

Spreading fallout

The collapse of the ARCSS and new conflict along the Equatorias-DRC border

Introduction

Armed conflict resumed in South Sudan in 2013 with the collapse of the country's coalition of ethnic and political elites.¹ Peace efforts hosted in Addis Ababa immediately focused on resolving the conflict by piecing the unity coalition back together around a donor-driven state-building plan, culminating in the August 2015 Agreement on the Resolution of the Conflict in South Sudan (ARCSS). Under the terms of this agreement former vice president and rebel leader Riek Machar flew to Juba in April 2016 with a sizeable protection force to reclaim the vice presidency. South Sudan's 'unity' government was short-lived, however, and Machar was expelled from Juba and then the country by government forces less than three months later.

In the wake of the ARCSS's collapse² South Sudan's war continues to widen and metastasize into a deepening national crisis of ethnic and military fragmentation, shaped by new dynamics rooted in the failed peace efforts, with devastating and wide-reaching humanitarian consequences. These include the creation of the world's largest refugee camp³ in neighbouring Uganda. The ARCSS's failure has radically transformed regional and international policy on South Sudan. President Salva Kiir's refusal to share power has forced regional actors and diplomats to confront the possibility that the presumed foundation for a stable South Sudanese state—a broad coalition of

ethnic elites incentivized to share power—may in fact be unattainable, despite the absence of any obvious alternative.⁴ The policy void and spreading conflict created by the ARCSS's failure culminated in the absence of an active peace process when UN special adviser Adama Dieng warned of possible genocide in South Sudan in November 2016.⁵

This *Issue Brief* examines the failed peace efforts to end the three-year civil war in South Sudan and the subsequent spillover of the conflict across its borders into the Democratic Republic of the Congo (DRC). First it discusses Machar's flight from Juba across Greater Equatoria into the DRC's Garamba National Park with hundreds of loyalists who were later extracted on political and humanitarian grounds by the United Nations Organization Stabilization Mission in the DRC (MONUSCO). It provides a background to and context for their ongoing presence in the DRC under the indefinite care of MONUSCO. The brief then explores the cross-border dynamics of South Sudan's escalating conflict since the ARCSS's collapse, focusing on the DRC. Finally, it analyses the potential for new peace efforts and the likely trajectory of the conflict in South Sudan against the backdrop of growing unrest in Greater Equatoria and the regional spillover, specifically into the DRC.⁶

Key findings are the following:

- The Addis Ababa peace process and the ARCSS itself were deeply flawed, resulting in a low chance

of success combined with significant risks in the event of failure. Kiir's supporters fiercely resisted the agreement and remain unwilling to give up their monopoly on power in exchange for national stability.

- The ARCSS's security provisions and the agreement's collapse contributed significantly to the spread of South Sudan's civil war into Greater Equatoria. The cantonment provisions in particular led to a surge in opposition mobilization under the banner of the Sudan People's Liberation Movement/Army in Opposition (SPLM/A-IO). Arms and fighters from Machar's forces remained in Greater Equatoria even after he had fled to the DRC.
- The SPLA's pursuit of Machar pushed him and his men into DRC territory in a state of extreme deprivation and malnutrition, resulting in both a humanitarian crisis and a new security risk for the DRC. Prolonged deliberations within the UN system as to how to handle the combatants gave them time to return their weapons to the South Sudanese conflict rather than fully disarm.
- The UN extracted the SPLA-IO combatants who had fled to the DRC in the midst of rapid changes in Machar's political status. When the extraction started in mid-August 2016 international and regional actors remained officially united in recognizing Machar as part of the peace process. By the time the extractions ended in mid-

September he was marginalized, diplomatically isolated, and being pressured into exile.

- In the absence of any political process to end the conflict in South Sudan, there are no clear solutions for the SPLA-IO combatants in MONUSCO care. Institutional infighting, political controversy, and a lack of leadership on the issue have overshadowed the extraordinary circumstances that constitute an unsustainable status quo: hundreds of South Sudan's best trained, most disciplined, and most aggrieved fighters remain stuck unhappily in insecure UN custody in one of the DRC's most volatile regions.
- The SPLM/A-IO has set up a new headquarters in Lasu near the DRC border, where it has established relations with DRC officials. Meanwhile, remnants of South Sudan's Arrow Boys' rebellion have crossed into the DRC and established a threatening presence near refugee camps. Kinshasa has little capacity or political will to proactively engage with or contain the fallout from South Sudan's growing crisis, which has spilled across a border that the DRC only loosely controls and South Sudan does not control at all.
- The collapse of the ARCSS dissolved the only working consensus among regional and international actors on how to resolve South Sudan's civil war. In the resultant policy vacuum, conflicts in Greater Equatoria along the DRC border can be expected to continue and likely escalate, with the ongoing risk of an intensifying war that continues to spread into the wider region.

From Juba to Goma: Machar's stranded fighters

The SPLA-IO's return to Juba and the collapse of the ARCSS

Salva Kiir's political base opposed the ARCSS power-sharing provisions

throughout the Addis Ababa peace process.⁷ Kiir eventually signed the agreement with Riek Machar in August 2015 under heavy international pressure, but announced his objections to it and warned of its likely failure during the signing ceremony.⁸ Unsurprisingly, its implementation stalled immediately, although comparisons to the difficult implementation of the 2005 Comprehensive Peace Agreement (CPA) were misguided.⁹ While posturing and foot dragging also characterized the implementation of the CPA, the two agreements are not comparable in terms of basic risk structure. The CPA gave the two signatories separate seats of power and zones of control with an opt-out clause (that is, South Sudan's secession) that allowed both parties to stay in power. The ARCSS, in contrast, mandated the two armed rivals to share power in Juba while maintaining separate military forces across the country (see Box 1) and

preparing for winner-takes-all competitive elections.¹⁰

In early 2016 Machar began to prepare for his return to Juba to resume his position of first vice president. Two factors complicated these preparations: the disarray of the SPLA-IO forces and their loosely confederate structure.¹¹ Machar issued directives recalling the best-trained SPLA-IO veterans to his Kaldek headquarters in Jonglei state and Pagak, the SPLM/A-IO headquarters on the South Sudanese–Ethiopian border in Upper Nile state. These included soldiers who had defected from the 'Tiger' presidential guard unit; commando units; mechanized units; and members of the National Security Service, military police, and Criminal Investigation Department. (One former Tiger estimated that Machar brought 140 former presidential guards to Juba in his protection force.)¹² The remainder of the SPLA-IO force comprised

Box 1 The ARCSS's transitional security arrangements

The ARCSS's security arrangements did not explicitly limit the location of Machar's forces. Instead they committed the parties to the separation, assembly, and cantonment of forces that had been previously in combat in Juba, Unity, Upper Nile, and Jonglei states, and 'any other forces related to the conflict in other areas' that were declared by the parties within 30 days of the signing of the agreement (ch. 2, arts. 2.1–2.2). This ambiguity allowed for a wide range of interpretations regarding what military concessions had been granted to Machar, and in practice it has led to an even wider series of actions. Machar seized the 'any other forces' clause to justify mobilizing forces and offering army posts in an expanding national opposition army.

The screening, registration, and storage of weapons, and disarmament, demobilization, and reintegration (DDR) processes, were required by the ARCSS in the cantonment sites within 90 days of the signing of the agreement (ch. 2, art. 2.4). However, Malong continued to block the establishment of cantonment sites outside the 'conflict affected areas' up until the agreement's collapse, while even in the 'conflict affected areas' cantonment sites were never established. Crucially, the agreement also stated that within 18 months the armed forces should be placed under a unified command (ch. 2, art. 7.1), although these provisions ran counter to the interests of both sides and neither side took them seriously. In the meantime, and with the expectation that integration would never be fully implemented, Machar hoped that the terms of the agreement would give him the space to train, resource, and formalize a national opposition army that he had failed to construct during two years of civil war.

The SPLM-IO requested 19 cantonment sites outside of Greater Upper Nile: 11 in Equatoria, 8 in Bahr al Ghazal, and 2 in every state except Warrap, Kiir's home state, where it requested just 1 near Abyei. Kiir's government rejected the notion that groups outside Greater Upper Nile were 'related to the conflict', however, and Malong never extended the ARCSS ceasefire to Greater Equatoria or Bahr al Ghazal. Meanwhile, up until the agreement's collapse in July 2016 Machar continued to promise SPLM-IO-aligned armed groups across Equatoria and elsewhere cantonment (and by extension integration into the national army) even as the SPLA continued to attack their positions. Fighting in Greater Equatoria escalated with the signing of the agreement and has continued unabated since.

Source: HSBA (2016, pp. 2–4)

supporters who were able to reach Pagak or Kaldek, where they were hurriedly trained.¹³ Most members belonged to the so-called eastern and central Nuer of Upper Nile and Jonglei states, while others came from the western Nuer of Unity state, Machar's immediate clansmen. SPLA-IO divisions 1, 3, 4, 5, and 7 contributed the majority of the troops.¹⁴

Machar did not assemble troops from other areas of South Sudan, despite the peace deal's designation of him as leader of the South Sudanese armed opposition. His Nuer protection force contributed to perceptions among other South Sudanese, including other ethnic elites, that the ARCSS was primarily a Dinka–Nuer pact¹⁵ that forced the nation into a binary power arrangement. The only other force in the SPLA-IO coalition with the capacity to contribute to Machar's Juba force was the Shilluk Agwelek militia under Lt. Gen. Johnson Olony, who declined to do so. Olony—who was focusing on Shilluk interests—joined the SPLM/A-IO in July 2015, but Machar did not subsequently appoint Agwelek officials to the movement's Political Bureau.¹⁶ Disagreement had raged among Olony's senior advisers on how significantly to invest in the national peace process. In the weeks immediately prior to Machar's return to Juba, Agwelek continued to mobilize and train thousands of recruits in response to the annexation of Shilluk land. Even after joining the SPLM/A-IO, Olony remained sceptical about the ARCSS. He urged Machar not to return to Juba until Kiir had committed to revoking the October 2015 decree establishing 28 new states,¹⁷ which transferred significant amounts of land from Shilluk to Dinka administrations.¹⁸

Machar overestimated external commitment to the ARCSS, while also facing internal pressure to return to Juba, despite the risks involved. His rebellion had been severely routed, and the ARCSS opened up a route for his continued pursuit of national power. Besides the threats of UN sanctions, he also faced internal pressure from

within his coalition to act. Militias in Greater Equatoria and near Wau in Western Bahr al Ghazal state were demanding cantonment sites, as required by the terms of the ARCSS (see Box 1). Opposition recruitment had spiked after the signing of the ARCSS due to its provisions on the cantonment of opposition forces and their integration into a national army. While envisioned by external brokers as a means of freezing the forces' recruitment, Machar instead used the agreement to instigate a national recruitment drive, promising officer positions to opposition figures across the country in his new official capacity as leader of the opposition army. He negotiated with community mobilizers and militia leaders, who in turn leveraged widespread political and ethnic grievances and offered promises of livelihoods to recruit in their areas. With the newly declared forces under steady assault from Lt. Gen. Paul Malong, the SPLA chief of staff, Machar promised to push for national cantonment on his arrival in Juba.

