

South Sudan's Peace Process: Reinvigorating the Transition

Ambassador Donald Booth

United States Special Envoy to Sudan and South Sudan

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Ambassador Donald Booth

Thank you for your kind introduction – and thank you to Chatham House and to all present today for coming to engage in this discussion.

As President Obama's Special Envoy for Sudan and South Sudan, I have the task of driving US policy and engagement toward an ultimate goal of two states at peace internally, with each other, and with the broader region. While I also spend a considerable portion of my time on Sudan, it is the South Sudan peace process that I will address today.

I would like to consider some of the most pressing challenges that we, together with African and other international partners, have faced in collectively supporting the South Sudanese parties as they negotiated a peace agreement, and more recently in implementing that accord. I hope today to stimulate discussion about how we balance the interests, contributions, and leverage of African and other international partners in brokering an end to conflicts – both in South Sudan and in other post-conflict situations in Africa.

While African states and the West share a common interest in ending conflicts, there remains in many situations a prevailing desire on the continent to forge 'African solutions to African problems.' In practice, varying degrees of collaboration between African and international friends has been instrumental in ending wars and supporting political transitions, though balancing sometimes different approaches and different priorities presents constant challenges – which, if not carefully managed, can complicate peace processes or compromise outcomes. The South Sudan peace process exhibited numerous such examples, in content, as well as in process – transparency and communication versus closed negotiations, the timing and use of 'sticks' versus 'carrots,' and proposing compromises versus open-ended discussion.

To explore how to harness a diverse set of partners around a collaborative approach to peacemaking, I'll focus on six themes today, six areas relevant to the peace process in South Sudan:

- first, managing regional dynamics;
- second, inclusive peacemaking—how to involve non-elite voices;
- third, divergent views on reconciliation and justice;
- fourth, confronting the economic drivers of instability and conflict;
- fifth, sustaining international engagement after conclusion of an agreement;
- and finally, funding a peace process.

These issues came to the fore at many stages of the IGAD¹-mediated peace process for South Sudan, which facilitated talks between the warring parties from January 2014 to August 2015, when a peace accord was finally signed. They remain pertinent as we support the establishment of the Joint Monitoring and Evaluation Commission (JMEC) to drive forward implementation of the agreement.

The Peace Process and the Region as Mediator

I would like first to address some of the dynamics of the IGAD mediation process. The African Union (AU) and international partners rallied around IGAD's role as lead mediator for two main reasons: first, IGAD's historic involvement in peacemaking in the Sudans, including as the mediating body of the earlier Comprehensive Peace Agreement, which ended the civil war in 2005; and second, the impact of the conflict on the immediate neighbours, as well as their respective political, economic, and security

¹ Intergovernmental Authority on Development.

interests. These realities meant that forging a solution without the region would be impossible. We and others would be closely involved, but the region would necessarily be in front.

The involvement of immediate regional actors in peace talks is a double-edged sword. From the outset, the engagement of IGAD's frontline states – Uganda, Kenya, Ethiopia, and Sudan – was critical to the parties' calculations and approach to negotiations. The sometimes conflicting interests of these states, some of which subsequently became overt or covert participants in the conflict, likewise influenced their approach to the process, particularly during IGAD summits when senior regional leaders participated directly in mediation. This was sometimes critical in advancing the process, and other times complicated progress by fundamentally altering the direction of negotiations. In the eyes of some, this compromised the neutrality of the mediation.

Not surprisingly, South Sudanese parties were highly attuned to these regional dynamics, and sought political advantage at each juncture, by soliciting support from neighbouring patrons and thus undermining the prospect of regional unity. Over nearly a year of negotiations, the parties made some progress in developing an agreement but stuck firm to irreconcilable positions on the most divisive issues. Thus the case of South Sudan reminds us that the viability and merits of a region-led peace process of course depends on the circumstances of that region; the relationships between the states in question; and the presence or not of a regional hegemon. The comparative advantages regional states bring must be weighed against the negative impacts when they pursue their own interests in a conflict or a post-conflict arrangement. Mediation from outside the immediate region, with no direct interests at stake, is the alternative. Even so, such a mediation structure would require constant dialogue with regional actors to ensure they do not perceive the peace process as adverse to their interests. So, as I said many times during the negotiations, 'if the region is not part of the solution, it will be part of the problem.'

