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## **IGAD Peace Process for South Sudan: Towards National Reconciliation and Sustainable Peace**

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*Progress Report of the IGAD Special Envoys*

*9<sup>th</sup> June 2014*

## **1. Introduction**

1. The Third Session of Phase II of the South Sudan Peace Process commenced in Addis Ababa on 28<sup>th</sup> April 2014 and was adjourned May 19, 2014.
2. The Session marked a watershed in the peace process, with the presence of H.E. Salva Kiir, President of the Republic of South Sudan (GRSS) and Dr. Riek Machar, Former Vice President and the Chairman of the SPLM/A (in Opposition), which culminated in the signing of an Agreement on the Resolution of the Crisis in South Sudan on 9<sup>th</sup> May 2014. The Agreement, among others, unlocked the stalemate that had blocked progress on discussions on the Agenda for the negotiations and on the issue of “inclusion” of other stakeholders.
3. The main achievement of the Third Session was the establishment of the working committees, notably, Political Committee and Security and Humanitarian Affairs Committee. The GRSS and the SPLM/A (in Opposition) worked harmoniously to produce a draft Matrix for the Implementation of the Cessation of Hostilities Agreement. While the Parties were ready to sign the Implementation Matrix, they failed to agree on the dates of commencement and conclusion of withdrawal of foreign forces from South Sudan.
4. In addition, with the input from the SPLM Leaders (Former Detainees), a draft Framework of Negotiation on Political Settlement of South Sudan Crisis might be used to form the basis of a single negotiating text by all the stakeholders.
5. The Third Session was adjourned on 19<sup>th</sup> May 2014 to allow the Parties to consult with their Principals on the draft Framework of Negotiation for the Political Settlement of the South Sudan Crisis and to prepare for a symposium slated to take place on the 5-7<sup>th</sup> June, 2014. Further, the adjournment provided the Special Envoys with the

opportunity to further consult with the Parties and key stakeholders in preparation for the Fourth Session of Phase II of the peace process scheduled to commence on 9<sup>th</sup> June 2014.

6. This Report provides the progress made during the Third Session of Phase II of the South Sudan Peace Process including; the status of the peace process, achievements, challenges and proposals for moving the process forward.

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

### **A. Political Process**

#### **I. Agreement to Resolve the Crisis in South Sudan**

7. The negotiations have been reinvigorated by the signing of the Agreement to Resolve the Crisis in South Sudan by President Salva Kiir and Dr. Riek Machar. The Agreement provides for: cessation of hostile activities within twenty four (24) hours of the signing, commitment to disengage and separate forces and refrain from any provocative action or combat movement until a permanent ceasefire is agreed and signed, resolution to engage in substantive discussions on the Agenda's as constituted by the IGAD-led peace process, agreement to form a transitional government, and agreement to ensure the inclusion of all South Sudanese stakeholders (government actors, the SPLM/A in opposition, SPLM leaders (former detainees), political parties, civil society, and faith-based leaders) in the peace process.

#### **II. Agenda and Framework of Negotiation**

8. The Agreement by the two Principals has created impetus for the peace process to proceed on the basis of the following agenda:
  - a) Rededication to ending hostilities (Adherence to the COH Agreement and implementation modalities);

b) Negotiation on permanent ceasefire.

c) Transitional governance and interim arrangements:

- i. Amendment of the Transitional Constitution;
- ii. Formation of an inclusive National Unity Government; Tasks; Size and Timeframe;
- iii. Transitional National Legislative body;
- iv. Creation of mechanisms for empowering institutions of governance;
- v. Stabilization measures as regards law and order, security and defense;
- vi. National Reconciliation and Healing/African Union Inquiry Commission
- vii. National Census;
- viii. National Elections;

d) Permanent constitution:

- i. Agree on the parameters of the permanent constitution;
- ii. System of governance
  - o Unitary or Federal
  - o Presidential or Parliamentary
- iii. Revitalizing the process of the constitutional review with extensive public consultations through institutions established by the GONU;

9. The mediation process tackled the agenda items by establishing two working committees: A Political Committee and a Committee on Security Arrangements and Humanitarian Affairs. The Political Committee dealt with issues of transitional governance and interim arrangements, and permanent constitution, while, the Security Arrangements and Humanitarian Affairs Committee dealt with Rededication to Ending Hostilities – in adherence to the COH Agreement and Implementation Modalities; Humanitarian issues and Permanent ceasefire.

