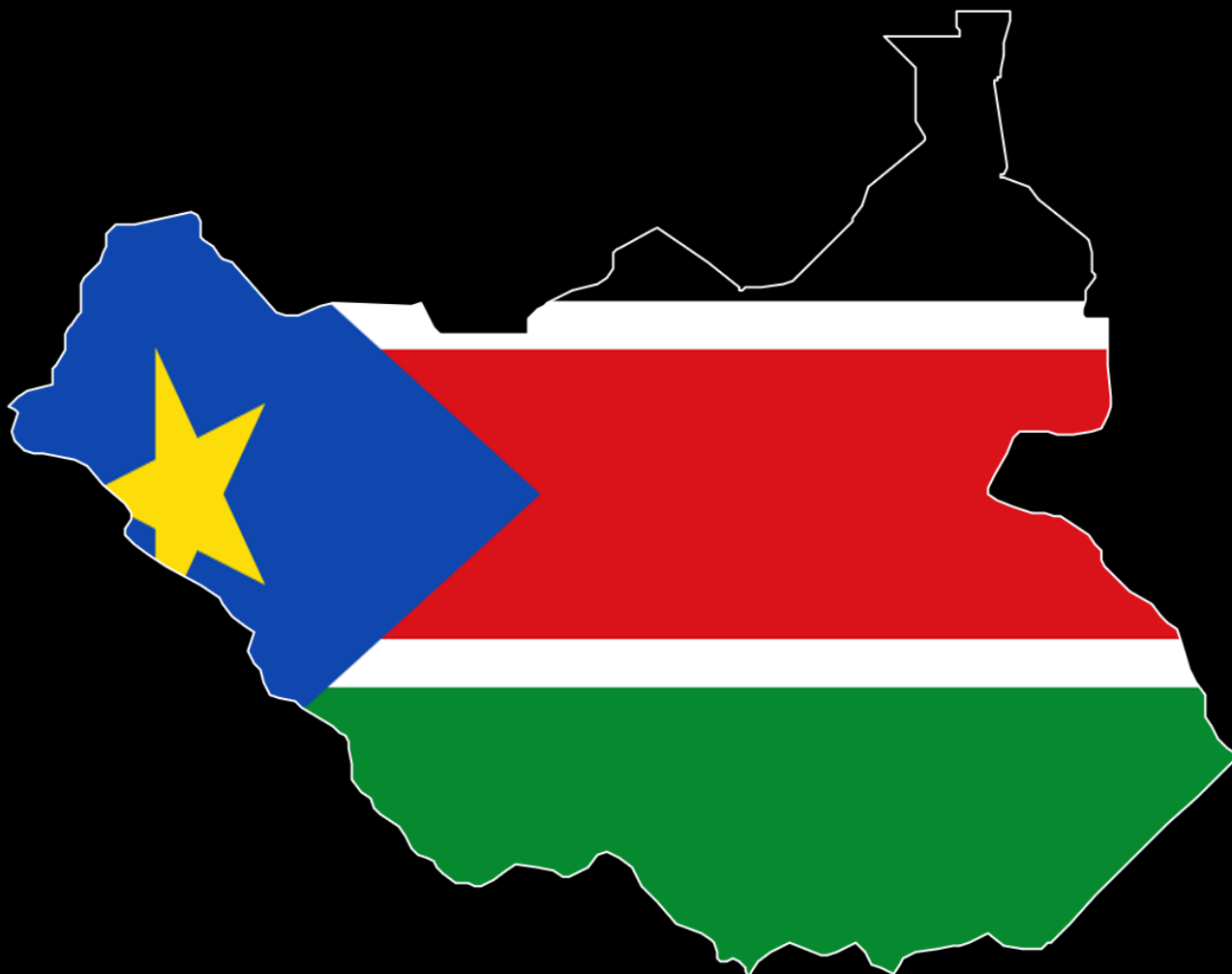




IT'S A TOUGH WORLD.



SOUTH SUDAN SPECIAL REPORT

**OVERVIEW OF THE POLITICAL TRANSITION ON THE FIRST
ANNIVERSARY OF THE UNITY GOVERNMENT**

Written by Rachel Jacob, MAX Security's Regional Director of Intelligence for Sub-Saharan Africa

