

# REFUGEES INTERNATIONAL

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Tom Lantos Human Rights Commission  
Briefing  
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Thank you to Chairman McGovern, Chairman Smith, and the Tom Lantos Human Rights Commission for this timely briefing.

In just five weeks, we will reach an important deadline for the future of South Sudan, one that will affect the fate of millions. November 12 is the date by which South Sudan’s leaders agreed to set up a transitional government. It is a date that is being watched closely and with no small amount of trepidation.

Despite a reduction in violence since the signing of the September 2018 peace agreement, not much of the agreement has been implemented and the people of South Sudan have little confidence that the peace will hold. A third of the population remains displaced and more than half the population remains severely food insecure, with at least 10,000 people living at near-famine levels. Sexual violence remains widespread as seen last November when some 150 women were sexually assaulted in a span of two weeks near the town of Bentiu. Many ethnic minorities were dislocated from their traditional lands during the war and have yet to return, complicating efforts at equitable development.

Those South Sudanese with whom I’ve spoken recently want to believe that peace will be realized. Many South Sudanese are working hard to try to make it happen. It is worth noting that most humanitarians in South Sudan are, in fact, South Sudanese. But they need the support of the international community. The United States has an important role to play.

I traveled to South Sudan recently and spoke with dozens of people, including civil society leaders and those who have been forcibly displaced. Refugees International is a non-profit, non-governmental organization that advocates for lifesaving assistance and protection for displaced people in parts of the world affected by conflict, persecution and forced displacement. Based here in Washington, we conduct fact-finding missions to report on the circumstances of displaced populations in countries such as Somalia, Iraq, Bangladesh, and South Sudan. Refugees International does not accept any government or United Nations funding, which ensures that our advocacy is impartial and independent.

The purpose of Refugees International’s latest visit to South Sudan was to assess the prospects for peace as well as for return of the one-third of the population that has been forcibly displaced. I would like to highlight some of my findings and a few recommendations in my remarks today. For a fuller account of the findings, I refer you to my report released last week, *No Confidence: Displaced South Sudanese Await “Real Peace.”* I also note that my colleague, Devon Cone, Refugees International’s Senior Advocate for Women and Girls has a forthcoming report focused on the challenges faced by women and

girls in South Sudan, based on interviews with displaced women and women-led South Sudanese civil society groups.

The displaced South Sudanese with whom I spoke cited several concerns holding them back from returning. These concerns included a lack of safety, services, and, in many cases, homes to which to return. But the overriding sentiment preventing returns, was a lack of confidence in the peace agreement. In short, as one woman told me, they are waiting for “real peace.”

In the time I have remaining, I will highlight three main challenges to the peace process and provide a few recommendations on a way forward.

### **Challenges to the Peace Agreement**

What was apparent from my interviews, particularly with displaced South Sudanese, was a skepticism toward the peace agreement and for good reason. Little of what was agreed to by South Sudan’s leaders has been implemented. There are three important areas where implementation of peace has been lacking: first, cantonment and integration of armed forces; second, the number and boundaries of states; and third, the return of former Vice President Riek Machar.

According to the peace agreement, the Sudan People’s Liberation Army (SPLA) and the opposition were to identify the number of soldiers in their forces and begin moving them to agreed-upon sites. But little has been done on cantonment and integration of forces due to a lack of will and a lack of allocation of resources. Both the SPLA and opposition inflated claimed numbers of soldiers and have been slow to identify and develop sites for cantonment. Despite a pledge of \$100 million toward implementation of the peace agreement, the government has yet to provide significant resources toward cantonment or other elements of the agreement.

These failures affect a whole line of necessary steps toward disarmament, demobilization, and reintegration of significant portions of each side to reduce overall numbers and integrate fighters into a new and smaller national army. Beyond the security concerns around the continued presence of large numbers of armed actors across the country, the continued concentration of an army dominated by one ethnicity, the Dinka, in many areas is preventing people from returning to their former homes. As several displaced people in Malakal told me, either the removal of soldiers from the town or the presence of an integrated force was necessary before they return.

