

Conflict Research Programme

Policy Brief

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Priorities for Peace in South Sudan

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Executive Summary

- South Sudan's peace process remains in intensive care, its health dependent on continual attention from its external sponsors, namely neighboring governments and the international community.
- This is not sustainable. At worst, it provides opportunities for the military and political elite to continue to run the country in pursuit of their own interests. At best, it buys time to create a more substantial peace process that can enact more far-reaching change.
- This policy brief takes stock of recent trends and developments in the peace process and offers a number of considerations to inform efforts by political actors in South Sudan and their international partners to consolidate peace.¹
- The paper proposes the following three short-term steps to restore the implementation of the Revitalised Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS):
 1. Sustained pressure from neighboring countries, coupled with increased investment in track II initiatives, could be used to overcome deadlock and increase communication among the various parties in the new unity government and between the new government and non-signatories to the R-ARCSS.
 2. The creation of space for citizens to share their views on the way forward for the country could help to increase South Sudanese ownership over the peace process and create an environment that is conducive to more transformative change. Critically, any such civic engagement process should go beyond a simple airing of grievances and listing of the many things that should be done to helping people organize, set priorities, and determine what they can do at a local level to enact the changes that they want to see.
 3. Policymakers and civic actors should make necessary preparations so that they are ready to respond decisively should the agreement collapse and large-scale violence resume.

¹ This policy brief is based on recent field research by the author, together with news and policy sources and online interviews and discussions. It is also informed by the inputs and commentary of the Conflict Research Programme (CRP) South Sudan panel on 2-3 July 2020 and funded by UK Aid. Participants in the CRP panel include accomplished South Sudanese scholars, activists and practitioners, including: Tong Anei, Luka Biong, David Deng, Julia Duany, Jok Madut Jok, Harriet Kuyang, Augustino Ting Mayai, Leben Moro, James Ninrew, Christopher Oringa, Matthew Pagan, and Angelina Seeka.

- In the longer-term, policymakers should focus on creating an enabling environment for the voluntary, safe and dignified return and resettlement of displaced populations when the political and security situation has stabilized; building a foundation for longer-term reforms, including the constitutional development process, public spending and economic reforms, and transitional justice processes envisaged in the R-ARCSS; and developing a plan for elections, currently scheduled for the end of 2022.
- For elections, the international community should consider assuming responsibility for key electoral functions alongside the national election management bodies to help ensure the integrity of the process and limit the potential for electoral violence.²

Introduction

In June 2020, thousands of Lou Nuer youth were seen marching on Murle villages in the neighboring Pibor administrative area. The scene was reminiscent of chronic intercommunal violence that predates the civil war that broke out in December 2013. The attacks were purportedly in retaliation for Murle offensives in May 2020, including an attack on Pieri that claimed nearly 300 lives, which themselves were in retaliation for Lou Nuer attacks in February.³

This surge in inter-communal violence is not restricted to Jonglei. Similar trends have been reported in Warrap, Lakes, Western Bahr-el-Ghazal, Unity, Upper Nile, Central Equatoria and Abyei.⁴ According to the United Nations (UN), in the first quarter of 2020, intercommunal conflict resulted in 658 deaths, 452 injuries, 592 abductions, and 65 recorded cases of sexual violence, and was the main source of violence affecting civilians. Findings from the UN Commission on Human Rights in South Sudan (CHRSS) further substantiate this trend. In its February 2020 report, the CHRSS noted a 192 per cent increase in casualties from inter-communal conflict between February and May 2019 as compared with the same period in 2018.⁵ The Special Representative of the UN Secretary-General in South Sudan, David Shearer, has traced the increase in violence to a “vacuum of power” resulting from the parties’ delay in agreeing on the allocation of positions in state and local governments, and has accused political elites of having a hand in the conflict.⁶

These developments are taking place against the backdrop of a peace process that has been characterized by delays and deadlock among elites at the center. While the extended pre-transitional period provided time for mediators and diplomats to convince the parties to compromise on contentious issues, it also contributed to the deteriorating security situation.⁷ As the parties struggle to implement the agreement, the benefits that the ceasefire brought to populations on the ground

2 The UN management of elections is among the ideas that citizens put forward during grassroots consultations in the National Dialogue. See South Sudan National Dialogue, *The People Have Spoken: Emerging Consensus from the Grassroots Consultations on the Drivers of Crises in South Sudan*, p. 111, <https://www.ssnationaldialogue.org/wp-content/uploads/The-People-Have-Spoken-July-2019-1.pdf>.

