

## Peace agreement in South Sudan Ambitious but hard to deliver

### SUMMARY

In August 2015, under considerable international pressure, a peace agreement was signed in South Sudan: it aimed to end the violent civil war that had broken out two years earlier. The conflict was caused by a number of entangled factors that can be boiled down to a struggle for power and oil in a devastated country. Soon after gaining independence in 2011, the rivalry between the two main leaders, Salva Kiir and Riek Machar, that had been subdued, erupted again.

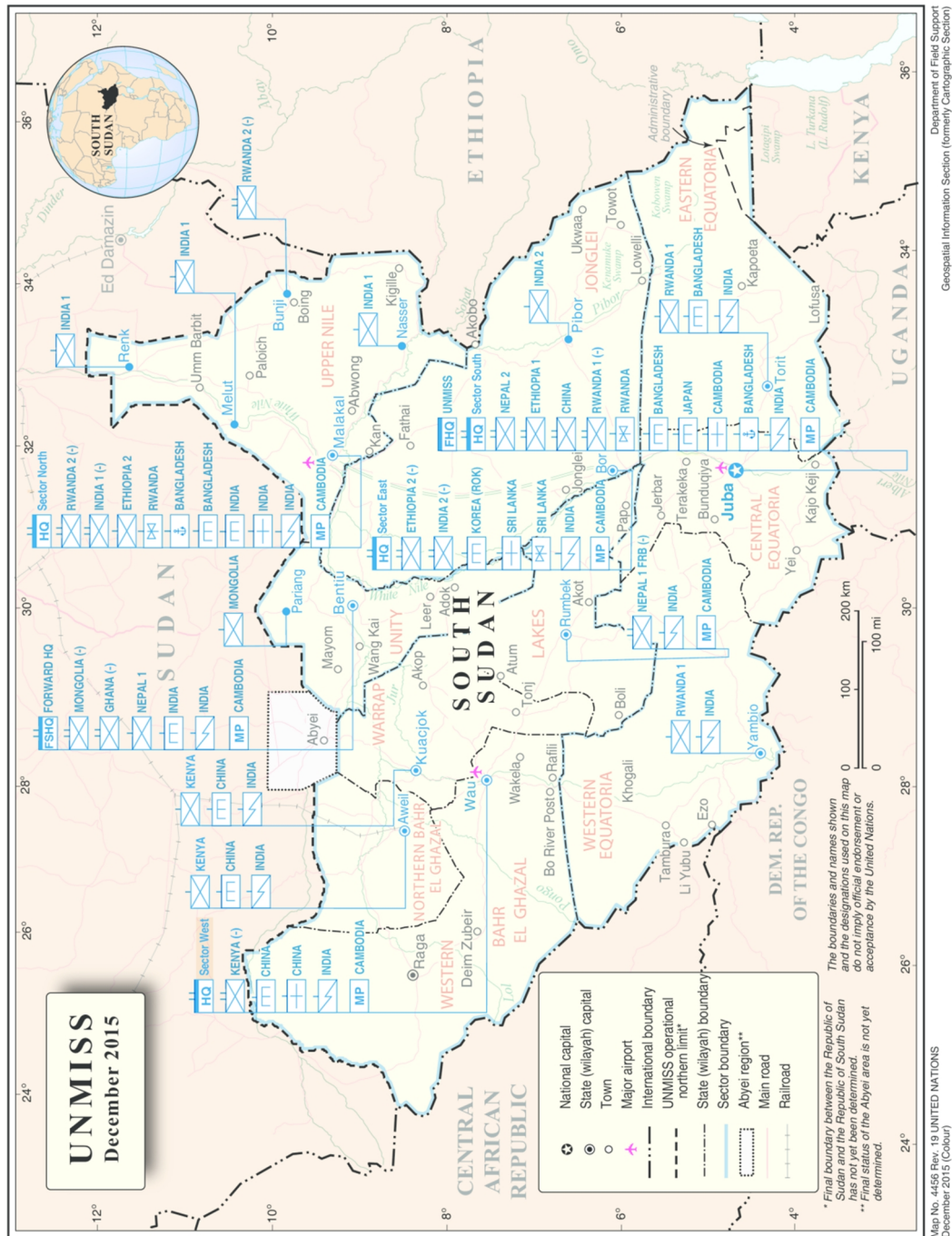
In July 2013, President Kiir dismissed Vice-President Machar. The following December, ethnic conflict erupted within the army, tragically spreading to the civilian population and leading to a humanitarian catastrophe. The 2015 peace agreement is an important benchmark towards peace and reconciliation, as it addresses the main issues: establishment of an inclusive government; demilitarisation and reinsertion in civilian life of a large number of well-equipped militias; proper mechanisms for transitional justice and reparation; immediate measures to facilitate humanitarian access; and a consistent programme to redress the economy. Nevertheless, progress towards implementation of the peace deal is slow: key structures such as the transitional government and the 'hybrid' court have not yet been put in place. Building confidence between the current head of state and his main opponent is a challenging task for international mediators.