International monitors subsequently admitted their failure to verify the number of government troops in Juba in the weeks prior to Machar's arrival,¹⁹ but at the time the international community was strongly pressuring him to return.²⁰ Only a portion of his forces ever reached the city, tilting the power imbalance heavily in the Kiir government's favour.²¹

The July 2016 outbreak of fighting and Machar's subsequent flight were the inevitable outcomes of an ARCSS power structure that prescribed joint security by two hostile armed groups set to compete against each other. The security arrangements were only partially implemented, leaving Juba less demilitarized and with a greater power imbalance than had been agreed. Machar's core group was outmanned and outgunned in Juba, which grew increasingly tense until the outbreak of heavy fighting on 8 July 2016 at the presidential palace (commonly known as J1). Both Kiir and Machar were present and personally endangered by

the firefight at J1, which was the subject of significant intrigue and finger pointing inevitably directed at actors who were not present, but who benefited most from subsequent events.

In response to the fighting, which lasted from 8 to 11 July, Malong launched an offensive to expel Machar's forces from Juba, thereby effectively dissolving the short-lived ARCSS. The SPLA went on to lead the looting of USD 30 million worth of food, vehicles, equipment, fuel, and supplies from the World Food Programme (WFP)—including 4,500 metric tons of food, enough to feed nearly 20,000 people for an entire year.²² Among the SPLM-IO, only Taban Deng Gai's faction clearly benefited from the J1 events. Indeed, the speed of Taban's subsequent defection to the government was not coincidental, but the result of long-running negotiations.²³ Within Kiir's coalition the dissolution of the ARCSS arrangements was a victory for Malong and other hardliners, including the Jieng Council of Elders, who had consistently opposed it.²⁴

Machar's flight through Equatoria

Machar did not originally plan to flee to the DRC, but to establish a base in Central Equatoria at his nearest stronghold to Juba, outside Lainya, where he hoped to receive air resupplies from Sudan while waiting for diplomatic intervention in support of the ARCSS.²⁵ The SPLM/A-IO group fleeing from Juba included a political team as well as civilian supporters, family members, and supporters who had been trapped inside protection camps run by the UN Mission in South Sudan (UNMISS).²⁶ Between 2,000 and 4,000 people initially joined the trek (see Map 1).²⁷ The convoy headed south, with Gen. John Kenyi Loboro, an ethnic Pojulu, advancing towards his stronghold outside Lainya and Wonduruba in Central Equatoria state to a base code-named Mangaten, north of Bareka village.²⁸ The SPLA did not pursue or attack Machar's convoy as it moved south, and the convoy did not try to



conceal its movements, despite the presence of surveillance drones. SPLA aerial attacks started once the convoy stopped at Mangaten, however, and continued nearly daily until the UN airlifted Machar from the DRC.

The size, strength, and state of the forces available to them disappointed Machar and his Nuer commanders and forced a reconsideration of strategy. (Equatorian SPLA-IO forces had often issued inflated figures as to their numbers, which supported the high ranks demanded by Equatorian commanders and their demands for cantonment sites under the ARCSS security provisions.) Several days' march from Juba, Machar was in need of ammunition and food, vulnerable to air attack, and had no clear fallback plan even as it became apparent that his Equatorian forces lacked the resources or manpower to protect him. Crucially, Sudanese air support failed to materialize, and the presence of the large Nuer force strained relations

with local communities in the areas it passed through.²⁹

From Mangaten one small company of soldiers was dispatched under Maj. Gen. Martin Abucha, a Madi and a US citizen, to Eastern Equatoria, where they divided between the Magwi and Pageri areas. On Loboro's advice the rest of the group then continued north-west towards the forested area of Dolo, where forces under Lt. Gen. Wesley Welebe arrived from Mundri with emergency food and provisions. Under daily air attack and failing to secure a resupply, Machar and the rest of the convoy continued on to Welebe's area in Greater Mundri in the hope of finding a more secure base. Lt. Gen. John Jok, head of the SPLA-IO police units in Juba, stayed behind in Central Equatoria with a significant number of men (described as roughly a battalion) as the ranking officer and acting sector commander. Placing a Nuer general in command of operations in Equatoria did nothing to assuage Equatorians'

concerns about continued Nuer dominance within the SPLM/A-IO,³⁰ even as the war's burden shifted to their communities.³¹ Maj. Gen. John Mabieh Ghar, a Nuer, also remained behind as the divisional commander of 'Yei River', which includes the part of Central Equatoria on the DRC border.³²

The SPLA launched its first ground assault on Machar's forces in Welebe's territory just as the convoy was crossing the Yei River south-east of Mundri in Western Equatoria state. Boats capsized; some people managed to cross on tent canvasses; others drowned. Some never crossed, and abandoned the convoy, fleeing into the bush. Machar's force regrouped briefly at Welebe's headquarters south of Mundri following the ground assault. A hasty leadership meeting decided to abort a plan to go to Mundri and to flee instead to the DRC. Machar, who was tactically vulnerable and still in want of resupply, also had a sense of diplomatic urgency following Taban Deng's defection and

his appointment as Machar's replacement in Juba.³³ Additionally, Machar had friendly ties with Kinshasa and expected it to permit a Sudanese resupply when he arrived on DRC territory. Machar and his followers continued immediately towards the sparsely populated forests south of Mundri and on towards the DRC. Welebe eventually turned back and Brig. Gen. Saki Paloko, an ethnic Baka commander under Welebe with bases on the DRC border, took over as guide.

The trek from the Mundri area to Garamba Park in the DRC proved to be particularly traumatic. Those who survived to reach the DRC two weeks later were on the brink of starvation and in need of urgent medical care. The SPLA's 6th Division did not attempt to get in front of Machar's group and force a major confrontation or halt its flight. Instead, a steady pursuit and the occasional surprise assault from the rear kept Machar and his men on the run. The wounded struggled to keep up, with many members of the convoy walking barefoot. The SPLA trailed them, executing those who fell behind.

The group lost most of its supplies on 5 August in an early dawn SPLA raid, two days after passing nearby Bangolo. Machar escaped, ferried across a river by a bodyguard, but the convoy lost much of its remaining food and equipment, including arms, ammunition, cooking supplies, cameras, computers, radios, and bedding. Many did not eat another proper meal for two weeks, hundreds of miles later, when the UN dropped food supplies. Among those who are thought to have died were Lt. Gen. Martin Kenyi, the SPLA-IO's Equatorial commander and a veteran leader of the disbanded Equatoria Defence Forces,³⁴ and Hatim Deng, the SPLA-IO's chief of protocol.³⁵

Machar eventually crossed into the DRC's Garamba Park west of Rasulo. The SPLA continued its pursuit until a final ground skirmish on 13 August involving 800–900 SPLA soldiers.³⁶ Despite hunger and exhaustion, Machar's group stayed on the move, travelling deeper into the park and

clearing landing zones for Sudanese support that never materialized. A month after fleeing from Juba, Machar's health and that of his men were rapidly deteriorating. Machar had suffered injuries in both legs, including a dislocated knee, and had to be carried for several days on a stretcher. Paloko's men showed the Nuer how to dig for edible roots, but many died from ingesting a toxic look-alike. Hunger turned to starvation as they ventured further into Garamba's no-man's lands.

Extraction: shifting winds

Machar's entry into the DRC following the collapse of the ARCSS pushed the South Sudanese conflict outside the confines of the regional bodies that were attempting to address it. Despite its lengthy shared border with Intergovernmental Authority on Development (IGAD) member states, the DRC is not a party to IGAD and is outside official South Sudanese diplomatic channels. There is no indication that DRC or UN officials were aware of Machar's journey towards Garamba or were prepared for his arrival. Surprisingly, Garamba Park authorities failed to detect the presence of Machar's group for days, despite significant recent investments in surveillance equipment to combat poaching activities.

An intermediary for Machar first made contact with David Gressly,³⁷ the MONUSCO Deputy Special Representative of the Secretary-General (DSRSG) based in Goma, on 15 August to inform him of the SPLM/A-IO group's presence in Garamba Park and its urgent need for medical assistance. Gressly informed UN headquarters in New York, as well as the Agence nationale de renseignements (ANR, the DRC's national intelligence agency), of the situation. The UN in New York consulted IGAD via Ethiopia, which urged the UN to extract Machar urgently, fearing that his death would spark an intense and violent response from supporters and cause further destabilization in South Sudan.³⁸ Machar's presence was kept highly

confidential: senior UN aides and desk officers were among those not informed of the ongoing deliberations and Machar's eventual extraction.³⁹

MONUSCO began 'Operation Dragon' on 17 August to extract Riek Machar, his wife Angelina, son, and bodyguards, numbering 13 persons (see Map 2). It coordinated the extraction with the ANR's head, Kaleb Mutond, who asked to be given custody of the group. UN headquarters directed UNMISS to inform the SPLA in advance of the mission, prompting MONUSCO to plan for potential hostile action by the SPLA.⁴⁰ Two South Sudanese helicopters did indeed attack the SPLA-IO position in Garamba Park on the morning of 17 August, but left before the arrival of the MONUSCO helicopter that was to evacuate Machar that afternoon.⁴¹

The news of Machar's evacuation drew a swift outcry from the South Sudanese government. Unflattering photos of him on a stretcher circulated on social media. A Western diplomat erroneously told the *Wall Street Journal* that MONUSCO had extracted Machar from inside South Sudan. The newspaper dropped the diplomat's quote in hours, but not before South Sudanese social media had erupted.⁴² This conspiracy theory has been reiterated by the South Sudanese government since and, mostly recently, by the DRC government. The latter reasserted the claims in a 9 January 2017 letter to the UN Secretary-General blaming the UN for bringing the SPLA-IO into the DRC and denying knowledge of, or cooperation with, the extraction operation.⁴³

The prolonged, intense controversy over the UN's extraction of Machar is partly due to the rapidly shifting diplomatic attitude to him. From a policy perspective, this shift turned him from being considered a legitimate vice president of South Sudan to a shunned rebel leader who had been forced into exile. Immediate statements from IGAD and African heads of state in July 2016 called for the parties to recommit to the ARCSS.⁴⁴ In early August IGAD and the African Union (AU) asked Taban

Deng to step aside when Machar returned⁴⁵ just as the Joint Monitoring and Evaluation Commission (JMEC)⁴⁶ chair Festus Mogae endorsed Machar's return to Juba and questioned the legality of Deng's appointment.⁴⁷

Yet behind the scenes Juba's determined manhunt through Greater Equatoria to kill or banish Machar and his men led diplomats to reconsider whether the ARCSS was really such a good idea after all. Machar's medevac outside the country on 17 August after a month on the run added to concerns that the government would never accept him in power after yet another successful military campaign against him. The resulting official shift in the international community's position was led by the United States. On 22 August US secretary of state John Kerry endorsed the legality of Taban Deng's vice presidency.⁴⁸ On 7 September US special envoy Donald Booth told the US Congress that Machar should not return to Juba,⁴⁹ after which subsequent IGAD and AU statements stopped calling for his return. From 1 to 5 September a UN Security Council delegation led by US ambassador Samantha Power visited South Sudan and pushed for the deployment of a regional protection force,⁵⁰ which formed a new focal point for external pressure. The United States pushed Sudan especially hard to end its support for Machar as part of US preconditions for the easing of sanctions on Sudan, and meanwhile Kenya, Ethiopia, and Sudan denied him entry, forcing an extended exile in South Africa. By the end of September regional and international policies had aligned to isolate Machar in order to prevent a return to an unworkable ARCSS. This was a remarkable about-face thinly shrouded by an insistence that the various actors were merely following the terms of agreement. This strategy to move forward without Machar successfully forestalled the reconstitution of the Addis Ababa peace process, which the United States strongly wished to avoid resuscitating.⁵¹ It also had the corresponding effect of forestalling

any alternative peace process, since all parties remained publicly committed to the ARCSS.