3 As recently as July 2020, 6,000 displaced people fled to seek refuge next to a base of the United Nations Mission in South Sudan (UNMISS) in Pibor when the village of Likuangole was attacked by armed groups. See UNMISS press release, *Thousands of families flee fresh violence in Jonglei and seek sanctuary at UN base* (23 Jul. 2020), <https://unmiss.unmissions.org/thousands-families-flee-fresh-violence-jonglei-and-seek-sanctuary-un-base>. According to the UN, a series of attacks in Jonglei State and the Greater Pibor Administrative Area from mid-February to early March left 22 civilians dead. Most of the 266 women and children abducted during the fighting have not been released from captivity. UN News, *Victims of intercommunal violence in South Sudan deserve justice, truth and reparations: Bachelet* (22 May 2020), <https://news.un.org/en/story/2020/05/1064792>; see also Human Rights Watch, *South Sudan Needs to Address Cycles of Intercommunal Killings* (20 March 2020), <https://www.hrw.org/news/2020/03/20/south-sudan-needs-address-cycles-intercommunal-killings#>.

4 See e.g. Alhadi Hawari, *Over 1,000 people displaced in latest clashes in CES*, Eye Radio (21 Jul. 2020), <https://eyeradio.org/over-1000-people-displaced-in-latest-clashes-in-ces/>.

5 The CHRSS reported 152 incidents of localized violence resulting in some 531 deaths and 317 injuries between February and May 2019. See Report of the Commission on Human Rights in South Sudan, U.N. Doc. A/HRC/43/56, para. 61, https://reliefweb.int/sites/reliefweb.int/files/resources/A_HRC_43_56.pdf.

6 In reference to clashes in Jonglei in July 2020, Shearer said: “This conflict is not simply intercommunal between ethnic groups. Other political figures are at work. External actors need to stop deliberately stoking the conflict for the sake of local communities.” See also Al Jazeera, *Hundreds Killed in Intercommunal Clashes in South Sudan* (20 May 2020), <https://www.aljazeera.com/news/2020/05/hundreds-killed-inter-communal-clashes-south-sudan-200520165329158.html>.

7 See Alex de Waal et al., *South Sudan: The Politics of Delay*, Conflict Research Programme (CRP), Political Settlements Research Programme (PSRP) (3 Dec. 2019), <http://www.lse.ac.uk/international-development/Assets/Documents/ccs-research-unit/Conflict-Research-Programme/crp-memos/Politics-of-Delay-South-Sudan-3Dec19.pdf>.

are increasingly being undermined by the surge in inter-communal conflict and the resumption of hostilities between government and Sudan People's Liberation Movement-in-Opposition (SPLM-IO) forces and non-signatories to the agreement in places such as Yei and Lainya. Ongoing restrictions on civic space and freedom of expression, as seen in the arrest and detention of a number of high-profile civil society representatives in recent months, further complicate citizen efforts to engage with the peace process.⁸

Concerted action is required to get the peace agreement back on course. The guarantors of the peace agreement, particularly South Sudan's neighbors, Sudan and Uganda, should continue to exert pressure on the parties to the agreement to abide by their commitments and proceed with implementation of the agreement without undue delay. But regional pressure is not enough. The past six-and-a-half years of conflict have shown that peace agreements signed in foreign capitals are not by themselves going to deliver peace and stability to South Sudan. The war may have been triggered by a power struggle in the ruling party, but the protracted violence points to deeper structural problems. These problems can only be addressed by bringing citizens together to collectively strategize and chart a way forward out of the crisis.⁹ Creating space for this type of dialogue should be made a central policy objective and incorporated whenever possible into humanitarian and development programming moving forward.

Context

South Sudan's peace process has struggled under the burden of belligerent parties, regional interests, and competing priorities in the international community. The Covid-19 pandemic and the drop in global oil prices have introduced additional complications, but the underlying reality that the parties are not fully committed to resolving their differences peacefully remains the same.

The negotiations on the implementation of the R-ARCSS have focused exclusively on matters relating to the distribution of government positions, material resources, and numbers of armed men. The record of past agreements suggests that success in implementing this model of peace depends on healthy government finance. With the sharp drop in oil prices expected to continue for some time--perhaps indefinitely--this model is not likely to be a long-term option for South Sudan until it develops other, more economically sustainable, sources of state finance. Meanwhile, issues such as democratization and transitional justice have been neglected.

