

BRIEFING: THE CRISIS IN SOUTH SUDAN

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ON 16 DECEMBER 2013 THE PRESIDENT of the Republic of South Sudan, Salva Kiir Mayardit, appeared on state television in military uniform to announce that he had successfully put down a coup attempt in the capital, Juba. The coup attempt was said to have been led by former Vice-President Riek Machar and several ex-cabinet ministers and officials of the ruling Sudan People's Liberation Movement (SPLM), including Madame Rebecca Nyanding de Mabior, the widow of the SPLM's first leader, John Garang. Eleven alleged coup plotters were arrested in their homes, but Riek Machar escaped from Juba, and, amid reports over the next few days of targeted killings of Nuer in Juba by men in uniform loyal to the President, the commanders of the 8th and 4th army divisions of the Sudan People's Liberation Army (SPLA) in Jonglei and Unity states announced their defection to Riek Machar and seized control of the state capitals of Bor and Bentiu. In telephone interviews from secure places Riek Machar denied that he had been involved in a coup but then urged the army to overthrow Salva Kiir and announced his plans to march on Juba.

Despite the fact that the arrested ministers came from a variety of communities across South Sudan, Western media reports cast the political struggle exclusively in tribal terms, of Salva Kiir's Dinka against Riek Machar's Nuer. The targeted killings in Juba and revenge killings of Dinka by Nuer in Akobo and Bor in Jonglei state seemed to bear this out. The coup was said to have begun with a fight between Nuer and Dinka soldiers in the presidential guard following a meeting of the SPLM's National Liberation Council (NLC), which Riek Machar and the alleged plotters had boycotted, and in which Salva Kiir had denounced Riek in strident terms. Yet while the government of South Sudan has kept to this version of events, they have presented little concrete evidence to support their claim

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of a plot, and few friendly governments have accepted it unequivocally. Instead there was strong international pressure for the release of the eleven detainees.

During the next month see-saw battles were fought over the control of Bor, Bentiu, and Malakal (the capitals of Jonglei, Unity, and Upper Nile states), as well as the oil fields in Unity. The oil companies shut down their installations in Unity and withdrew their staff. While the forces said to be loyal to Riek Machar were drawn mainly from defecting garrisons in the three states and some armed civilian Nuer groups from Jonglei, the government received military support from Uganda, as well as the SPLA-North and Justice and Equality Movement (JEM) forces in rebellion against Khartoum in neighbouring Blue Nile and South Kordofan states. International pressure on both the government and dissidents resulted in an IGAD-brokered cessation of hostilities agreement in Addis Ababa on 23 January, but this proved to be an agreement on paper only with no immediate provision for monitoring on the ground. By the beginning of February nearly 750,000 persons were estimated to have been displaced by the fighting in Juba and the three states; 85,200 were seeking refuge in the compounds of the UN Mission in the Republic of South Sudan (UNMISS); and over 130,000 were estimated to have fled into neighbouring countries, including Sudan.¹ Estimates of deaths have varied wildly from 1,000 to 100,000.

A new rotation of fly-in-fly-out journalists focused on Juba for the first few weeks of the conflict and soon produced their own narrative, derived mainly from interviews with harassed expatriates from the Western embassies, UNMISS and NGOs. South Sudan is too ethnically divided to be a sustainable nation, the narrative ran. It became independent too early, and this was largely the fault of the US government and Hollywood stars such as George Clooney. This was first stated by Daniel Howden in *The Observer*² but has been recycled by others, most disappointingly in a blog posted by the Royal African Society's own director, Richard Dowden.³ Such analysis is based on two significant simplifications. The first is the assumption that the Nuer and the Dinka each are single corporate "tribes", capable of mass mobilization. They are no more tribes than the Irish or the Scots are, and representatives of each people will be found on all sides of a political argument, as they are today. The second is to reduce twenty-two

1. USAID, 'USAID-DCHA South Sudan crisis fact sheet #24'. 4 February 2014, <<http://reliefweb.int/sites/reliefweb.int/files/resources/02.04.14%20-%20USAID-DCHA%20South%20Sudan%20Crisis%20Fact%20Sheet%20%2324.pdf>> (6 February 2014).