Following a request from UN headquarters in New York and in close coordination with the DRC government, on 24 August MONUSCO expanded its extraction operation. It transported 139 SPLM/A-IO leaders and critically ill combatants from Garamba to Bunia, where they awaited transfer to the DRC government's custody. This second extraction significantly widened the scope of the intervention from a narrow medevac of Machar and his family to the extraction and transfer of the SPLA-IO's most senior military and political officials. Included in the extraction were chief of staff Simon Gatweach, Lt. Gen. James Koang,⁵² and four SPLA-IO governors (Matata Frank of Yei River, Lokidor Marko of Kapoeta, Johnson Kuol Gai of Phow, and Kuang Gatkuoth of Bieh), as well as members of parliament and political leaders.⁵³ After two days MONUSCO transferred 117 of the group who were in a stable medical condition to Buta in Bas-Uélé district, where the DRC government took custody of them.⁵⁴ An aircraft subsequently airlifted the group to Khartoum, where the leadership remained, while the rest boarded a bus to Al Damazin in Sudan's Blue Nile state. Later they flew to Addis Ababa en route to Gambella, and finally crossed into South Sudan via Pagak.⁵⁵ Sudan's involvement in this operation—South Sudan's historical adversary and Machar's patron—and the SPLA-IO combatants' swift return to the South Sudanese conflict added to the controversy over the UN's actions.⁵⁶

The transfer of the group to Buta on 24 August was supposed to mark the end of the UN's role. The ANR was to take the lead on the remaining SPLA-IO members, including by convincing them to return to South Sudan. Sceptical MONUSCO officials began contingency planning for more aggressive action on humanitarian and security grounds, however. MONUSCO had first learned of the extent of the

group's starvation during the first extraction, when SPLA-IO officials said that between five and ten people were dying daily. MONUSCO officers reported that the group was suffering from the effects of dirty water, including diarrhoea, malaria, and other infections, in addition to lacking pots for cooking. Dozens had died⁵⁷ after the first food supplies were dropped on 18 August after Machar's extraction.

The remaining SPLA-IO members in Garamba Park became a matter of heated dispute among UN officials in Goma, New York, and Juba. UNMISS strongly objected to perceptions that the UN was intervening on behalf of one party to the conflict against the other and in the return of the combatants to South Sudan via Sudan and Pagak. Gressly argued for the full extraction of all SPLA-IO members from the border area on humanitarian and stabilization grounds. He feared predatory behaviour from the group and was all too aware of Machar's previous connections to the Lord's Resistance Army (LRA) and 'Mbororo' Fulani herders.⁵⁸ These two armed groups were already active in the area around Garamba Park, along with illicit poaching networks. Gressly calculated that the opportunity to disarm and relocate the combatants in exchange for food would not present itself again. A MONUSCO legal adviser argued separately that MONUSCO faced a legal obligation under international humanitarian law to intern the combatants if the DRC was unwilling or unable to do so. UN headquarters in New York denied any such legal obligation and argued against further active entanglement in the fate of the SPLA-IO combatants.⁵⁹

The humanitarian phase of the operation to airlift the rest of the group started on 31 August and then halted again as MONUSCO debated with New York whether to continue.⁶⁰ A barrier to extraction also arose from within the SPLA-IO itself, now commanded by Maj. Gen. Dhilling Keah, Machar's chief of military intelligence left in

charge of the Garamba remnants, who had not received permission from Machar to disarm.⁶¹ Food supplies halted and dozens more died, including from poisoning by toxic plants. Huddled around maps, commanders bickered about what to do if the food drops did not resume, with Keah reportedly favouring venturing further into the DRC in the continued hope of a Sudanese resupply, while others argued for a return to South Sudan.

Machar continued to resist the permanent disarmament of the group and personally called a MONUSCO force commander to try to negotiate. He was told bluntly that he had to choose either guns or food.⁶² Instead, Keah dispatched a group of SPLA-IO combatants north to summon Brig. Gen. Paloko to retrieve the group's remaining valuable arms, which included weapons captured from the SPLA in the Juba clashes.⁶³ Paloko's men finally retrieved the arms on 11 September, just ahead of the final extractions, which took place over four consecutive days from 9 to 12 September. Keah was among the last to be evacuated. MONUSCO therefore extracted a total of 752 people between 17 August and 12 September 2016.

A camp established outside Dungu for DDR purposes was found to be too small, so a second DDR camp was prepared in Munigi, outside Goma, which was chosen for its larger capacity of 500. In total 522 people were transferred to Munigi in September 2016. Many of those extracted on 24 August had to remain in intensive care and were transferred to the camp later. A total of 109 people were transferred to the Dungu camp, which was adjacent (by coincidence) to the US Africa Command base for troops combatting the LRA. All who were extracted showed signs of extreme malnourishment: none who arrived in Munigi weighed more than 45 kg.

In total the SPLA-IO handed over 138 weapons to MONUSCO, mostly AK-pattern rifles, but also including at least one M16 rifle, two PKM machine guns, two rocket-propelled grenades, and several pistols. Most were old, in poor condition, and appeared to come from old SPLA stocks.⁶⁴ The bulk of the arms brought into the DRC were ferried back to South Sudan by Paloko's men, where they were distributed back into the conflict in Central and Western Equatoria.⁶⁵

After the 24 August extraction 709 SPLA-IO combatants remained in

Garamba Park, according to an internal UN tally. MONUSCO extracted 600 of them (see Map 2), while Keah told UN officials that another 35 men had returned to Equatoria.⁶⁶ The missing 74 presumably died, which roughly mirrors the casualty figures reported by the survivors. This figure excludes those who perished following the first food drop. Survivors all acknowledged that the group lost significant numbers during the final two weeks of the march as participants deserted to nearby towns, got lost, were left behind, or were killed, but no comprehensive tally exists. Estimates of those who died during the march varied from dozens to the high hundreds. Currently, most of the SPLM/A-IO leadership and surviving civilian supporters remain in Munigi.⁶⁷ Nearly half the population of the Dungu camp comprises defectors from the elite Tiger presidential guard, according to one of its residents.⁶⁸

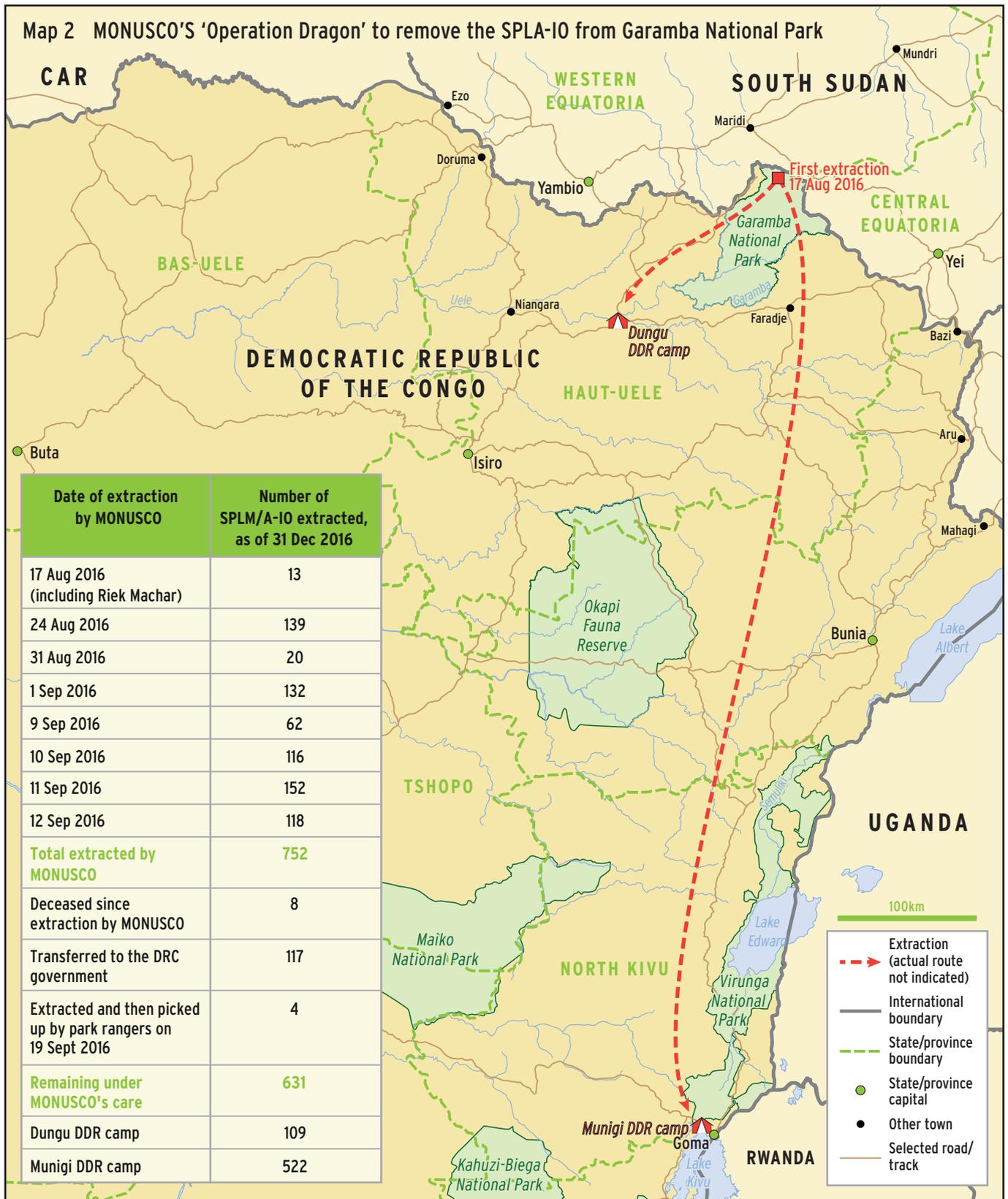
Stranded in the DRC

Munigi and Dungu are both problematic locations for holding the SPLA-IO combatants in the DRC. Dungu is not ideal due to its proximity to South Sudan (76 km), other SPLA-IO forces near the border, and armed groups such as the nomadic 'Mbororo' in an area with historical links to Machar.⁶⁹ Munigi (1.5 km from Goma) is problematic because of the Kivus' troubled history with foreign and foreign-backed armed groups, in particular the Rwandan Hutu-led Forces démocratiques de libération du Rwanda (FDLR), which established a presence in the Kivus following the Rwandan genocide in 1994, and more recently the Tutsi-led 'M23' movement.⁷⁰ Around 70 armed groups are estimated to operate in North and South Kivu alone.⁷¹ Of all these armed groups, the FDLR is both the strongest and the nearest to Goma. Other foreign groups in eastern DRC include the LRA and Burundian and Ugandan armed opposition groups.⁷² Furthermore, Garamba Park is an epicentre for elephant poaching in Central Africa by known poaching groups from Libya, Chad, Darfur, and the LRA.⁷³



Pistols, satellite phone chargers, and other paraphernalia collected from SPLA-IO officials by MONUSCO during the extraction operation from Garamba National Park in August and September 2016. 1 December 2016. © Alan Boswell

Map 2 MONUSCO'S 'Operation Dragon' to remove the SPLA-IO from Garamba National Park



South Sudanese, including the SPLA, have been known to enter the park for poaching, and this has increased since the outbreak of war in 2013.⁷⁴ Forces armées de la République démocratique du Congo (FARDC) elements also pose a risk.

