



United States Institute of Peace

South Sudan's Conflict and Famine

**Testimony before the Senate Foreign Relations
Subcommittee on Africa and Global Health Policy**

**Mr. Aly Verjee
Visiting Expert
United States Institute of Peace
July 26, 2017**

Chairman Flake, Ranking Member Booker, and members of the Subcommittee, thank you for the opportunity to testify today on South Sudan. I am currently a visiting expert at the U.S. Institute of Peace (USIP), although the views I express are my own.

The Need to Reassert U.S. Leadership on South Sudan

I would like to share a recent anecdote, my observation as a former advisor to the Intergovernmental Authority on Development (IGAD) mediation, which brokered the now essentially defunct 2015 Agreement on the Resolution of the Conflict in South Sudan (ARCSS).

In June 2017, IGAD convened a heads of state and government summit on the crisis in South Sudan. This was at least the tenth high-level meeting of its kind since the conflict began in 2013, in an attempt to find a way forward. IGAD remains a crucial forum. Historically, the United States, through its Special Envoy, played a key role at such meetings; specifically, in driving the region to work together and pursue common objectives and meaningful outcomes.

On this occasion in Addis Ababa, while the United States was represented by competent, resident diplomats, they had unfortunately received little direction from Washington, were not empowered to offer a strategy or undertake most of the critical, necessary tasks of high stakes diplomacy. The U.S. diplomats present were confined to reporting on events, rather than shaping them towards a clear plan to address the crisis.

There is no substitute for a single, dedicated, prominent U.S. representative that can conduct the required, relentless shuttle diplomacy to regional capitals and within South Sudan; leverage, cajole and threaten intransigents where necessary; and speak authoritatively for the administration.

The consequences of a lack of U.S leadership today, after many years of American political and financial investment in South Sudan, are acute: a proliferation of competing regional initiatives, insufficient urgency in mitigating the worst of the violence, and a regime in South Sudan which continues to prosecute a war and fears no consequences for its recklessness and intransigence.

There is understandable fatigue and dismay with South Sudan in Washington and elsewhere. Radical recommendations, such as closing the U.S. embassy and ceasing all formal diplomatic ties and dialogue with the government of South Sudan and the opposition, or expelling the South Sudanese ambassador and other South Sudanese diplomatic personnel in the United States, would, if implemented, be counter-productive.

Such actions would not prevent further harm by South Sudanese elites and would hamper efforts to end the ongoing conflict and therefore damage, rather than advance, U.S. foreign policy objectives. Cutting diplomatic ties is easy to do, but ceasing contact now will make any effort to mitigate the worst excesses even more difficult.

The United States has by far the largest diplomatic footprint in South Sudan. The complete withdrawal of all American diplomats would set back the aid effort, and leave Washington two steps behind contemporary developments. Nor is a withdrawal of personnel presently warranted by the security situation.

Being an American diplomat in South Sudan today is a thankless and frustrating task; it is also a necessary one, to demonstrate, amongst other objectives, that the United States has not abandoned the people of South Sudan. It is the embassy, and its staff, who are best placed to evaluate the prevailing context and political dynamics. If the United States wishes to directly engage with the South Sudanese public, promote reconciliation and support grassroots South Sudanese organizations and movements working to bring peace, it is embassy and USAID staff who play an important role in such efforts.

The High-Level Revitalization Forum and the Importance of Talks

At the June IGAD summit, the leaders of Djibouti, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Uganda endorsed a new initiative, the High Level Revitalization Forum. The Forum has the goals of restoring a permanent ceasefire; implementing the ARCSS and revising the ARCSS implementation timetable. In principle, these are laudable objectives. But if the present deficiencies of the Forum's design are unaddressed, these limitations could be fatal to the effort. South Sudan's context is dynamic, and if the Forum is deeply flawed, it may make things worse, by further exacerbating the conflict if, for example, opposition movements left out of the process are alienated, or if their grievances are left unconsidered.

Therefore, international political and financial support for the Forum, including that of the United States, **should be conditional on three parameters** being implemented by the Forum's regional facilitators: inclusive participation; a defined and limited agenda; and adherence to the timetable.

Firstly, the Forum risks being an exclusionary initiative. A durable peace cannot be made with only some of the players. Amidst a proliferation of armed actors and multiple levels of conflict today, relative to the previously, principally bilateral conflict between the government and the SPLM/A (In Opposition), it is unclear that the Forum process will account for these changes in the conflict.

While there have been some efforts to work towards unification of the now fragmented armed opposition, this is not imminent, cannot be externally forced, and may be unsustainable in the long term. Nor is it certain the Forum will include key South Sudanese civilian constituencies, beyond the men with guns. An inclusive process is essential.