2. Daniel Howden, 'How Hollywood cloaked South Sudan in celebrity and fell for the "big lie"', *The Observer*, 28 December 2013, <www.guardian.com/world/2013/dec/28/reality-of-south-sudan-and-hollywood-stars> (28 December 2013).

3. Richard Dowden, 'South Sudan's leaders have learnt nothing from 50 years of independence in Africa', <africanarguments.org/2014/01/22/south-sudans-leaders-have-learnt-nothing-from-50-years-of-independence-in-africa-by-richard-dowden/> (22 January 2014).

years of civil war and six years of political contestation to the final years leading up to the self-determination referendum, denying South Sudanese their own agency and shifting the focus to external actors as the prime motivators. It was Salva Kiir who inserted the self-determination clause in the initial framework agreement in 2002, and it was the US special envoy, Senator Danforth, who opposed it.⁴

What, then, is really happening in South Sudan? In brief, two parallel conflicts that have been developing since 2005 have now converged, one in the governing party, the SPLM, and one in the army, the SPLA. Both have their origins in unresolved tensions following the split in the SPLA in the 1990s, and the incomplete reintegration of anti-SPLA forces into the SPLA after 2005. This briefing seeks to explain the roots of the crisis, focusing first on divisions within the governing party, before turning to the issues of military integration and the challenges for future peace and stability.

Divisions within the SPLM

There has been an internal debate about party direction at least since the death of John Garang in 2005, shortly after signing the Comprehensive Peace Agreement (CPA) and being sworn in as Sudan's first Vice-President and President of the government of South Sudan. He was replaced by his deputy in the SPLM hierarchy, Salva Kiir Mayardit, a career soldier rather than a politician, and much of the debate about party direction has focused on Salva Kiir's performance as President of South Sudan both during the interim period of 2005–11 and since independence in 2011.

Garang was the architect of the party's 'New Sudan' platform, which envisaged a reformed and restructured Sudan, and explains why the SPLM was able to expand the war beyond the southern Sudan and recruit heavily in the 'northern' states of Blue Nile and South Kordofan. Self-determination for South Sudan alone was an alternative included in the peace agreement should the New Sudan prove unachievable during the six-year interim period stipulated in the CPA. With Salva Kiir's elevation to the presidency the New Sudan project was effectively abandoned – given lip service only – as the SPLM's primary goal. Dr Peter Adwok Nyaba, a former Minister of Higher Education, Science and Technology, and later accused of being a coup plotter, recorded much of the internal debate in a book published in the year of South Sudan's independence.⁵

4. Prior to the independence celebrations in Juba in July 2011, I was approached by an American journalist who reported to me, 'from everything that I have been told, independence is coming too soon'. I asked him if he had spoken to any South Sudanese. The answer was that he had not.

5. Peter Adwok Nyaba, *South Sudan: The state we aspire to* (Centre for Advanced Study of African Society, Cape Town, 2011).

In his critique of the lost opportunities during the Interim Period, Adwok Nyaba highlighted the eclipse of Garang's strongest supporters within the party and their replacement by a circle of close advisers and confidants drawn mainly from Salva Kiir's own community around Gogrial, some not even members of the SPLM, and others with suspiciously close ties to the National Congress Party (NCP) regime in Khartoum. It was the influence of this circle, according to Adwok Nyaba, that weakened the government of South Sudan's negotiating position with the NCP over the implementation of the CPA. Though many of the SPLM stalwarts were later reinstated, there were still complaints within the party and within the government generally of the presidential entourage restricting access to the President. Within this period, Adwok Nyaba alleged, no mechanisms of accountability were established within the government or the army, partly because of the continued rift between the President and the Garang loyalists, but also because Vice-President Riek Machar followed his own agenda. Adwok Nyaba concluded by calling for the SPLM to renew its original commitment to the concepts of social justice, equality, democracy, and progress through a new constitutional arrangement for the nation.⁶