EXECUTIVE SUMMARY

- It has been one year since the transitional government was formed in February 2020, during which there has been limited progress in advancing political tasks. The transitional parliament has not been formed, which is critical to launching or funding nearly all other aspects of the government.
- The major accomplishment since signing the peace agreement was to delineate and allocate the states, reverting to a 10-state system. However, disputes over the governor of Upper Nile risks serious rifts within the Sudan People's Liberation Movement - In Opposition (SPLM-IO) and raises the potential for violence within the former rebel coalition.
- Despite registering 87,000 soldiers and rebels to be part of the joint army, none of these troops have fully integrated or deployed due to deadlock over political questions regarding command and unification. This has led to erosion within the ranks and growing discontent, particularly among the SPLM-IO, heightening the chance of defections and conflict.
- The ceasefire between the government and SPLM-IO has been notably durable, though other ethnic and subnational conflicts have persisted throughout the country. There is evidence that both parties are supplying arms to various militias and groups, though their involvement remains relatively concealed, and thus the ceasefire can be officially maintained while conflict continues.
- Due to the pandemic, other regional troubles, and domestic concerns, the foreign countries heavily involved in mediating the peace process are expected to remain distracted. The status quo of postponements and armed conflict will likely continue as long as the central agreement between President Salva Kiir and SPLM-IO leader Riek Machar does not collapse.
- *We advise against nonessential travel to South Sudan given the instability associated with the current political and military situation, while sporadic clashes continue between the armed opposition and pro-government troops as well as repeated instances of intercommunal violence.*



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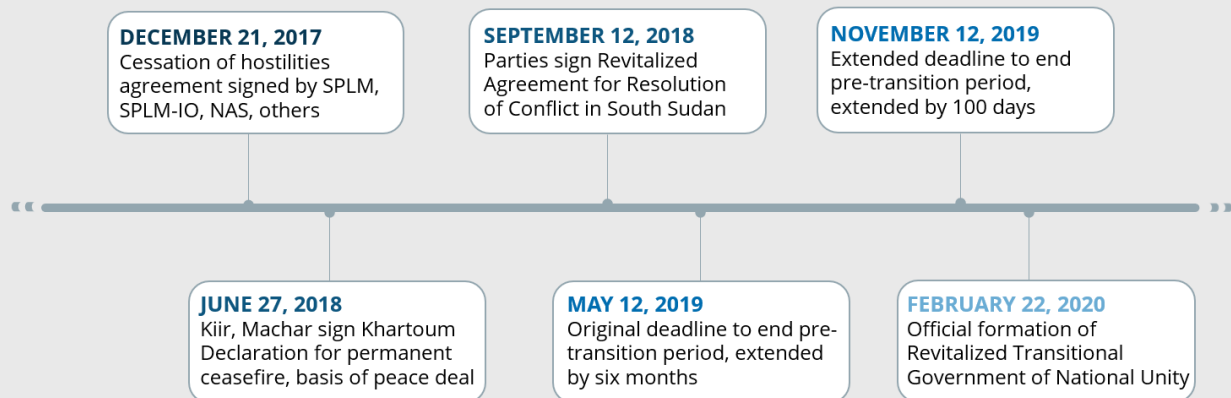
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INTRODUCTION

- February 22 marked [one year](#) since the formation of the Revitalized Transitional Government of National Unity (**RTGoNU**) in South Sudan after several delays. The transitional government is intended to last for three years and conclude with national elections. This is stipulated in the Revitalized Agreement on the Resolution of the Conflict in South Sudan (**R-ARCSS**), which was signed in September 2018 to end the latest bout of the civil war that had begun in July 2016.

KEY EVENTS LEADING TO FORMATION OF RTGoNU



- This agreement notably brought together the incumbent President Salva Kiir, Riek Machar of the Sudan People's Liberation Movement - In Opposition (**SPLM-IO**), the SPLM - Former Detainees, Other Political Parties, and the South Sudan Opposition Alliance (SSOA). The SSOA has seen several splits and defections since the agreement was signed, though some of its members have been brought into the RTGoNU.
- The R-ARCSS has a wide range of provisions and tasks to be accomplished during the transition period to develop mechanisms for governance and development. This includes land reforms, resource management, environmental protection, anti-corruption practices, public finance management, and more. Some of the relevant commissions have begun to be staffed by the government, but as of the time of writing, there is little to indicate measurable progress on these fronts.
- Several areas of the R-ARCSS are higher priority in terms of either ensuring stability among the coalition now brought into the RTGoNU, or as major requirements needed to advance toward elections and, eventually, a permanent government. This report will go into further detail on some of these tasks below.

