

The Conflict in South Sudan: The Political Context

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By

Princeton N. Lyman

**Senior Advisor to the President of
The U.S. Institute of Peace**

Former U.S. Special Envoy for Sudan and South Sudan

Thank you for the opportunity to testify on the conflict in South Sudan. As you know I have had a long experience in Africa and in particular over the past three years with Sudan and South Sudan. Earlier in my career, I served as U.S. ambassador to Nigeria and to South Africa. I began working on Sudan in the fall of 2010 as a special advisor helping assure the success of the referendum in South Sudan that led to its independence. From March 2011 to March 2013 I was the U.S. Special Envoy for Sudan and South Sudan. I am currently senior advisor to the president of the U.S. Institute of Peace. The views expressed in this testimony are my own and not those of the U.S. Institute of Peace, which does not take policy positions.

The situation in Sudan is a tragedy in every sense of the word, first of all for the people who are suffering and those who have already lost family members and friends; second because the independence for which South Sudanese fought for so many years is being wasted on internal warfare rather devoted to the needs of the people.

I have been asked to address the larger context of this conflict, its historic and political roots. This conflict has several underlying causes. But to focus on some basic factors, it arises from two distinct contentious political developments over the past two years which became intertwined. Those developments took place within a fragile political and military structure and rather than being addressed and resolved were allowed to fester and eventually lead to the situation we have today.

Those two developments were growing dissention within the ruling party over the way the country was being governed, and the decision by Vice President Riek Machar to challenge President Kiir for the leadership of the SPLM and then the presidency in 2015.

South Sudan achieved its independence in 2011 led by the leading liberation movement, the Southern People's Liberation Movement (SPLM). The SPLM and its national army, the SPLA, however are fragile coalitions of various militia and political entities that often fought against each other during the previous civil war. President Kiir did an admirable job in bringing almost all these factions and militia together in the final run up to independence. Several other hold-outs were brought in later. But much of this coalition building was achieved by adding the various militias to the national army, but never fully integrating them. Political alliances were covered over but did not resolve competing political claims. Both the party and the army were unable to contain the competing ambitions and dissensions that have now come into the open.

The first of the developments that led to today's conflict was growing unhappiness within the government about the way President Kiir was managing affairs. Some leading members of the ruling party in particular felt that the President ignored the party in filling positions, ignored in fact the cabinet, and made decisions based on the advice of a narrow group of advisors from his home area, Northern Bar El Ghazal. Parallel with these concerns were growing violations of human rights by the regime. Human rights advocates, journalists, and NGOs – both indigenous and international – were being harassed. A prominent journalist was assassinated in late 2012 with the government security apparatus suspected. President Kiir initially accepted but later rejected the U.S. offer of FBI help for investigating the matter. The U.S. Ambassador to South Sudan, Susan Page, was outspoken about these matters during the fall of 2012. They were the subject of my last visit to Juba in December 2012.

At the same time as these problems were growing, the party faced another internal crisis. Vice President Riek Machar indicated that he was moving to challenge President Kiir for the SPLM leadership and thereafter for the presidency in the election of 2015. That challenge would come to a head at the party conference scheduled for 2014.

Machar is extremely controversial within the SPLM. A leader of the Nuer, the second largest ethnic group in South Sudan, he had split from the SPLM and fought against it for years during the civil war. In 1991 his forces were involved in a major massacre of Dinkas, the largest ethnic group in South Sudan. That has never been forgotten, even after Machar united back with the SPLM in 2001. President Kiir subsequently invited Machar to be Vice President. But theirs was a difficult relationship. Kiir assigned Machar only limited authority or responsibilities.

Machar's ambitions thus posed a major challenge for the SPLM. Denied a path to the presidency, Machar could be a threat, either by leaving the SPLM and forming an opposition party, or worse, by drawing on his Nuer forces from within the SPLM and posing a military threat. On the other hand, providing him a path to the presidency would surely arouse strong opposition within the SPLM.

