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TO: U.S. Secretary of State Mike Pompeo

FROM: Rob Boswell, The Enough Project

SUBJECT: Recommendations for Conflict Prevention and Civilian Protection in South Sudan

SUMMARY

In September 2018, South Sudan's major warring factions signed a peace deal calling for a permanent ceasefire and the creation of a transitional government. In order to prevent future conflict and to protect civilians, the Enough Project recommends that the U.S. engage diplomatically, provide funding, and impose targeted sanctions to support the current peace deal, protect civilians, and fight elite-driven corruption.

CONTEXT

In 2013, two years after gaining independence, South Sudan collapsed into a civil war that has killed some 400,000 people and displaced over four million civilians. The two largest parties to the conflict are the government, headed by President Salva Kiir, and the South Sudan Liberation Movement-in-Opposition (SPLM-IO), led by former Vice President Riek Machar.

Kiir and Machar signed a ceasefire in June 2018 and a peace deal in September 2018. The peace deal reinstates Riek Machar this time as the first among five vice presidents, establishes a transitional government, and calls for elections to be held in 2022 to fill seats in a permanent democratic government system. One past peace agreement and ten past ceasefire agreements have failed. Some observers believe early signs indicate that the current peace deal may hold, including an overall major reduction in violence between warring factions since the ceasefire was signed, the fact that President Kiir has released political prisoners and pardoned political opponents, and the fact that small ceasefire violations have not escalated into a larger-scale conflict.

Yet, recent events – including spikes in fighting at the end of 2018 between groups which had signed onto the revitalized peace deal, government led attacks against the National Salvation Front (NAS) rebel group in Yei River State in January 2019 (which displaced 8,000 civilians) in an apparent effort to force NAS to also sign onto the peace agreement, government troops attacking and robbing official international ceasefire observers, and a documented upsurge in sexual violence against civilians in late 2018 – suggest the peace deal is still tenuous. A sustained peace deal would significantly increase ground-level stability, an essential precondition for a stable government, reconciliation between warring factions, and long-term peace.

The civil war has seen atrocities against civilians perpetrated by all sides, including ethnically motivated killings, systematic destruction of dwellings and livelihoods, widespread sexual violence, and use of child soldiers. The instability has generated severe food insecurity, high public health risks including vulnerability to Ebola outbreaks, economic devastation, and the world's fastest-growing refugee crisis. The International Rescue Committee still classifies South Sudan among the 3 worst humanitarian emergencies in the world, and over 100 killings of aid workers have been documented since the war began.

I identify the following key factors influencing the trajectory of the conflict:

- **Influence by neighboring countries.** Both South Sudan and Sudan's economies rely heavily on oil, which is produced in South Sudan and transported to international markets via a Sudan-owned pipeline. Most of South Sudan's oil fields are located in territories controlled by Machar's forces; to safeguard Sudanese oil profits, Sudanese President Omar al-Bashir has supported the SPLM-IO against the South Sudanese government in the past. Nevertheless, if the revitalized peace deal holds, Sudan's economy stands to improve due to the pipeline fees it charges South Sudan. Uganda has provided Kiir's government with military aid during the civil war, and is currently South Sudan's largest trading partner: Uganda exports \$189 million worth of goods to South Sudan annually. The fall of the government would endanger these trade ties. As Sudan and Uganda had previously, at times, used their respective allies in South Sudan to engage in a proxy war, the fact that the September 2018 peace deal (as opposed to the failed 2015 deal) is backed by Sudan and Uganda as guarantors suggests the regional rivals increasingly see it in their national interests to push the warring parties to finally end the fighting.
- **Ethnic tensions.** President Kiir is a member of the Dinka, the largest tribe in South Sudan. Riek Machar is a member of the Nuer, the second-largest. The two groups have a long history of economic and political rivalry and conflict; these existing tensions were severely exacerbated by Kiir and Machar's rivalry during the war for independence from 1991 to 2005, as well as by the post-independence civil war. Dinka-Nuer clashes characterized much of the fighting in both conflicts.
- **Low trust.** The protracted nature of the conflict and the failure of past ceasefires and the 2015 peace deal have eroded trust between warring factions, and the tribes they represent.
- **Leaders' unclear commitment to peace.** Kiir and Machar have both previously ordered attacks in violation of ceasefires, and have often shown greater commitment to seizing military and political power than to the responsibilities of governance.
- **Corruption.** Rampant corruption perpetuates the conflict by funding arms buildups and enriching militant leaders. Government proceeds have been distributed among loyal leaders and their families through overseas shell companies, and Kenyan and Ugandan banks have refused to investigate claims that their financial institutions facilitate large-

scale money laundering and luxury purchases by South Sudanese leaders. Nilepet, South Sudan's state-owned oil company, sees little to no regulation or auditing, and has transferred oil profits to the government; these profits were used to buy arms for government and Dinka forces, which were found to have committed atrocities shortly thereafter. UN sanctions monitors reported in 2017 that at least half of the 97% of South Sudan's nationwide revenues that come from oil sales are used to buy weapons and fund armed groups. The SPLM-IO gains money by extracting and then transporting teak, mahogany, and oil from territories it occupies to smuggling routes via bordering states.