On 22 February 2020, after 17 months of what was meant to be an eight-month pre-transitional period, the parties managed to partially form the Revitalized Government of Transitional Unity (R-TGONU) with the swearing in of the First Vice-President, Dr. Riek Machar, and the three of the four Vice-Presidents. The fourth Vice-President was appointed shortly thereafter. The formation of the presidency was followed by the appointment of the 35 ministers and 10 deputy ministers provided for in the agreement.¹⁰ While the parties were ultimately able to form the executive at the national level, they did not meet the requirement that 35 percent of the positions go to women, as there were just nine women ministers (or 26%) and one woman deputy minister (or 10%).¹¹

The partial formation of the R-TGONU came after the parties agreed, under great pressure from the region and the international community, on the number of states and to allow the screening,

8 Amnesty International, Public Statement, Systematic harassment of civil society, journalists, private sector and critics by South Sudan's intelligence agency (17 Jul. 2020) [hereinafter Amnesty Int'l, Public Statement], <https://www.amnesty.org/download/Documents/AFR6527272020ENG-LISH.PDF>.

9 In recent years, a number of nascent social movements based on non-violence have come to prominence in South Sudan. See David Deng et al., *From the Region to the Grassroots: Political Dynamics in South Sudan*, CRP Briefing (Dec. 2019), <http://www.lse.ac.uk/international-development/Assets/Documents/ccs-research-unit/Conflict-Research-Programme/crp-memos/CRP-South-Sudan-Panel-Memo-December-19-Final.pdf>.

10 The appointments were made on 12 March 2020. Twenty ministerial positions went to the I-TGONU, nine went to SPLM-IO, three to SSOA, two to the Former Detainees (FDs), and one to OPP.

11 According to R-JMEC, the government also made several appointments that were inconsistent with R-ARCSS, including six ambassadors and several leadership positions in the Bank of South Sudan (BoSS).

training and redeployment of the Necessary Unified Forces (NUF) to continue into the transitional period. Early discussions on the states issue held between December 2019 and early February 2020 and facilitated by South Africa failed to break the deadlock. Once again, it took high-level regional engagement in the form of an Intergovernmental Authority for Development (IGAD) summit, including a discussion between Prime Minister Hamdok of Sudan, President Museveni of Uganda, President Kiir, and Dr. Machar to convince the government to revert to 10 states. However, the President's republican order, which came on 15 February after consultation with his constituents, also added another three 'administrative areas' in Abyei, Pibor and Ruweng. Opposition groups initially rejected the addition of these administrative areas before acquiescing a few weeks later.

Shortly after agreeing on the number of states, the parties reached another impasse on the number of states that each party would receive and the allocation of gubernatorial positions in those states.¹² After months of haggling, and an initial allocation of states that was rejected by SPLM-IO, the parties reached an agreement in mid-June for the incumbent government to be responsible for six states (Warrap, Lakes, Northern Bahr-el-Ghazal, Eastern Equatoria, Central Equatoria and Unity), SPLM-IO to be responsible for three states (Western Equatoria, Western Bahr-el-Ghazal and Upper Nile), and SSOA to be responsible for one state (Jonglei).¹³ Once the governors have assumed their positions, the parties will have to distribute county commissioner positions among themselves, another potential source of contention.¹⁴

With regard to security arrangements, the other critical area that was addressed in the R-ARCSS, the parties have encountered other challenges. A cursory examination of the numbers suggests that some effort is being made to abide by the terms of the agreement. According to the report of the Reconstituted Joint Monitoring and Evaluation Commission (R-JMEC) for the first quarter of 2020, 78,500 personnel were registered at cantonment sites, barracks and training centers.¹⁵ However, only 45,000 of the 84,000 government and opposition troops that were meant to go towards the NUF had moved from cantonment sites to training centers for unification training and subsequent redeployment.¹⁶ Meanwhile, the cantonment sites and training centers lack the essential logistical support and SPLM-IO forces have been abandoning them due to lack of basic necessities such as food and water, as well as a lack of commitment to the process.¹⁷ On the government side, most South Sudan People's Defence Force (SSPDF) troops are simply staying in their barracks rather than going to the cantonment sites.¹⁸

12 According to the R-ARCSS, the responsibility sharing ratio at state and local government levels are to be distributed among the parties in the following ratios: 55 percent to the Incumbent Transitional Government of National Unity (I-TGONU), 27 percent to the SPLM-IO, 10 percent to South Sudan Opposition Alliance (SSOA) and eight percent to the Opposition Political Parties (OPP). The parties encountered a problem when rounding these figures up and applying them to a 10-state framework as it worked out to 11 positions (6+3+1+1).

13 Priscah Akol, Parties agree on state allocations, Eye Radio (17 Jun. 2020), <https://eyeradio.org/parties-agree-on-state-allocations/>. As of this writing, SSOA still divided over the allocation of states. SSOA's chairperson, Josephine Joseph Lagu, maintains that the decision is invalid because it took place while the SSOA's representative in the presidency, Vice-President Hussein Abdelbagi, was not present. She maintains that a decision from a meeting on May 7 in which SSOA was given Upper Nile should still hold. Meanwhile, two other SSOA members, Dr. Lam Akol, leader of the NDM, and Bapiny Monytil, leader of SSLM, welcomed the decision. SSOA divided over deal on control of states, Radio Tamazuj (22 Jun. 2020), <https://radiotamazuj.org/en/news/article/opposition-coalition-divided-over-deal-on-control-of-states>.