Local Kivu civil society groups immediately protested against the presence of yet another foreign armed group. The decision to house the combatants close to Goma was deemed even more questionable, given the UN's view that it cannot legally intern the

combatants or hold them involuntarily by force, meaning that the only things stopping the SPLA-IO combatants from walking out are lack of means and fear. Sporadic protests against the SPLA-IO presence continued in Goma through December 2016. On one occasion local

protesters blocked the transport of SPLA-IO members back to the camp from a local hospital. UN officials believe that local hostility, coupled with explicit threats of bodily harm should SPLA-IO members try to leave the camp, will continue to act as a strong deterrent against any breakout attempts.⁷⁵

MONUSCO did not plan on keeping extended custody of the combatants, hoping for a quick transfer to a third country such as Ethiopia. An exploration of possibly transferring them elsewhere in the DRC stopped temporarily when the authorities cut off collaboration on the issue in an official letter delivered on 3 October demanding that MONUSCO remove the SPLA-IO combatants from the country within one week.⁷⁶ After a senior South Sudanese delegation visited Kinshasa to strengthen ties in November 2016, the DRC government insisted that the SPLA-IO combatants be repatriated to South Sudan. Kinshasa's disengagement has put MONUSCO in a complex legal position as a non-sovereign entity responsible for the indefinite care of foreign combatants whom it has no mandate to intern.⁷⁷ This has left MONUSCO with no legal basis for continuing to feed and care for the combatants, who have been disarmed, but not voluntarily demobilized.

Fears that the SPLA-IO could join the array of foreign armed groups carving out illicit space in North and South Kivu are deemed to be far-fetched, however. The South Sudanese have no clear incentive to stay in eastern DRC, indefinitely separated from family, support networks, and the struggle back at home. Yet they could become potential 'spoilers' and transactional allies for DRC actors should the situation in the east of the country destabilize further. The approximately 500 combatants in Munigi constitute a substantial force in a region where most armed groups comprise fewer than 200 combatants.⁷⁸ The SPLA-IO combatants would likely accept any plan that offered a clear path back to the South Sudanese border, ideally both armed and equipped.

In reality, the UN is unsuited to finding a solution to the SPLA-IO issue, for which a transparent and strictly legal solution is unlikely. In late October 2016 then-Secretary-General Ban Ki-moon formally referred the matter to the UN Security Council, seeking support.⁷⁹ His appeal failed to attract the urgent or sustained high-level attention needed to resolve the issue, however. Diplomats complained that his letter lacked clear direction or an actionable request, a frustration furthered by the perception that MONUSCO had caused its own predicament.⁸⁰ In short, the case lacked a champion. At a time of crisis in both the DRC and South Sudan, neither France, which leads the Britain–France–United States grouping (P3) on the DRC, nor the United States, which leads the P3 on South Sudan, prioritized the case.⁸¹ Adding to the lack of urgency is the fact that few policy officials working on the South Sudanese crisis are eager to push for a deal that would result in the combatants' re-entry into the conflict.

The stranded combatants themselves are deeply frustrated and morale is low. The Munigi camp leadership recognizes that their fate is closely tied to Machar's. The camp leadership was visibly agitated after Machar was denied entry by both Sudan and Ethiopia in late November and was forced to return to South Africa, exiled from the region.⁸² Their marooned status is the outcome of military defeat in Juba, a traumatizing flight to the DRC, and their sudden political isolation.⁸³ However, a collective sense of victimization by the South Sudanese government, the region, and the international community continues to bind them together. Furthermore, the group is not completely isolated: senior military, intelligence, and civil officials remain in active communication with networks in South Sudan via mobile messaging apps.⁸⁴

Momentum towards a resolution of the issue will be key to forestalling serious attempts at escape plans. These combatants include Machar's most

veteran and loyal fighters. Some have been with him since his 1991 split with the late John Garang over the SPLM leadership. Their absence from the battlefield hurts Machar in two ways: it weakens the SPLM/A-IO, but it also weakens Machar's position in the movement and the wider opposition, where power has greatly diffused. At the same time, the Equatorian SPLA-IO has little reason to abandon Machar without a viable alternative. The March 2017 formation of a rebel group, the National Salvation Front, by Thomas Cirillo (the former SPLA deputy chief of staff) could prove to be such an alternative in the future if Cirillo obtains external arms supplies. Meanwhile, a weakened, exiled Machar as an opposition figurehead is not unwelcomed by some Equatorians, whose power in and military contributions to the SPLM/A-IO are on the rise.

Some regional diplomatic action is starting to take shape through the International Conference for the Great Lakes Region, the only regional platform that includes South Sudan, the DRC, and its other neighbours. In the absence of a broader deal, momentum is currently building towards a patchwork approach that reduces the SPLA-IO numbers in the DRC on a case-by-case basis, starting with minors and non-combatants. After initially vowing to fight on, many SPLA-IO combatants have recently requested demobilization and a transfer as civilian non-combatants to their families. Nearly all of them have requested relocation to Sudan, however, raising concerns that they may re-enter the South Sudanese conflict. Other immediate options are lacking. The combatants will not accept permanent exile far from South Sudan, nor are any countries offering to provide this. Any transfer within the region that does not include indefinite internment would provide an opportunity to re-enter the conflict, which most never intended to leave.⁸⁵

A thaw in Machar's political isolation or his de facto withdrawal from the battlefield could reopen the possibility

of a third country accepting the rest of the combatants, namely Ethiopia. Meanwhile, demands for a fully inclusive 'national dialogue' in South Sudan are rehabilitating Machar's image as a formal political actor, but as one of many opposition figures instead of the recognized leader of the armed opposition. As long as armed hostilities continue in South Sudan, the issue of the SPLA-IO members in the DRC will be difficult to resolve due to legitimate fears of inflaming the conflict with their transfer. The JMEC, which represents IGAD's interests, could play a more supportive role if it stopped pushing repatriation to South Sudan under an amnesty programme as a credible option.⁸⁶ (Only eight SPLA-IO combatants accepted the amnesty offer, and MONUSCO facilitated their return to Juba in April 2017.)⁸⁷ At the same time, the JMEC faces no clear incentive to relieve MONUSCO of its burden and assist in bringing the combatants back into the IGAD realm.

A destabilized border region: war in Greater Equatoria

South Sudan's government has long ceded control of the border with the DRC to local government actors or non-state armed groups.⁸⁸ Senior DRC military officials assert that the SPLA does not control a single area along the 628-km border.⁸⁹ Similarly, the DRC's weak administration, fractured military, and lack of political interest have resulted in limited border control. Indeed, South Sudan has never been a foreign policy priority for Kinshasa, and is even less of one now in the current state of crisis engulfing President Joseph Kabila's government. Kinshasa's previous engagement with Juba had been centred more on the DRC's testy relationship with Kampala and was initially friendly towards Machar, in part due to shared interests with Sudan against Ugandan president Museveni.⁹⁰ However, current cross-

border alliances are driven primarily by local dynamics. While Juba has recently pursued a rapprochement with Kinshasa, the effect on the border area has been minimal.

Ethnic groups with strong cross-border links and sympathies straddle both sides of the porous border. SPLA-IO-aligned Equatorian groups reportedly use DRC territory as a rear base for both refuge and transit in and out of South Sudan. The risk of cross-border links hardening into firmer political alliances is real, made more likely by the South Sudanese conflict's stark ethnic characteristics: since its outbreak in December 2013 through the targeted killing of ethnic Nuer in Juba, South Sudan's war has been waged on ethnic lines. These ethnic dynamics are multiplying and deepening as the war spreads, engulfing more communities, and as President Kiir's ethnic support base narrows further.

The border can broadly be divided into two sections, divided by Garamba Park in the centre (see Map 1). To the west of Garamba the Azande ethnic group of former Western Equatoria straddles both sides of the border all the way to the Central African Republic (CAR). To the east of Garamba the Kakwa ethnic group dominates both sides of the border with Uganda. Cross-border conflict dynamics vary, but in both cases ethno-nationalism poses a long-term risk to the region's stability.

Azande borders and the 'Palangabolo'

The Azande ethnic group spreads across the borders shared by the DRC, CAR, and South Sudan. The conflict in the Zande zone of Western Equatoria began after the signing of the ARCSS in August 2015 with the removal and arrest of Governor Joseph Bakosoro.⁹¹ President Kiir replaced Bakosoro with Raphael Patrick Zamoi, the highest-ranking Zande in the SPLA.⁹²

Machar immediately negotiated with two militia groups formed under Bakosoro's patronage: the South Sudan National Liberation Movement

(SSNLM), a group led by Victor Wanga (since deceased) in Gangura; and the loose 'Arrow Boys' network of community security militias led by Alfred Fatuyo, originally mobilized to fight the LRA, 'Mbororo', and Dinka cattle herders. The SSNLM rejected Machar's overtures, signing a local peace deal with Zamoi in April 2016.⁹³ SSNLM members have since received training and limited numbers of weapons from the South Sudanese government and the group has been deployed as a government security force. (The SSNLM also continues to control the important Nabiapai border market.) Machar won Fatuyo over with a promise of 2,200 officer positions and an appointment as major general. Fatuyo established a base in Li-Rangu, near Yambio, but maintained the loyalty of a separate force in Andari, near Ezo at the junction of South Sudan, the DRC, and CAR, led by John Umee, a local Arrow Boys leader, and James Nando, a defected SPLA veteran.

Reports of DRC Azande recruitment into the South Sudanese rebellion in exchange for financial incentives surfaced in early 2016.⁹⁴ This activity picked up again in September 2016, when Nando launched aggressive operations from the DRC side of the border. Local authorities refer to Nando's group not as 'Arrow Boys', but as 'Palangabolo', meaning 'young people' or 'the youth' in Pa-zande (the Zande language).

Nando is an SPLA veteran who in June 2016 claimed to have defected at the outset of the conflict from a posting in Maiwut, Upper Nile, after having risen only to the rank of corporal after 23 years' service.⁹⁵ Fatuyo appointed him brigadier.⁹⁶ (DRC military intelligence believes that Nando is a former SPLA lieutenant who deserted prior to the 2013 conflict and became a poacher,⁹⁷ and MONUSCO press statements have referred to him as 'Lieutenant James'.⁹⁸) Unlike Umee, Nando was never part of the Arrow Boys.

Nando moves in and out of the DRC with ease, operating from a no-man's land around the forested Biki River area, across the border from the SPLA-IO

Arrow Boys' base in Andari. During the Sudanese civil war the SPLA mined alluvial diamonds on the Biki River, which extends into South Sudan, to finance its war efforts. Bakosoro blocked SPLA attempts to bring in Chinese mining operations during his tenure as governor, which heightened tensions between him and Juba.⁹⁹ Locals accuse Nando of benefiting from artisanal gold and diamond mining in the area, while using it as a base for recruitment in the refugee sites that lie around the periphery of the Biki forests (see Map 1). According to local reports, Nando himself was also sighted in late September and early October in Katinga, a village 7 km north-west of Doruma.¹⁰⁰ One report

suggested that in September 2016 he had recruited roughly 60 militiamen in Biki.¹⁰¹ An eyewitness report in March 2017 placed the number at 200.¹⁰² FARDC and local officials are aware of his presence, but have not challenged it.¹⁰³

Both the LRA and Nando were active near Doruma from September for some months, leading to allegations from local authorities that Nando was collaborating with the group.¹⁰⁴ MONUSCO has also publicly accused Nando's group of collaborating with LRA elements.¹⁰⁵ The evidence of collaboration is circumstantial and inconclusive, however. For instance, a local FARDC commander was killed on 9 September 2016 in an apparent

LRA ambush on the South Sudanese–DRC border outside Sugba—an area well within the Palangabolo zone of operations.¹⁰⁶ Two days later another FARDC patrol was attacked in roughly the same area, but this time by Nando's Palangabolo. One soldier and one of the attackers were killed.¹⁰⁷ A perceived convergence of tactics—including kidnappings, looting, road banditry, and illicit resource exploitation—appears to have contributed to local speculation that the two groups are somehow linked.