KEY ACTORS IN SOUTH SUDAN



SALVA KIIR
Incumbent Government
President



RIEK MACHAR
SPLM-IO
First Vice President



THOMAS CIRILLO
NAS
Holdout rebel leader



HUSSEIN ABDELBAGI, LAM AKOL, JOSEPHINE LAGU
SSOA

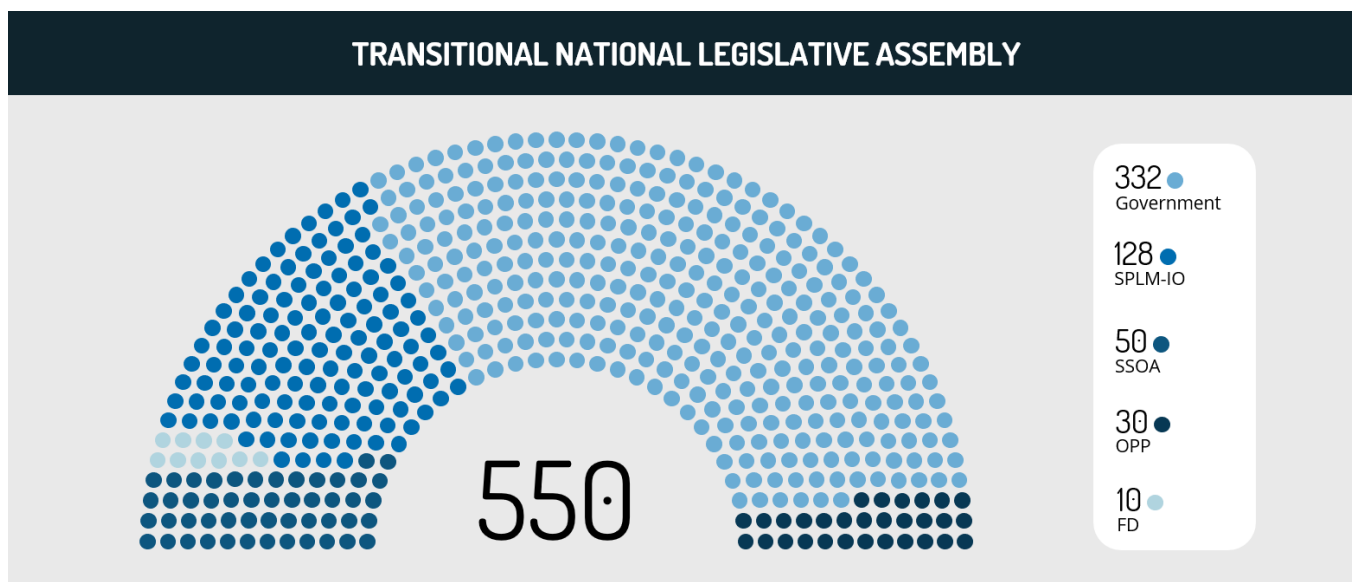
CURRENT PROGRESS OF THE TRANSITION

Transitional National Legislature

BACKGROUND: According to the R-ARCSS, the transitional legislature will include a Council of States and a Transitional National Legislative Assembly (TNLA). The assembly will have 550 members, with the seats as well as speaker roles allocated among the various signatories to the agreement by percentages. The legislature would run concurrently with the RTGoNU and expire upon elections. There has been no substantive advancement in forming the TNLA thus far.

1. In the two years since signing the peace agreement, there has been functionally no progress in forming the TNLA. The parties have variously blamed one another or attributed these delays to bureaucratic difficulties, but this is nonetheless a reflection of the general lack of political will to accomplish most of the R-ARCSS's provisions. The absence of the TNLA necessarily hinders other aspects of the transition and creates cascading delays throughout the process. For example, this period is meant to see the creation of a permanent Constitution. This would be needed to enshrine the number of states and implement a structure to regulate the elections, which are supposed to take place at the conclusion of the transition period. The R-ARCSS stipulates that the Constitution can advance when the TNLA enacts legislation to govern the process. Thus, without the TNLA, there is no way forward.
2. The reconstitution of the TNLA also plays a key role in understanding the parameters of the transition period. Despite the RTGoNU officially being formed in February 2020 and seemingly signaling the end of the pre-transition and beginning of the transition, not all parties or observers agree on this. As many of the other tasks cannot progress without the legislature, some government officials have claimed that the three-year transition period will not begin until after the TNLA is sworn in. This would postpone elections from early 2023 until three years after the TNLA is eventually seated. This status quo favors the current government as it extends Kiir's presidency and prolongs his camp's control over the administration for as many more years as can be extracted from this situation. In these circumstances, the government lacks the incentives to hasten the process and there will be further delays.

