

# **“We Do Not Honour Agreements”**

## **Dialogue and Peace Agreements in South Sudan**

November 2018



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## ABOUT THE INTERNATIONAL REFUGEE RIGHTS INITIATIVE

The International Refugee Rights Initiative (IRRI) was founded in 2004 to inform and improve responses to the cycles of violence and displacement that are at the heart of large-scale human rights violations.

Over the last 13 years, we have developed a holistic approach to the protection of human rights before, during, and in the aftermath of displacement, by focusing on:

- identifying the violations that cause displacement and exile,
- protecting the rights of those who are displaced, and
- ensuring the solutions to their displacement are durable, rights respecting, safe and timely.

We work to ensure the voices of the displaced and conflict affected communities are not only heard but heeded at the international level through our evidence based advocacy that is built on solid field based research and analysis.

We are registered as a non-profit organization in the US, the UK, and Uganda.

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## ABOUT THIS PAPER

Thijs Van Laer drafted this report and coordinated the research, which was carried out jointly with a consultant in South Sudan. David Deng, Yotam Gidron, Olivia Bueno and Lucy Hovil reviewed this report. The team would like to express their enormous gratitude to the people who helped in facilitating this research and to all those who gave their time and participated in the study.

*Cover Photograph: Sam Boland, 2012. Trip to Jonglei, South Sudan, with the South Sudan Action Network Against Small Arms*

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# Table of Contents

Executive Summary .....	4
Recommendations.....	6
Methodology .....	7
The Legacy of Previous Peace Processes .....	8
The CPA and before .....	8
The 2015 Agreement.....	9
The Failure of Regional and International Players .....	9
The Agreement’s Content.....	11
A Controversial National Dialogue.....	13
The Regional Process .....	16
General Context .....	16
The Parties.....	17
Mediation .....	18
Participation .....	20
The Way Forward.....	24
How to Make It Work? .....	24
A Wider National Dialogue .....	25
What is the Alternative?.....	27
Conclusion .....	29

## Executive Summary

In September 2018, South Sudanese political and armed actors signed a new peace agreement after months of negotiations between parties to the defunct 2015 Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS) and other groups that had since been created. While hailed by some as a significant step forward, the deal is clearly fragile. Fighting has since continued in parts of the country and some parties have reconsidered their support for the deal.

Prior to the signing of this agreement, International Refugee Rights Initiative (IRRI) interviewed over 100 South Sudanese citizens, at home and in exile, about what they knew and thought about previous peace agreements and efforts to get the country's main political actors around the table. While such views are influenced by people's access to information and by their own political and personal views, they give an insight into citizens' perceptions and prevailing narratives about the conflict and its solutions, and provide lessons to improve citizen engagement with these elite processes.

Most of our respondents were aware and supportive of previous peace agreements but regretted the lack of implementation. Similarly, many were supportive but critical of current talks: they blamed South Sudan's political class for prioritising rent-seeking instead of solutions to the war that has ravaged South Sudan since 2013, and international mediators for their bias and for putting insufficient pressure on the parties.

Most respondents were positive about the Comprehensive Peace Agreement (CPA) signed between the government of Sudan and the Sudan Peoples' Liberation Movement/Army (SPLM/A) in 2005, which paved the way to independence in 2011, describing it as the only successful peace agreement for South Sudan. The ARCSS, signed in 2015 between the governing SPLM/A, the SPLM/A in Opposition (SPLM-IO) and other smaller groups, received similar support, especially its commitments on public reforms, elections and accountability and (vague) references to equal representation and federalism.

Almost all respondents, however, regretted the lack of implementation of the 2015 agreement, which the majority blamed on the current government of South Sudan, while others blamed the rebel SPLM-IO. Several mentioned the reluctance of the government during the talks and its reservations when signing under international pressure, saying it was a precursor to the breakdown of the agreement in July 2016 when fighting erupted in the capital Juba. They also pointed to a lack of follow-up on the agreement by regional and international actors, and to a lack of pressure on the parties, especially the government, to implement it.

Likewise, respondents were unanimous in their criticism of President Kiir's National Dialogue process announced in 2016. Most feared it would not obtain any results given the context of violence, displacement and restrictions to public freedoms, as well as due to the lack of buy-in of key opposition groups.

Despite this, most of those interviewed believed in the value of a country-wide dialogue initiative to collect citizens' views. Indeed, many said they believed such an initiative would be crucial to prevent further violence and address the country's many structural problems, as soon as minimum requirements related to security and political space are in place, and when those responsible for atrocities are held accountable. There was general consensus that such a forum could go beyond the narrow focus on power-sharing that dominated the latest regionally-led discussions, and could address contentious issues, such as the number of states or localised conflicts, from escalating.

IRRI also asked respondents about the then-ongoing High-Level Revitalisation Forum (HLRF) created by the Inter-Governmental Authority on Development (IGAD) to revive the 2015 peace deal. Some saw a new attempt to reach a negotiated political solution to the conflict as the only option, while others did not believe this would yield any fruit.

However, even those who saw this process as the last chance were nonetheless pessimistic about its chances of success, mentioning the failure of the 2015 agreement. They pointed to two stumbling blocks: the behaviour of the parties, and the mediation by IGAD. Some blamed all the parties at the table, part of a wider discontent with the South Sudanese political class, but most put the blame on the government. IGAD was criticised for not sufficiently steering the HLRF and its member states, especially Kenya and Uganda, and for its bias towards the South Sudanese government. Such perceptions might have changed when Sudan took the lead, given its more coercive approach and, of course, its historical relationship with the South.

Respondents valued the wider participation in the HLRF as compared to the pre-ARCSS discussions. Some warned against the possible negative repercussions of excluding actors, while others feared that integration of every armed group could reward and embolden armed actors. Others emphasised the need for those responsible for atrocities to be held accountable. The exclusion of Riek Machar from the talks at the time of the field research was deplored by several interlocutors. Many supported the presence of civil society and wanted their own representatives to attend the meetings in Addis and Khartoum.

Our research also brought up several suggestions to improve the dialogue processes. First, many felt that IGAD should have been replaced by another mediator, such as the AU or Western actors. Second, they proposed increasing monitoring and enforcement of any newly-signed agreement, reflecting lessons learned from the ARCSS fiasco. Unfortunately, the provisions on monitoring and sanctions have not been strengthened in the September 2018 agreement. Third, respondents advocated for increased international pressure on the parties to ensure implementation and an end to the violence.

Finally, if the recently signed agreement is not implemented or results in a new breakdown, respondents suggested three alternatives: an international intervention to topple their leaders and bring them to account; elections to allow citizens to decide who should rule their country; or a military solution to the conflict. As all these scenarios have clear limitations and carry with them serious risks of further atrocities, it is important to ensure that the 2018 agreement, no matter how flawed it might be, becomes a stepping stone rather than an additional setback to bringing an end to the conflict in South Sudan.

## Recommendations

To IGAD member states:

- Press parties to the September 2018 agreement to respect the ceasefire provisions and implement all of its provisions in a timely manner, consulting with citizens about their views;
- Ensure independent and adequate monitoring of the 2018 agreement, including the ceasefire and security arrangements, and regularly publish its results;
- Impose targeted sanctions on actors responsible for obstruction of peace efforts and for atrocities.

To the African Union:

- Ensure continuous high-level diplomatic engagements with all parties to the 2018 agreement;
- Impose targeted sanctions on actors responsible for obstruction of peace efforts and for atrocities, including individuals and entities in neighbouring countries;
- Proceed with the establishment of the Hybrid Court, outside South Sudan.

To the parties to the 2018 agreement:

- Respect and implement the 2018 agreement, including in its provisions on state reform and accountability;
- Ensure support for a wider national dialogue process.

To donors:

- Support South Sudanese civil society actors in disseminating the 2018 agreement to South Sudanese citizens in and outside South Sudan, in monitoring its implementation as well as in sharing their findings with regional and international actors;
- Support the organisation of a wider national dialogue process conditioned on inclusivity, minimum security requirements, the acceptance of its facilitation, complementarity with the 2018 peace agreement and a clear mandate and timetable.

To the Troika and like-minded states:

- Convene a meeting to conduct a joint analysis of the 2018 agreement and decide on how to engage with it;
- Impose additional sanctions on actors responsible for obstruction of peace efforts and for atrocities, including individuals and entities in neighbouring countries.

## Methodology

For this report, IRRI conducted 101 semi-structured interviews with citizens and stakeholders in the dialogue processes in South Sudan, Uganda and Ethiopia.

24 of the interviewees were South Sudanese citizens residing in refugee settlements in Uganda in December 2017, while 17 were individuals involved in previous and ongoing dialogue efforts in Kampala and Addis Ababa, between September 2017 and May 2018. In May 2018, IRRI conducted 60 interviews in South Sudan: 30 in South Sudan's capital, Juba, of which 15 were conducted in a site hosting internally displaced people (IDP) protected by the UN mission in South Sudan (UNMISS), also known as a Protection of Civilian (POC) site, and 15 with residents of various neighbourhoods of Juba. 30 interviews were held in the city of Wau in the country's north-west: 15 citizens in the POC site in Wau, and 15 individuals living elsewhere in the city. For reasons of security, the identities of all interviewees have been withheld.

For the selection of interviewees, IRRI took into account the following criteria: gender, ethnicity, age, political affiliation and displacement history. The results of these interviews are used for purely qualitative analysis: the methodology does not permit any quantitative analysis or extrapolation.

The preliminary results of this research were presented on 4 September 2018 during a workshop with civil society actors from South Sudan and their feedback is incorporated in the report. IRRI also shared a draft of the report with the IGAD South Sudan office on 12 September 2018 but had not receive any feedback by the time of publication.

In addition to these interviews, IRRI consulted a wide range of primary and secondary sources, including official documents and statements by the South Sudanese government, opposition groups and regional actors.

The report is based on people's perceptions of the different processes, which do not always reflect the reality given the lack of information as well as political and personal biases, nor do such views necessarily represent the views of IRRI on the process.

