



South Sudan's Splintered Opposition: Preventing More Conflict

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What's new? President Salva Kiir reached deals in January with major opposition commanders who broke away from his main rival Vice President Riek Machar. The accords are a mixed bag, opening space for resolving bitter wrangling over the northern city of Malakal but increasing odds of wider infighting among opposition ex-comrades.

Why does it matter? The agreements deal with two flashpoint issues – stalled army unification and the Malakal dispute, which has prevented resolution of the conflict in Upper Nile state. Kiir's exclusion of Machar from January's deal-making undermines the 2018 pact that ended major fighting after five years of war, raising tensions with Machar loyalists.

What should be done? Regional leaders should press Kiir and Machar to agree on a program for integrating and downsizing the army, which will be key to halting clashes over the flashpoint issue. They should also urge the rivals to support the dialogue necessary to make the Malakal deal stick and avoid sparking fresh conflict.

I. Overview

On 16 January 2022, South Sudan's President Salva Kiir entered into a pair of agreements with two powerful opposition commanders who had recently broken away from Kiir's rival, Vice President Riek Machar. The main deal provides for integration of the commanders' forces into the national army. A separate accord aims to resolve a longstanding boundaries dispute that has put the ethnic Padang Dinka and Shilluk at loggerheads over the city of Malakal in Upper Nile state. While seemingly positive steps, both agreements aim to weaken Machar. The deal to integrate the splinter faction into the army was especially damaging: it undercut the tottering 2018 peace accord and sparked clashes between Machar loyalists and splinter cadres. To mitigate the risk of spiralling violence, regional leaders should press Kiir and Machar to come to agreement on a force integration plan that accounts for both sides' interests while taking steps to rein in the size of the military. As for Malakal, these leaders should urge Kiir and Machar to press ahead with facilitating the much-needed community dialogue stipulated in the new deal.

South Sudan has spent most of its first decade of independence at war. The country's factious elites briefly united in the mid-2000s as they struggled to break away from Khartoum, but the volatile mix that had long been part of South Sudanese politics exploded into civil war just two years after independence in 2011. Fought mainly along ethnic lines, the conflict cost up to 400,000 lives. Regional and Western powers eventually pushed the two main belligerents, Kiir and Machar, into a September 2018 peace deal.

The accord has delivered on its top-line promise of ending fighting between the principal combatants, but many of its provisions remain unfulfilled. From the start, President Kiir was reluctant to sign on to the agreement – and did so only under substantial external pressure. He has dragged his feet on honouring the commitments at its core, particularly unification of the army, a step that would involve enlisting thousands of Machar's former fighters. Kiir's stalling has weakened his rival. The January agreements he signed with Simon Gatwec and Johnson Olony, two commanders who had split with Machar in August 2021, isolated the vice president and weakened him further.

Although welcome on the surface, the deals with the opposition commanders could further undermine the 2018 peace agreement. The main deal signed in January centred on army unification, with the parties agreeing that the national army would absorb fighters loyal to the two commanders within three months. By excluding Machar from this process, the agreement laid the groundwork for bitter intra-communal fighting between forces loyal to the renegade generals and Machar's men, who will violently contest a lopsided integration process. The second concord, on Malakal's future, represented an important acknowledgement of local grievances about war-time displacement and atrocities by government-aligned forces. But it also raises concerns: Kiir's record offers little reason for hope that he intends to follow through. A weak effort on his part could be perilous, given the delicate work required to mediate contending communal claims and the risk of renewed clashes if the process is mismanaged or the new deal is scuttled.

South Sudanese authorities, who have become too accustomed to playing tactical games to undercut their rivals and retain power while doing little to alleviate the people's suffering after years of war, should refrain from ploughing ahead with partial army unification that could trigger further conflict between former comrades-in-arms. Regional leaders should press Kiir and Machar to resume negotiations about the national army's size and composition and to scale back its ultimate size – with Kenya and Uganda taking the lead given political tumult in Sudan (which normally would enjoy the greatest influence). They should also encourage the two leaders to build support for the Malakal deal through community dialogue that includes the Padang Dinka, Shilluk and local Nuer. As 2023 elections approach, and tensions increase yet further, broader efforts to foster a more cohesive vision for the country's future, perhaps through national dialogue and constitutional consultations, will also become increasingly important.

II. A Limping Peace Deal and a Splintered Opposition

While South Sudan's 2018 peace deal is deeply flawed, and many of its key provisions remain unimplemented, it has outperformed rock-bottom expectations in one critical respect: it has halted most fighting between the main parties in the country's civil war.¹ The war began in late 2013, barely two years after South Sudan won independence, as a leadership tussle within the ruling Sudan People's Liberation Movement (SPLM) pitting Kiir against internal challengers. After opposing forces exchanged fire in the capital, Juba, a rebellion gathered under Machar, Kiir's former vice president and chief opponent. Respite came only five years later, after several rounds of brutal fighting.

The antagonism between Kiir and Machar – who come from South Sudan's two largest ethnic groups (Dinka and Nuer, respectively) – was emblematic of ethno-political divides in the young country. Their clash set off waves of violence that killed hundreds of thousands and displaced millions.² A first U.S.-backed peace deal in 2015 quickly collapsed. In July 2016, amid deadly battles between rival army factions, Machar fled on foot with a small band of supporters, first to the Democratic Republic of Congo (DRC) and then to South Africa, where he sought medical treatment. The U.S. led efforts to get Pretoria to place him under de facto house arrest after pressuring regional governments, especially Machar's historical ally, Sudan, to deny him refuge.³

As the civil war raged on, regional leaders brought Kiir and Machar to the negotiating table again in 2017, leading to the 2018 peace agreement, which remains in place today. While the 2018 deal brought a welcome ceasefire, its imperfections are all too clear. The accord did little to address the systemic cause of South Sudan's crisis – namely, a centralised political system revolving around the corrupt misdirection of oil revenues that has deepened ethno-political divisions – while setting the country on a path toward more conflict by prescribing winner-take-all elections at the end.

