

With independence came greater expectation from the international community. Donor countries, which before independence had acknowledged South Sudan's lack of almost all forms of governance capacity, began criticizing the government for being unable to promote and protect human rights – an agenda that gained little traction in Juba. The South Sudan government appeared frustrated by the international community's apparent expectation that the act of gaining independence had somehow changed not just the legal responsibility for human rights promotion, but the capacity and culture required to do so. The problem seemed to be not so much a reluctance on the part of the new GRSS to commit to the principle of human rights, but rather a sense that it believed there were many other, more important issues, and that the prioritizing of human rights would increase over time.

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Before long, Juba had fallen out with Khartoum, with South Sudan shutting down its 350,000 barrels-per-day oil output in January 2012 in a row over how much it should pay to export crude via pipelines and facilities in Sudan. Although the issue in dispute was oil, it could have been any of the matters of mutual concern that were left outstanding from the CPA. Given the circumstances surrounding South Sudan's formation, the flare-up was inevitable. In the case of oil – which Juba believed Khartoum was using to hold the new republic hostage, reflecting the lack of alternative routes to the sea – South Sudan decided that its black gold was best left in the ground rather than siphoned off – both physically and financially – by its former enemy.

The resulting loss of income to both South Sudan and Sudan was catastrophic. The ministry of finance in Juba issued an austerity budget in March 2012 which, based on a complete loss of oil income, represented a 54 per cent cut in planned spending.⁵ South Sudan's donors were incensed by the expectation that, in addition to significant existing assistance to what was technically a middle-income country, they would make up for the loss of oil revenue arising from a foreseeable and avoidable dispute with Sudan. The GRSS, for its part, was equally irate that donors could not understand that South Sudan's oil was being systematically stripped and that the only way to preserve it was to leave it in the wells.

⁴ For example, Kiir tried to appoint Majak Agot Atem, the former head of the National Intelligence and Security Service (NISS), as deputy defence minister. Majak is reported to have tried to negotiate a more senior post, citing his experience, education and history within the liberation struggle. It is unclear what persuaded Majak ultimately to accept his new post, although it was widely believed at the time that he anticipated a future promotion. See South Sudan: Deputy defence minister may not accept position, *Sudan Tribune*, 1 September 2011; <http://www.sudantribune.com/spip.php?article40010>.

⁵ South Sudan Unveils 3.45 Bn SSP Austerity Budget, 21 March 2012; <http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/6665/South-Sudan-Unveils-345-Bn-SSP-Austerity-Budget.aspx>.

Tensions were further heightened when a series of cross-border encroachments close to the border town of Heglig (whether deliberately provocative or naively accidental) led the UN Secretary-General to state that Juba's incursion into disputed territory along the border was 'an infringement on the sovereignty of Sudan and a clearly illegal act', while remaining all but silent on similar examples of Khartoum's conduct.⁶ The decline in the relationship between the South Sudan government and its donors was rapid and absolute. A relationship that had previously been characterized by close engagement was now crowded with suspicion and resentment.

Recognizing that it could not spend money it did not have, the GRSS embarked on an austerity drive and set about borrowing money on the commercial markets. Although the details of the government's commercial borrowings are obscure, media reports suggest that they may have totalled in the region of \$5 billion.⁷ What the government did not do was to take the opportunity to tackle the growing culture of reckless entitlement, which saw senior individuals in and around government enrich themselves through nepotism and corruption. President Kiir did, however, write to 75 former and serving senior officials in May 2012, accusing them of having embezzled some \$4 billion between them and asking for the return of the money.⁸ It is widely believed that little or no money has been returned; and that no apparent action has been taken against the alleged embezzlers.

