

REPORT
OF THE IGAD SPECIAL ENVOYS
ON THE CONFLICT IN SOUTH SUDAN
ADDIS ABABA
24 August, 2014

Introduction

The present progress report covers the current status of the peace process and activities of the IGAD Special Envoys since IGAD convened its 26th Extraordinary Summit on 10 June 2014. Following the 10 June 2014 IGAD Summit decision, in which this august body has decided in consultation with the Principals of the two Parties, to establish a Transitional Government of National Unity within 60 days, the effort to realize that decision did not succeed. Immediately after the Summit, the negotiations reconvened. But sadly the Parties failed to meet the deadline. The warring Parties created various reasons to stall the process.

Initially, the Government, referring to comments reported to have been allegedly made by the Executive Secretary of IGAD, did not attend the talks seeking an apology from the Executive Secretary. For its part, the Opposition protested the way in which civil society, political parties and faith based groups were represented at the talks, and called for greater representation of these groups from the diaspora and from opposition-controlled areas of South Sudan. The Opposition also sought to change the procedures for decision-making, which would have reduced the role the other participating stakeholders in the process substantially and would have contravened the 9 May Agreement. While the Government eventually ended its protest, the Opposition's refusal to engage in the talks forced the IGAD mediation to adjourn this round of negotiations on 23 June.

Both Parties, the Government of the Republic of South Sudan and the Sudan People's Liberation Movement/Army (In Opposition) (SPLM/A-IO)

raised objections to the participation of the other-stakeholders, though at different times and eventually stalled the start of the roundtable talks, forcing the mediation to adjourn the session on 23 June 2014.

1) Consultations to address the impasse

In the weeks that followed, the mediation continued extensive consultations with the Parties to the conflict, other stakeholders groups, and many South Sudanese, opinion makers as well as with partners of IGAD and friends of South Sudan.

The mediation also engaged with IGAD member states at the highest level and at the level of the Council, to get their guidance on the way forward. The Mediation also had an interactive dialogue with members of the United Nations Security Council in New York. The Security Council was unanimous in providing unequivocal support to the IGAD led peace process. Council made it clear that: (a) there can be no military solution and fighting must stop now; (b) IGAD-led peace talks must resume and progress towards a transitional government of national unity must be made; (c) there must be accountability for the wide-spread human rights violations and abuses committed; (d) there must be respect for and cooperation with UNMISS and access for humanitarian actors; and (e) the Council is determined to impose sanctions on those who seek to spoil the peace process. This was a unanimous consensus, which was reinforced recently when the Council visited our region recently.

Following this the Envoys undertook consultations with all the stakeholders in Juba and Addis Ababa. These consultations were aimed at emphasizing the need to have an all-inclusive dialogue and aimed to address some of the legitimate concerns regarding the anomalies in the representations. Apart from those concerns raised by the SPLM/A-IO, the mediation had received several communications from other stakeholders on the need to make adjustments to representations. When the mediation engaged the Government at the highest and at the negotiators level, all of them not only expressed their readiness to negotiate with the SPLM/A-IO bilaterally and in the multi-stakeholder round table format as soon as the consultations are completed, but also *urged the mediation to do whatever is necessary to address those concerns* while cautioning that if the mediators opt to allow the bilateral talks with the SPLM/A-IO directly leaving the other stakeholders relegated to consultative functions, the May 9 Agreement and the June 10 Summit decisions on the multi-stakeholder talks would have to be revised.

Consequently, corrective measures were taken to address concerns regarding the representation of the civil society representatives in a transparent manner through meetings held in Khartoum, Addis Ababa and Nairobi, while the other concerns were addressed in consultations with the remaining stakeholders. During all these consultations, the warring Parties recommitted to a multi-stakeholder, roundtable format for negotiations, and it was with that commitment that we resumed peace talks in Addis Ababa on 4 August.

Most unfortunately, the commitments to multi-stakeholder roundtable talks have been reversed once more. On 5 August, the SPLM/A-IO stated that it wanted to limit other stakeholders to a purely consultative role and negotiate and agree only with the Government not only on ending the war but on all issues which determine the future of South Sudan including transitional governance, permanent constitution making process and national reconciliation and healing. This is tantamount to dividing the right of South Sudan citizens on the basis of those who have the guns make decisions on the future of the country and those would be relegated to advise or consult those who carry guns. Moreover, this would have represented a unilateral revision of the 9 May Agreement. In response to the Opposition's position, the Government also requested that bilateral talks take precedence over the more inclusive format.