# The Legacy of Previous Peace Processes

## The CPA and before

South Sudan has a long catalogue of peace agreements which were signed to end the various conflicts that marked the country before and after its independence in 2011. Several of our interlocutors, especially those of age, recalled deals prior to 2015. Some had been displaced because of earlier violence and only returned to the country after the signing of these agreements. For example, a 64-year-old refugee living in Uganda talked of how this was his third time in exile:

Since 1955, there was the war between the Anyanya [Southern Sudanese separatist rebels] and the Arabs [the government of Sudan]. I stayed in Uganda until 1972, when there was the Anyanya agreement, so we went back to South Sudan. We stayed in South Sudan until 1983- and then the SPLA war [with the Sudanese government] broke out. They fought until 2006.

He then returned to South Sudan, only to flee again in 2013 when fighting broke out in Juba.<sup>2</sup>

Most of those who were aware of previous peace agreements remember the CPA, which was signed in 2005 between the SPLM/A and the government of Sudan. The agreement was meant to end the war that started in 1983, and resulted in the gradual withdrawal of Sudanese troops, regional autonomy, a share of the oil revenue and a 2011 referendum on self-determination, paving the way to independence later that year.

Those who remembered the CPA credited it for leading the country to independence and for allowing the return of refugees, including some of IRRI's interlocutors. Despite implementation problems and negative consequences for other parts of Sudan, some described the CPA as the only successful peace agreement, amongst many others that had been signed before and since. A teacher from Wau, for example, said:

I am aware of many previous agreements. We had the Naivasha agreement, the CPA, we have had the agreement between the government and [rebel leader] David Yau Yau of Pibor, and there was the 2015 agreement between Dr. Riek Machar and the government. The CPA was the only successful agreement; internal agreements<sup>3</sup> between the southerners themselves were not successful. Signing and implementation are different things. We don't honor agreements, because we are after our own interests, not the interests of the people who have promoted us to those positions.<sup>4</sup>

A mediator present during the negotiations leading up to the 2015 agreement (see below) said that many actors at the table referenced issues connected to previous peace agreements, and that many incorporated the positioning of their rivals during earlier talks in their strategies. According to one opposition actor- who strongly valued the agreement, the downside of the CPA was that it hugely empowered the SPLM (and the dominant party in Northern Sudan) while ignoring other South Sudanese groups, which crippled multipartyism, participation and the fight against corruption.<sup>5</sup>

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<sup>2</sup> Interview with refugees, Boroli refugee settlement, Uganda, 4 December 2017.

<sup>3</sup> The CPA could also be seen as an internal agreement to Sudan. This comment could be related to the role of guarantors who were instrumental in making sure the CPA was signed and implemented (especially the US).

<sup>4</sup> Interview with citizen, Wau, 9 May 2018.

<sup>5</sup> Interview with National Salvation Front representative, Kampala, 24 October 2017.



## **The 2015 Agreement**

Of all previous peace agreements, citizens interviewed during this research were most knowledgeable about the ARCSS, the peace agreement signed in 2015 between the South Sudanese government, controlled by the SPLM, its breakaway group, the SPLM-IO and other, smaller, rous. This agreement was meant to end the war that took hold of South Sudan since December 2013, when tensions within the higher echelons of the SPLA escalated into divisions within the security services, violent fighting and the creation of the SPLM-IO, led by Riek Machar.

Those knowledgeable about the agreement were almost unanimously positive about its contents, but deplored its lack of implementation. As a man living in a camp for internally displaced people (IDPs) in Juba told us: “The 2015 peace agreement was good, but it has been spoiled. If it had been implemented, it would have brought peace. [...] It was not implemented because the government is reluctant; they knew it would affect them.”<sup>6</sup> Another man concurred:

That agreement was a fair deal. It was seen by many as a genuine agreement that could put an end to the suffering of many in South Sudan, but unfortunately it was not implemented due to the attitude of the leaders who were signatory to the agreement. It was the government who failed the agreement because from the very beginning it insisted on reservations.<sup>7</sup>

As was the case for these two men, most of the ordinary citizens interviewed for this research – as well as almost all insiders – blamed the government for not implementing the ARCSS. For many, the initial reluctance and the reservations issued by the government when signing the agreement were already a precursor to the lack of willingness of the government to implement the agreement- and to the violence that would continue to strangle the country.<sup>8</sup> Some blamed this on Western actors- who put pressure on the parties and the mediators to sign an agreement, and linked it to the renewed fighting in 2016, which seriously affected the capital Juba, prompting some of our respondents to flee to IDP camps adjacent to the base of the UN mission in South Sudan (UNMISS). Others had sought refuge there in 2013 or fled for other reasons.<sup>9</sup>

Not all, however, put the blame exclusively on President Salva Kiir’s government. Refugee leaders in Nyumanzi refugee settlement in Uganda, for example, blamed rebel leader Riek Machar for not respecting the peace agreement and accused him of wanting to topple President Kiir.<sup>10</sup> SPLM-IO forces have undertaken several actions that violated the agreement, such as continuing their recruitment during the cantonment process and promoting people without qualifications to senior ranks. SPLM-IO elements were also accused of starting the violence in July 2016.<sup>11</sup>

## **Failure of Regional and International Players**

While the parties, especially the government, received the most blame for the failure of the 2015 peace agreement, many also pointed to a lack of follow-up by regional and international actors, and a lack of pressure exerted on the parties, especially the government, to implement it. The 2015 agreement was mediated by IGAD, a regional bloc comprising Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Uganda. While some valued the role of IGAD in brokering the deal,

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<sup>6</sup> Interview with citizen, POC site Juba, 3 May 2018.

<sup>7</sup> Interview with citizen, Wau, 7 May 2018.

<sup>8</sup> Interview with citizens, interview with IGAD representative, 7 September 2017, interview with Ugandan official, 22 November 2017, interview with church leader, Juba, 1 May 2018.

<sup>9</sup> Interview with citizen, Wau POC site, 11 May 2018. Interview with SPLM-IO representatives, Addis Ababa, 7 September 2017. Interview with citizen, POC site Juba, 2 & 3 May 2018.

<sup>10</sup> Interview with refugees, Nyumanzi, refugee settlement, Uganda, 5 December 2017.

<sup>11</sup> Electronic communication with expert, 12 September 2018.

most accused it alongside the African Union (AU), of not defending the deal but instead siding with the government. A former teacher from Jonglei State, for example, said:

If the AU and IGAD had been serious about the peace agreement, they would have forced the parties to continue the implementation. [But] they all sided with the government. Why are they listening to Salva Kiir? They still cooperate with someone who has blood on his hands.<sup>12</sup>

Some mentioned the endorsement of the detention of Riek Machar in South Africa as a sign of evidence of IGAD's bias towards the government.<sup>13</sup> A woman living in Juba told IRRI: "I blame IGAD [for the failure of the agreement] because it was their responsibility to maintain maximum pressure on the parties to ensure a smooth implementation of the deal. They were quite aware about the reservations issued by the government during the signing of the document."<sup>14</sup> The regional body did not sufficiently follow up on these reservations.<sup>15</sup> Former and current IGAD staff concurred that more could have been done to enforce the agreement and to hold parties accountable for not doing so, but said that the body was limited due to a lack of consensus between its member states.<sup>16</sup>

The agreement created specific bodies to monitor implementation of the agreement: a Ceasefire and Transitional Security Arrangements Monitoring Mechanism (CTSAMM) to monitor implementation of the cessation of hostilities agreement, which reports to the Joint Monitoring and Evaluation Commission (JMEC), headed by the former president of Botswana, Festus Mogae. JMEC has the responsibility of overseeing the overall implementation of the peace agreement, and several other oversight bodies report to it. These bodies were blamed by citizens with a more detailed understanding for not doing their job. As a man currently living in one of the PoC sites said, "The functioning of JMEC and the CSTAMM should be reviewed. They were not serious. CSTAMM just put out some statements about parties violating [the agreement], but we want accountability for the parties. If the government violates the agreement, that should be said. The same is the case for [violations by] SPLM-IO."<sup>17</sup> Civil society actors blamed its deficiencies on the individuals heading it as well as on its principals, the IGAD member states.<sup>18</sup> Criticism of CTSAMM was shared by UNMISS staff and other experts, who lamented the delays and lack of publicity of its reports.<sup>19</sup>

Some particularly pointed to the relative silence displayed by IGAD and the monitoring bodies, particularly JMEC, related to two main events: the government's replacement of Riek Machar by Taban Deng Gai as vice-president, and the July 2016 clashes in Juba between forces loyal to Salva Kiir and to Riek Machar.<sup>20</sup> JMEC did call for an international intervention after the July 2016 violence but its outcome, the Regional Protection Force (RPF), has still not fully materialised.<sup>21</sup> Others mentioned IGAD's failure to translate its repeated threats of punitive measures into action, mainly because of vetoes by its member states.<sup>22</sup>

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<sup>12</sup> Interview with citizen, POC site Juba, 3 May 2018.

<sup>13</sup> For more on this, see J. Young, *Isolation and Endurance: Riek Machar and the SPLM-IO in 2016-17*, Small Arms Survey HSBA Report, October 2017, available at <http://www.smallarmssurveysudan.org/fileadmin/docs/working-papers/HSBA-SPLM-IO-Update-Oct-2017.pdf> (accessed on 14 September 2018).

<sup>14</sup> Interview with citizen, Juba, 6 May 2018.

<sup>15</sup> Expert workshop, Kampala, 4 September 2018.

<sup>16</sup> Interview with IGAD representatives, 7 September, 12 September 2017 and 30 November 2017.

<sup>17</sup> Interview with citizen, POC site Juba, 2 May 2018.

<sup>18</sup> Expert workshop, Kampala, 4 September 2018.

<sup>19</sup> Interviews with UNMISS staff, Juba, 4 May 2018, communication with South Sudanese expert, 12 September 2018.

