

South Sudan's Prospects for Peace and Security

Statement of:

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Before:

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Subcommittee on Africa, Global Health and Human Rights**

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1. Introduction:

I am extremely honoured again for this timely opportunity today to make this statement before your committee. Over ten years ago I had the opportunity on 24th January 2007 to brief this same subcommittee on “**The Status of the Implementation of the Comprehensive Peace Agreement (“CPA”)**”. Also almost near to five years ago I had another opportunity on 4th August 2011 almost one month after the independence of South Sudan on 9th July 2011 to brief the same august committee on “**Southern Kordofan: Ethnic Cleansing and Humanitarian Crisis in Sudan**” during which I shared with the subcommittee the CPA unfinished business of popular consultation for the people of Nuba Mountains and Abyei Referendum, the post-independence arrangements and the need to invest in two viable states, Sudan after secession of South Sudan and the danger of disintegration and radicalism and finally the challenges of building new state of South Sudan. Today 27th April 2016, I am honoured again to make statement before the august subcommittee on “**South Sudan’s Prospects for Peace and Security**”.

I arrived in the U.S. yesterday not from South Sudan but from Australia as I was unable to continue discharging my full duties as a professor at University of Juba since October 2015 when I organized a public debate on the opportunities and challenges of the creation of 28 states in South Sudan. Despite the fact that I have not been physically in South Sudan since October 2015, I have been following closely the unfolding events in South Sudan, Sudan and the region. On the basis of this knowledge I would like to share with the members of the august subcommittee my own account of how things are unfolding in South Sudan and the prospects for peace and security.

After spending one year at Carr Center for Human Rights Policy at Harvard Kennedy School as a senior resident fellow, I decided to return to South Sudan after the eruption of civil war in December 2013 and to join University of Juba in April 2014. I was appointed in August 2014 as Director of Centre for Peace and Development Studies. My position as a director of the Centre had given me opportunity to become engaged on issues of peace and security through teaching, research, public debates and writing regular op-ed in the local newspapers. Besides being associate professor at University of Juba, I am a Global Fellow at Peace Research Institute Oslo (PRIO) that was founded in 1959 as an independent and multidisciplinary research institution. PRIO focuses its research both on the driving forces as well as the consequences of violent conflict, and on ways with which peace can be built, sustained and spread. PRIO has global fellows who are academics from different all parts of the world and with strong scholarly records and a commitment to research agenda on peace and conflict.

During my academic association with Centre for Peace and Development Studies and Peace Research Institute Oslo, I managed to publish or work on various articles such as *The Dilemma of Dinka Youth during Civil Wars: Cattle, Community or State Protection? (forthcoming)*, Paper for the Role of Non-State Security Actors in Conflict and Peace Building, Saferworld, London, UK, “South Sudan: The Nexus between Federalism, Decentralization and Conflict”, *Journal of Peace and Development Research. (forthcoming)*, “South Sudan: Challenges and Opportunities for Peacebuilding”, *Journal of Peace and Development Research (forthcoming)*, “South Sudan: The Nexus between Natural Resources, Governance and Conflict”, *Journal of Eastern African Studies (forthcoming)*, “South Sudan: Oil, Governance, Institutions and Conflict”, *IDS*

Discussion Paper (forthcoming), “Confronting Civil War: The Level of Resilience in Abyei Area During Sudan’s Civil War in the 1990s”, *Journal of Civil Wars* and “Political Violence and the emergence of dispute over Abyei, Sudan, 1950-1983”, *Journal of Eastern African Studies*.

Besides these articles, I took part in three major research projects; namely “The Impact of Conflict on Livelihood Sector in South Sudan, FAO-funded Project”, “Education Sector Governance, Inequality, Conflict and Peace Building in South Sudan, UNICEF-funded project” and “Assessment of Institutions of Accountability and Oversight in South Sudan, DFID/UK - funded project”. Also I have been supervising master degree dissertations related to the context of South Sudan in the field of security and strategic studies at the Centre for Peace and Development Studies such as the role of leadership in security sector reform and its implication for national security, the integration of militias into national army and its implications for national security, the impacts of ethnicity and ethnic conflicts on national security, and the nexus between ministry of defense and national army and its implications for national security.

Besides this academic background, I am on the governing board of Kush, Inc., a not-for-profit organization designed to promote peace, stability and economic and infrastructure development in Africa with an emphasis on Abyei and South Sudan. I worked as the co-chair of Abyei Joint Oversight Committee and served as a Minister in the Office of the President of Southern Sudan and a National Minister of Cabinet Affairs of the Sudan until I resigned in May 2011 after President Bashir of Sudan invaded and committed atrocities in Abyei area, my home area. I also worked as a senior economist for the World Bank and a member of teaching staff of Faculty of Economics and Rural Development at Gezira University, Sudan. I received my PhD from the Institute of Development Studies (IDS) at University of Sussex, UK and earned a Master of Arts in Economics (Distinction) and a Master of Business Administration (Distinction) from the Catholic University of Leuven, Belgium and BSc from Faculty of Economics and Social Studies, University of Khartoum, Sudan. I am Southern Sudanese, born in Abyei and have worked toward stability and peace in the region throughout my entire professional life.

I would like to take this opportunity to appreciate and congratulate the leadership of this subcommittee and its members for keeping South Sudan, Abyei, Nuba Mountains, Blue Nile, Darfur and Sudan as well as strategic areas of concern not only for your own national security interest but indeed for stability and peace in the region and the continent. Despite the increasing pressure to focus on your own pressing domestic challenges, particularly during the election year, your committee opted to organize this timely hearing to demonstrate that the U.S. is equally concerned with its foreign commitments, particularly peace and stability throughout the world and particularly in South Sudan, Abyei, Nuba Mountains, Blue Nile, Darfur and Sudan at large.