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Map of South Sudan: States and UN Mission (UNMISS) positions

Source: [United Nations](https://www.un.org/peacekeeping/missions-and-operations/unmiss/), December 2015.

## Context

In December 2013, political and ethnic tension in two-year old South Sudan erupted in a violent [civil war](#). More than 60 000 people have been killed, 1.66 million have been internally displaced, and over 770 000 have fled to neighbouring countries. Epidemics have affected areas where people have sought refuge. Out of 11 million inhabitants, 4.5 million currently face severe food insecurity. On 26 August 2015, South Sudan's President Salva Kiir endorsed the '[agreement on the resolution of the conflict in South Sudan](#)',<sup>1</sup> previously signed by his main rival, Riek Machar. Kiir made no secret that he was signing under international pressure: during the ceremony hosted by the Eastern African Intergovernmental Authority on Development ([IGAD](#)), he circulated a list of reservations, in particular about clauses he considered a [breach of sovereignty](#), such as demilitarisation of Juba, or regular reporting to the AU or UN. This agreement, brokered by the '[IGAD plus](#)' group (IGAD member states and international observers)<sup>2</sup> is intended to serve as a roadmap for a transitional period, leading to reconciliation and free and fair elections in the country. It is multi-faceted, addressing ceasefire and security arrangements, the functioning of transitional institutions and transitional justice; it also deals with humanitarian assistance and management of the economy. The implementation of the agreement is monitored by an IGAD-led Joint Monitoring and Evaluation Committee ([JMEC](#)).

## Main roots of the conflict

### 2013 crisis in political leadership

South Sudan gained independence from Sudan in July 2011, providing great hope after two decades of conflict between the northern and southern provinces of Sudan. President Salva Kiir appointed his main political rival, Riek Machar, as Vice-President. However, in July 2013, President Kiir dismissed his cabinet on allegations that Machar was plotting a coup. Political and ethnic tensions [escalated](#) in December 2013, when presidential guard troops from different ethnic groups began fighting each other. Violence then spread to the whole population and led to killings, serious human rights violations and massive displacement. The ruling party, South Sudan People's Liberation Movement (SPLM), split following Machar's exclusion from the government in 2013. Machar's followers created the '[SPLM-in-opposition](#)' as well as its armed branch (SPLM/A-IO). Prominent opponents of Kiir, commonly known as '[former detainees](#)', were exiled to Kenya. Five of them were allowed to return to South Sudan in June 2015, and were involved in the peace talks. In March 2015, the Parliament extended Kiir's presidency, and its own mandate [until 2018](#), calling off elections planned for June 2015.

### A legacy of violence

According to the 2015 Global Peace Index, South Sudan is the [fourth least peaceful country](#) in the world. Fact-finding inquiries conducted by the African Union [listed](#) appalling atrocities perpetrated by all sides. The conflict is often presented as rooted in [historical rivalries](#) between the two main ethnic groups (Dinka, with 35.8% of the South Sudan population, and Nuer with 15.6%), but this fails to address other parameters of the violence. As Kiir is Dinka and Machar Nuer, their parties and militias tend to recruit along these ethnic divides in their respective strongholds: the Dinka mainly in the Upper Nile, Northern Bahr el Ghazal, Warrap and Lakes states; the Nuer mainly in Unity and Jonglei states. However, neither the government nor the SPLM/A-IO have full control over armed groups: throughout the country, minor local groups<sup>3</sup> and a [plethora of militias](#) have their [own grievances](#), based on local circumstances, against the main

warring parties. This leads to variable-geometry alliances and conflict, leading to difficulties in drawing up peace conditions which are acceptable nationwide.

#### Supply of arms, international sanctions

The speed and magnitude of violence can be explained by the fact the country is '[awash with arms](#)'. In 2015, the UN panel of experts on South Sudan [documented](#) the presence of large amounts of sophisticated weapons on both sides:

- The South Sudanese army was equipped through a cooperation deal with [Uganda](#), and official state-to-state transactions with China; [Israeli weapons](#) have also been observed, but Israel denies any official arms trade.
- As for the rebel forces, their weapons may have been seized from the army during conflict, or even supplied by South Sudanese soldiers who deserted and joined the opposition ranks. Looting from [international forces](#) has also been alleged by the Small Arms Survey. The South Sudanese government suspects its northern neighbour of supplying [arms to rebel forces](#), which has been denied by Khartoum.