Further, the accord's actual text pledges a slew of reforms that the two sides had little intention or capacity to deliver.⁴ For instance, they committed within eight months of the deal's conclusion to assembling, screening, training and integrating their respective forces into a new national army; reconstituting the country's original administrative system to remedy years of ethnic gerrymandering and parallel bureaucracies that had more than tripled the number of states; and negotiating a range of power-

¹ For instance, see Justin Lynch and Robbie Gramer, "Diplomats fear a collapse of South Sudan's peace deal", *Foreign Policy*, 5 March 2020. Many seasoned diplomats, as well as many South Sudanese, were doubtful that Kiir and Machar could ever work in the same government again. Crisis Group interviews, 2018-2019.

² A study by the London School of Hygiene and Tropical Medicine found that "violent injuries" and poor access to medical care accounted for about 382,900 deaths in the course of the war. "Nearly 400,000 'excess deaths' caused by South Sudan war", AP, 26 September 2018.

³ See Crisis Group Africa Report N°270, *Salvaging South Sudan's Fragile Peace Deal*, 13 March 2019. For more on Machar's flight to the DRC and the politics of his exile, see also Alan Boswell, "Spreading Fallout: The Collapse of the ARCSS and the New Conflict along the Equatorias-DRC Border", Small Arms Survey, May 2017.

⁴ This mode of politics is typical in (South) Sudan, where a peace deal is viewed not as a plan to follow to the letter, but rather a set of guidelines to spar over, one by one, with delay rather than resolution a common mode of defusing conflict. See Alex De Waal et al., "South Sudan: The Politics of Delay", London School of Economics, 3 December 2019.

sharing protocols.⁵ All of these steps were to occur as the country headed toward the above-referenced winner-take-all elections, in which the two sides were expected to go toe to toe. Few dared hope that Kiir and Machar could work together to see the pact to fruition, even though the deal contemplated that Machar would return to Juba to be reinstated as vice president before joining with Kiir in forming a unity government.

Perhaps the biggest problem with the 2018 accord was that, despite Kiir and Machar pledging to lay their differences to rest, they viewed the agreement very differently. Kiir believed that he had attained the upper hand militarily despite being unable to deal a death blow to Machar's resistance or control the whole country; he saw the deal primarily as imposed by regional and Western powers to give Machar political cover to end his failing rebellion.⁶ For their part, Machar and his allies hoped that the pact would give those external players a basis for persuading Kiir to share power. More critically, they also saw the agreement as a means of regrouping for more struggle, including as a mechanism for channelling tens of thousands of supporters, many if not most of whom had already abandoned the war, into the national army.⁷ Consistent with these divergent perspectives, Kiir and his lieutenants adopted a strategy for undermining the deal's main tenets, while accommodating Machar just enough to prevent its total collapse.

But the agreement also divided the opposition, raising the spectre of a rebellion within Machar's Sudan People's Liberation Movement/Army-In Opposition (SPLM/A-IO). Two groups in particular objected to Machar's anticipated return to Juba. The first camp was made up of battle-hardened elements of Machar's core ethnic Nuer constituency, which supplied the majority of fighters during the civil war and wanted Kiir to fulfil his promise to absorb these men into the national army even before Machar returned to the capital.⁸ Machar's military chief of staff, Simon Gatwec, emerged as the dissident group's informal leader.⁹ Gatwec, who alongside Machar

⁵ See Crisis Group Report, *Salvaging South Sudan's Fragile Peace Deal*, op. cit.

⁶ Salva Kiir speech in Juba, opening session of workshop on constitutional process, 26 May 2021. Kiir called the deal "very complicated and difficult to implement". He then looked up from his notes and, appearing to speak off the cuff, said: "I have been saying this thing, that the people who designed this agreement did not intend to let it be implemented. Even if it was to be given to them, I believe it cannot be implemented".

⁷ The parties had other motivations for entering the deal as well. For Kiir, the ceasefire eased the financial burden of waging all-out war as well as the political burden of having to replenish his army with recruits. Additionally, it lowered foreign pressure on his regime. For his part, Machar was desperate to end his isolation, having lost the support of his long-time patron Khartoum, which had reached a détente with Juba and its main East African backer, Kampala. Machar's remaining allied forces, a hodgepodge of under-resourced local and communal militias, also welcomed the ceasefire.

⁸ Crisis Group interviews, 2018-2021. On Machar's rocky relations with his own generals, see Crisis Group Report, *Salvaging South Sudan's Fragile Peace Deal*, op. cit.; and Crisis Group Africa Report N°300, *Toward a Viable Future for South Sudan*, 10 February 2021. See also John Young, "A Fractious Rebellion: Inside the SPLM-IO", Small Arms Survey, September 2015.

