

# A Poisoned Well: Lessons in Mediation from South Sudan's Troubled Peace Process

ZACH VERTIN



**Cover Photo:** President Salva Kiir signs the agreement on the resolution of the conflict in South Sudan at a ceremony in Juba, South Sudan, August 26, 2015. UN Photo/Isaac Billy.

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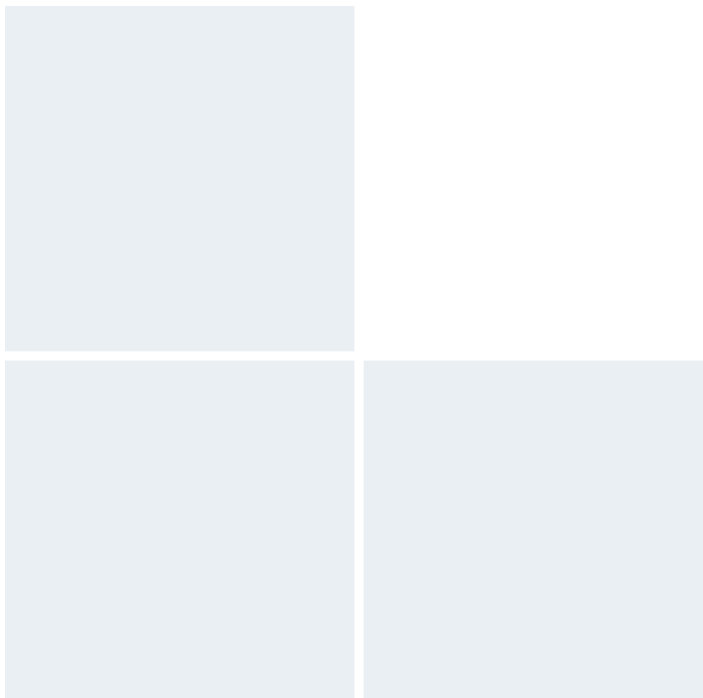
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## Executive Summary

In 2013, the world's newest nation—the Republic of South Sudan—descended into civil war. The young country had been a widely celebrated success story just two years earlier, having overcome generations of war and neglect to declare its independence, peacefully, from Sudan. The partition of Africa's largest state had offered South Sudan the chance to determine its own future. But just thirty months into their state-making enterprise, its leaders dragged a war-weary people back into conflict, erasing the promise of liberation and squandering an enormous reservoir of international goodwill.

External actors moved quickly to convene peace talks under the auspices of the Intergovernmental Authority on Development (IGAD)—one of East Africa's preeminent regional organizations. Two years of acrimonious talks ensued in neighboring Ethiopia as regional states and international supporters attempted to negotiate an end to the violence and a blueprint for sustainable peace. Meanwhile, war ravaged the country, claiming countless lives, deepening ethnic fault lines, and displacing more than two million civilians.

The peace process unfolded in two phases: Phase I focused on a cessation of hostilities agreement between two warring parties, while Phase II broadened the agenda and participants, aiming toward a comprehensive political settlement and structural reforms. Under mounting international pressure, South Sudan's two most polarizing figures—President Salva Kiir and Vice President-turned-rebel-leader Riek Machar—ultimately signed a comprehensive peace deal in August 2015. But the agreement unraveled just a year later, before it could be implemented, and the war metastasized.

South Sudan's leaders bear primary responsibility for the conflict, the troubled nature of peace negotiations, and the devastation borne by millions of their fellow South Sudanese. But as the principal entry point for international actors, the IGAD-led peace process also merits critical review.

Drawing on principles of mediation best practice,

an analysis of the peace process demonstrates an unusually fraught mediation context, including deficits in five fundamental areas: preparedness, consent, impartiality, inclusivity, and strategy. Further analysis reveals a second layer of dynamics that complicated the task of the mediators, from intra-group tensions and forum shopping to summit diplomacy and empty threats. Together, these issues offer important insights into the peacemaking effort, the challenges confronted, and the environment in which an ill-fated peace agreement was forged.

Finally, the role of regional actors—and wider peace process supporters—in any mediation effort can be hugely consequential, as interested states can variously support, shape, or spoil a peace process. South Sudan was no exception. Most notably, the potential value brought to the South Sudanese mediation effort by IGAD's frontline states—Ethiopia, Kenya, Sudan, and Uganda—was ultimately outweighed by their competing national interests and stakes in the outcome.

Despite notable flaws in the process, the success or failure of any mediation effort depends first and foremost on the political will of the parties themselves. South Sudan's principal combatants not only lacked the will to make peace—they were often hostile to the very idea of a negotiated settlement. As such, IGAD and the wider constituency of peace process supporters faced a political and moral dilemma often confronted by outside actors when a conflict is not “ripe” for settlement—when tradeoffs are made between ideal solutions and the imperative to stop the violence.

In critically assessing the IGAD-led peace process (2013–2015), singular conclusions are hard to draw. The process may have helped to slow South Sudan's civil war and provided a platform to confront the fundamental changes required to transform state and society. But inherent flaws meant the peace deal lacked the political will, broad national ownership, and implementing authorities necessary to make it stick. As IGAD member states and international partners now attempt to “revitalize” the peace process, they would be wise to evaluate, and build upon, its lessons.

## Introduction

This paper examines the peace process for South Sudan led by the Intergovernmental Authority on Development (IGAD) from 2013 to 2015.<sup>1</sup> It is not a history of the civil war, nor a detailed chronology of the process. Viewed through a prism of mediation best practice, it is a critical assessment of the attempt to negotiate a settlement of the conflict and, ideally, a distillation of lessons learned.

Few outsiders had insight into what was often an opaque peace process. This paper sheds light on the mediation effort, the environment in which it took place, and some critical dynamics that shaped the first and second phases of the process. It assesses the strengths and weaknesses of the mediation architecture and the roles played by individuals, institutions, and a wider constituency of peace process supporters. In this context, it revisits the complicated political, moral, and resource questions presented by “subsidiarity” norms between regional and global institutions.

Special emphasis is placed on the role of IGAD member states, especially Ethiopia, Kenya, Sudan, and Uganda, and the impact of their interventions on the mediation effort. South Sudan’s belligerent parties were responsible for the devastation visited upon their country, but the competing national interests of IGAD states and other foreign actors—all playing out on a South Sudanese canvass—made matters worse. This study aims to serve as a resource for diplomats, policymakers, and mediators as they undertake future peacemaking efforts in East Africa and beyond.

The first section introduces the reader to the South Sudanese context through snapshots of the war and the peace process. The second section frames the mediation context by identifying six “fundamentals” of mediation and analyzing whether or not they existed in South Sudan. The third section spotlights the decisions and dynamics

that shaped the first and second phases of negotiations. The final section further unpacks the troublesome regional dynamics that poisoned the mediation effort, compromised regional impartiality, and ultimately weakened the 2015 accord.

## Overview

### SNAPSHOT OF THE WAR

When the euphoria of South Sudan’s independence subsided, deep fissures in its ruling party, the Sudan People’s Liberation Movement (SPLM), were laid bare. Like so many movements before it, the SPLM struggled to transition from liberation fighters to governing party. Rather than designing a plan for achieving South Sudan’s developmental aspirations, SPLM elites became consumed by an increasingly contentious struggle for power. That dispute turned violent on December 15, 2013, exposing both fragile state institutions and the ethnic divisions of an unreconciled past.<sup>2</sup>

President Salva Kiir alleged that recently dismissed Vice President Riek Machar had attempted a coup d’état. The unsubstantiated charge was a pretext to crack down on Machar and other party opponents but was also loaded with ethnic connotations.<sup>3</sup> Dinka forces hunted Machar and pushed ethnic Nuer troops out of the capital city before turning their guns on Nuer civilians. Machar escaped, South Sudan’s national army fractured in two, and Nuer communities organized in search of revenge. An impromptu rebellion was born. What had begun as an elite political dispute quickly morphed into an ethno-regional conflict. Each side mobilized supporters by manipulating ethnic fears, and a cycle of massacres and revenge attacks left thousands dead, most of them civilians.<sup>4</sup>

As the two warring parties laid waste to the country, each sought weapons and matériel from external backers. Neighboring Uganda joined the war on behalf of Kiir’s government, while Sudan

1 The Intergovernmental Authority on Development (IGAD) is comprised of seven member states (Djibouti, Ethiopia, Kenya, Somalia, South Sudan, Sudan, and Uganda), which engage in cooperative action on a range of collective peace, security, developmental, and environmental concerns. IGAD and its member states played influential roles in bringing about a peace deal between Sudan and Southern Sudan in 2005 (the Comprehensive Peace Agreement), and in supporting South Sudan’s referendum on self-determination and subsequent independence in 2011.

2 The root causes of South Sudan’s post-independence war, including structural problems inside the SPLM, are outside the scope of this paper.

3 President Kiir is a Dinka and Riek Machar a Nuer. Kiir’s December 2013 allegations against Machar included provocative references to divisions that emerged between Dinka and Nuer communities during Sudan’s civil war, when Machar broke away from the SPLA, and the painful legacies that remain.

4 No definitive estimate of the number killed in South Sudan’s war exists.

funneled weapons to the opposition.<sup>5</sup> As the violence intensified, diplomats from Africa, the United States, and Europe flooded the region, hoping to contain the conflict before it spiraled out of control.<sup>6</sup> Within just two weeks, their collective diplomacy forced government and opposition teams to the negotiating table in Addis Ababa. There was no mistaking that the parties were reluctant to talk peace and had been coerced into mediation, but diplomats resolved that the alternative was far worse.

### SNAPSHOT OF THE PEACE PROCESS

The IGAD-led peace process for South Sudan took place in Ethiopia from January 2014 until the Agreement on the Resolution of the Conflict in South Sudan (ARCSS) was signed in August 2015. Additional negotiations on a range of implementation modalities continued into 2016. A team of three mediators from IGAD countries (Ethiopia, Kenya, and Sudan) was selected to lead the process. Most negotiating rounds took place in Ethiopia's capital city, Addis Ababa, though the mediators aimed to shake things up on several occasions by moving the talks to other locations in the country, including Debre Zeit and Bahir Dar.<sup>7</sup>

Phase I of the process (January 2014) focused on a cessation of hostilities agreement and the release of a group of high-profile SPLM leaders who had been arrested and remained in government custody. The participating stakeholders were the two main warring parties: the government of President Salva Kiir and the recently christened "SPLM/A in Opposition," a loose constellation of anti-government elements led by Riek Machar.<sup>8</sup>

Phase II (February 2014–August 2015) attempted

to expand the peace process and its agenda, with the goal of a comprehensive political settlement and structural reforms. In addition to the government and opposition, five other stakeholder groups were involved at various stages of Phase II, including a group of high-profile SPLM leaders known as "the former detainees,"<sup>9</sup> other political parties, civil society, faith leaders, and women's organizations. Despite sustained efforts by these parties, the mediators, and peace process supporters to concretize a "multi-stakeholder" political dialogue, these groups were never allowed to engage as full participants.

The process ebbed and flowed for more than a year while fighting continued and the human toll mounted. Neither incentives nor pressure did enough to alter the parties' calculations, nor did a tanking national economy or the prospect of famine. Meanwhile, after poisonous regional dynamics undermined the mediators and nearly paralyzed the peace process, the IGAD mediation was officially reconfigured as "IGAD Plus" in 2015.<sup>10</sup> But this attempt to expand the format did little to mitigate the problems at the core of IGAD's mediation effort.