14 The R-ARCSS applies the same power sharing formula that applies to the state level to positions at the county level.

15 R-JMEC, Report on the Status of Implementation of the Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan for the Period 1st January to 31st March 2020 [hereinafter, R-JMEC, First Quarterly Report 2020], <https://reliefweb.int/report/south-sudan/rjme-quarterly-report-igad-status-implementation-r-arcss-1st-january-31st-march>.

16 R-JMEC, the body tasked with overseeing implementation of the revitalized peace agreement, has been hampered in recent years by the lack of a permanent chair. The acting chair, Augustino Njoroge, has presided over R-JMEC since the departure of former Botswanan president, Festus Mogae, in 2018. Njoroge was replaced by Maj. Gen. Charles Tai as the new acting chair in May 2020. The onus is on Sudan, as the current chair of IGAD, to appoint a permanent chair to R-JMEC that has the political acumen and clout to oversee the implementation of the peace agreement in a fraught environment. See Eye Radio, R-JMEC gets new interim chairman (12 May 2020), <https://eyeradio.org/r-jmec-gets-new-interim-chairman/>.

17 UN Panel of Experts, Final report of the Panel of Experts on South Sudan submitted pursuant to resolution 2471, U.N. Doc. S/2020/342 (28 Apr. 2020), <https://www.undocs.org/S/2020/342>.

18 *Id.*

More fundamentally, there are serious questions concerning the composition of forces at the training sites. According to the UN Panel of Experts on South Sudan:

“[S]ome individuals whose names are on the registration rolls do not exist. In other cases, civilians joined the cantonment process in the hopes of being assigned to certain ranks and receiving associated economic benefits, such as salaries and pensions.”

The Panel also notes that many key commanders instructed their forces to remain outside of the security reunification process, retain their weapons and stand ready to re-engage in active fighting. Incidents of forced recruitment and recruitment of children by the warring parties have also been documented.¹⁹

Another shortcoming in the security arrangements can be seen in the fact that the National Security Services (NSS) are not covered in the agreement.²⁰ Over the course of the conflict, the NSS has become a dominant military actor in South Sudan, on par with the SSPDF itself. Legislation enacted in 2014 expanded the NSS's powers beyond the information gathering role provided for in the Transitional Constitution to include a range of police powers, including the power to arrest, detain, conduct searches, and seize property. The National Constitutional Amendment Committee (NCAC), a body established under the R-ARCSS with a mandate to, among other things, review and amend relevant national security legislation, submitted amendments to the NSS Act to the Ministry of Justice in mid-2019, but the amended legislation has not yet been discussed in parliament or enacted into law.²¹

Another major security concern relates to the resurgence of violence between government and SPLM-IO forces, on the one hand, and non-signatory groups, on the other. The first quarter of 2020 had offered some promise for the prospects of bringing the non-signatory groups into the fold. On 21 February, the parties to the R-ARCSS endorsed the Rome Declaration as mediated by the Community of Sant'Egidio and the ceasefire was largely holding through the end of March. The Joint Defense Board (JDB), a body comprising military leaders from the parties to the agreement, had also succeeded in negotiating a ceasefire with forces that had defected from the SPLM-IO in Maiwut and Adar.²² In April, the ceasefire broke down as fighting was reignited in and around Yei, displacing thousands of people.²³

Shorter-term strategies to restore implementation of R-ARCSS

While some progress has been made towards implementation of the R-ARCSS, the longer-term viability of the agreement remains in question. The agreement has many flaws; its power sharing formula presumes that the warring parties are willing and able to work together with at least a minimum degree of functionality.²⁴ The agreement adopts a big tent approach that expands the executive to five vice-presidents, 35 ministers and 10 deputy ministers, a legislature of 550 parliamentarians, and the absorption of tens of thousands of military personnel of all ranks into the

19 According to the UN panel of experts, forced recruitment spiked just before the 100-day extension ended. *Id.*

20 According to Joshua Craze, “the focus of the SSR process on the formation of a national army has allowed the government to misdirect in the manner of a three-card-monte, building up its forces as part of a greatly expanded National Security Service (NSS) that is not substantively included within the SSR process while international attention has been focused on cantonment and other Potemkin manifestations of the South Sudanese security sector.” *The Politics of Numbers: On Security Sector Reform in South Sudan, 2005-2020* (n.d.), Centre for Public Authority and International Development, <https://www.lse.ac.uk/africa/research/publications/politics-of-numbers>.