The tragedy is that the party, the SPLM, was not up to meeting this challenge. Kiir, in particular, chose not to use the party machinery to try to defuse or resolve it. Throughout 2013, he bypassed or delayed party mechanisms. In July he dismissed Machar and the entire cabinet. The Secretary-General of the party, Pagan Amun, was suspended and put under investigation for inciting unrest.

And there is where the two developments began to intertwine. Dissenters within the SPLM, frustrated by their differences with Kiir, drifted toward Machar not as presidential candidate, but as an ally in calling for more party democracy and authority. They also chose, in a joint press conference on December 6, 2013, to accuse the government of giving away too much in the negotiations with Sudan, an odd charge coming from among others Pagan Amun, who had also been the chief negotiator with Sudan for the SPLM. This alliance, if you can call it that, was diverse ethnically as well as in terms of factions, including for example the widow of SPLM leader John Garang. Kiir considered all of them hostile to his presidency and more of them than Machar harboring presidential ambitions. There was no meeting of the minds.

Things spiraled thereafter out of control. Whatever the origin of the fighting that started on December 15, President Kiir saw this as a coup by Machar's forces. Whether it was or not is not entirely clear. In any case, Machar's compound was attacked, and the party dissenters were jailed. Machar fled to the field and his army supporters left the SPLM to fight for him. Another sometime integrated,

sometime outsider militia leader, Peter Gadet, joined Machar's forces. A former Governor of Unity State, who had been dismissed by Kiir, also joined Machar and is now the lead negotiator for Machar in the talks in Addis. The coalition and unity that Kiir had painstakingly built in the run up to independence has been unraveling.

In this situation of course, ethnic factors have played a role and once fighting began, became even more prominent. The fact that Kiir and most of the SPLM leadership is Dinka, and Machar is a leader of the Nuer, is not irrelevant. And once the dogs of war have been let loose, ethnic differences become the vehicle of mobilization, and the source of massacres, human rights violations and hatred. But it is important to remember that the sources of discontent within the SPLM were not ethnically based, and the most prominent of those who sided with Machar in the press conference of December 6, and are now in prison, are not Nuer. The underlying political issues that need to be addressed go beyond ethnicity.

The weakness of South Sudan's political institutions will be a continuing factor in addressing these needs. A comparison with South Africa is perhaps useful. The ANC in South Africa had decades of political development before coming to power in 1994. The ANC was a political movement with an armed wing that was developed much later. The SPLM was born from the decades of fighting in the bush. It is an army with a political wing. The SPLM government that took office in 2010 was in many ways still more a liberation army than a government. The weakness of political institutions, the overlap of party and government, and party and army, all contributed to the inability of the SPLM as a party to resolve these growing developments. Again by comparison, the ANC faced and resolved a major challenge to its leadership in 2008, even causing the resignation of the president, Thabo Mbeki, without bloodshed or unrest. The SPLM was not at all able to manage such a crisis.

In looking ahead, the immediate need to is stop the fighting and allow for humanitarian access to all who need it, with protection for all those within UNMISS camps. But the political talks that follow need to address the underlying issues that led to this disaster. There cannot be a simple return to the status quo ante, with Machar once again Vice President all the rest. There has been too much blood, and it would not solve anything.

The hard task ahead is to develop a new political structure, defining more clearly the democratic rights of all South Sudanese, that lays down the rules of political competition, and which allows for development of stronger political institutions, not only the leading party, the SPLM, but others. South Sudan has not yet developed a permanent constitution. This process, if placed under independent leadership, such as by a Supreme Court judge, could be such a vehicle. But the process will have to be opened up much wider than previously, with active citizen, church, and civil society participation. Meanwhile, the long process of integrating, disarming, and ultimately reducing the size of the military forces and militia must be undertaken. But that can only be undertaken in a context within which fighting has stopped, the cease-fire is well monitored, and a credible political process is under way. All of these are hard tasks and they will demand a much more active and participating role of the international community than heretofore. Institutions take time to develop and without proactive outside participation, South Sudan's institutions, demonstrably weak, are not likely alone to be up to these demands. A new partnership between South Sudan and the international community must now be forged to preserve all that has been invested in this new nation.