I would like in particular to express our profound appreciation to the people of United States of America and their government for their continuous support to South Sudan. I would like also to thank the people of USA and their government for taking the lead in supporting the warring parties and the people of South Sudan to conclude and sign peace agreement in August 2015. Equally important, I would like to appreciate the USG for its continuous humanitarian assistance provided to the people of South Sudan to ameliorate the

suffering their vulnerable people and to avert the unfolding famine and catastrophic humanitarian crisis in South Sudan.

For the purposes of my testimony I would like first to provide you with a brief account of the costs of the current civil war in South Sudan. Then I will discuss the root causes of the current conflict in South Sudan. I will then discuss the opportunities and challenges for peace and security in the context of the peace agreement signed in August 2015. I will conclude with key policy options of engagement and lay forth several urgent steps and actions that can - in my view- be taken on the part of the United States to ensure peace and security in South Sudan.

2. What are the costs of Civil War in South Sudan?

The sustenance of security and peacebuilding process in South Sudan will largely depend on a better understanding of how much damage violent conflict events have inflicted on the people of South Sudan and their livelihoods and social fabric. Assessing such impacts is extremely difficult and complex as human life has many dimensions that cannot be comprehensively captured. On the basis of Food and Agriculture Organization (FAO) research on the impact of conflict on the livestock sector in South Sudan that I was involved, I used counterfactual analysis and opportunity cost as the way of assessing the cost and ramification of violent conflict in South Sudan. These costs are grouped into human costs, economic impacts, social tolls and political instability.

(i) Human Costs

Since the eruption of violent conflict in December 2013, it is believed that thousands of civilians have been killed and some agencies estimate the death toll as 50,000 or even double that if true figures are obtained. It is believed that tens of thousand of civil population are feared to have died from diseases or even hunger in isolated villages, swamps and bushes beyond the reach of aid agencies. The fact of the matter is that nobody knows how many people perished in South Sudan and such failure to count the dead is a scandal and a dishonour to the victims.

The conflict-related fatalities started increasing considerably after the independence of South Sudan in 2011 and reached the highest level with about 5,000 reported fatalities in 2014 after the eruption of civil war in 2013. Since the signing of CPA in 2005, there has been dramatic increase in the activities of communal militias that resulted in significant fatalities that put South Sudan the third country with the highest communal violence fatalities on the continent and with average fatalities per communal violence event of 13.9 compared to continental average of 5.8.

Besides these human fatalities, as of August 2015, about 1.6 million people had been internally displaced and over 615,000 had fled and took refuge in the neighbouring countries. In September 2014, FAO projected food security outlook for 2015 as of great concern with 2.5 million projected to be in crisis or emergency phase from January-March 2015 with global acute malnutrition remaining above emergency thresholds of more than 15 per cent as defined by World Health Organization.

The food security situation deteriorated drastically in 2014 after the eruption of conflict in December 2013 with 2.402 million and 1.123 million were categorized in phase of crisis and emergency respectively in May 2014 and the food security situation improved considerably in September 2014 with humanitarian assistance. However in 2015, 3.1 million people projected to be in crisis phase, 830,000 in emergency phase and extreme concerns are 30,000 people estimated to be in catastrophic phase with risk of famine occurring during October and December 2015 if urgent humanitarian assistance is not accessed and provided. In 2016, there are now clear signs of imminent famine with at least 500 persons a day fleeing from the Greater Bahr el Ghazal Region to Darfur region in Sudan simple because of lack of food.

On the basis of counterfactual and opportunity cost analysis, it was estimated that the human costs of conflict in terms of death, hunger and disease will have significant longer-term economic impacts with the effects of hunger alone on labour productivity could mean a further \$6 billion in lost gross domestic product (GDP) if the conflict were to last another five years (Frontier Economics, 2015). Also, it was estimated in terms of trade, investment, security concerns and influx of refugees that the five neighbouring countries could between them save up to \$53 billion if the conflict were resolved within a year, rather than allowed it to last for five years. Also, if the conflict ended within one year rather than five, the international community could save an estimated \$30 billion by reducing expenditure on peacekeeping and humanitarian assistance.

(ii) Economic Impacts

Besides the death toll and displacement of people, the human costs of civil war have other far-reaching economic impacts. On the basis of counterfactual analysis and findings of various researches on estimation of costs of civil war in terms of destruction, disruption, diversion and dissaving as economic damage channels, it is estimated that the violent conflict will cost South Sudan between US\$22.3 billion and US\$28.2 billion as the lost real GDP if conflict continues for another 1 to 5 years. As civil war persisted for almost two years, the real lost GDP could be estimated to be between US\$8.92 billion and US\$11.28 billion. For example the military expenditure in South Sudan could have increased during the last two years of civil war by a further \$0.88 billion. If the conflict were resolved within a year, the savings in military spending would allow South Sudan to meet the internationally recommended target of allocating 20% of spending to education.

In addition to the diversion of resources to security, the recent violent conflict caused enormous destruction of infrastructure such as health, education, transportation and communications, the loss of private assets, and the flight of financial capital abroad. Many of these economic effects are long-term even after the conclusion of peace agreement. These economic impacts may be even greater when indirect costs are added, including lost investment, productivity declines, diminished employment opportunities, and increased crimes.

(iii) Social Tolls

Besides human costs and the economic impacts of violent conflict, the people of South Sudan have experienced as well the feeling of despair and disappointment for their shattered dreams of new nation, decay in social capital, loss of trust among and between members of household, communities and ethnic groups and intensification of inter and intra-community

conflicts. One of the ways of assessing the social tolls caused by violent conflict is the presence of Post-Traumatic Stress Disorder (PTSD) and exposure to trauma. On the basis of perception survey recently conducted, the level of PTSD in South Sudan was found to be about 41 per cent, which is comparable to the levels documented in the worst conflict zones and after the genocides in Rwanda and Cambodia (UNDP, 2015).