10. Within the context of the Committee on Security Arrangements and Humanitarian Affairs, The GRSS and SPLM/A (in Opposition) worked with the support of the UN OCHA and produced draft Re-Dedication to the Cessation of Hostilities Agreement and, later on, an Implementation Matrix. In addition, the GRSS, SPLM/A (in Opposition) and the SPLM Leaders (Former Detainees) made input on the political issues in the Agenda. The Special Envoys consolidated the positions of the three stakeholders into a draft Framework for Negotiation, which will form the basis of a single negotiating text to be developed by all the stakeholders into an Agreement.
11. The Third Session of the Second Phase of the peace process was innovative as it provided partners from Troika, IPF and Church leaders an opportunity to attend some of the plenary sessions as observers.

### **III. Inclusivity of Stakeholders**

12. As a principle, inclusivity in the political process is a natural and logical idea. The need for inclusivity of key stakeholders in the South Sudan peace process emanates from the fact that the current crisis has transformed from a dispute within the SPLM to a national crisis, affecting a number of stakeholders. It is imperative to the realization of a durable and lasting peace in South Sudan and is critical to the realization of national reconciliation. Additionally, it ensures a voice to everyone and allows other stakeholders the opportunity to address issues that are outside of the SPLM Party but are related to the genesis of the conflict or the stability of South Sudan.
13. The hitherto existing stalemate on the question of inclusivity of other stakeholders was resolved by the Agreement signed between President Salva Kiir and Dr. Riek Machar on the 9 May 2014. The Agreement identifies GRSS, SPLM/A (in Opposition), SPLM Leaders (Former Detainees), Faith Based Organization, civil society, political parties as the main stakeholders.

14. In this regard, the mediation process, while upholding the principle of inclusivity, will also ensure that the process is not derailed by various vested interests.
15. Against this background, the Envoys had the imperative of ensuring that the inclusivity of the peace talks is maintained, and began to undertake a series of preparatory activities (in Addis Ababa and Juba) aimed at ensuring an impartial mediation process based on principles that will, when applied in earnest, lead to a sustainable resolution of the crisis in South Sudan.

#### **IV. Symposium**

16. On the 6<sup>th</sup> and 7<sup>th</sup> June, the Special Envoys hosted a multi-stakeholder symposium, aimed at shedding light on some of the Agenda issues for the next Session of the talks. The program of the symposium was drawn from the Agenda formulated by the parties and included four key thematic issues, namely;
  - Modalities for round table talks, comparative experiences
  - Transitional governance arrangements and interim institutions
  - Permanent security arrangements, reform of the security sector, and demilitarization of the state.
  - Justice, reconciliation and healing Constitutional development and reform
17. While the Parties were somewhat suspicious about the objective of the symposium and indeed threatened not to participate, they eventually came around and deliberated in an engaged fashion, with the assistance of resource persons selected from a diverse set of international experiences. The Symposium methodology included a combination of Panel presentations and breakout Groups, interspersed with presentations from Key IGAD Partners.

18. The symposium was the first time since the talks began that a broad group of stakeholders from across South Sudan had substantive discussions about these thematic areas. While the symposium was intentionally designed not to produce an outcome document or any agreed resolutions of the attendees, it does provide guidance for the mediation in terms of the key priorities within each issue raised in the breakout groups.

19. A key outcome of the Symposium is that the demeanor of the conversations was cordial, friendly, and frank. Not only were the Parties willing to mix among themselves, their engagement in the breakaway groups generated an impassioned debate about the potential future of South Sudan. Indeed the presence of other stakeholder, including faith-based leaders, catalyzed the issue of inclusivity and gave both the mediation and the Parties a general picture of what Session IV of the inclusive talks may look like. Although the stakeholders, especially the CSOs nominated and subsequently failed to agree on their representation in the talks, the mere fact that they tried is itself evidence of a possibility to work together.