<sup>20</sup> Interview with citizens, POC site Juba, 2 & 3 May 2018.

<sup>21</sup> Expert workshop, Kampala, 4 September 2018.

<sup>22</sup> Electronic communication with expert, 12 September 2018.

## The Contents of the Peace Agreement

While most of our interlocutors did not have in-depth knowledge of the content of the 2015 peace agreement, some did assess different elements of the agreement during the interviews. Several, for example, expressed their appreciation for the provisions in the agreement on government reforms, equal representation and federalism.<sup>23</sup> The agreement institutes several reforms, including of the judiciary, the security sector and in the economic field and commits to various forms of political power-sharing, but equal representation of regional and gender groups is only vaguely defined in the text.

The ARCSS recognises the fact that a federal system of government is a “popular demand” and foresaw the inclusion of this principle in the constitution-making process, though little has been achieved on this front.<sup>24</sup> While not wanting to extrapolate from the data, it was interesting to note that those from the Equatoria regions seemed to favour federalism as a system to govern the country, while there was less support for federalism among other groups. In the case of the former, a man residing in the POC site in Wau stated:

The agreement was good because of one thing, the federal system. Federalism is the only system that can bring peace to South Sudan, because everybody is supposed to go back to his or her home state and to conduct their business there. But the Dinkas are very much against this. That is why they block the implementation.<sup>25</sup>

On the other hand, some argued that federalism would only exacerbate violence. One refugee feared that “with federalism, it will be worse. They [other ethnic groups] will see us as enemies in their regions, if you stay there. You run the risk of being killed, as there is no stable government [to protect us].”<sup>26</sup> Previous experiences with the administrative division of the country, such as the Kokora process before independence, fueled ethnic divisions among South Sudanese. These events, while different from the current situation, continue to impact on contemporary discussions.<sup>27</sup>

Some mentioned other elements in the agreement that they support, such as the organisation of elections supposed to take place 60 days before the end of the transitional period but on hold for now, or the prospect of accountability for atrocities committed during the conflict. A young man in Juba POC site supported the court as a return to an older, but discarded tradition of accountability: “I appreciated the creation of the hybrid court. People should be held accountable. There is a tradition in South Sudan that when you do something wrong, you get punished. This Court should be outside the country, in Africa but not in the region.”<sup>28</sup> As with many other provisions of the agreement, the creation of this African Union-South Sudanese hybrid court to try international crimes has been stalled mainly due to the government’s obstruction. Despite the fact that the 2015 and 2018 agreements give the AU Commission the prerogative to put the court in place and decide

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<sup>23</sup> Interviews with citizens, Wau and Wau POC site, 7 - 10 May 2018.

<sup>24</sup> Agreement on the Resolution of the Conflict in the Republic of South Sudan, 17 August 2015, Preamble & Chapter VI, art 1.2.

<sup>25</sup> Interview with citizen, Wau POC site, 10 May 2018.

<sup>26</sup> Interview with refugee, Pagrinya refugee settlement, Uganda, 6 December 2017.

<sup>27</sup> R. Willems & D. Deng, *The legacy of Kokora in South Sudan*, November 2015, available at [http://www.upeace.nl/cp/uploads/hipe\\_content/The%20Legacy%20of%20Kokora%20in%20South%20Sudan%20-%20Briefing%20Paper.pdf](http://www.upeace.nl/cp/uploads/hipe_content/The%20Legacy%20of%20Kokora%20in%20South%20Sudan%20-%20Briefing%20Paper.pdf) (accessed on 17 September 2018)

<sup>28</sup> Interview with citizen, POC site Juba, 2 May 2018.

on its location, the AU has continued to attempt to convince the South Sudan government to sign a memorandum.<sup>29</sup>

Few interlocutors gave an assessment of the security arrangements of the 2015 agreement despite the fact that this was a fundamental component. The agreement provided various ceasefire arrangements, the separation, assembly and cantonment of belligerent forces, a partial demilitarisation of Juba and provisions for the reform of the security sector.<sup>30</sup> Implementation of these provisions was woefully inadequate and contributed to the fighting in July 2016.

While citizens interviewed did not criticise the content of the agreement, some of the interviewed representatives of parties and regional actors involved in the process did. Interlocutors, for example, criticised the fact that the agreement empowered the two principal actors, the SPLM in government and the SPLM-IO, and their dominant ethnic groups, while leaving out and subsequently further militarising other opposition groups.<sup>31</sup> An opposition spokesperson added that the agreement postponed the implementation of federalism, a key demand for his group.<sup>32</sup> SPLM-IO representatives said they thought the power-sharing component of the agreement was not completely equitable and wanted to see this revised in the then-ongoing talks.<sup>33</sup>

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<sup>29</sup> T. Miles, "Justice for atrocities in South Sudan just a signature away: U.N. investigator", *Reuters*, 13 March 2018, available at <https://www.reuters.com/article/us-southsudan-un/justice-for-atrocities-in-south-sudan-just-a-signature-away-u-n-investigator-idUSKCN1GP2I6> (accessed on 22 August 2018).

<sup>30</sup> Agreement on the Resolution of the Conflict in the Republic of South Sudan, 17 August 2015, Chapter II.

<sup>31</sup> Interview with National Salvation Front representative, Kampala, 24 October 2017. Electronic communication with expert, 12 September 2018.

<sup>32</sup> Interview with National Salvation Front representative, Kampala, 24 October 2017.

<sup>33</sup> Interview with SPLM-IO representatives, Addis Ababa, 8 September 2017.

## A Controversial National Dialogue

In December 2016, President Kiir announced a national dialogue initiative in South Sudan, which started about a year later with consultations in and outside of the country. This initiative is supposed to conclude its work by the end of 2018, after the organisation of three regional and one national conference.<sup>34</sup>

Citizens interviewed in South Sudan and Uganda were unanimously critical of the national dialogue and confirmed pitfalls identified by observers.<sup>35</sup> None of the people interviewed during this research had participated in the national dialogue. Refugees told IRRI that some of their representatives had met a delegation of the national dialogue committee, but this was not without controversy.<sup>36</sup>

Some respondents felt that a national dialogue would be unable to achieve any results given the context of violence and displacement. A Ugandan diplomat with significant experience in South Sudan called it “a good idea at the wrong time”.<sup>37</sup> An IDP in Juba put it thus: “Talking of a dialogue now is like taking a broken pot to transport water in. Is it possible to carry water in a broken container?”<sup>38</sup>

Respondents mentioned several flaws in the process. Most importantly, people distrusted it because it is an initiative by the government, and therefore is seen to have been created to further the government’s interests. “It is the property of the government. It doesn’t help us. The government is dialoguing with itself.”<sup>39</sup> Respondents pointed to the lack of inclusivity as one of the most important flaws in its construction. As a man in Wau said:

The internal dialogue is useless because it is between [vice-president] Taban Deng Gai and the president. What are they dialoguing about? The two are friends. A dialogue is meant to address causes of problems that affect the people. If the dialogue was genuine, it could include the opposition leaders who are currently at war with the government, with the hope of bringing about peace for the people of South Sudan. But instead it is between the two men in the government.<sup>40</sup>

International actors such as IGAD and the AU, have also expressed their views that the national dialogue should be inclusive and independent, thereby indirectly calling into question the current participation and set-up.<sup>41</sup> Others mentioned how the lack of a clear mandate and clarity about what

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<sup>34</sup> South Sudan National Dialogue, *National Dialogue Inches Closer to Finalizing Its Mandate*, 30 May 2018, available at <https://www.ssnationaldialogue.org/news-item/national-dialogue-inches-closer-finalizing-mandate/> (accessed on 22 August 2018).

<sup>35</sup> C. Hazvinei Vhumbunu, *The National Dialogue Initiative in South Sudan: Assessing Progress and Pitfalls*, 31 May 2018, Accord, available at <http://www.accord.org.za/conflict-trends/the-national-dialogue-initiative-in-south-sudan/> (accessed on 22 August 2018).

<sup>36</sup> Interview with refugee, Pagrinya refugee settlement, Uganda, 6 December 2017. See also International Refugee Rights Initiative, *Refugees from South Sudan Sceptical about Dialogue*, 18 December 2017, available at <http://refugee-rights.org/refugees-from-south-sudan-sceptical-about-dialogue/> (accessed on 31 August 2018).

<sup>37</sup> Interview with Ugandan official, Kampala, 22 November 2017.

<sup>38</sup> Interview with citizen, POC site Wau, 12 May 2018

<sup>39</sup> Interview with citizen, POC site Juba, 2 May 2018.

<sup>40</sup> Interview with citizen, Wau, 7 May 2018.