Second, the number of states and their borders remains unresolved. President Salva Kiir expanded the original number of states from 10 to 28 and then 32. How the boundaries are drawn has serious implications for how power is shared and risks disenfranchising ethnic minorities like the Shilluk in the Upper Nile region and the Fertit around Wau in the Western Bahr al Ghazal region. Several observers have described the redrawing of states as a system of ethnic gerrymandering. Indeed, how the states are drawn will affect representation and relative power in the Council of States, the upper chamber of South Sudan’s national legislature. For the Shilluk in and around Malakal, this could weaken claims to ancestral lands—something likely to meet strong opposition and thus running a high risk of triggering renewed violence.

Under the peace agreement, this issue was to be resolved by an Independent Boundaries Commission, but the commission was unable to reach the consensus required under the agreement. The issue is now meant to be decided by a referendum but there is no indication as to how it is to be carried out.

Third, despite short visits, former Vice President Riek Machar has yet to return on a permanent basis. Machar's previous returns have soon been followed by renewed violence, so this is something being closely watched by South Sudanese. If Machar does not feel safe to return, displaced South Sudanese are unlikely to feel safe to return themselves.

Additionally, it is worth noting that several South Sudanese and international experts cited the challenges of an entrenched kleptocracy in South Sudan and a lack of accountability for atrocities committed during the war.

## **The Way Forward**

The way forward is to support the majority of the South Sudanese who are seeking a true peace and to pressure the elites who are stalling progress toward realizing it. South Sudanese are tired of war. They want to believe in peace, but their leaders are giving them little hope. Churches and civil society will have an essential role to play in realizing peace, but they will need support from the international community.

Yet the regional guarantors of the peace have been slow to apply pressure to hold South Sudan's leaders to account. The so-called "Troika"—the United States, United Kingdom, and Norway—was not a formal part of the peace agreement and has been held back by inattention by the United States. For now, the United States remains the largest bilateral donor of vital humanitarian aid, but it lacks a robust diplomatic presence to ensure that aid is used effectively and not manipulated. The United States remains the only part of the Troika without a dedicated special envoy to South Sudan.

At the end of this month, the United States will be part of a UN Security Council visit to South Sudan. This is a welcome move. But to have real meaning, it must be backed by a clear and unified diplomatic message backed up by consequences for failing to implement the peace agreement in accordance with agreed-upon deadlines.

This leads to a few recommendations for the U.S. Government that I'd like to highlight.

## **Recommendations**

The United States Government should:

- Reappoint a special envoy for South Sudan, with experience and stature in the region and who enjoys White House backing. The envoy should prioritize support for the peace process and combatting aid manipulation and ethnic dislocation.
- Pursue a robust, coordinated, diplomatic effort to engage South Sudan's leaders toward creation of a transitional government by the new deadline of November 12, 2019 and further implementation of the Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS). This implementation should include the following:
  - Engaging Salva Kiir and Riek Machar directly, including facilitating the safe, permanent return of Machar to South Sudan, and prioritizing efforts at cantonment, integration of forces, and political settlement of the issue of states and borders within South Sudan.

- Establishing clear consequences for failure to implement key elements of the peace agreement, such as targeted sanctions aimed at South Sudan's leaders, including travel bans and asset freezes.
  - Pressuring the current government to make good on its pledge to provide \$100 million to implement the peace process, with priority given to funding for cantonment and integration of forces.
  - Conditioning further funding of measures of importance to the parties, such as cantonment and demobilization of some troops and training of others, on the demonstrated commitment and tangible progress in the peace agreement made by the Sudan People's Liberation Army (SPLA) and the opposition.
- Fully fund the efforts laid out in the 2019 Humanitarian Response Plan (calling for \$1.5 billion in aid and currently funded at just 46 percent) and sustain high levels of humanitarian aid.
  - Promote accountability for atrocities committed during the civil war by establishing the hybrid African Union-South Sudanese court that the peace agreement called for to try those responsible for crimes against humanity and war crimes.

## **Conclusion**

I would like to conclude on a hopeful note. My visit to Malakal coincided with the consecration of a new Bishop for the Upper Nile region. Malakal town, once South Sudan's second largest city, has been largely destroyed and emptied of its ethnic minority populations. Many of those who lived there now live in UN-sponsored Protection of Civilian sites a few miles from the town. They have rarely ventured outside of them for the past few years. But the consecration of the Bishop drew an estimated 20,000 to 30,000 people into the town, including most of the people in the UN site. One South Sudanese man who had attended the event described it as a unifying event and saw it hinting at an environment in which people could return more permanently to a lasting peace. The United States and other international actors must support those South Sudanese striving to realize "real peace."