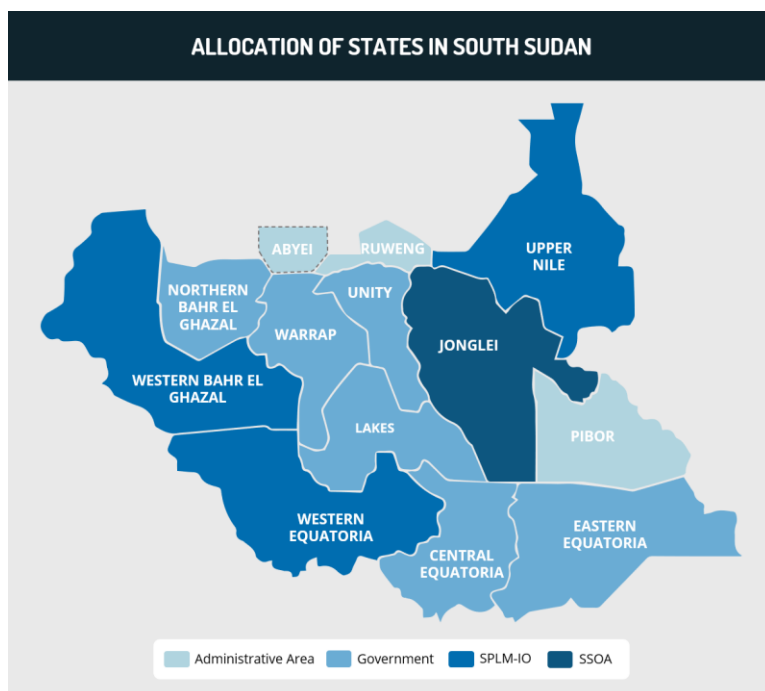
KEY POINTS: The failure to form the transitional assembly has and will continue to delay most other government functions that require legislation and funding, and may be used as a reason to further postpone elections.



State Boundaries & Allocation

BACKGROUND: The R-ARCSS outlined a mechanism to determine and allocate the number of states among the signatories. The process did not occur as stipulated but nonetheless President Kiir and Machar agreed to return to a [10-state system](#), with the addition of three administrative areas that had an unclear position within the government. This was the core component of the formation of the RTGoNU in February 2020 after a more than nine-month delay. In June 2020, the parties agreed on the allocation of states, with Kiir nominating governors for six states, while the SPLM-IO took three, and the SSOA received one. However, disputes over the appointment of the governors meant that the last governor was only seated in January 2021, with further delays in appointing state and county officials.

1. The re-adoption of the 10-state system is perhaps the most notable achievement of the transition. This seemingly addressed the grievances that opposition factions and ethnic groups had expressed since President Kiir first split the country into 28 states in October 2015. This was done in service of patronage, increasing the number of government positions to reward allies and incentivize defections, while also redrawing borders to divide ethnic groups between states and undermine their political power. However, Kiir created the three administrative areas in addition to the 10 states without clearly defining their purpose, but made them



separate from the agreement over the allocation of states. This is perceived as a mechanism to extend Kiir's control over key regions at the expense of the opposition. This nonetheless was viewed as a compromise and substantially de-escalated tensions over internal boundaries, allowing the RTGoNU to move forward.

2. In that sense, the new state system is functionally the only area in which the transition has advanced in a tangible way. This was further seen when the allocation of states was resolved only after several more months, with the impasse largely due to the parties seeking to control resources in specific states. To some extent, the resolution of these issues has allowed both the signatories of the agreement and some foreign mediators to accept the lack of progress in other arenas. This was seen when the new state system was deemed sufficient to then form the RTGoNU despite several other outstanding issues that were previously viewed as critical tasks during the pre-transition period, such as mobilizing the security arrangements. With that said, some state issues remain contentious, with a dispute over the position of Governor of Upper Nile giving Kiir an opportunity to exert control over Machar's choice of appointment, which aggravated tensions within the SPLM-IO and ultimately weakened the rebel coalition.

KEY POINTS: The reversion to the 10-state system is the only significant area of achievement in the transition. However, President Kiir was able to take steps to ensure a greater degree of power and influence as compared to the opposition, which has helped create fissures within the SPLM-IO.

Justice & Accountability

BACKGROUND: There are several mechanisms stipulated by the R-ARCSS for reconciliation and accountability in recognition of the ongoing conflicts. This includes a truth and reconciliation commission and, more prominently, a Hybrid Court. This would be established by the African Union as an independent body to investigate and prosecute individuals for genocide, war crimes, crimes against humanity, and other violations of international law committed since the civil war began in December 2013 up until the end of the transitional period. These have yet to be formed, though the government formally approved the establishment of the Hybrid Court in January 2021.