At the end of the two day event, the participants (including the GRSS, the SPLM/A-IO, traditional leaders, religious leaders and CSOs), were enthusiastic and advised that key to everything else, peace is the utmost priority in South Sudan, and while other issues are equally important, the pre-requisite is to silence the guns.

## **V. Release of Political Detainees**

20. The four remaining political detainees, Pagan Amum Okiech (Secretary General of South Sudan's ruling party (SPLM)), Oyay Deng Ajak (Former Security Minister), Majak D'Agoot (Former Defence Minister), and Ezekiel Lol Gatkouth (Former South Sudanese Representative in the United States), were released after the Courts set them free. According to the Ministry of Justice, the Government dropped the case in order to promote peace and reconciliation. However, the Government said it will maintain similar charges

against senior SPLM/A-IO leaders, Dr. Riek Machar (Former Vice President), Taban Deng Gai (Former Governor of Unity State), and Alfred Lado Gore (Former Environment Minister), all of whom have been charged in absentia.

**21.** The release of the four detainees is a significant step, which will reinvigorate the peace process, as it fulfills the implementation of the Status of the Detainees Agreement signed on 23<sup>rd</sup> January 2014. It will, among others, encourage peaceful dialogue and promotion of reconciliation. Further, the issue of the four Detainees can no more be used as a pre-condition in the peace process. The Four Detainees, like the previous seven released in January 2014, welcomed the Government's decision to drop the charges against them, expressing hope that peace could be restored in South Sudan. They noted that the decision to release them marks the beginning of serious work and promised to work with all the parties to the conflict and other stakeholders to bring peace.

## **VI. Consultation / Shuttle Diplomacy Missions**

**22.** Prior to the commencement of this Session, the Special Envoys conducted extensive consultations with the IGAD Leaders on the progress of the peace process and sought guidance on the way forward. The Envoys jointly and separately briefed the Chairperson of IGAD, H.E. Hailemariam Desalegn, Prime Minister of the Federal Democratic Republic of Ethiopia (FDRE); H.E. Uhuru Kenyatta, President of the Republic of Kenya; H.E. Yoweri Museveni, President of the Republic of Uganda; and H.E. Omar Hassan Al-Bashir, President of the Republic of the Sudan. The briefing highlighted the status of the peace process and challenges thus far.

**23.** The Envoys also held consultations with H.E. Salva Kiir, President of the Republic of South Sudan, Dr. Riek Machar, Leader SPLM/A (In Opposition), and the SPLM Leaders (Former Detainees).



24. Further the Envoys held consultation with the Church leaders, representatives of the Civil Society Organizations (CSOs) and leaders from Equatorian Community.
25. As they have done from the beginning, the Special Envoys have been in consultation with partners and friends of South Sudan, who have continued to support the process, including the UN, the Africa Union Commission (AUC), the Troika (Norway, the UK and the US), the European Union, the IPF, and People's Republic of China.
26. Of significance is the meeting between the Envoys and John Kerry, the US Secretary of State. In their engagement with Secretary Kerry, the Envoys underscored the need to expeditiously deploy the Protection Force and requested the US to assist in the adoption of a resolution by the UN Security Council to that effect.
27. The partners and friends of South Sudan have reiterated their continued commitment to provide political, diplomatic, humanitarian and financial support to both the political process as well as the implementation of the Cessation of Hostilities (COH) Agreement.

## **B. Implementation of the Cessation of Hostilities Agreement**

### **I. Compliance with the Provisions of the Agreement**

The GRSS and the SPLM/A (in Opposition) have continued to violate the Cessation of Hostilities (COH) Agreement. This has been the case in Jonglei, Unity and Upper Nile States. These violations are with respect to acts prohibited in the CoH, including targeting of civilians, recruitment and mobilization of forces, resupply of military provisions, and escalation of hostile propaganda. Moreover, in the period covering 7th, 8th and 9th May 2014 both parties conducted provocative movements and the firing of weapons in Bentiu.

