

**Testimony of Kate Almquist Knopf
before the Senate Foreign Relations Committee**

“U.S. Options as South Sudan Leaders Fail the Peace”

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Chairman Corker, Ranking Member Cardin, and Members of the Committee, thank you for convening this hearing and for the opportunity to speak to you today. The views I express here are my own; they do not represent those of the Africa Center for Strategic Studies, the National Defense University, or the U.S. Department of Defense.

In January 1994, a senior official in the United Nations Department of Peacekeeping Operations met with the staff of the U.S. mission to the UN in New York. According to a summary of that meeting, which was later cabled to Washington, the UN official warned of a “potentially explosive atmosphere” as a result of the political stalemate between the parties to a recently signed peace agreement, of the ongoing arming of the president’s forces concurrent with the deployment of an opposition battalion to the capital, and of the deteriorating economic situation. Three months later, the downing of President Habyarimana’s plane was the final match that sparked the Rwandan genocide.

While there are of course significant differences between Rwanda in 1994 and South Sudan in 2016, this report sounds eerily familiar in light of recent developments in Juba, and we should not underestimate the real possibility that the already horrific war in the world’s newest state could escalate into genocide. Too many of the warning signs are there: extreme tribal polarization fueling a cycle of revenge, widespread and systematic attacks against civilians, hate speech, atrocities intended to dehumanize particular populations, and targeting of community and tribal leaders, among others.

I first visited South Sudan in 1995 while working for the international nongovernmental organization World Vision, which provided humanitarian relief to the areas held by the Sudan People’s Liberation Movement/Army (SPLM/A). Later, I served as the USAID mission director for Sudan and South Sudan and then the head of USAID’s Africa bureau during some of the crucial years leading up to South Sudan’s independence. For part of this time, I represented the U.S. government on the international Assessment and Evaluation Commission charged with overseeing implementation of the Comprehensive Peace Agreement.

Based on my two decades of experience with South Sudan, I remain firmly convinced that the United States’ support for the self-determination of the people of South Sudan was, and still is, necessary to bring lasting peace to South Sudan.

I am equally convinced, however, that Americans and South Sudanese alike must acknowledge that the state of South Sudan has failed its people and that it is past time to abandon several myths regarding the health of South Sudan’s political culture, the capacity of its leaders, and the potential impact of technical interventions—from development assistance to peacekeeping—in a

country that has for all intents and purposes had no meaningful historical experience with governance. Just as many of those same myths misled us during the interim period, they continue to underpin U.S. policy today and are increasing rather than decreasing the likelihood of ever greater atrocities, human suffering, and regional insecurity.

Mr. Chairman, let me outline some of these myths and then suggest a more productive way forward for U.S. policy.

The first myth is that power-sharing governments work in South Sudan. They do not. They have spectacularly failed twice now, and the escalating violence, the de facto collapse of the August 2015 peace agreement, and the fighting in Juba in July were as inevitable as they were predictable. The Transitional Government of National Unity—both before and even more so after the flight of Riek Machar from Juba in July—is neither nationally representative nor unifying. It was premised on divvying up the political and economic spoils of the state, and it will therefore never be the basis for a transition to a more secure, peaceful, and sovereign South Sudan. In addition, with the expulsion of Machar from that transitional government at the end of July, President Salva Kiir co-opted any meaningful opposition representation that remained in the government and ensured that whatever transformative reforms existed in the peace agreement would not advance.

Beyond the specific flaws of the agreement or the senseless game of musical chairs over who holds which position in a national government that exists only in name, the more fundamental fact is that war and conflict do not persist in South Sudan because of an imbalance of political power that can be rectified by putting the right individuals on either end of a see-saw. War and conflict persist in South Sudan because there is a complete deficit of legitimate power and legitimate institutions.

To a degree nearly unrivaled in Africa, South Sudan has no nationally unifying political figures with credibility or a constituency beyond their own tribe—or in most cases, beyond even a segment of a sub-clan of their tribe. There is no national identity in most of the country—something that South Sudanese leaders since independence have invested very little effort to redress. Instead, the regime in Juba consists only of a loose network of individuals with varying degrees of coercive force at their disposal but no political center of gravity. The country's one unifying political force—the Sudan People's Liberation Movement, which was the vanguard of South Sudan's struggle for independence—has imploded as a result of its leaders' competition over power and resources.

