

A decorative graphic consisting of a grid of grey dots of varying sizes, with several dots highlighted in red. The dots are arranged in a pattern that roughly follows the shape of the map of South Sudan.

# How to Make Peace Work in South Sudan

## Criteria for More Effective Collective Conflict Management in South Sudan

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February 2019

The following criteria for more effectively resolving the conflict in South Sudan were developed by the South Sudan Reflection Group, facilitated by the Friedrich-Ebert-Stiftung South Sudan Office. The Reflection Group was comprised of experts and senior civil-society representatives from South Sudan and other African countries who have long engaged in and with South Sudan. The Reflection Group sought to identify what is needed to externally support efforts to end the conflict – inclusively, collectively and sustainably. These criteria represent Reflection Group members' minimum consensus and do not claim to be comprehensive – or sufficient for establishing peace in South Sudan.

- Criterion 1: Credible external guarantors from the region who are trusted by all sides. They can pressure the conflict parties to be accountable and are crucial for mediating and sustaining agreements.
- Criterion 2: Informal influencers who can also act as guarantors. Individuals who enjoy respect and credibility amongst stakeholders can positively influence their behaviour and decision-making.
- Criterion 3: Peace processes including both non-state peacemakers and spoilers. Tick-box representation and consultations with a small number of civil society representatives do not suffice. External actors should help build strategic alliances by encouraging the coordination and cooperation among civil society actors, both at local and national level.
- Criterion 4: Timely delivery of peace dividends to communities affected by violent conflict. Improved public goods delivery in the area of security, education, health and justice help ensure that peace agreements will last and displaced persons return home.
- Criterion 5: Enough time and space to build trust between conflict actors. External actors should support open-ended peace processes rather than »deadline diplomacy« and move away from their current focus on events and project cycles with pre-determined timelines and outcomes.



## Introduction

In September 2018, the main warring factions in South Sudan's violent conflict signed the Revitalized Agreement for the Resolution of Conflict in South Sudan (R-ARCSS) in Khartoum, Sudan. The conflict, which had begun in December 2013, has killed nearly 400,000 people, caused two million people to flee the country and internally displaced more than two million others. Fighting has now subsided, and some leading opposition figures have returned to the South Sudanese capital, Juba. However, mistrust remains between important conflict actors, and critical provisions of the new agreement such as the release of all political prisoners, the constitution of joint institutions and the cantonment of combat forces have not been fully implemented. As a result, the new peace promised by this regional process is tenuous. Nevertheless, despite the shortcomings of the R-ARCSS, peace processes and trust-building exercises underway can succeed to some extent, especially at the local level.

This brief addresses the question: What are necessary criteria for external actors' engagement to improve the prospects of peace in South Sudan and for strengthening the South Sudanese people's ownership of peace processes? The underlying normative assumption is that sustainable peace efforts in and for South Sudan shall be embedded in a strengthened system of collective security – a regional security system in which the security of one country is anchored in the security of all countries – in East Africa and the Horn of Africa region.

### The South Sudan Reflection Group: A Laboratory for Pragmatic Ideas for Making Peace Work in South Sudan

Numerous meetings and conferences on the conflict in South Sudan over the last years have brought together high-level experts and a variety of organisations. However, given the lack of safe spaces to discuss independent, new ideas (and revisit old ones) in a structured yet informal setting, the FES South Sudan office convened the South Sudan Reflection Group. The group was conceived as an informal thinking space featuring some of the most prominent civil society and faith-based community representatives who have been actively engaged in trying to make peace in South Sudan. Important per-

sonalities from the region who are familiar or directly involved with IGAD<sup>1</sup> peace processes, as well as technical and academic experts on peace-processes from Sierra Leone to Mozambique, were also invited to think outside the box on how to make peace work in South Sudan, beyond the confines of their organisational mandate. Following the Chatham House Rule to ensure open discussion about how to reach an inclusive, collective and sustainable resolution of the conflict, the South Sudan Reflection Group met in Uganda, Kenya, South Africa and again in Uganda between May 2017 and November 2018. The Reflection Group understood it could best contribute by identifying key and actionable criteria for improving external engagement with peace efforts in South Sudan.