For a while, the austerity drive did offer an opportunity for the government to tighten up its plans, budgets and financial controls. However, before the austerity measures had the chance to change the culture of government for the better, the GRSS – its members perhaps fearing that their own levels of comfort were being threatened – managed to achieve a form of rapprochement with its Sudanese counterpart, allowing oil and its concomitant revenue to flow again. The pumps thus restarted in April 2013, but production did not translate into the salaries, services and prosperity hoped for by many in South Sudan. There was a continuation of the limited government service delivery that existed after the CPA was signed, when oil was flowing and revenues were shared between the north and south. In addition, interest payments, many denoted in oil, on the commercial loans contracted by Juba left little government revenue, meaning that austerity continued for the ordinary citizen.

President Kiir dissolved his government in July 2013, declaring that a fresh start was required, and a more streamlined government (the number of ministries reduced from 29 to 19) was subsequently put in place. Out – along with his troublesome vice-president, Riek Machar – went the delicate balance of political compromises that had held his first post-independence administration together. In came a new cast of loyal technocrats, tasked with prioritizing service delivery. Many of these ministers set about preparing 100-day plans to unblock their government portfolios, although it quickly became apparent that no new resources would be available.⁹ The austerity measures were reintroduced, and for a while it was possible to imagine that the GRSS had become serious about its purpose. Yet, as with many initiatives in South Sudan, targets for the 100-day plans slipped. No one knew when the plan period was supposed to begin, and any announcements that were made were hopelessly unrealistic.

For most of the population, the situation in South Sudan continued much as it had before, and there was increasing concern about the direction of domestic politics. Many of the dismissed ministers seemed to have decided to go relatively quietly, although their removal from office had given a mixed bag of only-just-loyalists common cause and grievance. By the middle of 2013 there was increasing opposition to the

⁶ UN Secretary-General, *Off-The-Cuff*, press statement, 19 April 2012; <http://www.un.org/sg/offthecuff/index.asp?nid=2314>.

⁷ Civil Servants Unpaid as S. Sudan Struggles to Repay Loans, *Voice of America*, 21 November 2013; <http://www.voanews.com/content/south-sudan-civil-service-foreign-loans-salaries/1795044.html>.

⁸ BBC News, South Sudan officials 'stole \$4bn', 5 June 2012; <http://www.bbc.co.uk/news/world-africa-18326004>.

⁹ Account of meeting attended in the Office of the President (August 2013).

president's style and approach from within the ranks of the SPLM. At the same time, and perhaps in an increasing effort to keep this dissent locked down, there were signs of even greater autocracy.

Despite denials on the part of former vice-president Riek Machar, there seemed to be a growing opposition to Salva Kiir from within the ruling party. The core of the group – which never declared itself in such terms – was suspected to be composed of such individuals as Oyai Deng, former minister for national security, Gier Chuang, a former interior minister, Majak d'Agoot, the former deputy defence minister, and Pagan Amum, former secretary-general of the SPLM, who had been reshuffled out of government earlier in the year. Machar himself made clear that although he had different views to those held by the president, he would use peaceful means within the structures of the party to advance his cause. Until December 2013 it was not clear that all the figures who had lost their jobs in the reorganization did in fact support Machar. Even then, they were as likely to have been thrown together by events as they were to have a shared political agenda.

In the mean time, there were increasing suspicions that the president had started to act extra-constitutionally. Salva Kiir appeared to have exceeded his authority at least twice, including through the removal of two elected state governors and their replacement with caretaker governors who were more acceptable to the regime.¹⁰ He had also acted outside the provisions of his own party's constitution by dissolving the SPLM's internal decision-making structures from which any opposition to his rule might have come.¹¹

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In parallel, two significant pieces of legislation – one limiting the rights of the media, and the other curtailing the operation of non-governmental organizations (NGOs) – had been proposed by the government. The former included proposals to establish a government authority to oversee all media content. The latter proposed to confine the non-government sector to service provision, and severely to curtail NGO advocacy activities. Although not in themselves particularly unusual when compared with similar legislation elsewhere in the region, the timing of these proposed measures appeared to have more to do with exerting the president's control over his party than with government control over the state. The process of reviewing the constitution was falling significantly behind schedule, with the 55-member National Constitutional Review Commission (which had been appointed by the president with almost no consultation) becoming highly politicized.

