

South Sudan and the Peace Agreements no one Swears by

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INTRODUCTION

Part of the thinking in South Sudan regarding peace has been the idea that a potentially flawed peace agreement is better than no agreement at all. This has been born of the utter public frustration with what seems to be the inability or unwillingness of the warring parties and the country's entire political leadership to negotiate in good faith and to make compromises for the good of their country. As the people of South Sudan have been in agony watching endless negotiations while the country bled, whenever these competing leaders finally sign something, this is often greeted with a cautious acceptance of the deal by the public, no matter how shoddy such a deal may be. Any agreement is better than none, the reasoning seems to run. Or is it? My own observation is that most South Sudanese have been rendered so desperate for peace that they seem to be in constant search for the silver lining in any agreement and look away from all the glaring gaps that eventually end up killing the agreement. Instead, they focus more on whether a peace deal starts with a strong cessation of hostilities and a program of security reforms that can potentially silence the guns in the short term. This is only logical and practical, as silencing the guns is the priority of every citizen affected by violence, which is majority of the country's population. For a country that has sent 1.2 million of its citizens into refuge in the neighboring countries and has uprooted another 2.5 million from their homes, this desperation for the minimum level of safety is quite understandable. But delays and postponements of implementation timelines can be equally deadly. From the perspective of neo-liberal peace-making, that everyone must be represented at the negotiating table, which tends to prolong the process, a good cessation of hostilities agreement at the outset is the mediator's best dream. So long as people are no longer dying on mass during peace talks, there is more wiggle room for the talks to take a little longer in hope of hammering out all the potential disruptors of the eventual agreement, building into the agreement all mechanisms that can preempt and tackle any loopholes ahead; at least that is how the dream goes.

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THE PEACE PROCESSES AND THE DEAD DEADLINES

This has not worked in the case of South Sudan, however. The parties to these agreements seem to have learnt this pattern of public reaction to these processes over the years and have always chosen to relegate all matters of real substance to the stage of the implementation, essentially making the implementation phase part of the negotiation and renegotiation down the road. The result of this approach is the constant renegeing by parties from agreed points, often due to lack of clarity, nonchalant guarantors, logistical delays or having cold feet on a given issue. The haggling leading to the slide of deadlines and further frustration of those involved is such that the inevitable fate of most of these deals has been disastrous delays or total collapse and a return to the drawing board, sometimes with breakdown of ceasefires and a return to violence.

This is why it has been a saga of peace deal after peace deal since 2014, none of them producing anything remotely close to bringing peace to the war-battered country and its people. Each of these agreements has been only slightly more than a power- and resource-sharing pact between the competing elite, with very little conception or commitment as to how such a deal could be translated into peace in the lives of everyday people. It seems that the sustainability of such a peace accord is hardly ever a major concern, neither for the parties themselves nor for the mediators; for how otherwise can one or more parties so flagrantly and repeatedly violate what was agreed but face no consequences? Allowing the parties to dishonor the agreements, or use delaying tactics and miss the deadlines – to the point of diminishing the agreements in the end and later starting another round of negotiations in the same manner with the same results and the same fate – has been the, *modus operandi*, of the regional bloc, the Intergovernmental Agency on Development (IGAD), South Sudan's primary peace broker.

These agreements, the most prominent of which are Agreement on the Resolution of Conflict in South Sudan (ARCSS, 2015) and its reincarnation, the so-called Revitalized Agreement on the Resolution of Conflict in South Sudan (R-ARCSS, 2018), invariably collapsed – and with deadly consequences, one must add – under the weight of the parties' bad faith and the flaws in the deals themselves.

There has been no stronger testament than this to the futility of all the approaches the mediators have used to push for peace. But on the ground in South Sudan, the delays in the implementation of these agreements have largely been caused by the fact that the focus is never on the big picture, on ending the war sustainably so that South Sudan can move on with the business of state establishment, government development and serving its people.

Over the seven years of the civil war, and throughout the peace process, for example, the parties, the mediators and civic activists have flagrantly veered away from the original popular demand: to use the peace processes to get to the real causes of the conflict, with an eye to forming a peaceful foundation that prevents a return to war in the future. They have also moved away from the strong calls to build into the peace agreement all the real consequences of the war such as injustice, atrocity crimes, reparations for areas most affected by the war and the collapse of national institutions, especially the security sector agencies and the justice system, under the weight of their use to singularly fight the war, rather than for the protection of the country and its citizens. What is left on the table for all the parties has often been the distribution of power and wealth between the main warring parties, not a single hint of irony in avoiding the reasons why the war broke out in the first place. The result is that these agreements have been just a little more than postponement of conflict, not solutions with sustainability in mind. This is not to say the letter and spirit of some of these agreements have been entirely without value, but allowing their implementation to be used as another phase of continued negotiation defeats the purpose of inking them to begin with.

COALITION GOVERNMENTS DO NOT PEACEMAKER

Instead of the peace processes addressing these issues in order to craft a meaningful and more sustainable agreement – whether at negotiation or implementation phases – the focus has largely been on minutia more related to additional conditions or reservations that the parties throw up after the deal has been long signed and was on its way to execution. The original August 2015 ARCSS took almost a year to finally culminate in the formation of a Transitional Government of

National Unity (TGoNU) in April 2016. The main causes of this delay were the fates of the fighting forces; the size and type of weapons for the protection force of the opposition leader and vice president-designate as per the agreement (Riek Machar); the size of the cabinet; and the allocation of the various ministries to all the parties to the agreement. Sadly, the delay was not caused by truly substantive and meaningful demands of the citizens, including accountability for atrocity crimes committed by all sides to the conflict and issues of grand theft of public resources and the shrinking political space that had been at the root of the conflict. It was not long into the 2016 TGoNU before it resulted in a shootout between President Kiir's and Riek Machar's forces in Juba. This resulted in the flight of Riek Machar from Juba for the second time and the distortion of that agreement soon after in order to maintain the status quo. There continued to be a government in Juba while the war raged ever more in many parts of the country, especially Central Equatoria.

