

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

Addis Ababa, Ethiopia, P.O. Box: 3243 Tel.: (251-11) 5513 822 Fax: (251-11) 5519 321
Email: situationroom@africa-union.org

PEACE AND SECURITY COUNCIL
411st MEETING AT THE LEVEL OF
HEADS OF STATE AND GOVERNMENT

BANJUL, THE GAMBIA
30 DECEMBER 2013

PSC/AHG/3(CDXI)

**REPORT OF THE CHAIRPERSON OF THE COMMISSION
ON THE SITUATION IN SOUTH SUDAN**

REPORT OF THE CHAIRPERSON OF THE COMMISSION
ON THE SITUATION IN SOUTH SUDAN

I. INTRODUCTION

1. The present report is submitted in the context of the meeting of Council to be held in Banjul, The Gambia, on 30 December 2013, to deliberate on the unfolding situation in South Sudan. The conflict in South Sudan erupted on 15 December, in the context of a political challenge to the President of the Republic of South Sudan, from leading members of the ruling party, the Sudan People's Liberation Movement (SPLM). This rapidly mutated into violent confrontation and rebellion. The conflict imperils the lives and wellbeing of South Sudanese, jeopardizes the future of the young nation, and is a threat to regional peace and security.

2. The report provides a background to the current crisis, a chronology of the events of the last six months and an overview of the regional, continental and international response. The report concludes with observations on the way forward.

II. BACKGROUND

3. The current conflict represents the accumulation of unresolved political disputes within the leadership of the SPLM. The leaders had disagreements on fundamental aspects of the party and country's leadership, governance and direction. The origins of the dispute can be traced back to differences that arose in the leadership of the Sudan People's Liberation Army (SPLA) during the armed struggle. Political disagreements over the style of leadership and key military and political decisions taken by the then Commander-in-Chief, Dr John Garang de Mabior, saw a group of senior commanders trying to remove him from his position in August 1991. Their attempted coup was not an ethnic dispute, but no sooner had it failed, than the SPLA split primarily along ethnic lines into two contending factions. The Nuer-Dinka fighting and inter-communal massacres, most notoriously in and around Bor, scarred both the SPLA and the South Sudanese people more generally.

4. In the wake of the exceptionally destructive internecine fighting in South Sudan, a coalition of church leaders, national figures, Non-Governmental Organizations (NGOs) and foreign friends of South Sudan set in motion a number of initiatives for South-South reconciliation or "people to people peace". The SPLM itself embarked on a process of renewal. The 1994 SPLM first Congress, held in 1994, made a number of recommendations towards building institutions and establishing more democratic political decision-making, including demanding regular congresses. The January 2006 Juba Agreement resolved the potential conflict between the SPLA and the Southern Sudan Defence Force (SSDF), by means of bringing the latter into the SPLA and the then Government of South Sudan (GoSS).

5. Following the January 2011 referendum and the subsequent independence of the Republic of South Sudan in July 2011, the divisions within the SPLM and the Government of the Republic of South Sudan (GoRSS) surfaced again. They primarily manifested themselves in divisions over the policy towards Sudan.

III. RECENT DEVELOPMENTS

6. In July and August 2013, President Salva Kiir took a number of decisions to dissolve, restructure and reconstitute his Government. In this process, several senior SPLM leaders were relieved from their posts in the Government, including the Vice-President (and Deputy Chairperson of the Party), Dr. Riek Machar Teny Dhurgon. President Kiir also suspended the SPLM Secretary-General, Pagan Amum. Furthermore, he removed two state Governors from their posts, citing a threat to national security in those states. The dismissed senior members of Government chose to contest within the structures of the SPLM.

7. In September 2013, President Kiir called for the convening of the party's second tier of decision-making structure, the National Liberation Council (NLC), to consider and pass key documents, including its constitution and manifesto, to prepare for national elections planned for 2015. The meeting was scheduled to be held on 22 October 2013, but it was postponed several times.

8. On 15 November 2013, at the opening of the party's new offices, President Kiir declared that all SPLM party structures, save the Office of the Chairperson, were no longer functional, due to the expiration of their five-year term. He announced them dissolved. On the eve of the proposed meeting of the NLC on 6 December 2013 (which was subsequently postponed again), the senior SPLM leaders who had been removed from Government posts, including the former Vice-President Riek Machar and the suspended Secretary-General, Pagan Amum, held a press conference in which they criticized the President, both in his role as Head of State and Chairperson of the party. The group stated that the decision of the President to dissolve the SPLM structures was unconstitutional, and that the President had taken, in recent months, a number of decisions which had violated the national and party constitutions. They also claimed that the party documents to be considered at the NLC had yet to be passed by the party's leadership body, the Political Bureau. They demanded the convening of the Political Bureau prior to a NLC meeting.

