

Legitimacy, exclusion, and power

Taban Deng Gai and the South Sudan peace process

Following clashes in Juba in July 2016, Riek Machar, the leader of the Sudan People's Liberation Movement-in-Opposition (SPLM-IO), fled the capital; meanwhile, the Sudan People's Liberation Army (SPLA) mounted a coordinated attack on opposition positions in the city, using tanks, heavy weapons, and Mi-24 helicopters.¹ Having achieved a military victory in Juba, the leadership of the Sudan People's Liberation Movement (SPLM) moved to consolidate its political control of the government. On 26 July, South Sudanese president Salva Kiir swore in Taban Deng Gai, formerly the SPLM-IO's chief political negotiator and, until 22 July, the minister of mining in the Transitional Government of National Unity (TGoNU), as first vice president (FVP), replacing Riek Machar in a move of questionable legitimacy.

Taban Deng's appointment is opposed by most of the SPLM-IO political elite; the former governor of Unity state also has little popularity among the rank-and-file members of the opposition, who believe he has sold out to the government for personal gain. While a small circle of the SPLM-IO's political leaders in Juba and some of Taban Deng's old supporters from Unity back the new FVP, most of the SPLM-IO remains loyal to Machar, whose support base, while weakened, is still considerable.

In October 2016, Machar announced that the Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS) was dead, and that new political negotiations were needed so that another peace agreement could be reached.² The SPLM-IO's position

is that the new FVP does not represent the opposition, and that the ARCSS, which is a power-sharing agreement, is over, as no power is being shared.

Despite Taban Deng's lack of popularity in South Sudan, on 28 October, Augustino Njoroge, a former general in the Kenyan army and the deputy chairperson of the Joint Monitoring and Evaluation Commission (JMEC), which is responsible for overseeing the peace agreement, announced that while the ARCSS was wounded, it was not

yet dead and remained the best chance for peace in South Sudan.³ The international community is largely in accord with Njoroge and has broadly welcomed the appointment of Taban Deng, who has visited the United States as FVP and spoken at the United Nations and to the US government.⁴

Nonetheless, there has been some disquiet about Taban Deng's appointment. Festus Mogae, the JMEC chairperson, acknowledged that the FVP's legitimacy was questionable, but that



South Sudan's First Vice President Taban Deng Gai addresses the United Nations General Assembly, New York, 23 September 2016. © REUTERS/Eduardo Munoz

since diplomats ‘don’t have an option’, they would work with the Government of the Republic of South Sudan (GRSS), including Taban Deng.⁵ The UN Secretary-General’s review of the mandate of the UN Mission in South Sudan, released on 10 November, also notes that Taban Deng’s appointment ‘blur[s] the legitimacy of the current governmental formation’.⁶

Despite these doubts, US and European politicians privately insist that the ARCSS is ‘the only game in town’.⁷ As discussed below, members of the diplomatic community have little appetite for new political negotiations and have therefore publicly endorsed the ARCSS; privately, however, they hold little optimism that the current peace process can succeed. The international community’s public endorsement of Taban Deng was key to the GRSS plan to exclude the opposition from power and to retain the legitimacy that would allow it to embark on a military campaign to dominate South Sudan in the forthcoming dry season.

The ARCSS was designed to be both a military solution to the crisis in South Sudan and an elite-level, bilateral power-sharing agreement between two warring parties, the SPLM–IO and the SPLM/A, which would result in the formation of a transitional government. For this agreement to remain meaningful after the events of July 2016, the TGoNU would have to be a true power-sharing government and Taban Deng a genuine opposition leader whose participation in the peace process could lead to a sustainable future for South Sudan. At present, the ARCSS’s potential to serve as a workable agreement thus turns on the standing of the FVP.

This Issue Brief analyses Taban Deng’s history and his current place in South Sudan. In doing so, it draws on a new HSBA Working Paper on Unity state—*A State of Disunity: Conflict Dynamics in Unity State, South Sudan, 2013–15*⁸—which is being released together with this Brief. The Working Paper analyses the continuities between Sudan’s long second civil war (1983–2005) and the current conflict, as well as social and military dynamics that have emerged since December 2013.

This Brief places some of the key findings of the Working Paper in the context of current political dynamics in the country. With Taban Deng as FVP, and ongoing clashes in Unity, the beleaguered state is central to understanding the challenges facing South Sudan today.