(iii) Political Instability:

One of the serious impacts of any civil war is the political instability that is manifested in terms of fragility, violations of human rights, weak institutions and susceptibility to corruption and potential for authoritarian regimes. Since its independence in 2011, South Sudan was not only among the tens most fragile countries in the world but it was ranked fourth in terms of fragility in 2012. After then its fragility scores started deteriorating, particularly after violent conflict erupted in 2013 when it became the most fragile country in the world and displaced Somalia that has been dominating this position.

Besides its increasing fragility, South Sudan has become increasingly susceptible to corruption since its independence in 2011 and particularly after the eruption of the civil war in 2013. Given the low demand for accountability on public expenditures dominated by military and security priorities during civil war, South Sudan remains among the ten most corrupt countries in the world and ranked the fifth most corrupt country in 2013 and 2014.

On the basis of indices provided by Freedom House to assess the status of freedom in the world, the status of freedom in South Sudan has been deteriorating, particularly after eruption of civil war in 2013. Since the eruption of civil war in 2013, South Sudan has been categorized as “not free” country and it became almost the least free country in 2015 when its freedom status score deteriorated to 6.5 points. With increased armed conflict in 2014, the civil liberty rating declined from 5 to 6 points. Also with intensification of civil war in 2015, the political rights rating deteriorated from 6 points to the worst points of 7.

South Sudan became so susceptible to increased fragility, rampant corruption and shrinking of freedom space largely because of governmental structures, economic systems, and societal institutions that have been weakened by the civil war. On the basis of the Country Policy and Institutional Assessment (CPIA), the overall CPIA score of South Sudan since independence in 2011 has been low but also with deteriorating trend particularly after the eruption of civil war in 2013.

Since 2012, the CPIA scores have been below the average scores of the poorest Sub-Sahara African countries eligible for borrowing from the fund of International Development Association (IDA) and the Fragile Sub-Saharan Africa. Interestingly, while the CPIA scores of Fragile Sub-Saharan Africa improved slightly in 2014, the CPIA score of South Sudan declined from 2.1 in 2013 to 2.0 in 2014. The deteriorating and weakening governmental institutions, policies and structures constitute enormous long-term costs that will haunt the recovery of South Sudan from the ramifications of the current civil war.

3. Why Violent Conflict again in South Sudan?

The eruption of violent conflict in South Sudan after it has achieved its hard-won independence in 2011 and with enormous support from international community, raises the fundamental question about what went wrong? Some narrowly attributed this war to ethnic war between Nuer and Dinka, power struggle within the ruling party, the Sudan People's Liberation Movement (SPLM), crisis within the national army, Sudan People's Liberation Army (SPLA), rent-seeking behaviour in terms of kleptocracy or militarized and corrupt neo-patrimonial system of governance. The violent conflict is a complex phenomenon that cannot be analysed through one lens but rather by analysing it holistically by assessing vertically at different and interconnected producing factors of conflict at community, national, regional and international levels and horizontally at pre-war condition and reproduction factors of conflict during war.

Although the current crisis was triggered by the conflict and demand for democratic reform within the SPLM, the ruling party, the grievances, unemployment of youth, legacy of past wars and poverty at community level exacerbated the conflict to become a national crisis. At the national level, the "curse" of oil and "curse" of liberation caused by weak institutions and poor policies were the primary production factors of the current war in South Sudan.

At the regional level, bad neighbours such as Sudan with narrow national security interest coupled with politics of the Nile Water, and politics of alternative pipeline for the oil of South Sudan all contributed indirectly in igniting the current crisis and to take the regional dimension. At the global level, the politics of oil, post-Cold War politics and extractive operations of oil by multi-national corporations have contributed indirectly in triggering the conflict in South Sudan.

After the eruption and during civil war, the greed at all levels has become the primary reproduction factor in sustaining and intensifying the conflict in South Sudan. Reproduction factors such as supply of arms at global and regional level, narrow security and economic interests of the neighbouring countries, use of ethnicity by the warring parties as effective tool for mobilizing youth (white army and gelweng/titweng) and other non-state security actors to support their war efforts and privatization of violence at community level were employed to sustain and fuel the current civil war in South Sudan.

Besides the production and reproduction factors of conflict at different levels, South Sudan faced the following challenges and shocks:

- Transition from war (1982-2005) to peace (2005-2011)
- Transition from liberation movement (1982-2005) to government (2005-2011) that made it susceptible to the curse of liberation
- Transition from one united Sudan (2005-2011) to an independent country (2011)
- Sudden and untimely death of the leader of the SPLM, Dr John Garang in 2005
- Heavy reliance on oil revenue that made it susceptible to the curse of oil
- Post-conflict weak institutions and decay of social capital
- Bad neighbours such as Sudan with a clear and strategic and security interest of seeing South Sudan failing.

The challenges of these three transitions happened at the same time and coupled with the serious shock of loss of its leader at the beginning of these transitions, reliance on oil and weak institutions, one would understand and appreciate the precarious circumstances that led South Sudan to slide again to the violent conflict. As such South Sudan did not slide to violent conflict not because of ethnic conflict or rent-seeking behaviour in terms of kleptocracy but because of various conflict production factors at various levels that were exacerbated by the challenges of various and simultaneous transitions and shocks faced by the people of South Sudan. One could even argue that if you subject any other nation in the world to these conditions faced by the people of South Sudan, it would not avoid violent conflict.