The trends were not all negative, however. First, President Kiir failed to persuade the country's usually unquestioning legislature of the need for some of the more draconian provisions in the NGO and media bills. Second, there was discussion among SPLM parliamentarians and within the SPLM-allied media about the extent to which the government was actually delivering on the promises of the liberation period.

Meanwhile, the republican guard within the SPLA had been growing, with very little fanfare. Numbers are difficult to verify, although the unit probably numbered around 3,000 men in the

¹⁰ Cracks in South Sudan presidency over dismissal of Unity state governor, *Sudan Tribune*, 10 July 2013; <http://www.sudantribune.com/spip.php?article47237>.

¹¹ Kiir dissolves all South Sudan's SPLM structures, *Sudan Tribune*, 16 November 2013; <http://www.sudantribune.com/spip.php?article48818>.

second half of 2013. More worryingly, it was well on its way to becoming dominated by the president's Dinka ethnic group. Its ability to draw on SPLA funds while reporting direct to Salva Kiir meant that the republican guard had begun to look more and more like a private army, subject to almost no control or oversight.

The return to violence; and regional mediation efforts

Mystery still surrounds the then motivation of the various key actors during the events of December 2013. The most likely explanation for the outbreak of violence on 15 December is that a series of accidents – unplanned and unforeseen – spiralled out of control, to the surprise of almost everyone. That is not to say that, once the initial shock had subsided, that Riek Machar did not willingly and enthusiastically move to take command of an opposition movement defined more by its grievances than by its membership.

African countries, supported by the wider international community, have been trying to broker an end to the renewed conflict. Countries of the region have used the subregional organization IGAD, with its long history of mediation in Sudanese conflicts, as the platform for ceasefire and peace negotiations. Since the December 2013 return to conflict, a number of ceasefire agreements have been struck; however, these have not lasted very long, suggesting that none of the belligerents yet feels that they have exhausted the opportunities offered by violence. It is well understood by international actors that the successive ceasefire agreements have not been observed because both sides still perceive political advantage in renewed conflict.

The unilateral military intervention by the Uganda People's Defence Force (UPDF) added to the regional complexity of the crisis. UPDF support for the GRSS's fight against Riek Machar's forces, the SPLM-in opposition (SPLM-IO), has threatened the likelihood of a sustained Cessation of Hostilities Agreement (COHA). The deployment also seems to be bolstering Salva Kiir, with the effect that he does not have to make changes in Juba or commit to political negotiations. Yet there are few examples of civil wars in the region that have resulted in conclusive military victories, and despite the proliferation of weapons to sustain such a conflict, an armed solution in South Sudan does not seem likely.

During IGAD's 27th extraordinary summit, held at the end of August 2014, Ugandan President Yoweri Museveni's late intervention to alter the agreed protocol on transitional arrangements contributed to the rejection of the document by all stakeholders other than the GRSS, and a further derailing of the negotiations.¹² This intrusion was likely made because of Museveni's unwillingness to sign into action a precedent whereby a regional head of state could be stripped of their authority as head of government.¹³ IGAD's 28th extraordinary summit, in November, concluded with a renewed call for the establishment of a transitional government of national unity. Accommodating Salva Kiir as president, James Wani Igga as vice-president and Riek Machar as prime minister in a power-sharing deal would lead to a postponement of democratic transition for the sake of short-term stability.¹⁴ Creating the role of executive prime minister within a presidential system could, furthermore, bring about further complications in the interim.

¹² IGAD (2014), Protocol on Agreed Principles on Transitional Arrangements Towards Resolution of the Crisis in South Sudan, 25 August 2014; https://radiotamazuj.org/sites/default/files/Protocol%20signed%2025%20Aug%2014_0.pdf.

¹³ Addis dispatches (part two): IGAD's credibility seriously damaged by South Sudan summit fiasco, African Arguments, 3 September 2014; <http://africanarguments.org/2014/09/03/addis-dispatches-part-two-igads-credibility-seriously-damaged-by-south-sudan-summit-fiasco>.

