

South Sudan: Keeping Faith with the IGAD Peace Process

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Executive Summary

For more than eighteen months, the Intergovernmental Authority on Development (IGAD), the regional body mediating peace negotiations to end South Sudan's civil war, has struggled to secure a deal in the face of deep regional divisions and the parties' truculence. To overcome these challenges, it announced a revised, expanded mediation – "IGAD-PLUS" – including the African Union (AU), UN, China, U.S., UK, European Union (EU), Norway and the IGAD Partners Forum (IPF). The initiative is designed to present a united international front behind IGAD to the warring sides but so far it has failed to gain necessary backing from the wider international community, much of which is disillusioned with both IGAD and the South Sudanese. Rather than distance itself from IGAD, the international community needs to support a realistic, regionally-centred strategy to end the war, underpinned by coordinated threats and inducements. Supporting IGAD-PLUS' efforts to get the parties' agreement on a final peace deal in the coming weeks is the best – if imperfect – chance to end the conflict and prevent further regionalisation.

South Sudan's war has brought underlying regional tensions to the fore. It is part of yet another chapter of the historic enmity between Uganda and Sudan, while rivalry between Uganda and Ethiopia over their respective influence on regional security has coloured the mediation process. Ethiopia, Kenya and Sudan have dedicated envoys mediating the process while Uganda is only involved at the IGAD heads of state (HoS) level. Kampala's military deployment in support of Juba creates facts on the ground and precluded it sending an envoy to the talks, while Addis Ababa seeks to control the mediation and eventual balance of power in the region. One of IGAD's achievements has been to manage these tensions, thus contain the conflict, but rivalries prevented the HoS from agreeing on final aspects of power-sharing and security arrangements, enabling the warring parties to continue without agreeing.

Three major factors limited IGAD's mediation and remain a challenge: 1) regional rivalries and power struggles; 2) centralisation of decision-making at the HoS level and related lack of institutionalisation within IGAD; and 3) challenges in expanding the peace process beyond South Sudan's political elites. Following the oft-violated January 2014 Cessation of Hostilities agreement, the HoS mediation strategy focused on deploying a regional force to create conditions for peace negotiations. When the wider international community stymied the prospective regional force and the situation stabilised by June 2014, leaders could not overcome their divisions to agree on an effective alternate strategy. This undermined the IGAD special envoys, and the warring parties opted instead to engage directly with individual HoS in a series of initiatives in Kampala, Khartoum and Nairobi. IGAD itself had little leverage. For example, despite public threats, the warring parties understood some member states were reluctant to support sanctions, repeatedly called IGAD's bluff and refused to compromise.

IGAD is important as a forum to regulate the regional balance of power, but it needs high-level support if the region is to reach a unified position on peace. IGAD-PLUS should become a unifying vehicle to engage the ever-shifting internal dynamics in South Sudan more effectively and address the divisions among IGAD members that enable the parties to prolong the war. In particular, the AU high representative might lead shuttle diplomacy within the region to gain consensus on the way forward. A ded-

icated UN envoy for South Sudan and Sudan should represent the UN in IGAD-PLUS and coordinate the various UN components' support to the process.

IGAD-PLUS is the proposed bridge between an "African solution" approach and concerted high-level, wider international engagement. If it is to overcome the challenges that bedevilled IGAD, its efforts must be based upon regional agreement and directly engage the South Sudanese leaders with greatest influence through both pressure and inducements. To end this war, a process is needed that seeks common ground, firmly pushes the parties to reasonable compromises, builds on rather than is undermined by the Tanzanian and South African-led reunification process within the Sudan People's Liberation Movement (SPLM, the dominant political force in South Sudan), and whose outcome is guaranteed by IGAD, the AU, the U.S and China. The coming weeks will require concerted international action, coordinated with IGAD, to take the final, necessary steps to secure an agreement. Failure to do so will lead to further violence and fracturing in South Sudan and leave the region without an effective mechanism to mediate its own internal divisions, with devastating consequences for the people of South Sudan and the region.

Recommendations

To guide political strategy

To IGAD-PLUS:

1. Recognise that while the IGAD mediation resolved many of the most contentious political and security issues, further mediation alone is unlikely to resolve the remaining issues, and coordinated pressure and inducements are necessary to reach an agreement.
2. Keep the region central to the mediation process, because while divisions among IGAD members create an enabling environment for the conflict, sidelining neighbouring states could also.
3. Agree on a combination of pressure and inducements to bring the warring parties to an agreement, which could include the use of force, UN sanctions and criminal accountability, as well as development and security assistance, an economic bail-out and political guarantees.
4. Institute a 90-day ceasefire, if the IGAD-PLUS timetable cannot be adhered to, in order to prevent the parties from continuing to fight for additional leverage; and create a time-bound period to finalise an agreement.
5. As a permitted exception to the UN sanctions regime, IGAD should directly engage with the military leaders of the warring parties.

To IGAD:

6. Prioritise, at heads of state (HoS) level, agreement on a mutually acceptable transitional governance arrangement.
7. Provide third-party security to protect the transitional government in such a way as to address the security interests of both Uganda and the Sudan while refraining from encroaching upon South Sudan's security interests and sovereignty.

To the AU:

8. The AU high representative should directly engage the regional HoS to reduce regional tensions and support regional agreement on the way forward.

To the UN:

9. A dedicated UN envoy for Sudan and South Sudan should represent the UN in IGAD-PLUS and undertake to coordinate the efforts of UN components and bring them to bear in support of the process.
10. The UN, under the auspices of the Sudan/South Sudan envoy, should consider presenting IGAD with the tools the UN could offer in support of IGAD-PLUS, including sanctions and an arms embargo (on which the Security Council would need to reach consensus), mandating third-party security for a transitional government, and future development assistance and the timeframes and parameters necessary to mobilise such support.

11. The meeting on South Sudan to be held by the UN Secretary-General in the margins of the General Assembly in September should be used to take stock of where the process stands and to ensure international support remains well-coordinated.

Nairobi/Addis Ababa/Brussels, 27 July 2015

South Sudan: Keeping Faith with the IGAD Peace Process

I. Introduction

South Sudan's civil war has brought complex rivalries between Uganda and Sudan and Uganda and Ethiopia to the fore. It has also created common ground between Kampala and Khartoum, who support the same government in Juba. Khartoum's historic southern allies, largely among the Sudan People's Liberation Movement/Army in Opposition (SPLM/A-IO), present equal danger and opportunity. Some in President Salva Kiir's inner circle have long ties with Sudan.¹ The group known as SPLM Leaders – Former Detainees (FD) comprise historic Sudan People's Liberation Movement/Army (SPLM/A) leaders who had prominent roles in the security services, cabinet and SPLM prior to 2013 when many lost their positions and subsequently stood up against Kiir in the SPLM.² When war broke out they were arrested, four were put on trial for alleged involvement in a coup attempt and eventually all were released to Kenya where they joined the IGAD talks as a third, unarmed party. Many of the FD are Ugandan favourites but not viewed well by Khartoum.

The Intergovernmental Authority on Development (IGAD) mediated fifteen months of peace talks led by special envoys from Ethiopia, Kenya and Sudan. Uganda did not have an envoy because of its role as a belligerent party. Yet IGAD as an institution struggled to overcome the warring parties' unwillingness to reach agreement and internal divisions. Launched at the same time was an SPLM dialogue process, eventually led by Tanzania and South Africa's ruling parties, designed to reconcile different factions of the SPLM and support the overall peace talks. However, many SPLA-IO leaders have no relationship to the SPLM and thus were not part of this process. As it progressed, the SPLM dialogue created opportunities for forum shopping, undermined the IGAD talks and, in securing the return of most of the FD to Juba, strengthened the government's negotiating position. IGAD called time on its mediation in March and announced a new configuration, IGAD-PLUS, that was launched in June. IGAD remains the core of the mediation, with the wider international community supporting its effort to reach an agreement by 17 August.

¹ Andrew S. Natsios, "Lord of the Tribes: The Real Roots of the Conflict in South Sudan", *Foreign Affairs*, 9 July 2015.

² When fighting began, the government detained eleven senior SPLM officials, alleging involvement in an attempted coup. They are referred to as the FD and include the now-reinstated SPLM secretary general, Pagan Amum Okech; former ministers, Oyay Deng Ajak (national security and ex-army chief of general staff), Gier Choung Aloung (internal affairs and roads and bridges, telecommunications), Majak D'Agoot (deputy defence), John Luk Jok (justice), Cirino Hiteng (youth, sports and culture and for the office of the president), Deng Alor Koul (cabinet affairs and foreign affairs [Sudan]), Madut Biar (telecommunications) and Kosti Manibe (finance); as well as ex-ambassador to the U.S., Ezekiel Lol Gatkuoth, and ex-Lakes state Governor Chol Tong Mayay. For more on the 2013 political crisis, the removal of most of the FD from their official positions, their subsequent arrest and release and joining the IGAD talks, see Crisis Group Africa Report N° 217, *South Sudan: A Civil War by Any Other Name*, 10 April 2014.

This report describes the transition from IGAD to IGAD-PLUS over the past nineteen months and outlines the regional and institutional challenges that coloured the original IGAD mediation. It concludes with analysis of the involvement in peace efforts by other international actors and the contribution they could make to IGAD-PLUS' mediation.

II. IGAD to IGAD-PLUS

The Intergovernmental Authority on Drought and Desertification was established in 1986 with a focus on drought and desertification, and relaunched in 1996 as the Intergovernmental Authority on Development (IGAD) with an expanded mandate that included conflict resolution.³ The expansion of the mandate was due in part to IGAD member states' long history of cooperation and conflict with one another. IGAD's conflict resolution attentions have historically focused on the north-south conflict in Sudan (and now the south-south conflict) and various conflicts in Somalia.⁴ An IGAD peace process to resolve Sudan's long running second-civil war (1983-2005) was launched in the early 1990s and gained traction in the late 1990s when Kenya was IGAD's chair. IGAD's mediation, led by General Lazaro Sumbeiywo, received significant support from the "Troika" (U.S., UK and Norway), particularly at the end of the process. The Comprehensive Peace Agreement (CPA) was signed in 2005 and paved the way for South Sudan's independence in 2011.

Given IGAD's history it was well-positioned to take the lead role in mediating South Sudan's war. The IGAD mediation is led by a chief mediator, the former Ethiopian Foreign Minister, Seyoum Mesfin, who was joined by mediators from Kenya, General Lazaro Sumbeiywo, and Sudan, General Mohammed al-Dabbi. It is overseen by the Heads of State (HoS), also including Uganda. The warring party delegations have three levels: the principles (President Kiir and former Vice President Riek Machar), the leadership committee (attended by the parties' chief mediators⁵, Nhial Deng Nhial, Juba; Taban Deng Gai, SPLM/A-IO; and an FD member), and technical or thematic committees (such as security, leadership, economic, etc.). The FDs' role shifted between mediating between the parties and acting as an independent third-party to the talks. They were joined by opposition political parties, civil society and women and religious leaders. The mediation was supported by an unprecedented eight IGAD HoS summits but regional divisions rendered IGAD incapable of putting unified pressure on the South Sudanese parties who were unable to reach agreement.

IGAD-PLUS was announced in March 2015 following fifteen months of unsuccessful mediation. IGAD-PLUS members include the African Union (AU), UN, European Union (EU), the Troika (U.S., UK and Norway), China and the IGAD Partners Forum (IPF).⁶ IGAD-PLUS' approach to the mediation is shaped by two factors: firstly,

³ The decision to revitalise IGAD was made by the IGAD heads of states (HoS) and governments at a meeting held in Addis Ababa on 18 April 1995. At the 12th ordinary summit in 2008, the HoS again expanded IGAD's mandate to include regional economic integration. Medhane, Tadesse, *Turning Conflicts to Cooperation: Towards an Energy led Regional Integration in the Horn of Africa* (Addis Ababa 2004), pp. 121-129; Korwa G. Adar, "Conflict Resolution in a Turbulent Region: The Case of the Inter-Governmental Authority on Development (IGAD) in Sudan", *African Journal on Conflict Resolution*, vol. 1, no. 2, (2000), pp. 43-46.

