South Sudan's stalled Peace Process

Security arrangements in need of adjustment

Claudia Breitung\ **BICC**

Recommendations

\ Get national consensus on key principles in the defence and security transformation prior to cantonment of forces

Before considering cantonment, it is of utmost importance to reach widespread agreement in society and parliament on political principles guiding the mid-term transformation of the country's security sector (e.g. ethnic inclusion, militia integration and professionalization) as these will guide the re-organization and demobilization of armed forces.

\ Generate inclusive dialogue on the transitional security arrangements

Since many opposition groups are not represented in the current peace process, the cantonment of forces that are party to the peace agreement would be of limited effect as main conflict drivers are left out. On the contrary, the process can even deepen exclusion. To avoid this, the High-Level Revitalization Forum needs to generate inclusive dialogue with the opposition movements— even those that are non-signatories to the ARCSS.

\ Ensure that all sides commit to assembling their forces

Force assembly applies to the opposition as much as to the SPLA-In Government. The ongoing debate in Juba about cantonment, however, only addresses the assembly of SPLA-In Opposition. The transitional government needs to send a strong signal that it is serious about force assembly by moving its troops back to the barracks.

\ Avoid long-term programmes linked to cantonment

From an economic perspective, resource-intensive, long-term programmes linked to cantonment are not feasible. These may also have adverse consequences from a peace perspective as they encourage new armed groups to join the fighting.

South Sudan's stalled Peace Process

According to the—largely stalled—Agreement on the Resolution of Conflict in South Sudan (ARCSS) of 2015, one key component of the transitional security arrangements is the establishment of cantonment sites, where fighters assemble to await disarmament, demobilization or force integration. The cantonment process was supposed to start soon after the signing of the agreement, but due to enormous delays in the implementation of the transitional security arrangements and the return of conflict in July 2016, the process has in reality never taken off. The conflict is ongoing and all sides, including government forces, continue to use violence despite various ceasefire pledges.

While the Peace Agreement's rationale for cantonment and assembly was to separate the warring factions to enable a permanent ceasefire, this *Policy Brief* argues that these are mainly viewing cantonment as a tool to reach their respective military objectives. When opposition leader and by then First Vice President of the Transitional Government of National Unity (TGoNU) Riek Machar was still in South Sudan, he aimed at establishing as many SPLA-In Opposition (SPLA-IO) cantonment sites as possible. Today, conflict analysts are convinced that Machar intended to utilize cantonment as an instrument to strengthen his forces and to extend his military power base.

Taban Deng Gai, who suceeded Machar in 2016, aligned himself closely with the SPLA-In Government (SPLA-IG) that is now aiming at using cantonment as a tool to create a distinction between forces loyal to the TGoNU (SPLA-IG & SPLA-IO loyal to Taban Deng Gai) and those who have not joined/are not joining the peace process, including the SPLA-IO sections who are still in support of Machar. The overall objective of cantonment as envisioned by the government is to reunify and strengthen the SPLA through the cantonment of forces.

Due to these highly politicized objectives and the fact that ARCSS is dysfunctional in many ways, several donors are hesitant to provide support to the implementation of this particular area of ARCSS. Most recently, the Troika (Norway, the United States, the United Kingdom) and the European Union clearly stated that they will not continue to indefinitely support ARCSS implementation activities and institutions if these do not contribute to peace. Furthermore, they noted that the security arrangements outlined in Chapter II have become obsolete by the evolution of the conflict and that these "must be opened for limited changes to reflect the current political and security context, carefully noting the lessons learnt from the agreement's failure to mitigate violence"[1].

The High-Level Revitalization Forum, a new peace initiative recently endorsed by regional leaders to revive the stalled peace process, could potentially play a major role in this regard. Amongst others, its tasks will be to revise the transitional security arrangements, to remove obsolete provisions and to look into the articles relating to the cantonment of forces, shaping this process into a vehicle for peace. This *Policy Brief* provides some key recommendations in this regard.

How catonment was initially supposed to work out

The cantonment process described in the 2015 Peace Agreement intended to separate the fighting forces and was supposed to be a crucial element in the immediate transition from war to peace and an important tool for achieving a permanent ceasefire. The warring parties were meant to separate and assemble their forces previously in combat within thirty days of the signing of the Agreement "to enable personnel, weapons and equipment accountability, screening, re-organization and/or disarmament and demobilization" (IGAD, 2015).