To mitigate the arms flow, **sanctions and arms embargos** were introduced at international level:

- Asset freezes and travel bans against individuals who jeopardise the peace process are laid down in a [UNSC Resolution](#) of March 2015, but there is no consensus on their application,<sup>4</sup> and the United Nations [could not reach an agreement](#) to impose an embargo on the arms trade to South Sudan, in particular because of [Russian opposition](#).
- **European Union (EU) sanctions against individuals and an arms embargo on South Sudan** are specified in [Council Decision \(CFSP\) 2015/740](#), which prohibits the supply of weapons and military services, except for humanitarian and security purposes (such as the protection of civilians and EU staff or demining operations).

#### Economy: scarce resources and oil dependence

Economic considerations are among the biggest causes of the civil war.

[Conflicts over scarce resources](#) have long been part of social life in South Sudan, but their scale and circumstances have changed dramatically in recent decades. Destruction of arable and pasture lands due to more severe [droughts and floods](#), added to [unsustainable](#) farming methods and deforestation, have intensified competition.

[Oil discovery](#) in the late 1970s was also a game changer. More than three quarters of [budget](#) revenues for 2014-2015 come from oil. However, oil has not improved the economic situation of the South Sudanese, as more than a third of the budget is spent on the military. The government is also [suspected](#) of using oil revenues for bribing oil operators or local leaders. [Oil fields](#) are a source of continuing conflict with Khartoum, notably in the disputed area of [Abyei](#). They are also the scene of violent fighting between South Sudanese armed groups, notably in the [Upper Nile](#). For the opposition forces, seizure of oil fields is an asset in negotiations, as any curb on oil production has immediate consequences on the state's finances – on its ability to pay soldiers and avoid desertion. In addition, plummeting oil prices furthermore [deter investors](#) and add to the [parlous condition](#) of the economy.

#### The peace agreement: key elements

##### Transitional institutions

*Provisions: Power sharing, anew*

Chapter I of the [peace agreement](#) aims at reinstating power-sharing as it existed before the conflict. For the 30-month transitional period, Kiir, as 'incumbent President' is confirmed as Head of State, whilst a first Vice-President has to be selected by the

opposition. This latter function will probably be assigned to Machar, with the role of overseeing the implementation of the legislation. It seems this part of the agreement ([removed](#) from previous drafts) has been imposed on Kiir, despite his [reservations](#). Members of the present government of South Sudan, SPLM/A-IO, 'former detainees', and smaller stakeholders will also have a share of ministerial portfolios. The transitional National Legislative Assembly will consist of the existing legislative assembly, expanded by 50 representatives from Machar's party, 17 representatives from other parties and one 'former detainee'. Presidential, parliamentary and gubernatorial elections shall be conducted by 'a competent and impartial' National Election Commission before the end of the transition period, in 2018. In this perspective, 'free and democratic registration of political parties' will be organised. The transitional government will also have to prepare a new constitution, overseen by an external expert.

#### *Implementation*

The transitional government should have been put in place 90 days after the signing of the peace deal, i.e. before the [end of November 2015](#); however, discussions over its formation only began on [23 December 2015](#), with a deadline of 22 January 2016 – another [missed deadline](#).

#### **A contested administrative division**

Power-sharing is also planned in the states most affected by the conflict: Jonglei, where the governor will be nominated by the present government; Unity; and the Upper Nile, where the governors will be nominated by the opposition. Nevertheless, this part of the agreement would already need to be [revised](#), if the [new administrative division](#) of the country into 28 states (instead of ten), unilaterally decided by President Kiir in October 2015, is not rescinded. Mainly intended to deprive the opposition of the control of Unity state oilfields, the new division risks entrenching ethnic rivalries and was condemned by the IGAD and international observers, including **the Council of the EU** in its 12 October 2015 [conclusions](#). It is the major [point of contention](#) for the opposition.

#### **Security arrangements**

##### *Provisions: ceasefire, DDR and unification of forces*

In addition to cessation of hostilities, Chapter II of the peace deal requires measures such as disarmament, demobilisation, and reintegration of all 'non-state security actors' into civil society (DDR) – including the estimated 16 000 [child-soldiers](#) – and unification of security forces (governmental and non-governmental).