In light of these challenges, the mediation renewed its offer to provide for the possibility of bilateral talks between any two stakeholders, including the Government and the SPLM/A-IO, within the broader multi-stakeholder, roundtable framework. After reconsidering its position, the Opposition rejoined the talks and from 8 to 15 August all stakeholders actively participated in the multi-stakeholder meeting, making it possible to develop a single negotiating text to which all stakeholders presented their responses in the plenary. The talks appeared to be making significant progress, developing the basis for a future political agreement.

Unfortunately, on 16 August the Government delegation raised two issues: it demanded changes to the modalities for decision making in the

negotiations that would relegate all stakeholders except the Government and the SPLM/A -IO to the role of spectators. The Government made its continued participation in the peace process contingent on the signing of the implementation matrix for the Cessation of Hostilities Agreement. The Mediation believes that these concerns should not become a condition for the Government to participate in the talks. In the first place, the decision-making mechanism provides the Government the power to veto decisions it objects to. Secondly, as regards to the Cessation of Hostilities Implementation Matrix, the mediation has assured the Government delegation that the issue will be presented to the IGAD Summit as requested by the GRSS delegation. The mediation is convinced that the Government's position that it will not participate in the multi-stakeholder talks if these conditions are not met is an unacceptable pretext and an unconscionable attempt to frustrate progress. Now that the opposition is at the table and accepting the multi-stakeholder format, the Government should be ready to negotiate unless it is rejecting inclusive dialogue that it has publicly accepted in the May 9 agreement. Does it mean that someone must take up arms if he/she is to be declared fit to negotiate with the Government? Despite the mediation's assurance to the government delegation that it is ready to facilitate for direct and/or by proxy bilateral talks between the two warring Parties, it opted to suspend participation in the negotiations.

That is why the continued resort to delay and stalling tactics should be unacceptable. The mediation has subsequently communicated its concerns

to the delegations of the SPLM/A-IO, and the Government of the Republic of South Sudan, the Security Council and the AU's Peace and Security Council. The mediation sincerely hopes that such conduct will not mark the future process of negotiations and that both sides will truly forsake the military option and come to a negotiated settlement. But hoping is not enough. The parties must be persuaded to end their intransigence.

In the meantime, the other stakeholders have been making encouraging progress in the three thematic issues of transitional governance, transitional security and economic and financial management. The mediation senses that the four negotiating stakeholders currently at the table may be able to harmonize much of their positions—a positive development in the search for agreed solutions to the crisis. This has contributed to the development of a document which was the outcome of the understanding reached during the Nairobi consultations on 31st July 2014. This has now further developed as a protocol on Agreed Principles on Transitional Arrangements towards the Resolution of the crisis in South Sudan, which defines the a roadmap for the formation of the transitional government. This is the document that the Principals have to sign during this Summit.

2) The Security situation

Regarding the Security situation, both Parties continue to engage militarily with each other in flagrant violation of the Cessation of Hostilities Agreement. Fighting resumed in the area of Nasir, Upper Nile State on 20 July with an attack by the SPLM/A-IO, to which the Government responded. Violence still persists in the area. Violations have also occurred in Maban,

Upper Nile State, and repeatedly in Bentiu, Unity State, over the last week and has extended to Malakal this week. Civilians and humanitarian workers have been indiscriminately targeted in these attacks, and the humanitarian situation is getting worse. The Mediation has strongly condemned those violations and called on both parties to abide by the COH agreement they signed. On the other hand, the Parties have also failed to cooperate, in some instances, with the MVTs during investigate and verify those who are violating and expose the culprits. In the meantime, the mediation has begun making those violations public on its web-site since this week so that the people of South Sudan and all other interested parties, would be aware of those violations. In this regard, the Summit needs to make it clear that these acts are unacceptable and there are consequences.

Despite its participation in the multi-stakeholder talks, the Opposition still refuses to agree to implement mechanisms to ensure the disengagement and separation of forces and bring fighting to an end for two principal reasons: firstly, unless foreign forces fully withdraw from the territory of South Sudan; secondly, until a broader political agreement is reached. We must reiterate to this Assembly that these excuses are unjustified and do not comply with the Cessation of Hostilities Agreement. This Assembly must send a clear message that it will not tolerate this.

The mediation continues to be convinced that a broad-based, inclusive process of dialogue is the best way to ensure the achievement of a lasting peace, and that South Sudan enjoys greater stability in the years ahead. While only the two warring Parties are responsible for ending the fighting,

agreement of a transitional government and the accompanying reforms necessary for the transitional period must have greater legitimacy and backing from a wider cross section of society if they are to succeed. It is for this reason that the mediation continues to pursue a broad-based peace process involving a diverse range of actors and stakeholders.