4. Are there opportunities for peace and security in South Sudan?

During my statement before this august subcommittee on 4th August 2011, I stated that the new South Sudan would face and have the following challenges and opportunities:

- Consolidating peace and security will be the top priority of the new state. The current efforts to address security sector reform, modernization and transformation of the SPLA, embarking on effective Disarmament, Demobilization, and Reintegration (DDR) programs and affecting the reconciliation commitment of President Salva will provide opportunity for building a secure and peaceful South Sudan.
- The political stability of the new State will rest on the leadership of the SPLM as the ruling party through democratic reform within itself and providing space and conducive environment for other political parties, civil society organizations and media. In the short term, democracy will require that the SPLM-dominant Government provide the legal framework and environment for a multi-party system, but all must recognize that in this short term, even with elections in the next few years, the foundation for the country's democracy must first be seen and practiced internally by the SPLM itself as it will continue to be the majority and dominant party for a number of years yet to come.
- Economic challenges and symptoms of over reliance on oil, and scarcity of resources will be a real challenge for the new state. Effective fiscal discipline coupled with sound monetary policy and a strong and credible central bank will help in fighting mismanagement of public resources and ensuring transparency. Reforms in the oil sector, good faith negotiations with the Government of Sudan and foreign oil companies operating in the South, and responsible and professional review of existing oil contracts is crucial for effective management of oil resources. This will also require the need to review the current US sanctions to ensure that they will not adversely affect the economy of the new State, discourage cooperation between the North and South to promote economic viability and mutual security, or discourage the foreign direct investment in this sector which currently is monopolized by Asian companies that do not possess all the technology the South desires to increase oil reserve outputs and maximize environmental responsibility.

The opportunities and challenges I narrated in August 2011 may paint the prospects for peace and security in South Sudan. The IGAD-mediated peace agreement that was signed by the warring parties in August 2015 and the SPLM Reunification Agreement that was signed by the three factions of the SPLM in January 2015, will provide golden opportunity for addressing the root causes of the violent conflict that erupted in December 2013. While the peace agreement will provide mechanisms for addressing the curse of oil, weak institutions and poor policies, the SPLM Reunification Agreement will address the curse of liberation and to transform SPLM into a democratic political party. If these two agreements are fully implemented, South Sudan stands a better chance of putting itself on the path of sustainable peace and prosperity.

The Peace Agreement, August 2015:

Unlike the CPA, the Agreement on the Resolution of Conflict in the Republic of South Sudan (ACRSS) that was signed in August 2015 involved other actors besides the two warring parties such as other political parties, civil society, women, faith-based leaders and eminent personalities. Interestingly, while the warring parties signed this peace agreement and with government raising a number of reservations about some provisions of the agreement, the overwhelming majority of people of South Sudan welcomed this peace agreement as the only option for ending violent conflict in the country. The national parliament also unanimously passed the peace agreement without the reservations raised by the government.

Besides the acceptance of people of South Sudan to the peace agreement, the agreement is comprehensive and provides detailed mechanisms for:

- Reforming and establishing the existing and new institutions as well as providing basis for checks and balance with no party having the monopoly in decision-making and the ministerial portfolios and to create as well a conducive and competitive environment for the conduct of the general elections.
- Holistic defence and security review with the aim of transforming security sector to create environment for respect of rule of law and stability.
- Institutional and policies reviews and reforms in the economic sector with the aim of making South Sudan able to diversify its economy, improve its appalling records on corruption, and to use oil revenues for the best interest of its citizens, not only in terms of improving their living conditions but also in terms of good and sound economic governance.
- Dealing with transitional justice, accountability, healing and reconciliation by establishing Truth, Reconciliation and Healing Commission, Hybrid Court, and Compensation and Reparation Authority with the aim making South Sudan to exit from the culture of impunity to a new phase of justice and accountability as a basis for sustainable reconciliation and healing.
- Permanent constitution-making process with clear parameters of the permanent constitution including the recognition of federal system as the popular demand of the people of South Sudan.

After the signing of the peace agreement in August 2015, there has been a considerable decline in the incidents of violent conflict and human fatalities. There are also signs of various communities interacting and nurturing peace through trade, sports such as traditional wrestling, women peace network and church and civil society peace outreach programmes. Also the government has taken its own initiative of investigating the atrocities committed in Juba by establishing various investigation committees such as Police Investigation Committee, SPLA Investigation Committee, Ministry of Justice Investigation Committee and the Presidential Investigation Committee. Although the reports of these various committees are not made public, they provide a basis for national efforts for achieving justice as well as providing valuable evidence for the Hybrid Court. Also, the leadership of the Joint Monitoring and Evaluation Commission (JEMC) has made the Commission as platform for building consensus and dialogue between and among the parties to resolve the contentious issues rather than making it a court of last resort.

Also, the return of Dr Riek Machar, the leader of the SPLM-IO to Juba despite the delay and the formation of the Transitional Government of National Unity are positive development towards the full implementation of the peace agreement. Importantly, the positive and encouraging stance of Gen. Paul Malong, the Chief of General Staff of SPLA, over the return of Dr Riek Machar to Juba and his hospitable reception of the SPLA-IO advanced forces are positive gestures of his acceptance of peace agreement. Also the UN sanctions threats and unified stance of the region and international community behind the peace agreement have been effective in encouraging the parties to commit themselves to the implementation of peace agreement.

The SPLM Reunification Agreement in Arusha, January 2015

While the reforms provided for in the Peace Agreement are necessary but not sufficient to putting South Sudan on the path of diversified economy and mature democracy, the reform within the SPLM as the ruling political party will be absolutely necessary for effective implementation of the peace agreement. It is a common fact that you cannot have democracy without politics and you cannot have politics without political parties and subsequently political parties are one of the pillars of any democratic system.