Regional heads of state convened six extraordinary IGAD summits during Phase II of the peace process, and US President Barack Obama convened his own in July 2015. Shortly thereafter, the mediators circulated a draft peace agreement amalgamating eighteen months of inputs from South Sudanese constituencies on matters of transitional governance, security, reconciliation, the economy, and institutional reform.<sup>11</sup> In the ensuing weeks, three stakeholder groups—the

5 While important, Sudan's support in terms of weapons and matériel was limited by comparison. In addition to the weapons they retained when defecting, opposition leaders acquired arms and ammunition from a variety of foreign sources.

6 In response to the crisis, the UN Security Council also adopted Resolution 2132 on December 24, 2013, authorizing the deployment of additional peacekeepers to the existing UN Mission in South Sudan (UNMISS).

7 Moving participants away from the capital city, the alternate venues were selected to focus efforts and try to create a different dynamic. But talks returned to Addis Ababa following these alternate rounds, as the mediators determined that logistical and communications challenges outweighed any added value to the process.

8 "SPLM/A in Opposition" will hereafter be referred to as "opposition."

9 These eleven individuals were arrested by the government shortly after the outbreak of conflict, having been accused of conspiring with Riek Machar to overthrow the government. The political prisoners were all senior SPLM party members and included national ministers, a state governor, and the party's secretary-general. While allies of President Kiir during the run-up to South Sudan's independence, these elites were among those who had begun to openly criticize the president in 2013. Many of them were dismissed from government posts in July 2013, six months before the conflict erupted. When released, they opted to join neither the government nor the opposition, hoping instead to chart a "third way" at the peace process. They were largely unsuccessful.

10 The expanded mediation format—"IGAD Plus"—included IGAD members as well as five African Union member states, the United Nations, the Troika (US, UK, Norway), the European Union, and China. For more detail on IGAD Plus, see the fourth section of this paper, on regional competition (p. X).

11 In the end, the ARCSS included chapters on: (1) a transitional government, (2) a permanent cease-fire and transitional security arrangements, (3) humanitarian assistance and reconstruction, (4) economic and financial management, (5) transitional justice, (6) a permanent constitution, and (7) joint monitoring and evaluation, as well as eight corresponding implementation appendices. "Agreement on the Resolution of the Conflict in the Republic of South Sudan," Addis Ababa, Ethiopia, 17 August 2015.

opposition, the SPLM former detainees, and eventually the government—bowed to focused international pressure and signed the accord.

Despite its flaws, a comprehensive deal had been inked that could conceivably end the fighting, frame a post-conflict transition, and begin the tasks of reconciliation and reform.<sup>12</sup> But it was a document that significant constituencies—some of whom were opposed to any compromise—refused to accept. A Joint Monitoring and Evaluation Commission (JMEC) was established in October 2015 to oversee implementation. Headed by a former African president, JMEC’s members included the South Sudanese stakeholders, IGAD member states, the African Union (AU), the United Nations, and the wider set of nations that had formed IGAD Plus. Implementation was slow, however, and because IGAD heads of state were reluctant to cede authority to, or robustly back, the oversight body, it struggled to enforce the deal or hold the parties accountable.

The UN Mission in South Sudan (UNMISS), with some 12,000 troops in-country and a multidimensional Chapter VII mandate, was to be an important implementing partner.<sup>13</sup> It played no direct role in the preceding mediation process, however, as it was consumed with critical humanitarian tasks, including, above all, the protection of some 200,000 civilians who had sought refuge on UN bases since the conflict began.

Machar returned to Juba in April 2016 per the terms of the accord’s power-sharing protocol, but tensions simmered. Just three months later, they boiled over and the capital again descended into violence. Machar was driven out of the country in a dramatic manhunt, and the deal, while not wholly dead, was effectively suspended. More than a year of fighting and large-scale displacement passed before IGAD and the wider international community would attempt to “revitalize” the peace process.<sup>14</sup> In the meantime, conflict dynamics evolved and fighting spread to new parts of the country—areas that had not, to date, been directly impacted by the violence.

## The Mediation Context

Peace processes are often complex, messy, and nonlinear affairs. As such, few mediation efforts meet the aspirational principles outlined in the United Nations’ *Guidance for Effective Mediation*.<sup>15</sup> This guide is intended to inform the design and management of mediation processes; based on lessons learned around the globe, its principles reflect the ideal environment for third-party mediation. Such environments are rare, however, and mediators must adapt to imperfect circumstances, make tradeoffs, and in some cases break these rules to advance their objectives. Nonetheless, these “mediation fundamentals” remain useful benchmarks for framing any particular third-party mediation effort, allowing practitioners to assess decisions made and dilemmas confronted, and conducting comparative analysis across mediation efforts.

As such, before further examining the peace negotiations in South Sudan, this section first assesses the mediation context. Drawing on the UN guidance, it identifies six principles of mediation best practice and demonstrates whether or not each was applied to the process in South Sudan. These short analyses should illustrate what opportunities were missed and what circumstances precluded the mediators or peace process supporters from adhering to these first principles of mediation. As evidenced here, as well as in the third section of the paper on the negotiations, deficits in five of these six areas demonstrate an unusually fraught mediation context.

### MANDATE, ARCHITECTURE, AND COHERENCE OF EFFORTS

Mediation is most successful when practiced by a lead mediator, ideally representing a single institution and grounded in a clear mandate. Who is chosen to lead depends on the specifics of the conflict and an assessment of comparative advantages. Once determined, coordination among a wider set of peace process supporters is then critical to developing a coherent process, including

12 Donald Booth, “South Sudan’s Peace Process: Reinvigorating the Transition,” Chatham House, London, UK, February 9, 2016.

13 In October 2015, the UN Security Council revised UNMISS’s mandate to include support for implementation of the peace agreement. UN Security Council Resolution 2241 (October 9, 2015), UN Doc. S/RES/2241.

14 The revitalization initiative was endorsed by IGAD in June 2017, and a new team of special envoys began consultations in August 2017. IGAD, “Communiqué of the 31st Extra-ordinary Summit of IGAD Assembly of Heads of State and Government on South Sudan,” Addis Ababa, June 12, 2017.

15 United Nations, *Guidance for Effective Mediation*, 2012, available at <https://peacemaker.un.org/guidance-effective-mediation>.



consistent political messaging, resource support, and a division of labor.<sup>16</sup>

On December 27, 2013, as the violence in South Sudan escalated, the IGAD heads of state convened in Nairobi for an emergency summit.<sup>17</sup> Citing concerns about the conflict, its increasingly ethnic overtones, and reports of widespread atrocities, they called for a cease-fire and an inclusive political dialogue. They resolved that “face-to-face talks by all stakeholders” should begin in ninety-six hours. The summit communiqué left the details to be filled in by the countries’ respective foreign ministers and a team of newly appointed “special envoys.”<sup>18</sup>

Former Ethiopian Foreign Minister Seyoum Mesfin was one of the appointees and soon became the chief mediator of the IGAD peace process. General Lazaro Sumbeiywo of Kenya was the second appointee, and while not explicit in the document, it was later resolved that he would serve as deputy. In a bizarre stroke that would prove common to IGAD summits, a third name was added to the docket, albeit after the communiqué was issued: General Muhammad Ahmed al-Dabi of Sudan, who rounded out a three-headed mediation team.

IGAD’s internal politics were at the heart of this last-minute addition, as regional foreign ministers sought to appease Khartoum by balancing representation. They believed it better to have the Sudanese government inside the tent than out. Though it drew little attention at the time, the haphazard personnel decision was an early signal that IGAD’s internal politics would sometimes take precedence over the needs of the peace process. Institutional politics shape most mediation efforts, but in time IGAD’s internal problems would infect the mediation team and complicate the peace process.

IGAD’s communiqué left something to be desired in terms of structure and detail, but the

mandate for a forthcoming mediation effort was clear enough to get started.<sup>19</sup> And importantly, the IGAD leaders did articulate one clear request to the AU, UN, and wider international community: support the nascent IGAD process. Such moments are critical; as international players attempt to coalesce around an appropriate mediator, interested third-party actors and institutions often jockey for position.

While the UN, AU, United States, and a range of eminent personalities could conceivably have fit the bill, most diplomats and observers close to the crisis believed it appropriate for IGAD to lead the mediation. The direct involvement of neighboring states in a mediation can be a double-edged sword (as outlined later), but the rationale for IGAD’s leadership in this instance was widely shared. The organization’s most influential member states—Kenya, Ethiopia, and Uganda—all had a long history in South Sudan. Each had played a critical role in ending Sudan’s civil war and safeguarding the South’s independence in 2011, and so each had entrée with its political leadership. Moreover, each of them shared a border with South Sudan and would be most impacted by conflict spillover and refugee flows, and so they had a shared interest in preventing collapse. They enjoyed generally cooperative relationships with each other and had proven able to work together on regional security issues.

Some African Union representatives appealed for an AU lead, but most believed IGAD to have the comparative advantage. In private consultations before the IGAD summit, US Special Envoy Donald Booth and UN Special Envoy Haile Menkerios made clear their support for an IGAD lead, and European partners followed.<sup>20</sup> Three days later, the AU Peace and Security Council endorsed IGAD’s leadership, and the UN Security Council

16 Ibid., p. 19.

17 The summit was preceded by diplomatic outreach to Juba, including a visit by Ethiopian Prime Minister Hailemariam Desalegn and Kenyan President Uhuru Kenyatta, a visit by IGAD foreign ministers together with AU and UN representatives, and visits by senior diplomats from the United States and Europe. Each delegation urged the government to stop the violence and engage in dialogue with its opponents.

18 The term “special envoy” was used throughout the process to refer to the designated mediators. For simplicity’s sake they are referred to in this paper as “mediators.”

19 The IGAD communiqué of December 27, 2013, called on the South Sudanese parties to “undertake urgent measures in pursuit of an all-inclusive dialogue including reviewing the status of the detainees.” It also called for broad participation and determined that “face-to-face talks by all stakeholders in the conflict should occur by the 31st of December 2013.” To this end, it also called on the conflict parties to “liaise with IGAD envoys [mediators] and the Council of Ministers to support the process of dialogue and related political and technical reforms.” The communiqué also appointed the mediators and tasked the IGAD secretariat to “avail its good offices in support of the above process.” IGAD, “Communiqué of the 23rd Extra-ordinary Session of the IGAD Assembly of Heads of State and Government on the Situation in South Sudan,” Nairobi, December 27, 2013.

20 Former South African President Thabo Mbeki had led an AU panel originally focused on the conflict in Darfur (2009). His mandate was later amended and his AU panel led negotiations over the partition of Sudan and South Sudan (2010–2012). In October 2012, his panel’s mandate was again amended to include “the promotion of the democratic transformation in Sudan and South Sudan.” Though Mbeki aides appealed for an AU lead, private concerns were expressed about the Mbeki team’s suitability for the task and acceptability to the parties.

followed suit.<sup>21</sup> This organization of international actors around a single, coherent mediation effort is necessary to give any peacemaking attempt a chance to succeed, and South Sudan was no exception.

