

# IGAD

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## **Ending the Crisis in South Sudan through Mediation**

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***A Progress Report of the Special Envoys to the  
IGAD Assembly of Heads of State and  
Government***

31<sup>st</sup> January 2014

## **1. Introduction**

Since the outbreak of the conflict in South Sudan, IGAD Member States made both bilateral and collective approach to engage the Parties to the conflict, in an effort to contain the situation and restore peace and stability. Against this background, the IGAD Council of Ministers (accompanied by the Commissioner for Peace and Security at the African Union Commission and the UN Special Envoy to the African Union) proactively undertook a two-day shuttle diplomacy mission to Juba on 19<sup>th</sup> and 20<sup>th</sup> December 2013. During the mission, they met with President Salva Kiir Maryadit and other actors to get first-hand understanding of the crisis and explored plausible interventions.

Furthermore, the IGAD Foreign Affairs Ministers and the President discussed different dimensions to the crisis, sought to secure a speedy de-escalation of tension, and appealed for an immediate cessation of hostilities by all Parties. President Salva Kiir expressed concern about the quick manner in which events turned ethnic. He assured the delegation of his commitment to unconditional dialogue, cessation of hostilities, facilitation of humanitarian access and the protection of civilians, and to ultimately contain the dispute at a political level.

Following the mission by the IGAD Council of Ministers, the current Chairperson of IGAD and the Prime Minister of the Federal Democratic Republic of Ethiopia, H.E. Hailemariam Desalegn, made a joint visit to Juba together with the President of the Republic of Kenya, H.E. Uhuru Kenyatta. While there, they met with H.E. Salva Kiir Maryadit, the President of the Republic of South Sudan and discussed additional ways of addressing the crisis. The regional leaders also met members of the Cabinet, as well as the detainees and discussed ways and means to resolve the looming crisis. In addition, the two leaders encouraged both Parties to exercise restraint and

reiterated the need to immediately engage in dialogue in order to find an amicable political solution.

The above efforts culminated in an extraordinary session of the IGAD Summit on 27<sup>th</sup> December 2013 in Nairobi, in which the Parties committed to resolve their differences through peaceful dialogue; immediate cessation of hostilities which includes a monitoring, verification and stabilization mechanism; and ensure the protection of civilians and all humanitarian workers. The Summit condemned all criminal acts of murder, sexual violence, looting, and acts against non-combatants, and to hold accountable those involved in any human rights violations.

Additionally, the Summit appointed three Special Envoys: H.E. Amb. Seyoum Mesfin from Ethiopia, Gen Lazaro Sumbeiywo from Kenya, and Gen Mohamed Ahmed Mustafa El Dabi from Sudan to initiate dialogue by 31<sup>st</sup> December 2013. They were called upon to summon and deploy their collective experience in supporting their brethren in and from South Sudan, to reach an all-inclusive and fair resolution to the crisis. The Summit also decided to undertake urgent measures in pursuit of an all-inclusive dialogue including reviewing the status of the detainees in recognition of their role in accordance with the laws of the Republic of South Sudan. After the Summit, further bilateral efforts were made by H.E. Yoweri Kaguta Museveni, the President of the Republic of Uganda and H.E. Omar Hassan al-Bashir, the President of the Republic of the Sudan.

In pursuance of the task given by the Summit, the following is an update on the mediation process since 27<sup>th</sup> December 2013.

## **2. Status of the Mediation Process**

The three Special Envoys in collaboration with the IGAD Secretariat set up an office in Addis Ababa since 1<sup>st</sup> January 2014 and immediately began to engage the Parties.

The Parties to the conflict namely, the Government of the Republic of South Sudan (GRSS) and the SPLM/A (in Opposition) arrived in Addis Ababa on 1<sup>st</sup> and 2<sup>nd</sup> January 2014 respectively to begin dialogue.

On 3<sup>rd</sup> January 2014, H.E. Dr. Tedros Adhanom and H.E. Amb. Amina Mohamed, Ministers for Foreign Affairs of Ethiopia and Kenya respectively, and the Envoys engaged the Parties through indirect consultations and proxy talks. The aim was to explore the positions of the Parties' and their expectations. During these interactions, the Parties agreed that the crisis was political in nature and must be solved through political negotiation, and that military means cannot provide a sustainable solution.

The Envoys, using individual party consultations, proxy talks, and direct talks, registered initial progress with the Parties in agreeing on basic process documents. These included: Rules of Procedure, Terms of Reference (ToRs) and Modalities of Engagement.