⁹ Gatwec is a long-time Lou Nuer militia leader from Uror county, Jonglei state, where he comes from a prominent family. Gatwec's militia controlled substantial territory in Jonglei during parts of Sudan's second North-South civil war that ended in 2005. He also has close ties to the important White Army community militias prominent in Jonglei and Upper Nile states. Despite a fraught relationship between the two, Machar appointed Gatwec as his military chief of staff in 2014, likely to help consolidate support among the eastern Nuer. See more at "Simon Gatwec Dual", Mapping Actors and Alliances Project – South Sudan (MAAPSS), Small Arms Survey, 3 September 2020.

survived the harrowing weeks-long flight to the DRC in 2016, chafed at returning to the capital himself, perceiving such a move as tantamount to surrender.¹⁰ This group also was deeply sceptical of Machar's motives in signing the accord, believing that he negotiated it primarily for personal gain.¹¹

The second major bloc was the ethnic Shilluk Agwelek militia led by warlord John-son Olony, who demanded a reversal of wartime gerrymandering that had altered state lines and placed Malakal, previously the bustling capital of Upper Nile state, outside Shilluk-administered territory.¹² The Shilluk, a major ethnic group that lives on both banks of the White Nile, claim Malakal and other nearby areas along the eastern bank of the river as part of the ancient Shilluk kingdom.¹³ The Padang Dinka refute this claim, insisting that they arrived first in the area and that Shilluk territory ends at the western bank of the White Nile.¹⁴

The longstanding boundaries dispute boiled over during the civil war, when government-backed Padang Dinka militias seized Malakal, including surrounding areas on the Nile's eastern bank.¹⁵ Kiir, who as noted above is an ethnic Dinka (though from a different part of the country), then made Malakal the capital of a new Dinka-

¹⁰ Gatwec's demands were likely incompatible with the peace process. Gatwec believed that Machar needed a large force to return with him to Juba. Most outside observers disagreed, saying the return of Machar's forces would raise the risk of renewed clashes.

¹¹ Many of Machar's allies, including close supporters, thought Machar was deeply motivated during the peace talks by a desire to regain personal freedom, including ending restrictions on his movement and forms of house arrest imposed on him since his involuntary South African exile. These restrictions thus added pressure on Machar to sign the 2018 pact, but also sowed seeds of suspicion within his backers' ranks about the deal's bona fides. Crisis Group interviews, South Sudan opposition officials and supporters, 2018-2021.

¹² Olony first rebelled prior to South Sudan's independence, largely over land grievances, but struck a peace deal with Kiir's government prior to the 2013 outbreak of civil war. Olony's militia fought for Kiir's government around Malakal when the civil war began in 2013. Amid escalating local tensions with the Padang Dinka, Olony switched sides shortly before the U.S.-backed 2015 peace deal, joining Machar's party.

¹³ The historical record supports Shilluk boundary claims to a degree, though primarily based on the British colonial administration's handling of the issue. Archival research commissioned by the U.S. Agency for International Development concluded that the British delineated Shilluk land as including "most – if not all – of the territories currently under dispute", including Malakal and areas of the eastern bank. But Malakal was always an ethnically diverse river port and sometimes perceived as something of a foreign enclave in Shilluk territory. "(Re)Drawing and (Re)Administering the Upper Nile: Historical Precedent and Territorial Disputes between the Shilluk and Dinka Padang", unpublished. Copy on file with Crisis Group. Some researchers have suggested that the British colonial administration may have been biased against the decentralised Dinka pastoralists when judging land claims. Others question whether hard "tribal" boundaries ever existed. For more background on the dispute, see Matthew F. Pritchard, "Fluid States and Rigid Boundaries on the East Bank of the White Nile in South Sudan", European Institute of Peace, July 2020. For the Shilluk perspective, see Lam Akol, *Collo Boundary Dispute* (2015). (Collo is an alternate spelling of Shilluk.)

¹⁴ "Padang Dinka Borders with the Shilluk Community", press release, Padang Dinka Borders Committee, 17 May 2016.

¹⁵ In 2017, the chair of the UN Commission on Human Rights in South Sudan, Yasmin Sooka, said the government campaign in Malakal showed "patterns of ethnic cleansing and population engineering". For a discussion on whether these acts constituted "ethnic cleansing", see Joshua Craze, "Displaced and Immiserated: The Shilluk of Upper Nile in South Sudan's Civil War, 2014-19", Small Arms Survey, September 2019, pp. 78-79.

dominated state, hardening Shilluk outrage and motivating thousands more to join Olony's militia.¹⁶

The 2018 peace deal established two bodies to resolve the dispute, but both disbanded in failure. The Technical Boundary Committee refused to take up its mandate to demarcate the country's 1956 tribal boundaries, citing a lack of time and budgetary constraints – but also because it deemed the dispute more political than technical.¹⁷ A subsequent Independent Boundaries Commission likewise made no headway. Today, the Padang Dinka partly derive their political sway nationally from the fact that their area in Upper Nile state straddles the country's major producing oil fields. Dinka militias still exercise de facto control of the Malakal area.¹⁸ Malakal city is destroyed and depopulated, a testament to the unresolved feud.

Grievances over Malakal combined with stalled force unification to widen the cracks inside Machar's alliance. As concerns the latter, following the 2018 agreement, it became clear that Kiir was dragging his feet, worried that the integration of tens of thousands of ex-combatants would give opposition-aligned communities an opportunity to rejuvenate their armed might.¹⁹ He also bristled at letting Machar's officers keep their military ranks, which were wildly inflated during the war in expectation of future army integration, leaving opposition troops with a disproportionate number of senior commanders.²⁰ As security reform stagnated, Machar recruits languished in cantonment sites without food or medicine, prompting thousands to go home, while disgruntled commanders defected to Kiir's camp.²¹ Many Machar loyalists demobilised without having an opportunity to join the army. This deliberate culling of Machar's force infuriated Gatwec, who toured Machar's bases in 2019 to remobilise fighters for unification.

Still, the 2018 agreement held. Kiir's last-minute 2020 decision to restore the ten-state structure that South Sudan had agreed upon at its birth – in effect, undoing his subsequent controversial executive actions that scrambled South Sudan's internal boundaries by inflating the number of states first to 28 and then to 32 – lowered tensions enough for Machar to return to Juba in February 2020 without losing the

¹⁶ Crisis Group analyst's interviews in a previous capacity, Olony and supporters, Kodok and Wau Shilluk, 2016; and observations of Agwelek training camps at these sites.