<sup>41</sup> IGAD, *Communiqué of the 58th Extra-Ordinary Session of IGAD Council of Ministers on the Situation in South Sudan*, 23–24 July 2017, available at: <https://igad.int/attachments/article/1599/Communiqué%20of%20the%2058th%20Extra-Ordinary%20Session%20of%20IGAD%20Council%20of%20Ministers%20on%20South%20Sudan.pdf> (accessed on 22 August 2018); AU, *Communiqué, Peace and Security Council, 720th Meeting at the Level of Ministers*, 20 September 2017, available at <http://www.peaceau.org/uploads/psc-720-comm-south-sudan-20-09-2017-new-york.pdf> (accessed on 22 August 2018).

would be done with the dialogue's observations and recommendations contributed to the negative perception of the process.<sup>42</sup>

The fact that President Kiir himself presided over the national dialogue in the beginning – he resigned from his position as “patron” in June 2017 – was for many the illustration of its bias:

The president should not have been the one to spearhead this dialogue, as he represents bad things. He would have appointed someone else to lead the dialogue if there was a genuine cause for lasting peace.<sup>43</sup>

Respondents said he should have delegated the task to someone seen as more impartial, to head an inclusive and effective dialogue. Civil society members saw the creation of the national dialogue initiative as a way of countering the National Reconciliation Commission, initiated by Riek Machar when he was still vice-president, and the Commission for Truth, Reconciliation and Healing, provided for in the ARCSS but never set up.<sup>44</sup>

Others added that the current restrictions on freedom of expression did not create a conducive environment for dialogue.<sup>45</sup> A citizen in Wau said:

My understanding is that in a dialogue, an individual is allowed to express himself and bring out both the positive and negative sides of the government, so that solutions are proposed to put an end to all negative aspects and to promote the positive ones. But in today's dialogue, when you talk critical of the government, you risk your life. Why do we call this a dialogue?<sup>46</sup>

Another man specified: “If you speak the truth, security personnel will take you out from among the rest to an unknown area, where you will be tortured and sometimes even risk being killed.”<sup>47</sup>

Despite these concerns, some of the reports published by the National Dialogue Steering Committee on the basis of its consultations have been highly critical of the government. A report on Central Equatoria, for example, contains many serious accusations against the government and calls for the speedy establishment of the hybrid court, outside the country.<sup>48</sup> Some Juba-based civil society organisations decided to engage with the national dialogue, despite its limitations.<sup>49</sup>

Some respondents, however, went a step further than other critics, accusing the government of using the dialogue to hamper the prospects of peace. “They just want to use the dialogue to block the peace process, get attention from the international community and get funding,” one man said.<sup>50</sup> Another held the view that the dialogue was actually one of the causes of the current conflict, and that it only aggravated the situation.<sup>51</sup> A man in Wau explained why:

How can we talk of dialogue when atrocities are ongoing by the same people who have initiated the national dialogue? What are we dialoguing about in the first place? How come

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<sup>42</sup> Expert workshop, Kampala, 4 September 2018.

<sup>43</sup> Interview with citizen, Wau, 7 May 2018.

<sup>44</sup> Expert workshop, Kampala, 4 September 2018.

<sup>45</sup> For an overview of the state of public freedoms in South Sudan, see OHCHR & UNMISS, *Report on the Right to Freedom of Opinion and Expression in South Sudan*, February 2018, available at <https://www.ohchr.org/Documents/Countries/SS/UNMISSFeb2018.pdf> (accessed on 22 August 2018).

<sup>46</sup> Interview with citizen, Wau, 8 May 2018.

<sup>47</sup> Interview with citizen, Wau, 8 May 2018.

<sup>48</sup> National Dialogue Steering Committee, *Central Equatoria Sub-Committee Report for Yei River State, Jubek State and Terekeka State*, on file.

<sup>49</sup> Electronic communication with expert, 12 September 2018.

<sup>50</sup> Interview with citizen, POC site Juba, 2 May 2018.

<sup>51</sup> Interview with citizen, Wau, 7 May 2018.

somebody with blood on his hands chairs the national dialogue? This is a tricky dialogue intended to open ways for more atrocities, not for solving any conflict.<sup>52</sup>

IGAD and the AU have underlined that the national dialogue is intended to be complementary to the IGAD-led dialogue, not to replace it.<sup>53</sup>

Several people said they believed the internal dialogue was just a way for Salva Kiir to get money that he could then funnel to less benign activities. One of them said:

President Kiir's aim was to get some financial help from his friends in the name of national dialogue, so that he could invest it in weapons to deal with the rebel movement in Equatoria and elsewhere in South Sudan. Thank God not a single country has supported him as the dialogue process is facing a lot of challenges.<sup>54</sup>

Despite the assertion, according to the official website of the South Sudan National Dialogue, a number of donors including the governments of Japan and Germany, UNDP, UNESCO and UNMISS have supported the process.<sup>55</sup> Some civilians lambasted the high cost of the current dialogue, suggesting that the money could have been better used to support health and education sectors.<sup>56</sup>

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<sup>52</sup> Interview with citizen, Wau, 9 May 2018.

<sup>53</sup> IGAD, *Communiqué of the 58th Extra-Ordinary Session of IGAD Council of Ministers on the Situation in South Sudan*, 23–24 July 2017, available at: <https://igad.int/attachments/article/1599/Communique%20of%20the%2058th%20Extra-Ordinary%20Session%20of%20IGAD%20Council%20of%20Ministers%20on%20South%20Sudan.pdf> (accessed on 22 August 2018); AU, *Communiqué, Peace and Security Council, 720th Meeting at the Level of Ministers*, 20 September 2017, available at <http://www.peaceau.org/uploads/psc-720-comm-south-sudan-20-09-2017-new-york.pdf> (accessed on 22 August 2018).

<sup>54</sup> Interview with citizen, Juba, 5 May 2018

<sup>55</sup> South Sudan National Dialogue, *Stakeholders & Partners*, available at <https://www.ssnationaldialogue.org/national-dialogue-stakeholders-partners/> (accessed on 22 August 2018).

<sup>56</sup> Interview with citizen, Wau POC site, 10 May 2018.

# The Regional Process

## General Context

In June 2017, IGAD launched a High-Level Revitalisation Forum (HLRF) to organise a series of talks responding to the impasse in the implementation of the 2015 agreement and the ongoing violence. The HLRF, organised by IGAD and JMEC staff, was mandated to restore a ceasefire, fully implement the 2015 agreement and revise its implementation schedule, in particular that of its first two chapters (transitional governance and security arrangements).<sup>57</sup> IGAD convened two rounds of talks, in December 2017 and February 2018, in Addis Ababa. After the first round, on 21 December 2017 an agreement on Cessation of Hostilities, Protection of Civilians and Humanitarian Access (CoHA) was signed, but it was repeatedly violated.<sup>58</sup> Following the February 2018 round, IGAD engaged in “shuttle diplomacy” and technical workshops to narrow the gaps between the parties.<sup>59</sup>

A second phase of the HLRF was convened in May 2018, with the help of the South Sudan Council of Churches, but failed to reach a consensus on governance and security issues, as different parties rejected the proposed power-sharing arrangements. The parties then requested that the mediation team develop “bridging proposals” to find common ground between the parties. These proposals were endorsed by the IGAD council of ministers on 31 May 2018.<sup>60</sup>

Given the ongoing stalemate, however, an IGAD summit in June 2018 decided to allow the government of Sudan to host talks between the two main figures, President Salva Kiir and Riek Machar, who until then was living under *de facto* house arrest in South Africa. Those Khartoum talks concluded with a “Khartoum Declaration of Agreement”, which was, in addition to the two principal figures, also signed by the South Sudan Opposition Alliance (SSOA, a coalition of opposition armed and political groups), the SPLM Former Detainees (SPLM-FD, a group consisting of high-level politicians who had been in detention following the eruption of fighting in 2013) and other opposition parties. It contained general provisions on a ceasefire, security arrangements, outstanding governance issues, services and the rehabilitation of oil fields.<sup>61</sup> The ceasefire has since been reportedly violated.<sup>62</sup>

An agreement on security arrangements was signed by the same parties on 6 July 2018. An initial deal on governance was reached on 7 August 2018, focussing on power-sharing arrangements at all levels of government, by increasing the number of vice-presidents to five, ministers to 35 and legislators to 550. However, talks continued on the number and boundaries of states, other governance arrangements and the implementation of security arrangements.

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<sup>57</sup> A. Verjee, *South Sudan's High Level Revitalization Forum: Identifying Conditions for Success*, August 2017, available at <https://www.usip.org/sites/default/files/PB228-South-Sudan-s-High-Level-Revitalization-Forum.pdf> (accessed on 23 August 2018).

<sup>58</sup> F. Mogae, *Report on the Status of Implementation of the Agreement on the Resolution of the Conflict in the Republic of South Sudan for the Period December 1<sup>st</sup>, 2017 – March 31<sup>st</sup>, 2018*, available at <http://jmeccsouthsudan.org/index.php/reports/jmec-quarterly-reports/77-jmec-quarterly-report-to-igad-on-the-status-of-implementation-of-the-arcss-from-december-1st-2017-march-31st-2018/file> (accessed on 23 August 2018).

<sup>59</sup> F. Mogae, *Report on the Status of Implementation of the Agreement on the Resolution of the Conflict in the Republic of South Sudan for the Period April 1<sup>st</sup>, 2018 – June 30<sup>rd</sup>, 2018*, available at <http://jmeccsouthsudan.org/index.php/reports/jmec-quarterly-reports/79-jmec-quarterly-report-to-igad-on-the-status-of-implementation-of-the-arcss-from-april-1st-2018-june-30th-2018/file> (accessed on 23 August 2018).

<sup>60</sup> Ibid.

<sup>61</sup> *Khartoum Declaration of Agreement between Parties of the Conflict of South Sudan*, 27 June 2018, available at <https://igad.int/attachments/article/1874/Khartoum%20Declaration.pdf> (accessed on 3 October 2018).

<sup>62</sup> F. Mogae, *Report on the Status of Implementation of the Agreement on the Resolution of the Conflict in the Republic of South Sudan for the Period April 1<sup>st</sup>, 2018 – June 30<sup>rd</sup>, 2018*.



On 12 September 2018, a peace agreement – later dubbed the Revitalized Agreement to Resolve the Conflict in South Sudan (RARCSS) – was signed in Addis Ababa by President Salva Kiir, SPLM-IO chairman Riek Machar, and by representatives of the SSOA, the SPLM-FD and a number of political parties. It was signed by “stakeholders” from civil society and by guarantors from IGAD member states, the AU and the UN.<sup>63</sup>

Our respondents were divided on whether another regionally-mediated dialogue could help in bringing about a solution to the ongoing crisis in their country. Some supported a negotiated political solution to the conflict as the only option,<sup>64</sup> while others did not believe a new attempt would yield any fruit. Many of those interviewed supported the idea of attempting to restore the 2015 agreement, which they overall supported. One said:

The HLRF is a good initiative because it could restore the 2015 agreement, if the process goes well. They say this will be the last chance for the country. We don't know what will happen after that, so the mediator should turn all the unturned stones and make sure peace comes to South Sudan.<sup>65</sup>

Despite recognising this as the last chance for national-level improvements, most were pessimistic about its chances. Mentioning their disappointment in the previous experience of the 2015 agreement, they saw two major reasons the HLRF would not work: the behavior of the parties, and the mediation by IGAD.