The appointment of Taban Deng

Following the signing of the ARCSS in August 2015, there were months of negotiations concerning the best form for the transitional government and the military situation in a putatively demilitarized Juba. The GRSS did not demilitarize Juba during this period, as was required by the agreement, and Machar did not go back to the capital, despite growing pressure for his return from both the SPLM and international actors. When Machar finally returned to Juba in April 2016, the city was still not demilitarized, and neither side was interested in fully implementing the peace agreement. Rather, both parties tried to extract the maximum possible political advantage from a selective reading of parts of the ARCSS, while overall implementation of the agreement stalled, Juba remained militarized, and a confrontation between the two forces became increasingly likely.

This unsustainable state of affairs was the background to initial clashes in Juba on 7–8 July 2016. The events surrounding these clashes are contested.⁹ What is clear, however, is that the SPLM/A used these incidents as a pretext for an all-out military assault on SPLM–IO positions in Juba on 10–11 July, one designed to consolidate the government’s military control of the capital.

Machar fled Juba during this assault, moving south towards the Democratic Republic of the Congo and leaving a power vacuum in Juba. Kiir repeatedly demanded that Machar return to the capital or face removal as FVP. Legitimately fearing for his life, Machar refused to go back to Juba and indicated that he would only do so upon the arrival of a third-party force in Juba that could ensure his safety.

Kiir and Taban Deng seized on Machar’s absence as a political opportunity. On 23 July, at the Crown Hotel, a hastily convened meeting of Taban Deng’s supporters in the SPLM–IO—including SPLM secretary general Dhieu Mathok and deputy chairperson Alfred Ladu Gore (both of whom outrank Taban Deng in the SPLM–IO), as well as Ezekiel Lol Gatkuoth, the former SPLM–IO secretary of foreign affairs—endorsed Taban Deng for FVP.¹⁰ Kiir swore Taban Deng in as FVP on 26 July.

The GRSS contends that this appointment was legal. Clause 6.4 of the ARCSS states:

In the event that the post of the First Vice-President falls vacant during the Transitional Period, for any reason, including mental infirmity or physical incapacity of the office holder, the replacement shall be nominated by the top leadership body of the South Sudan Armed Opposition as at the signing of the agreement.¹¹

The GRSS maintains that Machar’s absence from Juba meant that the post of FVP was indeed vacant, that the meeting of the SPLM–IO at the Crown Hotel constituted a legitimate meeting of the leadership body of the SPLM–IO, and that Taban Deng was a legitimate member of the opposition who could therefore be nominated for the post of FVP.

In response, the SPLM–IO argues that on 22 July, Machar asked Kiir to remove Taban Deng from the transitional government and dismissed him from the SPLM–IO, thereby disqualifying him from the FVP nomination.¹² It further contends that while there was a meeting of some members of the SPLM–IO at the Crown Hotel, it was far from the majority of the opposition leadership, was not a meeting of the SPLM–IO’s National Leadership Council, and effectively constituted a power grab by the faction loyal to Taban Deng in Juba. There is no evidence that the SPLM–IO members who endorsed Taban Deng had the legal capacity to do so.

Nor can Machar’s flight from the capital reasonably be understood to indicate that the office of FVP was

vacant. Machar has consistently communicated his intention to return to Juba once the security situation has been stabilized. Consequently, the applicable clause of the ARCSS would not be 6.4, but rather 6.5, which states:

In the event of a temporary absence of the First Vice President, the First Vice President may delegate a senior South Sudan Armed Opposition Minister to carry out the functions and duties stipulated in this agreement.¹³

Despite its dubious legality, Taban Deng's appointment was broadly welcomed by the regional organizations involved in the peace process. In August 2016, Festus Mogae, the JMEC chairperson, recognized Taban Deng as FVP and pledged to work with him and Kiir on the implementation of the ARCSS.¹⁴ The JMEC's claim is that the composition of the SPLM-IO and the TGoNU is an internal affair, over which it has no say.¹⁵ Such a stance, however, necessitates recognizing Taban Deng as the legitimate leader of the SPLM-IO, and believing that the process to choose him was a valid internal affair—precisely what Machar and the rest of the SPLM-IO contest. On 28 August, Festus Mogae clarified that while the JMEC found Taban Deng's legitimacy questionable, it had no choice but to engage with him if it wanted to continue to pursue a peace settlement through the ARCSS.¹⁶

The international community takes the same position as the JMEC. On 26 August, the Intergovernmental Authority on Development (IGAD) stated that Taban Deng's appointment was legal, as did the US secretary of state, John Kerry, in a statement to the press in Nairobi on 22 August.¹⁷ On 7 September, Donald Booth, the US special envoy for Sudan and South Sudan, said that he recognized Taban Deng as FVP, employing the same reasoning as the JMEC. In his words: 'We do not believe it would be wise for Machar to return to his previous position in Juba.'¹⁸ Taban Deng's acceptance as FVP was cemented in September and October 2016, when he met with officials in the United States and addressed the UN General Assembly.

