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South Sudan's High Level Revitalization Forum

Identifying Conditions for Success

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Summary

- Regional leaders have endorsed the creation of a new peace initiative in South Sudan: the High Level Revitalization Forum (HLRF). The HLRF is intended to revive the stalled 2015 peace agreement.
- Important design questions for the format and content of the HLRF remain undecided. Which armed and civilian actors are eligible to participate is unclear, and the HLRF risks being an exclusionary initiative, which will undermine the prospects for a durable, comprehensive peace.
- Key features of the 2015 peace agreement are no longer political or practical realities. The agenda for the HLRF should be designed accordingly. Obsolete provisions should be amended, while maintaining the essential set of reform and transitional justice commitments specified in the 2015 agreement.
- The timetable for the HLRF talks should remain limited to prevent intransigent parties from further delaying any progress toward peace.
- From the outset, international political and financial support should be conditional on the parameters of inclusive participation, a defined and limited agenda, and adherence to the timetable being implemented by the Forum's regional facilitators.

Introduction

On June 12, 2017, the leaders of the Intergovernmental Authority on Development (IGAD), the regional organization comprising Djibouti, Ethiopia, Kenya, Somalia, South Sudan, Sudan, and Uganda endorsed the creation of a High Level Revitalization Forum (HLRF) to bolster the essentially defunct 2015 Agreement on the Resolution of the Conflict in South Sudan (ARCSS).¹

From 2013 to 2015, IGAD, backed by the United States, the African Union, and other international partners, led the South Sudan mediation process that resulted in ARCSS, which intended to end the South Sudanese civil war and introduce a series of fundamental political, security, economic, and transitional justice reforms. Despite regional and international endorsement, the ARCSS stalled just months after implementation began in 2016. The civil war in South Sudan has since spread across the country. The conflict continues to worsen, and despite repeated declarations by the

government that it would adhere to a unilateral ceasefire, violence has intensified across multiple fronts. At least four million people have been displaced from their homes, six million people are in need of humanitarian assistance, and South Sudan's economy is rapidly deteriorating.²

The mandate of the HLRF is threefold: first, to restore a permanent ceasefire; second, to fully implement the ARCSS; third, to revise the ARCSS implementation schedule in order to hold elections at the conclusion of the agreement's timetable. Staff from IGAD and the Joint Monitoring and Evaluation Commission, established to monitor progress in implementing ARCSS, have been tasked by IGAD leaders to administer the HLRF. IGAD's timetable for the HLRF has set pre-Forum consultations in August 2017, with the Forum itself convening in September 2017, and implementation of the HLRF's recommendations following in October.³ The existing ARCSS timetable requires national elections by August 2018, with the agreement concluding in October 2018.⁴

While the HLRF initiative demonstrates IGAD's continued attention to the crisis in South Sudan, serious ambiguities, including the questions of who will participate and the extent of the agenda, exist in its design. If such uncertainties remain unaddressed prior to the commencement of the Forum, the prospects for this initiative to reduce violence and restore peace to South Sudan will be poor. In the worst case, the Forum could exacerbate the conflict by further alienating opposition movements whose grievances are left unconsidered. However, it is not too late for corrective action to be taken, and the financial and political support of international partners for the Forum, including the United States, should be conditional on these fundamental elements being addressed at the outset.

Who Participates?

IGAD has determined those eligible to participate in the HLRF as "the parties to the ARCSS including estranged groups." This formulation is both ambiguous and insufficiently comprehensive, and does not account for the proliferation of new armed groups in South Sudan from 2015 onward.

The conflict has evolved significantly since 2013, with the theater of violence moving largely from the Greater Upper Nile to the regions of Bahr el Ghazal and Equatoria. Those responsible for violence in South Sudan today are not fully represented among the three signatories of the ARCSS—the former Government of South Sudan, the Sudan People's Liberation Movement-In Opposition (SPLM-IO), and the Sudan People's Liberation Movement-Former Detainees (SPLM-FD)—given the proliferation of other, non-aligned armed groups. The fracturing of the SPLM-IO has further complicated the participation of this faction, and while the term "estranged" would seem to definitively include the SPLM-IO movement loyal to former first vice president Riek Machar, this is not explicitly stated in IGAD's June 2017 communiqué.

If from the outset the HLRF includes a range of actors, both signatories to ARCSS and non-signatories, it can meaningfully discuss the ongoing conflicts in South Sudan, both local and national. If such actors are excluded from the HLRF, however, then any ceasefire arrangements reached would be insufficiently inclusive of those fighting on the ground, would have limited legitimacy, and could not be expected to hold or meaningfully mitigate violence. Support to the HLRF should be clearly predicated on it being an inclusive process, where the participants are clearly defined on the basis of justifiable criteria, accounting for the realities of conflict today.

While restoring a legitimate, working ceasefire is an urgent priority, the set of participants necessary to engage in governance reforms and progress toward a revised timetable for elections is not necessarily the same. An inclusive approach, involving both the armed and civilian

opposition movements, as well as civil society, would strengthen the legitimacy of the HLRF process. Inclusivity was accepted as a core principle in IGAD's earlier mediation involvement, but execution was problematic and most civilian actors were ultimately excluded.⁵ Repeating the same format for the HLRF is unlikely to lead to a different outcome.

What Will the HLRF Discuss?

Although the HLRF's mandate is to ensure "full implementation" of ARCSS, with just over a year until elections are due in August 2018, this is neither a political nor practical reality given the dire humanitarian and security crisis in South Sudan. Even if sufficient time for implementation were available, many of the ARCSS provisions of governance (Chapter I) and security arrangements (Chapter II) have been overtaken by events.