The ultimate answer to mitigating the differences among the IGAD partners, and bridging gaps between regional and international approaches, was to bring a greater number of partners around the table and ensure they presented as united a front as possible, in support of the mediators, and key substantive compromises. While the United States, as well as our Troika² and EU partners, and sometimes China, had been regularly engaged in supporting the mediation, and shuttling between the parties, our role was ultimately unofficial. In a move these actors supported, Ethiopian Prime Minister and IGAD Chairperson Hailemariam Desalegn embraced the notion of 'IGAD Plus' in the summer of 2015, which formally expanded the table and enhanced our collective political weight on the parties. While not a silver bullet, this altered the dynamic, minimized the space for the parties to exploit differences, and ultimately helped secure a peace agreement.

The Agreement on the Resolution of the Conflict, signed by the parties and guarantors in August 2015, was, without doubt, a major achievement. It outlined a comprehensive plan to end the fighting, frame a post-conflict transition, and begin the tasks of reconciliation and reform. Certainly the agreement is not perfect – no agreement is – as the competing interests of the parties and the different views of external partners ultimately curtailed the nature of the agreement's reform agenda. But its imperfection is not something to stand back and opine critically; we must have all hands on deck, working together with the South Sudanese to implement the agreement. If we simply recite all the reasons why the agreement may not work, it will fail. We must avoid creating a self-fulfilling prophecy.

The months since signing have given a taste of just how challenging implementation will be; the parties have manufactured delays, sought to renegotiate aspects of the agreement, and continued fighting in

² The Troika is made up of the United States, the United Kingdom and Norway.

some parts of the country. Implementation has been slow. Regional and international fatigue with South Sudan has not helped. However, while some of the warring elite still resist the agreement, the narrative is now increasingly about implementation. The space for spoilers is being minimized. We must continue advancing this trend, with the majority of South Sudanese who seek peace.

The Joint Monitoring and Evaluation Commission and its Chairperson, President Festus Mogae, have now begun to fill the void, pushing the parties toward uneven, but unmistakable, progress. His first reports to IGAD and the AU helped to break some key deadlocks. Progress will surely continue to be beset by new hurdles, and thus South Sudan's partners, in the region and further afield, will need to remain engaged. Success will require a sustained mix of support and pressure, that, when appropriately coordinated, brought the parties to an agreement in August [2015].

An Inclusive/Multi-Stakeholder Process

The second theme for reflection is that of inclusivity in the peace process. In South Sudan, it was abundantly clear to many observers that the warring parties had predominantly ethnic bases of support – risking a feeling among other groups that they would be disenfranchised by a deal between the warring parties.

The United States and others believed wholeheartedly that a process simply reconciling two warring parties would be too narrow and short-sighted to reset South Sudan on a new and more viable path. Other South Sudanese stakeholders had to have a say in a new political dispensation, in the reconciliation of a fractured society, how state resources were allocated, and thus in the character of transitional reforms.

The notion of an inclusive, multi-stakeholder process was a major point of contention, among parties and external actors alike. Some saw this as essential; others saw it as either unnecessary or too complicated. While ultimately embraced in theory, the process and its outcomes were mixed with regard to inclusivity. While some partners and many South Sudanese citizens saw the value of a multi-stakeholder process including civil society organizations, women's representatives, religious leaders, and eminent South Sudanese, the warring parties resisted, rejecting participation or trying to use an expanded table to stack the process with their own supporters. The influence of the principal parties, the mechanics of selection, and uneven support for a multi-stakeholder format, among some regional and national actors, ultimately rendered the process less participatory than it might have been.