DRC military intelligence received an unconfirmed report that two Sudanese helicopters delivered supplies to Nando and Fatuyo on 29 October in Nyesi, between Fatuyo's Li-Rangu and Nando's Andari camps.¹⁰⁸ Fighting re-erupted between the SPLA and armed opposition groups in Ezo in early November and included an attack on Yambio town using an apparently new supply of rocket-propelled grenades. This prompted a heavy counter-offensive against Fatuyo's base by Zamoi and the SPLA. More South Sudanese fled into the DRC, and the Nabiapai border market—controlled by the pro-government SSNLM—was attacked in apparent retaliation. Refugees based in Doruma say that Zamoi vowed to pursue the rebels into the DRC and asked to be relocated away from the border.¹⁰⁹ Even prior to the attack a local Zande chief reported that the weekly border market at Nabiapai had shrunk considerably due to Congolese fears of travelling by road.¹¹⁰ The chief blamed South Sudanese Azande groups for the insecurity. He said that Congolese youths were being voluntarily recruited by South Sudanese Azande, but cited poverty, not politics, as their motivation. South Sudanese rebel activity is also regularly reported near Bitima, DRC, an area where the FARDC has very little presence.¹¹¹

Refugees in and around Doruma (see Table 1) feel vulnerable to both rebel and South Sudanese government incursions. Sub-chief Martin Yasana of Ezo fled to the Doruma camp in November 2016, but was refused



SPLA-10 commander James Nando in Andari, Western Equatoria. Nando is displaying an artisanal firearm often used by the "Arrow Boys." 18 June 2016 © Alan Boswell

Table 1 **Cross-border refugee presence in South Sudan and the DRC**

| Origin | Date | Number of refugees |
|-----------------------------|---------------|-----------------------------|
| From the DRC in South Sudan | 31 March 2017 | 14,518 (UNHCR, 2017b, p. 3) |
| From South Sudan in the DRC | 31 March 2017 | 74,148* (UNHCR, 2017a) |

* The South Sudanese refugees are mostly recent arrivals. They are hosted in refugee sites and local villages.

admission by the camp leadership due to concerns that his presence would cause an SPLA attack.¹¹² Rebel recruitment is also reported in the refugee camps. DRC officials admit that refugees are not searched when entering the camps and some are known to be armed.¹¹³ Movement in and out of the camps is unregulated. MONUSCO deployed a small mobile platoon to Doruma to provide some security for humanitarian operations but its commanding officer admitted that the platoon would not be able to protect the refugees from an SPLA attack.¹¹⁴

DRC authorities have cracked down in recent years on a feared nascent separatist ‘Zandeland’ movement, but pan-Zande nationalism across the three sovereign borders is nascent and undeveloped, and tensions among the various communities are apparent. South Sudan’s arrest in November 2016 of Paramount Chief Wilson Peni, a grandson of dethroned King Gbudue¹¹⁵ and aspirant heir to the throne, drew little reaction among the Azande in the DRC and CAR, for example. Prominent Azande and DRC authorities dismiss talk of cross-border Zande nationalism. Nevertheless, local civil society sources acknowledge that Palangabolo recruitment efforts in the DRC have used ethno-nationalist rhetoric, although they play down the extent of its appeal.¹¹⁶ A cross-border ethno-nationalist movement remains a long-term threat, given the weak governance in the area and grievances on both sides of the border. Ethnic ties have already been a catalyst for the cross-border spillover of the conflict from South Sudan, heightening the risk of more cross-border activity and long-term insecurity.

A stronger cross-border Zande movement has been partially prevented by the particularly internecine

nature of the local conflict in Western Equatoria, which has pitted Zande strongmen and the SSNLM against Fatuyo’s Arrow Boys network, traditional leaders, and—often—civil society. Under logistical and military pressure, Fatuyo’s ties with local communities have deteriorated as his group has employed predatory tactics, including looting. Nando’s leadership is a clean break from the respected community ties of the Arrow Boys, and refugees are fearful of harassment, forced recruitment, and extortion. Meanwhile, Zamoï has made some attempts to increase cross-border cooperation against Fatuyo and Nando. A South Sudanese delegation led by Gbudue deputy governor Victor Piawando arrived in Dungu on 16 August before continuing on to Aru. It requested Dungu authorities to encourage the refugee population near Ezo to return home. DRC authorities had previously also shown some willingness to crack down on South Sudanese rebels, arresting SPLA-IO brigadier general Yoana Awad (a Zande) as he transited through Dungu in January 2016,¹¹⁷ although he was not handed over to South Sudanese authorities.

Meanwhile, Bakosoro, still the Zande’s most prominent South Sudanese politician, remains conspicuous by his absence. After his release from detention in Juba in April 2016 he travelled to the United States for medical treatment before settling in Rochester, Minnesota, where he began to plot the launch of his career in political opposition. He planned to launch an opposition initiative in November 2016 in Nairobi, but cancelled this plan following Kenya’s deportation to Juba of Machar spokesperson James Gatdet Dak.¹¹⁸ Bakosoro did not rule out armed resistance, which he had

previously rejected, but asserted that an Equatorian rebellion could only succeed with the support of President Museveni of Uganda. In January 2017 he launched a new opposition group from Atlanta, Georgia, called the South Sudan National Movement for Change.

There is potential for an Equatorian alliance among Bakosoro (a Zande), defected SPLA deputy chief of staff Thomas Cirillo (a Bari), and Clement Wani Konga (a Mundari), with Bakosoro acting as political leader and Cirillo as military leader.¹¹⁹ Such a broad alliance has remained elusive throughout the war, denying Equatorian interests a separate seat at the table in the ARCSS talks. Some leading SPLA-IO Equatorians still resent Bakosoro and other elites for aborting plans made in 2014 to launch an Equatorian front with Martin Kenyi, leading to a weak Equatorian defence against government militia attacks that were spreading southwards.¹²⁰ Any move by Bakosoro towards armed rebellion will undoubtedly inflame the conflict in Azande areas.

Kakwa borders and the consequences of ethnic cleansing

The Kakwa ethnic group is settled across a zone that spans the DRC, South Sudan, and Uganda. The dynamics east of Garamba Park in the Kakwa zone of South Sudan are distinct from those in the Zande zone, most notably because the conflict is less matured in this area. Unlike the pre-mobilized militias under Bakosoro, mobilization in the Kakwa area did not make significant progress until the ARCSS was signed. The agreement’s provisions on the cantonment of opposition groups strengthened SPLA-IO’s recruitment efforts in southern Central Equatoria, resulting in government retaliation, which in turn invigorated mobilization for the purposes of community defence, in a self-reinforcing spiral of conflict.

Juba lacks a corresponding pro-government Kakwa strongman of similar strength to Raphael Patrick Zamoï in this area, and a corresponding government-aligned militia like

the SSNLM that can be deployed to reduce local tensions. The SPLA-IO forces in Kakwa territory have steadily overrun a string of SPLA posts south of Yei, near the DRC border, a sign of strength not matched by other Equatorial rebel units. Rebels from other areas to the north, west, and east—including Machar's forces under Lt. Gen. John Jok—have converged into the Kakwa zone,¹²¹ which is now the centre of the SPLA-IO rebellion in Equatoria. These forces include those Machar left behind north of Yei, near Lainya, where ceasefire monitors have since documented a government scorched earth counter-insurgency campaign in response.¹²² After the SPLA-IO took Lasu, which became its Equatorial headquarters,¹²³ in December, rebel assaults swept east along the borders with the DRC and Uganda, including assaults on Morobo, Kengazi-Base, Kaya, and Kajo Keji. The SPLA-IO moved relatively freely outside of government-held towns. The Central Equatorial war is primarily a guerrilla war, characterized by rebel ambushes and hit-and-run attacks, but SPLA-IO offensives are shifting this dynamic. The punitive, retaliatory nature of the SPLA counter-insurgency activities has embittered and emboldened desperate local populations, fuelling a popular call to arms and solidarity within the community.

Refugees in the DRC border town of Aba described a sharp spike in ethnic hostilities since early 2016, as tensions rose amid armed opposition mobilization under the ARCSS, followed by the deployment of Dinka militias with instructions to forcibly suppress 'rebel' communities. They spoke of a campaign of ethnic cleansing by Mathiang Anyoor, a Dinka irregular militia mobilized primarily among the Dinka of Bahr al Ghazal under Malong's direct command, west from Yei along the Yei-Maridi road and beyond the Kakwa zone.¹²⁴ One manifestation of the rising ethnic tensions is the reported frequent use of '*monyi jang*', a Dinka phrase meaning 'first people' that is perceived by

other communities as a proclamation of Dinka supremacy.¹²⁵ The ethnic violence has manifested itself in various directions, with Dinka civilians targeted in road ambushes and gruesome reprisals against Nuba refugees south of Yei.¹²⁶ Civilians fleeing the conflict often spend days or weeks in the bush, avoiding the roads, moving south together in groups through Garamba Park to Aba through Kurupata to the west and Lasu to the north. A DRC administrator in Aba said that, based on refugee accounts, 'the policy there is once they [SPLA soldiers] meet a Kakwa, they have to kill them'.¹²⁷

Kinship is not the only cross-border tie. The armed opposition, not the SPLA, control the South Sudanese border, and the local DRC commander, Lt. Col. Benjamin Kisimba, is believed to be deeply involved in cross-border racketeering.¹²⁸ His officers have admitted to travelling into South Sudan to consult with the SPLA-IO Kakwa command. When the SPLA attacked the Lasu refugee camp in September, which primarily hosted Congolese Kakwa who had fled the LRA, Kisimba prevented the SPLA soldiers at the Lasu base near the border from crossing to purchase supplies on DRC territory. This tightened the siege on the remote SPLA outpost, which had been cut off from resupply inside hostile territory for seven months. Kisimba took this action without consulting Kinshasa, describing it as an act of solidarity with the local community.¹²⁹

The SPLA base later fell to the SPLA-IO on 4 December, after which more than 40 SPLA troops and 70 dependents—primarily Dinka—fled to Aba, where Kisimba disarmed them. He then transferred them to Faradje, where the UN refused to take custody of them, until a delegation from Juba arrived two weeks later through Uganda to escort the group back to South Sudan. This was not the first time that battle casualties had spilled across this part of the border. In October 2016 eight SPLA-IO combatants, four of whom were injured, crossed

into the DRC north-west of Aba. The FARDC took custody of the injured men and reportedly ordered the rest to return to South Sudan.

Juba has accused Kisimba of opening an illegal road into South Sudan to facilitate rebel activity. In a formal private letter of complaint to DRC security authorities in October 2016, Yei River governor David Lokonga Moses said the road was being used to facilitate the smuggling of vehicles, motorbikes, and firearms near Ombasi through Dudu to Lagabe and Aba.¹³⁰ The letter demanded that the authorities return the vehicles and motorbikes and arrest and disarm the rebels when they entered DRC territory. Meanwhile, the SPLA-IO has officially described Kisimba as being responsible for liaising with Kinshasa.¹³¹ Similarly, Kisimba joked that he could summon a South Sudanese rebel at any moment simply by telling any woman in the refugee camp in Aba to call her husband.¹³² These cross-border dynamics are taking on increasingly strategic significance for the SPLA-IO rebellion after the capture of Lasu, which gave the movement its first fully controlled Equatoria border with a friendly ally. SPLA-IO combatants are able to transit to and fro from Lasu to other border strongholds and Uganda via DRC territory.