Within 90 days of the signing of the Agreement, the parties, assisted by international actors like the Monitoring and Verification Mechanism (which is the predecessor mechanism to the Ceasefire and Transitional Security Arrangements Monitoring Mechanism), the African Union and UNMISS were supposed to initiate activities in the assembly sites.

1 \ Troika/EU Non-paper on the peace process, 2017. Document in the possession of the author

These would range from registration of personnel and weapons, screening, and medical treatment to confidence-building measures and other disarmament, demobilization and reintegration (DDR) activities (though these have not been spelled out in detail). The Peace Agreement also allowed SPLA-IG and SPLA-IO, the two parties to the Peace Agreement, to maintain separate identities for eighteen months before reunification. Therefore, if, following registration of combatants, either side had desired to retain combatants in cantonment sites, they could have potentially done this, but they would have been expected to fund all associated costs of sustaining those fighters.

The objective of cantonment, as mentioned in the Agreement, is twofold: 1) to stop the fighting by placing combat forces from the warring parties in fixed positions that can be monitored constantly, and, 2) to utilize it as a first step towards disarmament and demobilization and the long-term transformation of South Sudan's security sector. As concerns the latter aspect, the Agreement binds the warring parties to also provide a "complete declaration of personnel and equipment of forces not in cantonment [...] to the SDSR [Strategic Defence and Security Review] Board" (IGAD, 2015).

If the above processes had been put into action as planned, cantonment operations could indeed have assisted in implementing the ceasefire and ending the conflict. This however, never happened.

Cantonment as a tool to strengthen SPLA-IO's position

Even though a Joint Military Ceasefire Commission (JMCC) was established to plan and oversee cantonment operations, the SPLA-IO and SPLA-IG failed to agree on the assembly process for a long time after the signing of ARCSS. Therefore, cantonment as foreseen in ARCSS never started.

In the months after the signing of ARCSS, both factions of the SPLA particularly disagreed on the number and location of opposition-nominated cantonment sites as well as the eligibility criteria for assembly. While the SPLA-IO called for the establishment of cantonment sites in the Bahr el Ghazal and Equatoria regions (where it claimed to maintain positions), the government did not to want to allow opposition forces to assemble in these areas, arguing that SPLA-IO is not entitled to canton troops in locations where it had not been present during the crisis. It was only on 27 May 2016, after having discussed the number and location of cantonment sites in length, that the South Sudan's Council of Ministers finally approved the establishment of four assembly areas in the Greater Equatoria region and two sites in Bahr el Ghazal.

However, disagreements between the government and the opposition continued to prevail regarding who would be allowed into the cantonment sites. While members of the SPLA envisaged a process whereby cantonment is restricted to those with weapons ("one man, one gun"), this view was not shared by Riek Machar. Instead, he depicted a scenario in which commanders in the field decide eligibility for cantonment, and in which an 18-month cantonment process is also open to community defence groups such as the White Army. He justified this by stating his belief that, to disarm the general population, cantonment should be open to many rather than few (author interview with Riek Machar in June 2016).

Statements like this imply that Machar's vision at that time was to build up his forces and cement the presence of armed opposition also in the Greater Equatoria and Bahr el Ghazal regions. Although Machar continued to affirm his strong commitment to the peace process publicly, he also had a clear military interest in strengthening the position of the armed opposition in the country. He considered the cantonment exercise a helpful tool in this respect, as it offered an opportunity to bring new recruits into the opposition.

The strategy of the transitional government: Separating 'the good' from 'the bad'

Machar's vision of installing a number of cantonment sites in the Greater Equatoria and Bahr el Ghazal region, however, never materialized due to the fresh outbreak of violence mid-2016. After three days of fighting in Juba, Machar and his forces withdrew from the capital; Machar himself fled the country. The SPLM-IO leadership that remained in Juba endorsed the former Governor of Unity State, Taban Deng Gai, to replace Machar, a move that was portrayed as a means to revive the Peace Agreement. But, fact is that at the time Taban Deng took power, a significant part of the SPLA-IO political elite did not support him, neither did many of the rank-and-file members of the SPLA-IO forces (Small Arms Survey, 2016).

Despite Taban Deng's lack of support within the opposition, the international community and regional actors took a pragmatic decision and approved his appointment as First Vice President. The recognition of Taban Deng meant that a large part of the opposition was suddenly outside the political process. Currently, of the former warring factions that had signed ARCSS, therefore only the SPLA-In Government (SPLA-IG) and the section of the opposition controlled by Taban Deng (SPLA-IO) remain committed to the agreement. Though there continues to be a flow of militias and rebels that accept amnesty and join the National Dialogue, Taban Deng is still trying to bring more armed opposition groups under TGoNU's umbrella.