Despite its public support for the new FVP, the international community is aware that Taban Deng lacks a mandate among the SPLM-IO and in South Sudan more generally. Yet, given the extent of the international community's support of the ARCSS since its inception, there is a deep reluctance to admit that the peace agreement is a failure, and neither US nor European diplomats want to begin a new peace process. As a consequence, the international community and regional bodies such as IGAD continue to back a peace process that no one privately thinks can work, while publicly accepting as legitimate what was effectively an internal coup in Juba.

The acceptance of Taban Deng's appointment by the JMEC, IGAD, and the international community was crucial to Kiir. After Machar fled the SPLA assault on SPLM-IO positions in Juba, the GRSS faced a stark choice: it could either allow Machar to return to Juba to restart a transitional power-sharing government in which it had no interest, or else appoint a successor to Machar. If the JMEC and the international community had not recognized Machar's successor as legitimate, then there would have been pressure on Kiir to allow Machar to return to the capital and to resume negotiations. If the GRSS had refused to do so and had abandoned the peace process, the government would have faced international outcry.

The appointment of Taban Deng as FVP allows the government to proclaim that it remains committed to the peace process. That Taban Deng has been accepted as the formal leader of the SPLM-IO also delegitimizes the majority of the SPLM-IO, excluding them from a place in the peace process.

Taban Deng is a safe choice for Kiir. Unlike Machar, he does not have the nationwide political support necessary to vie for the presidency, and he is thus largely beholden to Kiir for his power. For Taban Deng, the appointment allows for the accrual of personal power near the apex of the South Sudanese political structure. His loyalty to Kiir is provisional and does not reflect a substantive meeting of minds, nor a unified vision for South Sudan.

The current pact of convenience between Kiir and Taban Deng echoes a previous alliance between the two men. As the abovementioned Working Paper shows in greater detail, Taban Deng spent much of Sudan's second civil war as a staunch ally of Riek Machar, including when the latter split from the SPLA. In 2005, however, Taban Deng became a Kiir loyalist and was rewarded with the governorship of Unity state, which he held from 2005 to 2013. During this period, Taban Deng fulfilled several useful functions for Kiir: he split what should have been Machar's most solid power base, in his home state of Unity, and ensured that Unity's oil revenue did not go to his principal rival. Taban Deng's governorship also meant that the powerful Bul Nuer commanders who had controlled much of Unity during the second civil war could be marginalized and kept out of power.

The current alliance between the two men again sees Kiir using Taban Deng to attempt to split Machar's power base, this time at the national level. The international community's acceptance of Taban Deng as the legitimate FVP has also meant that while the SPLM-IO was previously recognized as a legitimate political opposition with substantive grievances, its members are now characterized as bandits or terrorists, outside the political process. In October 2016, for instance, Lam Tungwar, the minister of information for Northern Lich state—one of the states into which Unity is to be divided according to Kiir's October 2015 decree—stated that since the SPLM-IO was under the authority of the FVP, and Taban Deng was committed to peace, any armed fighters involved in clashes with the SPLA were simply criminals.¹⁹ In a variation on the theme, on 9 October, SPLA spokesman Lul Ruai Koang asked the international community to recognize those loyal to Machar as 'terrorists'.²⁰

Such depictions of the SPLM-IO, and of other opposition groups in the country, indicate that those who were once part of political negotiations are now denied a political platform, and that their demands are characterized as non-political—they are portrayed

as mere bandits interested in self-enrichment. This means that the ARCSS process, having excluded the vast majority of the country, now only represents the GRSS in Juba. At the same time, the SPLM/A's characterizations of the opposition indicate that the SPLM-IO is thought of, and dealt with, as a security problem.