¹⁷ The first of these, the Technical Boundary Committee, recommended that South Sudan's internal boundaries disputes be treated "not as a technical issue but political" and declined to carry out its demarcation mandate. "Report on Tribal Areas in Dispute in the Republic of South Sudan as a Consequence of the Creation of 32 States", March 2019, unpublished. Copy on file with Crisis Group.

¹⁸ Crisis Group interviews and observations, Malakal, November 2021. While the deal restored Malakal as the capital of the multi-ethnic Upper Nile state, it did not resolve the underlying ethnopolitical dispute.

¹⁹ Kiir's government says it has no money to integrate opposition forces. Kiir has also blamed a UN arms embargo for the delay. A senior South Sudanese diplomat engaged on the issue admitted to Crisis Group that Kiir's argument lacks credibility. Crisis Group interview, August 2021.

²⁰ Crisis Group interviews. See also "Speech of President Kiir during closing session of the 5th governors' forum", *Sudans Post*, 29 November 2021.

²¹ By October 2020, 77 canted soldiers had reportedly starved to death. See "South Sudan army general says soldiers starving in training camps", *Sudan Tribune*, 8 November 2021. In November 2021, the ceasefire monitoring body reported "nothing but a continued deterioration" of the situation, stating that one site housed only 43 of the 280 fighters who were supposed to be there. "Report of Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism (CTSAMVM) and Outcomes of CTSAMVM Technical Committee Meeting," CTSAMVM, 25 November 2021.

support of Olony, whom Machar had promised to appoint as governor of Upper Nile state. But frustrations within the opposition remained.

III. Decline, Divorce and Disarray

United by their disenchantment with Machar's leadership, Gatwec and Olony deepened a testy alliance after Machar's return to Juba in 2020, establishing their military headquarters in Magenis, Olony's base in Shilluk territory near the northern tip of the Sudan-South Sudan border. The base's location has proven strategic in part because of its proximity to Sudan, where both Gatwec and Olony often reside.

Soon after Machar's return to Juba, Olony and he fell out over Malakal. In July 2020, Kiir blocked Machar's above-referenced appointment of Olony as Upper Nile state governor, seated in Malakal, a potentially lucrative and symbolic position of power from which Olony hoped to enforce Shilluk land claims in the area. Kiir refused the nomination – one of three governor positions Machar was entitled to fill under the power-sharing arrangement – on dubious legal grounds, setting up months of gridlock.²² Regional and Western diplomats then began to push for a compromise, arguing that the vacant Upper Nile governorship was gumming up progress on the peace deal's other provisions, such as formation of a national legislature and appointments of county and other local officials across South Sudan. In early 2021, Machar relented, naming a different Shilluk politician to the Upper Nile post.²³ The Olony-Machar rift fed into the Shilluk elites' profound alienation from national politics, threatening Upper Nile state's stability.

Machar's relations also spiralled downward with Gatwec, who had backed Olony's gubernatorial bid, amid a series of tit-for-tat actions. In May 2021, Gatwec fired the opposition forces' military intelligence chief, a close Machar ally and extended family member, accusing him of secretly buying weapons and diverting food and army supplies. Machar retaliated by dismissing Gatwec as his military chief of staff.²⁴ Gatwec refused to step down, however, continuing to declare himself the SPLM/A-IO chief of staff. Meanwhile, Machar's position among Olony's Shilluk loyalists further declined after his governor appointee assented to a government decree relocating county headquarters from Malakal to the White Nile's western bank, a move Shilluk elites perceived as another attempt to annex Malakal from them.²⁵

²² See Crisis Group Report, *Toward a Viable Future for South Sudan*, op. cit., p. 13.

²³ Ibid.

²⁴ Machar allies blame Kiir for blocking Olony's appointment and deliberately delaying army unification. In particular, they accuse Kiir's lieutenants of directly encouraging the breakaway group. Crisis Group interviews, 2021. A website posted an apparent recording of Gatwec's spokesperson relaying that Kiir's internal security strongman, Akol Koor, urged Gatwec to remove Machar and replace him in the peace agreement. Audio embedded in "Gen. Gatwech Dual sent Gen. Gatjiath to meet Akol Koor in Juba to harm Machar", *Sudans Post*, 12 July 2021. (The spokesperson denies it is his voice in the recording.)

²⁵ On 12 March 2021, authorities decided to relocate the county headquarters from Malakal city to Wau-Shilluk on the west bank of the White Nile. This decision sparked angry reactions from among the Shilluk. "IDPs protest relocation of Makal County Headquarters", Radio Tamazuj, 15 March 2021; "Dr. Lam rejects decision moving Makal County Headquarters to Wau Shilluk", *Sudans Post*, 12 March 2021.

Gatwec then mounted an effort (described by some local observers as an attempted “coup”) to dislodge Machar. On 3 August 2021, he issued the “Kitgwang Declaration”, proclaiming himself interim SPLM/A-IO chairman and naming Olony as his deputy. Among other things, the declaration accused Machar of running the opposition alliance without consultation, ignoring repeated requests that he visit military headquarters in Magenis, and appointing family members to important positions in the movement.²⁶ It also condemned the lack of progress on force unification, labelling it a “laughingstock”.²⁷

Machar’s camp angrily accused Kiir of orchestrating the rupture to undermine the peace deal.²⁸ He directed forces under his control to dislodge the breakaway group from Magenis, but these efforts failed. Machar’s bloody attempt in December 2021 to defeat the faction ended when troops surrendered their guns at the Sudanese border.²⁹ Since then, his forces have for the most part left the area.³⁰

The split in Machar’s movement weakened him. He suffered embarrassment when his party deputy, Henry Odwar, resigned from government as mining minister, defecting to Gatwec, and other estranged senior members likewise departed.³¹ Moreover, among Machar’s Nuer constituency, denunciations of Gatwec were noticeably muted, signalling some sympathy for the dissident leader’s arguments. Still, when the dust settled following the rupture, it became clear that Machar had hung on to most of what remained of his military infrastructure across the country. Even authorities in Gatwec’s home region – the eastern Nuer areas – appear for the most part to want to avoid further infighting, leaving these areas nominally under Machar’s control for now.