¹⁴ South Sudan Government adapts Resolutions on the proposed power sharing deal, *Equatoria Sun*, 25 November 2014; <http://www.equatoriasun.com/home/south-sudan-government-adapted-resolutions-on-the-proposed-power-sharing-deal>.

On the face of it, South Sudan appears to represent another nail in the coffin for the principle of non-interference that was so important to the Organization of African Unity (OAU), the predecessor of the AU. Countries in the Horn of Africa have clearly adopted a policy of non-indifference which is – at least superficially – in line with the AU charter. But the interventions of the regional leaders mask their narrow national interests, which in turn are undermining the credibility of the IGAD process led by chief mediator Seyoum Mesfin of Ethiopia. This mediation appears to be running out of steam, having granted multiple extensions to the parties to reach a lasting peace deal, and having failed to follow through with punitive measures in response to both sides' delaying tactics and obstruction of peace.¹⁵ Instead, IGAD seems to be pushing for a politically expedient arrangement that will end the fighting and reorder the status quo of elite power-sharing, rather than putting South Sudan on the path towards genuine reform.¹⁶

A military with a country: the security sector

Understanding the role of security, and security institutions, in South Sudan is essential to grasping the origins of the conflict and the options for sustainable peace. South Sudan is governed by the SPLM/A, an armed liberation movement with a strict, top-down hierarchy, which has yet to transition fully into a plural political party in government. To think of the various security institutions as subordinate appendages to the state is fundamentally to misunderstand South Sudan and South Sudanese society. Instead, they represent the structure of the body politic, and many citizens recognize the security institutions as distinct fiefdoms with influential insiders perched – sometimes precariously – on top. They are known for their bad habits – including extrajudicial killings, arbitrary detentions and extortion – which easily overshadow their good ones. The National Security Service (NSS), which appears to have been the leading actor in dealing with opponents of the president in recent months, and which has been quietly accumulating powers, is perhaps a prime example of how the state has become more securitized and less focused on delivering the institutional and capacity needs of the country and its citizens.¹⁷

South Sudan is not a country with a military. Rather, it is a military with a country. In this respect, the SPLA – and the other security institutions that are almost all populated by former military personnel – are a social and political network that reaches right through all aspects of state, government and society. Following the CPA, Salva Kiir pursued a policy of offering armed militias amnesty and integration into the SPLA. While ending some insurgencies, this strategy also undermined the professionalism of the army by giving senior ranks to the leaders of disloyal units without establishing command and control through proper integration and training. The national army swelled along distinct ethnic lines, which contributed to its fracture when the conflict erupted in December 2013.¹⁸

Many serving and former members of the military now occupy key decision-making posts in nominally civilian organizations. The formal security institutions consume a great deal of the national budget

¹⁵ A deadline for the deadline, 12 September 2014; *Africa Confidential*, http://www.africa-confidential.com/article/id/5777/A_deadline_for_the_deadline.

¹⁶ IGAD gives South Sudanese rivals 45 days to end conflict, *Sudan Tribune*, 26 August 2014; <http://www.sudantribune.com/spip.php?article52166>.

¹⁷ Amnesty International (2014), *The Price of Silence. Freedom of Expression Under Attack in South Sudan*, 1 August 2014; <http://www.refworld.org/docid/53e1f02d4.html>.

¹⁸ Small Arms Survey (2013), *Pendulum swings: The rise and fall of insurgent militias in South Sudan*, HSBA Issue Brief No. 22, November 2013; <http://www.smallarmssurveysudan.org/fileadmin/docs/issue-briefs/HSBA-IB22-Pendulum-Swings.pdf>.

(41 per cent of the proposed national budget in 2014/15)¹⁹ and deliver very little by way of conventional security services such as policing, territorial defence, military support to the civilian authority or access to justice. The security sector's dominance across all sectors was the price of peace for many in South Sudan, so the events of the last year are all the more traumatic given that civilian influence had largely been sacrificed to prevent a return to conflict.