The Reflection Group's first meeting was held in early 2017 – following the collapse of the Agreement for the Resolution of Conflict in South Sudan (ARCSS) – and its last, shortly after the main warring factions had signed a »revitalised agreement« (the R-ARCSS) in Khartoum in late 2018. The criteria the group developed came out of deliberations that were often influenced by current events in South Sudan. They address the challenges of the R-ARCSS and other issues. They are based on the analysis of hindrances to the peace process in South Sudan so far, from the grassroots to the international level and aim to stimulate further discussion about how to achieve a durable peace. Their relevance stems from Reflection Group members' first-hand experiences in negotiating peace in South Sudan as far back as the 1990s. The criteria are not a result of a systematic academic analysis: They vary in scope and the proposed levels of intervention and may seem technical in some instances. The Reflection Group is convinced that any action based on these criteria will only succeed if it is based on a thorough analysis of South Sudan's political economy. Too many incentives for different actors to use violence remain – despite, and sometimes because of, the way peace processes are currently designed.

The criteria are not a blueprint for action. Their implementation is highly context-sensitive: Some might be more relevant in the short term, others in the long. Furthermore, the five criteria only represent minimal consensus amongst the South Sudan Reflection Group

1. The Intergovernmental Authority on Development made up of Djibouti, Ethiopia, Eritrea, Kenya, Somalia, Sudan, South Sudan and Uganda.



members, who understand that in light of the conflict's changing dynamics these criteria can be neither comprehensive nor complete. However, the Reflection Group believes that following these criteria can help to make regional and international support for the peace process in South Sudan more effective. Making peace work requires much more than adhering to any list of criteria. It requires political processes at different levels – not an event that can be staged using technical solutions. Workable solutions for peace in South Sudan require a deep understanding of the incentives for both violent and peaceful actions that exist at all levels, as well as the conceptualisation of coherent short-, medium- and long-term political solutions embedded in a system of regional collective security.

The following section briefly reviews current peace-making efforts before elaborating on the criteria: (1) credible external guarantors, (2) empowered informal influencers, (3) inclusive participation, (4) peace dividends and (5) the primacy of process over projects. With these criteria in mind, the Reflection Group also developed policy recommendations for the United Nations Mission in South Sudan (UNMISS).

## Background: Peace-making during South Sudan's Latest Civil War

When violent conflict erupted in South Sudan on 15 December 2013, IGAD swiftly initiated negotiations amongst the warring factions. From the start, IGAD was regarded as the natural leader of East African peace efforts due its role in negotiating the Comprehensive Peace Agreement of 2005 (CPA) between the Government of Sudan and the Sudan People's Liberation Movement (SPLM), which led to the independence of South Sudan. In 2013, however, neighbouring states' bilateral interests quickly took centre stage, hampering the establishment of a more effective regional collective security response. Instead, South Sudan's neighbours viewed regional stability narrowly through their respective national domestic and foreign policy interests. In this context, the IGAD process quickly revealed a lack of political will of its eight members to collectively end the conflict in South Sudan.

The IGAD mediation, at first chaired by Ethiopia, was strongly backed by the international community led by the Troika (Norway, the United States and the United

Kingdom), the African Union (AU), and the European Union (EU). The focus of the mediation was quickly narrowed down to finding a power-sharing solution between the main warring parties. The Agreement for the Resolution of Conflict in South Sudan (ARCSS) was only signed in September 2015 after significant international pressure was applied to Salva Kiir and Riek Machar, but mistrust among them remained high. Not surprisingly, new fighting erupted in South Sudanese capital Juba in July 2016. The South Sudanese opposition leader Riek Machar was expelled from Juba and fighting spread to areas of the southern Equatoria region, further fragmenting the conflict as the SPLM-IO (Sudan People's Liberation Movement-in-Opposition) fractured and new armed actors emerged.