⁴ Crisis Group interview, IGAD Official, Djibouti, July 2014; Healy, Sally, "Seeking Peace and Security in the Horn of Africa: The Contribution of Inter-Governmental Authority on Development," *International Affairs*, 87 (1), (2011).

⁵ The "chief mediators" are the chief negotiators for their respective party.

⁶ The IPF is largely comprised of IGAD's donor partners and has three-levels of membership: the ministerial, ambassadorial and technical. The IPF is currently co-chaired by the Italian government and is comprised of the following members: Austria, Belgium, Canada, Denmark, France, Greece, Germany, Ireland, Italy, Japan, the Netherlands, Norway, Sweden, Switzerland, UK, U.S., European Commission (EC), International Organisation for Migration (IOM), United Nations Development Program (UNDP) and the World Bank.

that the parties are unwilling to come to an agreement without pressure, and secondly, that IGAD would need to call on the weight of the wider international community to exert the necessary pressure in a coordinated manner. IGAD provided the parties the “key provisions” of the larger agreement in a “synopsis” document in early June and subsequently launched IGAD-PLUS at the AU summit in mid-June. The synopsis outlined the basics of a power-sharing ratio and transitional governance and security arrangements, including a third-party force to guarantee the transitional government’s security. The parties received the draft agreement on 24 June. There will be a period of internal consultations and, following that, there is an opportunity for the parties to address outstanding issues. An IGAD-PLUS summit-level meeting is expected to be held on 17 August to finalise an agreement.

While several deadlines have come and gone under the original IGAD mediation, IGAD-PLUS may be the last, best chance to reach an agreement in the near-term. South Sudan’s war is becoming increasingly intractable, accompanied by considerable fracturing and divisions within the warring parties, spreading conflict, economic deterioration and increasing regional tensions. If IGAD-PLUS fails to push the parties toward an agreement there will be a significant deterioration of the situation within South Sudan and the international community will find itself without a vehicle through which it can push forward a peace agreement. To avoid this, the international community must work with IGAD to establish a sophisticated set of pressures and incentives which could include the use of force, carefully calibrated UN sanctions and criminal accountability, as well as development and security assistance, an economic bail-out and political guarantees. It is imperative that decisions are made now about which international partners should wield which levers, and how and when they should go about using them in the coming weeks.

III. A Region Divided

A. Uganda

President Yoweri Museveni sent troops to support South Sudan's President Salva Kiir at the outset of war and remains Juba's staunchest ally.⁷ Uganda has often sought to benefit financially and politically from foreign military activities, and its deployment in South Sudan is in the same context.⁸ Uganda participated in the initial IGAD council of ministers visit to Juba in December 2013. Following the visit, the HoS appointed special envoys from Ethiopia, Kenya and Sudan. Uganda, as a belligerent party, was not included and continues to focus more on securing its interests in-country than at the Addis Ababa peace talks.⁹ Uganda is seen by many as the kingmaker in Juba.¹⁰ However, political indecisiveness, displeasure with the options on the table and relative acceptance of the status quo mean that its military influence is not translating into the regional political leadership needed to end a conflict that cannot be won on the battlefield.¹¹

Uganda's posture is shaped by deep animosity toward Sudan and an often visceral dislike of former South Sudan Vice President Riek Machar, now head of the SPLM/A-IO.¹² At the same time, officials often disparage Kiir's government.¹³ Complicating matters, some FDs are among Uganda's strongest ideological allies, while

⁷ Crisis Group Report, *South Sudan: A Civil War by Any Other Name*, op. cit.

⁸ Marieke Schomerus, "They forgot what they came for: Uganda's Army in Sudan", *Journal of East African Studies*, vol. 6, no. 1 (2012); Koen Vlassenroot, Sandrine Perrot and Jeroen Cuvelier, "Doing business out of war. An analysis of the UPDF's presence in the Democratic Republic of Congo", *Journal of East African Studies*, vol. 6, no. 1 (2012); also see, *Armed Activities on the Territory of the Congo (Democratic Republic of the Congo) v. Uganda*, International Court of Justice (2005).

⁹ Crisis Group Africa Report N° 223, *Sudan and South Sudan's Merging Conflicts*, 29 January 2015.

¹⁰ Both government and opposition leaders acknowledge Uganda was key to protecting Juba in the war's early days and that its continued support secures Kiir's position. Crisis Group Report, *South Sudan: A Civil War by Any Other Name*, op. cit.

¹¹ Crisis Group interviews, Ugandan officials, Kampala, September 2014; international businessman, Kampala, April 2015.

¹² Sudan-Uganda animosity has deep roots but reached an apex in the 1990s, when they fought a proxy war in southern Sudan (and northern Uganda). While the level of conflict is now much reduced, they continue to trade allegations of support for one another's armed opposition groups. Sudan alleges Kampala backs the Sudan People's Liberation Army – North (SPLA-N), Justice and Equality Movement (JEM), Sudan Liberation Army – Minni Minawai (SLA-MM) and Sudan Liberation Army – Abdul Wahid (SLA-AW). Uganda alleges Khartoum supports the Lord's Resistance Army (LRA) and the Allied Democratic Forces. Crisis Group interviews, Ugandan officials, Kampala, September 2014; Sudanese officials March, June 2015. Ugandan officials call Machar a "traitor" and Sudan's "agent" and allege he has been in league with the LRA for decades. The allegations date to the 1990s, when he split with the SPLA, but both South Sudanese and Ugandan officials focus on his role in the 2006 Juba talks with the LRA, when LRA members were given cash, uniforms and food in assembly areas in South Sudan. When the talks collapsed, they left with the supplies. Some members of that mediation (at that time led by Machar) say the support was necessary to keep the LRA in the talks; others suggest it evidences Machar's long collaboration with the LRA. Marieke Schomerus, "The Lord's Resistance Army in Sudan: A History and Overview", Small Arms Survey, September 2007; Crisis Group interviews, Ugandan officials, Kampala, September 2014; South Sudanese officials, Juba, January 2015; Crisis Group Report, *South Sudan: A Civil War by Any Other Name*, op. cit., pp. 22-23.

¹³ Privately, many Ugandan officials believe Kiir mismanaged affairs in the lead-up to the war and has not been a strong leader, indicated by, among other things, the need for the UPDF to defend Juba. Crisis Group interviews, Ugandan officials, Kampala, September 2014.

some in Kiir's inner circle have strong links with Sudan.¹⁴ In talks President Museveni held with Kiir and the FD, the latter raised Kiir's relationship with Sudan and other ideological matters in an unsuccessful effort to convince him to change course.¹⁵ While Museveni formally agreed with the other regional leaders to seek a power-sharing peace deal through IGAD, Uganda has not put its full weight behind this, and many believe it favours the SPLM dialogue process, which would return the FD to Juba and exclude the military arm of the SPLA-IO from power sharing (see Section V.A below).¹⁶

Observers question how deployment of Uganda's army, the Ugandan People's Defence Force (UPDF), in South Sudan is paid for and who profits from it. At the beginning of the war, when Juba's fall to the insurgents was a possibility, some of South Sudan's national reserves as well as senior politicians' assets were sent to Uganda.¹⁷ These and other funds may have been used to cover some costs. Many in South Sudan argue these and other expenditures should be public. At the same time, there is growing debate in Kampala over the deployment costs, which appear increasingly borne by Uganda.¹⁸ A return to intense combat or a protracted war in Uganda's areas of operation would raise the financial and operational costs of the deployment.¹⁹ In February 2015, the defence ministry requested a supplementary budget allocation, in part to cover South Sudan operations, thus suggesting that they are as much strategic as economically motivated.²⁰

While there are frequent allegations that senior Ugandan and South Sudanese officials profit from the UPDF's involvement in the war,²¹ Ugandan businesses, which were heavily invested in South Sudan, are hurting. Growing unrest in the Equatoria region, bordering some of its historically restive northern areas, is also an increasing

¹⁴ Some in Uganda's ruling party, the National Resistance Movement (NRM), see the SPLM as a sister liberation movement. Both have fought Sudanese-supported Islamists and have grievances against Sudan. The FD were the core of Uganda's links to southern Sudan in the 1990s.

¹⁵ Crisis Group interviews, FD, Nairobi, November and December 2014.

¹⁶ Uganda has also been part of or provided tacit support to non-IGAD efforts designed to strengthen Juba politically. "Communiqué of the 26th Extraordinary Session of the IGAD Assembly of Heads of State and Government on the Situation in South Sudan", Addis Ababa, 10 June 2014.

¹⁷ Crisis Group interviews, South Sudanese and Ugandan officials, Juba, Addis Ababa, Kampala, January-September 2014.

¹⁸ Ugandan officials say these early payments do not appear in the national budget and speculate they may have been used for personal, not official purposes. "The Report of the Committee on Defence and Internal Affairs on the Ministerial Policy Statement and Budget Estimates for the Fiscal Year 2015/16", Parliament of Uganda, May 2015 (hardcopy with Crisis Group); Crisis Group Report, *South Sudan: A Civil War by Any Other Name*, op. cit., p. 23.

¹⁹ Further UPDF budget increases would be unpopular in parliament, particularly in advance of the 2016 elections. Another option, to secure repayment from the South Sudan government, would be difficult given its fiscal crisis, hard currency shortage and inability to cover the current deployment's full costs. Uganda might also increase business activities, such as logging, to cover the cost, which the UPDF did in Southern Sudan in the 1990s. Marieke Schomerus, "They forgot what they came for", op. cit.. Despite the cost, the popular perception in Uganda is that the intervention prevented ethnic killings and allowed profitable business to continue, but criticism is growing.

²⁰ "Report of the Committee on Defence and Internal Affairs", op. cit., pp. 6-7; Crisis Group interviews, Ugandan officials, March, April 2015.

²¹ This includes through personal payments, control over logistics and other supplies and access to natural resources. Some senior Ugandan politicians allegedly use these funds to build campaign war chests for the 2016 elections. Crisis Group interviews, Ugandan parliamentarians, Kampala, September 2014; South Sudanese official, former South Sudanese parliamentarian, international analysts, Nairobi, March 2015.

concern.²² The Equatorias saw some of the most intensive violence during the second Sudanese civil war (1983–2005).²³ An uptick in conflict in the Equatorias could trigger increased refugee inflows, instability in Uganda’s north and further economic loss, particularly if major trade routes become too dangerous. There is an SPLM/A-IO Equatorian front and independent armed groups are also emerging.²⁴ The activities of anti-Juba elements in the largely ungoverned Garamba National Park (Democratic Republic of Congo) also worry Kampala and Juba.²⁵ Kampala remains supportive of a broader pan-Equatorian bloc that could provide stability and markets on its border, though efforts to induce the Equatorians to leave the SPLM/A-IO have been unsuccessful.²⁶ Benefits gained by rescuing Kiir could be quickly undermined by expanded war or deeper economic crisis.

Uganda is not under pressure to put its weight behind a resolution – either military or political. Moreover, IGAD largely respects Uganda’s so-called “red lines” for a future peace agreement. Uganda recognises the conflict has no military solution yet maintains its original deployments, having neither increased its troop numbers nor significantly expanded its areas of operation for over a year. Kampala is not opposed to a deal yet it has also failed to solidly promote a political solution, leaving IGAD without the full support of one of its critical members as it establishes the parameters of a peace agreement, including transitional governance arrangements and third-party security. Crucial next steps for IGAD and the AU’s high representative for South Sudan (former Malian President Alpha Oumar Konaré) are to encourage Museveni to invest in the outcomes of a mediated agreement and encourage his ally in Juba to accept a deal.