There is a great deal of consensus among South Sudanese people about the need for security in one form or another. Most people either want the 'security' to leave them alone to get on with their lives, or want the SPLA to deal with threats to security in their local area, which normally stems from outside their immediate community. What they have got instead is an overbearing and overpriced set of institutions that appear to be out of control because of the lack of effective command and control structures and overarching accountability mechanisms. From an external perspective, the people of South Sudan have appeared to accept this situation with a fair degree of stoicism. Indeed, perhaps because of the army's role in fighting for and liberating the south from Sudan, the SPLA (rather than the SPLM) has generally been regarded as the guarantor of South Sudan's independence. None the less, the extent to which the aftermath of the return to conflict will now undermine the credibility of both the SPLA and the SPLM in the eyes of the population cannot yet be determined.

This securitization of the state, and its structures and institutions, is both a problem and an opportunity. It is clearly undesirable that the security institutions should have such an influential hold over South Sudanese society and government. However, the organs of security are still the most capable of South Sudan's institutions, and, in the case of the SPLA, remain a significant provider of basic services to ordinary people.²⁰ Simply removing the security sector from South Sudan's body politic would be highly destabilizing, and near impossible. But continued international donor engagement with the security sector agencies – particularly the military, police and intelligence services – would offer opportunities both to transform them into accountable, adequate, affordable and appropriate institutions, and to influence the nature of governance. A change of culture within the security sector, and in its attitudes towards the citizenry, would effect a change of societal culture more broadly in South Sudan.

Without an agreed, positive and overarching vision for the role and purpose of the security sector, guiding both its actions and its transformation, capacity development at the agency level risks merely creating more capable but less accountable security services.

International efforts to transform the security sector in South Sudan focused to a large extent on its agencies – i.e. the military, the police and the intelligence services – and to a lesser degree on their oversight and leadership.²¹ The chances that these interventions might be fully successful were reduced by a failure on the part of the donors sufficiently to match their technical interventions with a sustained coordinated political engagement at the strategic level. Without an agreed, positive and overarching vision for the role and purpose of the security sector, guiding both its actions and its transformation, capacity development at the agency level risks merely creating more capable but less accountable security services.

¹⁹ The draft 2014/15 national budget of SSP11.3 billion, presented to the legislature by the finance minister in July 2014, included an allocation of 41% for the security sector (SPLA 28%; police, fire and prison service 13%).

²⁰ Figures are difficult to verify, but some estimates suggest that as many as one in seven of South Sudan's population accesses basic services such as health and education through SPLA institutions or as a result of access to SPLA salaries.

²¹ A range of donors supported security sector development in South Sudan, but the key ones were the Netherlands, Norway, the United Kingdom, the United States and UNMISS. These donors often met in informal coordination, but only latterly established formal mechanisms for integrating their work with each other and with wider development programming.

Much of the international support for South Sudan's security sector in recent years has been delivered at arm's length by donors working through contractors.²² This had weakened the link between the technical and political dimensions of the work. Only better integration between donors working in the area of the security sector – and between the donors and their implementing agents – to engage the GRSS robustly will deliver the long-term changes both to the sector and to South Sudan's political culture necessary to move decisively away from the country's troubled past. Part of the problem was that insufficient progress on fully integrating the military reform programme with political and development activity meant that the SPLA was rendered unstable by the de facto ethnicization of the armed forces, brought about by the president's policy of integrating into the military any internal rebel groups seeking peace. There was no concomitant plan to address this, perhaps because to do so would have involved donor support for military professionalization programmes.

It is also worth considering what the security institutions and their members did not do in the early stages of the recent conflict. Despite significant provocation, and with large sections of the military rank and file following their local leaders into Riek Machar's camp, the senior leadership of the SPLA did not immediately take sides in what it considered to be a political issue. SPLA leaders sought to keep their forces under control, and where possible in barracks. In addition, many members of the military who were serving in civilian ministries and other bodies similarly refused to be subverted. This level of leadership (futile as it may have turned out to be given the subsequent escalation of hostilities) would have been impossible to imagine as recently as at the time of independence in 2011.