9. On 8 December 2013, the Vice-President of South Sudan, James Wani Igga, responded publicly to the group in a statement denouncing the disaffected SPLM leadership as irresponsible and undisciplined. The statement accused the group of having been part of a Government that had failed to curb rampant government corruption. The Vice-President cautioned the group against inciting the army and creating instability in the country. On 14 December, the NLC was finally convened. The opposition group, which had earlier planned to hold a public rally on the same day, postponed the plan as a sign of a "good gesture for dialogue" and attended the meeting (with the exception of the suspended Secretary-General).

However, on 15 December 2013, the group walked out of the meeting, saying that the meeting had provided no space for dialogue and reconciliation.

10. On that same night, fighting broke out between Nuer and Dinka individuals and factions of the Presidential Guard. President Salva Kiir gave a public address on the morning of 16 December 2013, stating that fighting, which continued through the night, was a result of a failed coup attempt by Dr. Riek Machar and the disgruntled SPLM leadership. This group has denied any involvement in any coup, claiming that the fighting was a result of a one-sided disarmament of the Nuers in the Presidential Guard. On 16 December 2013, a number of SPLM leaders were arrested, and five more, including Dr. Riek Machar and former Governor of Unity state, Taban Deng Gai, were declared wanted in connection with a failed coup attempt. Both escaped Juba, claiming that their lives were at stake. The fighting spread to other elements of the armed forces. This escalated into an ethnic conflict and pogrom, which resulted in the deaths of many soldiers and civilians in Juba and elsewhere.

11. Immediately, Dr. Riek Machar took leadership of an armed rebellion. A number of Nuer commanders began defecting from the army. Forces that announced their allegiance to Riek Machar very quickly gained control of, first, Jonglei state under the command of Peter Gadet, and then Unity state, including its capital Bentiu, through the defection of the 4th Division Commander James Kuang Chol. During the attack on Akobo town in Jonglei State, two UNMISS peacekeepers lost their lives. There are reliable reports that a large number of civilians died in a series of selective killings in Bor town, in Jonglei State, and Bentiu town, in Unity State, that looks very much like an ethnic pogrom. Both parties have invoked memories from the past, including the inter-communal conflicts of 1991.

12. The situation on the ground remains very volatile. On 24 December 2013, the South Sudanese authorities announced the recapture of the key town of Bor by Government forces. On their part, the forces loyal to former Vice-President Riek Machar claimed to have seized Malakal, the capital city of the Upper Nile state, which produces most of South Sudan's oil. However, the South Sudan authorities are claiming that the elements loyal to former Vice-President Riek Machar were no longer in control of Malakal.

13. The fighting in South Sudan has already caused a very serious humanitarian crisis. According to the UN Office for Coordination for Humanitarian Affairs (OCHA), the estimated number of people displaced by the current crisis in South Sudan has risen to 121,600. This number is likely to be significantly higher as the clashes continue in some parts of the country. There are an estimated 63,000 people seeking refuge in UNMISS bases all over the country. Humanitarian agencies have begun providing healthcare, water and sanitation and food assistance to displaced people. Large numbers of people have also reportedly crossed the border to Uganda, Kenya and Sudan.

IV. INTERNATIONAL RESPONSE

14. Under the leadership of its Chair, Ethiopia, the Inter-Governmental Authority on Development (IGAD) dispatched a delegation of Foreign Ministers to Juba, with the participation of the AU Commissioner for Peace and Security and the UN Special Envoy for the two Sudans, from 19 to 21 December 2013. The objective was to secure an immediate de-escalation of tension and to facilitate a peaceful dialogue among the protagonists of the current crisis. The delegation met with President Salva Kiir Mayardit, who committed himself to the following specific actions: unconditional dialogue; cessation of hostilities; use of IGAD good offices to contact Dr. Riek Machar and the opposition; protection of the civilian population and humanitarian workers by the GoRSS armed forces; maintaining the dispute at political level and preventing it from escalating into an ethnic or tribal conflict. The delegation also met with Rebecca Nyandeng de Mabior, widow of the late John Garang, who appealed for restraint and stated her determination to deal with political differences through dialogue. President Salva Kiir allowed the delegation to meet with the ten high-level detainees, but this was not possible in the time available. The delegation committed itself to remain in touch with them and to visit them at a short notice. It also undertook to contact Riek Machar and to explore with him the opportunities for a peaceful resolution of the crisis.