²² See generally, Crisis Group Africa Report N°146, *Northern Uganda: The Road to Peace, With or Without Kony*, 10 December 2008; Mark Leopold, *Inside West Nile* (Oxford, 2005); Heike Behrend, “War in Northern Uganda”, in *African Guerrillas*, Christopher Clapham (ed.), (Oxford, 1998).

²³ Combatants included the then rebel SPLA; southern armed groups supported by Khartoum; the Ugandan rebel LRA; the UPDF; and the Sudanese army.

²⁴ Major General Martin Kenyi is the SPLA-IO deputy chief of general staff, moral orientation. His area of operation is Nimule in Eastern Equatoria and the Juba-Nimule road. Nimule is across the border from Gulu where the UPDF has a large base that is its main staging area for ground forces into South Sudan. Crisis Group interview, Major General Kenyi, 2015. Other forces associated with the SPLA-IO are under Colonel Wesley Welaba (appointed SPLA-IO commander of the Mid-Equatorian forces) and a small group, REMNASAs, both operating in Western Equatoria state. “Launch of Revolutionary Movement for National Salvation (REMNASAs)”, press release, 28 January 2015; Crisis Group interviews, government official, SPLA-IO officer, Addis Ababa, June 2015.

²⁵ The UPDF is in Garamba as part of the regional counter-LRA force. South Sudan army and police deserters, the LRA and other armed groups reportedly poach wildlife in the park. Crisis Group interviews, SPLA officer, February 2015; “Report of the UN Security Council Committee concerning the Democratic Republic of the Congo”, S/2015/19, 12 January 2015, pp. 44-45.

²⁶ Crisis Group interviews, Equatorian officials, Equatorian members of the SPLM-IO, 2015; “National Committee for Information and Public Relations”, press release, SPLM, Nairobi, 28 June 2015 (hardcopy on file).

B. Ethiopia

Ethiopia is the IGAD chair, and former Foreign Minister Seyoum Mesfin is the lead IGAD Special Envoy.²⁷ There is a widespread perception that Addis Ababa is the driving force behind the mediation and that it carefully protects this role.²⁸ Ethiopia views itself as the lead nation of an organisation it has chaired since 2008, charged with maintaining regional stability and vying with Uganda for overall regional leadership.²⁹ Yet, in Somalia where both contribute troops to the African Union Mission (AMISOM) fighting al-Qaeda-affiliated Al-Shabaab, there has been less overt competition.³⁰ Ethiopia also plays a critical role vis-à-vis Sudan, and between Sudan and South Sudan, including by providing almost all the troops for the UN Interim Security Force for Abyei (UNISFA).³¹

Its interests are best served, it believes, by a policy of neutrality. South Sudan borders Ethiopia's restive Gambella state, inhabited by Anuyak and Nuer (who also reside in South Sudan). The area is the location of significant foreign investment in large agriculture schemes.³² Ethiopian Nuer have joined their kin fighting in South Sudan, and there is a widespread perception that the state government in Gambella is sympathetic to the Nuer-dominated SPLM/A-IO.³³ Addis Ababa would like to avoid further upsetting the delicate ethnic balance between Anuyak and Nuer in Gambella or otherwise adding to insecurity.³⁴ There are also economic interests in trade and infrastructure development that were increasing before the war.³⁵

²⁷ Seyoum Mesfin was foreign minister from 1991-2010 and is viewed by the parties as the envoy who speaks most directly for his HoS.

²⁸ This is why Foreign Minister Teodros' involvement in the Kenyan-led initiative to link the IGAD and Tanzanian- and South African-led SPLM dialogue caused consternation in Addis in May-June 2015. Crisis Group interviews, IGAD officials and regional experts, 2014, 2015. Senior Ethiopians involved in South Sudan include: Ambassador Seyoum Mesfin, chief mediator; Major General (ret.) Gebre-Egzabeher Mebrhatu, Monitoring and Verification Mission (MVM) joint technical committee chairman for the first six months; and Lieutenant General Yohannes Gebremeskel, UNMISS Force Commander.

²⁹ "Communiqué", 12th Summit of Heads of State and Government of IGAD, 14 June 2008.

³⁰ Crisis Group interviews, U.S. official, Ugandan official, Kampala, September 2014.

³¹ Ethiopia is often described as "balancing" or "moderating" Khartoum's posture. Crisis Group interviews, regional and Western diplomats and officials, Addis Ababa, January, June 2015.

³² Crisis Group Report, *South Sudan: Jonglei – "We Have Always Been at War"*, op. cit., pp. 22-25; "Ethiopia: The Great Land Grab Debate", IRIN News, 25 March 2011; "Unheard Voices: The Human Rights Impact of Land Investments on Indigenous Communities in Gambella", The Oakland Institute, February 2013.

³³ "The Spillover effect of South Sudan in Gambella, Ethiopia", Life & Peace Institute, October 2014. Because of extensive cross-border trade, some SPLM/A-IO-held areas use the Ethiopian Birr, rather than the South Sudanese Pound, which is rapidly devaluing due to the economic crisis.

³⁴ Crisis Group interviews, Ethiopian official, June 2014; Nuer civilians, Addis Ababa, January 2015; Crisis Group Report, *South Sudan: Jonglei*, op. cit., pp. 24-25. The April protests, when Leitchuor refugee camp was moved from a Nuer to an Anuyak area (shifting the jobs with humanitarian organisations also) are indicative of these local tensions.

³⁵ For example, a company linked to the Ethiopian army was planning to build a road in Upper Nile state. Crisis Group interview, South Sudan parliamentarian, Nairobi, March 2015; Crisis Group Report, *South Sudan: A Civil War by Any Other Name*, op. cit., p. 19.

C. Kenya

Nairobi's South Sudan policy is guided by the desire for stability necessary to secure its economic interests and growing diplomatic profile in the region and beyond.³⁶ Even prior to the CPA negotiations, Kenya cultivated a quiet but influential regional role on South Sudan, but its regional diplomacy is also influenced by President Uhuru Kenyatta's International Criminal Court (ICC) indictment in connection with the 2008 post-election violence. He has sought to build a regional coalition against his indictment, the ICC and criminal accountability more broadly. At the same time, many current and former officials have significant investments in South Sudan.³⁷ This creates the widespread perception that Kenya is pro-Kiir, buoyed by the South Sudanese government's repeated requests to move the mediation to Nairobi.³⁸

However, unlike the CPA negotiations, Kenya has rarely led during this process, preferring to stay neutral among sparring neighbours and between the warring parties.³⁹ In an early diplomatic success in 2014, Kenya secured the FDs' release and hosted them in a secure location in Nairobi. A year later in June, as the SPLM dialogue progressed, Kenya used its leverage (alongside South Africa and Tanzania) to bring FDs on a visit to Juba. Following this, Pagan Amum was reinstated as SPLM secretary general. This was the high point in President Kenyatta's unsuccessful bid to merge the poorly coordinated IGAD and SPLM dialogue processes (Section V.A).⁴⁰ By late June it was clear that Kenyatta would be unable to secure an agreement under SPLM auspices. Kenya's focus has now returned to trying to bring the parties together on the outstanding issues in the draft agreement.⁴¹

Earlier, Kenyatta had backed discreet mediation initiatives that emphasised avoiding criminal accountability. This complicated matters in relation to the IGAD talks where the parties had already agreed to a hybrid tribunal.⁴² These efforts, probably unintentionally, also undermined the Kenyan special envoy, General Sumbeiywo, because parties believed they could go directly to Kenyatta rather than compromise at the mediation level.⁴³

³⁶ The economic interests include the East African Lamu Port Southern Sudan-Ethiopia Transport Corridor infrastructure project building a trade corridor from a new mega-port near Lamu, Kenya. Transport of South Sudan's oil is important to the project's economic viability. See Crisis Group Report, *South Sudan: A Civil War by Any Other Name*, op. cit., pp. 18-19. Crisis Group Briefing N°84, *Kenya: Impact of the ICC Proceedings*, 9 January 2012. For more on the ICC case, including the withdrawal of charges against Kenyatta, see *International Criminal Court, The Prosecutor v. Uhuru Muigai Kenyatta*, ICC-01/09-02/11.

³⁷ Crisis Group interviews, South Sudan official, May 2014; South Sudan parliamentarian, international analyst, Nairobi, March 2015.

³⁸ Crisis Group interviews, South Sudan officials, Addis Ababa, January, June, December 2014, January, February 2015.

³⁹ During the CPA negotiations, Kenya was the IGAD Chair while Ethiopia is the current IGAD chair and thus leading the mediation.

⁴⁰ Crisis Group interviews, Kenyan official, May 2015, IGAD official, Western diplomat, June 2015. "South Sudan and IGAD: Seize the Day", Crisis Group Blog, 13 January 2015; Crisis Group interviews, Nairobi, May, November, 2014, February 2015. All the FD save General Oyai Deng Ajak and General Majak D'Agoot returned for the independence celebrations on 9 July 2015.

⁴¹ Crisis Group interviews, South Sudanese officials, SPLM-IO representatives, Nairobi, June 2015; email correspondence, regional diplomat, June 2015.

⁴² The parties had agreed earlier to a hybrid tribunal to try those responsible for war crimes and a hybrid tribunal is included in the draft peace agreement.

⁴³ Crisis Group interviews, South Sudanese officials and SPLM/A-IO representatives, 2014, 2015.

Kenya's activities on its border with South Sudan in remote Nadapal, near the contested Ilemi Triangle, created further bilateral tension.⁴⁴ It remains to be seen if Nairobi will take advantage of the present situation to press its claims. Its overriding focus on security issues at home and in Somalia and its complex interests in South Sudan mean it is likely to continue seeking middle-ground and a solution that secures its economic interests and limits calls for criminal accountability.

D. Sudan

Khartoum's 2013 rapprochement with Juba largely survived the war's onset. Sudan's largely constructive position and participation in the mediation is part and parcel of its efforts to rehabilitate its international reputation.⁴⁵ Support to the SPLM/A-IO has been far less than most anticipated, even though the UPDF and Sudan Revolutionary Front (SRF, fighting Khartoum) are with President Kiir.⁴⁶ Sudan is able to work with both the government and Machar, and while it is not enamoured with either, the current constellation keeps the FD (some are its most hardline opponents) in political exile, perhaps the most important point for Sudan. It also raises the stakes of the SPLM dialogue process. However, for the SPLA-IO, even the relatively small amount of war material it receives from Sudan and the ability to operate relatively freely in its territory are critical, and represent most of its external support.⁴⁷ Juba's preoccupation with the war has also removed pressure to resolve contentious border issues.

The halt of most Unity state oil production costs Sudan oil revenue. While it has made up for it elsewhere, both Khartoum and Beijing (Chinese oil companies are the dominant producers) are keen to keep production going in the Upper Nile state oil fields.⁴⁸ Their security was the subject of an independent agreement between Sudan, China and the SPLM/A-IO (see below). At the same time (February 2015), Sudanese officials made their highest-level visit to Uganda in many years. Both sides indicated Uganda would reduce support to the SRF, but soon after this relations between Khartoum, Juba and Kampala began to deteriorate, and Sudanese officials protest that

⁴⁴ Kenyatta has reportedly established a group in his office tasked with resolving outstanding border disputes. Many are in natural resource-rich areas, such as the Ilemi Triangle and the disputed maritime border with Somalia. There are reports that international companies hoping to invest in the natural resource sector support the initiative to resolve disputed borders. Crisis Group interviews, Kenyan officials, Nairobi, March and April 2015.