Local DRC authorities appear to be intent on preventing the establishment of a permanent SPLA-IO presence in Aru, on the DRC's north-eastern border with Uganda and South Sudan. (MONUSCO closed its sub-offices in Aru district and Mahagi in 2015 and no longer has a presence in the north-eastern part of the DRC.) The DRC government has aggressively supported UNHCR's attempt to relocate the refugees who had settled informally along the DRC–South Sudanese border to a new camp, Biringi, 90 km south of the border,¹³³ which the refugee community has strongly rejected.¹³⁴ In November 2016 DRC police allegedly pressured reluctant refugees to relocate to Biringi or leave the country. A subsequent flow of refugees crossed from the DRC into Uganda. A refugee

spokesman said that 25 families had returned instead to South Sudan, ten of whom were reportedly later killed by in two separate incidents in Central Equatoria state.¹³⁵

Heightened fears in Aru could be related to the recent cross-border militia activity of M18, a DRC rebel group operating in Kakwa areas that has been accused of orchestrating attacks on the Juba–Kaya road and several villages in Central Equatoria near the Ugandan border.¹³⁶ Concerns also persist regarding renewed M23 activity in the area. South Sudanese authorities arrested seven South Sudanese Kakwa chiefs as far back as 2013 for allegedly supporting DRC rebels.¹³⁷

The fallout since the collapse of the ARCSS in July has been substantial, with a nearly five-fold increase in South Sudanese refugees inside the DRC from the end of July 2016 to the end of March 2017.¹³⁸ Refugee flows can be expected to continue into DRC territory south of Central Equatoria as long as the conflict south of Yei continues to intensify. The South Sudanese government has not yet launched a concerted, heavy offensive, nor has armed opposition group mobilization appeared to have levelled off. Both sides prepared for heavy fighting during the dry season (June–August), although an anticipated large-scale government offensive did not fully materialize.¹³⁹ On the other hand, refugee flows could eventually slow down simply due to the scale of the exodus thus far.¹⁴⁰ The presence of herders, primarily Bor Dinka, in depopulated areas north of Yei and north of Kajo Keji continues to feed concerns of not just intentional depopulation, but long-term population engineering. SPLA-IO supporters consider the armed Dinka cattle herders to be a government proxy force.

Thomas Cirillo's defection could intensify the war in Central Equatoria and nationally, and risks dividing the opposition forces. SPLA-IO officials have expressed concern about him recruiting from their forces, taking advantage of Equatorian resentment

of the SPLA-IO's Nuer leadership and lack of support.¹⁴¹ Tensions initially escalated between SPLA-IO commanders and Cirillo's bodyguards, who fled into SPLA-IO-held territory when Cirillo defected. After Cirillo's formation of the National Salvation Front on 6 March, allied Equatorian 'governors' released a statement calling for self-determination if equitable federalism in South Sudan was rejected, in a move designed to pre-empt rising Equatorian populism.¹⁴² However, despite such sympathies, an early wave of defections to Cirillo has slowed and did not include any known active Equatorian rebel forces, which remain primarily part of the SPLM/A-IO. A trickle of defectors loyal to Cirillo are now being welcomed into SPLA-IO territory and the Lasu headquarters, a reflection in part of a popular sense of joint opposition separate from the machinations of the political elite. Meanwhile, Cirillo has chosen to promote a national rather than an Equatorian platform,¹⁴³ appointing the former SPLM/A-IO sector commander of Western Bahr al Ghazal, Faiz Ismail Fatur, as his military chief of staff.

Any splintering of the rebellion in Central Equatoria could involve Abraham Wani, an ethnic Pojulu deputy governor of Yei and veteran SPLA general who defected in September 2016. He travelled to the field in November 2016 to take up a position of command within the SPLA-IO, but reportedly clashed with SPLA-IO commanders on the ground. He then returned to Kampala, where he signed a document calling for a confederation of South Sudan's three regions, governed by a rotating presidency¹⁴⁴—a vision with much popular support within Greater Equatoria that is contrary to the official SPLM/A-IO position.

The search for a peace process

The destabilization of the DRC–South Sudanese border will continue whether the conflict in South Sudan deepens

into intractable, localized conflicts or converges further at the national level. A foreseeable end to the conflict is not in sight. The fighting in Juba in July and the expulsion of Riek Machar shattered more than a fraught and fragile peace agreement: the events destroyed the only consensus on resolving South Sudan's conflict. Many South Sudanese elites and diplomats presumed from its beginning that the war would end in a power-sharing arrangement that reinstalled Machar as vice president. Since July 2016 regional and international actors have yet to forge a common agreement on the need for a new peace process, much less a desired outcome.

Any new peace process will have the burden of addressing the ARCSS's fatal flaws. Although the agreement may have bridged regional and international interests, it failed to strike a genuine deal between the two warring parties themselves. In particular, Kiir's political base has been unwilling to cede power. Secondly, the peace process reduced the conflict to a power dispute between Kiir and Machar rather than acknowledging it as a national crisis. In particular, Equatorian interests were not well represented, just as Equatorian efforts to obtain a separate seat at the peace table failed. Thirdly, the ARCSS did not adequately address the core challenge of how to liberalize¹⁴⁵ the politics of such a fractured state. Armed actors continue to refuse to put down their arms or integrate into a national army until they secure their political demands, presenting an apparently irresolvable dilemma for centralized state building. This dilemma is heightened by the all-important position of Juba in South Sudan's political landscape. The ARCSS's transitional security arrangements constituted a highly volatile formula: two armed groups sharing one seat of power while competing for control of the same resources.

The current momentum acknowledging the need for a roundtable, national conference, or national

dialogue¹⁴⁶ that reconsiders the structure of the South Sudanese state is an acknowledgment of these final two flaws. However, there is little hope of overcoming the government's intransigence regarding reforms. Meanwhile, diplomats have no strategy to force Kiir's government to accept a credible national forum to resolve South Sudan's crisis of disintegration. Additionally, a new peace process must contend with a more diffused political opposition in the wake of Machar's marginalization.

International policy on South Sudan is facing a crisis of both approach and leadership. Since the election of President Donald Trump, the future role of the United States is unclear, as is the future of the Troika.¹⁴⁷ With no regional consensus on how to move forward, the IGAD countries have pursued policies of containment and limited bilateral quid pro quos. This less ambitious approach reflects not just these countries' natural self-interests, but also disillusionment with the flawed model that was supposed to have resolved South Sudan's conflict. Meanwhile, opposition leaders acknowledge that they have failed to convince South Sudan's neighbours that they are a viable alternative to President Kiir's government.¹⁴⁸

There is therefore currently no consensual path forward to address the conflict in South Sudan. Regional policy actors and neighbours such as the DRC can expect long-term destabilization until these fundamental dynamics drastically shift or a new national process creates credible movement towards a ceasefire and genuine settlement. In the meantime, the war could intensify, especially if Cirillo succeeds in acquiring foreign support from either Ethiopia or Sudan.¹⁴⁹ A well-supplied new rebel movement under his leadership could lead to wholesale defections in a realignment of allegiances.¹⁵⁰ SPLM/A-IO has held together despite, rather than because of, Machar's leadership, simply because it has remained the default vehicle for armed opposition. It may or may not continue to do so.

Conclusion

The spillover of South Sudan's armed groups into the DRC is primarily a consequence of the failed ARCSS, including its dissolution by the South Sudanese government, its subsequent abandonment by its brokers, and its legacy of expanding the war into Greater Equatoria. Of all the actors involved in Machar's flight to the DRC, the Congolese people, the DRC government, and MONUSCO are the least culpable for his arrival there. Those who pushed for, and then facilitated, Machar's return to Juba months earlier have yet to show the same diplomatic will needed to resolve the thorny consequences of that policy. Even if regional interest in resolving the SPLA-IO case were forthcoming, a simple, legal solution is not. Machar's men remain stuck in the care of the UN. What began with limited high-level coordination on the issue soon turned into inaction due to a lack of leadership from within both the UN Security Council and the region. The fate of the SPLA-IO combatants and the potential danger they pose to Congolese populations remain hostage, therefore, to regional politics and the constraints of international law.

The same dilemma faces the DRC authorities with regard to the burgeoning Equatorian conflicts, which are dependent on developments far outside Kinshasa's sphere of influence. Uganda and the DRC are South Sudan's neighbours most affected by the shift in the war, but while Uganda remains a sizable player in South Sudan, the DRC is relatively powerless to contain the spillover. The risks of further militarization on the DRC side of the border, proliferating non-state armed groups, and proxy state activities are significant. Dynamics within the DRC remain fluid due to the country's own ongoing national political crisis. Widening destabilization in border areas could have a multitude of effects, including by deepening power vacuums, creating new allegiances for South Sudanese armed groups, or spawning unofficial

proxy forces for the South Sudanese government. This could lead to a slide towards a localized proxy war, whether deliberately or not, although the Juba government currently lacks the operational capacity to pursue such proxy forces across the border. Uganda remains the central broker in control of South Sudan's southern border and is playing an increasingly complex role in the Equatoria conflict—allowing free movement of Equatorian armed opposition officials without easing its hostile posture towards Machar.

The collapse of the ARCSS has not only marooned Machar's men in the DRC, but also stymied international policy-making on South Sudan. Diplomacy on South Sudan continues to be plagued by a simplistic reduction of the conflict to a Kiir-versus-Machar duality. Meanwhile, the SPLM/A-IO's resilience continues due to the tactical advantage of being able to unite a much wider rebel movement with deep and legitimate grievances, with or without Machar. Thus far the US-led strategy to isolate Machar has weakened rebel capacities, but not halted the government's own political haemorrhaging or the proliferation of community militias. The rebel militias may originate locally, but cross-communal integration—not fragmentation—is the dominant trend in the Central Equatorian rebellion, as shared objectives on an active military front against a common enemy supersede elite politics and ethnic divisions. As the war widens, Kiir's ethnic coalition base continues to narrow, in turn driving national fragmentation as the war's ethnic dimensions grow starker.

Kiir's unilateral dissolution of the ARCSS has highlighted the weakness of multilateral pressure in an age of declining US power and influence. The government did not officially refuse to share power. Rather, it simply expelled Machar from the city and replaced him. Its tactical approach to unwanted external multilateral pressure is powerful in its simplicity: say 'yes', then do what it wants to do. More effective multilateralism is desperately needed.

Despite everything, the ARCSS's failure remains an opportunity to break free of the agreement's unworkable flaws. Yet President Kiir faces no credible external pressure to coerce him to share power outside his narrow coalition. As a result, the war will almost certainly continue. A failing South Sudan is a heavy burden not just to its own people, but, increasingly, to those of its neighbours, including the DRC. ■

Abbreviations and acronyms

ANR

Agence nationale de renseignements

ARCSS

Agreement on the Resolution of the Conflict in South Sudan

AU

African Union

CAR

Central African Republic

CPA

Comprehensive Peace Agreement

DDR

Disarmament, demobilization, and reintegration

DRC

Democratic Republic of the Congo

DSRSG

Deputy Special Representative of the Secretary-General

FARDC

Forces armées de la République démocratique du Congo

FDLR

Forces démocratiques de libération du Rwanda

IGAD

Intergovernmental Authority on Development

JCE

Jieng Council of Elders

JMEC

Joint Monitoring and Evaluation Commission

LRA

Lord's Resistance Army

MONUSCO

United Nations Organization Stabilization Mission in the DRC

SPLM/A

Sudan People's Liberation Movement/Army

SPLM/A-IO

Sudan People's Liberation Movement/Army in Opposition

SSNLM

South Sudan National Liberation Movement

UNHCR

United Nations High Commissioner for Refugees

UNMISS

United Nations Mission in South Sudan

WFP

World Food Programme

Notes

This Issue Brief was written by Alan Boswell, an independent researcher and analyst who has written extensively about political dynamics and conflict in South Sudan, including the HSBA report "Conflict in Western Equatoria" in July 2016. This report is based on field research conducted for the Small Arms Survey between November and December 2016 and covers events through April 2016.