21 See R-JMEC, First Quarterly Report 2020; Amnesty Int'l, Public Statement.

22 R-JMEC recognizes acceptance of defectors as recruitment and violation of R-ARCSS. First Quarterly Report 2020.

23 Dima Silva Aurelio, *Fighting Raises Tension Between Government, Rebel Force in South Sudan*, Voice of America (VOA) (29 Apr. 2020), <https://www.voanews.com/africa/south-sudan-focus/fighting-raises-tension-between-government-rebel-force-south-sudan>.

24 For more on the failure of recent peace agreements to address the underlying causes of the conflict, see Jok Madut Jok, *South Sudan and the Peace Agreement No One Swears By*, in Christopher Zambakari (ed.), *The Future and Implementation of the R-ARCSS in South Sudan* (Spring 2020) [hereinafter, *The Future of the R-ARCSS*], <http://www.zambakari.org/special-issue-spring-2020.html#>.

SSPDF. South Sudan is in the midst of an economic crisis due to years of mismanagement, grand corruption, and more recently, plummeting oil prices. The country does not have the resources to finance the expansion of government that the agreement envisages. Nonetheless, the agreement, together with the political process being facilitated by the Community of Sant'Egidio in Rome, offers the only framework through which to address the political violence that has ravaged the country since 2013. As such, the parties must find ways to proceed with implementation as they work to remedy the agreement's shortcomings.

Restoring implementation of the R-ARCSS in the short-term could benefit from a three-pronged strategy that seeks to build a working relationship among elites across the political divide, engages citizens in discussions about the way forward with a view towards securing greater national ownership of the peace process, and makes prudent preparations for emergency responses should the peace agreement collapse and large-scale violence resume.

On the first prong of building a working relationship among the parties, high-level regional engagement has proven a necessary and sometimes sufficient means of breaking deadlock among the parties. The peace process has relied heavily on deadline diplomacy, but those deadlines only carry weight when they are enforced by regional heads of state, particularly the leadership in Sudan and Uganda. This pressure should be maintained in the short-term to prevent the agreement from collapsing altogether, but it is not a viable long-term strategy for peace. Aside from the imposition of regional interests, which has already proved a hindrance to the peace process, pressure from neighboring countries cannot make the leadership in South Sudan work together in a consistent and predictable manner. Nor does it enable the kind of structural changes that are necessary to stabilize and transform the conflict situation in the longer-term.

Alongside this high-level engagement, policymakers should make more use of track II processes to try to build confidence, increase channels of communication among the parties, and ensure greater responsiveness to citizen views. Faith leaders, civil society, and traditional authorities could reach out to the parties and engage them in discussions about how to proceed with implementation of the peace agreement. Any such effort could be made more effective if backstopped by non-governmental organizations with technical expertise in political mediation and transitional processes. Flexible funding arrangements would also be required to protect the integrity of track II processes and allow them to develop in accordance with national priorities.

Regional pressure and track II processes could help the parties move ahead in meeting milestones in the peace agreement, but these tactics alone cannot remedy the agreement's shortcomings in terms of its focus on accommodating political elites. Stabilizing the conflict environment and laying a foundation for post-conflict recovery will require South Sudanese to assume greater responsibility for peace and hold politicians accountable to their promises.

While South Sudan has a rich tradition of local peace processes and traditional mechanisms to bring together conflicting groups at a local level around frameworks for peace, more formal citizen engagement efforts by state actors are few and far between.²⁵ In the run-up to the signing of the Comprehensive Peace Agreement (CPA) in 2005, the Sudan People's Liberation Movement and Army (SPLM/A) initiated a South-South dialogue in an effort to reconcile the many armed groups and community protection forces that fought on all sides of the political divide. However, this process was short-lived as the SPLM/A decided to focus its attention on the referendum on self-determination and avoid opening the Pandora's box of dialogue around wartime grievances. Several reconciliation initiatives launched after independence in 2011 ran into similar political

25 As Dr. Remember Miamingi argues, "South Sudanese need to talk! They need to talk about who they are, how they would want to co-exist and where and how they want to go as nations and peoples. This has not happened yet in a more meaningful and holistic manner. So, very few people talk and do so mainly through the barrel of guns." *Root Causes of the Conflict in South Sudan*, in *The Future of the R-ARCSS*.