Some difficulty was encountered in addressing the substantive agenda items with both Parties suggesting different approaches. While GRSS preferred to discuss the cessation of hostilities, demanding the deferral of political dialogue and the question of detainees to a future date, the opposition preferred to address the question of detainees before moving to a cessation of hostilities and political dialogue. In order to bridge these differences, the Envoys proposed the establishment of two committees to discuss the issues concurrently; one to

negotiate a cessation of hostilities and one to address detainees and political issues. The Parties could not agree to this formulation, and instead agreed to tackle the issues sequentially, starting with the cessation of hostilities and followed by the status of detainees in the first phase of the talks. Political issues were deferred to a second phase of the mediation.

The IGAD Special Envoys also undertook numerous trips to South Sudan to engage President Salva Kiir Maryadit and Dr. Riek Machar, as well as the detainees. Critical issues and proposals undertaken as part of these shuttle diplomacy missions included:

- a) Discussing with President Salva Kiir an expedited legal process for the detainees, as well as prospects for pardon, release, and/or transfer to the custody of either IGAD or the United Nations so as to ensure their constructive participation in political dialogue;
- b) Recommending to President Salva Kiir to meet with the detainees so as to address mutual grievances and underlying causes of the conflict, as well as agree on a way forward that is inclusive of political dialogue toward resolution of the crisis;
- c) Requesting Dr. Riek Machar to contribute positively toward resolution of the crisis, including signing a cessation of hostilities without pre-condition. Dr. Machar had earlier stipulated that cessation of hostilities can only take place upon the release of the detainees and the withdrawal of foreign forces; and
- d) Convincing Dr. Riek Machar that the IGAD mediation was the only forum through which to resolve the crisis and appealing for his full cooperation. Dr. Machar had

expressed concern over IGAD's silence on the presence of foreign forces in South Sudan and therefore questioned the neutrality of the regional organization.

The Special Envoys also visited the detainees twice to discuss the evolving situation in South Sudan and their role in resolving the crisis. The detainees expressed support for the ongoing IGAD mediation efforts. They stated that they had nothing to do with ongoing fighting, and called on IGAD to redouble its efforts to get the Parties to stop the bloodshed. The detainees also affirmed that a cessation of hostilities should in no way be conditioned upon their status or release. The Envoys made extraneous efforts to arrange for a meeting between President Salva Kiir and the detainees, which unfortunately did not materialize.

### **A. The Cessation of Hostilities**

To advance dialogue between the Parties, the Special Envoys submitted a draft Cessation of Hostilities (CoH) Agreement for consideration. The Parties submitted amendments to the draft over several rounds of negotiation, before ultimately agreeing on a common way forward. The agreed modalities include: an immediate end to all military actions and any actions that may undermine the process, as well as the progressive withdrawal of armed groups and allied forces invited by either party. The agreement also includes critical provisions on the protection of civilians, humanitarian access and cessation of hostile propaganda, dispute resolution, and compliance.

To that end, the Parties agreed to establish a Monitoring and Verification Mechanism under the leadership of IGAD to monitor implementation of, and compliance with, the CoH Agreement. A Joint Technical Committee (JTC) is currently working to operationalize the monitoring mechanism and its field-based verification teams (MVT). The JTC shall have its

headquarters in Juba and be staffed by representatives - with both military and civilian experience - from IGAD Member States, the Parties and IGAD partners such as the AU, the Troika, the EU, and China.

The Envoys envisage starting the verification and monitoring task with six teams (or more depending on the need and developing situations on the ground) that shall be stationed in locations to be identified by the JTC. At the local levels, the MVT shall include the participation of the communities through local committees drawn from traditional and religious leaders, women and youth representatives ensuring ownership of the peace process by the people themselves. In fulfillment of the above imperative, the JTC started its meetings in Addis Ababa from 27<sup>th</sup> January 2014. To-date, the JTC has formulated a draft deployment framework that shall precede in five phases, including seconding an advance team to Juba, South Sudan, on 1<sup>st</sup> of February 2014. In line with this and in view of the unfolding humanitarian crisis with high numbers of IDPs and refugees requiring protection and assistance, the Parties additionally agreed to open corridors and support all humanitarian assistance including creation of condition that enhance urgent supply of aid to all displaced populations.

