



South Sudan: A Civil War by Any Other Name

10 Apr 2014

EXECUTIVE SUMMARY AND RECOMMENDATIONS

On 15 December 2013 the world's newest state descended into civil war. Continuing fighting has displaced more than 1,000,000 and killed over 10,000 while a humanitarian crisis threatens many more. Both South Sudanese and the international community were ill-prepared to prevent or halt the conflict: the nation's closest allies did little to mediate leadership divisions within the Sudan Peoples' Liberation Movement's (SPLM). The SPLM and its army (SPLA) quickly split along divisions largely unaddressed from the independence war. Were it not for the intervention of Uganda and allied rebel and militia groups, the SPLA would likely not have been able to hold Juba or recapture lost territory. The war risks tearing the country further apart and is pulling in regional states. Resolving the conflict requires not a quick fix but sustained domestic and international commitment. Governance, including SPLM and SPLA reform and communal relations, must be on the table. Religious and community leaders, civil society and women are critical to this process and must not be excluded.

Although the dispute within the SPLM that led to the conflict was primarily political, ethnic targeting, communal mobilisation and spiralling violence quickly led to appalling levels of brutality against civilians, including deliberate killings inside churches and hospitals. Dinka elements of the Presidential Guard and other security organs engaged in systematic violence against Nuer in Juba in the early days. Armed actors, including the Nuer White Army, responded by targeting Dinka and other civilians in more than a dozen locations. Other communities are being drawn into the conflict and there is an increasing possibility of more significant foreign intervention.

The regional organisation, the Inter-Governmental Authority on Development (IGAD), responded quickly. Three envoys, Ambassador Seyoum Mesfin (Ethiopia), General Lazarus Sumbeiywo (Kenya) and General Mohammed Ahmed Mustafa al-Dhabi (Sudan) shuttled between Juba, Addis Ababa, where peace talks have been held, and opposition-controlled territory and, after weeks of pressure and negotiation, obtained a cessation of hostilities. However, this was violated almost immediately, and fighting continues, as a monitoring and verification mission struggles to establish itself on the ground.

Neighbouring Uganda (also an IGAD member), as well as forces associated with Sudanese armed opposition groups, notably the Justice and Equality Movement (JEM), intervened early in support of the South Sudanese

government. That in turn may yet trigger Sudan government support to the SPLA in Opposition. Announced plans for an IGAD-led force, about which there are critical mandate, composition and funding questions, raises the prospect of even greater regional involvement in the civil war.

The UN Mission in South Sudan (UNMISS) is hosting almost 70,000 civilians fleeing ethnic reprisals, but its badly outgunned peacekeepers are no match for the thousands of heavily armed forces and militias. It has already come under attack, including a fatal one in Jonglei, while protecting civilians. In at least five locations, South Sudanese seeking protection have been targeted and killed by armed actors in or around UNMISS bases. Increasingly hostile rhetoric from government officials and some opposition commanders and limitations on its freedom of movement are additional challenges. The reprioritisation of its mandated tasks has essentially divided the country in two for the beleaguered UNMISS: it remains impartial in one part, while supporting the government in another. This decision will do little to clarify its role for South Sudanese and should be reviewed before the mandate is renewed.

As peace talks stall, the civil war rages on. To prevent further catastrophe, the country's leaders and its international partners need to consider a radical restructuring of the state. Propping up the government in Juba and polishing its legitimacy with a dose of political dialogue and a dash of power sharing will not end the conflict. New constituencies have to be admitted to a national dialogue and their perspectives respected, including armed groups and disaffected communities that go beyond the contending forces within the SPLM/A, as well as women and civil society more generally. These constituencies are critical to rebuilding the SPLM, increasing democratic space within and beyond the party, drafting a national constitution and preparing for credible national elections. If these processes are to be viable, they will not be able to proceed according to the pre-war timeline. Political commitments must match the new realities. The country needs fundamental reworking of the governance agreement between and within elites and communities if a negotiated settlement is to lead to a sustainable peace.

RECOMMENDATIONS

To address immediately the deteriorating political, security and humanitarian situation

To the UN Security Council:

1. Amend the mandate of the UN Mission in South Sudan (UNMISS) to ensure it is consistent across the country and emphasises protection of civilians, human rights reporting, support for the Inter-Governmental Authority on Development (IGAD) mediation process and logistical help for the African Union (AU) Commission of Inquiry.
2. Signal clearly that leaders will be held responsible for the actions of troops they command, and any interference with UNMISS and humanitarian operations may give rise to targeted sanctions.

3. Ensure that any support provided to an IGAD or other regional force is consistent with and does not undermine UNMISS' ability to carry out its mandated tasks, particularly its protection of civilians responsibilities.

To UNMISS:

4. Communicate more effectively to all parties the parameters of its refocused mandate, including its Chapter VII protection of civilians responsibility, and respond consistently to increasing restrictions and violations of its status of forces agreement with the government of South Sudan that undermine its ability to carry out the tasks assigned by the Security Council.

To armed actors:

5. Enable impartial humanitarian access to civilians in need and do not link this access to the cessation of hostilities or any other agreement.

6. Comply with international humanitarian law, specifically:

a) halt the targeting of civilians, including by stopping combat operations in areas where civilians cannot be distinguished from combatants and avoiding combat in areas around UN bases where those seeking protection are sheltered; and

b) end the looting and destruction of humanitarian facilities.

To promote inclusive political dialogue, ensure accountability for war crimes and atrocities and prevent further regionalisation of the conflict

To South Sudanese actors, IGAD, the AU and other international partners:

7. Establish three separate negotiation tracks – focused on the SPLM, armed groups and communal conflict – that are appropriately sequenced and contribute to the broader process of national political dialogue.

8. Discuss and plan interim political and military arrangements that go beyond simple power sharing between the elites driving the conflict to bring in an inclusive group of South Sudanese who reflect the country's political and ethnic diversity, as well as regional figures.

9. Include in the peace process South Sudanese civil society representatives, such as religious leaders, community-based organisations, youth leaders, women's associations and others.

10. Recognise that engagement with all armed groups and militarised communities is critical to sustainable conflict resolution and that failure to do so will undermine the mediation and may make spoilers of those who could otherwise be constructively engaged in national processes.
11. Ensure that truth, justice, and reconciliation are part of a process to address mass atrocities and prevent further conflict.
12. Provide the AU Commission of Inquiry into Human Rights Abuses adequate staff, time and resources to consult widely when formulating its recommendations, including with the parties in conflict, civil society, religious organisations and communities.
13. Consider a hybrid tribunal with South Sudanese and international judges, similar to the Special Court for Sierra Leone, as a vehicle through which to obtain concrete and visible justice for the people of South Sudan.
14. Deploy an IGAD or other regional force only if:
 - a) it has a clear mandate that supports a political resolution of the conflict;
 - b) there are adequate troops and financial resources available for speedy deployment; and
 - c) adequate precautions are put in place to ensure it works toward a shared political vision and not troop contributors' individual interests.
15. Increase political coordination between the IGAD mediation process and the African Union High-Level Implementation Panel (AUHIP) for Sudan and South Sudan, as tensions continue to increase between the two states.
16. Establish a Contact Group that includes IGAD, the AU, UN, Troika (U.S., UK and Norway), European Union (EU), China and South Africa to facilitate discussions on the way forward and coordination between international actors.
17. Avoid competing, parallel and piecemeal efforts by ensuring that no donor or externally driven peace and reconciliation projects, or politically sensitive development work, is undertaken in isolation from the national processes; and engage to improve any national processes that are not legitimate rather than advance alternatives.

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