RECOMMENDATIONS

To prevent future conflict and protect South Sudanese civilians, I recommend applying the following tools:

- **Diplomatic influence.** The U.S. played a significant role in facilitating, negotiating, and backing both the 2005 Comprehensive Peace Agreement between Sudan and South Sudan, and the 2015 peace deal. Although both Kiir and Machar have expressed frustration at foreign intervention in South Sudanese affairs, the U.S. retains diplomatic influence in South Sudan and in neighboring countries.
- **Funding.** The U.S. can support aid and protection of civilian projects through funds to UNMISS, UNHCR, and local and nonprofit aid organizations, and encourage the mobilization of funds from other countries to support these efforts.
- **Sanctions.** Targeted sanctions explicitly linked to corruption and atrocities may deter perpetrators, disable their arms funding sources, and prevent them from obtaining laundered money.

Recommendation 1: Support the Peace Deal

1. **Increase legitimacy of the new government.** A new democratic government and electoral system cannot succeed without the support and participation of South Sudanese civilians. An inclusive and just new government system, with representatives from all major social and ethnic groups, and which demonstrates a willingness to prosecute atrocities fairly, may be less likely to face rebellion or claims of unfair treatment.
 - a. **Encourage broad representation in government.** Hundreds of parliamentary seats and other transitional government positions remain unfilled. UNMISS is working at the local level to encourage minorities and women to sign up for these positions; the U.S. should lend logistical and financial support to this work, and urge UNMISS to expand its project to more communities.
 - b. **Urge investigation and prosecution of atrocities.** To increase trust between warring factions, increase the legitimacy of the transitional coalition government,

and dissuade future violence, South Sudan must investigate and prosecute the worst atrocities of the civil war. The U.S., alongside UNMISS, neighboring states, and fellow Troika members Norway and the U.K., should continue to urge leaders in the transitional government to fairly and transparently investigate and prosecute perpetrators of atrocities on all sides of the conflict. The US must urge officials from the government and opposition groups to finalize the creation of the hybrid court that was agreed to as a part of the 2015 and 2018 peace deals.

2. **Secure support from regional governments.** The U.S. should proactively deter neighboring nations from facilitating violence, and urge these neighbors to pressure all parties to the peace deal to adhere to the agreement. If necessary, the U.S. should incentivize compliance through offers of debt relief, security assistance and aid.
 - a. **End arms sales to South Sudan.** Sudan, Uganda, and Egypt have fueled the civil war by selling weapons to various South Sudanese warring factions. The U.S. should challenge them to prove their commitment to peace by verifiably ending these arms sales. It is especially important that smaller, non-signatory opposition groups are cut off from external funding and weapons, to prevent them from becoming spoilers and to encourage them to sign on to the peace deal.
 - b. **Encourage aid and investment in infrastructure from neighboring countries.** Neighboring countries have frequently offered aid and development assistance to South Sudan. For instance, Egypt and Sudan assisted South Sudan in 2011 by building schools, clinics and other critical institutions; Kenya has transportation deals in place with the current government to build roads and pipelines between South Sudan and Kenya; and an agreement with Uganda has promised a railroad line from Juba to northern Uganda. The U.S. should urge these nations to follow through on their commitments and offer further aid.
3. **Oppose state boundaries based on tribal borders.** The current peace deal calls for permanent state boundaries to be drawn based on major tribal boundaries. Under this system, minority groups present within those boundaries will lack representation; such a system will reinforce governance based on tribal identity, and threatens to exacerbate ethnic tensions which may encourage future resurgence of conflict. Vice President Machar has voiced opposition to this aspect of the peace deal, and the matter continues to be negotiated between the two sides. The U.S. should encourage Uganda and Sudan to urge parties to the conflict to negotiate a more inclusive plan for governing.

Recommendation 2: Protect civilians and support ground-level peacebuilding

1. **Protect civilians.** Long-term peace cannot be achieved without ground-level stability and the return of economic activity.
 - a. **Protect and return refugees.** South Sudan's civil war has displaced over 4 million people. UNMISS Protection of Civilian camps have suffered attacks by

both government and rebel fighters, and refugee camps in neighboring Uganda, Kenya and Ethiopia suffer from resource shortages. A successful peace deal must both facilitate refugees' and IDPs' safe return, and create an environment secure enough for them to rebuild their lives. The U.S. should engage diplomatically with all major warring factions as well as neighboring countries to establish safe vehicle transport routes for displaced persons to return to their homes.