While the text of the CoH Agreement was generally acceptable by both Parties, there were several outstanding concerns. The SPLM/A (in Opposition) brought up two issues that they thought needed to be addressed, namely; the State of Emergency imposed in Upper Nile, Unity and Jonglei States, as well as the presence of Ugandan People's Defense Forces (UPDF) and Justice and Equality Movement (JEM) in the Republic of South Sudan. The Parties ultimately agreed that the Monitoring and Verification Mechanism, once in operation, would make a recommendation on the lifting the State of Emergency. On the withdrawal of external forces, GRSS expressed concerns regarding the protection of its rights as a

sovereign state. The Parties ultimately agreed on the progressive withdrawal of all armed groups and forces allied or invited by either side from the theatre of operation in the Republic of South Sudan.

The status of detainees also remained a sticking point throughout the first phase of negotiations, but was finally resolved through the signing of an accompanying agreement on their status, as detailed below. As such, the two Parties signed the Cessation of Hostilities Agreement in Addis Ababa on 23<sup>rd</sup> January 2014.

## **B. The Question of Detainees**

The Envoys simultaneously supported the review of the agenda item on the status of detainees, by proposing a framework for negotiation after consulting both Parties. In line with the Communiqué of the IGAD Summit held on 27<sup>th</sup> December 2013 and in achieving an all-inclusive dialogue and reconciliation within the SPLM and South Sudan, the framework operated on the basis that the detainees have a positive role to play in the dialogue toward solutions to the crisis.

The IGAD Special Envoys met with the detainees in Juba on two separate occasions, between the 8<sup>th</sup> and 9<sup>th</sup> and again between the 12<sup>th</sup> and 14<sup>th</sup> January 2014. In the course of the first meeting, the detainees made it clear to the IGAD mediators that resolution of their status should not be an impediment to a cessation of hostilities. This proved an important contribution toward the signing of the two agreements. In the end, the Parties committed to an all-inclusive dialogue and reconciliation process, and re-affirmed the role the detainees can play in achieving a lasting political solution. In accordance with a request of the SPLM/A (in Opposition), IGAD and its partners recommitted themselves to undertake every effort to expedite the release of the detainees.



As per the announcement of the Minister of Justice of the Republic of South Sudan on 28<sup>th</sup> January 2014, GRSS released seven of the detainees on bail, and facilitated their transfer to Nairobi, Kenya, on the 29<sup>th</sup> January 2014, where they currently are. The status of four of the remaining detainees nonetheless remains pending and of concern to the Envoys and Partners.

### **C. Launching of Phase II of the Talks: All-Inclusive Political Dialogue and National Reconciliation**

Following the signing of the Agreements referred to above, the Envoys together with the Parties agreed to launch the second phase of the talks on the 7<sup>th</sup> February 2014 in Addis Ababa, Ethiopia. In the meantime, the Envoys have resolved to shuttle between Juba and other areas to engage the GRSS and the **SPLM/A in Opposition**, as well as other actors, including women's groups, youths, religious leaders, traditional leaders, IDPs and refugees, and intellectuals, with a view to ensuring wide consultations in the lead-up to the second phase of the talks.

### **3. Humanitarian Issues**

The humanitarian crisis has reached dangerous levels. Insecurity continues to severely affect communities and impede humanitarian access in South Sudan, where violence has displaced more than 680,000 people, both internally and as refugees to neighboring countries. The situation has disrupted market and trade flows across the country, resulting in deteriorating food security conditions. Conflict-affected and displaced populations remain in urgent need of humanitarian assistance. Meanwhile, insecurity and access restrictions have hindered response efforts in conflict-affected areas, particularly in Bentiu, Bor, and Malakal towns. In addition, the upcoming

rainy season will likely pose additional humanitarian access challenges, placing thousands of displaced persons at increased risk.

#### **4. The Support of the International Community**

The international community has rendered political, diplomatic and financial support to the IGAD Peace Process for South Sudan. The Chairperson of the African Union Commission, H.E. Dr. Nkosazana Dlamini-Zuma accompanied by the Commissioner for Peace and Security visited Juba as part of their efforts to urge the Parties to expeditiously resolve the crisis. Members of the Troika (Norway, UK and USA) for South Sudan, as well as the European Union, the IGAD Partners' Forum, and China have likewise made significant contributions, including consistently engaging the Parties in Juba and Addis Ababa. All such partners have undertaken these constructive and desired efforts in close coordination with the IGAD mediation team.