Given the fact that one of the root causes of the violent conflict that erupted in December 2013 is the political dispute within the SPLM that was largely caused by the demand for reform, addressing the crisis within the SPLM is important for the prospects of peace and security in South Sudan. The Agreement on the Reunification of the SPLM signed in January 2015 by the three functions of the SPLM; SPLM-In-Government, SPLM-In-Opposition and SPLM-Former Detainees, and the witness and guarantor, the Tanzanian ruling party, Chama Cha Mapinduzi (CCM), provides detailed mechanisms for transforming SPLM to become a democratic political party.

This Agreement addresses the political, organizational, and political issues that led to the political dispute in the SPLM that became a national crisis. In the Preamble of the Agreement, the three factions of the SPLM recognized and attributed the root causes to the crisis within the party to the failure to institutionalize and democratize the exercise of power in the party and the loss of ideological direction and lack of clarity of the vision by its leaders.

On political issues, the three factions of the SPLM agree to offer a public apology to the people of South Sudan for what has happened to the country since December 2013. The parties also commit themselves to reunify the SPLM and to develop a comprehensive programme for national unity, peace, reconciliation, healing and promotion of harmony among the people of South Sudan. Also the parties agree to undertake and implement comprehensive democratic reforms, reorganization and transformation of the party and redefine and implement the vision of state and nation building with the aim of achieving a peaceful, democratic, just, prosperous and democratic development state. The parties also commit themselves to combat corruption and to support the establishment of a comprehensive system of transitional justice.

On organizational issues, the parties agree to ensure internal democracy by reviewing and revisiting the contentious provisions in the draft constitution of the party such as the mode of voting, the size of national convention and the powers of the chairperson of the party that led to the political dispute in December 2013. On leadership issues, the parties agreed to the democratic election of party's leadership at all levels in transparent and fair manner. The parties also agreed to limit the term of national and state chairpersons to two terms of five (5) years each and to consolidate democracy within the party by adhering and enhancing collective leadership decision-making process in the party.

If the provisions of this Agreement are fully implemented, then the SPLM will be able to transform itself and to cure itself of the “curse” of liberation and to provide a vision with which it can facilitate and encourage economic diversification and provide political restraints and checks and balances. Given the dominance and monopoly of the SPLM of the affairs of state in South Sudan, focus should be on checks and balances rather than electoral competition that may not necessary produce good and democratic governance for the effective management of natural resources. It has been found that political restraints in terms of checks and balance are more important than electoral competition in promoting growth in the resource rich countries. Also the political credibility and stability of South Sudan will largely depend on transforming SPLM to become a democratic political party with a vision for democratic governance and economic stability and accountability.

Although no much progress has been made in the implementation of this agreement, the SPLM National Liberation Council reinstated Mr Pagan Amum to his position as the Secretary General of the SPLM. Also the SPLM-in-Government called for extra-ordinary meeting of the SPLM Convention that incorporated all the provisions of the SPLM Reunification Agreement into the newly passed SPLM Constitution. It remains to be seen whether the SPLM with its all three factions will recommit themselves to the full implementation of the Arusha SPLM Reunification Agreement.

Although there is a strong feeling among some members of Troika including USG to seeing SPLM disintegrated into different parties as the only way to promoting democracy through effective and credible opposition, such trend may nurture and cement political patronage along ethnic lines that have been politicized during the current civil war. Ethiopia is a good example of a country that promotes ethnic political parties and ethnic federalism but it has succeeded only by having strong and centralized national political party that binds together different nationalities and regions of Ethiopia. Supporting the reunification of the SPLM as

well as other political parties and civil society is prerequisite for nurturing democracy, peace and security in South Sudan.

5. What are challenges for peace and security in South Sudan?

Despite the aforementioned opportunities for peace and security in South Sudan, the peace agreement and particularly its implementation matrix is unrealistic, too ambitious and too expensive to be implemented. Besides being too ambitious, the implementation of the peace agreement may face enormous challenges including the following:

1. Elites Power-sharing agreement and the Non-state security actors: Like other peace agreements, the ACRISS only addressed the political interests of elites at national level through power-sharing arrangements with the assumption that these elites at national level share the same grievances and interests of communities at the grass-root level. The dynamics of conflict and grievances at community level are in most cases not only different from the grievances of elites at national level but are hardly addressed in most peace agreements. As grievances of citizens are structural, built through history, mutating on social, political and economic axis, the elites power-sharing peace settlements can hardly address these local grievances nor nurture vertical and horizontal social cohesion and lead in most cases to eruption of new violent conflict. As CPA failed to address the root causes of conflict and dynamics of conflict at community level such as the emergence of non-state security actors such as *gelweng/titweng* and *Nuer White Army*, the violent conflict erupted again and spread rapidly at community level where old grievances were not addressed.

The ACRISS exhibits similar features of CPA as an elites power-sharing settlement with less involvement of the non-state security actors such as *gelweng/titweng* and *Nuer White Armies* who are assumed to have full allegiance to their elites at the national level. In comparing the two peace agreements in relation to non-state security actors, the actual provisions related to the non-state security actors are provided below:

1. Agreement on the Resolution of the Conflict in South Sudan states in Section 1.6 of Chapter II on Permanent Ceasefire and Transitional Security Arrangements states that:

“The warring parties agreed that all non-state security actors including, but not limited to the Sudanese Revolutionary Forces (SPLM-North, JEM, SLA-Minawi, SLA-Abdulwahid) to be disarmed, demobilized and repatriated by the state actors with whom they have been supporting within the Pre-Transitional period”.