3) Violations of the cessation of hostilities

The warring parties continue to violate the COH agreement they signed. Since the last Summit on 10 June 10 2014 the MVM has reported that both the government and the opposition forces have been violating the agreement both in terms of cessation of military engagements and failing to provide protection for civilians in Nassir, Bentiu and Malakal.

4) The need for punitive measures

You will recall that in its 10 June Communique, IGAD Member States will take further collective action to pressure any party who fails to 'honor its commitments to date or the resolutions of this Communiqué,' including through imposition of punitive measures. Regrettably, I have to say that IGAD will have to take punitive measures as the Parties continue to delay and stall the peace process. Both Parties are engaged in delaying and stalling tactics in the mediation. They are consistently violating the COH agreement they signed. The mediation was told during its consultations with all stakeholders and its partners that IGAD needs to have teeth or borrow them. The credibility of the region is on the line. This august assembly is called upon to take measures that have meaning to the Parties.

In this context, the issue of the arms embargo is most critical in this regard. It is very clear that there cannot be a military solution to the crisis. Hence there is a need to halt the flow of arms to South Sudan. Those resources could be used to save lives elsewhere, given the impending humanitarian catastrophe to be witnessed in South Sudan in the coming months. Hence, South Sudan's neighbors should deny shipments of arms through their border areas. Those selling all lethal arms to South Sudan should be cautioned of the catastrophe that their actions create in South Sudan. The Parties need to stop recruiting until the end of the transitional period as stipulated. Any violation thereof should have serious consequences.

5) The Humanitarian situation

The humanitarian situation in South Sudan remains critical. If there is no dramatic improvement in the delivery of humanitarian supplies and services in South Sudan, according to UN agencies reports 1.2 million people will be at risk of famine, 50,000 children may perish. Most farmers were unable to plant their crops this year. Food prices are rising in the markets. Disease is spreading. Displacement has reached dramatic levels. 1.1 million are internally displaced and the number of refugees in neighboring countries will probably double by the end of this year potentially exceeding 1 million. Food insecurity in South Sudan is widespread and severe, particularly in the conflict-affected areas of Jonglei, Upper Nile and Unity States. The reports further indicate that there is risk of famine in South Sudan. Households at

risk are experiencing deteriorating food security, malnutrition and, for some, elevated levels of mortality, and famine has yet to be declared in South Sudan.

The greatest obstacle to preventing such a catastrophe, which will also have a direct effect in all neighbors, is the refusal of the South Sudanese warring parties in conflict to come to an agreement and to cease violence. Given this context, the mediation is convinced that the situation in South Sudan continues to pose a threat to the stability of the entire region with its security, environmental and economic problems. There is a need for an urgent action to save lives. The mediation wishes to call upon this august Summit to declare a humanitarian disaster in South Sudan and call on the international community to support this declaration. We propose that this august Summit may wish to pronounce its impending humanitarian intervention if the Parties do not cooperate to end the war and avert a humanitarian catastrophe.

The Summit, therefore, may wish to make the following decisions:

1. To pin down the warring Parties to sign the implementation matrix for the Cessation of Hostilities Agreement, enabling the Parties in conflict to sign it in order to operationalize the CoH, end the war and stop the senseless killing and destruction.
2. To pin down all stakeholders to sign a protocol on Agreed Principles on Transitional Arrangements Towards Resolution of the Crisis in South Sudan

3. To take action on the humanitarian crisis worsening by the day in South Sudan. The region cannot allow hundreds of thousands, if not millions of South Sudanese lives, to be threatened by the disregard of South Sudan's political leadership.
4. To take further steps to ensure implementation of the 9 May Agreement and 10 June IGAD Summit decisions, and consider what additional measures are required to ensure the successful implementation of a transitional government of national unity, including the definition of a roadmap for the formation of such a transitional government.
5. IGAD leaders' collective decision on 10 June clearly indicates to take *'further collective action to pressure any party who fails to honor its commitments including through imposition of punitive measures.'* The region should make it very clear that it will not tolerate any further delay, and if the Parties will not respect their commitments, the region will act.

Now is the time to demonstrate that military objectives and personal ambition should not hold the people of South Sudan hostage. IGAD should take the lead, and the African continent and the international community should endorse the Summit's outcomes, and implement all appropriate measures in support of those decisions. There is no time to lose.