## The Parties

Many of our interlocutors blamed parties for their lack of cooperation and unwillingness to find a consensus. Some blamed all the parties around the table. A citizen living in Wau, for example, said: “The HLRF is a good thing in itself [...] [But] already in the first round, the attitude of leaders suggests that there is no cooperation at all. The gap between the parties is widening, which is causing a lot of frustrations back home.”<sup>66</sup>

A woman in Wau embedded this criticism in her wider discontent about the South Sudanese political class, all set on maximising their personal profits: “The HLRF is a good initiative but it is likely to hit a rock, as the parties in conflict are not willing to strike a deal. Our leaders are not after peace but after positions. If you observe carefully, you can see the talks are aimed at who takes which position, while forgetting the suffering of their people, the very people who voted them in office.”<sup>67</sup> On several occasions, various parties to the conflict have indeed rejected agreements based on the allocated positions and percentages – many are set on maximising their own individual or group benefits through these negotiation processes.

Most, however, squarely put the blame on the government for its unwillingness to agree on a deal and expressed their pessimism about ongoing efforts. As an IDP said: “We lost hope in the Addis dialogue. [...] The current government will not sign any peace. [Or] they sign and put a reservation. We think there will be more reservations than in 2015.”<sup>68</sup> Another put it more bluntly, and asked a

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<sup>63</sup> *Revitalized Agreement of Resolution of the Conflict South Sudan*, September 2018, available at <https://www.dropbox.com/s/6dn3477q3f5472d/R-ARCSS.2018-i.pdf?dl=0> (accessed on 3 October 2018).

<sup>64</sup> Interview with citizen, Wau, 7 May 2018.

<sup>65</sup> Interview with citizen Wau, 9 May 2018.

<sup>66</sup> Interview with citizen, Wau, 7 May 2018.

<sup>67</sup> Interview with citizen, Wau, 8 May 2018.

<sup>68</sup> Interview with citizen, POC site Juba, 3 May 2018.

fundamental question: “Our government is known to prolong the suffering of its own people. Do you think such a government can bring peace to its people? Are they a government in the first place?”<sup>69</sup>

Respondents pointed to many ways in which the government delegation had been hampering the talks at the time of research. First, several expressed their frustration with the continuous postponement of the talks.<sup>70</sup> A man supporting the SPLM-IO said the government was trying to delay proceedings to continue its military operations on the ground:

I have no hope in the HLRF. It is always the same thing. We [of SPLM-IO] go but government will block the proceedings. It will be adjourned again. It will fail. There are a lot of delays. [...] When they are prolonging peace process, this is good for government. Whenever peace is adjourned, they can continue fighting.

The government’s military strength has often influenced its positioning within the dialogue process. A former IGAD mediator noted that in the dialogue prior to 2015, as well as in the current process, the government, as well as other parties, have continually measured their capacity compared to that of other armed actors, and made decisions on whether to engage or not based on this calculus.<sup>71</sup>

Secondly, respondents criticised the fact that when presented with an agreement during these earlier phase of the talks, the government refused to sign. A young man in the Juba POC site said: “All opposition parties have signed articles, but the government hasn’t signed a single one.”<sup>72</sup> Indeed, in early 2018, the government on multiple occasions refused to sign proposed agreements. In February 2018, it rejected a declaration on principles because of its proposal on accountability for violators and spoilers.<sup>73</sup> Another added that the government used a discourse of sovereignty to justify its refusal to sign: “SPLM-IO signed, the church signed, but the government didn’t sign. They talk about sovereignty and use it as a tool. They say you attack the sovereignty, to protect themselves.”<sup>74</sup>

The government’s unwillingness to agree is often blamed on the pressure that President Kiir gets from the Jieng Council of Elders, which was viewed by many as a hardline pro-government group and which, according to insiders, reads every line of a proposed agreement to check that it will not infringe on their interests.<sup>75</sup> Others downplayed their influence and the extent to which they represent the Dinka community.<sup>76</sup>

## Mediation

While most of those interviewed believe in the importance of mediation, referring to how conflicts within a household or between neighbours can only be solved with the intervention of an outsider, placing IGAD in that role raised eyebrows. They held IGAD partially responsible for the failure of the 2015 agreement, especially given its lack of follow-up and pressure on implementation, and suggested other mediators.<sup>77</sup> “IGAD failed, do not even talk of them. They brokered peace and failed. It is now up to the UN or the US, to make peace with pressure, so that leaders will accept. If it is done

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<sup>69</sup> Interview with citizen in Wau POC site, 10 May 2018

<sup>70</sup> Interview with citizen, POC site Juba, 3 May 2018.

<sup>71</sup> Interview with former IGAD mediator, 30 November 2017.

<sup>72</sup> Interview with citizen, POC site Juba, 2 May 2018.

<sup>73</sup> F. Mogae, p. 2.

<sup>74</sup> Interview with citizen, POC site Juba, 3 May 2018.

<sup>75</sup> Interview with Ugandan official, Kampala, 22 November 2017. Interview with South Sudanese civil society experts, Juba, 2 May 2018.

<sup>76</sup> Interview with civil society expert, 2 May 2018, Juba; Electronic communication with expert, 12 September 2018.

<sup>77</sup> Interview with church leader, Juba, 1 May 2018.

by IGAD, it will be the same.”<sup>78</sup> People interviewed during our research voiced two main criticisms of IGAD: its “soft” mediation tactics, and its bias towards the government.

Firstly, respondents said they thought the mediators did not sufficiently steer the mediation process, did not apply adequate pressure on the parties and did not carry out their monitoring duties. “The mediators are too soft, we are wasting our time,” one said.<sup>79</sup>

During the process leading up to the 2015 agreement, IGAD was regularly criticised for either being too lenient in its approach – mainly by international donors and activists – while it was continuously put in check by the parties if it overstepped its role. Different individuals in the mediation team championed different approaches.<sup>80</sup> They said that success depended on IGAD changing course: “The HLRF can bring back the 2015 peace agreement, but this time round, IGAD must go some extra miles to force the parties to sign the document, must critically carry out supervision and deal strongly with anti-peace elements.”<sup>81</sup>

Insiders also criticised the lack of organisation of the recent HLRF talks, including insufficient consultation of the parties, the lack of space for informal dialogue and the unclear objectives.<sup>82</sup> These interviews were carried out prior to the increased involvement of the Sudanese government, which has been accused by actors such as the SSOA of coercing delegates in signing agreements.<sup>83</sup> The lack of organisation remained a criticism.<sup>84</sup>

Secondly, people accused IGAD of being biased towards the government. One said: “The HLRF is controlled by friends of President Salva Kiir. What good can you expect out of that?”<sup>85</sup> Uganda and Kenya – on both the state level as well as through informal networks - were especially accused of bias towards the government. Ugandan President Museveni was accused of clinging to power, as Kiir does, and of being influenced by Ugandan business interests in South Sudan and of providing military support to the South Sudanese government. Interlocutors pointed to the illegal transfer of refugees to South Sudan, such as an SPLM-IO official,<sup>86</sup> as well as economic interests particularly in the banking sector,<sup>87</sup> as confirmation of Kenya’s bias. Sudan was also accused of meddling and partiality: it has in the past supported opposition armed groups and continues to be accused of stirring up conflict in its former Southern provinces, but its recent efforts are seen to be intended to please the United States, which has recently lifted sanctions.

Several African countries have also taken their own initiatives to negotiate a solution. Uganda’s initiative to reunify the SPLM party, by bringing the SPLM in government, the SPLM-IO and the FDs together, was seen by parties that were not involved and by mediators as a strategy to counter

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<sup>78</sup> Interview with citizen, POC site Juba, 2 May 2018.

<sup>79</sup> Interview with citizen, Wau, 8 May 2018.

<sup>80</sup> Interview with former IGAD mediator, Uganda, 12 September 2017.

<sup>81</sup> Interview with citizen in Wau, 8 May 2018.

<sup>82</sup> Interview with UNMISS staff, Juba, 4 May 2018. Interview with church leader, 1 May 2018; Interview with former mediator, Kampala, 12 September 2017.

<sup>83</sup> Sudan Tribune, *Opposition alliance accuses Khartoum of intimidating its faction to sign South Sudan deal*, 5 August 2018, available at <http://www.sudantribune.com/spip.php?article65992> (accessed on 23 August 2018).

<sup>84</sup> Expert workshop, Kampala, 4 September 2018.

<sup>85</sup> Interview with citizen in Wau POC site, 12 May 2018.

<sup>86</sup> See IIRI, *Protection politics: Preventing illegal extraditions, refoulement and cross-border persecution in East Africa*, January 2018, available at <http://refugee-rights.org/wp-content/uploads/2018/01/Protection-Politics-FINAL.pdf> (accessed on 2 October 2018).

<sup>87</sup> Interview with SPLM-IO representatives, Addis Ababa, 8 September 2017, with civil society leader, Uganda, 11 September 2017, with National Salvation Front representative, Kampala, 24 October 2017. Interview with church leader, Juba, 1 May 2018. Interview with national dialogue representative, Juba, 2 May 2018. Interview with civil society activist, Juba, 2 May 2018.

IGAD's efforts to revitalise the 2015 agreement – despite Uganda's membership of IGAD.<sup>88</sup> Egypt, Tanzania and South Africa have undertaken similar but equally unsuccessful efforts to reunify the SPLM party.