Transitional arrangements: elite pacts and inclusivity

Appalling as South Sudan's recent history has been, it would be a mistake to write off the world's youngest country too soon. The conflict may yet have the surprisingly positive – and entirely unintended – effect of breaking the hold over power and wealth exerted by the president's Dinka ethnic group. The fighting has demonstrated that inter-ethnic divisions in South Sudan had really only been papered over by the 2005 CPA and subsequent transition to independence in 2011. Politics in South Sudan are shaped by local context and ethnicity, which are fundamental to how people are organized geographically and economically and which provide local forms of security. Undoubtedly, the spread and intensity of the fighting was aggravated by the legacy of decades of civil war and severe inter-communal conflicts between communities in the south. The attitude of some groups – and of South Sudan's current leaders – has been shaped by those experiences of violence, conflict and revenge.

The importance of ethnicity in this conflict should be neither overstated nor ignored. Although often referred to in tribal and ethnic terms, the original causes of the conflict are much more likely to be found in the personal rivalries in a multi-ethnic group of self-serving individuals within the elite. Both sides have used ethnicity to fuel conflict in order to stay in power.²³ The fighting that has taken place has been more complex than a case of pitting Dinka against Nuer. Reports have indicated the involvement of armed opposition groups including the Darfur-based Justice and Equality Movement (JEM).²⁴

²² For example the US-funded Technical Advisory Team (TAT) and the UK- and Danish-funded Security and Defence Transformation Programme (SDTP), both of which were implemented by commercial contractors.

²³ Madut Jok, J. (2014), South Sudan and the Prospects for Peace Amidst Violent Political Wrangling, *Policy Briefs*, 4 January 2014; <http://www.suddinstitute.org/assets/Publications/Violence-in-South-SudanJok2.pdf>.

²⁴ International Crisis Group (2014), South Sudan: A Civil War by Any Other Name, *Africa Report* No. 217, 10 April 2014, p. 18; [http://www.crisisgroup.org/~media/Files/africa/horn-of-africa/south%20sudan/217-south-sudan-a-civil-war-by-any-other-name.pdf](http://www.crisisgroup.org/~/media/Files/africa/horn-of-africa/south%20sudan/217-south-sudan-a-civil-war-by-any-other-name.pdf).

South Sudan's current leaders are not the answer to the country's problems. The future lies in the quality of the process that leads to an eventual end to the conflict, and which then determines the composition and nature of the future government. While some form of new elite pact will be required to end the fighting, deliberations on the way forward will require a broad-based and inclusive discussion across South Sudanese society about the nature of the political dispensation. The current mediation will only be useful if the negotiations focus on actions and reforms for the future transitional arrangement. This means not only agreeing who holds power, but how that power can be more effectively used to represent the majority of people in South Sudan. For example, the terms of the protocol on transitional arrangements were only adopted as a result of multi-stakeholder negotiations and pressure. They would have been unlikely to have been adopted if the government and the SPLM-IO had been left to their own devices.

Civil society's demand for certain non-negotiable principles relating to the provision of justice, reconciliation and inclusion in this context is a useful irritant in what might otherwise be just another carve-up by political leaders.

An inclusive discussion will take time and require some form of extraordinary but ongoing and participatory forum for negotiating consensus, perhaps convened under non-partisan leadership drawn from civil society. What is clear is that ordinary South Sudanese are now unlikely to accept peace at any price. They are disillusioned with the behaviour of the current political leadership and will wish to find ways of holding the future leaders of South Sudan more effectively to account. While many want justice for what has taken place in recent months, the real need is for a shared vision for South Sudan that unites rather than fractures this very diverse society. Inclusivity is the only way to achieve a sustainable peaceful solution, ensure the buy-in of the South Sudanese people and ensure oversight of any future elite political arrangement.