On the other side of the opposition’s rupture, the splinter faction faced its own challenges. Gatwec was disappointed with the lukewarm response to the Kitgwang Declaration from other field commanders, more of whose support he had expected to receive. Their apathy strained relations among Gatwec, Olony and their political backers, threatening further fragmentation. In an explosive August 2021 interview, Olony torpedoed Gatwec’s plans to host other groups outside the peace deal at an opposition conference in Magenis, while also denouncing Odwar, Machar’s former deputy and the new faction’s top political official. Olony made it clear that he did not welcome politicians using the breakaway group as a vehicle for armed struggle against the regime, thus probably deterring other potential defectors.³² Nevertheless, the

²⁶ Machar appointed his wife as defence minister and an in-law as health minister. Close relatives also hold positions in the military, including his military intelligence chief, Dhilling Keah.

²⁷ Simon Gatwech Dual, “Kitgwang Declaration”, 3 August 2021. Copy on file with Crisis Group.

²⁸ Kiir’s allies are fairly open about their efforts to sow division in Machar’s camp. Crisis Group interviews, Juba, 2019-2021.

²⁹ The clashes in December 2021 killed as many as 43 fighters and resulted in the broad defeat of Machar’s forces in the area. “Almost 50 killed in SPLM-IO factional clashes”, Eye Radio, 27 December 2021. Machar’s forces were said to have received backing from loyalists of Lam Akol, a veteran Shilluk opposition politician who supports the Machar-nominated Upper Nile governor.

³⁰ “SPLA-IO Kitgwang faction claims to have overrun VP Machar’s bases”, Radio Tamazuj, 28 December 2022.

³¹ See “Declaration of Support”, signed by Henry Odwar and seven other figures previously prominent in Machar’s camp, 8 August 2021.

³² “Interview: Gen. Olony says they are negotiating with President Kiir”, Radio Tamazuj, 20 September 2021. Crisis Group interviews, senior Kitgwang faction members, Khartoum and remotely, August-

faction proved its mettle militarily through its above-described success in warding off attempts by Machar and his allies to defeat it.

IV. Quick (But Dubious) Deals

Vice President Machar's claim to opposition leadership and therefore his primacy in negotiating power-sharing arrangements with Kiir rested on the support of most opposition commanders. The opposition split that arose over the past year could destabilise South Sudan's fragile power-sharing arrangements because it opens the door to intra-communal fighting among rival camps in Machar's wartime coalition and casts doubt on Machar's leadership position. In particular, the defection of Gatwec, a major Nuer figure, called Machar's command of the Nuer into question, whereas Olony's defection undercut his movement's ties with the Shilluk, a critical ally toward the end of the civil war.³³

Kiir and his allies have capitalised on the disarray in Machar's camp. In October 2021, Sudanese security officials hosted talks between the two renegade generals and a delegation from Kiir's camp led by his powerful security adviser, Tut Gatluak. Sudan emerged as the natural place for talks because Khartoum hosts both Gatwec and Olony, both of whom it has historically armed as proxies in the decades-long fighting on both sides of the Sudan-South Sudan border.³⁴ Gatwec and Olony rely on permission from Sudanese authorities for cross-border travel to and from their base on the frontier.

The parties moved quickly toward twin deals, which they reached on 16 January 2022. Under the main agreement's terms, Juba agreed to integrate the Kitgwang faction's forces into the army within three months.³⁵ A separate deal sought to address Shilluk grievances by potentially granting Olony's territorial and political demands in relation to Malakal city.³⁶ In particular, like the 2018 peace deal, it recommitted to respecting communal boundaries as they existed at Sudan's independence from British colonial rule in 1956, which the Shilluk believe would restore Shilluk dominance over much of the Nile's eastern bank, including Malakal.³⁷ It also called for restoring homes and property to the displaced and provided for community dialogue between the Padang Dinka and Shilluk.

November 2021. Olony feared that other elites would piggyback on his faction to pursue their own agendas, possibly provoking a government attack on Shilluk territory.

³³ Most of the Shilluk elite are now in political exile, while most ordinary Shilluk had already fled to Sudan. Two major holdouts, Pagan Amum and Oyai Deng Ajak, as well as opposition figure Lam Akol, are Shilluk.

³⁴ Olony in particular has supplied proxy forces for use against Sudanese rebels led by Abdulaziz al-Hilu in South Kordofan, a province bordering South Sudan. Khartoum views Juba as supporting Sudan's main rebel leaders, al-Hilu and Abdulwahid al-Nur of Darfur, both of whom reside in the South Sudanese capital most of the time.

³⁵ "Agreement between the Sudan People's Liberation Movement in Government and the Sudan People's Liberation Movement/Army-In Opposition Kit-Gwang on Status of Forces", 16 January 2022. Copy on file with Crisis Group.

³⁶ "Khartoum Peace Agreement between the Sudan People's Liberation Movement-In Government and the Agwelek Forces", 16 January 2022. Copy on file with Crisis Group.

³⁷ The Padang Dinka dispute the Shilluk's interpretation of the 1956 boundaries, and previous attempts to demarcate these lines failed.