An architecture was beginning to emerge: IGAD's designated mediators would lead the peace process, buttressed by a small group of diplomats from the AU, UN, and South Sudan's biggest bilateral partners—the United States, select European actors, and, to a limited extent, China. Though the rationale was not stated in such terms, the principle of “subsidiarity,” whereby regional and subregional organizations are the first to respond to matters of international peace and security, had been reflected in practice.<sup>22</sup> Initial funding had been secured. All that remained was for IGAD to assemble a strong technical secretariat to support the mediators.

### MEDIATOR PREPAREDNESS

An able and experienced mediator seems an obvious starting point, but too often mediation is viewed not as a unique competency but as a task that can be assumed by any statesman of consequence. Gravitas alone does not make a qualified mediator, however, and in any case, a viable process requires more than one individual. Mediator preparedness combines the “individual knowledge and skills of a mediator” with both a “cohesive team of specialists” and sufficient political, financial, and administrative support from the mediating entity.”<sup>23</sup>

#### The Mediators

Seyoum Mesfin was deeply acquainted with regional politics, having served as Ethiopia's chief diplomat for more than two decades. He was not only a member of the ruling party's central committee, but a founding member of its minority Tigrayan constituency, which has dominated Ethiopia's coalition government since it came to power, also by way of a liberation movement, in the 1990s. Seyoum had been Ethiopia's foreign minister during the Sudanese civil war and

throughout the peace process that ended it, and he was deeply acquainted with the pivotal role the United States had played in negotiations. With this in mind, Seyoum met with US Special Envoy Donald Booth in the days before the talks began, asking again for political backing from Washington and a partnership with Booth's team, as well as other Western supporters.

The veteran diplomat would commit himself admirably to a thankless process, but early tactical mistakes made apparent that Seyoum, despite his credentials at home and abroad, had less mediation experience than many had assumed. In time, Seyoum would also have to navigate difficult waters inside his own government, where senior political, military, and party officials took an interest in the process, its outcomes, and its implications for Ethiopia's standing in the region.

General Lazaro Sumbeiywo was a retired career officer in Kenya's national army but was best known for his role as chief mediator of an earlier IGAD peace process that had ended Sudan's civil war in 2005. As a result, he was well known to South Sudan's warring factions and to key bilateral partners. Nearly a decade had passed, however, and Sumbeiywo was not the same man. Once a close confidant of former Kenyan President Daniel Arap Moi, Sumbeiywo did not enjoy the same access to the current president, Uhuru Kenyatta, or influence inside his administration. Though initially content with his role as deputy to Seyoum, the two men had very different styles, and the former general soon chafed at being second-in-command.

Muhammad Ahmed al-Dabi's appointment as a third mediator was a puzzling decision for most observers, even when accounting for IGAD's internal politics. Al-Dabi had once served as the head of Sudan's powerful military intelligence agency and was implicated in the darkest eras of Khartoum's domestic wars. Moreover, only a year earlier al-Dabi had served as chair of an Arab League observer mission in Syria where he came under widespread criticism for his public

21 African Union Peace and Security Council, communiqué from 411<sup>th</sup> meeting, Banjul, the Gambia, AU Doc. PSC/AHG/COMM.1(CDXI), December 30, 2013; UN Security Council, “Security Council Press Statement on Situation in South Sudan,” UN Doc. SC/11227-APR/2775, December 30, 2013.

22 Chapter VII of the UN Charter (Articles 52–54) outlines subsidiarity norms, noting that regional entities “shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.”

23 United Nations, *Guidance for Effective Mediation*, p. 6.

statements and handling of the mandate.<sup>24</sup> When Sudan began dabbling in South Sudan's conflict, including occasionally supplying weapons and ammunition to Riek Machar's opposition forces, concerns about al-Dabi's role resurfaced: Might he compromise confidential information or attempt to influence the parties? In practice, al-Dabi proved to be the least engaged of the three mediators, and his involvement proved mostly innocuous. But the optics of his appointment would damage the credibility of the mediation in the eyes of some stakeholders and observers.

### The Secretariat

During Phase I of the peace process, the mediators were supported by a very small team of Ethiopian and Kenyan aides. The chief mediator regularly sought counsel and informal support from a small group of senior international diplomats, including members of the so-called Troika (the US, the UK, and Norway), as well as the UN and EU. But he maintained a tight circle when it came to strategy, relying on substantive inputs from his deputy mediator, his Ethiopian chief of staff, and a few trusted American diplomats.

Before Phase II of the peace process began, the Americans, supported by European partners, presented Seyoum with a memo proposing a more robust secretariat. An inclusive political dialogue aiming to remake South Sudan, they argued, would require a secretariat of technical specialists tailored to the task. The memo thus recommended that the mediators handpick advisers in process design and strategy, economics, security, constitutional matters, and strategic communications. The US and European partners offered to foot the bill, but the mediators could recruit whichever experts they saw fit. Seyoum declined. Reluctant to cede control, the veteran diplomat opted not to widen his tight circle. Seyoum was grateful for the private support he was getting from peace process supporters but

was also “under pressure from the region to ‘make it local,’” one member of the IGAD secretariat later explained. In practice, this made for a shorthanded mediation team, as “there was not enough capacity, not enough resources.”<sup>25</sup>

Four months later, the chief mediator agreed to hire one principal outside adviser and slowly expanded the support staff. But concerned about optics, the mediators remained reluctant to harness outside expertise. Peace process supporters later offered to fund the hiring of experts to help manage specific issue sets—some with country-specific knowledge, others with thematic expertise, including a team from the UN Mediation Support Unit in New York.<sup>26</sup> But again, despite capacity deficits, the mediators made little use of outside assistance.<sup>27</sup>

### Support

At the request of IGAD, Norway and other European partners financed the peace process, supplemented by contributions from the United States.<sup>28</sup> Despite the readiness of partners to provide funds and thereby take a major concern off the mediators' plate, coordination and expectation management remained constant challenges. As the US envoy later reflected, “When Western nations fund peace processes they do not control, tensions emerge as those funds are sometimes attached to policy preferences, legal requirements, or political obligations back home.”<sup>29</sup> IGAD, meanwhile, had its own priorities, which did not necessarily reflect those of the donors.

Despite the challenges presented by this division of labor, Seyoum and his deputies nonetheless had strong backing from a coterie of international diplomats. Political support from IGAD member states, however, was lacking. Though regional heads of state had tasked them with an official mandate, in practice the mediators quickly found themselves operating on a very short leash. The

24 For example, see Kareem Fahim, “Chief of Arab League's Mission in Syria Is Lightning Rod for Criticism,” *New York Times*, January 2, 2012.

25 Interview with member of IGAD secretariat, Addis Ababa, January 2018.

26 The UN Mediation Support Unit sent experts in transitional governance, security, and constitutional processes. They were among the experts who delivered presentations to South Sudanese stakeholders on a range of post-conflict transitional models during a symposium organized by IGAD and supporters in June 2014.

27 Later in the process, when agreements being finalized had implications for UNMISS, the mission sent planners from Juba to Addis Ababa. UN officials, US diplomats, and other peace process supporters had to make repeated entreaties to the mediation team to ensure these officials were party to discussions that made demands of UNMISS resources or impacted its operations.

28 The full list of partners contributing resources to the peace process and supporting cease-fire mechanisms includes China, Denmark, the European Union, Italy, Japan, the Netherlands, Norway, Sweden, the United Kingdom, and the United States.

29 For a fuller discussion of financing dilemmas, see Booth, “South Sudan's Peace Process.”

heads of state retained ultimate control over the direction of the process and its outcomes. When summit decisions ignored the mediators' progress or simply overturned their decisions, their lack of authority was exposed, and the parties henceforth calculated accordingly.

## CONSENT

"Mediation is a voluntary process that requires the consent of the conflict parties," notes the UN *Guidance for Effective Mediation*. Without it, those parties are unlikely to "negotiate in good faith or be committed to the mediation process."<sup>30</sup> Consent may be the most crucial ingredient of any mediation effort, and yet very often—as in South Sudan—it is also the most elusive. The Colombian peace process is one recent exception, though it took nearly half a century of conflict before both the government and the Revolutionary Armed Forces of Colombia (FARC) came to the negotiating table of their own volition.<sup>31</sup>

South Sudan's warring parties, by contrast, came under extraordinary international pressure to negotiate a cease-fire and were forced to the table within weeks of the outbreak of conflict. No hurting stalemate existed on the battlefield, nor did either party express a desire to do anything but defeat its opponent by military means.<sup>32</sup> The security situation remained highly fluid, with few clear battle lines and an impromptu rebellion still in the making. In short, this was not a conflict "ripe" for settlement. But the human costs of the conflict's first weeks, marked by brutal violence and civilian targeting, meant outside actors were unable to stand by and wait for the parties' consent. The situation thus presented a familiar dilemma of international peacemaking in the modern era: how to compel a mediated resolution of conflict between two parties bent on war.

If the IGAD mediators and their international partners had waited for the parties to request mediation, they would likely still be waiting. No peace process would have materialized, and with combatants free from any constraints, millions of voiceless civilians would be in grave danger. The

ethnically motivated massacres in Juba and revenge attacks that followed suggest that a cycle of genocidal violence might have ensued, with no telling how high the death toll might have climbed.

Regional states and international partners thus resolved that they must use whatever diplomatic tools available to get the parties talking. Calls poured in from heads of state and foreign ministers around the world; expressions of outrage and warnings of sanctions and criminal accountability were coupled with appeals to each leader's ego, moral standing, and legacy. The arm-twisting required left no doubts as to the absence of consent, and thus to a decidedly unfavorable mediation context. Seyoum and his team would begin the process with the deck stacked against them.

Kiir's administration went along with the process halfheartedly, keen to alleviate international pressure and interested only insofar as the process might help it stamp out the rebellion. But when IGAD and peace process supporters dismissed Juba's narrative of an attempted coup d'état, already reluctant government negotiators seethed. When Seyoum and bilateral partners—specifically the United States—later pressed for a political transition and a multi-stakeholder format for the talks, the government withdrew further, stymieing the process at every turn while doubling down on a military solution. At moments of maximum international pressure, Juba made temporary concessions to avoid opprobrium, only to return to a policy of obfuscation when attention subsided.

Machar's coalition of anti-government forces likewise began the process reluctantly and with maximalist positions. They had more to gain from mediation, but the opposition rank and file was bent on overthrowing Kiir and his government. It was not until mid-2015 that partial consent was forthcoming from Machar, and even then it did not represent the majority of constituencies fighting under his loose command. Consent to a mediation is often vulnerable when disputes within negotiating parties arise, creating new pressures on the process and presenting mediators with difficult

30 United Nations, *Guidance for Effective Mediation*, p. 8.

31 For more on the Colombian peace process, see Renata Segura and Delphine Mechoulan, "Made in Havana: How Colombia and the FARC Decided to End the War," International Peace Institute, February 2017, available at [www.ipinst.org/2017/02/how-colombia-and-the-farc-ended-the-war](http://www.ipinst.org/2017/02/how-colombia-and-the-farc-ended-the-war).

32 A "hurting stalemate" exists when both (or all) warring parties are suffering and have reached the conclusion that they cannot achieve an outright victory. This is often the moment when third-party mediation has the best chance of success.

choices. The tide eventually turned against South Sudan's anti-government forces, which were meanwhile bending under the weight of internal divisions. Machar knew it was time to deal and struggled to balance his consent for a negotiated solution with more strident popular demands by his supporters.<sup>33</sup>

As the increasingly polarized conflict wore on and narratives in both camps hardened, the prospect of a negotiated settlement became even harder for either leader to countenance. Even if Kiir or Machar calculated that a negotiated settlement was their best course of action, both men were politically vulnerable; hardliners in their respective camps made threats that effectively raised the cost of consent. For example, on numerous occasions senior military officers in Kiir's government, including then army chief of staff Paul Malong, threatened to kill the president if he agreed to a deal.