Following the ARCSS's collapse, in December 2016 the Government of South Sudan launched a national dialogue in response to international pressure for a new peace process. However, the initiative lacked credibility amongst many opposition groups and civil society actors. Formal consultations to resuscitate and broaden or replace ARCSS began in mid-2017, and in December that year, the IGAD High Level Revitalization Forum (HLRF) was launched in Addis Ababa, Ethiopia. In response to the ARCSS's shortcomings and the proliferation of opposition actors, the HLRF included a broader range of representatives of armed and non-armed groups. However, the objectives of the revitalisation process were ambiguous and lacked clear guidelines and mechanisms for engaging different actors. Most conflict parties primarily sought to boost their legitimacy during the HLRF by only nominally supporting the renewed peace efforts.

Meanwhile, Ugandan President Yoweri Museveni took control of a separate process that was attempting to unify the various SPLM factions – as had been agreed in Arusha, Tanzania in 2015. The AU High Representative for South Sudan, former Malian President Alpha Oumar Konaré sought to strengthen African peace efforts in coordination with »IGAD Plus« (The Assembly of IGAD Heads of State and Government and the AU Ad-hoc Committee on South Sudan) and other regional and international actors. However, none of these processes managed to comprehensively include all the stakeholders and issues, to be regarded as credible by all relevant stakeholders, to secure the political will and commitment from one or more key national and regional actor(s) or to significantly reduce the incentives to fight for seats at the negotiating table.

By mid-2018, these disjointed processes were having little effect on the fighting in South Sudan, and mediators and international stakeholders were becoming increasingly frustrated. At that point Sudan and Uganda stepped in to take control of the regional process. As a result, R-ARCSS, also known as the Khartoum agreement, was signed in the Sudanese capital in September 2018. Although the Khartoum process did not resolve critical issues including questions of accountability and transitional justice, it did turn the two neighbouring countries with the greatest bilateral interests in South Sudan into the guarantors of the peace process, a role previously held by the international community. By early 2019 the prospects for peace to last are uncertain and the implementation of R-ARCSS is far behind schedule. After relative calm in the end of 2018, fighting between armed groups that did not sign R-ARCSS and armed groups who are party to the agreement has picked up again in the southern part of the country.

Reflecting on the achievements and failure of past and ongoing peace processes, the following criteria for more effectively resolving the conflict in South Sudan were developed by the South Sudan Reflection Group in the future:

## Credible Mediators and Guarantors: Legitimacy and Capacity

### CRITERION 1

Credible external guarantors from the region who are trusted by all sides. They can pressure the conflict parties to be accountable and are crucial for mediating and sustaining agreements.

Examining past peace processes at regional, national and local level can reveal what is lacking today. The Kenyan Government spearheaded the IGAD process that resulted in the CPA of 2005. Through its long-term commitment to peace-making in then Sudan and its credibility amongst the warring factions and countries in the region, the long arduous process resulted in a framework for a semi-autonomous government in South Sudan and its 2010 referendum on independence. However, when two years after South Sudan became independent, violent conflict erupted there was no comparable long term commitment by a neighbouring country to a similar peace process.

After fighting between different factions of the SPLM started in Juba in December 2013 and then spread to other regions of South Sudan, Ethiopia as chair of the IGAD process played an important role in regional mediation efforts. However, some South Sudanese warring factions viewed the country as lacking impartiality and commitment. When a new Ethiopian Prime Minister entered office in 2018 and domestic policies and improving the relationship to other neighbouring states took priority, Ethiopia stepped back from mediating in South Sudan. As a consequence, Sudan entered the scene as mediator and with Uganda's backing, was able to leverage the warring factions' dependence on Sudan's and Uganda's political, military and economic support and get a deal signed in September 2018. Sudan and Uganda's new role was received with ambiguity given the historical role of both countries in South Sudan and their respective support to different sides of the conflict. On the one hand, these two regional veto powers have now become directly and openly involved in the peace process in South Sudan. Some observers view their more direct involvement critical for any agreement to hold in South Sudan as both countries continue to possess the capacity to exert considerable leverage over different warring parties. However, given the two frontline states' deep historical and current involvement in the conflict, the new lead mediators were also seen as lacking the neutrality and trust from crucial conflict factions to make them credible guarantors in the mid- to long term.