⁴⁵ This effort advanced further when Sudan joined the Saudi-led coalition to combat the Huthis in Yemen in March. Crisis Group Middle East Briefing N° 45, *Yemen at War*, 27 March 2015; "Sudan's Politics: May the only man win", *The Economist*, 18 April 2015; Crisis Group Report, *Sudan and South Sudan's Merging Conflicts*, op. cit., p. 20.

⁴⁶ Sudanese officials state that the rather limited and localised support to the SPLA-IO is consistent with a policy change made many years ago to avoid supporting opposition groups in neighbouring countries. Crisis Group interviews, 2014, 2015. The SRF is comprised of groups from across Sudan's "New South", including: the Sudan Liberation Army-Abdul Wahid (SLA-AW), Sudan Liberation Army-Minni Minawi (SLA-MM), JEM, the SPLM/A-N and other smaller, unarmed groups. For more on the SRF, see Andrew McCutchen, "The Sudan Revolutionary Front: Its Formation and Development", Small Arms Survey Working Paper no. 33, 2014.

⁴⁷ Crisis Group interviews, Sudanese official, February 2015; SPLA-IO officials, Addis Ababa, January, June 2015.

⁴⁸ If all oil production is shut down, very expensive damage or destruction could result to pipeline infrastructure.

Kampala's support continues.⁴⁹ In late April, following SRF attacks in Sudan, Khartoum threatened to attack its South Sudan bases, and in June it reportedly bombed SPLM-N (North) contingents across the border.⁵⁰

Some Sudanese officials prefer the conflict to continue so Juba and the SRF remain distracted.⁵¹ The Sudanese rebels are not represented in the IGAD mediation, and neither Khartoum nor Juba wish to see their role become a formal issue (beyond general provisions in agreements for withdrawal of allied forces). Both desire to keep their own involvement a matter of behind the scenes manoeuvring.⁵² Sudan's multiple interests mean it will continue to support the IGAD mediation, seek to protect the Upper Nile oil fields and use Juba's challenges to its benefit. However, there are persistent threats that FD return to Juba may strain relations, border fighting could escalate again and the two conflicts merge further.⁵³

⁴⁹ "Uganda Signals Diplomatic Breakthrough with Sudan on Rebels", Bloomberg, 13 February 2015. Crisis Group interviews, South Sudanese and Sudanese officials, Addis Ababa, May, June 2015.

⁵⁰ Crisis Group interviews, Ugandan, South Sudanese and Sudanese officials, Kampala, Juba and Addis Ababa, April-June 2015.

⁵¹ Crisis Group interview, Sudanese official, 2015. SRF groups have used Southern Sudan as a rear base for war against Khartoum for years. Crisis Group Report, *Sudan and South Sudan's Merging Conflicts*, op. cit., pp. 5-6, 14, 20.

⁵² Crisis Group interviews, Western diplomats, Addis Ababa, June 2014, Ugandan officials, Kampala, September 2014.

⁵³ For more, see Crisis Group Report, *Sudan and South Sudan's Merging Conflicts*, op. cit.

IV. Stalled Mediation

Several signs have confirmed the war's regional importance: the speed with which IGAD member states responded, the frequency of HoS summits and the special envoys' seniority and experience. In December 2013, IGAD sent its council of ministers to Juba.⁵⁴ Yet, once IGAD appointed its special envoys, the council of ministers (including Uganda) was largely jettisoned, and the envoys reported directly to the HoS.⁵⁵ Nearly every mediation round has been accompanied by a summit, eight in sixteen months.⁵⁶

The HoS agreed quickly on overarching strategic aims: firstly, halting the fighting through a cessation of hostilities (CoH) agreement; and secondly, a regional "Protection and Deterrence" force (PDF) to use force to "create the conditions for negotiations", including through enforcing the CoH.⁵⁷ Contentious aspects of the January 2014 CoH and the nature of a regional force were, perhaps deliberately, left unaddressed. Discussions surrounding the PDF's mandate included enforcing the cessation of hostilities; protecting the members of the Monitoring and Verification Mission (MVM)⁵⁸ established under the CoH; securing the oil fields; and ensuring IGAD member states do not push one objective in Addis Ababa while supporting others on the battlefield.⁵⁹ Yet after the removal of "deterrence" from the PDF concept and a decision not to use sanctions, the HoS struggled to find a strategy that could succeed without a coercive element. The wider international community blocked the PDF but then failed to engage effectively with IGAD on a political, rather than military-led, strategy.

The centralisation of IGAD decision-making was paralleled by the warring party delegations.⁶⁰ The envoys agreed early on to engage only with the mediators nomi-

⁵⁴ A delegation consisting of IGAD member state foreign ministers – operating under the IGAD "council of ministers" mechanism – as well as the AU Commissioner for Peace and Security and the UN Special Envoy to the AU went to Juba on 19 December 2013. "Communiqué of the 23rd Extraordinary Session of the IGAD Assembly of Heads of State and Government on the Situation in South Sudan", Nairobi, 27 December 2013.

⁵⁵ Because it has no special envoy, Uganda is in effect excluded from the day-to-day mediation. It did participate in the original foreign ministers' visit. The council of ministers maintained limited engagement; for example it met on 12 March 2014 in advance of a 13 March HoS Summit and again on the sidelines of the AU Summit in South Africa in June. "IGAD Council of Ministers on the Situation in South Sudan", IGAD, 12 March 2014.

⁵⁶ Summits were held on 27 December 2013, 31 January, 13 March, 10 June, 25 August, 22 October (mini summit) and 7 November 2014 and 29 January 2015.

⁵⁷ Agreement on Cessation of Hostilities between the Government of the Republic of South Sudan (GRSS) and the Sudan People's Liberation Movement/Army (In Opposition) (SPLM/A-IO), Addis Ababa, 23 January 2014; "Communiqué of the 25th Extraordinary Session of the IGAD Assembly of Heads of State and Government on the Situation in South Sudan", Addis Ababa, 13 March 2014.

⁵⁸ The Monitoring and Verification Mechanism (MVM) is comprised of monitors from IGAD member states (except Uganda). The Joint Technical Committee which oversees the MVM teams is chaired by an Ethiopian general who is deputised by a Sudanese general. The international community provides the funds for the MVM as well as some logistical and technical support (including personnel dedicated to the MVM). The government and SPLA-IO provided monitors in support of the MVMs work; all teams were supposed to have monitors from both the government and SPLA-IO. Following the detention of two SPLA-IO monitors in Juba in 2014, the SPLA-IO pulled its monitors from the MVM. They have requested participation from their headquarters in Pagak and moving the Joint Technical Committee from Juba to Addis to avoid further detention, harassment or violence from the government in Juba. Crisis Group Statement, "Restart of South Sudan Talks Critical to Avert End-March War Threat", 12 March 2015.

⁵⁹ "Fighting not Talking", Crisis Group Blog, 13 May 2014.

⁶⁰ "IGAD-led peace process continues in Bahir Dar", IGAD, 30 September 2014.

nated by the government and SPLM/A-IO and largely did so, even when it became clear that powerful constituencies, such as the Equatorians, were not always represented.⁶¹ Thematic committee leaders were not empowered to take key decisions, including necessary compromises, so made little progress toward compromise on the handful of top issues, though they did advance political and security provisions for the transitional period, most of which are reflected in the draft agreement. Significant decisions and points of compromise were sent to the leadership committee and then, most often, to the principals.

By the end of 2014, parties saw little reason to compromise on the relatively few matters still disputed in the committees, as envoys rarely chaired or attended sessions. As the process advanced, they grew increasingly unwilling to compromise even at special envoy level, preferring to see if the HoS would force their hands, which they did not. IGAD often approached the process as though working with two hierarchical parties whose leaders were able to take controversial decisions. However, the SPLM/A-IO struggled to maintain cohesion between “political” and “military” figures, while the government spent much time on war preparation and securing a coalition that included powerful figures not represented at the talks, which required internal negotiation before compromises in Addis Ababa.⁶² Early in the process, the Troika championed an ill-conceived inclusive “multi-stakeholder” process.⁶³ It was poorly linked to ground dynamics and subsequently failed, with the Troika and EU losing political capital vis-à-vis both IGAD and the South Sudanese.⁶⁴

Following the January 2014 CoH, the mediation, to some degree distracted by the “multi-stakeholder” process and continuing to negotiate the implementation of the CoH, was slow to take the next step and have the parties formally stake out positions. The August 2014 controversy surrounding the protocol document of agreed principles for the negotiations further evidenced regional divisions (the HoS changed the document substantially from what the mediators were negotiating with the parties).⁶⁵ Following this, the envoys were able to clarify positions and reach compromises on many matters; however, core differences over leadership and security remained. By late 2014, the goal of achieving a politically transformative agreement through a “multi-stakeholder” process was jettisoned in favour of a simpler power-sharing arrangement that would lay the groundwork for future political change; yet even this proved beyond reach, as deadlines were missed, and the South Sudanese were increasingly embold-

⁶¹ For example, the three Equatorian governors went to Addis Ababa during the February 2015 talks and presented their own position paper. “Greater Eatoria Governors Return from Addis Talks”, Gurtong (www.gurtong.net), 9 May 2015.

⁶² Kiir leads a large and unwieldy governing coalition and must respond to constituencies such as Equatorians and the SPLA (among others) who each have their own position papers on the talks.

⁶³ See Section V.C for more details on the “multi-stakeholder process”.

⁶⁴ This was not due to IGAD’s lack of interest in a more inclusive process; rather the complex process required a level of support from the Troika, particularly the U.S., that it offered but was unable to deliver. Crisis Group interviews, Western diplomats and support staff, IGAD officials, June 2014 and June 2015.

⁶⁵ The agreed principles for the negotiations were those under which the parties would negotiate an agreement. The envoys were negotiating the text with the warring parties and presented the draft to the HoS at the August summit. President Museveni requested changes to the document that favoured the government’s position and were not entirely consistent with the negotiations between the envoys and the parties. Adding further to the controversy, Machar denied signing the amended document and alleged there was an attempt to trick him into signing. Crisis Group interviews, Ugandan officials, Kampala, September 2015, SPLM/A-IO members, Nairobi, September.

ened to call IGAD's bluff. IGAD kept the process alive through mechanisms such as a cessation of hostilities workshop and party consultations that failed to overcome core differences but helped prevent a return to major conflict.

After the talks stalled in March 2015, the government and SPLA-IO launched offensives – the return to full-scale war that Crisis Group had warned against.⁶⁶ The government drive in Unity that recaptured significant territory was accompanied by some of the war's worst atrocities.⁶⁷ In Upper Nile, the SPLA-IO was joined by the Shilluk "Aguelek" forces of General Johnson Olony following their March defection from the government. Together they twice recaptured Malakal as well as Melut, in the vicinity of the government's largest remaining oil field. A spreading low-level insurgency in Northern Bahr el Ghazal and the Equatorias is being fought with guerrilla tactics (unlike the more conventional warfare that characterises the conflict in Greater Upper Nile). Both sides continue to seek advantage in the negotiations via military success. The volatile nature of the conflict makes the parties' positions inconsistent as their fortunes on the battlefield wax and wane, and makes effective mediation all but impossible.⁶⁸ If the IGAD-PLUS deadline for agreement at a summit in mid-August cannot be met, a 90-day ceasefire should be instituted to prevent continuing fighting for leverage and to set a time-bound period to finalise an agreement.

As early as December 2014, IGAD was considering options for a revised or expanded process, as it was clear the unresolved leadership and security issues would not be resolved by further dialogue.⁶⁹ In March 2015, Ethiopian Prime Minister Hailemariam Dessalegn was unusually frank, announcing the end of talks and calling on the world to speak with "one voice".⁷⁰ IGAD-PLUS, the now-expanded mediation mechanism, is designed to force an agreement on the parties, recognising that while they are unwilling to compromise, the humanitarian, economic, political and military conditions continue to deteriorate.⁷¹ Yet, after the special envoys gave the parties a "synopsis" of the agreement in early June, attention shifted to the SPLM dialogue process, until it stalled in Nairobi at the end of the month. It has only recently returned to IGAD-PLUS, which requires the full support of its members to resolve remaining issues or force compromises.⁷² The coming weeks, under IGAD-PLUS, which will end with a summit-level IGAD-PLUS meeting, gives the international community an opportunity to pre-

⁶⁶ Crisis Group Statement, "Restart of South Sudan Talks Critical to Avert End-March War Threat", 12 March 2015.