South Sudan also suffers from an acute lack of institutions. As the African Union's Commission of Inquiry led by former president of Nigeria Olusegun Obasanjo concluded in 2014, "the crisis in South Sudan is primarily attributable to the inability of relevant institutions to mediate and manage conflicts, which spilt out into the army, and subsequently the general population ... [U]nlike many African states, South Sudan lacked any institutions when it attained independence." The Commission further found that previous state-building initiatives in South Sudan, which had focused on capacity-building, appear to "have failed," a conclusion, it notes, that was not arrived at solely by foreigners but was in keeping with the results of a

comprehensive review commissioned by Kiir's office before the outbreak of the war in December 2013.

Under these conditions, ending the war in South Sudan will require not merely balancing or dispersing power but a viable framework to inject power, authority, and legitimacy into South Sudanese politics and South Sudanese institutions over the long term.

The second myth is that Kiir and Machar are part of the solution to South Sudan's war. They are not. They are in fact key drivers of the conflict. Kiir and Machar have sat together in government twice and have disastrously failed their country on both occasions. The reports of the AU Commission of Inquiry and several UN bodies have provided ample evidence of their complicity in war crimes and crimes against humanity. They and their inner circles, including the chief of general staff, Paul Malong, are irredeemably compromised among broad segments of the population and are innately divisive rather than unifying. Peace and stability in South Sudan will only come if and when Kiir, Machar, and those closest to them are excluded from the political life and governance of the country.

Let me underscore, however, that neither Kiir nor Machar can be excluded while the other remains. The United States' tacit support for Kiir's removal of Machar from the transitional government and effort to isolate Machar has unwittingly given Kiir a blank check to pursue an increasingly militant policy of Dinka domination. It has also signaled to all those who oppose Kiir—Nuer, Shilluk, and Equatorian alike—that there is no political pathway to end the war and that violent overthrow of Kiir's regime, which they already view as responsible for ethnic cleansing, is their only means of self-preservation. This policy has accelerated rather than defused the centrifugal forces that are tearing at the social fabric of the country. Kiir displays no concern for the repeated threats of sanction that are never realized; he and his government are clearly pursuing an ethno-nationalist agenda. It is not subtle, and they have not been deterred.

I have known Salva Kiir for many years, and I worked closely with him during the interim period of the implementation of the Comprehensive Peace Agreement. Initially, he helped steer his traumatized country through its turbulent early years of autonomous rule, including the critical moments after the death of Dr. John Garang that threatened to plunge South Sudan into civil war. But nearly three years of war have shown that he was never able to make the transition from soldier to statesman.

No man who arms youth militia to perpetrate a scorched earth campaign against civilians or who sends amphibious vehicles into swamps to hunt down women and children who have fled from violence or who orders attack helicopters to shell villages or UN protection of civilian sites can play any part in leading South Sudan to the future its people deserve. The international community recognized the sovereignty of South Sudan on its Independence Day on July 9, 2011. This sovereignty is vested in the people of South Sudan, however, not in Salva Kiir, not in his hand-picked ministers and advisers, and not in his tribe.

There is also no evidence to suggest that the replacement of Riek Machar with Taban Deng Gai will result in the Kiir regime voluntarily changing course to act in the interests of its people rather than against them. To the contrary and despite repeated promises and commitments to do

otherwise, Kiir is not only pursuing full-scale armed conflict against civilian populations deemed to be supportive of the opposition, his government continues to increase obstruction of life-saving humanitarian aid and peacekeeping operations and to close political space by intimidating and harassing local and international journalists, civil society representatives, aid workers, and foreign diplomats alike. Unthinkable, brutal assaults, rapes, and even assassinations are commonplace. Indeed, Kiir's regime demonstrates regularly that it has learned the worst lessons from Khartoum—to buy time, to obfuscate and deny the gravity of the humanitarian and human rights crisis, to take three steps back and then a half step forward, confusing the international community and deferring any consequences.

The third myth is that a peacekeeping operation deployed without a workable political arrangement can succeed in bringing peace. It cannot. Since the war in South Sudan began in 2013, the number of UN peacekeepers has nearly doubled, the mandate of the force has been strengthened to include the most robust authorities necessary to protect civilians, and yet the scope and scale of the war has expanded unabatedly. Even if the government agrees to the deployment of the 4,000 troops envisioned under the regional protection force, which it has signaled time and again it will not do, another increase in force levels or mandate adjustments is not likely to be any more successful when the political arrangements that the force is designed to support have collapsed.

