



United States Institute of Peace

The Growing Crisis in South Sudan

**Testimony before the House Foreign Affairs
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Chairman Smith, Ranking Member Bass, members of the Subcommittee, I appreciate the opportunity to testify today on the situation in South Sudan. The views I express are my own and not those of the U.S. Institute of Peace, where I am a Senior Advisor.

I would like to take this opportunity to thank you, Mr. Chairman, for the attention, support and counsel you provided during my time as the President's Special Envoy for Sudan and South Sudan, and am pleased to see that this Subcommittee continues to give this situation the attention and focus it deserves. Mr. Chairman, Congresswoman Bass and members of the Subcommittee and of the Congressional Sudan & South Sudan Caucus, all of us concerned with the terrible conflict now under way in South Sudan are grateful for your work to help find a way out of it and for the people of South Sudan to enjoy the fruits of the independence for which they fought and sacrificed for so long.

I will not take much time to go over the background or current situation in South Sudan. You have recently visited there, and have earlier today had the benefit of hearing from Ambassador Donald Booth. I would like to concentrate therefore on what steps might be taken not only to end the conflict, but to bring about a proper degree of accountability and substantial political transformation.

The peace plan negotiated by the Intergovernmental Authority for Development, (IGAD), is on paper a thorough and far-reaching approach to bring about not only peace but basic political transformation toward a democratic and responsible government. It includes a Hybrid Court to address gross violations of human rights, and a reconciliation process to deal with underlying tensions that have wracked South Sudan. The problem is that it depends on the cooperation of the very antagonists who brought about the current civil war and the terrible suffering in the country. It is understandable that IGAD would feel it necessary to bring about an agreement of the "guys with the guns," the ones who were carrying out the conflict. But without a more intensive and authoritative international oversight of the peace process, the likelihood that these same antagonists would carry out a true political transformation was minimal. Instead they continued to carry out their rivalry, including violations of the supposed cease-fire, until once again the two sides were at war with each other.

It would similarly be an illusion to think that with the exile of former Vice President Riek Machar, and his replacement by Taban Deng Gai, we now have a true government of national unity that can unite the country. Taban Deng does not command the loyalty of all those forces that have been fighting the government of Salva Kiir. Without broad-based participation in a transitional government, conflict will surely continue. Indeed conflict continues now in several parts of the country.

Further we have the deeply disturbing phenomenon of both government and opposition forces perpetuating the terrible humanitarian crisis in the country, in part by forcibly blocking humanitarian programs. Even worse, more than fifty aid workers have been killed by these forces, others attacked, and obstacles put in the way of transporting food, medicines, and other help to the millions facing terrible conditions. I find it particularly outrageous that the international community is spending more than a billion dollars a year, and losing the lives of its aid workers, to help the South Sudanese people while their leaders not only block those efforts

but kill and attack aid workers. On both sides, moreover, as documented by the Africa Union's Commission of Inquiry and in more recent reports, horrendous human rights violations have been perpetrated, most recently at the Terrain Compound. There is no more convincing evidence that the current leadership on both sides lacks the sense of responsibility and the commitment to its citizens that goes with the rights of sovereignty.

Recently Kate Almquist, Director of the Africa Center for Security Studies, and I published an op-ed calling for an international administration to be placed over South Sudan. It would require an agreement of the United Nations and the African Union that such administration was necessary and that the two organizations would jointly administer it. We made that proposal because the current oversight mechanism called for in the IGAD-negotiated peace process, the Joint Monitoring and Evaluation Committee (JMEC), headed by former president of Botswana Festus Moghae, lacks the authority and sufficient backing from IGAD to hold the leaders to their commitments. President Moghae himself has reported that the so-called transitional government of national unity had carried out almost none of the required steps under the peace process. But IGAD has not responded with tougher measures on the parties. Divided, in competition for influence and advantage in the situation, IGAD members have not called for an arms embargo or other telling pressures on the parties. Moghae has almost no real influence over the process as a result.

The UN Security Council (UNSC) is hamstrung by the divisions within IGAD and the African Union. There is a useful adage that applies here: when the Africans are divided, the UNSC will be divided. Without a strong call from IGAD or the African Union for an arms embargo or further pressures on the leaders of South Sudan, the UNSC will divide. Moreover, any arms embargo or other sanctions would have to be implemented by these same neighboring countries. If they are not so committed, even if the UNSC passed such measures, they would not be implemented.

The reaction to our op-ed has been mixed. The primary argument against it is that South Sudan is an independent sovereign country. For the African Union in particular, it would be a dangerous precedent to take away a country's sovereignty. It would be hard as well to convince the country's leaders to agree. If those are real obstacles, there is another way. IGAD should amend the current peace agreement, giving the JMEC real oversight authority. Such authority would include being able to act when the parties cannot agree or refuse to go forward, e.g., to make key appointments, start the constitution-making process, etc. JMEC's authority would have to be backed up by strong pressure from the IGAD members. These would include an arms embargo, trade restrictions, and other measures. If IGAD and the African Union want to keep the lead in the peace and avoid the precedent of a UN-type trusteeship, these are the steps needed to be taken. So far, however, the divisions within IGAD are so deep, and the lack of firmness with the parties so ingrained, that I do not see movement in this direction.

That brings me to the security situation on the ground. The terrible events at the Terrain Compound, after similar events in Malakal and elsewhere, expose the weakness of the United Nations Mission in South Sudan (UNMISS) in carrying out its mandate for civilian protection. There are problems here that go to the structure and mandates of UN peacekeeping missions in general that I will not try to address here. But particularly in South Sudan, while the mandate

itself is sufficient, there is an almost built-in resistance to taking up arms against forces of the host government, particularly a government that has been consistently hostile to its mission as the Kiir government has been. UNMISS is not prepared, nor is the UNSC necessarily ready to manage the possible fall-out from that. Troop contributing countries did not sign up for such a confrontation. The partial solution now proposed, to add 4,000 troops to UNMISS, seems to me to be only a partial answer. Importantly, if an additional 4,000 troops are to serve as an enforcement mission, ready to forcibly prevent attacks on civilians, they should ideally not be part of UNMISS, but rather authorized separately by the UNSC with a more forceful mandate and understanding among the countries contributing troops.

But more of concern, any peacekeeping or peace enforcement mission should be part of a political strategy. If the additional 4,000 troops are to be sent without any changes in the way the peace process is organized and enforced politically, there is little it will likely accomplish. It will run into the same opposition and resistance from the Kiir government, face the same dilemma of whether and what backing it will get from the international community if it has to confront government forces, and while stationed only in Juba will have no influence over the continuing violence in the rest of the country.

In sum, the answer to the violence, the terrible violation of human rights, the tremendous humanitarian crisis among the population, is to recognize that the current leadership and its major opponents have already violated the principles of sovereignty and have forfeited the right to claim it as a basis for resisting more international intervention. The process however has to start with IGAD, and with the African Union. They are now in charge, and they will have the greatest responsibility to enforce any firm oversight arrangement. If they are prepared to strengthen the current peace process accordingly, then that would make sense as the way forward. If not, it would be wise to ask the UN and the African Union to take on a much greater international role.

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