To hedge the national interests of Uganda and Sudan and endow the process (that remains nominally under IGAD) with legitimacy and trust, other states in the region must recommit to a collective process. Within such a regional collective process, outside guarantors would need to provide resources, carrots and sticks during the implementation phase of the peace process: Withdrawing once an agreement is signed significantly reduces the former warring parties' costs of non-compliance and raises the risk that the agreement will collapse. This was demonstrated by the conflict that broke out in the wake of incomplete implementation of the CPA.

There will be no peace without a more credible system of collective security in the IGAD region, supported by the African Union. The AU and external actors can help establish such a system by providing different formats for dialogue, supporting trust-building exercises with strategic patience and engaging in active shuttle diplomacy.

**CRITERION 2**

Informal influencers who can also act as guarantors. Individuals who enjoy respect and credibility amongst stakeholders can positively influence their behaviour and decision-making.

Informal influencers who engage in quiet diplomacy to build trust and get spoilers to buy into peace processes can help forge and sustain peace agreements. Such peace process facilitators must thoroughly understand the conflict, have long been involved in the country, possess moral authority and be trusted by the main warring factions. Individuals or institutions that enjoy respect and credibility amongst the various stakeholders can encourage dialogue and cooperation and help shift attitudes in informal interactions.

Across Africa, »eminent personalities« – retired foreign and domestic politicians, religious and civil society leaders and traditional authorities – are often involved in forging political settlements. In South Sudan, religious leaders and umbrella organisations such as the South Sudan National Council of Churches, which participated in formal mediation during the HLRF process, have helped regulate and prevent local conflicts. Institutions named as the custodians of peace agreements can also guarantee the peace: As part of the exemplary 1999 Wunlit Peace Conference, a committee was set up to not only observe its implementation and sanction violations but also to communicate the contents and spirit of the peace agreement to the communities.

In sum, whether at the grassroots or internationally, effective and sustainable peace efforts require support from credible mediators, guarantors and informal influencers who are seen as not having vested political interests in a premeditated outcome and can offer incentives and impose sanctions. They must enjoy legitimate authority in order to help build trust between conflict actors and change the narrative. Guarantors and influencers can be domestic or foreign individuals and institutions, and state or non-state actors. In addition to the IGAD negotiations, other formats are needed to efficiently involve informal influencers in peace processes and devise new ways of convening and facilitating dialogue that can inform and feed into intergovernmental processes. Track II or »back channel« diplomacy can be helpful.

## Forget the Tick-Box: Strengthen Participation

**CRITERION 3**

Peace processes including both non-state peacemakers and spoilers. Tick-box representation and consultations with a small number of civil society representatives do not suffice. External actors should help build strategic alliances by encouraging the coordination and cooperation among civil society actors, both at local and national level.

Inclusivity, particularly of civil society actors, is crucial for strengthening regional and national peace processes in South Sudan and elsewhere. Unfortunately, there have been no practical propositions about how to achieve it. Nor has it been clear which civil society actors should be included and how it is possible to do justice to a range of interests while keeping the peace process lean enough for conflict parties to agree and not incentivise more violence and the fragmentation of those seeking seats at the negotiating table.

There has been little meaningful participation by civil society representatives in the South Sudan peace process so far. Unarmed stakeholders have been viewed as less important by mediators than warring parties and inclusivity as a fig leaf for processes that elites continue to drive.

Although the IGAD HLRF did broaden participation to national civil society representatives and national representatives of religious communities, it failed to include non-state representatives from other levels of state and society. Multiple tracks must be created for non-government and non-military stakeholders – opposing political parties, civil society organisations, traditional authorities and religious leaders – to engage in meaningful negotiations and build pressure on the warring factions that are negotiating separately.

Civil society participation is often limited to a small number of national representatives and formalised advocacy. Because the major civil society organisations in Juba tend to focus on national issues, other platforms and networks of local civil society actors and faith-based organisations on different levels are needed to strengthen these peacemakers' capacities and leverage their actions

at the national level. During the IGAD HLRF, for example traditional leaders were only invited to Addis Ababa once although they remain crucial for resolving and preventing local conflicts. A more »gender-just« peace process can be achieved by including a broader set of non-state actors with expertise on incorporating provisions that would strengthen gender justice in all chapters of peace agreements.