- 1 President Salva Kiir's informal political legitimacy prior to 2013 stemmed from his leadership of this unity coalition, mandated in the 2010 elections to bring South Sudan to independence.
- 2 The continued focus on the technical components in the ARCSS following the collapse of its political structures brings to mind the criticism that the brokers of the 2005 Comprehensive Peace Agreement (CPA) focused on extensive legal technicalities that were never implemented at the expense of the far more consequential power dynamics that the CPA created. See Young (2012, p. 119).
- 3 Bidibidi 'camp', which opened in August 2016 and grew to more than 270,000 inhabitants, was closed to new arrivals in December 2016. The United Nations High Commissioner for Refugees (UNHCR) does not consider it a formal refugee camp because refugees in Uganda are given freedom of movement, but calls it the largest 'refugee-hosting area' in the world (author email communication with UNHCR officials, 10 April 2017).
- 4 Confidence in the capacity of the Sudan People's Liberation Movement to manage South Sudan's ethnic diversity underpinned the regional and international approach to the country since the 2002 Machakos Protocol and was a key basis for the widespread backing for South Sudan's independence in 2011.
- 5 UNMISS (2016).
- 6 The brief is based on field research undertaken in the DRC in November and December 2016 in Goma, Dungu, Doruma, and Aba, and by telephone and email. It also draws on interviews carried out in Malakal, Wau, and Yambio in January and February 2016; Yambio, Gangura, Li-Rangu, Ezo, and Andari in June 2016; and Wau Shilluk and Kodok in April 2016. The analysis of events in Juba is informed by interviews with actors in Juba from January through June 2016, as well as ongoing interviews and consultations in Nairobi, Addis Ababa, and by telephone and email in 2016 and early 2017.
- 7 Author interview with Ambrose Thiik Riny, chair of the Jieng Council of Elders (JCE), Juba, March 2016. The JCE is an informal ethno-nationalist (Dinka) advisory group of former civil officials and politicians who were primarily aligned with Khartoum during the Sudanese civil war (1983–2005). It is accused of helping to mobilize Dinka paramilitary militias that were used heavily in Juba in December 2013 by SPLA chief of staff Paul Malong, a key JCE ally in the South Sudanese government, and in subsequent military offensives. Both the JCE and Malong opposed the ARCSS; see HSBA (2016, p. 4).
- 8 See GRSS (2015).
- 9 The same international bodies, namely the Intergovernmental Authority on Development (IGAD, a Horn of Africa regional bloc) and the Troika (the United States, United Kingdom, and Norway), brokered both the CPA and the ARCSS. Many South Sudanese call the ARCSS 'CPA-2'.
- 10 See IGAD (2015a).
- 11 See Young (2015, p. 28).
- 12 Author interview with an SPLA-IO officer, Dungu, November 2016.
- 13 Author interviews with SPLA-IO fighters, Dungu and Goma, November 2016.
- 14 Author interview with Maj. Gen. Dhillling Keah of the SPLA-IO, Goma, November 2016.
- 15 South Sudanese from other ethnic groups routinely describe the peaceful period from 2006 to 2013 in terms of a Dinka–Nuer hegemony. This is the cause of much internal distrust within the SPLM/A-IO coalition.
- 16 While the Political Bureau included ethnic Shilluk, they were not members of Agwelek (author interviews with senior Agwelek officials, Kodok and Wau Shilluk, April 2016).
- 17 Author interview with Gen. Johnson Olony, Kodok, April 2016.
- 18 One unpublished analysis by an international NGO calculated that the decree expanded the share of South Sudan under Dinka-led administrations from 25 to 42 per cent. The Dinka share of South Sudan's population is estimated to be near the latter figure.
- 19 Radio Tamazuj (2016a).
- 20 See Norwegian Ministry of Foreign Affairs (2016) for a Troika statement condemning Machar's delay in returning.
- 21 According to an agreement struck in November 2015 Machar could bring 1,410 forces to Juba in addition to 1,500 police (IGAD, 2015b). Instead he arrived with 1,370 forces in total comprising 920 soldiers and 450 police (Radio Tamazuj, 2016b).
- 22 See WFP (2016a; 2016b); CIVIC (2016, p. 6). The SPLA's looting of WFP stores was well organized and continued from 11 to 15 July, four days after a ceasefire was declared.
- 23 For more on the internal SPLA-IO politics behind Taban Deng's defection, see Craze (2016).
- 24 For more on internal government opposition to the ARCSS, see Tiitmamer (2016).
- 25 Unless otherwise noted, the following accounts of Machar's march to the DRC

- were gathered from interviews with participants in Goma, Dungu, and Nairobi in November and December 2016.
- 26 Many SPLM/A-IO supporters and would-be soldiers had remained inside the UNMISS camps since the ethnic targeting of Nuer in Juba in December 2013. Some joined in the Juba battle, and still more took Machar's withdrawal as an opportunity to escape Juba.
- 27 Estimates were provided by participants in the journey.
- 28 Kenyi Loboro commanded 'Juba South', one of the three SPLA-IO commands in Central Equatoria, and has since been promoted to 'sector commander' of Central Equatoria.
- 29 Machar's troubles in Equatoria are often noted wryly by Equatorian commanders, to whom Machar had hardly provided arms despite their allegiance. According to Equatorian sources, only one arms drop was ever made, in 2015, to Lt. Gen. Wesley Welebe's Mundri forces and shared with those of Loboro.
- 30 See Roman (2017) for a list of Equatorian complaints from within the SPLM/A-IO.
- 31 Kenyi Loboro has since replaced John Jok as sector commander, no doubt in partial response to internal pressure. Some in the SPLA-IO say Jok is still the overall commander of Greater Equatoria; others (Equatorians) say he is just a 'senior officer' in Equatoria outside the Equatorian command structure.
- 32 The military governor of 'Yei River' is Maj. Gen. Matata Frank, a Kuku from the Kajo Keji area.
- 33 Taban Deng became first vice president of South Sudan on 23 July 2016.
- 34 See more on Kenyi's role in the conflict in HSBA (2016, pp. 6–7). Kenyi halted at 5 a.m. on 10 August after walking through the night and was left behind with six others. In the chaos of being pursued across the border a search party was not sent until 12 August. His body was never recovered. At least one senior Madi SPLA-IO officer said that Kenyi's death could not be confirmed, but it is widely believed by those on the trek and South Sudanese actors more widely that he did not survive.
- 35 With Kenyi's death the highest-ranking SPLA-IO Equatorian commander is Lt. Gen. Welebe.
- 36 See UNSC (2016b, p. 3).
- 37 Gressly led the UN's mission in Juba from 2008 to 2011, also as DSRSG.
- 38 Author remote interview with a senior Western official, location withheld, January 2017. Also, see Radio Tamazuj (2016c) on diplomatic calls to stop the SPLA's pursuit of Machar.
- 39 Author interviews with UN officials, Goma, November 2016.
- 40 Author remote interview with a senior Western official, location withheld, January 2017.
- 41 The attack was carried out by two Mi-24 helicopters; see UNSC (2016b, p. 7).
- 42 PaanLuel Wël (2016).
- 43 See Mavita (2017). Author interviews with SPLA-IO members, UN officials, and MONUSCO officials all confirmed that the SPLA-IO was well within DRC territory when the extractions began. However, DRC claims that it had no prior knowledge of MONUSCO's extractions are undoubtedly true at some government and military levels, given the sensitivity of the operation.
- 44 See IGAD (2016a, p. 2; 2016b, p. 2).
- 45 AUPSC (2016, p. 2); IGAD (2016c, p. 3).
- 46 Chapter 7 of the ARCSS established the JMEC to monitor and oversee the implementation of the agreement.
- 47 See Mogae (2016a; 2016b, p. 3).
- 48 Kerry (2016).
- 49 Booth (2016, p. 2).
- 50 The South Sudanese government is hostile to the idea of a regional protection force composed of African troops with a separate UN mandate from that of UNMISS. The primary unstated rationale for the force is the protection of diplomatic assets and personnel in case of further instability in Juba.
- 51 In his farewell remarks in January 2017 departing US special envoy Donald Booth admitted 'mistakes' in US policy and called for the power-sharing components of the ARCSS to be revisited; see Booth (2017, p. 2).
- 52 The UN Security Council placed sanctions, including a travel ban, on Gatweach and Koang in 2015. It is unclear if the ban would apply in this instance. Travel ban exemptions can be granted under certain circumstances, but there is no evidence that MONUSCO confirmed at the time if it had custody of either individual. The UN Panel of Experts did not mention the transport of Gatweach or Koang in its three reports since August 2016.
- 53 Author interviews with SPLA-IO members, Goma, November 2016.
- 54 UNSC (2016a).
- 55 Author interviews with SPLA-IO members, Goma and Nairobi, November and December 2016.
- 56 Some, such as Matata Frank, have since returned to the Equatoria combat theatre through Uganda, which has permitted some SPLA-IO Equatorians free movement in and out of its territory. Uganda remains hostile to Machar.
- 57 A total of 48, by one account, and over 60 by another.
- 58 'Mbororo' is the popularized term (used primarily derogatorily by communities hostile to the group) for nomadic cattle herders, usually armed, from the western regions of the Sahel who migrate across borders through Central Africa. The 'Mbororo' call themselves the 'Wodaabe'.
- 59 Author interviews with senior UN officials, Goma and withheld location, November and December 2016.
- 60 In this phase 20 people were extracted on 31 August and 132 on 1 September.
- 61 Several SPLA-IO officials described Keah as chief of military intelligence. Keah himself denies this. He is a relative of Machar's from his home area of Leer and is the undisputed leader of the remaining SPLA-IO forces in the DRC. Machar's reliance on family members for senior posts is a common grievance against his leadership. For example, see Gatluak (2017).
- 62 Author interview with a senior UN official, Goma, December 2016.
- 63 One SPLA-IO account indicated that the Juba capture included prized Israeli rifles and PKMs (author interview with an SPLA-IO member, Goma, December 2016).
- 64 One Micro Galil rifle manufactured by Israel Weapon Industries was traced to a batch sold to Uganda in 2007 (UNSC, 2016b, p. 18).
- 65 Author interviews with SPLA-IO members, Goma, Dungu, and Nairobi, November and December, 2016. The official story, repeated several times by SPLA-IO officers in Munigi and Dungu, was that the SPLA-IO lost most of its firearms and nearly all of its heavy weapons in a frenzied river crossing during the SPLA dawn attack south of Bangolo, and fully disarmed in Garamba Park.
- 66 Author interview with a senior UN official, Goma, December 2016.
- 67 The contingent in MONUSCO care is entirely male except for one woman in the Munigi camp.
- 68 Author interview with SPLA-IO members, Dungu, November 2016.
- 69 For background on Machar's historical links to the LRA, see Schomerus (2007).
- 70 A re-emergent M23 movement could have tangential effects on the South Sudanese-DRC border, given Ugandan president Museveni's ongoing ties to some of its leadership and credible, although unconfirmed, reports that he has deployed defected ex-M23 Congolese with the Uganda Peoples' Defence Force to South Sudan (author remote interview with a DRC civil society member, Kinshasa, November 2016; author interviews with UN officials, Goma, November 2016; author electronic communication with former SPLA-IO officer, location withheld, April 2017).
- 71 Stearns and Vogel (2015, p. 5).
- 72 Stearns and Vogel (2015, pp. 5–6).
- 73 The poachers are primarily known to come from Latonto National Park, across the border from Garamba Park in Central Equatoria, South Sudan.
- 74 As of 2015, Garamba Park rangers estimated that 80 per cent of the poachers operating in the park were from South Sudan (Cakaj, 2015, p. 19).