#### *Implementation*

A first step was taken towards demilitarisation of the capital city, and practical arrangements on the organisation of the unified security forces for Juba were signed on 4 November 2015 – a few days after [Ugandan troops](#), deployed to support the government, officially withdrew from South Sudan. The opposition troops which would make up part of the joint forces were [allowed](#) to enter the capital in January 2016. However, elsewhere in the country, the IGAD Monitoring and Verification Mechanism for South Sudan (MVM) continues to report [numerous ceasefire violations](#) from both sides, in particular in the states of Jonglei, the Upper Nile and Unity. On 15 December 2015, the UN Mission (UNMISS) [mandate](#) to protect the population and support implementation of the ceasefire, was [extended](#) for another six months, and its uniformed staff increased from 12 500 to a ceiling of 15 000, deployed throughout the country (see map above).



**Justice and reconciliation***Provisions: Hybrid Court and Reconciliation Commission*

To end the spiral of retaliation and make long-term reconciliation possible, [war crimes must be correctly addressed](#). In signing the peace treaty, the parties have accepted trial for the main culprits, regardless of their status. Chapter V of the peace agreement provides for the creation of a '[hybrid court](#)' for South Sudan (HCSS). The HCSS will be set up by the African Union,<sup>5</sup> will be independent, and 'have primacy over any national jurisdiction', with the competence to try 'serious crimes under international law and relevant laws of the Republic of South Sudan'. The [mixed nature](#) of the HCSS, including some South Sudanese staff and judges,<sup>6</sup> aims to bring it closer to citizens. The task may prove difficult, however, due to the weak sense of legal standards and procedures throughout the country. Even if a national judicial structure exists, it is scarcely used by citizens: most disputes are handled by the [customary courts](#), meaning that sanctions are at the discretion of individual tribal chiefs. The country lacks well-trained and honest judicial staff, despite [European Union-funded training](#) efforts. The Hybrid Court will function in combination with a national Commission for Truth, Reconciliation and Healing (CTRH), which will have to identify the perpetrators and victims of war crimes and suggest appropriate reparation. Funding for financial compensation will be managed by a Compensation and Reparation Authority (CRA).

*Implementation*

Violations of human rights have continued and even intensified after the signing of the deal, UN observers [reported](#) in December 2015. As of 28 January 2016, the Hybrid Court, the Commission for Truth, Reconciliation and Healing, and the Compensation and Reparation Authority have not yet been set up. As a reminder to the African Union, the European Union welcomed its decision 'to take the necessary steps to establish the Hybrid Court of South Sudan' ([Council Conclusions](#) of 12 October 2015).

**Humanitarian assistance***Provisions: reconstruction and humanitarian corridors*

Chapter III of the peace treaty expresses the desire that the transitional government implements resettlement and reconstruction programmes, financed by a Special Reconstruction Fund.<sup>7</sup> Nevertheless, it will take a long time before the displaced persons [feel safe](#) to return. Until then, to prevent humanitarian disaster, the signatories have agreed to 'secure access to civilian population in need of emergency humanitarian assistance and protection'.

*Implementation*

Humanitarian access to people in need is difficult and dangerous; frequent disruption leaves the South Sudanese population on the [verge of subsistence](#). Several months after the signing of the agreement, [serious assaults](#) against humanitarian staff continue to be reported.

**Economic arrangements***Provisions: transparency and accountability*

One of the main tasks of the transitional government will be to address the [corruption](#) issue. Chapter IV of the peace agreement aims to strengthen the independence and accountability of the National Bank, the court of auditors (National Audit Chambers) and the anti-corruption commission. No less than 15 articles are dedicated to oil sector reform, aiming to increase 'transparency and accountability' in the sector. The peace deal also calls on the government to comply with a number of international agreements, such as the African Union Convention on Preventing and Combating

Corruption ([AUCPC](#)), the UN Convention Against Corruption ([UNCAC](#)) and the Extractive Industries Transparency Initiative ([EITI](#)).

#### *Implementation*

The economic reforms will not be introduced until the transitional government has been formed.

### European Union

Although it does not have a fully fledged Delegation in South Sudan, since independence the European Union has been very [active](#) in the country and the [region](#). As a member of IGAD+, the Union acted as a mediator in the peace negotiations between the warring parties, it imposed an arms embargo, and sanctions on individuals trying to impede the peace process. In the field, the EU coordinates the joint development programme, but has now redirected most of its [aid](#) to support the populations in need. EU and Member States' humanitarian aid amounted to over [€384 million](#) in 2015. Trade negotiations have been delayed until '[conditions are met](#)'.