15. On 26 December 2013, the Chairperson of IGAD, Prime Minister Hailemariam Dessalegn, and President Uhuru Kenyatta visited Juba, where they notably met with President Salva Kiir Mayadit. This was followed by the convening in Nairobi, on 27 December 2013, of the 23rd IGAD Extraordinary Summit, which discussed the situation in South Sudan. Notably, the Summit expressed concern at the evolution of the situation; condemned all unconstitutional actions to challenge constitutional order, democracy and the rule of law, as well as the escalation of the conflict. The Summit welcomed the commitment by the Government of South Sudan to immediately begin unconditional dialogue with all stakeholders, as well as to an immediate cessation of hostilities, and called upon Dr. Riek Machar and other parties to make similar commitments. The Summit decided that if hostilities do not cease within four days, it will consider taking further measures. The Summit requested the South Sudanese stakeholders to undertake urgent measures in pursuit of an all-inclusive dialogue, including reviewing the status of the detainees, in accordance with the laws of South Sudan, and to create a conducive environment for all stakeholders to participate. It was decided that face-to-face talks between all stakeholders should occur by 31st December 2013. The Summit demanded the parties to ensure the protection of civilians and humanitarian workers, and strongly condemned criminal acts against civilians and unarmed combatants, stressing that those involved in these acts shall be held accountable. The Summit requested the United Nations, the AU and the international community to support the IGAD process, ensure that humanitarian assistance is immediately delivered to all affected, and support constitutional and other political reforms in South Sudan. The Summit appointed General Lazaro Sumbeiywo of Kenya and Ambassador Seyoum Mesfin of Ethiopia as Special Envoys for South Sudan.

16. On my part, on 17 December 2013, I issued a communiqué in which I expressed AU's concern, and urged all stakeholders in South Sudan to exercise maximum restraint, seek the resolution of their differences through peaceful means, with due respect for the rule of law and constitutional legality, and expressed AU's readiness to assist in finding a solution within the framework of its relevant instruments. On 19 December 2013, I issued a statement welcoming the IGAD Ministerial mission to South Sudan. On 21 December 2013, I issued another statement in which I reiterated the AU's appeal to all concerned actors in South Sudan to exercise the responsibilities of leadership and to halt the slide towards civil war in their country. I expressed alarm at the deterioration of the humanitarian situation, and called for a humanitarian truce for the Christmas season, as well as for an inclusive dialogue on all relevant issues as the only way in which the South Sudanese can resolve their differences. I also strongly condemned the killing of innocent civilians and that of UN peacekeepers in Jonglei State.

17. Furthermore, I have undertaken consultations with the parties, reiterating strongly the AU's appeal for a cessation of hostilities and the initiation of a dialogue. I also interacted with a number of international partners to further a coordinated international response to the crisis. On his part, the AU Commissioner for Peace and Security had consultations with the US Special Envoy for the Sudans, as well as with the Norwegian Foreign Minister. Consultations have also been undertaken with other stakeholders.

18. In the meantime, on 18 December 2013, Council met to deliberate on the situation in South Sudan. Council noted with deep concern the fighting that broke out in Juba and in other locations in South Sudan, as well as at the humanitarian consequences of these unfortunate developments. Council urgently appealed to all stakeholders in South Sudan to exercise utmost restraint and to seek solutions to the current problem through dialogue and reconciliation, emphasizing in this respect the critical importance of respect for human rights, the rule of law and constitutional legality, as well as the rejection of the use of force to settle political differences. Council acknowledged the efforts by IGAD and other international stakeholders. It also encouraged the AU High-Level Implementation Panel (AUHIP) to pursue and intensify its efforts aimed at assisting South Sudan in addressing its governance and democratization challenges.