⁶⁷ UNMISS said, "This recent upsurge ... has ... been marked ... by a new brutality and intensity...The scope and level of cruelty that has characterised the reports suggests a depth of antipathy that exceeds political differences". "Flash Human Rights Report on the Escalation of Fighting in Greater Upper Nile", UNMISS, April/May 2015, pp.6. UNICEF reports "boys have been castrated and left to bleed to death ... Girls as young as 8 have been gang raped and murdered ... Children have been tied together before their attackers slit their throats ... Others have been thrown into burning buildings." "Unspeakable violence against children in South Sudan- UNICEF chief", statement by UNICEF Executive Director Anthony Lake, UNICEF, 17 June 2015.

⁶⁸ Nevertheless the government's fortunes have consistently improved since May 2014.

⁶⁹ Crisis Group interviews, IGAD, AU officials, Western diplomats, Addis Ababa, December 2014.

⁷⁰ Following this, IGAD began to take the steps to formalise IGAD-PLUS and its mandate. "Message From H.E Hailemariam Dessalegn, Prime Minister of the Federal Democratic Republic of Ethiopia ...", Addis Ababa, 6 March 2015.

⁷¹ AU representation includes the High Representative to South Sudan, former Malian president Alpha Oumar Konaré and the Ad Hoc Committee of Heads of State and Government for South Sudan, with representatives from Algeria, Chad, Nigeria, Rwanda and South Africa. See Section V.C.

⁷² See Section V.A.

sent the parties with a unified approach, parameters for compromise and a clear idea of the consequences of failing to do so.

A. Centralisation of Decision-Making

The January 2014 CoH agreement was the first of many instances in which the HoS reached consensus on military matters but avoided potentially divisive political decisions.⁷³ To get the agreement, IGAD did not clarify details on withdrawal of the UPDF and Sudanese rebels fighting for Juba or the theatre of operations.⁷⁴ The MVM took months to become functional but has neither been an effective deterrent nor given the special envoys the nuanced analysis that might have guided strategies to bring the parties closer to an agreement.⁷⁵

Once the CoH was signed, support for the PDF came to anchor the political strategy of the heads of state.⁷⁶ The PDF was intended to do several things at once: enable regional deployments to support the IGAD process, including from countries that, at the time, contributed contingents to the UN Mission in South Sudan (UNMISS);⁷⁷ allow member states to secure their interests in South Sudan; decrease the regional tensions Uganda's deployment created;⁷⁸ and to use force to give the mediation some much-needed muscle, including for implementation of the CoH. Despite commitments under the CoH to a "progressive withdrawal" of its forces, its officials repeatedly said Uganda would participate in the PDF and it continues to expect to participate in a future "third party security force".⁷⁹

Plans to embed the PDF within UNMISS under a separate command to secure UN funding failed due to New York's concerns about the relationship with the existing peacekeeping force, IGAD's financial and logistics capabilities (a reason donors would not fund the PDF independently) and reluctance to cede further ground to IGAD.⁸⁰ Eventually UNMISS was mandated to protect the MVM teams, but this did not give IGAD the ability to create conditions that could influence the talks.⁸¹ Months afterward, when it was clear the PDF would not happen and the only country willing to bear

⁷³ Agreement on Cessation of Hostilities, op. cit.

⁷⁴ For more on regional forces involved in the conflict, see Crisis Group Reports, *Sudan and South Sudan's Merging Conflicts*; *South Sudan: Jonglei* and *South Sudan: A Civil War by Any Other Name*, all op. cit.

⁷⁵ Crisis Group interviews, IGAD officials, MVM members, Juba and Addis Ababa, 2014, 2015. This was due to funding; recruitment, training and deployment challenges; avoidable bureaucracy; the HoS failure to follow up on the MVM's delays; and UNMISS' reputational issues that left IGAD reluctant to rely on the mission for assistance.

⁷⁶ It was later changed to the "Protection Force". "Communiqué of the 25th Extraordinary Session", op. cit.

⁷⁷ Kenya and Ethiopia already had forces in UNMISS. Non-IGAD members Rwanda, an UNMISS troop contributor, and Burundi were also named as contributors to this force.

⁷⁸ Some referred to this as a "carve up" of South Sudan. See Crisis Group Report, *South Sudan: A Civil War by Any Other Name*, op. cit.

⁷⁹ On the agreement to redeploy and/or progressively withdraw forces, see Agreement on Cessation of Hostilities, op. cit., Section 1.1.2(e). The idea was that the UPDF, like the Kenyan and Rwandan UNMISS troops, would "re-hat" into the regional force.

⁸⁰ As this debate was taking place, the MVM was not yet deployed, and substantial operational support was needed, which the U.S. largely provided. Crisis Group interviews, diplomats, UN officials, Addis Ababa, June 2014, Nairobi, August 2014. See below.

⁸¹ Crisis Group interviews, IGAD officials, Addis Ababa, 2014, 2015.

the expense and political costs of independent intervention was Uganda, regional leaders still spoke as though deployment would take place.

The region, despite its differences, shared the view that a military operation to set conditions for mediation was the preferred way to manage the crisis.⁸² Its political strategy focused on facilitating an agreement, but it had little leverage without the PDF, with the HoS and chief mediator opposed to sanctions and amid member state differences. In January 2015, IGAD again proposed a “third force”, likely from member state or AU member state troops, this time to create the conditions for SPLM/A-IO and FD return to Juba; such a force is included in the draft agreement.⁸³

B. *Lack of IGAD Institutionalisation*

As the peace process progressed in 2014, IGAD established and staffed the Office of the Special Envoys for South Sudan who reported directly to the HoS.⁸⁴ When each round of talks ended, the envoys and many critical staffers tended to leave Addis Ababa.⁸⁵ Without them, no one was empowered to advance the process, and often little was done for weeks, and the parties were left to refocus on the war rather than the peace process.⁸⁶ Staff also spent significant time managing the MVM, despite the limited support the monitors provided.⁸⁷ Significantly, many IGAD staff, member state officials and warring party delegates saw the process as “Ethiopian” rather than IGAD.⁸⁸

Further, the decision to create the Office of the Special Envoys and not use the IGAD Council of Ministers or other existing IGAD institutions meant Uganda was only seriously engaged at the HoS level, which weakened the envoys’ ability to convince the warring parties that they represented the whole region and enabled Uganda to avoid more constructive participation in the mediation. When special envoy relations became strained, the warring parties believed they could go directly to a head of state, undermining IGAD’s ability to take institutional positions.⁸⁹

⁸² This approach has parallels in Somalia, where regional states – in the case of Jubaland with direct IGAD engagement – have substantial military and political involvement.

⁸³ A separate force, to support the separate outcomes of the Arusha process, potentially involving South Africa, Tanzania and others, was under discussion. However, it may not be necessary for the FDs’ return and, if volunteered, such forces could potentially join the IGAD “third party” force. See Section V.A for more on the “Arusha”/SPLM dialogue process. Crisis Group interview, regional analyst; email correspondence, May 2015.

⁸⁴ The office was created because no existing IGAD institution was well-positioned to mediate. “Frequently Asked Questions”, office, IGAD Special Envoys, www.southsudan.igad.int.

⁸⁵ Crisis Group interviews, IGAD officials, Troika officials, Addis Ababa, 2014, 2015.

⁸⁶ Some observers suggested that the special envoys may have been “too senior” to lead a lengthy mediation process, given their other political and economic obligations. Crisis Group interviews, IGAD officials, regional diplomats, Addis Ababa, June 2014, January 2015.

⁸⁷ Crisis Group interview, MVM official, 2015.

⁸⁸ Ethiopia is the IGAD chair, and its nationals are the chairs of the Office of the Special Envoys for South Sudan and the joint technical committee of the MVM. Crisis Group interviews, regional diplomats, Nairobi, January 2014; Kampala, September 2014, Addis Ababa, January 2015; South Sudanese officials, SPLM/A-IO officials, Juba, Nairobi, Kampala, Addis Ababa, 2014-2015.

⁸⁹ Crisis Group interviews, South Sudanese officials, SPLM/A-IO officials, Addis Ababa and Nairobi, November, December 2014, January, February 2015. Ethiopia is the only one of South Sudan’s four neighbouring IGAD states that did not run a sidebar negotiation during the IGAD process. “South Sudan and IGAD: Seize the Day”, *op. cit.*

C. *Elite Mediation*

IGAD mediated the 2005 Comprehensive Peace Agreement (CPA) that ended Sudan's second civil war and has a long history in South Sudan. Yet, an official acknowledged that they had been "overconfident" about how much they understood about local complexities and the political culture of the country.⁹⁰ IGAD originally resisted much of the advice and expertise offered by the Troika and EU, in part due to suspicions over their role in the crisis. It did accept a wider body of expertise in advance of the "multi-stakeholder" process designed to expand the mediation beyond the elites of the warring parties.⁹¹ Subsequently, however, the mediation was closed to all but limited external influence. A mid-2014 initiative to form a supportive International Contact Group, with more expertise and strategic international political engagement, was reportedly scuttled by the Ethiopians.⁹²

At the same time, the Troika and EU often failed to engage strategically. The ill-fated "multi-stakeholder" process was pushed by the Troika as a "best practice" and to "avoid the mistakes" of the exclusionary CPA process.⁹³ The "multi-stakeholder" process brought together representatives from opposition political parties, faith-based groups and civil society. Yet, IGAD, largely comprised of member states where political debate is held within the ruling party, not civil society, is ill-equipped to manage a process that includes opposition parties, civil society, traditional authorities and faith leaders, despite good-faith efforts.⁹⁴ Although they were the principle champions of the "multi-stakeholder" process, the Troika and EU had equally little idea how to identify representative and influential individuals and groups and were nervous about engaging armed actors so they excluded them, losing a valuable opportunity to engage with those directly responsible for conflict.⁹⁵ A Troika support staffer said of one group of participants, "we have no idea which chiefs are here; we went with the ones we could get on a plane at the last minute."⁹⁶

A series of disputes about civil society representation followed.⁹⁷ The parties, beginning with the government, deliberately diluted the "independent" civil society

⁹⁰ Crisis Group interview, IGAD official, 2014.

⁹¹ Many member state officials felt the U.S. and UN had mismanaged the mounting political crisis that led to the war, so should be kept at arm's length. Crisis Group interviews, IGAD officials, regional diplomats, Addis Ababa, June 2014.

⁹² Crisis Group interviews, UN official, New York; U.S. official, Washington, November 2014.

⁹³ The Troika generally, but not always, sent experts with experience in South Sudan, some of whom remained involved for multiple rounds, but most UN experts had little or no South Sudan expertise, which meant they had little credibility with participants and further contributed to IGAD's hesitancy to embrace external experts. Crisis Group interviews, Troika diplomats, Juba, Addis Ababa, January 2014; "Civil Society and the South Sudan Crisis", Crisis Group Blog, 14 July 2014.

⁹⁴ "Inclusive Negotiations for South Sudan Launched: Stakeholders to discuss security and Transitional Government Arrangements", IGAD press release, 20 June 2014. Only Kenya has a more robust tradition of civil society, and it is under pressure.

⁹⁵ Crisis Group advocated a process that included other armed groups and influential constituencies within South Sudan. Crisis Group Report, *South Sudan: A Civil War by Any Other Name*, op cit.; interviews, Troika diplomats, Juba and London, May 2014; Addis Ababa, June 2014.