### Regional impact

Although neighbouring countries are divided over the stance to take vis à vis the belligerents, none of them has an interest in a protracted civil war, due to [economic cost](#) and [spill-over risks](#). In particular, the conflict puts **Kenya's** close economic relations with South Sudan at stake, and the drop in South Sudanese oil production has negative impacts for **Sudan**, since it reduces the amount of taxes Sudan receives for the use of its pipelines by its southern neighbour. As it has borders with both Sudans, **Ethiopia** is directly exposed in the conflict between them. It is also concerned by the situation in [Gambella](#), on its border with South Sudan, where the flow of Nuer refugees adds to existing tensions between Ethiopia's Nuer and Anuak populations. Additionally, the support provided by Ethiopian Nuer to the Nuer-led South Sudanese opposition undermines the Ethiopian government's will to appear as a neutral mediator in the peace process. **Uganda**, which overtly supported the South Sudanese government by providing [troops](#) during the conflict, is now threatened by the presence of South Sudanese anti-government forces on its border. However, in January 2016, opposition leader Machar turned to Ugandan President Museveni for him [to convince Kiir](#) to respect the peace deal. All neighbouring countries are put under strain by the [flow of refugees](#) – in the case of the **Central African Republic** and the **Democratic Republic of Congo**, already experiencing major crises, displacement in both senses increases the turmoil, and [favours the expansion](#) beyond all frontiers of the rebel group [Lord's Resistance Army](#).

### Prospects

Peace in South Sudan remains [elusive](#) despite the signing of the agreement. Ceasefire violations and hampering of humanitarian access remain frequent. Reconciliation will be a long process. As of 28 January 2016, cornerstones of the peace process such as an inclusive government or the Hybrid Court are not yet established. As is the case in most

#### European Parliament

[On several occasions](#) since the beginning of the conflict, the European Parliament has debated and voted resolutions on South Sudan. Parliament called for the formation of an inclusive government and for more transparency in the oil sector. It has also expressed concern about the humanitarian situation and called upon the Commission to review its development assistance programme, to respond to the most urgent needs. In its resolution of [12 March 2015](#), Parliament insisted on the absolute need to end the recruitment of children by the armed forces, and asked the Commission to support the reintegration of child soldiers into civil life. It called upon the European External Action Service to support the setting up of the Hybrid Court, and expressed its desire to see a comprehensive arms embargo at regional and international level.

peacebuilding process, finding the [right balance](#) between local and international input is difficult. In South Sudan, the goodwill of the main stakeholders is [questionable](#): in particular, the current head of state undoubtedly abused his power in designing a new administrative division during the pre-transition period; a decision that the main rebel leader wants to be [revoked](#) for the peace plan to be implemented. IGAD member states still have to agree on a consistent approach to [fostering peace efforts](#). International donors are in a delicate position, as financial sanctions to put pressure on South Sudanese stakeholders could be [counter-productive](#). The [slow progress](#) in the implementation of the peace agreement puts it at risk of becoming, yet again, mere '[scraps of paper](#)'.

## Main references

European External Action Service – [EU relations with South Sudan](#).

[The State of Human Rights in the Protracted Conflict in South Sudan](#). United Nations (UNMISS, UNHCR), December 2015.

Further references can be found in our '[keysource](#)' on South Sudan, at [epthinktank.eu](#).

## Endnotes

<sup>1</sup> This agreement is not the first: [previous ceasefire deals](#) were broken within a few days or weeks of signature.

<sup>2</sup> IGAD-Plus comprises representatives of IGAD Member States (Djibouti, Ethiopia, Eritrea, Kenya, Somalia, Sudan and Uganda), with Troika mediators (Norway, UK, USA), the EU, and the UN.

<sup>3</sup> Such as Shilluk, Azande, Bari, Kakwa, Kuku, Murle, Mandari, Didinga, Ndogo, Bviri, Lndi, Anuak, Bongo, Lango, Dugotona, and Acholi.

<sup>4</sup> In [September 2015](#), China, Russia, Angola and Venezuela opposed sanctions targeting an army chief and a rebel commander.

<sup>5</sup> As South Sudan is not a state party to the International Criminal Court ([Rome Statute](#)) and the African Union is very [critical](#) of the ICC, the HCSS is a means for the African Union (AU) to retain ownership of the trials.

<sup>6</sup> Even if 'a majority' of judges, and all 'prosecutors and defence counsels' will be 'from African states other than the Republic of South Sudan' (Agreement on the Resolution of the Conflict, Chapter V, art. 3.3.2 and 3.3.3).

<sup>7</sup> The SRF shall be funded both by the transitional government ('not less than [US\$100 million] per annum') and international donors. Its board is composed of 23 members, including one EU representative (Agreement on the Resolution of the Conflict, Chapter III, art. 2.2).

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