

**The Hearing on South Sudan**

Statement of:

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**Committee on Foreign Affairs**

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## **1. Introduction:**

I am extremely honoured again for this timely opportunity today to make this statement before your committee. Last April, I had opportunity to make testimony on the South Sudan's Prospects for Peace before the **U.S. House of Representatives Committee on Foreign Affairs, Subcommittee on Africa, Global Health and Human Rights**. Since that time things have changed considerably. I was optimistic that things will improve and that South Sudan will be on the right track in implementing peace agreement. Unfortunately I was wrong as violent conflict erupted again in July 2016, many innocent lives were lost, thousands fled the country and took refuge in the neighbouring countries, the economy at the verge of collapse, and peace agreement is not at all in good health. I hope I will be right this time to make sense of this complex situation and to paint what future holds for South Sudan.

I will address the four issues in the order I have been asked by the committee: first, on the viability of the Peace Agreement; second, on international and regional administration of South Sudan; third, on accountability and reconciliation; and fourth, on sustainable political reforms.

## **2. Viability of Peace Agreement and the Role of International Community**

I want first to reiterate affront that the peace agreement, although it is in bad health, remains the only viable option of putting South Sudan on track of peace and stability. Any other option will be a recipe for more loss of innocent lives and human suffering. It is an agreement wanted by the people of South Sudan as it has been unanimously approved by the national parliament of South Sudan without reservations. It is a peace agreement that came as a result of concerted efforts of the region (IGAD), African Union, TROIKA and International community represented United Nations Security Council. It is a peace agreement supported and endorsed unanimously by the permanent members of the United Nations Security Council.

However, the eruption of violent conflict in July 2016 shows that the peace agreement was backed by an incomplete political will. The real challenge now is how to nurture the real political will to support peace agreement as the best and the only hope for the people of Sudan. There are elements both in government and opposition that are against peace and they are the ones igniting violence and influencing public opinion against the friends of South Sudan such as the region, AU, UN and Troika countries.

The voices of these elements became very clear in government as they started even undermining the reconciliatory positions of President of South Sudan towards friends of South Sudan as clearly stated in his recent speech in the parliament and his meeting in Juba with members of the UN Security Council. These elements are driven more by wartime vendettas and narrow self-interest. They have actively encouraged conflict ever since. When the big tent collapsed along the old dividing lines it became obvious that the Government of South Sudan includes some officials who are working hard to implement the Agreement; some who are undecided; and others who are against the peace because it doesn't serve their agenda. In terms of achieving the much-needed environment of political will, the challenge is to strengthen the supporters of peace, win over the undecided and isolate the anti-peace elements.

The recent atrocities being committed in Juba by unknown armed men, including against foreigners, their actions were seen as a deviation from the SPLA's history and its code of conduct. Why has military discipline changed for the worst since the independence? Mean speech by unscrupulous politicians that casts the international community as an enemy of South Sudan is misleading the soldiers and stirring up anger in the social media. These anti-peace elements in the government are the ones need to be targeted with specific sanctions that may limit their influence.

It is a fact that the SPLM-IO is divided and Gen. Taban Deng has been appointed as a new First Vice President to act in the position of Dr Riek until he returns back to Juba. There are early signs that suggest that President Salva and his new First Vice President are working in harmony and with new spirit towards the full implementation of peace agreement. Despite such progress, the international community should abide by the terms, provisions and institutions provided for resolving differences in the peace agreement. It is within the interest of peace to see the parties to the peace agreement united rather than divided and they should be helped to remain united. The Joint Monitoring and Evaluation Commission (JMEC) is the only institution mandated to resolve differences in the peace agreement and members of JMEC including US are expected to support the smooth function of JMEC. The current difference in SPLM-IO can only be resolved through JMEC or SPLM-IO itself rather than through individual members of JMEC.

Also smooth implementation of peace agreement rests with the role to be played by United Nations Mission in South Sudan (UNMISS). There are concerns about the role of UNMISS in discharging its mandate under Chapter VII of protection of civilians as many including UN reports have clearly shown its underperformance since the eruption of violent conflict in December 2013 and recently in July 2016. Besides its inability to protect civilians, UNMISS even failed to protect UN's properties as the warehouses of World Food Programme (WFP) full with food items were looted in daylight in Juba.

Despite this underperformance of UNMISS, the counterfactual question remains what would have been the situation in South Sudan with these violent conflicts without the presence of UNMISS? What would have been the fate of thousands of people who took refuge in PoC? Is the performance of UNMISS different from other missions with similar mandate in other countries? What would be the level of knowledge and awareness of international community about gross human rights abuses and atrocities committed by the warring parties? With these questions and despite its shortcomings, South Sudan is better with the presence of UNMISS. However, there is a need to strengthen its mandate and to perform differently for building peace.

The deployment of the Regional Protection Forces is one of the ways of strengthening the mandate of UNMISS. The way these Regional Protection Forces was initially presented as "intervention forces" created anxiety and serious and right concerns about the sovereignty of their state. As well articulated recently by the US Secretary of State that the Regional Protection Forces are only to complement the sovereign authority of South Sudan rather than taking it away. This is the message that is needed to be passed to the authorities in Juba and people of South Sudan by the international community and to silence the voices of anti-peace in the government. Also the cooperation of the Government and people of South Sudan should be secured based on the fact that these Regional Protection Forces are not an effort to undermine

sovereignty, but rather to consolidate security, in order to facilitate development for the country. It is in that sense a reinforcement of sovereignty, but must be undertaken with local understanding and support. The commitment that was given by the President in Juba to the members of UN Security Council may not be respected if these anti-peace elements remain in their influential public positions.