⁹⁶ Crisis Group interview, Troika support staff, Addis Ababa, June 2014.

⁹⁷ The disputes around women's representation are indicative of some of the larger challenges of the "multi-stakeholder process". Despite women being well-represented in the civil society delegation, some women's groups demanded separate representation. After much back and forth, these groups were allowed to come to the mediation venue (with their costs paid) but not to act as "observers" at the talks. This was but one of a series of disputes that occupied a significant amount of

presence until it eventually was limited to observation.⁹⁸ The government also prevented Dr. Lam Akol, leader of the largest opposition party, the SPLM-DC (Democratic Change), from traveling to Addis Ababa, thus neutralising the political parties' role.⁹⁹ Only the FD maintained their status.

The chaos of the “multi-stakeholder” process strengthened the warring parties' argument that only they should be at the table (although other stakeholders remained at the talks as observers and, very occasionally, participants). As 2014 progressed, the process increasingly focused on them, often with the FD mediating between them at the committee level, with limited IGAD strategic leadership.¹⁰⁰ The mediation at times also failed to react to, and other times simply did not capitalise on, events or anticipate dynamics that could be used to advance the process. By the end of 2014, the South Sudanese were manipulating the process, calling IGAD's bluff and unwilling to compromise. A South Sudanese official said, “we know about ... IGAD; they can say anything in Addis, but we know they will not come to the ground. We know how to make our peace, and we will do it without them when we are ready.”¹⁰¹

IGAD's time as the “multi-stakeholder” process was rolled out. For more, see “Inclusivity: A Challenge to the IGAD-Led South Sudanese Peace Process”, The Sudd Institute, 7 December 2014.

⁹⁸ Crisis Group interviews, civil society representatives, Addis Ababa, June, December 2014.

⁹⁹ IGAD has encouraged the government to revisit selection of political party representatives and ensure they are chosen fairly and can participate fully. Crisis Group interview, IGAD officials, Addis Ababa, 2015; “Troika concerned about barring political parties' delegates”, Eye Radio, 17 September 2014.

¹⁰⁰ Both parties' delegates repeatedly said they could resolve their problems themselves, “as South Sudanese”, and did not need external mediation. Crisis Group interviews, South Sudanese officials and SPLM/A-IO members, Addis Ababa, January, June, December 2014, June 2015; FD members, Nairobi, January 2015.

¹⁰¹ Crisis Group interview, Nairobi, November 2014.

V. A Divided and Ineffective International Community

The international community overwhelmingly backed IGAD when, after fighting broke out in December 2013, it announced it would hold talks.¹⁰² As IGAD struggled in the next year, the UN, AU and bilateral partners largely watched from the sidelines, rarely offering or being asked for greater political support. By 2015, a SPLM dialogue process, designed to support the IGAD process and eventually led by Tanzania and South Africa, shifted from its original goals and provided an opportunity for forum shopping, undermined the overarching peace talks and divided the FD and SPLM/A-IO.

South Sudan's war raises sensitive issues for many, including within the UN and U.S. government, about failed South Sudan policies and the wisdom of encouraging the creation of the state of South Sudan. For Western countries it is a lesser priority than obtaining IGAD member states' assistance in combating transnational terrorism. Oft-noted bright spots are China's role and U.S.-China cooperation. However China also has its priorities, such as protecting its oil infrastructure, and has circumvented IGAD to achieve them. The U.S. has sought to resolve South Sudan's conflict without expending much political capital in the region or challenging its regional counter-terrorism partners.

For IGAD-PLUS to be more effective than past efforts, its members will need to be clear to IGAD about what levers they can bring to bear in support of a peace process. For example, the AU high representative should lead shuttle diplomacy within the region to develop consensus on the way forward and a dedicated UN envoy for South Sudan and Sudan should represent the UN in IGAD-PLUS and coordinate the efforts of UN components. The region's partners should combine pressure and inducements, which could include the use of force, sanctions and criminal accountability, development and security aid, an economic bail-out and political guarantees for the transition to support IGAD-PLUS' efforts to reach an agreement.

A. *SPLM Dialogue*

Beside the IGAD talks, an SPLM dialogue process was announced in early 2014, led by South Africa's African National Congress (ANC) and Ethiopia's Ethiopian People's Revolutionary Democratic Front (EPRDF).¹⁰³ It made little progress until mid-year when Tanzania's ruling party, the Chama Chama Mapinduzi (CCM), took it over with ANC support.¹⁰⁴ It became known as the "Arusha process" (after the location of sessions) and began talks to reconcile SPLM factions, which would support implementation of an IGAD-mediated peace agreement. As it began to reconcile elements within different SPLM factions, some supporters came to believe the power struggle within the movement was the war's root cause, and reconciliation could bring peace even without an IGAD agreement.¹⁰⁵ The process became politicised far beyond the SPLM

¹⁰² "Communiqué of the 23rd Extraordinary Session", op. cit.

¹⁰³ Crisis Group Report, *South Sudan: A Civil War by Any Other Name*, op. cit., pp. 20-21; "An advance team of SPLM Politburo members convenes in preparation for the SPLM Leadership Review and Self-Assessment Forum", IGAD press release, 5 April 2014.

¹⁰⁴ "Sudan People's Liberation Movement (SPLM), Framework for Intra-SPLM Dialogue", Arusha, Tanzania, 20 October 2014 (hardcopy on file)

¹⁰⁵ Crisis Group interviews, current and former SPLM members, international supporters of the "Arusha" process, Addis Ababa, January 2015; Nairobi, January, June 2015; Juba, April 2015.

reform program, serving the agendas of factions in South Sudan and the region by creating divisions within the FD and SPLM/A-IO.¹⁰⁶ Its greater ambitions are based on flawed assumptions about the SPLM's history; it ignores the militarised nature of politics in South Sudan and that competing southern factions (not all SPLM/A-affiliated) fought fiercely during the last war.¹⁰⁷

While a power struggle among SPLM leaders (President Kiir, Pagan Amum and Riek Machar, among others) created a political crisis in 2013, that alone does not explain how the conflict evolved. SPLA politics were equally important, particularly the contentious, incomplete integration of the South Sudan Democratic Forces and other Khartoum-supported armed groups that led the army to fracture as it did.¹⁰⁸ These groups have little to no historical or contemporary affiliation with the SPLM. Yet, neither SPLM nor SPLA politics were the primary reason why the opposition's foot soldiers, only later organised into the SPLM/A-IO, picked up arms; they did so in response to the Juba Massacre.¹⁰⁹ While the Arusha process may be able to resolve political differences among SPLM members in government, the FD and the few SPLM/A-IO leaders who were affiliated with the party, it cannot resolve a war being waged by a group that has no base in or loyalty to the party.¹¹⁰

As the Arusha process moved forward in early 2015, many began to see it as "pro-government" and "pro-FD".¹¹¹ Some suspected that the government and Uganda were backing it in an effort to divide the SPLM-IO: "politicians" with historic relationships to the SPLM and military leaders without such affiliations.¹¹² At the same time, following the return of some FD to Juba and reinstatement of Pagan Amum as SPLM secretary general, some in the government's coalition were equally unnerved to see the FD again in the ascendancy.¹¹³ To avoid Arusha being used to serve unconstructive agendas, as a vehicle for forum shopping or to undermine the peace process, it should revisit its assumptions about the nature of the war and return to its original role as a supportive pillar of an overall IGAD-led process and agreement.

B. *The UN*

The UN has played a limited political role since the conflict began. The Security Council immediately backed the IGAD peace process and indicated its willingness to adopt

¹⁰⁶ Crisis Group interviews, Nairobi, June 2015.

¹⁰⁷ For greater detail, see Douglas H. Johnson, *The Root Causes of Sudan's Civil Wars* (Oxford, 2003); John Young, *The Fate of Sudan* (London, 2012).

¹⁰⁸ Crisis Group Report, *South Sudan: A Civil War by Any Other Name*, op. cit., pp. 5-6.

¹⁰⁹ The Juba Massacre involved systematic targeting of Nuer civilians in Juba in the days following the outbreak of conflict on 15 December 2015, leading tens of thousands of civilians to seek protection with UN. This was perhaps the "single most critical factor in mobilising Nuer". Many Nuer SPLA as well as Nuer youth rebelled before the SPLM/A-IO existed, while Machar was in flight from Juba, and commanders such as Simon Gatwech and Gabriel "Tang" Tanginye were still with the government in Juba. Crisis Group Report, *South Sudan: A Civil War by Any Other Name*, op. cit., p. 11; "Conflict in South Sudan: A Human Rights Report", United Nations Mission in the Republic of South Sudan, para. 52-83.

¹¹⁰ Crisis Group interviews, SPLA-IO commanders, South Sudan and Addis Ababa, 2014, 2015.

¹¹¹ Crisis Group interviews, South Sudanese civil society, Juba, April 2015; SPLM/A-IO representatives, Addis Ababa, March 2015, Nairobi, June 2015.

¹¹² Many saw this as similar to Uganda's efforts to engage the Equatorians (including those who are SPLM/A-IO members). Crisis Group interviews, SPLM/A-IO representatives, Addis Ababa, March 2015, Nairobi, June 2015.

¹¹³ Crisis Group interviews, government officials, South Sudan experts, Nairobi, June, July 2015.

sanctions at the region's request (however IGAD did not request the recent Security Council designation of six South Sudanese generals).¹¹⁴ It rejected the proposed PDF, agreeing only to give protection to the MVM teams. As with other international actors, the UN did not offer credible alternatives to the use of force to push negotiations forward.¹¹⁵ The decision not to create an International Contact Group to facilitate discussion and coordination between international actors under UN auspices in mid-2014 left IGAD in the driver's seat. UNMISS has not engaged in the peace process due to controversies surrounding its actions between 2011 and 2013, and focuses on the protection of some 160,000 internally displaced civilians sheltering in its bases.¹¹⁶

UNMISS is slowly regaining credibility, but there is little consensus in the Security Council on what a greater UN role could be in promoting peace or how to more effectively support, but not usurp, IGAD.¹¹⁷ The UN should appoint a dedicated envoy for South Sudan and Sudan,¹¹⁸ with a political role distinct from the peacekeeping mission, to represent the UN in IGAD-PLUS and coordinate its membership and support for the IGAD-PLUS process, including working with member states and the sanctions committee to ensure individual sanctions designations support the peace process. Many see the first round of such Security Council designations, in July 2015, as "unfair", having targeted generals, not the political decision-makers who are failing to make the necessary compromises for peace;¹¹⁹ the sanctions created the perception that certain communities were being punished and exacerbated already challenging circumstances for the mediation.¹²⁰ The Council should work closely, through a dedicated

¹¹⁴ IGAD did not request the Security Council to, on 1 July, apply sanctions to six South Sudanese generals. U.S. officials say that decision was based in part on AU support for individual sanctions and an arms embargo. U.S. officials have not pushed for an arms embargo. Crisis Group interviews, U.S., IGAD officials, May, June 2015; Security Council Resolution 2206 (3 March 2015); Resolution 2223 (28 May 2015); Press statement, AU Peace and Security Council, 22 May 2015; "Security Council Sanctions Committee Concerning South Sudan Adds Six Individuals to its Sanctions List", Security Council press release, 1 July 2015.

¹¹⁵ Many Western and regional diplomats and officials saw the UN-provided alternatives as not credible, and intended to maximise the UN's role and influence over any force. Crisis Group interviews, Western diplomats, April 2014; regional officials, September 2014; security analyst, December 2014.