Certain ARCSS provisions negotiated and drafted in 2014–15 are obsolete in 2017 and need reexamination. For example, local ceasefires independent of the bilateral permanent ceasefire arrangements of ARCSS are now necessary where third parties are involved. Such arrangements were not foreseen in the originally negotiated security protocols and cannot be included without significant revisions to the text.

Similarly, with respect to governance arrangements, the unilateral modification of state boundaries within South Sudan was not negotiated in the IGAD talks, but is a political reality today. The reconfiguration of internal political boundaries has implications for transitional and permanent governance structures and power sharing, elections, and wealth sharing and economic redistribution. Other provisions of the ARCSS, like the military cantonment process, contributed to the expansion of the conflict in Equatoria and in some cases incentivized the emergence of new armed opposition actors.

While there is understandable concern about the prospect of renegotiating the ARCSS, if the HLRF does not reopen provisions of Chapters I and II, it will signal to government opponents that the formal peace process will not address their grievances, making a resort to further violence more likely.

If the ultimate goal is achieving a sustainable peace in South Sudan, the ARCSS is a means, not an end. Clarity in the agenda is therefore a vital requirement for the HLRF to proceed successfully.

At the same time, the HLRF should not allow backtracking from the fundamental reform commitments of the ARCSS, particularly on humanitarian access, the economy, constitutional reform, and transitional justice. Since August 2015, the government of South Sudan has maintained a series of reservations as to the extent of certain ARCSS reform commitments. The facilitators of the HLRF should be definitive that the Forum is not empowered to discard the legal and political obligations of the signatories to the ARCSS, nor introduce or reintroduce reservations from any party about fundamental, systemic processes of reform.

Discussing the electoral calendar is a critical agenda item for the HLRF. Credible elections are not possible as long as the civil war continues, when half of the population is displaced or in need of humanitarian assistance, the spectre of famine continues to loom, and severe limitations on freedom of expression, assembly, and the press are in place. The HLRF should not leave the door open to premature, flawed elections.⁶ While elections cannot be held as scheduled in August 2018, the incumbent president's term of office cannot be indefinite, and the HLRF should consider how both requirements can be reconciled.

Ensuring the HLRF Timetable Does Not Slip

The HLRF provides a focused, three-month timetable for action by IGAD, Joint Monitoring and Evaluation Commission, and regional foreign ministers. The ongoing humanitarian and security crisis in South Sudan requires urgent action.

The timetable for the HLRF process, once underway, should be maintained to prevent it from becoming a protracted attempt to frustrate peace by intransigent parties. If participants in the Forum believe there are no consequences to delay and the HLRF process can continue indefinitely, there will be little incentive to participate constructively and restore peace as soon as possible. International partners can assert that while they support the HLRF process, support is conditional on the stated timetable being maintained and both political and financial support for this process cannot be indefinite.

Conclusion

The HLRF provides a potential opportunity to enable the dysfunctional formal peace process in South Sudan to become relevant once more. However, the HLRF will likely fail unless its design accounts from the outset for the changed circumstances in South Sudan, relative to the earlier IGAD mediation process. International political and financial support for this process should be conditional on the Forum's design in three aspects: who participates, what is the agenda, and adherence to a defined timetable.

Recommendations

First, ambiguities concerning participation should be clarified to ensure the HLRF includes all relevant armed and civilian actors. Second, an appropriate, defined, and limited agenda—including security and governance arrangements, and a revision to the timetable for national elections, but not allowing renegotiation of fundamental reform commitments—should be pursued. Third, adherence to the HLRF timetable should be respected, with a clear understanding that talks cannot continue indefinitely, and those parties that frustrate resolution of the conflict in South Sudan will be held accountable for their failures by IGAD and the wider international community. Without presuming the HLRF's failure, international actors have an obligation to consider a post-ARCSS strategy, in the event that South Sudanese actors obstruct or derail the HLRF.

Notes

1. "Communiqué of the 31st Extra-Ordinary Summit of IGAD Assembly of Heads of State and Government on South Sudan," IGAD, June 12, 2017, <https://igad.int/communique/1575-communique-of-the-31st-extra-ordinary-summit-of-igad-assembly-of-heads-of-state-and-government-on-south-sudan>.
2. UN Office for the Coordination of Humanitarian Affairs (OCHA), "Humanitarian Bulletin South Sudan," June 28, 2017, https://docs.unocha.org/sites/dms/SouthSudan/2017_SouthSudan/SS_170628_OCHA_SouthSudan_Humanitarian_Bulletin10.pdf.
3. "Draft Indicative Matrix for the High Level Revitalisation Forum of ARCSS," IGAD, July 3, 2017.
4. "The Transitional Period shall...be thirty (30) months... [the Government] shall hold Elections sixty (60) days before the end of the Transition Period." Agreement on the Resolution of the Conflict in South Sudan, Chapter I, Art 1.2 and 1.4, August 2015.

ABOUT THIS BRIEF

This Peace Brief offers recommendations for the international community in anticipation of the launch of the High Level Revitalization Forum (HLRF) in South Sudan. The HLRF is mandated by the Intergovernmental Authority on Development (IGAD) to reinforce the 2015 Agreement on the Resolution of the Conflict in South Sudan.

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5. Zacharia Akol, "Inclusivity: A Challenge to the IGAD-Led South Sudanese Peace Process," The Sudd Institute, December 7, 2014, www.suddinstitute.org/assets/Publications/572b7eb3a4aeb_InclusivityAChallengeToTheIGADLedSouth_Full.pdf.
6. Sanne van den Bergh and Daniel Ravindran, "Credible elections in doubt while South Sudan teeters," June 18, 2017, *Sunday Independent*, www.news24.com/Columnists/GuestColumn/the-south-sudan-crisis-20170623.



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