1. The establishment of a Hybrid Court has long been viewed as a necessary step for stability and peace in South Sudan, as it represents an independent mechanism for accountability for the atrocities committed during the civil war. However, this is unlikely to progress. As a body established by the African Union, it would allow for judges from other countries to provide external oversight and theoretically remove the influence of South Sudanese political and military actors over the judicial process. This is likely a factor that has contributed to delays in authorizing the court, as the South Sudanese government would prefer to avoid empowering foreign judges who could impose rulings and penalties on local officials. In that sense, there are current members of the RTGoNU who prefer to continue utilizing local courts, which occasionally prosecute lower-level soldiers for abuses without larger investigations further up the chain of command.
2. Even more crucially, the R-ARCSS provides for a court that is able to investigate crimes currently being committed, as its mandate is meant to expire with the end of the transitional period. This means that any political or military officials currently implicated or engaged in violence that would fall within the court's purview could be subject to its oversight. Given that severe human rights abuses continue to be committed by parties within the RTGoNU, there is little interest within the government to allow for such investigations. Furthermore, the R-ARCSS stipulates that those indicted or convicted by the Hybrid Court are not permitted to be members of the transitional government or any future permanent government. This only further disincentivizes the signatories of the agreement from allowing the court to move forward, given that they could come to be excluded from political power going forward.
3. The government has also made statements as recently as February 2021 that a Hybrid Court will not be possible until "the guns have been silenced". This illustrates a perverse logic in which the signatories of the peace agreement are engaged in violence and simultaneously use this violence to justify delaying the formation of the court. Furthermore, all transitional justice mechanisms are necessarily deferred until the legislature is formed, as the TNLA is needed to enact the legislation that would establish the courts and commissions as well as allocate the necessary funding to allow them to function. Consequently, despite the formal approval given for the court in January 2021, it is unlikely to move forward substantively in the coming months.

KEY POINTS: Although the government has approved the formation of a Hybrid Court, this is unlikely to progress given that there is no legislature to establish it. Furthermore, the R-ARCSS stipulates that the court would have oversight over those currently committing violations, which could exclude them from future political power.

Security Arrangements

BACKGROUND: The parties agreed that during the pre-transition their forces would be demobilized and assembled at cantonment sites across the country. Soldiers and rebels would be integrated at joint bases where they would train together to form the basis of a unified national army, police, and national security service by mid-2019. In January 2021, the Joint Military Ceasefire Commission reportedly stated that 87,000 soldiers had been registered, but their graduation and deployment were postponed. This is often attributed to a lack of strategy and funding, which has also resulted in insufficient supplies to cantonment sites, with dozens of troops reportedly starving to death over the past two years.

1. The security arrangements and especially the integration of forces into a unified army has been among the most fraught subjects of the transition. Integration raises difficult political questions, including the matter of the leadership of the unified army. President Kiir views the integration as a matter of bringing rebels into the existing command structure of the security services, whereas Machar expects to reconstitute the military under a new, unified leadership. This is also challenging due to rank inflation within the SPLA-IO, which has a large officer corps. This was done to help the rebels recruit and to maintain their fighters' loyalty by continually promoting them fairly rapidly. These dilemmas remain unaddressed and it is likely for this reason that none of the integrated forces have graduated, despite a reported 40,000 already undergoing some training in the past two years.
2. The absorption of tens of thousands of fighters into cantonment sites has faced persistent problems. Kiir claims the government lacks the resources to allocate to training and that the UN arms embargo prevents him from purchasing the necessary equipment for the unified army. This is exacerbated by Western and other donors being reluctant to donate directly to the effort, given that the system itself motivates both sides to recruit more fighters for registration to increase their resources and influence. Donors are further deterred by the fact that all parties have been widely implicated in grave human rights violations. These funding gaps have left soldiers to die of starvation and illness at the cantonment sites. Others have walked off their bases. This has led to clashes between soldiers and civilians over scarce resources. At times, this leads government or rebel forces to intervene to support civilians who are their regional or ethnic kin, leading to clashes between the troops who are supposed to integrate.
3. With troops cantoned year on year, this has begun to cause a breakdown within the ranks. Reports suggest that the leadership of both the army and SPLA-IO has slowly eroded, significantly heightening the risk of violence perpetrated by individuals or groups in uniform acting of their own volition. There also remains the overall dangers of discontent particularly among the rebels, many of whom were fighting for local supremacy but are being asked to dissolve their rebel units in service of a national goal. In this context, many rebels view unification as a mechanism by which to receive compensation, influence, and other benefits. The prolonged delays to graduating and deploying joint forces thus delays these benefits. Members of the SPLM-IO coalition, which can often be fractious, have grown increasingly disillusioned with Machar's ability to deliver on his promises. This likewise heightens the potential for groups within the SPLM-IO to defect or remove themselves from the project of unification and engage in conflict. Even small or localized violence carries the risk of escalation, particularly if Machar were to blame Kiir for the conflict, and thus trigger a new cycle of clashes.

KEY POINTS: The integration of the government and rebels into a unified military has been difficult due to unaddressed political questions and lack of funding. This has led cantoned troops to clash with civilians and each other over scarce resources, while causing a broader breakdown in the ranks and increasing the risk of violence.