Inclusion of course cannot, and need not, be only about getting a physical seat at the table. But also about mechanisms to ensure those affected by conflict in Bor, in Malakal, in Wau, and in Torit are able to be a part of the peace process, and thus own its outcomes. This can mean direct engagement with South Sudanese constituencies; information sessions; feedback loops; and, at a minimum, regular public communication on the peace process.

Even when information is readily available, bringing the voices of those affected by conflict into the peace process also demands political space where they can openly debate developments. Such space was at risk during the conflict, as media outlets were subject to threats and closure, journalists faced reprisals, and when even prominent members of the ruling party were afraid to voice their opinions. Inclusivity remains a challenge as implementation proceeds. Absent a turn towards openness and spirited public discourse, I fear that South Sudan's transition will lack the broad public participation it desperately needs.

Transitional Justice and Reconciliation

The third theme is justice, reconciliation, and truth-telling. The South Sudan experience offered some considerations for how to integrate these concerns into a peace process. No doubt all here are well aware of the important and spirited debate over justice in Africa, the ICC's [International Criminal Court] cases in Africa, and competing notions of transitional justice.

To a degree, the mediation and related efforts in South Sudan successfully balanced prevailing approaches to justice and reconciliation. The African Union recognized at the outset of the conflict that addressing atrocity crimes would be seen as a critical test of the institution's leadership. It established a Commission of Inquiry, led by former president of Nigeria Olusegun Obasanjo, to investigate. In the peace process, the cycle of atrocities and revenge ignited by the conflict made addressing both accountability and reconciliation critical, and the opposition in particular made justice for initial killings in Juba a rallying cry. Ultimately the parties agreed, however reluctantly, to a hybrid court co-led by the AU and a domestic reconciliation commission.

None the less, mediators and partners faced trying questions on whether there was a need to sequence peace and justice. The Commission of Inquiry's report is a case in point: completed in November 2014, its release was delayed for almost a year amid debates over whether making its conclusions public would turn South Sudanese leaders against the peace process. I would note that we made clear, from the outset, our view that the report should be released upon completion. I believe the tension between peace and justice, whether imagined or real, will continue to present a challenge during South Sudan's transition. The commitment of South Sudan's leaders to genuine accountability will soon be tested. We may face questions about whether proceeding with cases at the hybrid court risks disrupting the transition or whether to prioritize reconciliation over accountability. Leadership from within Africa to ensure the South Sudanese people can access the justice they deserve and demand is critical. I want to particularly commend here the recent remarks by President Mogae to the AU Peace and Security Council. He said, 'if the legacy of conflict and impunity is to be finally broken in our continent's newest state, we must also act and not disappoint a new generation of South Sudanese'.

Public Finances and Corruption

I would like to now address a separate debate on the twin problems of woeful economic governance and devastating corruption in conflict-affected societies. These issues are at the heart of South Sudan's conflict. Complicated by the war, the diversion of state resources to the conflict, and the mortgaging of the country's resources, we now face the near-collapse of the economy. Recent years have seen growing attention to how competition for control of resources, corruption, and economic patronage can drive conflict. In South Sudan, access to oil revenues and corruption schemes make political positions lucrative, further reinforced by the established expectations of familial and ethnic patronage networks. Power, particularly the power to control access to South Sudan's wealth, was a principal driver of conflict.

Our inclination, one I believe is shared by many partners in the donor community, is to push for wide-ranging public financial management reforms, including oversight of expenditures. I saw the efficacy of this approach first-hand as Ambassador to Liberia from 2005 to 2008, when donors worked with the government to establish the Governance and Economic Management Assistance Program, or GEMAP.

However, when it came to addressing these issues in the Economic and Financial Management chapter of the peace agreement, some regional states were resistant to a similar approach for South Sudan, making it impossible to integrate such reforms into the peace process. I suspect their opposition derives partly from

parochial economic interests, as some regional banks benefit from business relations with South Sudanese elites; partly a fear of precedent, as none of South Sudan's neighbours are keen to open the door to greater transparency to donors; and partly a post-colonial suspicion of intrusive Western designs. While some in the region saw the threat that economic mismanagement and corruption posed to South Sudan's viability, few wanted to champion greater transparency. Motivations aside, we have work to do here in forging solutions to corruption and resource-driven conflict, solutions that overcome suspicions of ulterior Western motives.