These depictions of the opposition are congruent with the SPLA's hopes for the upcoming dry season, namely that the SPLM-IO will either integrate under Taban Deng's authority or else be eliminated, as discussed below. The appointment of Taban Deng effectively confines the legitimate space of politics in the country to Juba, while in the rest of South Sudan the SPLM-IO and other opposition groups are turned into security problems, to be pacified.

Taban Deng and politics in Juba

When Taban Deng was appointed FVP, he brought with him a number of important SPLM-IO politicians, including Ezekiel Gatkuoth and Alfred Ladu Gore. At the beginning of August 2016, Taban Deng fired all the ministers whom Riek Machar had appointed to the transitional government and replaced them with his own loyalists: Ezekiel Gatkuoth received the Ministry of Petroleum, and Alfred Ladu Gore, the Ministry of Land, Housing, and Urban Development.

However, Taban Deng's support is almost entirely confined to Juba. All the active opposition forces engaging in combat with the SPLA in Equatoria either remain with Riek Machar, or continue to operate independently, as is true of the SPLM-IO forces in Western Bahr el Ghazal state. In both areas, there is deep, substantive disagreement with, and distrust of, the GRSS, and little respect for Taban Deng. Moreover, none of the major SPLM-IO commanders have joined Taban Deng; Simon Gatwich Dual, the SPLM-IO general chief of staff, remains loyal to Machar, along with almost all the major generals, including Martin Kenyi Terensio and Maguek Gai Majak.

Prior to the events of July 2016, Machar struggled with disappointment among the SPLM-IO's rank and file as well as its political elite. In June 2015, Simon Gatwich was part of a group of SPLM-IO generals, including Peter Gatdet, Gathoth Gatkuoth, and Gabriel Gatwich Chany (Tanginye), who signed a letter to Sudanese president Omar al Bashir requesting that weapons destined for the front bypass Taban Deng and be distributed to field commanders.²¹ Simon Gatwich was frustrated by the inadequacy of the weapons supplies to the SPLM-IO in the field and also felt betrayed by the SPLM-IO's political negotiators, who were perceived as more interested in self-advancement than in furthering the interests of the Nuer community. When Gatdet and Gatkuoth split away from the SPLM-IO later that year, Simon Gatwich did not join them due to pressure from his home Lou Nuer community. Many rank-and-file members of the opposition, however, shared his frustration with the SPLM-IO's political elite. This frustration increased over the course of 2015–16, especially within the Nuer community, as negotiations stalled at the national level and the situation for many communities in Greater Upper Nile deteriorated markedly.

Perhaps unexpectedly, Taban Deng's defection to the government has gone a great way to firming up Riek Machar's support among the SPLM-IO. Rather than Riek Machar *and* Taban Deng, the latter alone has become the scapegoat, blamed for the venality of the political elite. As Machar is excluded from political negotiations, he no longer has to compromise his political positions, which can thus become more radical—and more palatable to his base support. For the SPLM-IO forces that are currently involved in active combat with the SPLA in Bahr el Ghazal, Equatoria, and Greater Upper Nile, Riek Machar is the only possible leader, as Taban Deng is heavily under Kiir's influence and does not support armed conflict with the GRSS. In this sense, Taban Deng's appointment, which Kiir had hoped would split the opposition,

may have gone some way towards unifying it and overcoming rank-and-file SPLM-IO discontent with Machar's reign.

Due to both Kiir's creation of an SPLM-IO leadership in Juba under Taban Deng, which is delinked from the broader struggles occurring in South Sudan, and to the fact that the international community has legitimized the FVP, the actual SPLM-IO is excluded from negotiations concerning South Sudan's political future. Kenya's deportation of SPLM-IO spokesman James Gatdet Dak on 3 November, allegedly after a payment from Kiir into an election fund for Kenyan president Uhuru Kenyatta, indicates that the GRSS is trying to shut down the spaces from which the SPLM-IO formerly organized resistance; the same can be said of moves made to prevent Riek Machar from staying in Addis Ababa and Khartoum that same month.²²

In this context, the only way that the SPLM-IO may be able to imagine returning to the negotiating table is through violence. A successful dry-season campaign, it hopes, will force IGAD, the JMEC, and the United States to recognize that the ARCSS has failed and that Taban Deng is illegitimate, which may, in turn, compel the international community to pressure the GRSS to negotiate with the opposition. The first SPLM-IO meetings following Taban Deng's appointment, in August 2016 in Khartoum, marked the beginning of preparations for a dry-season campaign against the SPLA. On 25 September, Machar called for a reorganization of the SPLM-IO in order to wage 'armed resistance' against the GRSS.²³