Moreover, deploying the regional protection force in the current zero-sum political context presents a dangerous dilemma. The force will inevitably be called upon either to side with the government against the opposition or with the opposition against the government, thereby aligning the UN with one tribe against another in a tribal war. For example, if the government perpetrates further attacks against the UN protection of civilian sites, which it has characterized as strongholds of Nuer rebels, should the protection force engage the government militarily in its capital? This is a government that has already characterized the protection force as a violation of its sovereignty and as "invaders," that flagrantly violates the existing UN status of forces agreement on a daily basis, and that maintains at least 25,000 uniformed SPLA in Juba, in addition to plain clothes national security personnel. Conversely, if opposition forces attack Juba, as Equatorian militia have done at the city's outskirts in just the last two weeks, should the protection force fight them in concert with the Dinka-dominated government?

The fourth myth is that piecemeal, technical investments—financial bailouts, security sector reforms, disarmament and demobilization programs, or development initiatives—are sufficient for confronting South Sudan's systemic failure as a nation state. An economic package without an accountable and functional government or a peacekeeping mission when there is no peace to keep or security sector reform when the military is run by war criminals is unlikely to yield dividends for the people of South Sudan.

Mr. Chairman, the fact that South Sudan's collapse ranks among one of the most severe humanitarian and security challenges in the world today is perhaps hard to comprehend at a time when multiple crises compete for international attention. Yet the scale and scope of this war is nearly unparalleled.

Last week, South Sudan became one of only four countries with more than one million refugees, alongside Syria, Afghanistan, and Somalia. This is in addition to the 1.7 million people who are internally displaced, including at least 200,000 sheltering under the UN's protection. Forty percent of the population faces severe hunger; 250,000 children are severely malnourished; and there is famine in parts of Northern Bahr el Ghazal state and likely elsewhere. A study undertaken by the South Sudan Law Society last year based on the Harvard trauma questionnaire concluded that the incident rate of post-traumatic stress disorder in South Sudan equaled that of post-genocide Rwanda and Cambodia.

Sadly, there has been no methodical effort to calculate the number of civilian deaths caused by South Sudan's war, even though there are indications that a comparable number of civilians may have been killed in South Sudan in nearly three years of war as in Syria, a country with twice the population enduring a war that has ground on for twice as long.

In Syria, three-quarters of the estimated half million deaths are combatants, whereas the war in South Sudan disproportionately affects civilians. The only estimate of deaths in South Sudan thus far placed the total at 50,000 in November 2014, less than a year after the war began.¹ Without a more accurate estimate of the rising death toll in South Sudan, regional and international responses fail to appreciate the full severity of the crisis and underestimate the urgency of the response needed.

South Sudan is not on the brink of state failure. South Sudan is not in the process of failing. South Sudan has failed, at great cost to its people and with increasingly grave implications for regional security, including the stability of important U.S. partners in the Horn of Africa. South Sudan has ceased to perform even the minimal functions and responsibilities of a sovereign state. The government exercises no monopoly over coercive power, and its ability to deliver public services, provide basic security, and administer justice is virtually nonexistent. While the Kiir regime may claim legal sovereignty, in practice domestic sovereignty is entirely contested and discredited.²

U.S. policy must be calibrated commensurate to the magnitude of this challenge, which will require a different approach that accounts for South Sudan's unique political realities. Such a strategy must have two objectives: First, protect South Sudan's sovereignty and territorial integrity and, second, empower the citizens of South Sudan to take ownership of their future absent the predations of a bankrupt elite.

¹ In the one part of South Sudan where a statistically rigorous study has been conducted as a proof of concept, the conservative estimate enumerated 7,165 civilians deaths by violence in just five counties in one state during a 12-month period between 2014 and 2015—twice the number of civilians killed in all of Yemen in the first 12 months of that country's civil war.

² The legal basis for Kiir's role as president of South Sudan is highly questionable. He was elected as president in 2010, prior to South Sudan's independence, and the elections scheduled for 2015 was postponed as a result of the war, which itself was sparked over an internal party dispute centered on the electoral contest. Kiir's term was extended to 2017 by a national assembly from which the opposition was excluded.

Mr. Chairman, given the extreme degree of South Sudan's state failure, the only remaining path toward these objectives is to establish an international transitional administration under a UN and African Union executive mandate for the country for a finite period of time.

Though seemingly radical, international administration is not unprecedented and has been previously employed to guide other countries, including sovereign states, out of conflict. Cambodia, Kosovo, and East Timor are some of the most prominent examples. While it will realistically take at least ten to fifteen years for South Sudanese to develop a new vision for their state as well as the institutions to manage politics nonviolently, it is more sensible to plan for this duration at the outset than drift into an accumulation of one-year peacekeeping mandates over decades, as has been done in the eastern Democratic Republic of the Congo, Darfur, and elsewhere.