### **Funding**

The HLRF and IGAD's activities in relation to mediation are mostly financed by external donors. Several individuals mentioned this financing of the talks as a key issue. They suggested that the benefits given to participants of the dialogue were the only reason some attended the talks, and said that donors were wasting their resources.<sup>89</sup> A Darfuri man in the POC site in Wau told IRRI: "The US, UK and Norway are funding the ongoing talks in Addis Ababa. Why should they allow their money to be looted by our leaders? The only motive for the government to attend these talks is the small incentive provided by the international community."<sup>90</sup> Others joined this criticism. "They just want reunification for money," one said. A source said that IGAD's per diems were actually fairly limited, but that the government allocated big travel budgets to its delegation.<sup>91</sup>

### **Participation**

While the 2015 agreement was only signed by four groups – the SPLM in government, SPLA-IO, the Former Detainees and a group of political parties – the various fora of the HLRF from the outset intended to include a wider array of actors, dubbed "estranged groups" by IGAD.<sup>92</sup> This included the SSOA, which was formed after the launch of the HLRF to organise several political and armed groups of varied, but limited strength.

Participants in our research were positive about the wider participation in the HLRF. One said: "The HLRF is a good initiative because it has accommodated all the opposition parties, including the most recent ones. What remains to be seen now, is the commitment of parties, if they can make some difficult decisions to overcome their differences for the sake of peace."<sup>93</sup>

Most said they supported broad participation of political and armed actors and warned against the possible negative repercussions of excluding some, fearing it would lead to an escalation of the conflict or accusations of bias against the mediation.<sup>94</sup> A man in Juba summarised this well: "All parties to the conflict must be invited to the table, sidelining some would show signs of bias, could fuel problems and cause new levels of violence."<sup>95</sup> Another suggested that "the new rebels should also get some pieces." The final agreement of September 2018 was initialled by all parties to the HLRF, but SPLM-IO issued reservations, and some members of the SSOA, including the National Salvation Front (NAS) of Thomas Cirillo Swaka, rejected the agreement. The group led by Paul Malong, former chief of staff of the SPLA, was not involved in the HLRF and could therefore be a spoiler.<sup>96</sup>

<sup>88</sup> Interview with National Salvation Front representative, Kampala, 24 October 2017.

<sup>89</sup> Interview with refugee, Boroli refugee settlement, 7 December 2017. Interview with church leader, Juba 1 May 2018.

<sup>90</sup> Interview with citizen in Wau POC site, 12 May 2018

<sup>91</sup> Electronic communication with expert, 12 September 2018.

<sup>92</sup> IGAD, *IGAD started the Consultation on the High-Level Revitalisation Forum with Parties to the Agreement and Estranged Groups*, available at <https://igad.int/programs/115-south-sudan-office/1667-igad-started-the-consultaion-on-the-high-level-revitalization-forum-with-paarties-to-the-agreement-and-estranged-groups> (accessed on: 24 August 2018).

<sup>93</sup> Interview with citizen in Wau, 9 May 2018.

<sup>94</sup> Interview with citizens, Wau, 7 - 9 May 2018.

<sup>95</sup> Interview with citizen, Juba, 5 May 2018

<sup>96</sup> Expert workshop, Kampala, 4 September 2018.

Others, however, realised the problems that integration of every armed group in the dialogue process could entail, as it could reward them for armed mobilisation and thus embolden such and other actors and stir more violence. A refugee in Uganda, when giving the example of rebel leader David Yau Yau, said:

They [rebel leaders] should be held accountable in front of every South Sudanese. We should not reward them, not bring them [into government], because you encourage them. They should be held accountable. You should fight against bad things, but they are fighting for themselves.<sup>97</sup>

Insiders criticised the lack of criteria for selecting participants to the HLRF. For instance, a church leader said:

If I disagree with the government or SPLM-IO, do I get invited for the talks? This encourages fragmentations and goes against efforts to bring unity. It incentivises people to go and form their own armed groups. You make a little noise and you get recognised.<sup>98</sup>

For those leaning towards SPLM-IO, the exclusion of Riek Machar at the time of the research – he was included in a later phase and signed the September agreement – was seen as confirmation of such a bias among the mediators:

“By omitting Dr Riek Machar, the mediators revealed their evil intention to encourage one party to have the upper hand over the other.”<sup>99</sup>

Several believed in the need of a meeting between President Salva Kiir and former Vice-President Riek Machar, which took place in Khartoum after the research for this report.<sup>100</sup> A young woman living in a POC site in Juba said: “Peace will come when the president and the [former] vice-president come together and the international community can come in between to help the two parties to sort out their problems.”<sup>101</sup> Some refugees in Uganda also thought such a sit-down between the two men, and between their two ethnic groups, would be an essential part of any solution.<sup>102</sup>

Following up on their scepticism about dialogue and the need for political leaders to leave office (see below), some expressed their dissatisfaction that leaders they held responsible for atrocities and humanitarian suffering were present at the talks. Referring to actors sanctioned by international actors, one asked “Why are these people participating when they have committed gross crimes?”<sup>103</sup> An inhabitant of the POC site in Juba voiced a suggestion: ““We hear about resumption of peace talks. Why are they consulting Kiir when he is part of the problem? He should be consulted, but he should not be there as decision-maker.”<sup>104</sup>

Several citizens as well as all opposition actors interviewed supported the inclusion of civil society leaders, church leaders and representatives of different segments of society in the talks, as “they represent the common people at the grassroots and are trusted by the community.”<sup>105</sup> One woman even said she believed the inability of women representatives’ to speak up in previous sessions was the reason there was no durable peace now.<sup>106</sup> But respondents also noted the challenges faced by

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<sup>97</sup> Interview with refugee, Boroli refugee settlement, Uganda, 4 December 2017.

<sup>98</sup> Interview with church leader, 1 May 2018.

<sup>99</sup> Interview with citizen, POC site Wau, 10 May 2018.

<sup>100</sup> Interview with church leader, 1 May 2018.

<sup>101</sup> Interview with citizen, POC site Juba, 3 May 2018.

<sup>102</sup> Interview with refugee, Boroli refugee settlement, Uganda, 4 December 2017.

<sup>103</sup> Interview with citizen, POC site Juba, 2 May 2018.

<sup>104</sup> Interview with citizen, POC site Juba, 3 May 2018.

<sup>105</sup> Interview with citizen, Juba, 4 May 2018. Interview with SPLM-IO representatives, 8 September 2017.

<sup>106</sup> Interview with citizen, POC site Juba, 2 May 2018.

civil society organisations and religious groups, as the government intimidates them and accuses them of being rebels.<sup>107</sup> Cabinet members have regularly accused civil society of supporting the opposition.<sup>108</sup>

Civil society also suffered from deficiencies in terms of coordination, representation and access. A former mediator described to IRRI how various civil society groups suffered from serious infighting in the process leading to the 2015 agreement, and a civil society representative confirmed that such divisions continued to weaken their position, but that there had been improvements during the HLRF.<sup>109</sup> Another NGO leader criticised civil society for being too elitist and not actively engaging the citizens they claim to represent.<sup>110</sup> The mediation was also criticised for allowing the participation of delegates who claimed to represent civil society, but in fact were sent by the government and even belonged to the military.<sup>111</sup> In the final phase of the talks in Khartoum, civil society representatives were present but largely sidelined during substantial discussions.<sup>112</sup> They signed as stakeholders in the final document.

Several people also advocated for having their groups, such as IDPs in the POC site in Juba, or young people, represented at the talks, and even said they would be willing to participate personally.<sup>113</sup> People in the POC sites often felt they were not adequately represented by those still living in their homes, given the intimidation by the government, and said they wanted to get the chance to express their suffering to the parties. As one of them said: “the UN should invite us to the talks to express the pain in our hearts, so that the leaders hear our voice. [...] If we talk in front of decision-makers, things may change.”<sup>114</sup>

Some refugees agreed on the need to have representatives in the talks:<sup>115</sup> “Refugees should be represented, when delegations are sent there. [...] We ran away, but we’re still South Sudanese.”<sup>116</sup> Another, however, disagreed: “We’re outside of the country, we have no access. We know we’re not part of that process. We’re trying to settle our mind, to begin a new life. It is the responsibility of all at the political level, but we’re not included.”<sup>117</sup> The number of refugees has drastically increased since the signing of the 2015 agreement, making them an important constituency.<sup>118</sup> There have been three refugee observers at the talks; however, IGAD has been accused of doing little to fully include refugees, and they did not sign the final September agreement.<sup>119</sup>

While many supported wide inclusion of representatives from armed groups, political parties and civil society, others differentiated among their roles. Some, for example, suggested that a political settlement should first be discussed among armed groups and political parties, followed by broader talks including civil society and other community representatives.<sup>120</sup> Representatives of armed opposition groups suggested differentiating between them and political actors without any force on

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<sup>107</sup> Interview with citizen, POC site Juba, 2 May 2018.

<sup>108</sup> See for example Radio Tamazuj, *South Sudan civil society dismayed over Makuei’s remarks*, 28 March 2018, available at <https://radiotamazuj.org/en/news/article/south-sudan-civil-society-dismayed-over-makuei-s-remarks> (accessed on 17 September 2018).

<sup>109</sup> Interview with civil society leaders, Uganda, 11 September 2017. Interview with church leader, 1 May 2018.

<sup>110</sup> Interview with civil society member, Juba, 30 April 2018.

<sup>111</sup> Interview with church leader, 1 May 2018.

<sup>112</sup> Expert workshop, Kampala, 4 September 2018.

<sup>113</sup> Interview with citizen, POC site Juba, 2 May 2018.

<sup>114</sup> Interview with citizen, POC site Juba, 3 May 2018.

<sup>115</sup> Interview with refugees, Pagrinya refugee settlement, Uganda, 6 December 2017.

<sup>116</sup> Interview with refugee, Nyumanzi refugee settlement, Uganda, 9 December 2017.

<sup>117</sup> Interview with refugees, Pagrinya refugee settlement, Uganda, 6 December 2017.

<sup>118</sup> Interview with former IGAD mediation team member, 30 November 2017.

<sup>119</sup> Expert workshop, Kampala, 4 September 2018.