#### IMPARTIALITY

For any mediation effort to succeed, the parties must believe the designated mediator to be fair and balanced. It goes without saying that any material interest in the outcome of a negotiation would compromise a mediator's credibility with the parties.<sup>34</sup> Unfortunately, IGAD's peace process was corrupted by both perceptions of mediator bias and the material interests of its member states.

Of the interests of regional states that complicated the process, Uganda's military intervention in South Sudan was most damning.<sup>35</sup> President Yoweri Museveni sent Ugandan troops and war planes into South Sudan in the earliest days of the unfolding war, fighting alongside government forces and positioning himself as Juba's principal ally. Museveni's army played a major role in halting the opposition's January 2014 assault on the capital

and was widely credited with saving Kiir's government and preventing further atrocities in Juba. Many in the region and the international community welcomed this limited preventive action, as well as the safe evacuation it afforded foreign nationals. But they were simultaneously concerned about Museveni's rhetoric and the risks presented by the possibility of more partisan Ugandan involvement.<sup>36</sup> When that initial contest was over, the Ugandan army not only remained in South Sudan but also led coordinated air and ground offensives against the opposition.<sup>37</sup>

As a result, the cessation of hostilities agreement signed in January 2014 explicitly called for the withdrawal of all "armed groups and allied forces invited by either side from the theatre of operation."<sup>38</sup> The language was a thinly veiled reference to Uganda's army, but Museveni frustrated IGAD partners and peace process supporters by ignoring it. Later, as Phase II began, a Ugandan diplomat was invited to join the discussions alongside the mediators, but opposition negotiators refused to engage him. "You're welcome to participate," one of them declared, "as long as you sit with your colleagues on the government's side of the table."<sup>39</sup>

Uganda's continuing presence bolstered the government's position and made it even less receptive to mediation. President Museveni's refusals to withdraw or to use his leverage with Kiir were undermining the mediation and taken as slights in Ethiopia, where chief mediator Seyoum Mesfin and Prime Minister Hailemariam Desalegn fumed. They handled Museveni delicately in person but were apoplectic behind closed doors, and after their own entreaties failed, they repeatedly petitioned the Americans to force his hand.<sup>40</sup>

33 Just weeks before the ARCSS was signed, two senior opposition commanders announced a split from Machar, a declaration the government attempted to exploit at the negotiating table. Later, just days before the accord was inked, another senior member of the opposition announced his defection and the creation of a new political entity.

34 United Nations, *Guidance for Effective Mediation*, p. 10.

35 The interests of regional states and international partners are further detailed in the fourth section of this paper (p. 18).

36 Contrary to widespread rumors at the time, Ugandan intervention was neither requested nor facilitated by the United States.

37 Several UN reports detailed UPDF involvement in the conflict, including the alleged use of cluster munitions. See UNMISS, "Conflict in South Sudan: A Human Rights Report," May 8, 2014.

38 "Agreement on Cessation of Hostilities between the Government of the Republic of South Sudan and the Sudan People's Liberation Movement/Army in Opposition (SPLM/A in Opposition)," Addis Ababa, January 23, 2014, available at <https://peacemaker.un.org/southsudan-cessation-of-hostilities-SPLM/AOpposition>.

39 Discussions with official present in the meeting, Addis Ababa, February 2014.

40 Both Seyoum and Hailemariam traveled to Uganda on separate occasions to meet with Museveni, but their appeals yielded no change in his approach. Washington made numerous private appeals to Museveni and publicly reiterated the cease-fire's stipulation that foreign forces be withdrawn but chose not to confront him publicly. For more on US engagement with Uganda, see the fourth section of this paper (p. 18).

Perceptions of mediator bias also undercut IGAD's impartiality. True or not, allegations that Lazaro Sumbeiywo was aiding government negotiators swirled about hotel corridors in the early stages of Phase II, raising eyebrows among opposition delegates, peace process supporters, and Seyoum himself. IGAD secretariat officials privately confirmed that Sumbeiywo had leaked documents to government negotiators. During and after the process, unconfirmed allegations circulated that Sumbeiywo had further collaborated with Kiir's government to influence the process in its favor. Though it proved a comparatively lesser concern, questions also lingered about al-Dabi's perceived impartiality, given Sudan's troubled history with South Sudan.

### INCLUSIVITY

Who gets a seat at the table, and who does not? This is a central question in any peace process, and the politics of participation are often heated. Again, South Sudan was no exception. Mediation best practice suggests inclusive peace processes are more likely to address the root causes of conflict and increase the legitimacy of the process.<sup>41</sup> A power negotiation between armed combatants may be enough to halt immediate violence, but forging a sustainable peace in South Sudan would require both wider participation in a political process (including defining its objectives) and ownership of its outcomes.

With this in mind, the Americans proposed a "multi-stakeholder" format for the second phase of talks. They worked closely with Seyoum and Southern Sudanese constituents to ensure a place at the table not just for the warring factions but also for other political parties, the former detainees, civil society groups, women's organizations, churches, and elders.<sup>42</sup> But the government refused,

reluctant to invite any talk of political transition. For weeks, an increasingly frustrated Seyoum attempted to secure agreement simply on the structure and rules for the proposed dialogue, but government negotiators fought tooth and nail to curtail the scope of the process and the list of participants.

Machar's opposition had more to gain from an inclusive process, as most of the additional voices likewise sought to constrain the power of the government. But Machar and his delegation failed to appreciate this reality, believing they too would be better off dividing the cake in two. As a result, government and opposition delegates ultimately conspired to restrict participation.

The mediators, with strong backing from peace process supporters, pushed ahead with the multi-stakeholder format nonetheless. They secured an explicit mandate and subsequent affirmations from IGAD leaders,<sup>43</sup> but critical process mistakes made an already uphill battle even more difficult.<sup>44</sup> When invitations for inclusive talks were finally issued, the government first refused to appear and later intimidated or co-opted representatives from other stakeholder groups. On one occasion, the government blocked invited political party leaders from participating by preventing them from boarding a plane bound for Ethiopia. On another, after criticizing government and opposition negotiators for ignoring widespread suffering, the leader of the civil society delegation was shot by an unidentified assailant and never returned to the negotiations.<sup>45</sup>

Peace process supporters pleaded with the mediators not to ignore such blatant process violations. But in both instances, the mediators chose to proceed with talks as scheduled. Too desperate to keep the process alive, they seemed not to appreciate that their repeated concessions meant

41 United Nations, *Guidance for Effective Mediation*, p. 11.

42 Though the war was being fought primarily in territories dominated by Dinka and Nuer communities, mediators and peace process supporters spent considerable time contemplating an appropriate role for the so-called "Equatorians." The many ethnic communities that call the Equatoria region home could not be left out of discussions on the future of South Sudan, yet many worried that introducing Equatorian representatives as an independent bloc could set a dangerous precedent and reinforce the ethno-regional divisions many South Sudanese sought to overcome.

43 IGAD's communiqué from its March 2014 summit reaffirmed the need for an inclusive process and called on the parties to allow participation from other political parties, former detainees, and civil society organizations as deemed necessary by the mediators. The May 9<sup>th</sup> agreement, signed by Salva Kiir and Riek Machar in 2014, explicitly committed the parties to an inclusive process "in order to ensure broad ownership of the agreed outcomes" and named the six stakeholder groups first identified by the mediators in February. "Agreement to Resolve the Crisis in South Sudan," Addis Ababa, May 9, 2014, available at <https://peacemaker.un.org/southsudan-agreement-resolve-crisis2014>.

44 For example, a broad range of civil society actors were invited to Addis Ababa in March 2014 to determine their role in the process and choose a team of delegates to represent them. When the mediators convened this group to elect representatives, Sumbeiywo allowed the government and opposition parties to weigh in, fatally corrupting an already fraught exercise.

45 "S Sudan Civil Society Chairman Has Theory Why He Was Shot," Radio Tamazuj, September 18, 2014, available at <https://radiotamazuj.org/en/news/article/s-sudan-civil-society-chairman-has-theory-why-he-was-shot>.

they were forfeiting any chance of success. Frustrated by the parties' intransigence, the task of managing a multi-stakeholder process, and the lack of political reinforcement from their bosses, the mediators capitulated. "This inclusive process is just too difficult," one of them admitted privately. By the end of 2014, the peace process would be reduced to a three-faction affair. It seemed the remaking of South Sudan would belong to three SPLM-dominated groups—the government, the opposition, and, in a minor role, the former detainees.

Mediators face a difficult task in finding a sweet spot between inclusivity and efficiency, as the value of wider consultation can easily be outweighed by the costs of a slow and unwieldy process. The UN *Guidance for Effective Mediation* emphasizes that participation need not equate to a seat at the table and recommends that mediators develop alternative mechanisms to broaden participation.<sup>46</sup> To this end, US diplomats penned a proposal outlining a series of measures the mediators might use to expand participation, including town hall meetings in South Sudan, a formal feedback loop to funnel input from South Sudanese communities back to the negotiating table, and dedicated radio programming to broadcast plenary sessions and updates from the mediators. These low-cost activities might help increase awareness, combat concerns about dialogue happening on foreign soil, and build national ownership, but the mediators could also use these wider inputs to expand the political agenda in Addis Ababa. But unaccustomed to such transparency, and doubting the utility of an active communications strategy, the mediators again passed on the opportunity.

## STRATEGY AND SEQUENCING

Strategy and sequencing are foundational elements of any mediation effort and can position a mediator to both drive the process and respond effectively to challenges that inevitably arise. Strategies for each phase of a mediation can be built and adjusted based on clear identification of objectives, a comprehensive analysis of the conflict, mapping of stakeholders (including their positions, interests, and bargaining power), and an appreciation of the

operating environment (including the availability of leverage).<sup>47</sup>

Conflict narratives often differ among competing parties, but as South Sudan's peace process entered its second phase, there remained no consensus among stakeholders (or the wider community supporting the peace process) as to the nature and origins of the conflict or what was required to settle it. This lack of consensus made the first-order tasks—analyzing the conflict and identifying appropriate objectives for the peace talks—all the more difficult for the mediators.

Also critical for any credible negotiation is a mediator's acceptance by the parties, which must see the designated individuals as capable, judicious, and authoritative.<sup>48</sup> IGAD's appointed mediators faced an extremely difficult mediation context, as evidenced in the preceding sections. But the lack of a coherent strategy was made worse by regular process mistakes, delays, and occasional confusion, which in turn weakened the mediators' credibility in the eyes of the parties and contributed to mounting frustration among peace process supporters.

Time and again the mediators shifted approaches or made unwarranted concessions, signaling to the parties that intransigence could be rewarded. The chief mediator came under criticism for being too flexible with hardened South Sudanese negotiators and too willing to accommodate. South Sudanese stakeholders and observers complained that he and his colleagues needed to show more backbone. On one occasion when the mediators did take an unusually firm line and stuck to it, even South Sudanese delegates whose interests were hurt applauded their resolve.