Brokering such a transition will require committed diplomacy by the United States in close partnership with African governments. But it would not necessitate an investment costlier than the current approach—in assistance dollars or in political capital—and in fact promises a better chance of success. Like a patient in critical condition, restoring South Sudan to viability can only be done by putting the country on external “life support” and gradually withdrawing assistance over time.

A calculation of all State Department and USAID assistance to South Sudan from fiscal year 2005 to 2016 shows that the United States alone has devoted more than \$11 billion in humanitarian, peacekeeping/security sector, and transition and reconstruction assistance to help the South Sudanese secure self-determination. And Secretary Kerry's announcement last month of an additional \$140 million dollars in humanitarian aid shows that this trajectory is set to continue. While U.S. contributions have unquestionably saved millions of lives, South Sudan's citizens—and U.S. taxpayers—deserve a better return on that investment than the humanitarian and security catastrophe we see today.

A UN and AU transitional administration could restore order and public security, provide basic governance, administer essential public services, and rebuild the economy. Vitally, it would also provide the time and space to establish the political and constitutional framework for the return to full sovereignty. Elections—which under the current polarized circumstances can only be expected to drive further conflict—would be delayed until after reconciliation, accountability, and national dialogue processes culminate in a new permanent constitution, thereby removing the prospect of a winner-takes-all electoral process overshadowing crucial political, security, and institutional reforms.

The depth of the country's economic collapse—the state is entirely bankrupt and inflation hit 661% percent last month—will require a substantial donor assistance effort. However, macro-economic stabilization is unrealistic with the current regime in power. The same elite that has compromised South Sudan's sovereignty is responsible for squandering tens of billions of dollars in oil revenue since 2005, and there is no evidence to suggest they would improve their financial management practices in the future.

Under a UN and AU transitional administration, however, the World Bank could manage South Sudan's oil revenues in a transparent and accountable manner to partially fund service delivery to South Sudanese. Major donors and international financial institutions such as the IMF would be reassured by the accountability and transparency mechanisms governing the delivery of non-humanitarian assistance under the transitional administration. This would in turn bolster confidence that donor resources are supporting national strategies to meet the needs of South Sudan's citizens and unblock generous aid packages that provide additional incentives to South Sudanese constituencies to support the transition. Any services the people of South Sudan receive today are already being provided by the international community. A UN and AU transitional administration would remove the political and security impediments to these operations.

Even more critically, a transitional administration would provide space for the kind of genuine national dialogue process prescribed by the AU Commission of Inquiry, "to provide a forum for dialogue, inquiry, and to record the multiple, often competing narratives about South Sudan's history and conflicts; to construct a common narrative around which a new South Sudan can orient its future; to uncover and document the history of victimization and to recommend appropriate responses," including through a truth and reconciliation commission. It would also allow for an internal discussion on the structure of the state.

Opposition to a UN and AU transitional administration could be mitigated through a combination of politics and force by 1) negotiating Kiir and Machar's renunciation of a role in South Sudanese politics; 2) leveraging important constituencies' frustration with Kiir, Machar, and their cronies to gain these constituencies support for the transitional administration; and 3) deploying a lean and agile peace intervention force—composed of regional states—to combat and deter the remaining spoilers once they have been politically isolated.

Kiir and Machar can be peacefully excluded from South Sudan's political and economic life if they see the walls closing in on them and are offered a pathway that ensures their physical safety outside the country. This will require a sufficiently robust package of disincentives for their opposition to the transitional administration. Such a package could include the credible threat of prosecution by the ICC or the Hybrid Court envisioned (but stalled) under the current peace agreement, the imposition by the UN Security Council of time-triggered travel bans and asset freezes, pre-emptive contract sanctions to cast a shadow on the validity of oil and other resource concessions by Kiir's regime, and a comprehensive UN arms embargo, which is long overdue.

The exclusion of Kiir and Machar from the transition would defuse much of the impetus to continue the war or to oppose a transitional UN and AU administration among the Nuer, Dinka, and other forces fighting for revenge, retribution, or in self-defense. UN and AU administration would also provide assurances to all sides that they would not be excluded and therefore could participate in the national political process.

Some powerful individuals, including Kiir and Machar's core partisans and family members, would still of course have an incentive to obstruct the transitional administration in pursuit of personal or narrowly tribal ambitions. As the most instrumental and consistent supporter of

South Sudan's independence, the United States could assist with marginalizing these potential spoilers in three important ways.