The latter deal with Olony was surprisingly generous on paper but includes previous commitments Kiir has failed to keep, including the commitment to the 1956 communal boundaries. If carried out, it would appear to implicitly commit the parties to rowing back the Padang Dinka's bloody wartime conquests in the region and to returning both land and property to displaced Shilluk. Although to what degree it will be implemented is an open question, the side deal at least went some way toward acknowledging Shilluk grievances.

But while the January agreements had some benefits, they also had substantial downsides. Although the main deal is in some respects a victory for Kiir because it peels away some of Machar's supporters, it creates risks for both rivals, as well as for the 2018 arrangement that has underwritten a measure of top-line calm in South Sudan in recent years. For Machar, it spells diminished power and a dwindling coalition, which could in turn jeopardise his ability to wield power under the 2018 deal. As for Kiir, should the January accords stall or collapse, he could face small insurrections from Kitgwang loyalists (even if he faces little risk of broader rebellion at the moment due to Juba's détente with Khartoum, which sponsored such rebellions in the past).³⁸ Kiir also faces the risk of destabilising his own government and the peace process to uncertain ends, should he push too far in antagonising his coalition partner and vice president.

At the same time, the January agreements have opened new fissures in the opposition. The integration of Kitgwang forces is a particular flashpoint, especially should it proceed even as the integration of Machar's forces continues to stall. Kiir is likely to allocate to the Kitgwang some positions the SPLM-A/IO expects to receive in the future army, a step that will anger Machar. Already, posturing for integration has increased tensions between the factions, and the potential for hostilities between Machar and Gatwec loyalists has spread beyond the Magenis area to other parts of Upper Nile that were Machar strongholds in the civil war.³⁹ Such opposition infighting is likely to continue, as Gatwec dangles the prospect of army integration to recruit from among Machar's fighters, potentially provoking clashes should army integration proceed without consensus.

Authorities also face political and technical obstacles to carrying out the second accord, relating to Shilluk grievances. As outlined above, the arrangement on paper could meet most Shilluk demands over the disputed city of Malakal, potentially rolling back what the Shilluk contend was a state-backed power grab by the Padang Dinka during the civil war. At present, however, the Padang Dinka continue to contest Shilluk claims regarding the 1956 tribal boundaries, of which there is no definitive map. Nor did the agreement prescribe a mechanism or process for resolving the contestation. The answer is not to shelve the deal, which among other things could create significant blowback among Olony and disenchanting Shilluk. But difficult dialogue between the local Dinka and Shilluk about how to fulfil the deal and live together is essential; without it, fresh hostilities could erupt.

³⁸ Given South Sudan's vulnerability to external meddling, Juba's foreign policy puts a priority on friendly relations with its neighbours, especially Sudan and Ethiopia. This approach has largely succeeded in recent years and is the main reason that the conflict has eased.

³⁹ "10 soldiers killed in rival SPLA-IO clashes in Nasir", Eye Radio, 7 February 2022.

V. Charting a Way Forward

The elite fight for political dominance has taken a heavy toll on the long-suffering South Sudanese. Their leaders' singular focus on power and the material gains that accrue from it have left the state starved of money, the economy in survival mode and over a million children at risk of acute malnutrition.⁴⁰ A sustainable course correction would require South Sudan's elites to drop their predatory approach to politics in favour of stability and economic development. Their track records offer little hope that they will act this way. Still, all outsiders with a stake in South Sudan's future, including African leaders who have pressed for peace, like Kenyan President Uhuru Kenyatta and Ugandan President Yoweri Museveni, should renew efforts to chart a consensual path forward through the political minefields embedded in the 2018 peace deal and now the January 2022 accords.

Kiir and Machar need to break the stalemate between their respective factions by together addressing the stalled integration of opposition fighters into the army, which has undermined the peace process. Kiir's deal with Gatwec heightens the stakes, since Kiir is likely to use the possible integration of Gatwec's forces (even as Machar's forces wait) to drive another wedge between the two Nuer leaders and sow further division in the opposition's political heartland. Regional leaders should press Kiir to instead make good on his 2018 promises and coordinate an integration effort with Machar that staves off more internecine conflict.

Coordinated progress on army unification is long overdue, but it comes with substantial dangers, which will have to be managed in turn. Reconstituting a factious, politicised and predatory army is a major threat to the country's stability and its citizens' safety, given that previous unification efforts led to civil war and widespread ethnic atrocities in 2013.⁴¹ Further, large-scale integration of former rebels as envisaged in the 2018 peace deal is certain to lead to renewed recruitment and arming of fighters, a potential disaster for South Sudan as it starts preparing for elections due in 2023.⁴²

To balance the risks of a stalled peace process against the risks of building an oversized and unstable new army, authorities will need to find middle ground. Outside actors, including regional leaders like Kenyatta and Museveni, should press Kiir and Machar to compromise on the army's future size and shape. They should encourage the two to negotiate a unified military command and consider composing a smaller army (one no larger than the sum of the active mobilised forces now under Kiir, Machar and splinter faction command) while shelving existing plans for an 83,000-strong force, citing budget constraints. A smaller force has several benefits: it could forestall remobilisation on both sides; it might be more stable; and it should drain

⁴⁰ See Crisis Group Africa Report N°305, *Oil or Nothing: Dealing with South Sudan's Bleeding Finances*, 6 October 2021.

⁴¹ See Crisis Group Report, *Toward a Viable Future for South Sudan*, op. cit. For more on failed integration efforts leading up to South Sudan's civil war, see Lesley A. Warner, "The Disintegration of the Military Integration Process in South Sudan (2006-2013)", *Stability: International Journal of Security and Development*, vol. 5, no. 1 (2016), p. 12; and Joshua Craze, "The Politics of Numbers: On Security Sector Reform in South Sudan, 2005-2020", London School of Economics and Political Science, July 2020.