On other occasions, the mediators seemed not to make use of the tools available to them. A monitoring mechanism was established during the first phase of the process to verify compliance with an agreed cease-fire. The monitoring body would issue public reports of cease-fire violations, which could be harnessed to hold the parties accountable and even create some leverage during the second phase of talks. But once established, Seyoum confused stakeholders and peace process

<sup>46</sup> United Nations, *Guidance for Effective Mediation*, p. 11.

<sup>47</sup> *Ibid.*, p. 6.

<sup>48</sup> *Ibid.*

supporters when he decided not to release the reports. Absent a single, credible authority to establish the facts, the parties repeatedly violated the cease-fire and pointed fingers without consequence. Whatever the reasons for his reluctance, the mediator effectively took a valuable negotiation tool off the table.<sup>49</sup>

Seasoned mediators appreciate the fact that progress toward peace is often made not during official talks but in the days, weeks, or months between formal discussions. However, given tensions among the members of the mediation team and their respective IGAD countries, Seyoum and his deputies regularly went their separate ways when one round of negotiations finished. They sometimes reconvened just hours before talks were scheduled to resume and began consulting stakeholders anew without any game plan for how to advance the process. Peace process supporters made several offers to host “strategy sessions” in the intervening periods, but no such working retreats ever materialized.

## The Negotiations

Each of the principles examined above can shape the mediation context, and clearer adherence to them—by IGAD, its designated mediators, or their diplomatic supporters—may have altered the character of the South Sudanese process. Yet in reviewing the peace process and the approach of the mediators, it is imperative to reiterate the centrality of political will. “The success or failure of a mediation process,” notes the UN guidance, “ultimately depends on whether the conflict parties accept mediation and are committed to reaching an agreement.”<sup>50</sup> South Sudan’s principal combatants not only lacked the political will to make peace but were also often hostile to the very idea of a negotiated settlement. Against this backdrop, this section offers further insight into the first and second phases of the negotiations and considers seven factors that shaped the environment and outcomes of the peace process.<sup>51</sup>

## PHASE I (JANUARY 2014): CESSATION OF HOSTILITIES

As the parties arrived in Addis Ababa to begin talks, one African diplomat opined that if third-party intervention could not arrest the violence “in the first two weeks,” it would likely “last for months or years. There is usually no middle ground.” With this tipping point in mind, and the battle for South Sudan’s capital city intensifying, the mediators resolved that an immediate cessation of hostilities was the first order of business. The national army had fractured in two, battles raged north of Juba and in three state capitals, and more and more South Sudanese were being drawn into the fight. Seyoum understood that no such cessation would last unless underlying political grievances were addressed, but he and the IGAD heads of state resolved that a reduction in violence was necessary to create the space for that discussion. This sequencing decision was supported by diplomats present from Africa and the wider international community.

Nineteen days later, the parties signed a cessation of hostilities agreement—the product of intensive negotiations, focused international attention, and close cooperation between mediators and peace process supporters. The deal committed government and opposition forces to cease offensive operations, freeze their forces in place, and refrain from attacks against civilians. It also established a monitoring and verification mechanism and outlined its composition, operations, and reporting mandate.

UN Secretary-General Ban Ki-moon was among the world leaders who welcomed the deal. Echoing a wider sense of urgency, he also underscored “the necessity to continue without delay” toward a “national political dialogue to reach a comprehensive peace agreement.”<sup>52</sup> Though intended to be lean and mobile, the monitoring mechanism would take weeks to set up. In the interim, with the ink on the deal barely dry, new clashes erupted, and the two sides began pointing fingers.

49 Peace process supporters eventually convinced the mediators to release the reports publicly, but not until 2015.

50 Ibid., p. 23.

51 Synthesized analysis and some text/quotations included in the following sections are drawn from a forthcoming book by the author, *A Rope from the Sky: The Making and Unmaking of the World’s Newest State* (2018).

52 United Nations, “Secretary-General, Welcoming Cessation of Hostilities in South Sudan, Calls for Accord’s Immediate Implementation,” UN Doc. SG/SM/15610- AFR/2801, January 23, 2014.



## PHASE II (FEBRUARY 2014–AUGUST 2015): POLITICAL TALKS

Despite its limitations, the cessation of hostilities nominally provided a basis on which to begin talks on the underlying causes of the conflict. The speed with which South Sudan had come undone had prompted hard questions. Was South Sudan in need of a course correction? Was it fast becoming a failed state, or had it failed before ever becoming a state? What exactly should Phase II of the talks aim to achieve?

As the process entered this more complex phase of dialogue, one of the challenges Seyoum faced (as would any mediator) was to “maintain a sense of urgency while avoiding quick-fix solutions.”<sup>53</sup> Immediate political and military realities could not be ignored, but a quick-fix accommodation among South Sudan’s ruling elite might simply set the stage for a repeat disaster. The initial reflex of IGAD leaders and the mediators was to engage the political elites they were used to dealing with. But peace process supporters urged the mediators to include a much broader swathe of South Sudanese society in the process. Many in South Sudan and abroad wanted to see Phase II yield more than just a division of spoils between warring factions or SPLM power brokers. They sought justice and reconciliation, economic and institutional reforms, and political accountability. Could Phase II be an entry point for more transformational change?

IGAD mandated the mediators to “develop a framework” for an inclusive dialogue, which was to include “specific modalities on structure, representation, and timeframe.”<sup>54</sup> In light of the ongoing war, the mediation context, and demands for a comprehensive political agenda, Seyoum and his deputies also had to determine what kind of mediators they were going to be. Third-party mediators can adopt roles ranging from “facilitator” (creates conditions for dialogue) to “problem solver” (drives the process and proposes solutions)

to “power mediator” (uses leverage to coerce parties to reach a settlement).<sup>55</sup> Given the parties’ lack of consent and many stakeholder groups’ limited capacity, there was no doubt that the IGAD mediators—with firm backing from peace process supporters—would have to actively shape an agenda and then drive the process forward.<sup>56</sup>

Following consultations with a wider set of South Sudanese voices and peace process supporters, the mediators began shaping modalities for the talks and an agenda that included transitional governance, security arrangements, economic and financial reform, reconciliation, constitutional reform, and, ultimately, implementation mechanisms. Process battles chewed up several months of negotiations, and the scope, format, and objectives of the talks were only resolved when Kiir and Machar convened in Addis Ababa and signed the “May 9<sup>th</sup> agreement.”<sup>57</sup> Though again forged under international pressure, that preliminary agreement marked a breakthrough in the process, nominally committing the parties to “engage in substantive discussions...on the Agenda as constituted by the mediation process.” Most concretely, it committed the parties to negotiate a political transition in South Sudan.<sup>58</sup>

More than a year of acrimonious negotiations followed, yielding halting progress on a range of issues. The most divisive issues, however, were routinely bracketed and left for Kiir, Machar, and the IGAD heads of state. The “multi-stakeholder” format for dialogue was gradually undermined by the two dominant parties, a highly personalized conflict, and a disproportionate focus on two men and their control of political power at the center.

Despite this de facto reduction to elite bargaining, South Sudanese individuals, the mediators, and peace process supporters nonetheless sought to embed the kind of transitional mechanisms and reforms that could begin to diffuse power and reshape political dynamics in the country.

53 United Nations, *Guidance for Effective Mediation*, p. 6.

54 IGAD, “Communiqué of the 24<sup>th</sup> Extra-ordinary IGAD Summit on South Sudan,” Addis Ababa, January 31, 2014.

55 Centre for Humanitarian Dialogue, “A Guide to Mediation: Enabling Peace Processes in Violent Conflicts,” 2007, p. 3.

56 Each negotiating team was led by a high-profile figure, but neither had been given the autonomy required to negotiate. Nearly every decision required phone calls back to Juba or Gadiang, where Machar’s impromptu rebellion had established its bush command post.

57 The May 9<sup>th</sup> negotiation was the first time both men participated in the process in Addis Ababa, but despite initial plans, they did not meet face-to-face or shake hands upon signature of the interim accord.

58 That agreement came just days after US Secretary of State John Kerry visited Juba and pressured Kiir to commit to negotiate the terms of a transitional government for South Sudan. “Agreement to Resolve the Crisis in South Sudan,” Addis Ababa, May 9, 2014, available at <https://peacemaker.un.org/southsudan-agreement-resolve-crisis2014>.

### Box 1. Concluding the Agreement on the Resolution of the Conflict in South Sudan (July-August 2015)

After eighteen months of negotiations, the parties had logged substantive progress but remained far from a negotiated settlement. Hoping to unlock the stalled peace process and confront the regional divisions that were undermining the mediation effort, US President Barack Obama invited the leaders of IGAD and the AU chairperson to a July 2015 summit in Addis Ababa. After a lengthy meeting, the group announced that South Sudan's warring parties should finalize a negotiated settlement by August 17, 2015. Meanwhile, drawing on a year and a half of consultations, position papers, and face-to-face dialogue, the mediators—with input from select peace process supporters and technical experts—shared a draft agreement with the South Sudanese parties.<sup>59</sup> They stipulated that amendments could be made to the draft through joint agreement by the two warring factions—the government and the opposition.

On August 10<sup>th</sup>, just one week before the deadline, President Museveni invited his Kenyan and Ethiopian counterparts to Uganda for yet another summit. Confusing the process and angering the mediators, the South Sudanese opposition, and other stakeholders, President Museveni proposed substantial changes to the draft agreement already under review by the parties. These included alterations to the proposed power-sharing formulas and, more consequentially, to its prescribed security arrangements. This included softening or deferring provisions on the integration of forces, the demilitarization of Juba, and the introduction of a third-party force to provide security for transitional institutions in the capital city. (Many of these issues were deferred to two subsequent and deeply flawed workshops on security, nominally “technical” exercises that occurred after the accord was finalized and wider attention had subsided).

On the deadline day of August 17<sup>th</sup>, after several weeks of focused international attention, Riek Machar signed the accord on behalf of the opposition, together with a representative of the SPLM former detainees.<sup>60</sup> But with Salva Kiir unready to commit, the Ethiopian and Kenyan leaders decided to afford his government two additional weeks to return to Juba and secure support for the deal. In the ensuing days, the United States introduced a draft resolution in the UN Security Council threatening an arms embargo and targeted sanctions against South Sudan if the government failed to finalize the deal. Nine days later, at a ceremony in Juba, Kiir—citing a series of “reservations”—signed the agreement in the presence of IGAD leaders, ending the second phase of the process.

Despite notable flaws, including eleventh-hour changes to the security protocol, the Agreement on the Resolution of the Conflict outlined a “plan to end the fighting, frame a post-conflict transition, and begin the tasks of reconciliation and reform.”<sup>61</sup> As such, it reflected the objectives that guided the mediators during Phase II of the peace process. Nonetheless, the deal would come undone a year later, in July 2016.

Seven critical dynamics shaped this second phase of the mediation effort: government denial, battle-field stasis, forum shopping, summit diplomacy and empty threats, a fractious opposition, a souring mediation, and elite compromise. While not exhaustive, this list offers important insight into the process, the challenges confronted, and the environment in which an ill-fated peace agreement was forged.

### Government Denial

Despite the existential crisis facing his country and widespread civilian suffering, Salva Kiir's government sought from the outset to project a narrative of “business as usual.” It was a fiction that infuriated both South Sudanese opponents and the many international supporters that had fought to help secure the country's independence. Juba's negoti-

59 The proposed accord included protocols for: (1) transitional governance, (2) security arrangements and security sector transformation, (3) humanitarian assistance and reconstruction, (4) economic and financial management, (5) transitional justice, (6) a permanent constitutional process, and (7) an implementation and monitoring mechanism.