First, by harnessing the significant concern among senior SPLA officials and other national security actors that the continuation of the war will inevitably lead to direct military intervention by neighboring states; the carving up of the country as happened in eastern DRC; and consequently an open-ended loss of sovereignty to persuade them that the UN and AU administration is the least bad option. Additionally, many of these actors would welcome the opportunity to build a professional, inclusive national army and police force afforded by a UN and AU administration. Second, by mobilizing individuals and tribal constituencies that have been alienated by Kiir's policy to promote Dinka territorial dominance in contested areas through his 28 states decree. Third, by deploying a peace intervention mission with credible coercive force.

Mr. Chairman, attempts to mischaracterize the UN and AU transitional administration as a violation of South Sudan's sovereignty or an attempt at neocolonialism are inevitable, particularly from the most hardline Dinka elements in the country who benefit—financially and politically—from the current situation. These elements have already mounted a concerted effort to block the Regional Protection Force as an alleged violation of sovereignty, which has raised the stakes for international involvement in South Sudan without raising the likelihood of significant political or security gains for its people. Given the increasing threats that South Sudan's dissolution poses to the interests of its immediate neighbors, however, the question of whether foreign governments will intervene militarily is becoming irrelevant. The more urgent question is what form that intervention will take.

Uganda, Ethiopia, Sudan, and Kenya are bearing the brunt of the more than one million refugees that have fled South Sudan. Over 370,000 South Sudanese have sought refuge in Uganda, 100,000 since July 8th alone, and Ethiopia now hosts another 290,000. The refugees' presence has stimulated simmering ethnic rivalries in these states. For instance, communal fighting broke out on Ethiopia's side of the border with South Sudan in early 2016, and Ethiopian troops deployed into South Sudan's Jonglei state in April 2016 following a particularly brazen incursion into Ethiopia's Gambella state by a South Sudanese tribal militia. Intraregional tensions—such as the long-standing rivalry between Sudan and Uganda and the competition for regional hegemony between Uganda and Ethiopia—abound, and both worsen and are worsened by South Sudan's conflict.

The United States therefore has two choices: We can stand by while these states make facts on the ground by backing armed opposition groups against Kiir's increasingly militant and intransigent regime, taking unilateral military intervention against civilian populations it wishes to subjugate, or otherwise carving out spheres influence as South Sudan slips away into a deeper morass. A policy that helps Kiir to consolidate his position will not address the security concerns of South Sudan's neighbors over the long term, thereby making this trajectory more likely.

Or, in partnership with neighboring governments, the United States could pursue a strategy that accommodates their legitimate interests while at the same time preserving South Sudan's

sovereignty and territorial integrity and providing South Sudan's citizens with an opportunity to take ownership of their future.

For Uganda, the credible security architecture of a UN and AU administration would provide a buffer against the extension of Sudanese influence, the prevention of which is a core Ugandan strategic interest, as well as prevent a security vacuum that could be exploited by the Lord's Resistance Army or extremist groups. The return to a more stable security environment—particularly in the Greater Equatoria region, which is more turbulent than at any time during the civil war with Khartoum and lies along Uganda's border—would also revive opportunities for Ugandan commercial activity.

By reducing insecurity and mitigating conflict drivers, an effective UN and AU transitional administration would stem the flow of South Sudanese refugees into Ethiopia and would ultimately facilitate their return home. This would ease the strain on the limited resources of an Ethiopia struggling to cope with a severe drought and lessen ethnic conflicts in eastern Ethiopia caused by the refugees' presence at a time of increasing ethnic unrest in other parts of the country.

An international transitional administration would provide Sudan with increased and more regular oil production at a time when its economy is struggling and provide a new impetus for breaking the stalemate between Sudan and Sudanese armed opposition groups that have received support from Juba. A UN and AU administration would also serve Kenyan interests by stabilizing the long-standing commercial ties between South Sudan and Kenya, where much South Sudanese wealth is held, and by mitigating the possible exploitation by extremist groups of a security vacuum in South Sudan.

Mr. Chairman, a diplomatic initiative toward a UN and AU transitional administration can succeed. Such a transitional administration is in fact the only hope that the people of South Sudan have left to put an end to their unrelenting nightmare. The alternative is to flounder from one tactical step to another—conferring legitimacy on individuals who have long since lost it among their own citizens—while the state for which the South Sudanese people fought so bravely dies five years after its birth.

Thank you again for inviting me here today. I look forward to your questions.