After independence criticism of Salva Kiir was further stimulated by speculation over whether he would run for re-election in 2015, and, if not, who would be his successor. Many within the SPLM agreed with Adwok Nyaba that the party had lost direction since the independence referendum and had no real vision or programme for national development and national unity. This uncertainty encouraged a number of potential candidates, not so much to throw their hats in the ring, as to look for hats ready to throw. These included the party's long-standing secretary general, Pagan Amum, Foreign Minister Nhial Deng Nhial, and the Speaker of the National Assembly James Wani Igga. Riek Machar had already made clear his ambition to succeed as President, having argued for strict presidential term limits to be included in the interim constitution. There was a vigorous and open debate about these issues, both within the party and externally, throughout the first half of 2013, but that debate was shut down in July when Salva Kiir dismissed his entire cabinet and brought in people from outside the party to replace them. This move was accompanied by a more vigorous suppression of public debate through the harassment of journalists and newspapers by the state security.

The most widely discussed dismissals were those of Riek Machar as Vice-President and Pagan Amum as secretary general of the party. The position of Vice-President is an appointed, not elective post, and tensions between the President and Vice-President were public knowledge. Riek had been busy endorsing any cause that might gain him popularity, and

6. *Ibid.*, pp. 181–2.

somewhat belatedly crafted a top-down national reconciliation campaign. He had also announced his intention of standing against Salva Kiir for both the party chairmanship and presidency, but had seen no apparent contradiction in remaining Vice-President while so publicly challenging the sitting President. Pagan Amum had been the government's lead negotiator over post-independence issues with Khartoum as well as SPLM secretary general. His dismissal was accompanied by a gagging order not to talk to the media and not to leave Juba.

The wholesale dismissal of the cabinet was at first received reasonably favourably in Juba, as many of those dismissed were perceived to be incompetent or corrupt. But the announcement of the replacement cabinet brought no reassurance that it was going to be the promised government of technocrats. Aleu Ayeny Aleu, the new Interior Minister, had frequently denounced the media for criticizing the President. Michael Makuei Lueth, the new Minister for Information, was also seen as responsible for watering down the media laws and sections of the transitional constitution dealing with the press. Others were seen as too close to Khartoum: Dr Riak Gai Kok, a Nuer and the new Minister for Health, was the leader of the NCP in the South between 2005 and 2011. Abdallah Deng Nhial, the new Minister of the Environment and a Dinka from the president's own Gogrial area, had been Hassan al-Turabi's Popular Congress Party's presidential candidate in 2010. Telar Ring Deng, rejected by the National Assembly as Minister of Justice, was retained as a presidential adviser and was seen by many, both within and without the party, as being responsible for restricting access to the President to a small circle.

Changes in the composition of government coincided with a perceptible warming of relations with Khartoum. One contentious issue between the two governments was Juba's alleged support for the resistance mounted by the locally recruited SPLM/A-North in Sudan's border states of South Kordofan and Blue Nile, who had formed a broad Sudan Revolutionary Front with some of the Darfur dissident groups, such as JEM. In June 2013 some 170 SPLA officers, many known for their continued support for the SPLA-North, were dismissed. In August Salva Kiir announced that he would stop aid to the SPLM-North (though he had previously never admitted giving such aid) and signed a security agreement with President Bashir the following September. In November, the terms of the 2012 oil agreement were readjusted in Khartoum's favour. There were also several meetings between the Sudanese National Intelligence and Security Service and South Sudan's Security Service. Edward Lino, from the contested Abyei area, was removed from his position as head of South Sudan's security.⁷

7. 'Timeline of recent intra-southern conflict', Human Security Baseline Assessment for Sudan and South Sudan, <www.smallarmssurveysudan.org/facts-figures/south-sudan/conflict-of-2013-14/timeline-of-events.html> (30 January 2014).