The United States immediately denounced his declaration: State Department spokesman John Kirby stated on 28 September that the US government 'strongly condemned' Machar's claims.²⁴ Indeed, the United States cited Machar's appeal for armed resistance in an annexe to its proposed UN Security Council resolution, which called for an arms embargo on South Sudan and was circulated on 17 November.²⁵ The annexe also set out sanctions against Paul Malong Awan, Michael

Makuei Lueth, and Riek Machar, in a move that, if it had been successful, would have further marginalized the SPLM–IO.²⁶

From the perspective of the SPLM–IO, the peace process itself has caused Machar to renew his appeal for armed conflict. Denied a space of negotiation by a peace process that has excluded the vast majority of the opposition, the SPLM–IO hopes to re-enter political negotiations with the GRSS through violence.

Taban Deng in Unity

While Taban Deng has little political currency as FVP at the national level, he is absolutely detested in his home state of Unity, where the idea that a man quite so unpopular could be anointed as head of the opposition has been met with consternation. On 29 August, paramount chiefs from across the Greater Upper Nile region condemned his appointment. Nuer residents of the UN protection of civilians site in Rubkona speak scathingly of Taban Deng's appointment; they accuse him of betraying his community and joining the political elite that so brutally killed Nuer civilians in Juba in December 2013 and raped and pillaged their way through southern Unity in 2014 and 2015.²⁷

Dislike of Taban Deng in Unity goes back to his time as governor. While Taban Deng's governorship was supported by Juba, the people of Unity frequently complained that Kiir had imposed him on the state, just as they now accuse Kiir of having imposed Taban Deng on the SPLM–IO. Recurring allegations of corruption during his time as governor further exposed him to public opprobrium. While Taban Deng was governor, there was no accountability for oil revenues marked for Unity, and residents of the state from across the political and ethnic spectrums accuse him of having pocketed much of the oil money intended for the state. In Bentiu in 2012, state officials acknowledged that even they had no idea of the whereabouts of the 2 per cent of oil revenue that should have gone to the people of Unity.

From 2005 onwards, discontent with Taban Deng intensified. In 2008, Paulino Matiep, a Bul Nuer who was a powerful militia commander during the second civil war, allied with Riek Machar and supported Joseph Nguen Monytil Wejang, the current governor of Unity state, for the SPLM chairmanship of the state. Nguen Monytil was elected at the state party congress in April 2008. In the states of southern Sudan, it was a tacit rule that the party chairperson would stand for the SPLM in the gubernatorial elections in 2010. In disregard of this convention, Taban Deng refused the implication of Nguen Monytil's election, and the two leaders began to compete for power in Bentiu. Juba then intervened on Taban Deng's side.²⁸

Nguen Monytil chose not to run as a gubernatorial candidate due to pressure from Juba. Instead, those opposed to Taban Deng put their weight behind Angelina Teny, Machar's wife, who was running as an independent candidate. Taban Deng won the election amid widespread allegations of vote rigging and intimidation.

His victory would prove the high watermark of his tenure as governor. Many party members felt that Juba had pushed Taban Deng on Unity and lost confidence in the government and the SPLM's political bureau. Anger about Taban Deng's re-election also extended beyond the political elite that had backed Nguen Monytil or Teny, reaching into much of the state. It was in part Taban Deng's weakened position within Unity that then led him to seek a rapprochement with Riek Machar. This reconciliation improved Taban Deng's position, but it was also the beginning of his fallout with Salva Kiir, who was worried about a united Unity state under Riek Machar. Kiir finally dismissed Taban Deng in July 2013, as part of a raft of dismissals designed to shore up his rule against Machar's challenge.

From December 2013, Taban Deng was the chief political negotiator for the SPLM–IO. In this position, he was not popular in Unity state. Rank-and-file members of the SPLM–IO felt that he was negotiating in Addis Abba for personal gain, and that he was more

interested in the composition of the future government—and his place in it—than in achieving justice for the events of December 2013 in Juba, or in securing a place for the Nuer in the national politics of South Sudan. This tension was expressed, for instance, during the first SPLM–IO conference in Pagak in April 2014, at which Taban Deng insisted that his negotiating team's acceptance of a Kiir-led government must also be endorsed by the broader SPLM–IO—a position that the opposition refused to support. Taban Deng was equally unpopular with the commanders of the SPLM–IO. He was responsible for procuring weapons for the conflict in Unity state, and the military wing of the SPLM–IO contended that arms supplies were neither sufficient, nor delivered to the right places.