Outsiders should provide support for local civil society actors to coordinate and cooperate with local and national representatives in creating political space for non-elite alternatives. South Sudanese traditional cultural and religious leaders and civil society organisations can help create trust between communities, as well as between government agencies and citizens, and open up space for dialogue and political discourse.

## Delivering Peace Dividends: Rituals and Restitution

### CRITERION 4

Timely delivery of peace dividends to communities affected by violent conflict. Improved public goods delivery in the area of security, education, health and justice help ensure that peace agreements will last and displaced persons return home.

Both the ARCSS and the R-ARCSS focus on how political and military elites share power in South Sudan. While power sharing remains crucial for regulating the conflict, the communities that have borne the brunt of the war need to receive peace dividends if the agreement is to last and incentives to resume fighting be reduced. A narrow focus on power-sharing neglects the social, political and economic marginalisation that fuels armed struggle or simply armed self-defence. The foundation for a sustainable peace can be strengthened with peace dividends in the form of the delivery of public goods that allow for refugee repatriation. Such public goods are security, health services, education and basic infrastructure. The provision of these public goods would undercut the influence of spoilers and reduce incentives for returning to war. For peace dividends to contribute to peace to last, they must cater to the emotional and material needs of communities and individuals, especially at the local level. Restitution can deliver tangible justice

and material benefits, while rituals using context-specific symbols for psycho-social needs often involve self-disclosure and confessions and may invoke spiritual sanctions for »undoing« the peace. Transitional justice and reconciliation are essential for healing trauma and deep social divisions. However, civil society representatives currently have little faith in national processes because the R-ARCSS chapters that provide for mechanisms of transitional justice and accountability, including a hybrid court, have not been fully implemented.

Both drivers of local conflict and cultural practices vary across South Sudan. Changing the narrative from conflict to peaceful coexistence requires trust-building and mechanisms for reconciliation, including the use of local rituals and restitution at the grassroots level. The 1999 Wunlit Peace Conference, held to mediate between the Dinka and the Nuer communities on the West Bank of the Nile, included tangible peace dividends such as shared schools, medical facilities and water wells. Negotiations were based on long and extensive consultations and rituals, including the slaughter of a sacrificial bull to seal the peace. Wunlit played a significant role in ending fighting and reuniting the SPLM factions led by John Garang and Riek Machar.

Few citizens trust the South Sudanese state; the social contract is in tatters. Creating a peaceful South Sudan requires a larger political space for trust-building and emotional healing, as well as restorative justice and improved public goods.

## Time and Space: Process Is More Important than Projects

### CRITERION 5

Enough time and space to build trust between conflict actors. External actors should support open-ended peace processes rather than »deadline diplomacy« and move away from their current focus on events and project cycles with pre-determined timelines and outcomes.

South Sudan's severely restricted political space, non-state actors' current lack of freedom of action and expression, and conflict actors' mutual mistrust after decades of combat and divisive politics, mean that additional time and

political space are urgently needed to build trust. Peace cannot be forged along predetermined timelines set by external actors. Peace-making is a dynamic process with unpredictable trajectories. It relies on the quiet diplomacy of mediators, guarantors and informal influencers to get parties to engage, sheltered from public scrutiny. Potential local spoilers, leaders of the main warring factions and South Sudan's neighbours with their exclusionary security interests all want pre-determined solutions. They prefer short-term solutions that share power between familiar personalities and factions to the open-ended structural reforms and accountability mechanisms that sustain peace.

The fact that the ARCSS, signed by the two main warring factions under extreme duress in 2015, fell apart less than a year later, demonstrates the pitfalls of »deadline diplomacy« and agreements that lack genuine political will and buy-in. External actors must shift their peace-making efforts from events to processes. They must remain committed after the agreement is signed and after political events such as elections that serve as milestones in the implementation process. Events help sustain the peace if due emphasis is placed on the processes that shape them. This approach, however, runs counter to the international community's standard practice, which is bound by budgets earmarked for clearly defined project outcomes in limited funding cycles – that often contravene the interests of powerful stakeholders at all levels.