¹¹⁶ UNMISS was criticised for its lack of political strategy, naïve approach to state-support and failure to maintain the degree of impartiality required to protect civilians. It was directed to refrain from involvement in the IGAD peace talks. Crisis Group Report, *South Sudan: A Civil War by Any Other Name*, op. cit., pp. 28-31. The Security Council amended the UNMISS mandate to focus on civilian protection. S/RES/2155, 27 May 2014; Crisis Group interviews, UN officials, Juba, January 2014; New York, November 2014.

¹¹⁷ Some in the UN Department for Peacekeeping Operations (DPKO) support a stronger UN mediation role, perhaps via the UNMISS special representative, but there is little support for this in the Security Council. Crisis Group interviews, diplomats, New York, May 2015.

¹¹⁸ The current envoy is also the UN's Special Representative to the African Union (an Under-Secretary-General-level appointment).

¹¹⁹ Some political decision-makers are also military officials. The designations were, in part, based on widespread but erroneous perceptions about who are "spoilers" in the peace process and failed to target individuals actually undermining that process. Stated reasons for the designations included involvement in cessation of hostilities violations and atrocities. Crisis Group telephone interview, U.S. officials, June 2015; senior SPLA and SPLA-IO officers, July 2015.

¹²⁰ The sanctions designations were also made before the Panel of Experts, formed in accordance with the passage of the sanctions resolution in March, had the opportunity to submit a report, thus undermining its subsequent credibility. Crisis Group interviews, diplomats, New York, May, June 2015; U.S. officials, Washington, May, June 2015; South Sudanese community representatives, Nairobi, July 2015; SPLA-IO generals, Addis Ababa, July 2015.

UN envoy, with IGAD and the AU before any future designations, to avoid undermining peace efforts through ill-timed or ill-considered steps.¹²¹

The UN, under the auspices of the Sudan/South Sudan envoy, should consider presenting IGAD with the tools the UN could bring to bear in support of IGAD-PLUS including sanctions, an arms embargo and mandating a Chapter VII force to provide “third-party security” for a transitional government as outlined in the peace agreement¹²² – on which the Security Council would need to reach consensus – as well as future development assistance. Equally critically, the UN should present IGAD with the timeframes necessary to mobilise such support and the parameters under which the UN would be able to employ such tools. The UN Secretary-General’s decision to hold a meeting on South Sudan in the margins of the General Assembly in September should be used to take stock of where the process stands and to ensure international support remains well-coordinated.

C. *The AU*

Following the war’s outbreak, the AU Peace and Security Council (PSC) established a Commission of Inquiry into alleged atrocities.¹²³ Though completed in late 2014, its

¹²¹ Sanctions should be imposed: 1) only when clearly supporting a revitalised peace process; 2) it is made clear to those targeted what they would need to do to avoid the sanction or have it removed; and 3) there are clear timeframes and benchmarks for such action to be taken. Crisis Group Statement, “South Sudan: No Sanctions without a Strategy”, 29 June 2015.

¹²² There are several options for how the “third party force” could be mandated and structured. The preferred option is to mandate a military mission separate from the larger, existing UNMISS. This mission would have a lean command structure, led by a Head of Mission who occupies the traditional SRSG and Force Commander roles (as has proven effective in UNISFA). This mission would be mandated directly in line with the peace agreement (which would also render it time-bound). Such a mission would need to rely on UNMISS for initial logistics and for the transfer of some of the regional forces (Kenyan, Ethiopian and perhaps Rwandan) to the new mission to secure demilitarised areas immediately. A less-preferred option would be to expand UNMISS’ mandate to include the third party force. This could be dangerous to the existing mission which will be required to maintain the protection of civilians sites until those seeking shelter see the peace agreement progressing and feel safe enough to leave the bases. Given the likelihood that the third party security force would need to use force at some point, attaching them to the existing mission could lead to retaliation against UNMISS and the protection of civilians sites. Both the government and SPLA-IO have demonstrated a willingness to attack UNMISS on multiple occasions over the past year and a half and the mission’s ability and willingness to respond have varied. At the same time, strong and independent security would encourage civilians to leave the bases, enabling UNMISS’ transition away from the current protection site-centred operational structure. Other options which may not be logistically practicable include a mission headed by IGAD or the AU.

¹²³ “411th meeting of the Peace and Security Council at the level of Heads of State and Government on the situation in South Sudan”, AU, 30 December 2013. The longstanding African Union High-level Implementation Panel (AUHIP) on Sudan and South Sudan also has a mandate for these issues. “Communiqué of the 207th meeting of the Peace and Security Council”, AU, 29 October 2009. It has had little engagement on internal South Sudan issues. Many South Sudanese officials allege its chair, former South African President Thabo Mbeki, is close to Khartoum. They also do not want their main mediation forum with Sudan to be a venue for discussing contentious internal issues. Crisis Group interviews, Juba, April and May 2015. That neither the panel nor IGAD has focused on the cross-border nature of the Sudanese conflicts plays into the hands of interests in both Khartoum and Juba, with consequences that are likely to undermine the peace processes in both Sudan and South Sudan. Pagan Amum may take up his former role in mediating Sudan-South Sudan issues, which would antagonise Khartoum. Crisis Group Report, *Sudan and South Sudan’s Merging Conflicts*, op. cit.

report has not been publicly released. It was to be discussed at the January 2015 AU Summit, but some IGAD HoS requested a deferral lest it undermine the peace talks.¹²⁴ Its release was subsequently anticipated at the June summit, but it was only shared with PSC members on 24 July and will not be considered until late August.¹²⁵ While the parties are genuinely concerned about the findings and recommendations, the release has been poorly managed by both the AU and IGAD and is not being effectively used as leverage. In March there was a “leak” of an alleged partial draft that called for an AU protectorate in South Sudan, but the AU denied it was genuine.¹²⁶ Some in South Sudan believe the findings will never be made public, see the AU as unreliable and the report as not a serious concern, while others used the leak and failure to release the report to justify increasingly hardline positions.¹²⁷

The AU has taken welcome steps to increase its mediation role over the past year. It appointed an ad hoc high-level committee of five heads of state and government (Algeria, Chad, Nigeria, Rwanda, South Africa) and a high representative for South Sudan (former Malian President Alpha Oumar Konaré) to support resolution of the conflict. Both are part of IGAD-PLUS, and Konaré has consulted in South Sudan on the IGAD agreement. The AU has an important role to play in coordinating African support for IGAD. More critically, Konaré should directly engage the regional HoS to reduce increasing regional tensions and bring their positions closer in support of a final peace deal.

D. *U.S. and China: Uneasy Partners*

The oft-repeated mantra in Addis Ababa and Washington that South Sudan is a key arena for U.S. and China cooperation is only partially true. Both largely favour a regionally-led process leading to a power-sharing agreement and are IGAD-PLUS members, but there are significant differences in approach and on how to protect national interests. Both have acted unilaterally; China to protect oil interests in the Sudans, the U.S. to safeguard its security relationship with Uganda.¹²⁸ They have real

¹²⁴ Through the end of 2014 and into 2015, IGAD continued to suggest that the “next” round of talks would produce a final agreement. While progress was made during most rounds, the disconnect between the parties’ unwillingness to make critical compromises and IGAD’s rhetoric about impending agreements further complicated matters, including with respect to release of the Commission of Inquiry report.

¹²⁵ The PSC includes the Government of South Sudan while the political and armed opposition as well as civil society are not currently in possession of a copy. Crisis Group interviews by telephone, South Sudanese official, SPLM-IO official, civil society representative, July 2015; “526th meeting of the Peace and Security Council at the level of ministers”, AU, 24 July 2015.

¹²⁶ “AU commissioner tight-lipped on South Sudan Report”, South Africa Broadcasting Company, 13 March 2015.

¹²⁷ Crisis Group interviews, civil society representatives, Addis Ababa, December 2014, Juba, April 2015; “Jieng Council of Elders Rejects Imposition of Peace on South Sudan: A Clear Message to the potential perpetrators of South Sudan destruction”, letter, 28 March 2015 (hardcopy on file).

¹²⁸ See Crisis Group Reports, *South Sudan: A Civil War by Any Other Name*; and *Sudan and South Sudan’s Merging Conflicts*, both op. cit.; “The Conflict in Unity State”, Small Arms Survey, 29 January 2015. Uganda’s role beyond South Sudan as a U.S. counter-terrorism partner includes participation in a regional force against the LRA and as the largest troop contributor to the AU force in Somalia. Lauren Ploch, “Countering Terrorism in East Africa: The U.S. Response”, Congressional Research Service, 3 November 2010. Uganda uses this as leverage to deflect criticism, and the U.S., in particular, is unwilling to challenge its South Sudan policy, as its primary bilateral interest is in counter-terrorism. Crisis Group interviews, U.S. officials, Juba, January, April, 2014; Kampala,

influence but have used little of it to support the negotiations, and their consultations on a unified position have not been at the highest level, in part due to other competing interests.¹²⁹

Much of the Western diplomatic corps in Juba initially welcomed Uganda's deployment.¹³⁰ Yet as the peace process stalled, some began to view Uganda as a spoiler, while others continued to see it as the guarantor of Juba's stability. Regardless, there has not been enough targeted, high-level U.S. engagement with Kampala to ensure Uganda has sufficient confidence in the proposed outcomes of the process to put its weight behind them, particularly given Uganda's continued focus on a regional force.¹³¹

Despite much handwringing, the U.S. has rarely been able to influence the process in ways it desires, either as a donor or political partner.¹³² The limited amount of political capital the administration is willing to expend in South Sudan and the region to end the conflict has not matched U.S. objectives. By the end of 2014, the U.S. was growing increasingly disenchanted with IGAD. Proposals to provide greater support to and gain more influence over IGAD through high-level engagement were scuttled in Washington. There was, perhaps, a partisan reluctance to use senior figures from past administrations as well as an unwillingness to significantly challenge Ugandan policy.¹³³ Following the end of talks in March, the U.S. sought to influence the draft peace agreement being developed but grew increasingly frustrated as IGAD charted its own path. The U.S.-backed sanctions appear designed to appease domestic constituencies by making a stand against mass atrocities at a time they were occurring on an unprecedented scale, rather than to end the war.

In early 2015, China launched a parallel (not necessarily contradictory) process to the overarching IGAD mediation in Khartoum, resulting in a five-point plan primarily designed to protect its oil investments.¹³⁴ This followed sidebar negotiations with all parties on safeguarding oil infrastructure. The South Sudanese government and Chinese oil companies are using a variety of South Sudanese and international actors to secure the oil fields on the ground.¹³⁵ Many believe that as South Sudan's economy declines, China will feel compelled to engage more to ensure regional economic stability. As its interests in South Sudan and the region are directly challenged and the U.S. is unwilling to take a greater role, many in IGAD are looking east for support and hoping President Obama will use his visit to Ethiopia to help push the process forward.

September 2014; Washington, November 2014; Addis Ababa, December 2014. David H. Shinn, "Walking the Line: U.S. Security Policy in East Africa and the Horn", *World Politics Review*, 20 February 2013; Beth Elise Whitaker, "Compliance among weak states: Africa and the counter-terrorism regime", *Review of International Studies*, vol. 36 (2010), pp. 639-62.

¹²⁹ Crisis Group interview, U.S. official, Washington, June 2015.

¹³⁰ The UDPF deployment prevented the possible fall of Juba to the opposition and the need to evacuate diplomats. Crisis Group interviews, U.S. and EU diplomats, Juba, April 2014.

¹³¹ Crisis Group interviews, Western diplomats, Addis Ababa, December 2014; Juba, April 2015.

¹³² Susan Rice, "Statement by National Security Advisor Susan E. Rice on South Sudan Independence Day", live stream, Office of the Press Secretary, the White House, 9 July 2015.

¹³³ Crisis Group interviews, U.S. officials, Addis Ababa, December 2014, Washington, April-June, 2015.