28. The last week of April and the first week of May 2014 witnessed renewed and acute military confrontation between the GRSS and the SPLM/A (in Opposition) leading to perhaps by far, the most egregious violation of the CoH. On 17<sup>th</sup> April 2014, armed militia affiliated to the Government of South Sudan attacked the UN base in Bor, in Jonglei State, where about 5,000 civilians, most of them ethnic Nuer, had sought refuge. Bentiu and Malakal, all experienced heavy fighting. Indeed, some of these towns have changed hands between the warring parties multiple times, and sometimes led to massacres and paramilitary killing of civilians.
29. While some of the violations reported here could be taken as isolated and far between, they are nevertheless serious. Indeed, it is important to note that the last three weeks of May were calm, with only minor skirmishes and or contact reported between the Parties.
30. In order to refocus the GRSS and the SPLM/A (in Opposition) to the cessation of hostilities, the COH Agreement was further reinforced by the signing of two additional Agreements: Recommitment to the Humanitarian Matters in the Cessation of Hostilities Agreement on 5<sup>th</sup> May 2014, and the Agreement to Resolve the Crisis in South Sudan on 9<sup>th</sup> May 2014. Further, the Security and Humanitarian Committee deliberated on the operationalization of the COH Agreement under the framework of the Parties Re-Dedication to the Cessation of Hostilities Agreement, and generated an Implementation Matrix.

## **II. Humanitarian Situation**

31. The security environment in South Sudan generally and Upper Nile, Jonglei and Unity States in particular have resulted in grave humanitarian crisis. While the Parties have made additional commitments to reinforce the CoH Agreements signed in January of 2014, violations continue, seemingly unabated. Restrictions on humanitarian corridors by the conflict and the onset of rains, will render 60 percent of the country inaccessible by road, and continue

to aggravate the humanitarian situation. Currently, more than 1 million people are internally displaced, approximately 90,000 of whom are seeking shelter in UN peacekeeping bases; 359,000 have fled to the neighboring countries and about 4 million people are food insecure.

32. During the South Sudan Humanitarian Pledging Conference that took place in Oslo on 19 and 20 May, 22 donors pledged over \$600 million for the crisis, including at least \$71 million for the South Sudanese refugee response in neighbouring countries. The requirements for the aid operation in South Sudan in 2014 come to \$1.8 billion. So far, \$589 million have been raised. The pledges in Oslo come on top of these existing resources. Donors have been encouraged to convert expeditiously the pledges into concrete commitments.

### **III. Status of the Monitoring and Verification Mechanism (MVM) and the Joint Technical Committee (JTC)**

33. Following the signing of Cessation of Hostilities Agreement on the 23<sup>rd</sup> January 2014 and the Agreement to Resolve the Crisis in South Sudan, 9<sup>th</sup> May 2014, additional MVTs have been deployed and Three (3) others are projected to be dispatched to Nassir and Melut in Upper Nile State, and Pariang' in Unity state by the end of June 2014. Four MVTs are operational currently. By the end of June the total number of MVTs are expected to be six (6), and by August 2014, it is expected that the total number of MVTs will be in the region of 8. This projected deployment will, however, depend on the availability of funding.
34. With respected to the Monitors, Ethiopia, Kenya and Sudan have been requested to each send five (5) individuals to the Teams that will soon be placed on the ground. Five monitors from Sudan have already arrived in Addis Ababa and once they are processed will be deployed to the field. Kenya and Ethiopia have yet to send theirs.

35. While the GRSS has signed the SOMA with IGAD, the same is yet to be signed between IGAD and the SPLM/A-IO. Moreover, the GRSS has remained reluctant to guarantee the free movement of the SPLM/A-OI. This in itself is a hindrance to the smooth rolling out of activities. Liaison officers belonging to SPLA/LO for example have only reported to Bentiu and Malakal and doing a good job in coordination with their counterparts from GRSS. JTC Headquarters and Bor have not received LOs from SPLA/LO. The SPLA LOs have however reported to all the stations as required.
36. On the 13 March 2014, the Summit of IGAD Heads of State and Government approved the creation of regional MVM Protection Force. While the force was conceived to have an autonomous regional outlook, the UN, through the Department of Peacekeeping Operations (DPKO), suggested the incorporation of the proposed Protection Force under UNMISS. In line with this, the DPKO proposal was adopted by the Security Council at its 7182<sup>nd</sup> meeting on 27 May 2014 by Resolution 2155. This Resolution extends the Mandate of UNMISS to November 2014 and additionally expands it to include protection of the IGAD MVM. There is an understanding that the Force Commander will be from the region. IGAD member states that would contribute the troops for the PF should expedite the process so as to have a robust MVM.
37. In the meantime, UNMISS has begun to provide protection to the MVTs under the new mandate. Bentiu MVT conducted a joint patrol with the MLOs to kilo 30, which is located in the South of Bentiu, protected by UNMISS Mongolian Battalion. It is noted however that priority by the Protection Force under UNMISS will be the Protection of Civilian (POC). Under such conditions, Verification and Monitoring activities may suffer a drawback in case the two situations emerged at the same time.