The antagonism felt towards Taban Deng in Unity increased after the Pagak conference, when Machar replaced Peter Gatdet as commander of the 4th Division of the SPLM–IO with his deputy, Simon Maguek Gai Majak. Prior to the conflict, Maguek Gai had been an unpopular speaker of the Unity state legislature; appointed by Taban Deng, he was removed by Nguen Monytil in September 2013. Many SPLM–IO members claimed that Maguek Gai was unsuited to his new position as division commander, as he had primarily been a politician, rather than a soldier. They also felt his appointment was another instance of a self-serving SPLM–IO political elite using nepotism and clientelism to retain control of the state, to the detriment of the overall opposition to the government.

The subsequent collapse of the SPLM–IO in the state during the SPLA's April–June 2015 assault on Panakuach and the south of Unity led to further criticism of Taban Deng. Suspicion of the opposition's political and military leadership was one of the reasons why the SPLM–IO found it difficult to recruit in southern Unity during the SPLA's assault in 2015.

The dislike of the new FVP in his home state is thus clearly linked to his tenure as governor and to his performance as a member of the SPLM–IO.

The military situation in Unity

Shortly after he became FVP, Taban Deng vowed to integrate the SPLM–IO into the SPLA; to that end, he set up cantonment areas for opposition forces in Equatoria.²⁹ The SPLM–IO have not moved into these cantonment sites, and none of the opposition forces in Equatoria recognize Taban Deng as their commander-in-chief. Indeed, the SPLM–IO was scathing in response to Taban Deng’s pronouncements, and opposition forces in Central Equatoria declared that the FVP had ‘no army to integrate’.³⁰ Outside of Juba, few members of the opposition recognize Taban Deng’s authority.

The situation in Unity is more complicated. Several SPLM–IO commanders from Guit, Taban Deng’s home county, have declared their loyalty to the new FVP, including Carlo Kuol, Dor Manjour, and Liah Diu, who are all Jikany Nuer, like Taban Deng. Yet, the majority of the SPLM–IO, even in Guit county, does not support the new FVP. Those who joined Taban Deng left SPLM–IO-controlled areas and went to the SPLA stronghold at Bentiu, effectively joining the government forces. Dor Manjour visited Guit county surreptitiously at the end of July, in an effort to convince the SPLM–IO troops there to join the forces of the FVP; he was rebuffed.

A number of Bul Nuer SPLM–IO commanders have also left the SPLM–IO to join Taban Deng, most importantly Michael Makal Kuol, the SPLM–IO operations commander for Unity. Most of these commanders are drawn from loyalists who had gathered around Taban Deng during his tenure as governor. In 2010, for instance, during one of his attempts to disarm Bul Nuer forces in the state, Taban Deng put Makal Kuol in charge of attacking Matthew Puljang’s forces. Like the Jikany Nuer commanders, the Bul Nuer loyal to Taban Deng have broken off from the rest of the SPLM–IO and joined the SPLA in Bentiu and Rubkona.

The vast majority of the SPLM–IO forces in Unity, however, have remained

loyal to Machar, including Tito Biel Wiec, the deputy commander of the SPLM–IO in Unity, and Maguek Gai, the SPLM–IO 4th Division commander.

In contrast to government claims that 10,000 SPLM–IO members have joined Taban Deng, the number of defections in Unity is more likely to number in the hundreds, and the south of the state remains resolutely hostile to the GRSS and to Taban Deng.

The Bul Nuer

Taban Deng’s appointment as FVP could also cause problems within government forces in Unity. Nguen Monytil, the current governor of the state—and the prospective governor of what is to become Northern Lich state under Kiir’s proposed partition of Unity—loathes Taban Deng. This loathing has deep historical roots. In 1997, the two men clashed over the governorship of Unity state, Taban Deng with Machar’s backing, and Nguen Monytil with the support of Sudan’s National Congress Party. Taban Deng won the governorship and, during his reign, fought bitter battles with Bul Nuer commanders, many of whom now command important places in the military forces loyal to the government in Unity state.