⁴² "Elections to take place as planned in 2023-Kiir", Eye Radio, 19 November 2021.

less money from the budget. All South Sudanese would gain from a downsized army. Prices of basic goods are unnecessarily high because unpaid soldiers levy illicit taxes at checkpoints throughout the country, bloating transport costs.⁴³

Such a deal would be viable only if Kiir takes certain near-term steps to avoid souring relations with Machar yet further. First, he should commit to stop poaching troops from Machar's ranks – and hold to that commitment. Secondly, he should join with Gatwec to pause implementation of the January pact on force integration and to avoid recruitment in Machar strongholds until the integration of Machar's forces can proceed in parallel. Such a deal may help create space for Machar to agree to form a smaller army as part of a wider concord on security reform. Meanwhile, Nuer and Shilluk elders – with backing from the UN mission in South Sudan – should push for negotiations between Machar and the Kitgwang generals to prevent more infighting, which could easily trigger intra-communal warfare and threaten further political turmoil.

Kiir may well continue to resist army unification with Machar, given that his foot dragging has thus far helped sap his main rival's strength. But at the same time, he would not gain from the peace deal's wholesale collapse and the violent crisis that could well follow. Although not a prospect that looms on the horizon given the opposition's lack of an external sponsor, no party would benefit if Machar opts for outright armed rebellion.

Resolving the Malakal dispute will be even more challenging. The corresponding January deal rightly acknowledges the need for community-level talks between the Padang Dinka and Shilluk. Indeed, dialogue is an important and necessary first step, given the bitter enmity the devastating fight over Malakal has generated between the two communities. The government could engage with all relevant actors, including estranged Shilluk elites, to prepare such talks, including direct dialogue between Shilluk and Padang Dinka negotiators, and discussions among all Upper Nile ethnic groups, including the Nuer who predominate in the east. Inviting a wider range of non-armed actors into dialogue, including local women traders and business owners who want to restore Malakal's status as a regional commercial hub, could help change the pervasive zero-sum thinking on both sides.

A more inclusive, more thoroughly negotiated settlement is the best way to reinvigorate Malakal. Kiir, Machar and state government authorities should help Upper Nile communities with vested interests in the city broker a deal that restores Malakal as a multi-ethnic regional capital where all South Sudanese, and particularly residents of the Greater Upper Nile region, feel welcome. In doing so, they will need to make special amends to the Shilluk, most of whom have fled the area. The January agreement calls for restitution of "individuals' unmovable assets (houses and shops) illegally occupied during the conflict". Honouring this pledge would require deft manoeuvring by authorities and should include provisions allowing the Shilluk to return safely to their villages on the White Nile's eastern bank. Simultaneously, authorities will need to engage with the local Padang Dinka, who are likely to resist hasty reversal of what they see as wartime gains. The January deal calls for involving religious leaders in reconciling the parties, an option they should explore.

⁴³ Peer Schouten, Ken Matthysen and Thomas Muller, "Checkpoint Economy: The Political Economy of Checkpoints in South Sudan, Ten Years after Independence", IPIS/DIIS, December 2021.

More generally, South Sudan's winner-take-all politics need to change if the young state is to forge ahead without falling into repeated cycles of civil war.⁴⁴ The violent intra-elite power struggles have propagated the belief that use of force is the only way to obtain a seat at the table. Crisis Group has previously argued that South Sudan's weak, factious state requires a more consensual form of governance that devolves power and resources locally.⁴⁵

Complicating matters further, South Sudan is due to hold elections in 2023, though few observers expect it to meet the deadline.⁴⁶ Many African and Western officials see these polls as the final major step in the peace process, but the rivalry between Machar and Kiir is highly likely to heat up again as the date approaches. To pre-empt these tensions, authorities could consider convening an inclusive national forum similar to the 2010 "all political parties" conference in Juba, which briefly produced elite solidarity behind a transitional roadmap.⁴⁷ A pre-election conference could yield comparable agreement on steps authorities should take before and immediately after elections, including promises of a broad-based government to follow. This gathering could be paired with constitutional consultations modelled after South Sudan's grassroots National Dialogue, which concluded in 2020. Homegrown dialogue holds out more hope for an exit from South Sudan's protracted power struggle than yet another peace process driven by outsiders.

VI. Conclusion

South Sudan is careening toward still more crisis. By carving out separate agreements with dissident opposition commanders, President Kiir has further weakened his main opponent Machar, but in doing so he also ensured that the peace process would continue to flounder. Instead of constantly seeking tactical advantage, Kiir and Machar should work together to build a smaller, truly unified army and, in concert with local actors, promote community-level talks over the disputed city of Malakal to prevent renewed clashes in Upper Nile state. More generally, South Sudan's leaders, including religious figures, civil society representatives and business leaders, should explore a wider dialogue about the constitution and a decentralised form of national governance that moves beyond zero-sum competition for control at the centre and elsewhere. The alternative is a stalemate that encourages armed mobilisation in the non-stop scrum for local and national power, even as the country's citizens grow ever more impoverished and disenchanted with their failing new state.