FACTORS IMPEDING THE TRANSITION

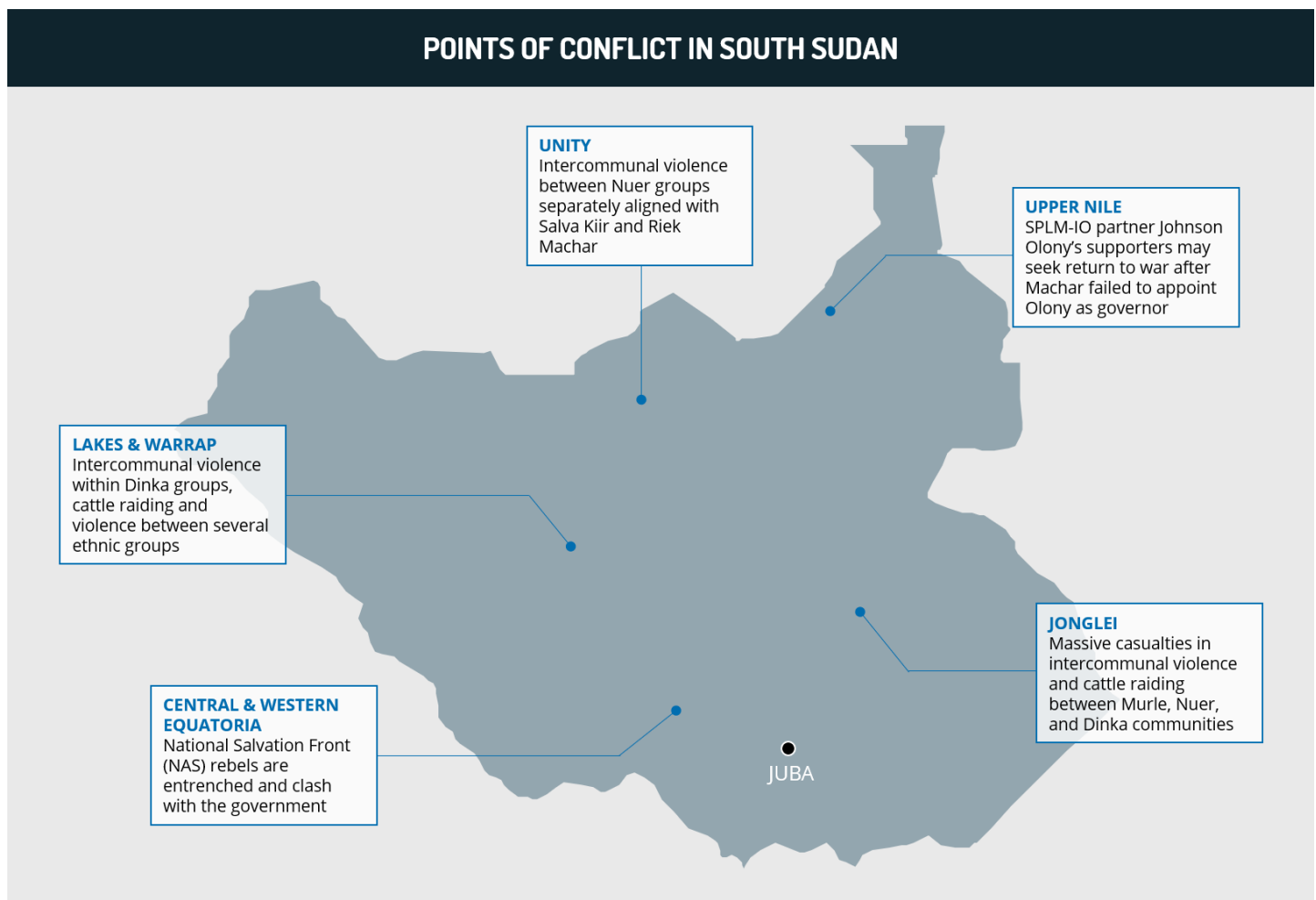
Armed Conflict

1. The permanent ceasefire signed by the government and SPLM-IO in July 2018 has been the longest and most durable cessation of hostilities between the two groups since the civil war began. As the two largest armed groups in the country, and the two parties with the most potential to galvanize additional militias to take action alongside them, this remains a significant achievement. With that said, there is increasing evidence that both the government and the SPLM-IO have helped to provide arms and supplies to various sides of other conflicts in the country. For example, in [May 2020](#), there were large-scale clashes in Jonglei between ethnic Murle and Lou Nuer communities. Later, it was reported that the government supplied arms to Cobra Faction fighters on the Murle side, while the Lou Nuer groups received supplies from the SPLM-IO. The government has also provided arms to Dinka Bor groups in Jonglei at various points. As a result, although violence in Jonglei is generally attributed to intercommunal violence over resources, cattle, and ethnic animosity, this is exacerbated by state support and an arms race that allows the cyclical violence to inflict higher casualties.
2. The same effect in which government involvement intensifies localized conflicts can be seen in Warrap and Lakes states as well. For example, in July 2020, internal power disputes within the government manifested as one general launching a disarmament campaign targeting his rival's supporters in eastern Warrap. This took place after the rival had already specifically provided arms to local tribal chiefs. This resulted in days of clashes that were portrayed alternately as intercommunal conflict rather than politically-motivated violence. This is not to say that all violence is aggravated by political actors, with ethnic and communal tensions also often overlapping with food insecurity to lead to conflict, such as in Unity, Western Bahr el Ghazal, and Upper Nile states.
3. At the same time, outwardly political violence has persisted in some areas as well. Most notably has been with the National Salvation Front (NAS) led by Thomas Cirillo, an Equatorian armed group that has continually refused to join the peace agreement and thus represents the largest active rebel group in the country outside of the R-ARCSS. There have been heavy clashes with the NAS in Central and Western Equatoria intermittently since the group was formed in 2017. Cirillo's aims are to decentralize the