Divisions within the SPLA

The parallel problem within the SPLA is that it had never recovered completely from the split in the 1990s, led by Riek Machar, Lam Akol, and others. During that time the Khartoum government supported various anti-SPLA factions with arms and money. Some of the dissident leaders, such as Riek Machar, Taban Deng Gai, and Lam Akol, returned to the SPLM/A before 2002 and were reincorporated into the party. Riek, a Nuer from Unity, and Lam, a Shilluk from Upper Nile, were both engineers with doctoral degrees and had been advanced in the SPLA hierarchy because of their academic qualifications. Based on the Ethiopian border when the Mengistu regime fell, depriving the SPLA of their major backer and their rear bases, Riek and Lam tried to rally support within the SPLA for the removal of Garang but failed to create a movement beyond the confines of their own command, and eventually allied with Khartoum instead.⁸

When the prodigals returned Riek was given the number three spot in the SPLM hierarchy, which is why he slid into the position of Vice-President in 2005 when Salva Kiir was elevated to the presidency. Since 2006, and more recently since 2011, most of these Khartoum-backed militias, who were largely recruited from different Nuer groups in Unity, Upper Nile and Jonglei states, were brought back into the SPLA – but incompletely integrated there. Their leaders were promoted, but rank-and-file troops were not absorbed into other units. Throughout the Interim Period there were repeated defections to Khartoum and re-defections back to the SPLA, and often defectors returned with enhanced ranks. Peter Gatdet became known as a serial defector both before and after 2005. Those who never broke away sometimes felt that preferential treatment had been given to those who did, and that rebels were being rewarded for their rebellion.⁹ The character of the army changed even more with the dismissal of some of the more stalwart veteran SPLA officers in 2013.

The most serious threat to South Sudan's security prior to 2013 was the ongoing fighting between mainly armed civilian groups in Jonglei state. This, too, was an unresolved legacy of the war. Jonglei had been a recruiting ground for anti-SPLA militias by Khartoum, especially among the Murle of Pibor county, who had a history of hostile relations with neighbouring Dinka, Lou Nuer, and Anuak. During the SPLA split of the 1990s, many Nuer civilian groups also armed themselves, less for fighting the SPLA and more for protecting themselves from their similarly armed neighbours. The so-called "White Army" of 1991 became notorious for their involvement in the Bor Massacre of that year in collaboration with regular units of Riek

8. Johnson, *The Root Causes of Sudan's Civil Wars*, pp. 94–9.

9. Matthew LeRiche and Matthew Arnold, *South Sudan from Revolution to Independence* (Hurst & Co., London, 2012), pp. 159–62.

Machar's faction of the SPLM. Their name derived from the fact that they were not a uniformed force and were irregularly armed.¹⁰ Several different civilian forces armed themselves throughout the 1990s as Riek Machar's forces imploded in a series of internal Nuer civil wars.¹¹ These *ad hoc* armed groups were not considered part of the regular militias defined as 'Other Armed Groups' in the CPA, and the government's policy from 2006 on was to forcibly disarm rather than to co-opt them. Unfortunately a series of raids between the cattle-keeping Murle and their disarmed neighbours led to massive and illegal civilian re-armament and an escalation of retaliatory raids of increasing violence against civilians on both sides. Some of the weapons obtained came via Khartoum, which supported local insurgencies. Another comprehensive disarmament campaign was launched by the government in 2012, with Peter Gatdet, the commander of the SPLA 8th Division, now in charge, but the number of weapons collected was small and armed groups continued to operate in different parts of the state.

Salva Kiir's decision to turn to people from his own community for support within the party was paralleled by his recruitment of a special unit within the army from his home state of Warrap and neighbouring Northern Bahr el-Ghazal. This was financed by the SPLA budget but was kept outside the SPLA chain of command and reported directly to the President. This move worried some senior officers in the army even before the events of December.