Much in line with this attempt to unify the various opposition groups, the SPLA-IG—like Riek Machar in the past—aims to use the cantonment exercise to advance its military and political objectives. Concluding from discussions taking place at JMCC meetings in recent months, the government sees it as a mechanism to separate forces in support of Taban Deng from those that are not.

As a consequence, the Joint Military Ceasefire Commission (JMCC) is very keen to formally begin the process of cantonment and hence has started to plan for concrete action despite increasingly loud calls for an overhaul of ARCSS. The parties to the JMCC have agreed to start with a cantonment pilot site (camp) at Tendere (about 25 km from Juba) targeting SPLA-IO forces (loyal to Taban Deng). The government's idea behind this pilot project is that once the process starts, other armed actors who would not otherwise participate in the cantonment will be inspired to do so when they see that the government truly grants amnesty and there are benefits to disarmament.

While the JMCC aims at accelerating the cantonment planning, there is, however, little chance that the cantonment process will take off anytime soon. Much of the country is still in conflict, and there are daily clashes between government and opposition forces, forcing thousands of South Sudanese to flee their homes. There is also growing consensus that many ARCSS elements have become obsolete or will need to be revised. Given the country's dire economic situation, the transitional government also does not have the necessary funds to sustain forces in cantonment and implement transition activities at assembly areas over longer time periods. For their part, major donors have made it clear that they will not support either party logistically in sustaining standing armies during the transition period, including those in cantonment sites.

The position of the international community

Given that much of South Sudan still suffers from violent conflict involving government and opposition forces, the international support for ARCSS has stalled. The donor scepticism towards the envisioned cantonment process stems from the fact that the government regards cantonment as a potential tool to further marginalize opposition forces not in support of the First Vice President Taban Deng. Many internationals in Juba also critically observe that

government troops are pressing for a country-wide military victory, while the TGoNU in Juba is at the same time publicly announcing its commitment to the implementation of the peace process.

Opposition forces not in support of Taban Deng continue to launch attacks in various parts of the country, but the SPLA seems to have gained the upper hand over the situation as its enemies only control small pockets of territory. The current rulers of South Sudan have successfully seized the political initiative, and they are using this advantage to advance their agenda.

This, in essence, implies that many donors, including the Troika, are cautious about openly supporting or closely liaising with the TGNU in matters relating to Chapter II, as they fear the negative consequences of such an engagement. They do not want to be perceived as supporting one side or helping to push the government's agenda. In its speech during the IGAD Extra-Ordinary Summit on 12 June 2017 in Addis Ababa, the Troika was very outspoken about the potential risks of a cantonment or the DDR process in the current political context: "[R]isks [of increasing violence] also apply to other areas of work, which could deepen exclusion, for example Security Sector Reform and Disarmament, Demobilization and Reintegration. The Troika is unable to support work in these areas until progress has been made in reducing the violence and generating meaningful dialogue"[2]. The Troika and the EU consider a sustainable ceasefire as well as an inclusive and meaningful dialogue with the parties to the conflict in the context of a new peace initiative a precondition for any further donor support to ARCSS, which they, like IGAD, still regard as the most viable path to peace. And the belief that ARCSS continues to be the only game in town is shared by other donors, ranging from more traditional ones (like Germany and Japan) to non-traditional actors, such as China, that insists on IGAD continuing to play a lead role.

While it is indeed necessary to completely overhaul Chapter II—and the Troika's /EU's suggested course of action with regard to the revitalization process and support to ARCSS is logical in that respect—the Troika/ EU do not give any indication of what can and should be done in case the current Peace Agreement cannot be revived. Implicitly, the delay in implementing a new peace initiative and unwillingness by international actors, the South Sudanese government and IGAD to consider a post-ARCSS political alternative plays into the hands of government forces that are pushing for a countrywide military victory.

How to turn the security arrangements into a vehicle for peace

Before planning for cantonment get national consensus on key principles in the defence and security transformation

Discussions on the future security arrangements will not only need to address the open questions related to the cantonment process (first and foremost what should be the objective of cantonment in the present context) but will also have to deal with what happens to ex-combatants once they leave the assembly areas. The key question has yet to be answered, namely how the cantonment exercise would link up with wider security sector reform efforts in South Sudan.