The ongoing National Dialogue, launched in 2017, may actually be the first example of broad public dialogue between the state and citizens in South Sudan.²⁷ As a process established through presidential decree and managed primarily by politicians in government-controlled areas, the National Dialogue has understandably faced criticism for its lack of inclusiveness and independence. Nonetheless, the initiative has engaged citizens throughout much of the country in discussions about the root causes of the conflict and what can be done to set South Sudan on a path towards peace. While one might question the extent to which the people who participated felt free to express themselves without fear of retribution, given the level of conflict that parts of the country were experiencing at the time, there have not been any verified reports of people being harassed or arrested for sharing their views.²⁸ Moreover, the National Dialogue has demonstrated that if there is political will, the government can implement a broad-based consultative process while conflict is ongoing, not just as a means of promoting reconciliation during a post-conflict transition. Whether or not they support the National Dialogue itself, policymakers should draw lessons from this process and look for ways to streamline robust civic engagement throughout the peace process.

In the short-term, any such civic engagement must be cognizant of the constraints, and perhaps even some opportunities, offered by the Covid-19 pandemic. Given the underdeveloped information infrastructure in South Sudan, large-scale civic engagement efforts will not be feasible until the pandemic recedes, or a vaccine is widely available. However, the pandemic is also changing the way that people view the exercise of state power in South Sudan and around the world. A few weeks before the killing of George Floyd sparked global protests against racism and police brutality, South Sudan witnessed a number of demonstrations of public discontent and disobedience, including a protest against sexual violence by women's organizations who observed social distancing and wore masks even as they decried government inaction on the issue.²⁹ The willingness of women's rights activists to speak out on the issue of sexual violence demonstrates the importance that people attach to justice, even in the midst of an emergency situation.

Civic engagement programs, whether led by government or civil society, can provide forums for people to air their views in a more controlled fashion so that they do not have to resort to street protests, or worse yet, take up arms, for their grievances to be heard.³⁰ While this may not be safe to do given the current public health crisis, the government and its development partners can use this time as the world struggles to bring the pandemic under control to initiate dialogue with key

26 See David K. Deng, Matthew Pritchard and Belkys Lopez, Search for a New Beginning: Perceptions of Truth, Justice, Reconciliation and Healing in South Sudan, South Sudan Law Society (SSLS) and the United Nations Development Programme (UNDP) (Jun. 2015), p. 9, https://www.ss.undp.org/content/south_sudan/en/home/library/democratic_governance/perception-survey-on-truth-justice-reconciliation-and-healing-.html.

27 See South Sudan National Dialogue website, <https://www.ssnationaldialogue.org>.

28 According to the CHRSS: "Despite the criticisms about the non-participation of significant sections of the South Sudanese, the organisers of the National Dialogue strove to ensure that the consultations were as free and candid as possible. The Dialogue managed to gather a wide range of views from the public on the root causes of the conflict, and received surprisingly candid responses, including submissions attributing blame to the government for the crisis in South Sudan. ... Despite the difficulties surrounding the National Dialogue, many citizens within the country have engaged with the organisers during the consultations in good faith, expressing their views with a remarkably high degree of candour." Report of the Commission on Human Rights in South Sudan, U.N. Doc. A/HRC/40/69, pp. 191-92 (21 Feb. 2019), <https://reliefweb.int/report/south-sudan/report-commission-human-rights-south-sudan-ahrc4069-advance-unedited-version>.

29 Priscah Akol, Women activists protest rape cases, demand justice, Eye Radio (16 May 2020), <https://eyeradio.org/women-activists-protest-rape-cases-demand-justice/>.

30 Supporting civil society organizations to begin collecting citizen views and creating space for dialogue can help to catalyze government action in this area. Models of civil society-led dialogue from before the conflict could provide insights on how to design and support such a process. Over the course of 14 months in 2012/13, a resource team comprised of representatives from 18 civil society organizations held dialogues with over 1,200 citizens in all the ten states of South Sudan, including 500 participants from all the counties of the respective states, as part of the constitutional development process. See Flora McCrone, Constitutional Dialogue in South Sudan, Peace Insight (16 Dec. 2013), <https://www.peaceinsight.org/fr/blog/2013/12/constitutional-dialogue-south-sudan/?en=1>. The active role of civil society helped to galvanize the government's constitutional development process, which had only managed to do some limited citizen consultations before it was interrupted by the outbreak of conflict in December 2013.

stakeholders, including opposition groups, faith leaders, traditional authorities and civil society, to consider how public dialogue might be streamlined throughout the transitional processes provided for in the R-ARCSS and to put in place structures and processes that will enable it to proceed in a timely and effective manner once the situation is conducive. Critically, civic engagement activities should go beyond a simple airing of grievances and listing of the many things that should be done to helping people to organize and become active agents in the reform process. Participants in these activities should consider how their ideas and recommendations will be implemented in light of the prevailing social, political and economic constraints and coordinate their plans with existing structures and institutions at the local level.