2. The CPA, on the other hand, in Section 7 of Chapter VI on Security Arrangements states that:

- a. *No armed group allied to either party shall be allowed to operate outside the two forces.*
- b. *The Parties agree that those mentioned in 7(a) who have the desire and qualify shall be incorporated into the organized forces of either Party (Army, Police, Prisons and Wildlife forces), while the rest shall be reintegrated into the civil service and civil society institutions.*
- c. *The parties agree to address the status of other armed groups in the country with the view of achieving comprehensive peace and stability in the country and to realize full inclusiveness in the transition process.*

Both peace agreements did not make specific reference to the other non-state security actors such as *gelweng/titweng* and *Nuer White Army* despite their pivotal role in the dynamics of

conflict in South Sudan. Unlike CPA and without learning from the previous experience of comprehensive civilian disarmament programme, the ACRISS refers only to disarmament and demobilization of non-state security actors without reference to incorporation, reintegration or even reconciliation.

In comparison to CPA, the ARCISS may pose enormous challenges for the government to discharge its core function of monopoly of violence at the community level if the role of the non-state security actors such as *gelweng, titweng, Nuer White Army and other ethnic group militias* is not adequately addressed. Given the level of violence, mistrust and proliferation of small arms as well as mushrooming of ethnic militias, the government will be unable to easily reach all parts of South Sudan and subsequently the non-state security actors will continue to provide protection to their communities. Also the provisions of ARCISS of disarming and demobilizing the non-state security actors within three months have clearly underestimated the magnitude of the problem as well as misdiagnosing the problem without learning from the experience of CPA period. It is extremely important that these non-state security actors to be involved during the implementation of the peace agreement.

2. *The status of 28 states:* The creation of 28 states will pose a real threat to the implementation of the ACRISS as the parties hold rather irreconcilable positions. While SPLM-IO, other political parties including SPLM-FDs and civil society stand with 10 states as provided for in the peace agreement, the government insists on 28 states on the basis that it is the popular demand of the people of South Sudan. Apparently, the SPLM-IO initially favoured the creation of 21 states instead of 10 states and appointed governors for the newly created states but eventually agreed to 10 states as provided for in the ACRISS. The IGAD and JEMC agreed to allow parties to discuss and agree on the boundaries of 28 states and in-lieu of reaching agreement; the 10 states shall be adopted as per the provisions of the peace agreement.

Apparently, the implementation of 28 states faces enormous challenges in terms of boundaries, resources, number of counties, location of state capitals, naming of states, allocation of ministerial portfolios and members of state parliament to various communities. Given the fact that expectations have been raised with the 28 states, it would be appropriate if JEMC should encourage the parties to agree to establish an independent technical committee to study and review the 28 states and come up with recommendations that shall be final and binding on the parties.

3. *Security Arrangements and Security Sector Reform:* The security arrangements will pose a real challenge to the implementation of the peace agreement. The size of the forces of SPLM-IO has not been agreed upon nor the size of the national army for South Sudan. Given such ambiguity in the peace agreement, the region and international community to put more focus on security sector reform. There are wealth of experiences from other countries of how to establish a national army that will reflect the ethnic diversity. At least the parties should be encouraged to agree on the starting size of the national army for effective security reform such as the size of SPLA that existed before the eruption of civil war on 15th December 2013.

4. *Working relationship between the President and his First Vice President:* Given the history of rather bitter political relations between President Salva Kiir and Dr Riek Machar

and the power-sharing arrangements that give the First Vice President the veto power on some issues related to the peace agreement as well as their incompatible political aspirations for the next elections, it is likely that the working relations between the two leaders will be acrimonious that may undermine the implementation of the peace agreement. There is a need for the region and international community to encourage creation of informal forum consisting of individuals with positive and reconciliatory attitudes from the church leaders, SPLM-FDs, SPLM-IG, the chairperson of SPLM-DC and eminent personalities to nurture good working relations between the President and his First Vice President.

5. *The final status of Abyei area:* The final status of Abyei is one of the pending issues of the CPA that threatens peace and security between Sudan and South Sudan. Apparently Abyei Protocol is the only protocol of the CPA that is based on the US Proposal entitled “Principles for Agreement on Abyei” that was carefully prepared by the US State Department and presented to the Vice President Ali Osman and Dr John Garang Senator John Danforth on March 19, 2004 in Naivasha, Kenya. President Bashir deliberately obstructed the implementation of Abyei Protocol by rejected the final and binding report of Abyei Boundaries Commission (ABC), the final and binding award of the Abyei International Court of Arbitration (ICA) that defines the areas of the nine Ngok Chiefdoms transferred to Northern Sudan from South Sudan in 1905 as well as the final and binding the proposal of African Union High-Level Implementation Panel on the resolution of Abyei conflict and the conduct Abyei referendum under supervision of AU in October 2013 with clear definition of those eligible to vote to include members of Ngok Dinka and other residents but not Arab nomads. President Bashir did not only obstruct the implementation of Abyei Protocol but also invaded and committed atrocities in Abyei area in 2008 and 2011.

The failure of President Bashir to implement a very clear protocol after the award of Abyei International Court of Arbitration has been attributed as well to American officials. Douglas Johnson, a highly respected historian on two Sudans, wrote on May 30, 2011 in the *New York Times* that “...American officials have unwittingly encouraged the Bashir regime to take hard line by supporting successive compromise proposals rather than insisting that Khartoum adhere to the peace agreement and abide by the court ruling”. Specifically, Mansur Khalid, a respected Sudanese scholar and writer on two Sudans, wrote in his book titled “The Paradox of Two Sudans”, 2015:pp 264-265 that “As South Sudan came close to the referendum, the United States started a process of high-level mediation. Senator John Kerry, chair of the US Senate Committee on Foreign Relations, and General Scott Gration, the presidential envoy to Sudan, intervened on behalf of their government, not to push for implementation of the ABC report or the ICA award, but to find a solution outside the protocol.”