government to a federal structure that would empower Equatoria Region, among other goals. Thus, the typical incentives for a rebel leader such as a prominent power-sharing role or vice presidency in Juba are unlikely to be effective and, similarly, would not persuade his followers to lay down their arms. Absent credible efforts to address Equatorian grievances, fighting with the NAS will continue. More broadly, this illustrates the risks of all rebel groups outside of the peace agreement who are willing to engage in violence to pursue their interests.
4. Furthermore, dissension within the general SPLM-IO coalition has generally heightened tensions and potential for violence. Disgruntlement with Machar's leadership has led to defections to other rebel groups or to the government. This resulted in clashes between current SPLM-IO members and a former SPLM-IO unit in Upper Nile in January and April 2020, for example. Upper Nile further represents a potential flashpoint due to Machar's failed efforts to appoint the ethnic Shilluk leader Johnson Olony to be the governor after yielding to Kiir's demands. This was perceived as a betrayal by Olony's followers and raises the possibility of their clashing with SPLM-IO rebels still loyal to Machar. It is also possible that Olony will find further support among other disillusioned opposition figures, particularly in Upper

Nile and Jonglei, where Lou Nuer communities have grown frustrated with what they view as a lack of results from Machar.

5. Taken together, the various sources of conflict illustrate a security environment in which there is active armed conflict in virtually every region of South Sudan despite the fact that the country has what is considered a relatively successful ceasefire in place. Alongside economic and climate factors, this has led to widespread humanitarian crises across the country and particularly levels of food insecurity that approach famine in some areas. However, so long as the hand of the state or the SPLM-IO are hidden enough, these conflicts are unlikely to draw sufficient attention to affect the transitional process.

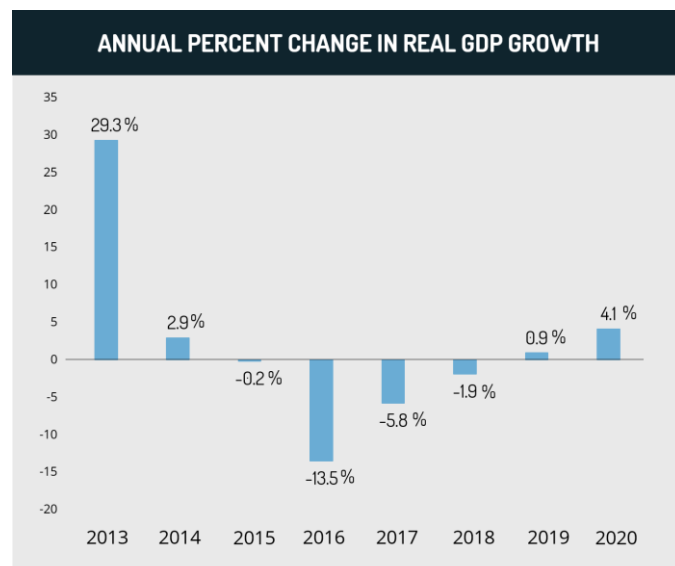
KEY POINTS: Intercommunal violence over resources, land, and ethnic animosity continues in many parts of the country, though this is exacerbated and supported by the government and SPLM-IO despite their official adherence to a ceasefire. Political violence remains a risk, particularly involving rebel groups outside of the R-ARCSS, as well as the potential for clashes among disillusioned members of the SPLM-IO.