It is worth noting that we have been here before. With the support of the U.S. and other partners, IGAD tried to organize an inclusive, multi-stakeholder political process in the 2013 to 2015 talks that led to the ARCSS. The ambition for an inclusive dialogue was never realized. The inclusive format was resisted by the government and the armed opposition and poorly and inconsistently implemented by the mediators. With my participation, USIP is

presently conducting a study to determine the lessons to be learned from this mediation process, in terms of process design, inclusivity, sequencing and execution. The objective of the study is to provide to IGAD, the African Union, the United States Government and other interested actors guidance for any future mediation process in South Sudan, and beyond.

To negotiate peace in South Sudan today requires, in part, the slow and deliberate engagement at the level of individual commanders, to work towards local ceasefires that can be durable despite the national circumstances, and in time, perhaps, serve as confidence building measures for broader initiatives. Such ceasefire arrangements may be independent of the bilateral permanent ceasefire arrangements of the security arrangements chapter of the ARCSS. Local conflict mitigation efforts are not, however, a panacea. They cannot be considered as independent from the national political context, and there are overlapping and interwoven features in the different levels of these conflicts. Sadly, such efforts result in more failures than successes in South Sudan, but when they do work, they can make a meaningful difference on the ground.

Secondly, as key features of the 2015 peace agreement, including many security and governance provisions, have been overtaken by events and are no longer fit for purpose, calling for full implementation of ARCSS is neither realistic nor desirable. Some armed groups have been incentivized to emerge by certain provisions of the Agreement, such as on military cantonment. These parts of the Agreement clearly need amendment.

The Forum's agenda should be defined and limited, while maintaining the essential set of reform and transitional justice commitments specified in the ARCSS. The government should not be allowed to escape its legal and political obligations to implement these commitments. Economic, humanitarian and transitional justice reforms remain vitally important, and if abandoned will set the stage for further poor governance, an even broader economic collapse, and continued impunity and a lack of accountability for years to come.

Thirdly, the timetable for the Forum should be maintained, to prevent it from becoming a protracted attempt to frustrate peace by intransigent parties. If there are no consequences to delay and the Forum continues indefinitely, there will be little incentive to participate constructively. Political and financial support for this process cannot be indefinite.

While it may appear that conditions for conflict resolution in South Sudan are presently unpropitious, this is precisely why efforts must continue. To wait for a better, purportedly riper time to attempt a new conflict resolution effort would only allow the humanitarian, economic and security situation to further deteriorate. Waiting for a new political movement or a new class of leaders may be years, if not a generation away. Neighbouring states, unconstrained by a collective mediation effort, would only further pursue their individual bilateral interests. The last peace process may have failed, but it did at least partially constrain the escalation of the conflict. Mediation efforts matter. Not succeeding on the first attempt does not mean there should be no attempt to try again.

Consider as evidence an admittedly crude measure: the number of people voting with their feet, and fleeing their homes. In June 2014, there were a total of 2.35 million displaced persons in South Sudan and neighbouring countries. By June 2016, at which point the

majority of the IGAD-mediation had occurred, the total number of displaced persons remained roughly the same.

Today, just over a year after the peace agreement's implosion, there are almost 4 million IDPs and refugees. Absent a change of course, the projections are the numbers will only continue to rapidly climb.

I do not suggest the picture was by any means rosy in South Sudan one year ago, or that the link between political dialogue and displacement is entirely causal. However, the situation is indisputably, undeniably, now far worse.

In the absence of a political process, mere statements of condemnation from international or regional institutions are insufficient to inhibit those committed to fight. In hindsight, the constraining value of even a troubled regional mediation process can clearly be seen – for as long as there is no avenue for genuine political dialogue, violence will be pursued. This argument alone is sufficient to call for a new or renewed process of political mediation, albeit with conditions of the kind outlined above.

In the event the Forum produces a meaningful result, reform to the peace agreement's supreme oversight body, the Joint Monitoring and Evaluation Commission (JMEC), where I served as deputy and subsequently acting chief of staff until my expulsion by the Government of South Sudan in April 2016, must be contemplated.

While the principal responsibility for continued conflict and systematic misgovernance rests on the South Sudanese political elites, JMEC has failed to live up to expectations. It has not moved quickly enough to take corrective action at moments of acute crisis, and not held the parties to account when they dishonored their obligations. There has been insufficient backing for JMEC from the IGAD member states and the African Union when the South Sudanese failed to comply with the terms of the agreement. When JMEC itself came under attack, with its key personnel expelled from the country, JMEC's regional and international backers did not protest.

Elections and the End of the Agreement on the Resolution of the Conflict in South Sudan (ARCSS)

Even if implementation of the ARCSS had been fully pursued in good faith, it would at best have been an interim, transitional solution. The ARCSS foresaw a process of constitutional reform, before national elections. South Sudan achieved independence through a largely democratically legitimate exercise, the 2011 independence referendum.

The ARCSS remains relevant because the present government's legitimacy is largely derived from the terms of the Agreement. This explains why the government professes its continuing adherence to the agreement while routinely violating its terms. ARCSS provides a timetable for the life of the government, concluding with elections 60 days before the end of the Transitional Government of National Unity, now due in August 2018.