A positive signal to emerge from the recent return to conflict has been the assertive nature of South Sudan's civil society response. Largely sidelined from direct negotiations, the churches, traditional local authorities, media and other civil society groups – clearly fed up with the antics of the elite – have made increasing demands for a stake in the process. They have been increasingly ambivalent about the suitability of any of the current South Sudanese leaders to remain in power, suggesting perhaps that if ordinary people get their way, a more representative political settlement might then be possible.

This approach suggests that civil society recognizes that peace processes are part of the logic of conflict – and are, in essence, opportunities for elites to redistribute power and wealth among themselves. Civil society's demand for certain non-negotiable principles relating to the provision of justice, reconciliation and inclusion in this context is a useful irritant in what might otherwise be just another carve-up by political leaders. Such a hard-to-ignore indigenous response would have been all but unthinkable prior to independence, and marks a coming of age for civil society action and advocacy in South Sudan.

Conclusion

A conclusive military victory by either the GRSS or those forces allied to Riek Machar and the SPLM-IO is unlikely, as is long-term reconciliation between the conflicting sides. Deep mistrust appears to characterize relations between the various groups now vying for power. These are the SPLM-in government (SPLM-IG); the SPLM-IO; and a group of SPLM individuals out of favour with

the president but apparently unwilling to commit to Machar's cause, known as the SPLM-group of 11 (SPLM-G11) or 'former detainees'. That all the main political groups have sought to retain use of the SPLM name and 'brand' shows that it carries legitimacy among the South Sudanese people. It also suggests the possibility that the real issue is a quest for political supremacy, and not a fundamental rethink of the political future of the new South Sudan.

Despite the continued conflict and deepening humanitarian crisis since December 2013, it is important that international engagement continues to assist South Sudan. Doing so will require a different partnership among donors, and between donors and the GRSS. In both cases, donors will need to act in a more coordinated, coherent and political manner. Continued humanitarian assistance is clearly essential, but robust development programming, set in the context of deep political analysis, is also urgently required. Such partnerships will need to be negotiated carefully over time.

There are a number of factors that donors particularly might wish to bear in mind. First, it is important not to throw away the investments of the past. The CPA provided a real opportunity for peace and stability in South Sudan, leading to fairer development in the future. South Sudan's first attempt to capitalize on this appears to have failed, but with the right effort and the right partners, creating a similar opportunity should be possible again.

Second, experience since 2005 suggests that the international community can have influence, but that it needs to be much better at integrating political and developmental interventions – and at doing so in a coordinated way. Politics and development are not alternatives in South Sudan, they are two sides of the same coin. The people of South Sudan may well wonder about the absence of those world leaders who were happy to be photographed at the signature of the CPA almost a decade ago, or at independence in 2011, but who seem to be busy elsewhere now. Some will interpret the international response to the events in South Sudan over the past year as a betrayal of previous commitments, although the lack of effective intervention is perhaps masked by the intensive diplomatic activity sparked by the return to violence in late 2013. It appears that Western countries, including members of the Troika, do not have a coherent policy towards South Sudan, with strongly worded statements followed up by inaction.²⁵

There are no purely development-led solutions to South Sudan's problems; and there is no individual donor success to be won. The New Deal Compact, for which South Sudan was a pilot country, is founded on principles of post-conflict partnership for the long term, measured by a set of agreed Peacebuilding and Statebuilding Goals (PSGs), including more predictable aid flows.²⁶ At the heart of the New Deal is the notion that developing countries should be in the driving seat on development strategy. This must now ring hollow to many in South Sudan, where almost the last set-piece engagement between the donor community and the GRSS before the return to conflict in December 2013 was an attempt to agree the measures by which the PSGs would be assessed. The international community should give practical effect to their international commitments, including under the New Deal, by accepting and managing a higher degree of political risk as the price of future success in South Sudan. This will require an integrated approach to both policy and practice, in the form of joint donor analysis and joint donor action undertaken in the context of South Sudan's daily political reality, rather than donor-led approaches focused on methodology and structured reporting.