60 Four others also signed the accord that day as “stakeholders,” including representatives of civil society and women's groups, eminent persons, and faith-based leaders. A representative of “other political parties” was not able to sign, as a dispute persisted over which political parties were legitimate opposition actors and which had been co-opted by the government. See “Agreement on the Resolution of the Conflict in South Sudan,” Addis Ababa, August 17, 2015, available at <https://peacemaker.un.org/node/2676>.

61 Booth, “South Sudan's Peace Process.”

ating team nonetheless made clear that it need not negotiate anything other than a cease-fire; it avoided substantive discussions by effectively trapping Phase II in months of circuitous discussions on the terms of the process.<sup>62</sup>

Calculating that any political negotiation under IGAD auspices could only result in checks on its own power, the government argued that any political discussions, should they be necessary, could occur back in Juba once traitorous opponents surrendered their arms. Not surprisingly, this was a nonstarter for all other South Sudanese stakeholders. Meanwhile, Juba sent diplomatic teams on a global propaganda blitz, seeking to present itself as a legitimate government simply defending itself against a baseless rebellion. Still peddling narratives of an attempted coup d'état, its spokesmen went to African capitals, regional fora, and the embassies of UN member states in New York.<sup>63</sup>

But the reality was that Kiir's government was neither stable nor in control of an explosive security environment. Its dogged and ill-fated pursuit of a military solution would divide South Sudanese society, run the economy into the ground, and prompt a famine. Its legitimacy, already diminished by the atrocities its forces had committed in December 2013, would continue to wane as the war dragged on. But government officials continued to pretend otherwise.

### Battlefield Stasis

Round-the-clock negotiations in January 2014 had helped secure a temporary cease-fire in less than three weeks—a remarkable pace in comparison to many contemporary wars. But as Phase II began, this momentum diminished. Offensives and counteroffensives continued in breach of cease-fire agreements, but by and large, battle lines were stabilizing and a de facto partition was emerging.<sup>64</sup> Delegations and mediators alike settled into more

established routines in Addis Ababa, much to the chagrin of South Sudanese who were suffering and whose well-being urgently depended on results. As weeks of fighting turned to months, it appeared the parties would remain unreceptive to negotiated compromise until a mutually hurting stalemate was reached or the relative balance of power shifted dramatically.

### Forum Shopping

A cardinal rule of international peacemaking is to avoid “forum shopping,” whereby competing fora emerge, and conflict parties either seek out the forum most favorable to their interests or play two processes against one another.<sup>65</sup> In the spring of 2014, an alternative mediation initiative materialized, designed to pursue a settlement by reconciling South Sudan's ruling party, the SPLM. But the “Arusha process,” as it came to be known, would prove ill-conceived in terms of both substance and process.

The Arusha process was an initiative of Tanzania's leading political party (Chama Cha Mapinduzi) and a small European nongovernmental organization (the Crisis Management Initiative).<sup>66</sup> Its creation reflected the lack of clear consensus about both the conflict and its ideal remedy, as well as emerging frustrations with the IGAD process.<sup>67</sup> But there was more at play behind the scenes, and its organizers' appreciation of conflict dynamics and party politics in South Sudan seemed dangerously superficial. Despite forceful and repeated warnings from international actors—about a party-only process and the dangers of forum shopping—its organizers proceeded in breaking the cardinal rule. If one or more parties did not like what they were getting in one forum (IGAD), they could simply take their chances in another (Arusha). Moreover, they could play one forum against the other, in an attempt to undermine both. And that is exactly what they did.

62 After failing to secure agreement on a set of principles to frame the process, Seyoum spent weeks attempting to negotiate a substantive agenda for Phase II. Both sides proved difficult, but the government was the primary obstacle to progress.

63 Several offices within the government also hired foreign lobbyists to advance the government's narrative and interests in Washington and other capitals.

64 The January 2014 cessation of hostilities agreement was reaffirmed in the May 9<sup>th</sup> agreement.

65 United Nations, *Guidance for Effective Mediation*, p. 19.

66 Members of Tanzania's ruling party, Chama Cha Mapinduzi, worked with representatives from the Crisis Management Initiative, a Finnish conflict resolution organization founded by Martti Ahtisaari. Ahtisaari was not personally involved in the Arusha effort.

67 Many also ascribe the Arusha process's beginnings to wider competition for preeminence among African states, including South Africa, which actively backed the Arusha process.

“We thought it was the way to go,” one senior African diplomat later reflected, having actively backed the parallel track. “I’m admitting now, that was a mistake.”<sup>68</sup> In theory, a truly complementary process that helped the SPLM devise a path to a more democratic ethos could have been valuable. But Arusha’s elite group of invitees had demonstrated little interest in party reform. It was evident from the outset that all three SPLM factions were approaching the Arusha process either in pursuit of narrow self-interest or with pernicious intent.<sup>69</sup> Increasingly wary of the IGAD process, and angry that the opposition had been put on equal footing, President Kiir had personally requested that the Tanzanians establish the alternative party process, though he did not advertise his hope that it would sabotage the IGAD talks.<sup>70</sup> In predictable fashion, once elements were agreed in Arusha, the government began using them to upend the IGAD agenda, marginalize participants, and walk back items already agreed upon.

### Summit Diplomacy and Empty Threats

Each time negotiations reached an impasse and shuttle diplomacy failed, the mediators were forced to ask the IGAD heads of state to convene. This sometimes yielded damaging delays, as coordinating the schedules of three or more heads of state on short notice was not easy.<sup>71</sup> Each time it also reinforced what the parties already knew—that the mediators themselves possessed little authority.

Seyoum and his team prepared written and oral briefs to frame the issues, but the unscripted summits often took on a life of their own. Sometimes the obstacles articulated by the mediators were addressed; other times decisions were taken that ignored the mediators’ input or

further complicated their task. Even more frustratingly, despite the issuance of official communiqués, participants sometimes emerged from the summits with different understandings of what had been agreed. This put the mediators in a difficult position, forcing them to improvise or split the difference.

Seven extraordinary IGAD summits were convened during the peace process. On five such occasions, the resulting communiqués threatened punitive measures, including specific mentions of travel bans, asset freezes, and even military intervention.<sup>72</sup> But time and again the rhetorical flourishes proved to be empty threats, and the parties quickly surmised that inaction spoke louder than words. “Everything professed at those summits was half-hearted,” one frustrated member of the IGAD secretariat later reflected. “They wanted to pretend they were supporting sanctions while servicing their own interests via the back door.”<sup>73</sup> This further undercut the mediation team and meant they operated without any real leverage.

The empty threats were not lost on the parties, which continued to wage war, flout their commitments, and stonewall the peace process without consequence. In an unusually frank memo in the spring of 2015, Seyoum argued that the parties did not take “the repeated threats of IGAD action and intervention seriously” and had effectively “called IGAD’s bluff.”<sup>74</sup>

UN Security Council members, led by the US and UK, several times sought to move forward on multilateral sanctions against South Sudanese individuals who were waging war or obstructing the peace process.<sup>75</sup> Political support for punitive measures arose periodically in African capitals as

68 Interview with senior diplomat, Addis Ababa, January 2018.

69 Invitees included senior party members from the government, members of the opposition, and a delegation of former detainees. In addition to the government motivations outlined above, Machar hoped to recapture the party hierarchy and the state resources that came with it, participating despite strenuous objections from his deputies, most of whom despised the SPLM. The SPLM former detainees—all of them first-tier party members—had been sidelined from the IGAD process by mid-2014 and saw Arusha as their ticket back to relevance.

70 Tanzanian Directorate of Presidential Communications, “Statement on SPLM Agreement in Arusha,” January 20, 2015.

71 The heads of state of Ethiopia, Kenya, and Uganda were essential for a summit to proceed, together with a high-level representative from Sudan. Additional IGAD leaders (from Somalia and Djibouti) sometimes participated but were not deemed essential. The occasional participation of Salva Kiir—himself an IGAD head of state—in such meetings infuriated the opposition.

72 In response to continuing violations of the cessation of hostilities, the IGAD heads of state—led by Ethiopia—mandated the deployment of a “protection and deterrent force” during their third summit on March 13, 2014. They called on the AU and UN for support, but because they did not first consult with these partners on troops, resources, or concept, support for the proposed force was not forthcoming. IGAD, “Communiqué of the 25<sup>th</sup> Extra-ordinary Session of the IGAD Assembly of the Heads of State and Government on the Situation in South Sudan,” Addis Ababa, March 13, 2014.

73 Interview with member of IGAD secretariat, January 2018.

74 IGAD, “Developments in the IGAD-Led South Sudan Peace Process: Challenges and Recommendations for the Way Forward,” memo from the mediators to the IGAD chairman and IGAD heads of state, March 5, 2015.

75 In April 2014, the United States established its own sanctions regime for South Sudan, targeting any individual undermining the peace process, but Washington is conscious of the limited reach of bilateral sanctions.

well. But IGAD states were never committed to pressure tactics, and subsidiarity norms meant that neither the AU nor the UN Security Council would have the votes to act unless punitive measures were first endorsed by IGAD. In practice, this meant regional opponents—most notably Kenya and Uganda—had a veto on international action in South Sudan. “A stronger and more united region,” the chief mediator later lamented, “would have paved the way for AU and UN action.”<sup>76</sup> (Despite this pursuit of punitive measures, the United States declined to press for an arms embargo early in the process, which many believed could also have changed early calculations in Juba.)<sup>77</sup>

### Fractious Opposition

Divisions plagued both the government and the opposition, but the fractious character of Machar’s anti-government coalition—and its competing objectives—would color the peace process from beginning to end. In addition to seeking justice for the massacre of Nuer civilians in Juba, most opposition fighters retained more hardline demands than their *de facto* leader. Many sought military victory, while those who supported a political deal sought one rather different than what Machar had in mind. It was a marriage of convenience; he needed them to project force, and they needed his political heft.

While talks continued, Machar and his deputy kept allies in line in part by providing them arms and ammunition. Though they cobbled together enough supply from external sources to sustain the fight, it would never be enough to defeat the government. Later, Machar twice convened opposition conferences in an attempt to alleviate internal pressure. On both occasions he retained tacit support for his leadership, but resentment continued to fester.<sup>78</sup>

When these cleavages came to the fore in mid-2015, the mediators faced another difficult choice: whether or not to engage competing voices from within Machar’s camp. Though dissenting generals privately requested an audience with Seyoum, he declined. The chief mediator wanted negotiations

to reflect realities on the ground but calculated that engaging Machar’s disgruntled affiliates would likely encourage further splintering. He also knew that they were far less receptive to (and capable of) a negotiated compromise.

The IGAD mediators later noted that both Kiir and Machar appeared ill-positioned to make the compromises necessary for peace, as intra-group dynamics had rendered both men “prisoners of their own constituencies.”<sup>79</sup>

### A Soured Mediation

Seyoum and Sumbeiywo had been given an extremely difficult task and faced a decidedly unfavorable mediation context. Still, many of the challenges they faced were made worse by personal friction between the two men, their two “frenemy” countries, and the poisoned environment created by the competing national interests of IGAD states. As a frustrating process wore on with few results, the IGAD mediation team soured. Tensions between Seyoum and Sumbeiywo were no secret in the negotiating corridors, and the dynamic was soon mirrored by their support staff, who sometimes worked effectively together, and sometimes at cross-purposes. This dynamic complicated information sharing, undermined a shorthanded secretariat, and confused a process already wanting of a strategy.