Khalid further continues to state that “It is ironic that the Abyei question, which was assumed after the conclusion of the CPA to be the most manageable problem, turned out to be the most vexatious as a result of the constant shifting of goal poles by the National Congress Party (NCP) and Misseriya spokesman. Elements within that group also appeared to be blatantly acquisitive: the more they got, the more they wanted. Twice did the parties agree on the final and binding agreement- the ABC report and ICA award- and twice did they renege on their undertakings. In this regard, the position taken by international observers, especially the United States who authored the Abyei Protocol, was defeatist.”

Even when AU High-Level Implementation Panel for Sudan headed by President Mbeki, the former president of South Africa, came with the final and binding proposal titled “Proposal on the Final Status of Abyei Area, September 21, 2012” (see attached) that was adopted and endorsed by AU Peace and Security Council and forwarded to the UN Security Council to be implemented under Chapter IV of the UN Charter. The AU proposal was watered down by Russia with no effective role played by US in the UN Security Council in defending AU Proposal on the final status of Abyei area. Left with no any other option, the people of Abyei Area conducted their own community referendum in accordance to the criteria, time and provisions provided for in the final and binding AU Proposal on the Final Status of Abyei Area, with overwhelming majority of voters (99.8%) chose to be part of South Sudan. Following the Abyei community referendum, the people of Crimea of Ukraine and without any agreement between Ukraine and Russia conducted their own referendum and voted overwhelmingly to be part of Russia. The outcome of this referendum was not only accepted by Russia but effect it immediately by declaring Crimea to be part of the territory of Russia. Interestingly, Sudan supported and recognized the outcome of the Crimean community referendum and the decision of Russia to annex Crimea to the territory of Russia. Paradoxically, Sudan and Russia failed not only to recognize the outcome of Abyei community referendum but also rejected the final and binding AU Proposal on the Final Status of Abyei Area.

Apparently, there is a positive development between the community of Abyei area and their neighbouring Misseriyia community to revive their traditional relations based on mutual benefits and regardless of the final status of Abyei area. Such development needs to be supported. Also the U.S. has a moral obligation as the author of Abyei Protocol to encourage South Sudan and Sudan to recognize the outcome of Abyei community referendum and to use its diplomatic outreach to convince Russia and China to work on Sudan to recognize the Abyei community referendum or to agree to implement the final and binding AU Proposal on the Final Status of Abyei Area. The resolution of the final status of Abyei Area will greatly contribute to cementing good relations between Sudan and South Sudan that will contribute as well to peace and security in both countries.

6. *The CPA Unfinished Business: Southern Kordofan and Blue Nile:* As I mentioned in my testimony in 2007, the sustainable peace in the Sudan will primarily hinge on the stability in the transitional areas of Abyei, Nuba Mountains, Blue Nile, Eastern Sudan and Darfur as these areas represent the majority of the marginalized rural Sudanese. Indeed, the extent to which Khartoum can continue to commit and in fact build upon these CPA principles going forward will be a yardstick by which it will be able to measure the peace that it can secure internally. I mentioned in my statement before this committee on 24th January 2007 that “In case the implementation of the CPA fails to provide a meaningful self-rule in Nuba Mountains and Blue Nile, then the chance that war will erupt again is most likely in these transitional areas.”

The resolution of the conflict in Southern Kordofan and Blue Nile is the unfinished business of the CPA. The current conflict in the two areas is virtually imposed by Sudan on the people of the two areas who accepted CPA with their own self-rule to be improved upon through the popular consultation provided for in the CPA. The instability and conflict in the two areas will continue to be a dagger in the relations between Sudan and South Sudan with far negative consequences to the peace and security in the two countries. Sudan will continue

to accuse South Sudan in supporting militarily the SPLM-North even when South Sudan may not have capacity or even political will to do so. Also South Sudan needs to be seen taking a proactive and active role in mediating between Sudan and SPLM-North in finding a lasting peace in the two areas that will have profound positive impact on peace and security in the two areas.

7. *The Role of Sudan:* Sudan will continue to play a critical role in peace and security in South Sudan. In recent years Sudan has been successful in asserting itself diplomatically in the region and in Islamic and Arab world. Its strategic stance in support of Ethiopia on Renaissance Dam has placed Sudan in the good books of Ethiopia and US indirectly because of their strategic relations. The opportunistic engagement of Sudan in the Yemen civil war by siding with Saudi Arabia and its rather surprising move to stand with Saudi Arabia over its diplomatic wrangling with Iran by severing and cutting diplomatic relations with Iran elevates its diplomatic status among the Arab countries as well as sending positive signal to the Western countries, particularly US. Also its military involvement in Libya made Sudan a key and unavoidable player and partner in ending civil war in Libya.

This diplomatic success of Sudan conceals the real colour of Sudan as a wolf in sheep's clothing. In South Sudan, Sudan pursued aggressive and effective policy of strangulating South Sudan politically, economically and diplomatically and to show to the Western countries and USG that their political project of the secession of South Sudan from Sudan is a total failure. Besides its cancerous role in destroying South Sudan, Sudan pursues annihilation and ethnic cleansing of the African ethnic groups in Nuba Mountains and Blue Nile as it did in Darfur. There is growing evidence that shows Sudan has strong link with Islamic terrorist organizations in West Africa, Central Africa, East Africa, Egypt, Libya, Middle East and Somalia. While the Western countries and US may consider softening its relations with Sudan, the revival of ICC indictment of President Bashir; particularly in the light of more atrocities committed in Abyei and are being committed in Darfur, Nuba Mountains and Blue Nile will be critical for ensuring justice and accountability in Sudan.