¹³⁴ Crisis Group interviews, Sudanese and SPLA-IO officials, Addis Ababa, February 2015; "China Mediates Peace Talks on South Sudan", *Voice of America*, 12 January 2015; "China-supported consultations in Khartoum reactivate peace process in South Sudan", *Xinhua*, 12 January 2015.

¹³⁵ Crisis Group Report, *Sudan and South Sudan's Merging Conflicts*, op. cit.; "The Conflict in Unity State", op. cit.; Crisis Group interviews, South Sudanese officials, Juba, May 2014, April 2015.

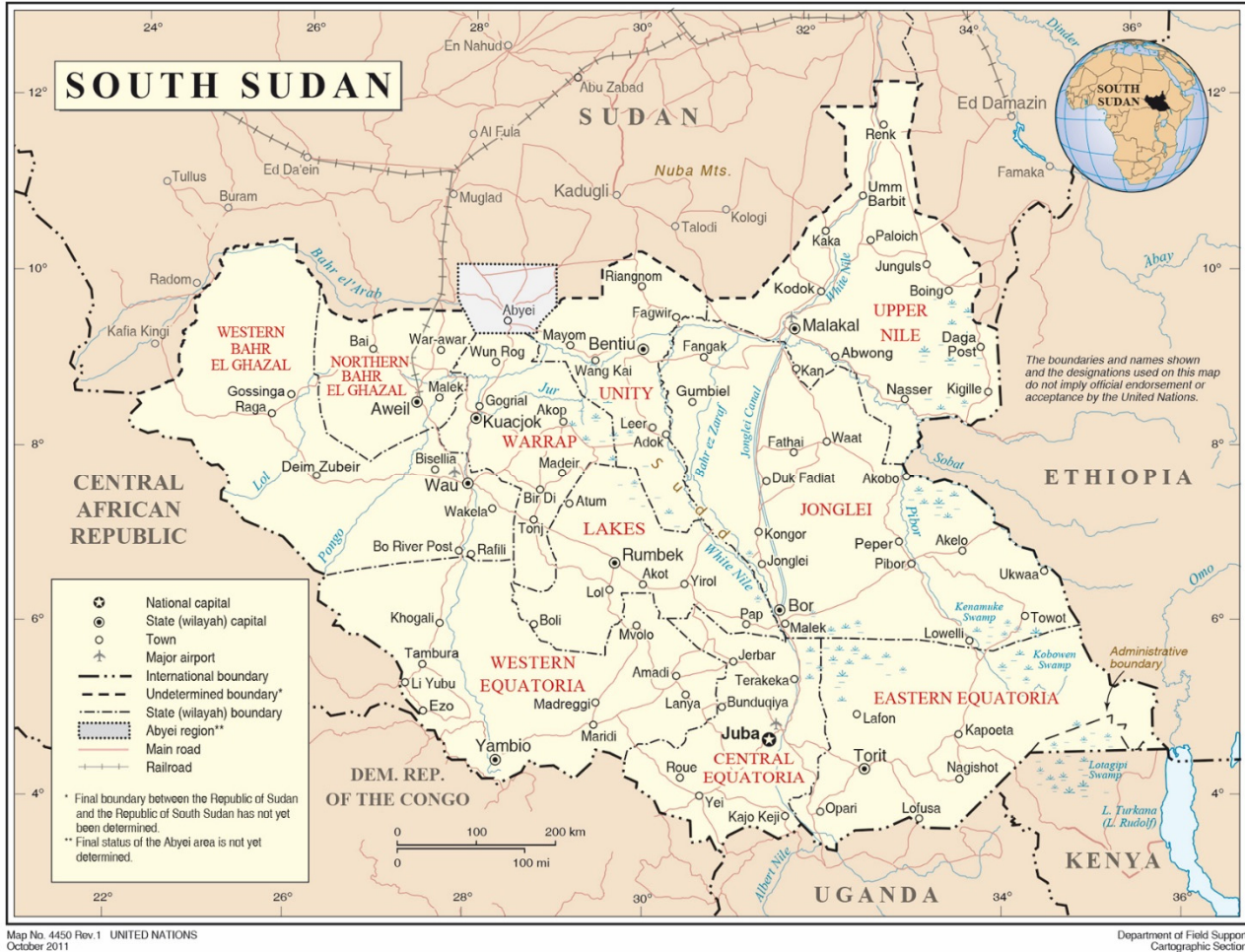
VI. Conclusion

IGAD and its member states have contributed much time and political capital to containing and resolving the civil war. So far they have failed due to internal divisions and power struggles; centralisation of decision-making and lack of institutionalisation; and too much focus on political elites. It will take further political effort from IGAD to resolve its differences and an investment in IGAD-PLUS by its members for it to succeed in ending South Sudan's war. Regional heads of state will need to compromise with one another on a unified political strategy with the support of the AU's high representative. IGAD-PLUS members should clearly outline the pressures and incentives they can bring to the table to support this strategy. A dedicated UN envoy for South Sudan and Sudan can represent the UN and encourage the wider international community to adopt a more unified approach, so as to use the necessary and contextually appropriate tools to prod the recalcitrant South Sudanese parties to agreement.

However imperfect the process is, IGAD-PLUS is the last, best chance for peace in the near-term and its success is critical to avoiding further deterioration in South Sudan and the region.

Nairobi/Addis Ababa/Brussels, 27 July 2015

Appendix A: Map of South Sudan



Appendix B: Glossary

AMISOM	African Union Mission in Somalia
ANC	South Africa's African National Congress
AUHIP	African Union High-Level Implementation Panel
AU	African Union
CCM	Tanzania's Chama Cha Mapinduzi
COH	Cessation of Hostilities
COI	African Union's Commission of Inquiry
CPA	Comprehensive Peace Agreement
DPKO	United Nations Department for Peacekeeping Operations
ECOWAS	Economic Community of West African States
EPRDF	Ethiopian People's Revolutionary Democratic Front
FD	Sudan Peoples' Liberation Movement - Former Detainees
GRSS	Government of the Republic of South Sudan
HoS	Heads of State
ICC	International Criminal Court
IGAD	Intergovernmental Authority on Development
IGAD-PLUS	Expanded IGAD mediation mechanism that includes the AU, UN, EU, the Troika, China, South Africa, Tanzania and the IPF
IPF	IGAD Partners Forum
JEM	Justice and Equality Movement
LRA	Lord's Resistance Army
MVM	Monitoring and Verification Mission
NRM	Uganda's National Resistance Movement
PDF	Protection and Deterrence force
REMNASAS	Revolutionary Movement for National Salvation
SLA-AW	Sudan Liberation Army-Abdul Wahid
SLA-MM	Sudan Liberation Army-Minni Minawai
SPLM/A	Sudan Peoples' Liberation Movement/Army
SPLM/A-IO	Sudan Peoples' Liberation Movement/Army - In Opposition
SPLM-DC	Sudan Peoples' Liberation Movement - Democratic Change
SPLM/A-N	Sudan Peoples' Liberation Movement/Army - North
SRF	Sudan Revolutionary Front
The Troika	The U.S., UK and Norway
UNISFA	United Nations Interim Security Force for Abyei
UNMISS	United Nations Mission in South Sudan
UNSC	United Nations Security Council
SRSG	Special Representative of the Secretary-General
UPDF	Uganda People's Defence Force
WFP	World Food Programme

Appendix C: About the International Crisis Group

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 125 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international decision-takers. Crisis Group also publishes *CrisisWatch*, a twelve-page monthly bulletin, providing a succinct regular update on the state of play in all the most significant situations of conflict or potential conflict around the world.

Crisis Group's reports and briefing papers are distributed widely by email and made available simultaneously on the website, www.crisisgroup.org. Crisis Group works closely with governments and those who influence them, including the media, to highlight its crisis analyses and to generate support for its policy prescriptions.

The Crisis Group Board of Trustees – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policymakers around the world. Crisis Group is co-chaired by former UN Deputy Secretary-General and Administrator of the United Nations Development Programme (UNDP), Lord Mark Malloch-Brown, and Dean of Paris School of International Affairs (Sciences Po), Ghassan Salamé.

Crisis Group's President & CEO, Jean-Marie Guéhenno, assumed his role on 1 September 2014. Mr Guéhenno served as the UN Under-Secretary-General for Peacekeeping Operations from 2000-2008, and in 2012, as Deputy Joint Special Envoy of the United Nations and the League of Arab States on Syria. He left his post as Deputy Joint Special Envoy to chair the commission that prepared the white paper on French defence and national security in 2013.

Crisis Group's international headquarters is in Brussels, and the organisation has offices or representation in 26 locations: Baghdad/Suleimaniya, Bangkok, Beijing, Beirut, Bishkek, Bogotá, Cairo, Dakar, Dubai, Gaza City, Islamabad, Istanbul, Jerusalem, Johannesburg, Kabul, London, Mexico City, Moscow, Nairobi, New York, Seoul, Toronto, Tripoli, Tunis and Washington DC. Crisis Group currently covers some 70 areas of actual or potential conflict across four continents. In Africa, this includes, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of Congo, Eritrea, Ethiopia, Guinea, Guinea-Bissau, Kenya, Liberia, Madagascar, Nigeria, Sierra Leone, Somalia, South Sudan, Sudan, Uganda and Zimbabwe; in Asia, Afghanistan, Indonesia, Kashmir, Kazakhstan, Kyrgyzstan, Malaysia, Myanmar, Nepal, North Korea, Pakistan, Philippines, Sri Lanka, Taiwan Strait, Tajikistan, Thailand, Timor-Leste, Turkmenistan and Uzbekistan; in Europe, Armenia, Azerbaijan, Bosnia and Herzegovina, Cyprus, Georgia, Kosovo, Macedonia, North Caucasus, Serbia and Turkey; in the Middle East and North Africa, Algeria, Bahrain, Egypt, Iran, Iraq, Israel-Palestine, Jordan, Lebanon, Libya, Morocco, Syria, Tunisia, Western Sahara and Yemen; and in Latin America and the Caribbean, Colombia, Guatemala, Mexico and Venezuela.

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July 2015

Appendix D: Reports and Briefings on Africa since 2012

Central Africa

- Burundi: A Deepening Corruption Crisis*, Africa Report N°185, 21 March 2012 (also available in French).
- Black Gold in the Congo: Threat to Stability or Development Opportunity?*, Africa Report N°188, 11 July 2012 (also available in French).
- Eastern Congo: Why Stabilisation Failed*, Africa Briefing N°91, 4 October 2012 (also available in French).
- Burundi: Bye-bye Arusha?* Africa Report N°192, 25 October 2012 (only available in French).
- The Gulf of Guinea : The New Danger Zone*, Africa Report N°195, 12 December 2012 (also available in French).
- Eastern Congo: The ADF-Nalu's Lost Rebellion*, Africa Briefing N°93, 19 December 2012 (also available in French).
- Central African Republic: Priorities of the Transition*, Africa Report N°203, 11 June 2013 (also available in French).
- Understanding Conflict in Eastern Congo (I): The Ruzizi Plain*, Africa Report N°206, 23 July 2013 (also available in French).
- Central African Republic: Better Late than Never*, Africa Briefing N°96, 2 December 2013 (also available in French).
- Fields of Bitterness (I): Land Reform in Burundi*, Africa Report N°213, 12 February 2014 (only available in French).
- Fields of Bitterness (II): Restitution and Reconciliation in Burundi*, Africa Report N°214, 17 February 2014 (only available in French).
- The Security Challenges of Pastoralism in Central Africa*, Africa Report N°215, 1 April 2014 (also available in French).
- Curbing Violence in Nigeria (II): The Boko Haram Insurgency*, Africa Report N°216, 3 April 2014.
- The Central African Crisis: From Predation to Stabilisation*, Africa Report N°219, 17 June 2014 (also available in French).
- Cameroon: Prevention Is Better than Cure*, Africa Briefing N°101, 4 September 2014 (only available in French).
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