Cantonment can only be a vehicle for peace if certain conditions are met. Most importantly, cantonment operations need to assist in developing unified, professional, law-abiding and accountable defence forces that are reduced to the size required for legitimate defence. Releasing all children associated with armed forces and groups is a must in this process—and the conflict parties must be held to their promises to do so. According to UNICEF, more than 17,000 children are in the ranks of armed forces and groups in South Sudan, with recruitment ongoing.

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2 \ Troika Speech at IGAD summit, June 2017. Document in the possession of the author.

While the Strategic Defense and Review (SDSR) board was meant to come up with the policies mentioned above, little progress has been made in this area. Although the SDSR board has become more active in recent months, it has yet to submit principled documents that guide the mid-term transformation of the country's security sector (e.g. ethnic inclusion, militia integration and professionalization) to the Council of Ministers. These may also serve as the basis for further talks with the opposition in the context of new peace initiatives such as the High-Level Revitalization Forum.

Generate inclusive dialogue about transitional security arrangements including non-signatories to ARCSS

Any new peace initiative which aims to revive ARCSS needs to ensure that opposition movements, including those that are not signatories to ARCSS, are adequately represented. They will need to be given a chance to freely, safely and actively pursue their political goals by peaceful means. As noted by JMEC Deputy Chairman Ambassador Njoroge already during the November 2016 cantonment workshop, "inclusivity means inviting all 'parties' to join the cantonment and DDR process peacefully, and ensuring genuine representation of the national character in all transformed institutions" (UNMISS, 2016)

While it is hard not to subscribe to this statement, there is still great uncertainty about what inclusivity really means: According to IGAD, eligible participants for the Revitalization Forum, for instance, are "the parties to the ARCSS including estranged groups" (Verjee, 2017)— a very ambiguous term that does not spell out which groups will or will not be considered part of the new peace process. While one would assume that estranged groups also include those loyal to Riek Machar, IGAD has not explicitly said so (Verjee, 2017).

All sides need to demonstrate political will to assemble their forces

As mentioned above, news reports suggest that the TGoNU has gained the upper hand militarily and is using this strategic advantage to advance its agenda. It is hence not astonishing that many of the ongoing discussions in Juba about force assembly are focusing on the cantonment of opposition forces. As a result, the Joint Military Ceasefire Commission has been silent about the assembly of government troops as prescribed by ARCSS. But if the leaders of South Sudan are indeed committed to pursuing peace, demilitarization and reconciliation, they will need to demonstrate this political will to their country and to the world. The TGoNU will need to send a strong signal that it is not misusing its military dominance. It can do this most effectively by moving its forces back to the barracks.

Avoid long-term programmes linked to cantonment to disincentivize the emergence of new armed groups

If the cantonment process continues to be pushed forward, it will need to be planned and implemented to provide control and security and not to encourage new armed groups to join the fighting in the hope to obtain a privileged seat at the negotiations table and ultimately the table of power. Though much needed, there are clear risks to new peace initiatives like the High Level Revitalization Forum as they may offer new opportunities and incentives for aspiring warlords to engage in fighting. Although JMEC Chairman Festus Mogae recently stressed that the new IGAD initiative is a revitalization, not a renegotiation process, achieving greater inclusion while trying to avoid further rebellions will be a difficult task.

One important step to discourage individuals from joining the fighting is to be more transparent about the potential benefits ex-combatants are to receive after demobilization. This transparency should trigger a public discourse about the need to reduce the size of the army, restructure it and adapt its role to the current and future needs of South Sudan. In a country that fought successfully for its independence, where fighters have enormous expectations regarding the potential benefits they are to receive after having left the armed forces, this is admittedly not an easy task but a necessary one.

Another important tool to disincentivize the emergence of new armed groups will be to avoid long-term, costly programmes linked to cantonment. While cantonment can certainly be a means for registering and verifying combatants, it should not aim at sustaining forces in assembly over longer-time periods.

Lessons learned from other countries moreover show that disarmament and demobilization are likely to succeed when they commence soon after the cessation of hostilities. In South Sudan, too much time was lost in the past two years in the identification of potential assembly sites and the preparation of eligibility criteria for cantonment. If ARCSS can be revived, this mistake should not be made again.

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AUTHOR
Dr Claudia Breitung
Technical Advisor /Senior Researcher at BICC