Personal rivalry between the two men continued after the signing of the Comprehensive Peace Agreement in 2005 brought an end to Sudan’s second civil war. Machar and Matiep unified around Nguen Monytil in 2008 as a candidate to run against Taban Deng, but Juba intervened in the gubernatorial election to ensure that Taban Deng would remain governor and defeat the eventual alternative candidate, Angelina Teny.

Following his election, Taban Deng pursued a disarmament campaign in Unity, putatively in preparation for the January 2011 referendum. In reality, the campaign targeted groups that Taban Deng felt were a threat to his reign, including the Bul Nuer. The process was extremely violent and left long-standing grievances among the Bul Nuer against Taban Deng, particularly as the SPLA engaged in collective pun-

ishment of the Bul Nuer in April and May 2011, burning down their villages and denying humanitarian access to Mayom county. The campaign was a prime reason for the creation of powerful Bul Nuer rebel groups, including those controlled by Matthew Puljang, currently the most powerful commander in Unity state.

The Bul Nuer have received Taban Deng’s appointment as FVP with deep discontent. On 7 October, Bapiny Monytil, the governor’s brother and a former militia leader, resigned from the SPLA. In his resignation letter, Bapiny argues that the 28-state decree would take away Bul Nuer land and accuses the GRSS of acting to advance Dinka interests at the expense of the Nuer.³¹ However, given Bapiny’s criticism of his own brother in the letter, this defection should not be taken as the beginning of a movement of the Bul Nuer commanders aligned with the SPLM towards the SPLM–IO.

Taban Deng’s split from the SPLM–IO led to the emergence of four different factions of Bul Nuer in Unity state. The first comprises a small number of commanders who are loyal to Taban Deng, such as Makal Kuol. The second faction consists of commanders, such as Bapiny Monytil and Peter Gatdet, who are hostile to the GRSS, are not attached to the SPLM–IO, and could be used as spoilers by Khartoum in future negotiations with South Sudan, if they were to receive weaponry. Bul Nuer forces that are loyal to the mainstream SPLM–IO constitute the third group. The fourth faction involves commanders and troops arrayed around Nguen Monytil and Matthew Puljang, who are the effective rulers of Unity at present. Both men dislike Taban Deng intensely.

Consequently, Nguen Monytil and Matthew Puljang did not take kindly to Taban Deng’s appointment as FVP. Both men, however, have control over such large swathes of Unity state that his appointment is unlikely to sway them over to joining the SPLM–IO—and put at risk all they have acquired during the current civil war. Indeed, from their perspective, Taban Deng’s presence in Juba is better

than his presence in Unity; active at a national level, and without a place in state politics, Taban Deng does not threaten their continued domination of Unity. As long as Taban Deng does not threaten Bul Nuer control of the state, his appointment as FVP is not likely to cause more than the occasional defection.

Conclusion

Following Taban Deng's appointment as FVP, and subsequent acceptance by the JMEC and the international community, the ARCSS is effectively over. The UN Secretary-General acknowledges the problems with the current arrangement in a report released on 10 November, noting with customary understatement that joint transitional institutions are only 'partially inclusive' and calling for inclusivity to be restored.³² However, none of the international partners to the peace process have a plan for how this is to take place. There is no desire for a new peace process, or for bringing Machar back to Juba. As the proposed US sanctions on Machar indicate, the international community seems content to marginalize the SPLM-IO leader, following the lead of the GRSS.

It is correct, as many diplomats suggest, that when the ARCSS included Machar, it did not work. Indeed, even if Machar were to return to Juba and the TGoNU, much of the opposition to the GRSS would not be assuaged, and the ARCSS would still not be inclusive of the variety of voices in what is an increasingly fractured conflict in South Sudan. That said, the international community's continued insistence that the ARCSS is the 'only game in town' legitimizes the government's marginalization of all members of the opposition and puts public faith in a process that no one thinks will work.

In the coming dry season, Machar's SPLM-IO, in an attempt to regain a seat at the negotiating table, will continue to attack SPLA positions throughout the country. Its campaign in Unity is already underway. At the same time, the SPLA, having secured total control

of the political process, is also preparing a dry-season campaign, with two interrelated goals. The first is to eliminate 'security threats', or what it otherwise characterizes as bandits, as articulated by Michael Makuei, the minister of information, and Martin Elia Lomuro, the cabinet affairs minister, on 5 September, when they warned that SPLM-IO forces were to be integrated or otherwise 'eliminated'.³³ The second objective of the SPLA campaign is to take SPLM-IO territory in which Taban Deng can be installed as a puppet leader; while Taban Deng is not the substantive leader of the SPLM-IO, the GRSS's gamble is that a military campaign might at least make him appear so.