The third and final prong of a short-term strategy to salvage the peace process is somewhat less optimistic than the preceding ones. The notion of emergency preparedness is founded on the hard truth that there is a significant possibility, perhaps even a likelihood, that South Sudan will see a recurrence of intense violence targeting civilian centers. As seen in the episodes of violence in Juba in December 2013 and July 2016, and the countless outbreaks in urban and rural areas throughout the country, restoring basic security in the wake of large-scale violence requires an urgent and decisive response.

In such a scenario, mediators and diplomats should act swiftly to bring pressure to bear on the parties to cease hostilities and enter into dialogue, while the United Nations Mission in South Sudan (UNMISS) maintains its open gate policies at protection of civilian (POC) sites and takes more bold action to protect civilian centers and establish safe corridors outside the POCs. Civic actors should have mechanisms in place to support one another and regroup as soon as possible to help shape narratives and inform responses to the crisis, while delegations of faith leaders, civil society and traditional authorities could engage government and opposition forces at various levels to try to mitigate harms against civilians and encourage dialogue. These sorts of coordinated responses are made all the more challenging by the fog of war and plans must be put in place ahead of time to have any chance of success.

Longer-term strategies to promote peace

Developing longer-term strategies that seek to promote peace over the next three to four years is challenging in a fluid transitional context such as that of South Sudan. Nonetheless, identifying some of the major benchmarks and putting in place mechanisms to assess progress towards those goals is a critically important means of keeping the agreement on track. Three areas could be considered, in this regard: return and resettlement of displaced populations, the longer-term transformational agenda, and national elections, currently scheduled for the end of 2022.

As South Sudan completed its ninth year of independence on 9 July 2020, about a third of its population remains displaced by the conflict, including 1.7 million internally displaced persons (IDPs) and 2.2 million refugees.³¹ With the signing of the R-ARCSS and the partial establishment of the R-TGONU, pressure is increasing on many displaced populations to return home. This pressure is particularly pronounced in the UNMISS POC sites, which represent a symbol to the government of its inability to protect civilians in areas under its control and to the UN a resource intensive endeavor that complicates its relationship with political actors in South Sudan. Despite the increasing pressure on displaced populations to return home, and the difficult living conditions they face in IDP and refugee settlements, people are not yet returning to their homes in large numbers due to a combination of ongoing insecurity and the obvious trust deficits among the parties to the peace agreement.

31 Elizabeth Marie Stuart, As South Sudan turns nine, its people remain committed to peace, United Nations High Commission for Refugees (UNHCR) (9 Jul. 2020), <https://www.unhcr.org/news/stories/2020/7/5f06078d4/south-sudan-turns-nine-its-people-remain-committed-peace.html>.

Pressuring people to return home in this volatile situation is deeply problematic on many levels. When people return home only to be forcibly displaced once again, as has happened repeatedly over the course of the conflict, it becomes all the more difficult for them to contemplate returning home again in the future. Poorly timed returns are therefore worse than no returns at all in that they make indefinite periods of displacement more and more permanent. A more prudent approach would be to use this time to put in place programming that will support voluntary, safe and dignified returns once the environment is conducive. For example, the parties could put in place measures to address the housing, land and property (HLP) issues that confront displaced populations, including the widespread occupation, reallocation and sale of property belonging to IDPs and refugees.³² A well-considered plan for land restitution and support packages for people whose housing and other property was destroyed or lost during the conflict could help to rebuild livelihoods and minimize the complications that are likely to occur in the context of large-scale returns.

Like the return and resettlement of millions of displaced persons, the far-reaching reform agenda provided for in the R-ARCSS requires an ambitious outlook tempered by realistic expectations. The focus during the transitional period should be placed on building a foundation so that whatever government comes to power after elections is in a position to embark on a more extensive reform process. Extensive civic engagement can be used to design programs and policies that are tailored to the context and that carry meaning to the daily lives of South Sudanese. The constitutional development process can provide a space for broad-based dialogue with populations at the grassroots and thereby pick up from where the National Dialogue leaves off. Similarly, South Sudanese can be invited to share their views on the design of transitional justice mechanisms and the R-TGONU could aim to establish those mechanisms before the end of the transitional period, if not sooner, such that they can do the bulk of their work after elections. Customary reconciliation mechanisms and people-to-people peace processes could be better supported to address intercommunal conflicts from the bottom-up in order to complement the more top-down programming envisaged in the peace agreement.