### **3. International administration of South Sudan**

During my congressional testimony last April, I posed a fundamental question of what if the parties failed to implement the peace agreement? The clear and straight answer is that parties will scale up violent conflict. Currently, SPLM-IO seems to be planning for the option of war if peace agreement is dead. Even some of the political leaders such as Dr Lam Akol who championed the non-violent opposition seems to be left with no option but to abandon the peaceful means given the unhealthy status of peace agreement to which he anchored his non-violent opposition. Also other national voices for peace will be pushed to the extreme of violence as the only way of bringing change in South Sudan.

While it is natural that the international community cannot be watching such unfolding human suffering caused by the acts of elites who are not interested and have no political will to implement peace agreement, it is important that any action in lieu of peace needs to be carefully assessed within the context of South Sudan, regional dimensions and international context. The international administration of South Sudan relies on few assumptions that the region and international community will be united and have a consensus over such option and that people of South Sudan, if not all of them, will accept it as the best option for putting their country on the path of peace and stability.

It is a fact that the region is divided with each country guided by its narrow and incompatible strategic interests and even some of them such as Sudan may be ready to support the opposition parties in waging war against Juba. So IGAD and even more difficult the AU may not reach a consensus on the international and regional administration of South Sudan. One is not sure how the international community, particularly UNSC, will reach consensus on the international and regional administration of South Sudan; given the fact that the members of UNSC are unable to reach a consensus even on arms embargo. The people of South Sudan and particularly the anti-peace elements in the government may see such international administration as targeting certain ethnic groups and may use such option as a way of mobilizing themselves against such administration and that may result in violent confrontation and more human suffering.

On the basis of these facts, the option of international administration should be seen as the cost of non-implementation of peace agreement and as effective way of encouraging the parties to the full implementation of peace agreement and to encourage them to have the necessary political will to implement the peace agreement. Besides this threat of international administration of South Sudan, the parties to peace agreement should be encouraged diplomatically to isolate the anti-peace elements or to impose targeted sanctions on these elements.

### **4. Accountability and Reconciliation:**

The peace agreement is very clear on these two issues as different mechanisms have been provided for how they should be implemented. Also the African Union Commission of Inquiry on South Sudan has come up with specific suggestions of how to achieve justice, accountability and reconciliation. The role of international community is to see the full implementations of the provisions related to accountability and reconciliation. There is no doubt that both accountability and reconciliation require a stable political environment and that can begin from the bottom up building on local institutions to popularize the Agreement, mobilize the people and launch the constitutional process framed in the Agreement. Accountability and reconciliation can extend upward at a time when there is no risk to the Agreement.

## **5. The Sustainable Political Reforms:**

As I mentioned in my testimony last April that the peace agreement has provided unprecedented and detailed reforms that are better than those provided in the Comprehensive Peace Agreement (CPA). If these reforms are fully implemented, South Sudan will not be the same again.

However, there are challenges of who to oversee the implementation of these reforms. Although peace agreement is very clear that the principals of the peace agreement (President Salva Kiir and Dr Riak Machar) are to oversee these reforms, there are voices calling otherwise. In fact there are three options: first is the peace agreement option of President Salva Kiir and Dr Riek Machar as principals to the Agreement; the second is for one to step down; and the third is that both step aside to give others a chance to oversee these reforms. Despite the fact that President Salva and Dr Riak Machar are unlikely to work together after the recent violent conflict in July 2016, there is no option that can be imposed on them. Given the fact that peace agreement is a win-win situation, the two principals should be encouraged to work together as did Dr John Garang and President Bashir and later on President Salva and President Bashir to implement the CPA. If international community can use its diplomatic leverage to convince either of the principals or both principals to give way voluntarily with necessary exit packages and guarantees that may provide a new leadership to champion the political reforms in South Sudan.

Besides, the option of who to supervise these reforms, The United States Government is an honorable friend of South Sudan and your help is needed now more than ever. The challenge is to continue the political, economic and security reforms that began in earnest with the CPA, but were diverted upon independence by a convergence of factors. The U.S. can mobilize the region and the international community to support this continuing process of reform and to make peace agreement attractive by providing peace dividends. USAID's work across all sectors and areas of South Sudan, including in agriculture, needs to be deepened, and that is why Secretary Kerry's pledge of an additional funding for those purposes is most important. Financial and technical assistance can be conditioned on these reforms, and sanctions should only be targeted at those who are against the peace.

## **6. Conclusions:**

In conclusion, I reiterate that the best option for the government and people of the United States of America is to support the full implementation of peace agreement and to make the cost of non-implementation very high by targeting anti-peace elements with specific sanctions that will limit their influence in public affairs. Also, the U.S. can still help diplomatically, financially and technically, to:

- implement the Agreement, with necessary political reforms,
- support core functions of the Transitional Government of Unity, with targeted assistance in areas of finance and management,
- plan for long-term development and better donor coordination, particularly in areas of infrastructure and agriculture,
- and, most importantly, implement security sector and economic reforms.

Thank you for allowing me to share with you my optimism and concerns about the prospects of peace and security in South Sudan. I strongly believe that the people of South Sudan will one day rise up to their expectations and God-given potentials and to put their country on the path of peace and prosperity with the usual support of their friends; the people of the United States of America and their government.