<sup>120</sup> Interview with citizen, Juba, 5 May 2018.

the ground, which was also a practice during negotiations around security issues in the pre-ARCSS discussions.<sup>121</sup> It was suggested that the actors engaged should vary based on the topic: security or power-sharing arrangements should be discussed only by the belligerents, but for other topics, such as government reforms or development, a broader range of actors could be included.

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<sup>121</sup> Interview with National Salvation Front representative, Kampala, 24 October 2017. Interview with former IGAD mediator, Uganda, 12 September 2017.

# The Way Forward

## How to Make It Work

As a consequence of their criticism of previous and ongoing dialogue efforts, citizens interviewed also shared suggestions to improve the likelihood of a sustainable impact of regional dialogue and the agreement it concluded. While this research was carried out prior to the agreement signed by the parties in September 2018, these suggestions could be useful for the assessment of this agreement and its follow-up.

First, many felt that IGAD should have been replaced by another actor given the failure of the 2015 agreement they brokered, their closeness to the South Sudanese government and the lack of pressure on the parties. As a consequence, several suggested that other bodies, especially with weaker ties to the Juba government, take over the mediation process. A man in Juba explained: "IGAD is not serious. They are complicating the conflict, especially Uganda. If they are involved, how can they broker peace? There has to be a neutral body. We are suggesting for the AU to take over."

While most mentioned the need for increased involvement of the AU, some suggested that actors from outside of Africa take over, in particular western actors. As one said: "Kenya, Uganda, Ethiopia... almost all of them have interests [in South Sudan]. For peace to be realised, there should be other countries: the Troika countries [the US, the UK and Norway], other western countries, or others not from Africa." Several civil society and opposition actors participating in the talks agreed that it would have been better if the AU had taken over.<sup>122</sup> While some had suggested excluding IGAD countries from any role in the mediation, others said IGAD should have stayed involved, "because our politicians run to them", as expressed by a refugee leader, or "because the Museveni factor won't change", as a former mediator said.<sup>123</sup> A suggestion was made to learn from experiences in other countries where negotiations were led by a coalition of regional and international actors, as was the case in the Central African Republic.<sup>124</sup>

Given the fact that an agreement has now been concluded, this suggestion by our respondents is less valuable for the current situation, but has broader relevance for future rounds of mediation in South Sudan or even elsewhere. Given the widespread skepticism of our respondents vis-à-vis regional actors, it is important to critically look at how they achieved their goal of concluding a revitalised agreement between the parties of the 2015 agreement and the new group of actors that has since been included, and whether the fact that IGAD again took the lead might influence the likelihood of this agreement being respected and contributing to an improvement in the situation on the ground. Furthermore, it also confirms the importance attached by respondents to involvement of international actors in such dialogue processes.

The second suggestion from our respondents was that IGAD and international actors should improve on monitoring and enforcement of the now signed agreement. Many who criticised the lack of follow-up of the 2015 agreement suggested that "this time round, they must learn from experience. As soon as a peace agreement is signed, they should try to put in place all what it takes to protect the agreement, and those who try to go against it must be punished."<sup>125</sup> A man in Juba

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<sup>122</sup> Interview with civil society leader, Uganda, 11 September 2017. Interview with SPLM-IO representatives, Addis Ababa, 8 September 2017.

<sup>123</sup> Interview with refugee, Nyumanzi refugee settlement, Uganda, 5 December 2017; Interview with former IGAD mediator, Uganda, 12 September 2017. Expert workshop, Kampala, 4 September 2018.

<sup>124</sup> Expert workshop, Kampala, 4 September 2018.

<sup>125</sup> Interview with citizen in Wau POC site, 11 May 2018



agreed: “This time, they must reinforce the deal by directly getting involved in some form to punish the anti-peace lobby in the country.”<sup>126</sup> Opposition actors interviewed agreed that this should be strengthened.<sup>127</sup> It seems, however, that this is not the case in the September 2018 agreement: CTSAMM will be restructured into a Ceasefire Transitional Security Arrangement, Monitoring and Verification Mechanisms (CTSAMVM), led by Uganda and Sudan, two states that have been the subject of some of the strongest citizen criticisms.<sup>128</sup> JMEC would, according to the agreement, also be reconstituted, resulting in a Reconstituted JMEC (RJMEC) – Festus Mogae announced his resignation shortly before the signing of the agreement.<sup>129</sup>

Thirdly, respondents suggested that improving follow-up can be done by increasing pressure on the parties of the agreement, both at a regional and international level. Regional leaders, one said, “should enforce their talks. [...] There should be sanctions from neighbouring countries, because the leaders continue to enjoy their freedom. They get arms and money in Kenya and Uganda.”<sup>130</sup> Regional actors have increased the threat of sanctions, at least prior to the September agreement. Following the signature of the ceasefire agreement (COHA) on 21 December 2017, the IGAD Council of Ministers decided in March 2018 “to take targeted sanctions against individual violators and refer to the AU Peace and Security Council for appropriate punitive measures.”<sup>131</sup> To date, however, neither IGAD nor the AU have imposed any targeted measures against South Sudanese individuals, despite widespread violations of the ceasefire and ongoing atrocities.

Doubting that regional actors would apply such measures, citizens interviewed mainly looked to international actors to increase pressure: “There must be a threat to these leaders. The Troika, other Western countries or the UN should do this. They cannot just do like IGAD. [...] We don’t see anything [happening] if there is no threat. There should be more individual sanctions, including on the president.”<sup>132</sup> The UN, the EU, the US and Canada have all imposed targeted sanctions on a number of individuals, both from the government and opposition armed groups, and the US has also imposed sanctions on number of companies it accuses of financing the conflict.<sup>133</sup> After a long period of deadlock, the UN Security Council imposed an arms embargo on South Sudan in July 2018.

Some, however, said sanctions would not have an impact.<sup>134</sup> One said: “In the media, they talk about sanctions, but those sanctions are not useful. Those in power don’t consider these sanctions. Most of them are soldiers, they don’t fear sanctions. It doesn’t punish Kiir.”<sup>135</sup> It seems that indeed these sanctions have so far done little to improve the situation in the country.

## **A Wider National Dialogue**

A major suggestion during our research was to start a wider dialogue involving all the communities in South Sudan, to discuss broader and deeper issues of national importance; this, the people said, would be most appropriate after fighting had ended or at least substantially lessened. “There has to be a dialogue when there is peace, after a political settlement, to reach out to all the corners of the

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<sup>126</sup> Interview with citizen in Juba, 5 May 2018.

<sup>127</sup> Interview with National Salvation Front representative, Kampala, 24 October 2017.

<sup>128</sup> Revitalised agreement on the Resolution of the Conflict in South Sudan, 28 August 2018, art. 2.4.6.

<sup>129</sup> Revitalised agreement on the Resolution of the Conflict in South Sudan, 28 August 2018, Chapter VII.

<sup>130</sup> Interview with refugee, Pagrinya refugee settlement, Uganda, 6 December 2017.

<sup>131</sup> IGAD, *Communiqué of the 61<sup>st</sup> Extra-Ordinary Session of IGAD Council of Ministers on the Situation in South Sudan*, 26 March 2018, available at [https://igad.int/attachments/article/1786/Final%20COMMUNIQUE%CC%81%20OF%20THE%2061st%20EXTRA%20\(EDITED\).pdf](https://igad.int/attachments/article/1786/Final%20COMMUNIQUE%CC%81%20OF%20THE%2061st%20EXTRA%20(EDITED).pdf) (accessed on 27 August 2018).

<sup>132</sup> Interview with citizen, POC site Juba, 2 May 2018.

<sup>133</sup> For an overview of the different sanctions decisions, see <https://europeansanctions.com/category/south-sudan/>.

<sup>134</sup> Interview with citizens, POC site Juba, 2 – 3 May 2018.

<sup>135</sup> Interview with citizen, POC site Juba, 3 May 2018.

country and heal wounds,” one said.<sup>136</sup> A man in the POC site in Wau concurred: “South Sudanese need a comprehensive dialogue to examine the roots of this conflict, but this must take place after peace is achieved, not now.”<sup>137</sup>

Some specified that at a minimum, the government must declare a cessation of hostilities and promote freedom of movement as a condition for public participation in such a process.<sup>138</sup> Others added the need for accountability as a precondition for a national dialogue and reconciliation effort:

The present environment does not encourage the organisation of a dialogue. People still have wounds in their hearts created by the deaths of their loved ones. Those who have committed wrongs against their brothers have not received justice. How can dialogue be fruitful in such a situation?<sup>139</sup>

Some said they believed that such a dialogue would fail if it would not be preceded by substantial accountability.<sup>140</sup>

Respondents mentioned several topics they thought should be part of the agenda of such a future dialogue. They said it should focus on reconciliation and the “root causes” of the problem: “Without dialogue that addresses the root cause of our problem, it will be hard for South Sudanese to achieve a durable peace in the country.”<sup>141</sup> Their suggestions included broad topics such as nepotism, tribalism, decentralisation, citizen participation, corruption, inequality, accountability and justice, governance, as well as (to a lesser extent) development-related issues and the return of refugees.

A particular issue raised by several interlocutors is the question of the number of states in the country. In January 2017, President Kiir created four more states, bringing the total to 32, after he had already decided unilaterally to increase the number of states from 10 to 28 in October 2015. This decision was widely criticised and observers feared that it could create new tensions, on the national and local levels.<sup>142</sup> Interlocutors resented the lack of consultation on these decisions and some mentioned how it affected them.<sup>143</sup> For example, people from Raja who belong to Fertit ethnic groups but had fled to the PoC site in Wau, resented the fact that their home area was incorporated into the new Lol State, a Dinka name. Given the ethnically-influenced massacres over the last years, they said they wouldn’t be able to live together there with people of the Dinka ethnicity.<sup>144</sup>

The September 2018 agreement provided that IGAD would create an Independent Boundaries Commission (IBC), consisting of representatives of the parties and of AU member states, and responsible for considering the number and boundaries of states. The IBC will either adopt a final report, binding on the parties, or be reconfigured in a body to organise a referendum on the matter.<sup>145</sup>

While most mainly discussed broad topics relevant on a national level, and blamed national dynamics and “leadership problems” for their misery, some also expressed the need to address more local, inter-communal conflicts through dialogue, referring to traditional dispute settlement by

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<sup>136</sup> Interview with citizen, POC site Juba, 2 May 2018.