In terms of economic reforms, the R-TGONU could put in place basic safeguards that aim to contain the damage to the economy as South Sudanese consider the broader reforms that are needed to salvage the economy in the longer-term. The current global economic crisis has understandably captured government and donor attention, but it has also exacerbated the seismic economic shift that is underway in South Sudan. Within the next 10 years, the country's oil reserves are projected to run dry; if revenue from oil is not used to build other economic sectors, most notably agriculture, South Sudan may be left with little beyond a subsistence economy. This potentially traumatic process of decarbonization is likely to have a knock-on effect for the state's already limited ability to fund basic public services. Though worrying, the transition in revenue sources offers a potential opportunity for a shift in political logic that moves power away from the elites, who have thus far been able to divert oil profits with limited public scrutiny, towards the private sector and other taxpayers. But safeguards are needed to ensure that this economic shift meaningfully benefits the public rather than a narrow elite. As a step towards this, civic actors could benefit from initiatives to improve taxpayers' awareness of where their money goes. Ideally these efforts would focus on state budgets, which are even more politicised following the ongoing transition to 10 states, and would incorporate bottom-up oversight of public spending to help bring government closer to the people.³³

Support to the rule of law sector should be prioritized both in humanitarian and development programming and in the longer-term reform agenda. The rebuilding of accountability mechanisms,

32 David K. Deng and Matthew F. Pritchard, *Cracks in the Foundation: Rapid Assessment of Housing, Land and Property (HLP) Issues in Bentiu, South Sudan*, Danish Refugee Council (DRC) (Oct. 2019); Matthew F. Pritchard and David K. Deng, *Secondary Occupation and Indefinite Displacement: Rapid Assessment of Housing, Land and Property (HLP) in Greater Koch, South Sudan, DRC* (Apr. 2020).

33 See e.g. Matthew Benson, "Who is this Government Really": South Sudanese Perspectives on Taxes and Public Authority, *Conflict Research Programme Blog* (14 May 2020); Vanessa van den Boogaard, *How can Civil Society Help Achieve More Equitable and Accountable Tax Systems*, *International Centre for Tax and Development Blog* (8 Jun. 2020); Jalia Kangave, *Promoting Tax Bargains in Uganda and Beyond: The Importance of Civil Society and Parliamentarians*, *International Centre for Tax and Development Blog* (31 Jul. 2015).

whether the more formal court, police and prison systems or the more informal customary systems that exist at the community level throughout the country, can help to reestablish security and build resilience at a small fraction of the cost of the humanitarian response. The R-TGONU and its international partners should scale up programming while they continue to invest in some of the new accountability mechanisms that have been introduced in recent years, including the Sexual and Gender-Based Violence (SGBV) Court, mobile courts for the POCs and other areas that do not have access to a permanent court, and special courts presided over by statutory court judges and chiefs to address instances of inter-communal conflict. Civil society organizations also play an important role in access to justice and legal aid programming by monitoring the functioning of the justice system and working to protect basic rights.³⁴ Much of the progress that was made on this front before the conflict was lost when donor priorities shifted to focus on humanitarian interventions. There is an urgent need to reengage with this type of programming both to serve an immediate need and to support the longer-term transition from conflict.

The R-ARCSS envisages the end of the transitional period coming about through elections to mark the culmination of South Sudan's journey from conflict to peace. Given the highly fractured political and security arena, and the fact that most of the senior leadership from all sides of the political divide appear keen to contest, the elections are likely to pose another potential flashpoint for conflict. To strengthen the integrity and credibility of the process, the international community could consider assigning the UN responsibility for managing the electoral process. This would go beyond mere technical assistance to actually assuming responsibility for key functions in the electoral process alongside the nationally owned election management bodies already provided for in the peace agreement and in South Sudanese law. South Sudan may also need to consider decoupling elections from other processes, such as the national census and the constitution-making process, to ensure that the elections are not derailed by delays in implementing other parts of the agreement.

Concluding Remarks

Among the conceptual difficulties that one encounters in South Sudan's peace process is the notion that conflict is inevitable; that it has persisted for generations and will continue into the indefinite future. If people do not believe that the country can emerge from large-scale conflict, as many other conflict-affected countries have succeeded in doing, they will lack the confidence and ambition that is needed to set South Sudan on a path to sustainable peace. South Sudanese must assume responsibility for the peace process and shape it in a way that responds to their needs. Policymakers should assess what is possible within the current political dispensation, and if the environment is not conducive to transformative change in the short-term, begin laying the foundation for such change so that people have somewhere to start when the time comes. Ultimately, the empowerment of South Sudanese citizens to demand a government that is responsive to their needs is what will make the difference between continuing tactical conflict management and sustainable peace.

³⁴ For more on people's experiences navigating the justice system in South Sudan, and the efforts of lawyers, activists and ordinary citizens to assert their rights, see Rachel Ibreck, *South Sudan's Injustice System: Law and Activism on the Frontline* (Zed Books, 2019).



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