By late 2014, an embittered Sumbeiywo had also developed increasingly antagonistic relations with peace process supporters, hoping to shut them out of the mediation effort. Until then, these diplomats had taken their cues from the mediation team—coordinating messaging, undertaking specific tasks, and offering technical and strategic advice where requested. But Sumbeiywo’s efforts succeeded in closing this consultation channel, weakening a mediation effort already suffering from capacity gaps.

Individual differences aside, by early 2015 the larger divisions among IGAD states could no longer be ignored. “Each of our capitals...are sending different, and sometimes contradictory, messages to the parties,” Seyoum reported to his

<sup>76</sup> Seyoum Mesfin, interview, Addis Ababa, January 2018.

<sup>77</sup> The dynamics around the pursuit of a UN arms embargo are further detailed in the fourth section of this paper (p. 18).

<sup>78</sup> Intra-party wrangling flew largely below the radar; even the mediators and peace process supporters in Addis Ababa did not appreciate the depth of opposition rancor until late in the peace process.

<sup>79</sup> IGAD, “Developments in the IGAD-Led South Sudan Peace Process,” March 5, 2015.

collective bosses. National interests had “prevailed over IGAD’s regional common interest and left IGAD in paralysis.” As a result, the parties felt no need to negotiate the compromises required for peace. They had come, he explained, to see that differences among regional states were “there to be exploited. [The] parties had mastered the game of playing one member-state off against the other.”<sup>80</sup>

### Elite Compromise

At the onset of the peace process, the natural inclination of the IGAD heads of state and their appointed mediators was to engage the SPLM party elites who controlled the nascent government and whom they were accustomed to dealing with. But this narrow focus failed in some ways to appreciate the nature of the war, the character and interests of those fighting on the ground, and larger questions about the source of the SPLM’s legitimacy.

At the onset of Phase II, the mediators were warned about the risks of a stitch-up between the very actors whose power struggle had ignited the civil war. Stability was important, but a return to the status quo would not only fail to address the corruption, mismanagement, and poor leadership that had helped erode fragile state institutions but would also risk setting the country up for another breakdown. At the urging of other South Sudanese constituencies and peace process supporters from the West, the mediators came to embrace the notion that a comprehensive and sustainable peace would require a more diverse and inclusive dialogue.

IGAD’s January 2014 communiqué thus called for a “truly inclusive” dialogue involving a “broad range of government, political, and civil society actors,” and its subsequent resolutions affirmed the plan for a “multi-stakeholder” process.<sup>81</sup> But the push for inclusivity and transformational change came from powerless constituencies, the mediators, and other outside actors. Absent political resolve from IGAD, and amid active opposition from the warring parties, it could not be sustained. And so by late 2014, the peace process was reduced to a

three-faction affair, each dominated by members of the fractured SPLM.

## A Theater for Regional Competition

The participation of immediate neighbors in resolving a conflict can be a wild card, as interested states can variously support, shape, or spoil a peace process, depending on the context. Their comparative advantages must be weighed against the risks of partisan interventions that may complicate or prolong a conflict. Would a disinterested outsider, with no history or direct ties to the region, make a better mediator? The UN *Guidance for Effective Mediation* notes that “proximity to the parties should be neither dismissed nor taken for granted as an automatic advantage.”<sup>82</sup>

In time, the values brought to the South Sudanese mediation effort by IGAD’s frontline states—unique knowledge, relationships, direct interest in stability—were outweighed by their competing national interests and stakes in the outcome. Uganda’s army doubled down in support of the government, provoking strong reactions from Sudan. Ethiopia was frustrated by its inability to unite the region or deliver a settlement. Weapons and ammunition flowed into the country from Kenya, Sudan, and Uganda. Wider regional rivalries meant Egypt and Eritrea also paid close attention and were suspected of partisan involvement. It was a dizzying mix of competing interests and egos, all playing out on a South Sudanese canvas, while those suffering as result of the war sometimes got lost in the mix.

The rest of the African continent, and the world, initially shuddered at the thought of a proxy conflict unfolding inside South Sudan or, worse, a regional war. Later, frustrated by a process trapped in regional divisions and a mediation in disarray, peace process supporters asserted their own notions of the way forward, ultimately proposing a structural change to the mediation architecture.

<sup>80</sup> Ibid.

<sup>81</sup> See, for example, the IGAD summit communiqués of March 13, 2014, and June 10, 2014.

<sup>82</sup> United Nations, *Guidance for Effective Mediation*, p. 19.

## MAIN IGAD PLAYERS

### Uganda

In terms of impact, Uganda's role in the South Sudanese civil war was second to none. Its military intervention on behalf of Kiir's government and unilateral decisions were a constant strain on the peace process, an x-factor that made an already complicated knot harder to untie. In addition to undermining IGAD's impartiality, the tension between Museveni and what he saw as "junior" partners in Ethiopia and Kenya prevented regional consensus at critical junctures.

The Ugandan People's Defence Force (UPDF) had a long history of regional deployments geared toward political and financial gain, and this appeared to explain at least part of its presence in South Sudan. Though never expressly articulated, observers speculated on Museveni's economic and strategic objectives. First, South Sudan was Uganda's largest export market; everything from fuel to produce was trucked in from the south by Ugandan traders. It was also widely rumored that Kiir's government had paid Kampala substantial sums for the UPDF's reinforcement—whether to the Ugandan treasury or its president's campaign chest.<sup>83</sup>

Second, Museveni's record of regional interventions reflected his desire to dictate events in his backyard. A longtime ally of Southern Sudan's liberation army, Museveni had backed its guerrillas in their fight against Khartoum. He retained deep reach inside the SPLM, and in the lead up to the conflict he had kept close tabs on the intra-party power struggle. In this context, Museveni's personal contempt for Riek Machar was well known.

Despite Uganda's outsize influence on the ground, among IGAD's major players it was the least engaged in the peace process. Repeated calls for Ugandan troops to withdraw from South Sudan went ignored, as did appeals for Museveni to use his leverage to move Kiir toward a negotiated settlement.<sup>84</sup>

### Kenya

Given its historical role as host to the process that yielded Sudan's 2005 Comprehensive Peace Agreement, Kenya's government had likewise hoped to host the new peace talks. When they materialized instead in Ethiopia, Nairobi chafed. The relationship between these two neighbors—sometimes cooperative, sometimes competitive—was defined by latent tension, as was their shared stewardship of the peace process. President Kenyatta tried on several occasions to negotiate his own deal, secretly convening the factions in an attempt to short-circuit the process and score a major diplomatic victory on Kenyan soil. Such attempts were not only unlikely to succeed but undermined the credibility of the official mediation.

Financial interests—some state, some individual—also shaded Kenyan engagement. Not only did Kenyan elites own businesses in Juba, but it was widely believed that South Sudanese officials had parked millions of dollars of stolen cash in Kenyan banks and real estate, much of it with the help of local facilitators. When the international community attempted to create leverage by threatening economic sanctions against South Sudan, Kenyan diplomats publicly supported the calls while privately campaigning against them.

### Sudan

Khartoum had a long history of playing Southern Sudanese groups against one another in service of its own interests. And so Sudanese leaders kept a foot in both of South Sudan's warring camps, publicly supporting the government in Juba while privately supplying enough ammunition to keep the opposition afloat.<sup>85</sup> But Sudanese attention was also piqued by Uganda's provocative intervention and the presence of UPDF fighter jets near Sudan's southern border. The two countries had long been ideological adversaries and occasionally engaged proxy groups to destabilize the other.

83 "S. Sudan Defence Minister Admits Government Is Paying Ugandan Army," *Sudan Tribune*, February 14, 2014, available at [www.sudantribune.com/spip.php?article49963](http://www.sudantribune.com/spip.php?article49963).

84 Reports suggest Museveni altered his advice to Salva Kiir only following the summit convened by US President Barack Obama in July 2015.

85 Sudan also had a substantial economic interest in South Sudan. Per the terms of 2012 agreements between Sudan and South Sudan, which outlined their cooperation in the wake of separation, Khartoum received payments for the transit of South Sudanese oil exports across its territory, as well as processing and other related fees.

## Ethiopia

The IGAD chair proved, in comparative terms, to be the most responsible actor in the region, guided both by its desire for stability in a volatile neighborhood and aspirations of regional (and continental) leadership. Its management of the peace process was frustrated, however, by competition with neighbors. Ethiopian officials resented Kenya's parallel initiatives and were deeply frustrated by the adventurism of Ugandan President Museveni and his army. But Ethiopia's mediation effort was also sometimes clouded by preoccupations with its prestige as chair of the regional body and desire to maintain a veneer of IGAD unity despite profound divisions over South Sudan. Occasional friction among senior government personnel also hindered Ethiopia's leadership, as communication gaps and lack of coordination led to mistakes. But any assertions of Ethiopian interests in South Sudan, whether personal or institutional, were negligible in comparison to the other frontline states.

## PEACE PROCESS SUPPORTERS

Interested states and institutions can play an indispensable role in supporting conflict parties and mediators in their pursuit of a negotiated settlement, including through the provision of diplomatic, financial, technical, and other forms of support. Beyond the immediate region, this third ring of actors can constructively shape a process, including by bringing leverage to bear on the parties (first ring) or on regional actors (second ring).<sup>86</sup>

In South Sudan, the peace process supporters were generally united in support of IGAD's leadership, and many offered critical support to the mediation effort. While each had ideas of what a settlement should look like, few had strategic interests in the country, so they refrained from making undue impositions on the process. Even in this generally collaborative environment, one senior diplomat later reflected that "balancing sometimes different approaches and different priorities presents constant challenges—which, if

not carefully managed, can complicate peace processes or compromise outcomes."<sup>87</sup> Peace process supporters expressed concerns at regular intervals, sometimes reflecting larger philosophical differences over the nature of the process, its direction, the role of the mediators, and the desired end state. But unless these third-ring actors asserted a far greater role in negotiating and enforcing a peace deal or in pressuring second-ring states, there was little they could do to alter the course of a process owned by the region.

## United States

Washington had long been South Sudan's principal foreign benefactor, having worked with the region to negotiate an end to Sudan's civil war in 2005 and protected the South's right to self-determination in 2011. But the war quickly upended that relationship. American pressure on the government over its conduct, as well as US support for a balanced and inclusive IGAD peace process, began a marked deterioration in relations with Juba. Of the peace process supporters, US Special Envoy Booth and his advisers were most active, both in shuttle diplomacy and direct support to the mediators. Their advice and technical support, provided on an informal and voluntary basis, was sometimes employed by the mediators and sometimes discarded.<sup>88</sup> Personal interventions by Secretary of State John Kerry and President Barack Obama helped breathe life into the stalled process, and the US sought to influence the process through its own bilateral sanctions and actions at the UN Security Council. But while Washington occasionally sought to exert greater influence, it was reluctant to "own" the process. US policy sometimes appeared inconsistent as a result, and important opportunities were missed.