19. In view of the continued deterioration of the situation, Council held another meeting on 24 December 2013. On that occasion, Council expressed Africa's deep dismay and disappointment that the continent's newest nation should descend so rapidly into internal strife, and at the failure of political leaders in the country to live up to the hopes and aspirations of their citizens. Council expressed special alarm at the escalation of ethnic mobilization by belligerents, as well as at the deepening humanitarian crisis in South Sudan. Furthermore, Council strongly condemned the attacks against innocent civilians and the attack against a UNMISS camp in Akobo, Jongle State, on 19 December 2013. Council expressed its full support for the call for an immediate humanitarian truce. Council stressed the importance and urgency of an inclusive dialogue on all relevant issues. In this respect, Council welcomed the expressed commitment of President Salva Kiir Mayardit to unconditionally engage in dialogue, and called

on the other side to reciprocate. Council called on the South Sudanese authorities to consider releasing the political personalities detained in Juba, in order to facilitate dialogue. Finally, Council reiterated its support to the efforts being exerted by IGAD, and encouraged the Chairperson of IGAD and the AUHIP to pursue efforts aimed at calming the situation and seeking a negotiated peaceful resolution to the conflict.

20. On its part, on 20 December 2013, the UN Security Council issued a press statement on the situation in South Sudan. The members of the Security Council strongly condemned the fighting and targeted violence against civilians and specific ethnic and other communities occurring across South Sudan. They stressed the necessity for all parties to reject violence in all its forms and to resolve disagreements peacefully, and called on President Salva Kiir and former Vice-President Riek Machar to demonstrate leadership in bringing a swift and peaceful resolution to this crisis by calling for a cessation of hostilities and immediately commencing a dialogue. They called on all relevant states and organizations to use their influence with South Sudan political leaders to bring an end to the violence and initiate reconciliation. In this regard, they welcomed the IGAD initiative to dispatch a ministerial delegation to Juba. The members of the Security Council strongly condemned the attack on UNMIS camp in Akobo, the reported humanitarian violations and abuses by all parties.

21. On 24 December 2013, the UN Security Council adopted resolution 2132 (2013), in which it, among others, called for an immediate cessation of hostilities and opening of a dialogue between the parties. Furthermore, the Security Council decided, in view of the urgent circumstances of the situation, to augment UNMISS military component up to 12,500 troops, while the police component will be increased up to 1,323.

V. OBSERVATIONS

22. Two and a half years ago, the AU welcomed the new nation of South Sudan into its ranks, with high expectations that this new country would become a beacon of peace, prosperity and hope. I am profoundly dismayed at the recent turn of events which puts at risk countless human lives and jeopardizes the fundamental viability of the south Sudanese nation, with far-reaching consequences for regional peace, security and stability.

23. I am particularly concerned that the current dynamic could evolve towards inter-ethnic war, which threatens to further escalate the conflict and transform what was initially a political dispute into an exceptionally destructive conflict that would put in danger the very existence of the South Sudanese nation. The South Sudanese stakeholders should be fully cognizant of these perils and their responsibilities to save their young nation. I am also deeply alarmed by the deteriorating humanitarian situation that has already inflicted untold suffering on the civilian population, including killings, egregious violations of human rights and massive forced displacement. I strongly condemn the attacks against innocent civilians, including the targeting of ethnic groups and other communities, as well as other violations of human rights, notably

against women, children and other vulnerable groups. I further condemn the attack against the UNMISS Akobo camp.

24. Against this background, I reiterate the AU's call on all stakeholders to act from a sense of patriotism and responsibility towards the entire community of South Sudanese. Once again, I appeal for an immediate cessation of hostilities, as a sign of commitment by all concerned to the well-being of the people of South Sudan. I also would like to stress the urgent imperative of an inclusive dialogue among all concerned stakeholders based on the rejection of the use of force, respect for human rights and dignity, the rule of law and constitutional legality. I welcome the expressed commitment of President Salva Kiir Mayardit unconditionally to engage into dialogue, and encourage all concerned to take steps to create conditions for a successful dialogue.

25. I reiterate AU's appreciation to IGAD and to its Chair, Prime Minister Hailemariam Dessalegn of Ethiopia, for their sustained efforts and commitment, and welcome the communiqué issued by the 23rd Extraordinary Summit of IGAD. I encourage IGAD to pursue its efforts and assure it of AU's support and readiness to contribute further to the search for a lasting solution, including through the AUHIP. I urge all international stakeholders to fully support the IGAD-led efforts, including by using in a coordinated manner their influence with South Sudan political leaders to bring an end to the violence and initiate reconciliation.