Confrontation

By December opposition to the President had coalesced around Riek Machar and a number of the ex-ministers, all members of the SPLM Political Bureau and NLC. This was a coalition of expediency, as many of the dismissed ministers had never been strong supporters of Riek, and the press statement released under Riek's name on 8 December followed very closely the issues already raised in Adwok Nyaba's 2011 book.¹² They criticized Salva Kiir for circumventing the Political Bureau and the NLC, immobilizing the party, acting unconstitutionally in dissolving the party organs and dismissing state governors, sidelining the Garang loyalists, bringing non-SPLM members into government, making too many concessions to Khartoum in post-independence negotiations, forming a personal

10. Arild Skedsmo, Kwong Danhier, and Hoth Gor Luak, 'The changing meaning of small arms in Nuer society', *African Security Review* 12, 4 (2003), pp. 57–67, p. 61.

11. Douglas H. Johnson, 'The Nuer civil wars', in Günther Schlee and Elizabeth E. Watson (eds), *Changing Identification and Alliances in North-East Africa*, vol. II (Berghahn Books, New York, NY and Oxford, 2009), pp. 39–41.

12. Riek Machar, 'Press statement by Riek Machar', 8 December 2013, <<http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/14076/categoryId/120/Press-Statement-by-Riek-Machar.aspx>> (17 December 2013).

army 'in the guise of Presidential Guards', and mismanaging the country's finances. It was rumoured that they intended to vote Salva Kiir out of the party chairmanship in the forthcoming Political Bureau meeting, but the President cancelled it. There was a confrontation between the President and Vice-President on the first day of the NLC meeting on 14 December, and Riek and his allies boycotted the second day. It was on the 15th that fighting in Juba started.

It is the pattern of fighting in Juba and the subsequent defections of mainly Nuer units of the SPLA that have led many observers to characterize this as a tribal war between Dinka and Nuer. This cannot be entirely dismissed, but neither is reality so simple. It is reported that Salva Kiir's personal unit, whether in the uniform of the Presidential Guard or in uniforms of other units including the police, went through largely Nuer neighbourhoods and carried out both indiscriminate killings and targeted murders of specific individuals. The government claims that these were the undisciplined acts of troops chasing rebels who fled into the town, but the anecdotal reports of targeted killings, plus continued reports of uniformed men harassing civilians in Juba, particularly Nuer, are too widespread to be ignored. Reports of the killing of civilians in Juba led to revenge killings of Dinka by Nuer in Akobo and Bor.

The first SPLA unit to announce its defection to Riek was the 8th Division led by Peter Gatdet in Jonglei, who moved his headquarters battalion to link up with Riek when the latter fled Juba. Most of the SPLA units that have mutinied against the government come from reincorporated anti-SPLA militias, and most of the fighting that has occurred has been confined to the three states – Jonglei, Unity, and Upper Nile – that were the sites of fighting between the SPLA and Machar's breakaway faction in the 1990s. At the same time there is no Nuer unity. The government regained control of Bentiu and Malakal with the aid of loyal Nuer troops.¹³

Foreign reporters have largely ignored how little the civilian population has been involved in the fighting. With one exception, civilians are not being mobilized, or mobilizing themselves, to become involved in the fighting in any significant way on either side. During the outbreak of the fighting in Juba many of the people targeted by the uniformed units were protected by their neighbours – Dinka protecting Nuer, Dinka and Nuer combining to patrol their neighbourhoods, people from other groups protecting both Nuer and Dinka. Since then Juba citizens have been collecting water, food and clothing for the refugees in the UNMISS camps. The army might be tearing itself and the country apart, but the people of South Sudan are not.

13. Human Security Baseline Assessment (HSBA) for Sudan and South Sudan, 'The conflict in Unity state', <<http://www.smallarmssurveysudan.org/fileadmin/docs/facts-figures/south-sudan/HSBA-The-Conflict-in-Unity-State.pdf>> (11 January 2014).