- 75 Author interviews with UN officials, Goma, November 2016.
- 76 UNSC (2016a, p. 2).
- 77 UNSC (2016a, pp. 2–3). The UN Secretariat approached DRC delegates in New York to suggest temporarily giving MONUSCO an explicit mandate to intern the combatants, but was rebuffed.
- 78 Stearns and Vogel (2015, p. 5).
- 79 See UNSC (2016a).
- 80 Author remote interview with a Western official, location withheld, January 2017.
- 81 Author remote interview with a Western official, location withheld, January 2017.
- 82 Machar travelled to South Africa in October for medical care and was denied entry when he attempted to return to the region in late November. In December a source said Machar was ‘basically under house arrest’ in South Africa (Cropley, 2016).
- 83 The SPLA-IO leadership’s discomfort with the events that unfolded was evident in Maj. Gen. Dhilling Keah’s attempts to prevent the author from interviewing its members.
- 84 The SPLA-IO leadership in Munigi has repeatedly claimed it is disengaged and out of communication with field commanders. However, Munigi’s military intelligence and security officials remain active in the SPLA-IO command structure, including by being in touch with Machar.
- 85 For example, if granted refugee status, the ‘ex’-combatants could be transferred to civilian refugee camps on the DRC border, from where they could voluntarily re-enter the conflict zone.
- 86 Festus Mogae, the JMEC chair, suggested that repatriation to South Sudan under Kiir’s amnesty offer was a solution for some of the SPLA-IO members in an on-record briefing with the Foreign Correspondents Association of East Africa in Nairobi on 10 February 2017.
- 87 Author electronic communications with an SPLA-IO officer, Goma, April 2017, and a UN official, Goma, April 2017.
- 88 See Schomerus and De Vries (2014).
- 89 Author interview with Gen. Willy Bonane, Dungu, November 2016.
- 90 According to a former SPLA-IO officer, Kinshasa had agreed to allow Sudan to supply SPLA-IO forces on its territory prior to Uganda’s February 2016 elections. In exchange, the SPLA-IO would allow Uganda’s northern opposition to train inside South Sudan. However, Sudan backed away from the plan (author electronic communication with former SPLA-IO members, location withheld, April 2017).
- 91 Central Equatoria governor Clement Wani Konga, with whom Bakosoro had been seeking Ugandan backing to form an Equatorian opposition movement, was also removed, but not arrested; see HSBA (2016, pp. 7–8).
- 92 Zamoi was later appointed governor of Gbudue state after the 28-states decree, and then governor of the new state of Tambura.
- 93 For background, see HSBA (2016).
- 94 See Invisible Children (2016). Internal reports viewed by the author by a DRC NGO (name withheld) also described recruitment in early 2016.
- 95 Author interview with James Nando, Andari, June 2016. Nando joined the SPLA at the age of 16 and says he was a driver and mechanic. He cites grievances over ethnic discrimination in the SPLA for his defection. The SPLA claimed he defected from a post in Malakal during official leave to see his family (author interview with SPLA officers, Ezo, June 2016).
- 96 Author interview with Alfred Fatuyo, Li-Rangu headquarters, June 2016.
- 97 Author interview with Gen. Bonane, Dungu, November 2016.
- 98 UN (2016).
- 99 Author electronic communication with a former South Sudan mining official, location withheld, January 2017.
- 100 Internal UN report seen by the author.
- 101 Internal UN report viewed by the author.
- 102 Internal UN report seen by the author.
- 103 Author interview with an FARDC colonel, Doruma, November 2016.
- 104 Author interviews with an FARDC officer and a civil administrator, Doruma, November 2016.
- 105 UN (2016).
- 106 Author interview with an FARDC colonel, Doruma, November 2016. The attack resulted in the reported deaths of two FARDC troops and one assailant, including the commanding officer of the area.
- 107 Author interview with an FARDC colonel, Doruma, November 2016. Invisible Children also published details of this attack.
- 108 Author interview with Gen. Bonane, Dungu, November 2016.
- 109 Author interview with Doruma refugee camp leaders, Doruma, November 2016.
- 110 Author interview with Chief Constant Lungagbe, Dungu, November 2016.
- 111 Internal UN reports seen by the author.
- 112 Author interview with Doruma refugee camp leaders, Doruma, November 2016. Zande traditional leaders officially oversaw the Arrow Boys as a community defence force prior to their rebellion.
- 113 Author interview with a DRC refugee agency official, Doruma, November 2016.
- 114 Author interview with a MONUSCO platoon commander, Doruma, November 2016.
- 115 Despite recent mythologizing of King Gbudue, the Azande were divided among several kingdoms over a large territory rather than forming a single unified kingdom. Gbudue was the last among these Zande kings (Schomerus and Rigtierink, 2016, p. 15).
- 116 Author interview with civil society actors, Dungu, November 2016.
- 117 Author electronic communication with an SPLM-IO official, Dar es Salaam, April 2017. Machar had appointed Awad (a defected SPLA major from the 6th Division) overall commander of the area encompassing Ibba, Yambio, Nzara, Ezo, Tombura, and Nagero counties on 31 August 2015, with a mission to recruit and mobilize the Zande militias after Bakosoro’s arrest. (Fatuyo was appointed overall commander when he joined the SPLM/A-IO later in 2015.) After his arrest, Awad was transferred to Kinshasa and later released. He later died of health complications.
- 118 Author remote interview with Joseph Bakosoro, Rochester, November 2016.
- 119 This potential does not appear imminent, however, since Cirillo and Bakosoro now head separate opposition groups and Wani Konga remains an adviser to Salva Kiir.
- 120 See HSBA (2016, pp. 6–7).
- 121 The highest ranking Kakwa in the SPLA-IO is Brig. Gen. Joseph Yatta, deputy divisional commander under Maj. Gen. John Mabieh Ghar, who was part of Machar’s Juba force.
- 122 CTSAMM (2017).
- 123 One senior Equatorian SPLA-IO official described Lasu to the author as a new ‘2nd GHQ’ (general headquarters) after Pagak, the SPLA-IO headquarters on the South Sudanese–Ethiopian border in Nuerland. Pagak’s strategic value also lies partially in its cross-border ethnic dynamics.
- 124 Author interviews with refugees, Aba, November 2016. On 1 December the UN Human Rights Commission reported ‘ethnic cleansing underway in several areas of South Sudan using starvation, gang rape and the burning of villages’; see UNCHR in South Sudan (2016). Ceasefire monitors documented thousands of burnt homes in a scorched-earth campaign carried out by government forces north and south of Yei (CTSAMM, 2017). Satellite evidence also reportedly shows 18,000 torched homes in the Yei area (Lynch, 2017).
- 125 See PeaceTech Lab (2016, pp. 9–10) for background.
- 126 See UNHCR (2016).
- 127 Author interview with a DRC administrator, Aba, November 2016.
- 128 Author interviews with UN sources, Dungu and Goma, November 2016. Kisimba is neither local nor a Kakwa.
- 129 Author interview with Lt. Col. Kisimba, Aba, November 2016.
- 130 A copy of the 17 October 2016 letter from Moses to authorities in Iziro was viewed by the author.
- 131 Official email correspondence with SPLA-IO officer seen by the author.
- 132 Author interview with Lt. Col. Kisimba, Aba, November 2016.

- 133 Of the 40,000 refugees registered by UNHCR in Aru since 2016, fewer than 2,000 have agreed to relocate to Biringi, despite substantial 'sensitization' efforts (author electronic communication with UNHCR officials, April 2017).
- 134 Aru is near Uganda, where refugee services are far superior and provided in English, not French. The clear advantage to staying on the DRC side of the border is the closeness to family and farms across the DRC–South Sudanese border.
- 135 Author remote interview with refugee 'chairman', Aru, December 2016.
- 136 Butagira (2013).
- 137 Actually (2013).
- 138 Author electronic communication with UNHCR officials, April 2017. Meanwhile, 600,000 South Sudanese refugees have fled to Uganda since 7 July, 2016.
- 139 In late November the United States warned that South Sudan had mobilized 4,000 militiamen and was 'preparing for large scale attacks in the coming days or weeks' in Central Equatoria (Harper, 2016).
- 140 The SPLA-IO encouraged a systematic evacuation of civilians in advance of the dry season, aware that their bush insurgency tactics could not defend local civilian populations against government forces (author interview with an SPLA-IO commander, Nairobi, November 2016).
- 141 Although the public effect of the National Salvation Front's formation has been relatively quiet, Cirillo's challenge to Machar as rebel leader has resulted in considerable unrest within the opposition, given widespread discontent with Machar's leadership, his regional and international isolation, and the rebel movement's desperate need for external material support.
- 142 Author remote interview with a signatory to the letter.
- 143 Cirillo (2017).
- 144 The three main regions are Greater Equatoria, Greater Bahr al Ghazal, and Greater Upper Nile, corresponding to the three provinces under British colonial rule; see HSBA (2016, pp. 4–5).
- 145 Either through democratic reforms, or more generally the opening up of political competition.
- 146 This momentum is evidenced through repeated international and civil society calls for an inclusive national dialogue. President Kiir announced plans to lead his own national dialogue, but the initiative has faced widespread scepticism because it will not include armed actors or be independently overseen. Church leaders are also pursuing a separate national dialogue process.
- 147 Author interviews with two senior diplomats, Nairobi, January and February 2017. Privately, some officials question whether an increasingly withdrawn Troika is becoming a barrier to wider diplomatic action on South Sudan. The relevance of

the Troika under the Trump presidency is also questioned. Neither the UK nor Norway is viewed as being capable of fully replacing US leadership.

- 148 Author remote interview with Joseph Bakosoro, Rochester, November 2016. Regional officials acknowledge the same.
- 149 Cirillo may struggle to gain backing from either, however. Ethiopia is hesitant to intervene more directly in South Sudan by materially backing a rebel movement, while the United States is pressuring Sudan not to support rebel forces in South Sudan.
- 150 Cirillo has yet to show that he has obtained such supplies.

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HSBA project summary

The Human Security Baseline Assessment (HSBA) for Sudan and South Sudan is a multi-year project administered by the Small Arms Survey, a global centre of excellence located at the Graduate Institute of International and Development Studies in Geneva, Switzerland. It was developed in cooperation with the Canadian government, the United Nations Mission in Sudan, the United Nations Development Programme, and a wide array of international and Sudanese partners. Through the active generation and dissemination of timely, empirical research, the project supports violence reduction initiatives, including disarmament, demobilization, and reintegration programmes, incentive schemes for civilian arms collection, and security sector reform and arms control interventions across Sudan and South Sudan. The HSBA also offers policy-relevant advice on redressing insecurity.

Issue Briefs are designed to provide timely periodic snapshots of baseline information in a reader-friendly format. The HSBA also generates a series of longer and more detailed Working Papers. All publications are available in English and Arabic at www.smallarmssurveysudan.org. 'Facts and Figures' reports on key security issues can be accessed at www.smallarmssurveysudan.org/facts-figures.php.

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