<sup>137</sup> Interview with citizen, Wau POC site, 10 May 2018.

<sup>138</sup> Interview with citizen, Wau & Wau POC site, 9 – 10 May 2018.

<sup>139</sup> Interview with citizen, Wau, 8 May 2018.

<sup>140</sup> Interview with citizen, Wau, 8 May 2018 & Wau POC site, 10 May 2018

<sup>141</sup> Interview with citizen, Wau, 7 May 2018.

<sup>142</sup> Stimson Center, *The 28 States System in South Sudan*, 9 August 2016, available at [https://www.stimson.org/sites/default/files/file-attachments/Stimson\\_StatesBriefingNote\\_9Aug16.pdf](https://www.stimson.org/sites/default/files/file-attachments/Stimson_StatesBriefingNote_9Aug16.pdf) (accessed on 23 August 2018).

<sup>143</sup> Interview with citizen, Wau POC site, 11 May 2018.

<sup>144</sup> Interview with citizen, Wau POC site, 11 May 2018.

<sup>145</sup> Revitalised agreement on the Resolution of the Conflict in South Sudan, 28 August 2018, art. 1.14.

elders and local courts. A woman from Aweil, for example, said she fled to Juba because of the conflicts between different Dinka clans and hoped a dialogue between these different groups could allow her to return home.<sup>146</sup> A refugee in Uganda, who fled his town in former Eastern Equatoria in July 2016, said that in addition to attacks of government forces, he fled because he was unable to protest against the encroachment on his land by cattle keepers, whom he accused of being supported by the government.<sup>147</sup> Broader national issues are always tied to local issues in South Sudan, and thus impossible to separate from each other, despite the fact that this dimension has received too little attention, especially during peace talks.

Recognising the multitude of issues to be discussed, some suggested prioritising certain topics – those that carried the greatest risk of causing more violence if unaddressed: “The burning issues such as the creation of the 32 states should be given priority. This is yet a big problem that, if not handled well, will cause another bloody war among the people of South Sudan.”<sup>148</sup> A young woman living in the POC site in Wau concurred: “First, serious topics such as the creation of 32 states, inequality, and distribution of resources should be addressed, because they are likely to create further complications, taking the country back to civil war, if not addressed in time. The less important ones can be dealt with later.”<sup>149</sup> As stated earlier, people also distinguished between the participants to such a dialogue: while they felt the regionally-led dialogue should mainly include armed and political actors, this wider national dialogue should include various civil society components and, most importantly, a wide variety of citizens themselves.

### **What is the Alternative?**

Given their experiences with previous processes and their criticism of ongoing efforts, it is not surprising that some of our respondents said that they had given up hope in dialogue: “I am not interested in following any peace deal in the country, simply because there is no reason. Our government is not interested in any peace deal. Is there any reason for me to follow something that cannot give me hope?” He and other respondents suggested other solutions.

Several hoped that international actors would force their leaders, in particular President Salva Kiir, to step down and hold them accountable for their involvement in atrocities and in frustrating peace efforts.<sup>150</sup> One said that if the HLRF did not work out, “the answer is simple: to kick him [President Salva Kiir] out and allow a new person to take over to prepare the country for elections.”<sup>151</sup> A man in Juba agreed: “The only way to peace is for Kiir to step down. He first started to kill Nuer, now he is also killing Equatorians. He lost legitimacy when he started to kill people. The only way is for the international community to intervene. They should take them to court. Who is guilty should be punished. He will not accept, so it should be done by force.”<sup>152</sup> A young adult girl added that following their leaders’ removal from power, elections should be organised to choose new leaders.<sup>153</sup> An IDP in Juba expressed this in a candid way: “If there are rotten onions in a bag, you throw them out and get new ones.”<sup>154</sup>

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<sup>146</sup> Interview with citizen, Juba, 5 May 2018. For a wider background, see Christian Aid, *In it for the long haul? Lessons on peacebuilding in South Sudan*, 9 July 2018, available at <https://www.christianaid.org.uk/resources/about-us/it-long-haul-lessons-peacebuilding-south-sudan> (accessed on 14 September 2018)

<sup>147</sup> Interview with refugee, Pagrinya refugee settlement, Uganda, 6 December 2017.

<sup>148</sup> Interview with citizen, Wau POC site, 12 May 2018.

<sup>149</sup> Interview with citizen, Wau POC site, 10 May 2018.

<sup>150</sup> Interviews with citizens, Juba & POC site Juba, 3 - 6 May 2018.

<sup>151</sup> Interview with citizen in Wau, 9 May 2018.

<sup>152</sup> Interview with citizen, POC site Juba, 3 May 2018.

<sup>153</sup> Interview with citizen, POC site Juba, 3 May 2018.

<sup>154</sup> Interview with citizen, POC site Juba, 3 May 2018.

Several of our interlocutors were in favour of the organisation of elections. Refugee leaders in Nyumanzi refugee settlement, for example, saw this as the only option to deal with a conflict that they blamed on poor leadership, but recognised that some might not accept the results.<sup>155</sup> Both the 2015 and 2018 agreements stipulate that elections should take place sixty days before the end of the transition period, slated for 2018 and February 2022 respectively.<sup>156</sup>

The UN has declared repeatedly that it is opposed to organising elections in the current situation, stating that South Sudan is not “a country where it is conducive right now to go through any meaningful elections as a Plan B.”<sup>157</sup> Many fear that organising elections would further ignite violence and would be impossible given country’s lack of security, state presence and other guarantees for a conducive environment.<sup>158</sup> But a church leader and delegate at the talks said he thought elections would be possible if a ceasefire were agreed and respected and a massive campaign to sensitise people about peace and elections were undertaken.<sup>159</sup> Others mentioned the importance of educating people about the possibility of losing elections, to prevent them from taking up arms again.<sup>160</sup> One said: “We have a tendency to not hand over power in a peaceful way, so there is need to provide people with some political education and [to instill] the culture of punishing those who have gone wrong in some ways, to try to learn the right way of behaving.”<sup>161</sup>

Some say they do not believe in dialogue because they think South Sudanese can only solve their situation through violence and military victory.<sup>162</sup> A man from Maridi told us: “If the problem is created by the government, do you think this same government will be willing to participate in a genuine dialogue? Those dialogues are there to fool the world. A person like Kiir doesn’t need dialogue, he needs force.”<sup>163</sup> Even during the talks, the government was preparing and carrying out a silent offensive against remaining opposition strongholds, in particular in former Jonglei and Unity states.<sup>164</sup>

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<sup>155</sup> Interview with refugee, Nyumanzi refugee settlement, Uganda, 5 December 2017.

<sup>156</sup> Revitalised agreement on the Resolution of the Conflict in South Sudan, 28 August 2018, art. 1.19.4.

<sup>157</sup> Sudan Tribune, *UN official says elections are not viable alternative for S. Sudan peace*, 3 May 2018, available at [http://sudantribune.com/spip.php?iframe&page=imprimable&id\\_article=65323](http://sudantribune.com/spip.php?iframe&page=imprimable&id_article=65323) (accessed on 27 August 2018).

<sup>158</sup> Expert workshop, Kampala, 4 September 2018.

<sup>159</sup> Interview with church leader, Juba, 1 May 2018.

<sup>160</sup> Interview with citizen, Wau, 8 May 2018.

<sup>161</sup> Interview with citizen, Wau, 8 May 2018.

<sup>162</sup> Interview with citizen, Wau, 8 May 2018.

<sup>163</sup> Interview with citizens, Juba, 6 May 2018.

<sup>164</sup> Interview with UNMISS official, Juba, 3 May 2018.

## Conclusion

Despite considerable scepticism by the South Sudanese citizens interviewed by IRRI, a new peace deal was signed in September 2018. This agreement contains many of the flaws identified by interlocutors with regards to previous agreements, and was mediated by regional actors accused by many of bias. It incorporated new armed and political actors that were born out of the spreading and increasing complexity of the conflict, but other groups have remained outside of the agreement due to disagreements with the final text or because they were not invited. Some have even split due to internal disagreements, which contains risks for renewed fighting.

In any case, the prospects of immediate improvement of the situation due to the new peace agreement looks slim. The ceasefire arrangements have already been violated, and there is hesitance by opposition actors to return. A key issue identified by research respondents is the need for better monitoring of the agreement, and pressure, including sanctions, on those who obstruct implementation. Little seems to have changed on this matter. Sudan and Uganda, both known for their previous interventions in the conflict, have been explicitly designated to lead the monitoring efforts. While there has been more international consensus, as shown by the adoption of an arms embargo in July 2018, there is considerable scepticism by international actors about this “old wine in new bottles” situation.

This is understandable, as the same leaders that many held responsible for atrocities and failure to implement previous deals have again been rewarded with more money, power and protection. As a consequence, many actors – whether from civil society or the diplomatic community – continue to hesitate between rejecting the agreement because of its inherent flaws, or using it as a stepping stone to advocate for a reduction in violence and fundamental reforms.

Such improvements will only be possible when citizens are also included in the decisions to shape their country. So far, the focus has been on elite bargaining, and intermediaries from civil society have only been involved on the sidelines. Despite their absence, however, citizens do try to follow the antics of their country’s leaders, and have ideas about what should be done. While this report has made an attempt to bring some of these voices to the debate, it represents only a few. Far more is needed to ensure that citizens are fully informed about the new peace deal, that they are included in its follow-up and that when the time is ripe, a wider dialogue is launched, to address the many challenges that South Sudan is facing.