The stage is thus set for further clashes, as both sides insist that, three years after the beginning of the conflict, a military solution is still possible, while the international community puts its faith in a peace process in which no one has any confidence. ■

List of abbreviations

ARCSS

Agreement on the Resolution of the Conflict in the Republic of South Sudan

FVP

First vice president

GRSS

Government of the Republic of South Sudan

IGAD

Intergovernmental Authority on Development

JMEC

Joint Monitoring and Evaluation Commission

SPLA

Sudan People's Liberation Army

SPLM

Sudan People's Liberation Movement

SPLM/A

Sudan People's Liberation Movement/Army

SPLM-IO

Sudan People's Liberation Movement-in-Opposition

TGoNU

Transitional Government of National Unity

Notes

This Issue Brief was researched and written by Joshua Craze, co-author with Jérôme Tubiana of HSBA Working Paper 42, A State of Disunity: Conflict Dynamics in Unity State, South Sudan, 2013–15.

- 1 UNPoE (2016, paras. 9–12).
- 2 *Sudan Tribune* (2016e).
- 3 Radio Tamazuj (2016g).
- 4 USUN (2016).
- 5 Lynch (2016).
- 6 UNSG (2016, para. 3).
- 7 Author telephone interviews, names and places withheld, October–November 2016.
- 8 Craze and Tubiana (2016).
- 9 See, for example, AI (2016); CIVIC (2016); Pinaud (2016); SPLM-IO (2016); UNPoE (2016, paras. 9–12).
- 10 Author telephone interviews with SPLM-IO members, August–September 2016. See also *Sudan Tribune* (2016b).
- 11 IGAD (2015, p. 9).
- 12 *Sudan Tribune* (2016a).
- 13 IGAD (2015, p. 9).
- 14 Radio Tamazuj (2016b).
- 15 JMEC (2016).
- 16 Radio Tamazuj (2016d).
- 17 USDOS (2016).
- 18 Booth (2016).
- 19 Radio Tamazuj (2016f).
- 20 *Sudan Tribune* (2016d).
- 21 Gatwich (2015).
- 22 Author telephone interviews with SPLM-IO members, locations withheld, 23 November. See also Radio Tamazuj (2016h) and *Sudan Tribune* (2016f; 2016g).
- 23 *Sudan Tribune* (2016c).
- 24 Reuters (2016).
- 25 The US resolution was shelved on 27 November due to a lack of support on the UN Security Council and among African member states.
- 26 Lederer (2016).
- 27 Online author interviews with residents in the Rubkona protection of civilians site, September–October 2016.
- 28 Taban Deng's role in Sudan and South Sudan before 2013 is more closely examined in Craze and Tubiana (2016, pp. 25–37).
- 29 Radio Tamazuj (2016e).
- 30 Radio Tamazuj (2016a).
- 31 Monyтуil (2016).
- 32 UNSG (2016, para. 4).
- 33 Radio Tamazuj (2016c).

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- . 2016c. 'Makuei and Lomuro Hint at Objectives for Next Military Offensives.' 6 September.
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- . 2016e. 'South Sudan Rejects New Peace Deal with Machar's Faction.' 21 October.
- . 2016f. 'Kenya Deports South Sudan Rebel Leader's Spokesman to Juba.' 3 November.
- . 2016g. 'S. Sudan Rebel Leader Stopped in Ethiopia, Returns to South Africa.' 21 November.
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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.

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The HSBA receives direct financial support from the US Department of State, the Ministry of Foreign Affairs of Denmark, and the Norwegian Ministry of Foreign Affairs, as well as the United States Institute of Peace. It has received support in the past from the Global Peace and Security Fund

at Foreign Affairs and International Trade Canada, the Netherlands Ministry of Foreign Affairs, and the UK government's Global Conflict Prevention Pool, as well as from the Danish Demining Group and the National Endowment for Democracy in the United States. The Small Arms Survey also receives Swiss funding, without which the HSBA could not be undertaken effectively.

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