Juba/Nairobi/Brussels, 25 February 2022

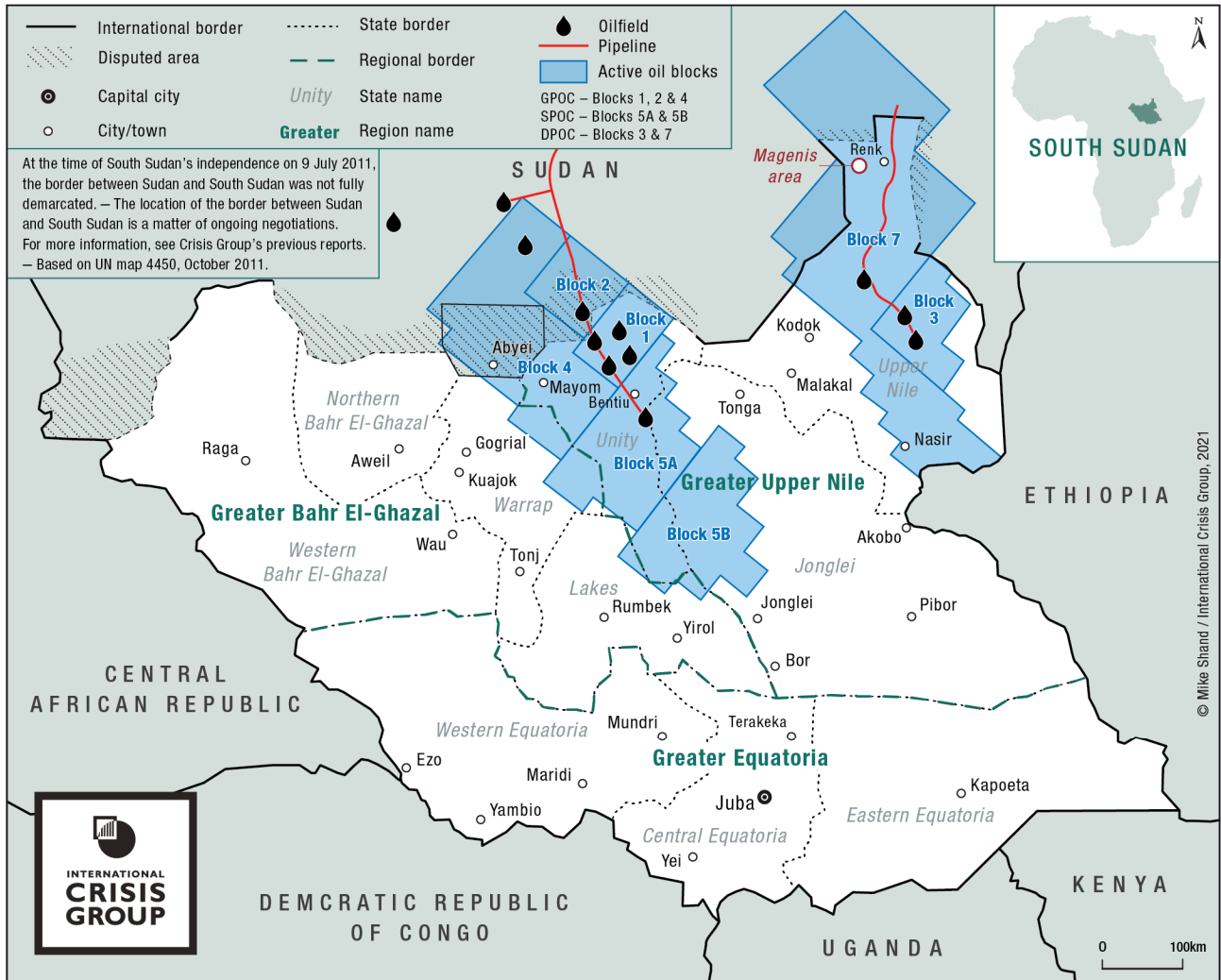
⁴⁴ Crisis Group Report, *Toward a Viable Future for South Sudan*, op. cit.

⁴⁵ Ibid.

⁴⁶ Speaking of pending elections in South Sudan, Nicholas Haysom, the UN secretary-general's special representative, warned the Security Council in 2021: "Unless there are adequate technical and political preparations, this event could be a catastrophe instead of a national turning point". "Briefing to the UN Security Council by the Secretary-General's Special Representative for South Sudan, Nicolas Haysom", 15 September 2021.

⁴⁷ For more background, see Crisis Group Report, *Toward a Viable Future for South Sudan*, op. cit.

Appendix A: Map of South Sudan's Oil Infrastructure



Appendix B: About the International Crisis Group

The International Crisis Group (Crisis Group) is an independent, non-profit, non-governmental organisation, with some 120 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

Crisis Group's approach is grounded in field research. Teams of political analysts are located within or close by countries or regions at risk of outbreak, escalation or recurrence of violent conflict. Based on information and assessments from the field, it produces analytical reports containing practical recommendations targeted at key international, regional and national decision-takers. Crisis Group also publishes *CrisisWatch*, a monthly early-warning bulletin, providing a succinct regular update on the state of play in up to 80 situations of conflict or potential conflict around the world.

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

The Crisis Group Board of Trustees – which includes prominent figures from the fields of politics, diplomacy, business and the media – is directly involved in helping to bring the reports and recommendations to the attention of senior policymakers around the world. Crisis Group is co-chaired by President & CEO of the Fiore Group and Founder of the Radcliffe Foundation, Frank Giustra, as well as by former Foreign Minister of Argentina and Chef de Cabinet to the United Nations Secretary-General, Susana Malcorra.

Comfort Ero was appointed Crisis Group's President & CEO in December 2021. Ero first joined Crisis Group as West Africa Project Director in 2001 and later rose to become Africa Program Director and Interim Vice President. In between her two tenures at Crisis Group, she worked for the International Centre for Transitional Justice and the Special Representative of the Secretary-General, UN Mission in Liberia.

Crisis Group's international headquarters is in Brussels, and the organisation has offices in seven other locations: Bogotá, Dakar, Istanbul, Nairobi, London, New York, and Washington, DC. It has presences in the following locations: Abuja, Addis Ababa, Bahrain, Baku, Bangkok, Beirut, Caracas, Gaza City, Guatemala City, Jerusalem, Johannesburg, Juba, Kabul, Kiev, Manila, Mexico City, Moscow, Seoul, Tbilisi, Toronto, Tripoli, Tunis, and Yangon.

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