- b. Prevent government obstruction of aid.** Half of documented deaths during the civil war were a result of starvation or disease, and six million South Sudanese civilians remain food insecure. Still, South Sudan's government has frequently prevented UNMISS peacekeepers from delivering aid. The U.S. should exert pressure on parties to the peace deal to abide by provisions forbidding obstruction of humanitarian aid.
- c. Fund civilian protection.** In keeping with the 2017 U.S. National Security Strategy's commitment to "support displaced people close to their homes to help meet their needs until they can safely and voluntarily return home," the U.S. should contribute funds to UNHCR, UNMISS and local aid organizations for civilian protection both inside South Sudan and in neighboring countries, and encourage other wealthy countries to do the same. Currently, only 33% of the funds requested by UNHCR for South Sudanese refugees have been provided.
- d. Increase UN troop presence and effectiveness.** In 2016, UNMISS troops were the subject of a UN Independent Special Investigation regarding their failure to protect civilians in Juba. The investigation found that ineffective command and control and a risk-averse posture had resulted not only in failures to protect civilians, but also a loss of confidence among locals and humanitarian agencies in UNMISS' willingness and ability to protect civilians under threat. The U.S. should urge continued reform of UNMISS activities, training, and command and control to establish a forward-leaning, mobile, prevention-focused posture, in line with the investigative report's recommendations. It should also seek to convince fellow Security Council members of the need to expand the number of UN peacekeepers in South Sudan to help stabilize the tenuous peace.
- e. Complete RPF deployment.** All warring factions have agreed to the deployment of the 4,000-strong UN Regional Protection Force to secure Juba while peace talks and transitional government planning takes place. RPF troops are replacing UNMISS troops in Juba, allowing UNMISS forces to deploy to areas where civilians are under greater threat. However, UNMISS has deployed only 2,300 of these troops so far, and lacks the funds to deploy the remaining 1,700. The U.S. should fund the rest of the deployment, or negotiate with parties to the peace deal to allow troops volunteered by IGAD countries to make up the remainder of the force. However, the U.S. should push back against the idea of troops from Uganda and Sudan joining the RPF due to their past involvement in the conflict.

2. **Invest in ground-level peacebuilding.** Increasing inter-ethnic dialogue and facilitating reconciliation between members of warring factions may increase stability, reduce ethnic tensions, and discourage fighter recruitment. Either unilaterally or through UNMISS, the U.S. should lend both financial and logistical support to peace centers and peacebuilding NGOs working in South Sudanese communities, as well as local community-based reconciliation efforts (including customary law-based reconciliation procedures).
3. **Incorporate development into aid efforts.** Short-term aid may be lifesaving in crises; however, longer-term infrastructure and economic development needs must also be addressed in order to restore stability, and wean the country off its excessive dependence on oil revenues. Furthermore, training South Sudanese civilians in medical aid provision, construction, and other development capacities can increase the sustainability and effectiveness of aid and development work, while reducing South Sudanese reliance on foreign aid. The U.S. should therefore ensure that its aid funding to South Sudan includes funding for infrastructural, economic, and education/skill development projects.
 - a. **Explore development aid opportunities through the U.S. International Development Finance Corporation.** The USIDFC holds over sixty billion dollars in loans and potential insurance policies available for investment in companies operating in developing nations. Through the USIDFC, the U.S. should partner with companies that will work to rebuild South Sudan.

Recommendation 3: Fight corruption

1. **Close money laundering avenues.** The U.S. should identify financial institutions in Kenya and Uganda that facilitate South Sudanese government corruption, threaten sanctions that will lock these institutions out of the U.S. financial market, and follow through on these threats if they are ignored. The U.S. should also apply intense diplomatic pressure on Kenya and Uganda to take action against these institutions.
2. **Internal and independent monitoring of oil transactions.** The U.S. should encourage both South Sudanese leaders and the African Union to set up strict budgeting and accounting protocols within Nilepet, establish regular auditing, and place AU observers at Nilepet's headquarters to monitor and report back to the AU on Nilepet's oil and financial flows.
3. **Prevent commodity smuggling at the borders.** The U.S. should pressure bordering states to clamp down on the smuggling of expensive woods and oil from the SPLM-IO. The U.S. should also provide intelligence on smuggling operations to neighboring state authorities.
4. **Demonstrate U.S. commitment to sanction arms embargo violators.** Threaten, and follow through on, sanctions against any country, entity, or individual found to have violated the newly established UN arms embargo in order to help protect civilians.