First, early in the conflict, the United States had an opportunity to push for a UN arms embargo, but it demurred. The proposed weapons ban was hotly debated inside the US government, and European allies lobbied Washington to support it. As weeks turned to months, and the window of

86 The "three rings" metaphor is drawn from the former UN mediator in Syria, Lakhdar Brahimi. See I. William Zartman and Raymond Hinnebusch, "UN Mediation in the Syrian Crisis: From Kofi Annan to Lakhdar Brahimi," International Peace Institute, March 24, 2016, available at [www.ipinst.org/2016/03/un-mediation-syrian-crisis](http://www.ipinst.org/2016/03/un-mediation-syrian-crisis).

87 Booth, "South Sudan's Peace Process."

88 Some observers mistakenly likened American involvement in the peace process to that of IGAD in Sudan in the 1990s and early 2000s. The dynamics and structure of the mediation were fundamentally different, however, and the United States did not have, or exert, the same influence over the process.



opportunity seemed to close, proponents were frustrated by the lack of a clear rationale from the administration. Those reluctant to impose an embargo, most notably National Security Adviser Susan Rice, cited varying reservations, including over the potential inefficacy of an embargo and the possibility that it might unduly aid the opposition.<sup>89</sup> Some also posited that the *threat* of an embargo offered the international community the most leverage over the government, while its imposition might push Juba beyond a point of no return.

Second, despite repeated appeals from Ethiopia and South Sudanese constituents, Washington was also reluctant to lean too heavily on President Museveni over his increasingly unhelpful posture in South Sudan.<sup>90</sup> Senior US diplomats made numerous private demarches, including several visits to engage Museveni, but these appeals were ultimately tempered by the perceived importance of wider regional security cooperation with Uganda.

### Troika and European Union

A small group of designated special envoys from Norway, the United Kingdom, and the European Union regularly worked in lockstep with the United States, providing diplomatic support and essential funding to the mediation effort. The European Union also imposed sanctions against select individuals for obstructing the peace process or committing atrocities and coordinated its designations with the United States.<sup>91</sup>

### China

Beijing's Africa envoy was dispatched to the Addis Ababa talks on several occasions, and though mediators and other peace process supporters welcomed China's presence, its engagement was sparing and inconsistent by comparison.<sup>92</sup> In January 2015, Chinese Foreign Minister Wang Yi made a visit to Khartoum, during which he invited South Sudan's warring parties to a "special consultation" and reiterated Chinese support for the IGAD process and its aims.<sup>93</sup>

### United Nations

UN Special Envoy for Sudan and South Sudan Haile Menkerios was based in Addis Ababa and served as another informal but important adviser to Seyoum Mesfin. His interventions were often closely coordinated with other peace process supporters, though other UN obligations meant he could not dedicate his full energies to South Sudan. Back in South Sudan, the head of the UN peacekeeping mission, Ellen Løj, was understandably frustrated by her distance from the process. The mission had an enormous task in hosting more than 200,000 internally displaced persons on its bases and facilitating humanitarian access. The UN was not positioned to play a larger political role after relations with the government soured in December 2013. Nonetheless, Løj sought a stronger connection with the IGAD process, as decisions being made in Addis Ababa would inevitably impact the mission's mandate, posture, and resources going forward.

### African Union

Having endorsed IGAD's leadership of the mediation, the African Union's Peace and Security Council largely deferred to the decisions taken by IGAD heads of state. In December 2013, however, it did mandate the body's first-ever commission of inquiry to investigate human rights violations and other abuses committed during the initial phase of the conflict and to make recommendations on transitional justice.<sup>94</sup> Though AU officials later shared wider frustration with the IGAD process, Peace and Security Council member states were reluctant to assert higher authority or exert leverage on the South Sudanese parties—partially as a result of sustained lobbying efforts by the government of South Sudan.

When the commission of inquiry completed its investigations in 2014, aggrieved South Sudanese citizens and peace process supporters eagerly awaited their report. Many hoped it could be a game changer, introducing accountability into the

89 Colum Lynch, "Inside the White House Fight over the Slaughter in South Sudan," *Foreign Policy*, January 26, 2015, available at <http://foreignpolicy.com/2015/01/26/exclusive-inside-the-white-house-fight-southsudan-obama-conflict-susanrice-unitednations/>.

90 Like the proposed arms embargo, a firmer line toward Uganda was also vigorously debated inside the Obama administration.

91 The European Union also sustained an existing arms embargo that dated back to Sudan's civil war period.

92 Chinese interest spiked during the opposition's 2014 assault on Chinese-operated oil fields in Upper Nile State.

93 Chinese Ministry of Foreign Affairs, "Special Consultation in Support of the IGAD-Led South Sudan Peace Process," January 13, 2015.

94 African Union Peace and Security Council, communiqué from 411<sup>th</sup> meeting, Banjul, the Gambia, AU Doc. PSC/AHG/COMM.1(CDXI), December 30, 2013.

peacemaking effort and possibly serving as a means to exclude responsible parties from future governance arrangements. Though the report was completed in 2014, the Peace and Security Council opted several times to delay its public release. These delays were often requested, or backed, by the IGAD heads of state and others who worried that the report could upend a fragile peace process. The report was ultimately released to the public one year later, in October 2015, after the peace agreement was signed.

Former Malian president Alpha Oumar Konaré was ultimately appointed AU envoy for South Sudan in June 2015 as part of an attempt to demonstrate enhanced AU support for the peace process. But his appointment came late in the process and had little impact on the mediation effort or institutional dynamics.

### “IGAD PLUS”

In June 2015, at the urging of the United States and other peace process supporters, Ethiopia announced the reconfiguration of the mediation as “IGAD Plus.” Supporters agreed that the process had been poisoned and needed an antidote.<sup>95</sup> The expanded mediation format thus added five AU member states, the United Nations, the Troika, the European Union, and China as official partners.<sup>96</sup> IGAD Plus was designed, first and foremost, as a way to mitigate troublesome regional dynamics by widening the circle of participants. It was also intended to reinvigorate flagging international support for the process, invest a wider constituency of African states in its success, and provide much-needed technical and strategic support to the mediation team. In practice, however, little changed. Participation by AU member states was minimal, and IGAD member states did not facilitate the kind of structural changes necessary to make IGAD Plus a reality.

## Conclusion

The IGAD-led peace process for South Sudan may have prevented the country from plunging into a war even worse than the one it has endured. It may

have presented South Sudan’s leaders with a platform for dialogue: an opportunity to begin reconciling their people and remaking their nation. But less than a year after the mediation process yielded a wide-ranging peace deal, war returned to South Sudan.

The country’s leaders bear principal responsibility for the conflict, the troubled nature of peace negotiations, and the devastating suffering inflicted on millions of their fellow South Sudanese. As the fighting stretched from weeks to months to years, and negotiating teams failed to respond with requisite urgency, those citizens most affected were unable to impose a political cost on the warring factions.

Against that backdrop, the peace process sometimes advanced important objectives and sometimes complicated matters. As the principal entry point for international actors, the process thus merits critical review. Fundamental issues of consent, preparedness, impartiality, inclusivity, strategy, and coherence are clearly identifiable and should offer first-order lessons for future mediation efforts, whether in South Sudan or in other conflict situations. More analysis is required to appreciate the second layer of dynamics that complicated the peace process and weakened its outcome, from intra-group tensions to untapped leverage, and from elite bargaining to regional competition.

Two other important dynamics merit reiteration in any assessment of the IGAD peace process, each of which complicated the job of the mediators. The first is the lack of consensus (among the parties, the mediating institution, and the wider community of supporters) as to the nature of the conflict itself and thus to the scope and depth of its solution. And the second is the political and moral dilemma confronted by outside actors when a conflict is not “ripe” for settlement—when tradeoffs are made between ideal solutions and the imperative to stop the violence.

Some believe the 2015 peace accord would have provided a sufficient blueprint for a meaningful

<sup>95</sup> IGAD would remain at the center of the wider format because, as US Special Envoy Booth observed regularly, “If the region is not part of the solution, it will be part of the problem.” Peace process supporters knew that even if the mediation was taken out of IGAD’s hands, the competing interests of IGAD member states would have remained a critical component of the conflict.

<sup>96</sup> Chosen by AU members, the designated IGAD Plus members from Africa were Algeria, Chad, Nigeria, Rwanda, and South Africa.

post-conflict transition—if it had been accompanied by stronger oversight authority and sustained international engagement. They argue that despite its flaws, it could have nudged the parties down an irreversible path toward peace and stability, however slow or incomplete. They also emphasize the fact that once the mediation architecture was established and the process set in motion, scrapping a tainted effort provided no guarantee that any alternative process would have taken its place, much less a better one.

Others believe unrealistic objectives and fatal flaws in the accord meant it was unlikely to succeed—some of whom have come to this conclusion with the benefit of hindsight. “This thing was ad hoc. It began without a proper analysis of the real state of affairs in South Sudan,” one senior African peace process supporter explained in retrospect. “We should have designed an objective based on what was really happening, rather than based on our best wishes.”<sup>97</sup>

As the IGAD region now attempts to “revitalize” the peace process, others continue to focus on mismatched incentives and deficiencies in the mediation architecture. “Definitely, there was an

inherent problem in the structure of the mediation,” chief mediator Seyoum Mesfin reflected in 2018. “I would not involve IGAD in the same way if I did it all over again. I would change the structure completely.” Indeed the need for a different mediation formula may be one takeaway from the process. Such a formula might couple critically important regional players with both outside mediation expertise and a formal role for “third-ring” international actors. In theory, such a structure could better facilitate the use of pressure and incentives and draw on comparative advantages while preventing regional interests from hijacking the process. Such coordination is always more challenging in practice.

The unsatisfying reality is that singular conclusions are hard to draw. Those close to the process are sometimes limited in thinking creatively about alternatives, while those on the sidelines who readily dismiss the process fail to appreciate both its merits and the political obstacles to fashioning a constructive alternative. The best we can do, perhaps, is attempt to learn and build upon its lessons.

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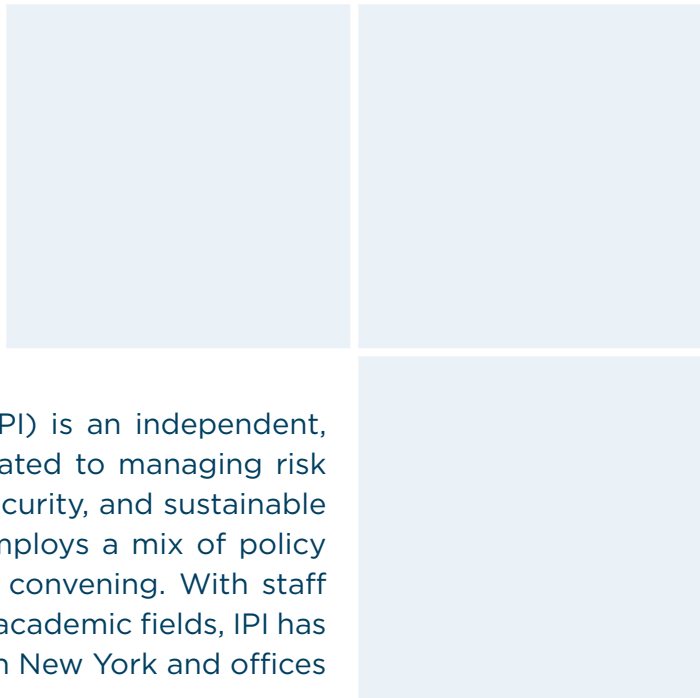
97 Interview with senior peace process supporter, Addis Ababa, January 2018.











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