Economy & COVID-19 Pandemic

1. A major challenge in the implementation of the R-ARCSS is insufficient funding. The agreement provides for a wide range of agencies and positions for the transition, elections, and eventually a permanent government. Furthermore, in order to accommodate the larger number of rebel groups and opposition parties, the R-ARCSS expanded the size of government, for example increasing the number of seats in

parliament from 170 to 550. This has created an even larger financial burden, which comes at a time when South Sudan is experiencing negative economic growth. With more than 90 percent of the country's revenue dependent on oil, the global decline in oil prices has been disastrous. South Sudan continues to produce more than 160,000 barrels per day, but most of this oil cannot be sold. This has further depreciated the value of the currency, which was implicitly acknowledged by the government when it introduced a 1,000 SSP banknote in February 2021. This economic stress has meant fewer resources are available to fund the government, while aggravating poverty and food insecurity for millions of people.



2. Alongside falling oil prices, the COVID-19 pandemic has further jeopardized the economy and caused significant delays to the implementation of the peace agreement. Restrictions on movement and gatherings have postponed efforts to advance the R-ARCSS, which was exacerbated as various top leaders fell ill with COVID themselves, including Riek Machar. While global closures throughout 2020 did cause significant disruptions, it is also likely that various signatories of the agreement capitalized on this as a reason to allow the status quo to continue. South Sudan itself continues to lack the health resources to adequately address the effects of the pandemic domestically, with no expectation of vaccine-derived herd immunity. Nonetheless, the slow global re-opening may lead to further engagement and pressure from the UN and donor countries to advance the implementation of the agreement, though this may be hindered by other distractions.

KEY POINTS: The drop in oil prices has jeopardized the already ailing economy, with the lack of funding hindering the implementation of the peace agreement. This is exacerbated by the pandemic, which affects revenue as well as creating a health crisis on the ground.

Lack of Foreign Pressure

1. Over the years, the peace processes in South Sudan have largely been propelled by the pressure or influence of external mediators. Agreements are often formally organized by the Intergovernmental Authority on Development (IGAD) East Africa regional body. In previous rounds, Western countries and especially the 'Troika' of the US, UK, and Norway were heavily involved as well. For various reasons, however, the cause of South Sudan has largely fallen off the radar of most of these countries. In the absence of this intervention, the political status quo has been able to persist. While it is possible that the new US administration will reinvigorate its investment in South Sudan, it is still likely to remain a relatively low priority even in the context of the US's concerns in Sub-Saharan Africa given other more pressing demands.
2. Sudan, Ethiopia, and Uganda had been particularly important actors within IGAD who brought the South Sudanese parties to the table to sign the R-ARCSS in 2018 as well as to eventually form the RTGoNU in February 2020. Despite repeatedly recognizing that South Sudan has failed to significantly advance in the transition since the government was formed, little has been done to renew pressure.

Uganda has largely disengaged in recent months due to its domestic elections, while Sudan is managing its own political transition and Ethiopia is in the midst of an internal armed conflict. To this point, most IGAD countries and other external observers in the West are more focused on the developments in Ethiopia given that it has much wider ramifications as compared to South Sudan. This is not expected to change in the coming months.

3. In these circumstances, it is unlikely that there will be any substantial interest in intervening or forcing the South Sudanese signatories to take larger steps toward implementing the agreement. This is especially the case if there is no wider deterioration of the security situation beyond its current dynamic. The levels of violence are still regarded as acceptable within the context of South Sudan and thus will not motivate particular action. Instead, the only major trigger for action would be any indication that the core agreement between Salva Kiir and Riek Machar is in jeopardy. This was already seen with the increased mediation in February 2020 when it seemed that Kiir and Machar might not be able to form the RTGoNU. The collapse of the agreement between Kiir and Machar would be liable to return the country to full-scale conflict and deterioration. In the absence of this, external priorities are expected to remain elsewhere.

KEY POINTS: The foreign countries that typically exert pressure on the parties in South Sudan are distracted by other developments and there is unlikely to be a major shift unless the core agreement between Kiir and Machar appears to be endangered.

CONCLUSION

- Major advances in the implementation of the peace agreement are unlikely in the coming months, with progress to remain slow.
- The formation of the transitional legislature will be a focus as it is critical to advancing nearly all other governance functions.
- The unification of the military will remain at an impasse with increasing risk of tensions at cantonment sites and in their wider vicinity.
- Intercommunal and subnational violence fostered by unofficial aid from the government and SPLM-IO will proliferate, particularly in Lakes, Warrap, Unity, and Jonglei.
- Political violence will persist due to holdout rebel groups in Equatoria as well as potential clashes within the disgruntled SPLM-IO coalition in Upper Nile, Jonglei, and Unity.
- The pandemic as well as competing regional priorities will keep foreign mediators distracted unless there is a major deterioration in the Kiir-Machar agreement.