Yet, credible elections are not possible for as long as the civil war continues, when half the population is displaced or in need of humanitarian assistance and with the spectre of famine continuing to loom, even if the technical definition of famine is no longer being met.

South Sudan is an increasingly repressive place. Freedom of the press and freedom of assembly have been severely restricted. Domestic and international journalists have been intimidated, harassed, arrested, or expelled. Many media houses have been closed or operate under unreasonable limitations. The security services have blocked access to prominent South Sudanese online media from inside the country. Under present conditions, there can be no freely expressed plurality of political views, particularly from minority parties and candidates. Given the conflict and humanitarian crisis in many areas, there is no environment to credibly hold an election campaign.

The door should not be left open to premature, flawed elections. While elections cannot be held as scheduled, nor should the incumbent president's term of office be extended indefinitely. A negotiated leadership transition ought to be considered. Any decision to delay polls should be transparent and inclusive of a wide spectrum of South Sudanese actors, both civilian and armed, to avoid a further, electorally precipitated crisis, which could contribute further to crisis and conflict.

The United States, United Kingdom, Norway and the European Union recently issued a joint statement declaring “discussion of elections in the foreseeable future as an unnecessary diversion from the primary goals of achieving peace and reconciliation.” Other donor nations must be encouraged to adopt the same positions, as should the African Union, IGAD, East Africa Community (EAC) and International Conference of the Great Lakes Region (ICGLR), all organizations of which South Sudan is a member.

It must also be clear that the United Nations, which was instrumental in organizing and supporting both the last national elections in 2010 and the 2011 independence referendum will not provide any technical assistance to any ill-conceived electoral process, whether through the United Nations Mission in South Sudan (UNMISS) or the United Nations Development Programme (UNDP).

The United Nations, African Union and Sanctions

As bad as things are in South Sudan, the humanitarian situation can always worsen: more can go hungry, more can flee their homes, more children can lose the chance at an education. The United Nations Mission in South Sudan (UNMISS) plays a vital role in the protection of the more than 200,000 South Sudanese civilians taking shelter at UNMISS bases across the country. But UNMISS can and should do more. While it is not the only relevant intervenor, UNMISS could engage more substantively in local mediation and ceasefire efforts, as a facilitator, convener and mediator, given it is the only international actor with a significant presence throughout the country, and noting the long history of instability and conflict at a local level.

In the event that the Revitalization Forum fails, IGAD has indicated it plans to hand over the South Sudan file to the African Union (AU). Although this change of forum may seem to overcome existing regional interests and differences, at this stage, the AU has no operative plans to organise a credible mediation effort, and the national interests of neighbouring states in South Sudan will not dissipate, even if the AU were to play a leading mediation role. However, consideration could be given to support work now to assist the African Union Peace and Security Division with planning for a new political approach in South Sudan, should the Forum effort be unfruitful. Such an approach could include a robustly empowered mediator, without competing responsibilities or obligations, supported by a team of dedicated and competent political support staff, drawing on expertise from the continent and beyond.

While it is essential that the AU play a more active and prominent role in brokering peace, to date it has been slow to act on the sole responsibility placed on it by the ARCSS, to establish the critically important Hybrid Court for South Sudan. The AU can and should do more to put in place both a political and technical strategy for the Court's establishment, to ensure this commitment to accountability is not lost, and the United States should continue to forcefully advocate for this commitment.

Should the AU assume responsibility for a future peace process, a strong partnership with the United Nations will be vital. UN resources assigned to South Sudan, whether UNMISS, the UN Office to the African Union, or other agencies, should be coordinated and integrated into a single peace strategy. This would maintain oversight, monitoring, and supportive action by the United Nations Security Council, as an ongoing threat to international peace and security.

While some individual sanctions have been imposed on South Sudanese allegedly responsible for atrocities by the United States and the European Union, these measures have to date been essentially symbolic. More serious action, such as the seizure of assets looted from South Sudan's public resources, the construction of a more systematic sanctions regime against those who organise and direct violence, and the imposition of an international arms embargo, for its preventive value, remain urgently necessary. If sanctions are to be meaningful, they must be internationally coordinated, and be in service of a broader political strategy rather than ends in themselves.

While the U.S. can and should impose sanctions unilaterally, with the moral case for demonstrating that there are consequences for mass atrocities and deliberate and sustained obstruction of the peace process, without concurrent efforts to reinforce a political process, sanctions are not likely to compel the changes necessary to bring peace.

In conclusion, there is no way to describe the situation in South Sudan as positive, which is all the more reason to support a serious, comprehensive, sustained political process, as imperfect as such an endeavour may be. There are many steps the United States can still take to bolster its diplomacy and political engagement to address this crisis, in concert with the region, the continent and other international partners. A policy of frustrated withdrawal will not address the underlying dynamics of conflict in South Sudan. Nor will it offer hope to the millions of South Sudanese who live today in crisis and uncertainty.

Thank you for your continued focus and attention on South Sudan. I look forward to answering your questions.

The views expressed in this testimony are those of the author and not the U.S. Institute of Peace.