### **3. Support from the International Community**

38. International support for the Peace Process and the Implementation of the Cessation of Hostilities Agreement has continued in the form of political and diplomatic backing, and financial commitments and pledges. Additionally, the Troika (Norway, UK and USA) for South Sudan, as well as the IGAD Partners' Forum (IPF), European Union, China, Japan, Netherlands, Sweden, Denmark, Australia and Turkey have either made significant contributions to the political process as well as the Monitoring and Verification Mechanism, or committed to do so.

### **4. Achievements**

39. The following are key achievements of the Third Session of Phase II of the peace process:

- a) The GRSS and SPLM/A (in Opposition) engagement in a joint working committee on their own is a major step in confidence building.
- b) Signing of Recommitment to the Humanitarian Matters of the Cessation of Hostilities Agreement on 6<sup>th</sup> May 2014.
- c) The successful negotiation between President Sava Kiir and Dr. Riek Machar, which culminated in the signing of the Agreement to Resolve the Crisis in South Sudan on 9<sup>th</sup> May 2014.
- d) Resolution of the stalemate on the negotiation agenda and the inclusion of other stakeholders.
- e) Release of the four remaining detainees by the Government of the Republic of South.
- f) Consolidation of the Parties position on agenda items into a framework for negotiation.
- g) A successful symposium that created a forum for the participation of all stakeholders was held.
- h) Stake holders have finalized the list of delegates that participate in the next session of the negotiation.

- i) Finalization of the Status of Mission Agreement (SOMA) with GRSS.

## **5. Challenges**

40. The peace process faces a number of challenges. The main challenges include:

- a) Continuous violation of Cessation of Hostilities COH Agreement, Recommitment to the Humanitarian Matters of the Cessation of Hostilities Agreement and the Agreement to Resolve the Crisis in South Sudan;
- b) Worsening humanitarian crisis aggravated by the violation of the Cessation of Hostilities Agreement;
- c) Parties sticking reluctance to negotiate in good-faith;
- d) Delay in the deployment of all the Monitoring and Verification Teams (MVTs) resulting from slow secondment of personnel from the IGAD Member States;
- e) Continued SPLM/A (in Opposition) concerns over the involvement of foreign forces in South Sudan;
- f) Lack of political will by both parties and at all levels is debilitating the mediation.

## **6. Recommendations**

41. From the foregoing development, the Special Envoys make the following recommendations to revitalize the process:

- a) Urge the Parties to fully implement the Cessation of Hostilities (COH) Agreement and its Implementation Modalities as well as Recommitment to the Humanitarian Matters of the Cessation of Hostilities Agreement and the Agreement to Resolve the Crisis in South Sudan;
- b) Implore the Parties to urgently address humanitarian crisis, provide unfettered humanitarian access and delivery of

- humanitarian assistance in full collaboration and coordination with local and international humanitarian organizations;
- c) Urge IGAD Member States, Troops Contributing Countries and other stakeholders particularly the United Nations to expedite preparation for the deployment of the proposed MVM Protection Force;
  - d) Urge the Parties to facilitate the work of the proposed MVM Protection Force;
  - e) Call upon the UN Security Council and the African Union to continue providing support to the proposed MVM Protection Force;
  - f) Reaffirm on the need for an inclusive political dialogue and political will and commitment to end the war.
  - g) Appeal to the international community to enhance their political, diplomatic, humanitarian and financial support;
  - h) Urge the Parties to cooperate with the African Union (AU) Commission of Inquiry headed by H.E. Olusegun Obasanjo, former President of the Federal Republic of Nigeria, to ensure that alleged human rights violations in South Sudan are investigated and addressed. **END.**