²⁵ The United States, the United Kingdom and Norway make up the Troika, the group of governments that supported the CPA negotiation process. EU External Action Service (2014), Press statement by the Troika, France, Germany, The Netherlands, Spain, Sweden, Switzerland, Canada and the European Union, 28 March 2014; http://eeas.europa.eu/statements/docs/2014/140328_05_en.pdf.

²⁶ International Dialogue on Peacebuilding and Statebuilding, A New Deal for engagement in fragile states, 19 April 2013; <http://www.newdeal4peace.org/wp-content/uploads/2013/01/new-deal-for-engagement-in-fragile-states-en.pdf>.

Third, many donor investments in South Sudan have paid off. Service delivery has improved in the years since the CPA was signed; infrastructure and institutions have been built; and some decision-making has become (a little) more transparent. The fact that civil society has the capacity to articulate a view on the current situation, despite growing intolerance on the part of the South Sudanese authorities towards a free press,²⁷ is almost certainly down to the benefits of international support over time. Being able to harness the internal debate and project it into policy dialogue is a positive development. Thus, while it is tempting to believe that there has been little change, the investments of the past have contributed to drawing a higher baseline for the future than was previously possible.

Fourth, the international community needs to focus its coordinated efforts towards helping the people and organizations that either have – or are – the problem. Although lack of service delivery remains a significant challenge, it is clear that there are greater issues: the nature of governance; attitudes of the political elite; and the (increasing) securitization of the state. Of course, continued humanitarian support is required, but donors should avoid taking refuge in safe and familiar channels of provision. The temptation to work only on the 'demand side' needs to be tempered by recognition that driving up demand without working on government capacity to 'supply' is likely to lead to more – not less – tension between citizen and state.

Balancing the technical support that is required to reshape and reorientate the institutions of the state with the necessary political engagement will require donors to integrate much more overtly their assistance with a high-level political dialogue and road map. This will be particularly true in the case of the security sector, which needs to effect both technical and political transformation but in a way that does not further threaten stability. Donors should acknowledge and support the need for comprehensive security sector reform as part of their wider development programming, both as a means to bring the sector under effective civilian oversight and to get its costs under control; and as a means to support wider development. This will not be a purely technical task, but rather an overwhelmingly political one too; and will likely include some non-traditional development actors such as military and intelligence personnel.

Fifth, the international community should understand that for many there is a logic – well beyond hackneyed repetition of the 'root causes' mantra – to continuing conflict in South Sudan. It is not a binary choice between peace and war. The failure of the belligerents to engage with and implement ceasefires and political negotiation does not strike many South Sudanese as particularly surprising. It seems clear that all sides still perceive political advantage in continued conflict. The people of South Sudan, with their long experience of civil war and violence, appear to accept that this is the natural order. The international community needs avoid being co-opted to one side or another.

The rewards of a peaceful, secure, developing and democratic South Sudan justify the risks of engagement. South Sudan's international partners should identify the key problems wherever they lie, and commit to engage with them robustly over the long term with all the tools at a donor's disposal – developmental, political, military and security.

²⁷ Amnesty International (2014), *The Price of Silence*.

Acronyms

AU	African Union
COHA	Cessation of Hostilities Agreement
CPA	Comprehensive Peace Agreement
GRSS	Government of the Republic of South Sudan
IGAD	Intergovernmental Authority on Development
JEM	Justice and Equality Movement
NGO(s)	Non-governmental organization(s)
NSS	National Security Service
OAU	Organization of African Unity
PSGs	Peacebuilding and Statebuilding Goals
SPLA	Sudan People's Liberation Army
SPLM	Sudan People's Liberation Movement
SPLM-G11	SPLM-group of 11
SPLM-IG	SPLM-in government
SPLM-IO	SPLM-in opposition
UNMISS	United Nations Mission in the Republic of South Sudan
UPDF	Uganda People's Defence Forces

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