It is challenging for external actors to remain strategically patient while they seek to sustain the momentum of peace processes and address urgent humanitarian needs. However, the knowledge that quick fixes often maintain and can even increase incentives to fight should encourage new methods of engaging.

### Making UNMISS Count: A Leaner and Clearer Mandate

What do these criteria mean for the most visible international footprint in South Sudan, the United Nations Mission in South Sudan (UNMISS)? The mission is mandated to protect civilians, facilitate the delivery of humanitarian aid, and monitor and investigate human rights abuses. It has a troop ceiling of 17,000, including a not yet fully deployed 4,000-strong Regional Protection Force (RPF),

with a more robust mandate. Rwanda, India, Ethiopia and Nepal provide the bulk of the forces; China contributes over 1,000 troops.

The members of the Reflection Group believe that UNMISS is still needed to protect civilians but could better contribute to peace in South Sudan with a narrower and clearer mandate focused on civilian protection, as well as improved »force generation« (selecting units and countries to contribute troops according to strategic needs) and »force performance« (clearer responsibilities and chains of command).

The Reflection Group therefore recommends to make the mandate of the peacekeeping force UNMISS narrower and clearer. The focus of the mandate should centre on civilian protection but must extend beyond Protection of Civilians (PoC) sites to facilitate the return of refugees in neighbouring countries and internally displaced people (IDPs). Moving forward, policy-makers should prioritize the exploration of un-armed, civilian peace-keeping components within and outside UNMISS that play active roles in delivering peace dividends at the grassroots.

## Conclusions

The signing of the R-ARCSS in Khartoum in September 2018 was received with a mix of muted optimism – given the lack of any alternative peace process – and strong scepticism about how it can contribute to creating a sustainable peace for all the people of South Sudan.

The South Sudan Reflection Group shares this scepticism. The R-ARCSS negotiating process and its implementation so far do not fulfil the criteria described in this brief. Sudan and Uganda could offer incentives and impose sanctions on key conflicting factions. However, their track record of partisan involvement in South Sudan so far makes it difficult to assume both countries can be effective in the long term as credible guarantors (criterion 1). The South Sudan Council of Churches briefly mediated in the HLRF process that preceded the Khartoum negotiations, but a broader set of informal influencers have not been consistently and sufficiently empowered and involved throughout the process (criterion 2). Representatives of civil society organisations and other unarmed political actors signed the Khartoum agreement but had had little or no stake in shaping it



and were not involved when crucial chapters were negotiated (criterion 3). Although South Sudanese elites must share power for any peace to last, the R-ARCSS has so far failed to distribute peace dividends to the ordinary South Sudanese who have borne the brunt of the war. Most citizens of South Sudan have not received public goods as a result of ARCSS or R-ARCSS, nor has restorative justice allowed communities to heal physically and mentally (criterion 4). Finally, both the ARCCS and the R-ARCSS were signed under immense external pressure, without the space and time needed to surmount mistrust and seek genuine compromise (criterion 5).

International actors must remain engaged in South Sudan. These five criteria developed by the Reflection Group can serve as a conceptual foundation to more effectively support peace processes in South Sudan. Besides promoting implementation of the R-ARCSS, external actors should assist complementary processes at all levels so as to improve the chances of creating a lasting peace for all South Sudanese. Peace for South Sudan will continue to be a process, not an event.





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### About the South Sudan Reflection Group

The Reflection Group was convened by high-ranking experts with long track records of engagement in and with South Sudan and facilitated by the Friedrich-Ebert-Stiftung (FES) South Sudan Office. Ten core members and three to five subject-matter experts addressed the themes of the various sessions. The group's core included South Sudanese civil society members and church leaders engaged in local conflict resolution and peacebuilding, and in regional, national and international conflict resolution. Other Reflection Group members

included experts from neighbouring states, political analysts directly involved with IGAD regional mechanisms, and African academics with a wealth of experience in peace-making around the continent. Topical experts included former members of the UN Panel of Experts on South Sudan, high-ranking humanitarian policy advisors, members of the diaspora and academic experts on the Nile Basin. All the experts provided input into these criteria for resolving the conflict in South Sudan.

The views expressed in this publication are not necessarily those of the Friedrich-Ebert-Stiftung.

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