#### **5. Progress and Achievements**

- a. The South Sudanese Parties and international partners realize the regional mediation effort led by IGAD provides the best opportunity to resolve the crisis;
- b. The Parties signed a Cessation of Hostilities (CoH) Agreement and an Agreement on the Status of the Detainees;
- c. The Parties committed to cooperate fully with the international community to alleviate the suffering of the people of South Sudan through emergency assistance and the rehabilitation of IDPs;

- d. The Parties acknowledge that the crisis cannot be resolved through violence, but only through an inclusive political dialogue and national reconciliation; and
- e. They further recognize that the detainees have a role to play in the peace process.

## **6. Challenges**

- a. A failure to fully commit to the letter and spirit of the COH Agreement, or to ensure compliance by all armed groups operating in areas controlled by the government or opposition forces, poses a threat to the next phase of the peace process;
- b. The humanitarian crisis has reached serious proportions and unless swiftly addressed could complicate resolution of the crisis and place increased stress on the region;
- c. Continued SPLM/A (in Opposition) concerns over the involvement of foreign forces in South Sudan, and the implications for IGAD's position has to be addressed;
- d. Although the government has made a decision to release seven of the detainees on bail, expediting the process of the remaining four still poses a challenge;
- e. Lack of a unified voice and cohesive response to the crisis from the region and beyond will complicate efforts to secure a sustainable peace;
- f. If the conflict continues, South Sudan may become *de facto* divided into spheres of influence, with local actors controlling ungoverned territories and seeking to be sustained through provision of material support from external actors;

## **7. Recommendations**

Taking all these developments into consideration, the Envoys recommend the following for the Summit to consider:

- a. Urge both Parties to respect and expeditiously implement the CoH Agreement signed on 23<sup>rd</sup> January 2014, as well as provide all necessary support to ensure the operationalization of the Monitoring and Verification Mechanism as soon as possible;
- b. Implore the Parties to urgently address the critical humanitarian crisis, provide protection and assistance, and explore durable solutions to the predicament of refugees and internally displaced persons, in full collaboration and coordination with local and international humanitarian organizations;
- c. Commend the Government of the Republic of South Sudan for deciding to release seven of the detainees on bail, and call on the Government to expedite the legal process of the remaining detainees;
- d. Urge the Parties, IGAD, and the African Union to work in complementarity to ensure that alleged human rights violations, abuses, and crimes, in the current conflict of South Sudan are investigated and those found culpable brought to justice;
- e. Direct IGAD Special Envoys to establish an initial Monitoring and Verification Mechanism presence in South Sudan within 48 hours; which can facilitate the speedy and progressive operationalization of the full monitoring mechanism;
- f. Urge the Parties to ensure the progressive withdrawal of armed groups and all allied forces invited by either side from the theatre of operations as per the CoH Agreement;
- g. Further urge the Parties to maintain the momentum of the peace process, with strong commitment and resolve, by launching the Second Phase of the negotiations on the 7<sup>th</sup> February 2014 in Addis Ababa, Ethiopia as agreed and declared by the Parties and the Mediators during signing of the CoH;
- h. Instruct IGAD Special Envoys to develop a framework for the next phase of negotiations in South Sudan, including specific

modalities on structure, representation, and timeframe, so as to ensure dialogue is truly inclusive;

- i. Ensure that such a framework is developed with a view to involve a broad range of South Sudanese government, political, and civil society actors in a reinvigorated constitutional process;
- j. Appreciates the 8-point roadmap outlined by President Salva Kiir on 20<sup>th</sup> January 2014, and the commitment of the SPLM/A (in Opposition) to wide consultations with all stakeholders and resolve the conflict in South Sudan in an all-inclusive manner. Accordingly, the Summit instructs IGAD Special Envoys to organize a series of public consultations with a wide range of South Sudanese actors with the aim of generating input for a framework of political dialogue and national reconciliation. These consultations might include political parties, traditional and religious leaders, and groups representing women, youth, intellectuals, refugees and IDPs, business communities and other stakeholders;
- k. Instruct the IGAD Special Envoys to hold consultations with IGAD Member States and key partners of South Sudan to ensure and articulate a common approach to the next phase of the process, and to determine how each is best positioned to support the process;
- l. Recalling the longstanding tradition and shared wisdom of IGAD leaders to speak with the same voice and demonstrate collective action when faced with similar challenges, We, the Heads of State and Government of IGAD reaffirm our commitment to work collectively in resolving the South Sudan crisis;
- m. Remain seized of the matter.

**END**