The one example of massive civilian mobilization has been the so-called “White Army” in Jonglei, armed civilians who attacked the towns of Bor and Malakal. In fact no such “White Army” exists, and the use of the term is a propaganda ploy by both sides. For the government in Juba, calling these groups of armed civilians the “White Army” reminds South Sudanese of the uncontrolled mayhem of the 1990s. For Riek reference to the “White Army” gives the impression that he is leading a vast popular movement.¹⁴

The groups of largely Lou Nuer civilians are not the same as the ‘White Army’ of the 1990s. As a result of Murle raids after 2007, the Lou re-armed themselves and launched counter-raids against Murle settlements in Pibor county. They have considerable holdings of small arms and are able to coordinate their movements via satellite phones, but their main targets among the Murle were civilians, just as their main targets in Bor and Malakal were civilians. Riek does not fully command them, and other Lou Nuer civilian voices have urged them to return home and stay out of the fighting. One result of the mobilization of this *ad hoc* Lou Nuer militia against the government is that David Yau Yau, who has led a Khartoum-backed Murle insurgency against Juba, has recently agreed a truce with the government.

As time goes on, there is the danger of internationalizing the fighting on the ground. The presence of the Ugandan Army is already controversial and has been criticized by Ethiopia, Sudan, and the US. Riek’s negotiators in Ethiopia have used the presence of the Ugandans as a reason for delaying further talks. The fact that Salva Kiir has been able to call on the support of both the SPLA-North and JEM in retaking Malakal, Bentiu and the Unity oil fields will be a setback for Khartoum in its efforts to detach South Sudan from these forces, and could weaken Khartoum’s initial support for Juba.

Prospects for resolution

Prospects for bringing a resolution to the current conflict depend on international actors behaving responsibly, and a number of other factors. Riek’s track record is not encouraging. In the 1990s, he collaborated with Khartoum from the start of his rebellion against Garang, while holding to an unrealistic hope that his public advocacy of human rights and democracy would gain him the support of Western governments, such as the US. At the beginning of this conflict he offered to share oil revenues with Khartoum, in a crude attempt to get their support. So far he has been rebuffed. In the 1990s, as now, he quickly lost control of troops on the ground. In 1991 he dismissed the loss of civilian life as ‘regrettable’, while

14. Aly Verjee, ‘On the march on Bor, planes and the parade of envoys’, in ‘Thoughts on the Sudans’, n.d., <<http://thoughtsonthesudans.wordpress.com/2013/12/31/on-the-march-on-bor-planes-and-envoys/>> (31 December 2013).

he has excused civilian deaths as something that happens in war. Now, as in the 1990s, he is appealing to a sense of Nuer entitlement to raise recruits. In the 1990s he carried on his armed fight against the SPLA long after it had any chance of success, and people within his camp admit that they are trying to find an international 'godfather' to supply them with heavy weapons.¹⁵ Moreover, the scale of civilian deaths will have to be addressed if any peace settlement is to have a chance of producing lasting reconciliation. Yet both sides are culpable and neither leader is willing to take responsibility.

The issues of governance highlighted by this conflict are not just internal to the SPLM, and there is potential for opening up a space for other voices to be heard and other groups to become involved in resolving the underlying issues that led to conflict. Already organizations like the South Sudan Law Society, the Association for Media Development in South Sudan, local think tanks such as the Sudd Institute, as well as numerous diaspora groups have been putting forward their analyses and proposals. Of vital importance to the fate of the negotiations in Ethiopia is the recent inclusion of some of the released detainees as a third voice. They have distanced themselves from Riek and the destruction caused by his forces. They have declared that they will remain separate from Riek's delegation, because they have no forces of their own, though they do share many of their political concerns. If these civilian groups become part of a formula for resolving the conflict, this will make it harder for Riek and his allied commanders to stay aloof and continue their insurgency.

15. Katrina Manson, 'South Sudanese rebel leader appeals for international support', *Financial Times*, 13 February 2014, <http://www.ft.com/cms/s/c03acf52-94cd-11e3-af71-00144feab7de,Authorised=false.html?_i_location=http%3A%2F%2Fwww.ft.com%2Fcms%2Fs%2F0%2Fc03acf52-94cd-11e3-af71-00144feab7de.html%3Fsiteedition%3Duk&siteedition=uk&_i_referer=#axzz2tjfpLb1j> (13 February 2014).