Transition to Post-Signature Issues

The issues I have raised so far are complex and difficult issues, and the constant need for mediators and partners to help put out fires and maintain momentum creates additional pressures, and sometimes distorts our collective focus on truly transitional reforms. Similarly difficult are the range of issues that must be addressed to make implementation successful. This will be an ongoing challenge because of efforts by some actors to manipulate transitional processes and institutions to their advantage, rather than to implement in the interests of South Sudan and its people.

Maintaining Cohesion Among Partners

I will now turn to an effort that has been of particular concern since August: maintaining coordination and attention among both African and international partners post-signature. Too many partners in the peace process embraced a notion of the agreement itself as the finish line, rather than merely a first step in a long transition. A sense of fatigue with the conflict and the peace process, combined with the manifold challenges the region is facing, from domestic politics, to a food security crisis stoked by El Niño, to other conflicts, contribute greatly to this fatigue –and understandably so.

But we have seen in implementing the agreement, no less than in the negotiations themselves, that the South Sudanese parties remain well-attuned to signs of weakness, disinterest, or differences among their international friends. They remain quick to exploit the space an international coordination vacuum leaves, leading to a constant struggle to keep implementation on track. We saw this play out, for example, with President Salva Kiir's decree establishing a 28 state system and the resulting backlash from the opposition, which created a political crisis delaying the launch of the transition.

In the South Sudan peace process, although it was clear that the Joint Monitoring and Evaluation Commission would be a critical mechanism to drive implementation, it was only after the agreement was signed that issues such as leadership, staffing, funding, and terms of reference were addressed. This created significant delays in establishing the JMEC, leading to a prolonged void of leadership to drive implementation. The expanded group of African and international partners, while critical in helping conclude the negotiations, did not establish a clear and shared vision for how to sustain regional and international attention after signature.

The international participants in the JMEC, consisting of IGAD states, the five African states mandated to play a role in the peace process by the AU, the AU Commission, the Troika, the EU, China and the UN, have recently begun organizing themselves as a JMEC Partners Group. I will attend a meeting of this group in Nairobi next week. We believe this forum can serve to coordinate engagement from South Sudan's partners, much as the IGAD Plus formation did during the final days of the negotiations. None the less, I believe participants in future peace processes would be well advised to agree on such a mechanism for pressure and engagement prior to the signing of an agreement, and to make it a tangible reality soon after.

Funding for Peace

I would like to turn, for my final topic, to the question of funding a peace process, which creates its own assortment of dilemmas: of coordination between donors and mediators; for donors, of establishing priorities within their own systems; and, perhaps most importantly, of political games with the South Sudanese parties.

Funding for an African-led, Western-resourced peace process, during both the mediation and implementation phases, adds its own layer of complexities to the differences in priorities I have been addressing. When giving assistance to a peace process, we create a strategic tension as we must be able to deliver outcomes that comply with our individual policy, legal, and domestic political requirements in a process we do not control, regardless of the funding we provide. Our regional partners leading the mediation may or may not be receptive to these needs, and the parties themselves will ultimately determine the content of an agreement – challenging us to find ways to persuade our partners on the one hand and manage expectations within our own systems on the other. No doubt as we proceed with the implementation process, maintaining coherence among donors and the JMEC secretariat, around a common set of transitional goals, will continue to present a nettlesome test of communication and management.

Our task here is made that much harder by the ever-growing range of demands from the South Sudanese parties for donor funding following the agreement. To a degree, this was inevitable: the government's revenues have been cut to the bone by mismanagement, extravagant security expenditures, and low oil prices, while the opposition has always struggled to sustain itself. Fairly, or unfairly, both parties perceived international support of the peace agreement as implying that the aid spigot would be turned on. But a posture of demanding rewards for making peace, a common refrain of 'if you want peace, you will have to pay for it', remains troubling. Such statements frustrate many inside and outside South Sudan, raising the perception of a greater desire for peace among South Sudan's friends than its leaders, and questions about the parties' commitment to the peace agreement.