There is no doubt that Sudan is important for peace and security in South Sudan and it should be engaged to take a positive role in supporting the current peace agreement. The Cooperation Agreement between Sudan and South Sudan and particularly the oil export agreement should be negotiated in a realistic manner as it will not be economically viable in the near future with such low oil prices for South Sudan to pursue building an alternative pipeline. South Sudan should also adopt a more proactive foreign policy of building sincere good relations with Sudan with mutual interests and benefits that will rest on the stability, peace and democracy in the two countries.

7. Conclusion: Urgent Steps and Actions

- *Making the Cost of Non-Implementation More Than the Cost of Implementation:* The option for implementing the peace agreement should be the top priority and it should be given all possible attention to succeed at all possible costs. Given the fact that there are forces anti-peace, the region and international community as well as the people of South Sudan should make the non-implementation of the peace agreement very unattractive and to make its implementation more attractive. Some of ways of

making the cost of non-implementation extremely high is to continue with the threats of sanctions; particularly against those who will continue to obstruct the peace agreement. Also the implementation of peace agreement must be made attractive by showing to the people of South Sudan that peace will eventually be a win-win situation. This can only be realized by availing more investment in provision of basic services and infrastructure and investing in the Comprehensive Agriculture Master Plan (CAMP) and Irrigation Development Plan currently initiated by the government as the most important pathways to sustain peace and development as well creating employments opportunities for the marginalized rural areas and youth.

- *Sequencing Peace, Justice Accountability:* While peace agreement has provided mechanisms for transitional justice. It is important that efforts should be made not to jeopardize the process of achieving justice and accountability by rushing to them without creating conducive environment. Peace is a prerequisite and one of the conditions for creating conducive environment for achieving effective justice. There are good lessons to be learned from the Kenyan experience by starting with peace while initiating simultaneous healthy process of laying solid basis for pursuing justice. Also the evidence collected by the government through various investigation committees must be made available to the Hybrid Court and the SPLM-IO must be encouraged to conduct their own investigation about atrocities committed in their areas. While focus of transitional justice is at the national level, local process for transitional justice; particularly local investigation and trial of atrocities committed in the local and grass-root level should be supported. Besides atrocities committed, the accountability for the economic crimes should be considered as well. The information being gathered by UN South Sudan Panel of Experts on Sanctions about economics crimes will be valuable to achieve economic justice accountability through the existing Anti-Corruption Commission or through special courts to be established.
- *The Non-state Security Actors and Defense and Security Sector Reform:* The successful implementation of the peace agreement will largely rest on the security sector reform and how to deal with non-state actors who have not been involved or their grievances have not been addressed by the elites power-sharing agreement. More thorough study review must be initiated and carried out to provide the solid basis for effective defense and security sector reform.
- *The Status of 28 states:* The parties to be encouraged to agree on forming an independent technical committee to review the decision related to the establishment of the 28 states in terms of opportunities and challenges and to come up with recommendations that will be final and binding to the parties of the peace agreement.
- *The Final Status of Abyei Area:* The issue of Abyei will continue to be a thorn in the relations between Sudan and South Sudan if it is not resolved. Given the fact that the people of Abyei area have conducted their referendum on the basis of the final and binding AU Proposal on the Final Status of Abyei Area, the U.S. has a moral ground as the author of Abyei Protocol not to standby or be a defeatist as described by

Mansur Khalid but to take a proactive role in finding the final resolution to the status of Abyei area. The current engagement between the Ngok Dinka of Abyei area and their neighbours, the Misseriya on normalizing their traditional peaceful relations should be supported with development programs; particularly in areas of education, health, veterinary services, water, sports, trading and access to information through FM radio and internet access.

- *Community Engagement:* Given the fragility of peace agreement, the only way to ensure its effective implementation is to make communities of South Sudan to own this agreement through civic education by making them to understand the content of the peace agreement in their own local languages through local FM radios and to know as well their responsibilities and the status and challenges facing its implementation.
- *The Centrality of the SPLM:* Although there are strong arguments for dismantling SPLM and formed new parties as the basis for promoting effective multi-parties democratic system of governance, contemporary experiences of overhauling the entire system did not produce good results. The SPLM is not different from other liberation movements that entered into difficult process of transition to an effective political party. Nurturing the democratic reform within the SPLM as provided for in the Arusha SPLM Reunification Agreement as well as supporting other political parties and civil society and media, will all contribute to laying down pillars for democratic system in South Sudan.
- *Scenarios Analysis:* On the basis of the enormous challenges that may be encountered in the implementation of peace agreement and given the anti-peace attitudes exhibited so far by some influential individuals in key positions in the government and SPLM-IO, the likelihood that the peace agreement may fail is considerably high or there would be a situation of no-war and no-peace. While the focus will be on the full implementation of the peace agreement, it would be appropriate if a thorough scenarios analysis and study to be conducted earlier and to provide the basis for the possible options for proactively addressing such scenarios.
- *South Sudan Viability:* Despite the gloomy picture being painted about South Sudan, it is important to remember the bright face of South Sudan. These are the people who stood firmly in defending their identity and beliefs and fighting the political Islam agenda in Sudan including Osama Bin Laden, the founder of al-Gaeda. The people of South Sudan have been in a constant struggle for their survival through centuries and they are peace loving and believe strongly in freedom. South Sudan is well-endowed with enormous untapped resources and if utilized and managed efficiently, South Sudan can easily emerge with one of the strongest economies in the region. U.S. has invested heavily to seeing South Sudan successful and prosperous, despite the shortfalls still there is a brighter future that can be realized by the people of South Sudan with support from their friends such as United States of America

Thank you for allowing me to share with you my optimism and concerns about the prospects of peace and security in South Sudan. I strong believe that the people of South Sudan will one day rise up to their expectations and God-given potentials and to put their

country on the path of peace and prosperity with the usual support of their friends; the people of the United States of American and their government.