For us, the appropriate response has been to state clearly our intention to fund institutions and activities directly related to implementing the peace agreement, and our willingness to move toward a renewed relationship with a transitional government, once formed. The United States has supported the establishment of the JMEC; helped fund the newly expanded ceasefire monitoring mechanism, among other needs in the security sphere; and, along with Norway, brought the opposition's advance team to Juba to allow for pre-transitional institutions to proceed. I believe, however, that in addition to communicating to the South Sudanese parties, we must also make sure our African partners understand and support our approach to funding implementation, and we will be using forums such as the JMEC Partners Group to engage them.

Some observers have suggested that donors are short-sighted in not providing funds to keep the patronage and military machine afloat. It is true that patronage has underpinned South Sudanese politics and smoothed the reintegration of militias. But this system, as the South Sudanese themselves acknowledge, has created a perception that armed conflict generates rewards; contributing to the cycle of militia creation and reintegration that plagued the country even before the current conflict.

DDR and SSR³

Thus the process of disarming, demobilizing, and reintegrating combatants on both sides will be a critical test of whether donors and the transitional government can collaborate to further a long-term transformation of South Sudan – or whether the DDR process will be seen as a source of rewards for fighting. The history of DDR efforts in South Sudan in the aftermath of the 2005 Comprehensive Peace Agreement has not been promising. There was limited commitment from South Sudan's political leaders and generals. Too often, DDR programs were seen as temporary employment for wounded soldiers rather than a genuine exit from military life. Against a background with limited alternative opportunities, donors and South Sudanese officials alike struggled to create viable incentives for demobilized soldiers to remain in the civilian economy.

We know that getting DDR right is among the most important tasks during South Sudan's transition. We cannot simply roll out a traditional DDR program; we must think creatively about South Sudan's recent history, its experience of DDR, and what alternative avenues might best fit South Sudan's transitional needs as well as longer term reforms. My security advisers have been conducting a series of expert conferences on the DDR agenda in South Sudan. The third of these will take place in Juba in March. One approach we believe has potential, if built upon lessons learned, is marrying DDR with infrastructure and other physical reconstruction programs; simultaneously creating employment for demobilized veterans and improving South Sudan's dismal infrastructure.

Creative solutions in the security sector, including DDR-like programs, are surely part of the equation: but the foundation must be political commitment from transitional leaders and a focus on long-term economic development rather than short-term rewards for fighting. We are interested, in this regard, in engaging African states with successful DDR track records in this conversation and finding ways to support continental expertise and advice in this space.

These are just some of the most pressing considerations we have had to balance in partnering with regional actors, the South Sudanese parties, and others since the outset of the peace process. As mentioned at the outset, sharing these reflections can advance our collective thinking on how best to balance the interests and contributions of African and international partners in this and future peace processes. There is never a simple formula for managing diverse interests and views in a collaborative approach, but doing so effectively is vital to successful peacemaking.

The success of South Sudan's transition will require extraordinary efforts from the South Sudanese people and the steadfast support of their friends. I remain convinced that the Agreement on the Resolution of the Conflict in [the Republic of] South Sudan, while by no means perfect, has opened the door to a transition that can benefit the people of South Sudan, one that can begin to tackle desperately needed reforms to the security sector and economic governance while promoting accountability and reconciliation. This will be a long-term undertaking, but we must persevere in a spirit of unity. We must effectively marshal regional and international support, both to keep the reform agenda moving forward, and ensure the post-transition election process does not become a flashpoint for renewed conflict.

I thank you for your attention, and I look forward to an open discussion on South Sudan, on the conflict, and on effective peacemaking.

³ Disarmament, Demobilization and Reintegration (DDR) and Security Sector Reform (SSR)