Again, after long and daunting efforts by the IGAD countries to resume the peace talks after the collapse of the initial ARCSS, there were a few more obstacles to peace in South Sudan, namely, the fate of Riek Machar, the squabbles over the neutrality of the process because of the position some IGAD leaders were thought to have taken in favor of Juba government, and whether or not the process should move from its Addis Ababa venue to Nairobi, Entebbe or Khartoum. Luckily for the ordinary South Sudanese, this agreement was preceded by a rather precarious cessation of hostilities agreement, but one that surprisingly stuck and was seen as the most valuable element in that process. The government of Sudan got involved more strongly, and the new R-ARCSS was crafted in Khartoum and signed in Addis Ababa on September 12, 2018. But its implementation was also faced with so many obstacles, namely, the security arrangements, the cantonment of forces, the establishment and training of a unified national army, problems of administrative boundaries and the question of security in the national capital area. The timelines for these issues slipped, and the seminal event – the formation of a Revitalized Transitional Government of National Unity – was postponed so many times that it has exhausted the patience of South Sudanese who have pinned their aspirations for improvement in their lives on the formation of R-TGoNU.

The formation of R-TGoNU – supposedly the crowning of the long anticipated implementation of the September 2018 peace deal – began to be seen by all concerned as the panacea for all the intractable problems that got South Sudan into the abyss, as if to suggest that real peace can only begin to be built once the unity government is in place. But the true obstacles to peace in South Sudan in general are the parties to these peace agreements themselves and the fact that none of them seems capable of having principled positions in pursuit of their goals; rather, they view the unity government itself as their object of pursuit, regardless of whether or not this government would address their objectives for going to war and the issues that plunged the country into conflict.

The main opposition SPLM-IO under Riek Machar has been the most unprincipled, especially on their initial reasons why they went to war in the first place, the massacre of ethnic Nuers as the trigger for the war in December 2013, and which they tabled very strongly at the beginning of the peace process in early 2014. The eventual agreement has this issue qualified in legalese as to bury it and will most likely never feature in the implementation. The government is only too happy to maintain the status quo as the opposition shifted their objectives. It is the weakness of SPLM-IO's leadership, real or perceived, which has emboldened the government in Juba to keep moving the goalpost. After all, staying in power for as long as possible seems to be the objective of folks in Juba and the more postponements the opposition demands, the longer it serves the position of Juba.

As R-TGoNU became the principal goal, the parties began to piggyback all their aspirations on it, making impossible demands and gyrating in hope of winning the biggest share of it and compromising on their followers' objectives. R-TGoNU was initially slated for March 2019, but two sticky issues stood in its way: the question of security arrangements – especially the matter regarding cantonment, training and the unification of the army – and the number of states and the boundaries the president had divided the country into in 2015 after ARCSS had been signed, which the opposition considers unconstitutional as a violation of the agreement itself and demands to be retracted.

Having made no progress on this during the interim period, as the agreement stipulated, the main opposition leader, Riek Machar, and President Kiir Mayardit agreed to extend the interim period for another six months, scheduling the formation of R-TGoNU for November 2019. This outraged many citizens who had also begun to pin their hopes for peace on this unity government and who wondered how an additional period of six months is going to make a difference when a whole year since the signing of the agreement had done nothing. Lo and behold, the November deadline approached and not a needle had moved toward accomplishing the interim period program. The parties met in Entebbe on the invitation of Ugandan President Yoweri Kaguta Museveni, and – on the insistence of Riek Machar – resolved to extend the interim period yet again for another 100 days. This and countless other conditions and demands by the various parties created the mix of interruptions that Alex de Waal has described as “the Politics of Delay.”¹

Meanwhile, Western governments, especially that of the United States, frustrated by the situation in the country they believe was born of the U.S. support, started imposing sanctions on the individuals they deem as spoilers of this process, sanctions that risked unraveling even the little compromise that South Sudanese had reached. The government sees this as a US effort to change the regime, hardening their position, and the opposition sees this as vindication of their cause, giving them promise that the government would be weighed down by US sanctions and

would be more willing to compromise. Neither of them is correct in their reading of the US sanctions, which is that these sanctions were not actually carefully thought through and will most likely not be followed by any further actions should the parties continue to be intransigent with regards to peace.

CONCLUSION

South Sudan has demonstrated itself as a place where political and military competitors seem to go to war over real grievances and start peace talks on high notes and on concrete positions with regards to their objectives, but instead end up watering down their goals to the point of moving away entirely from the objectives that took them to war in the first place. But the substantive issues – human rights, democracy, liberation and nationalism – begin to give way to mundane demands of power and access to resources. The ordinary people of South Sudan become the biggest losers, firstly on account of destruction, death and displacement, and secondly on the failure of peace agreements to function as a form of recompense. If this brief history of South Sudan’s peace processes is anything to go by, there is no ground to expect that the unity government would be formed at the end of the new extended period. At the time of writing, there were only four weeks left till the end of the 100-day period, and there was no indication that anything had changed to make it look like the government of national unity was going to finally be formed by this latest deadline. And even if it was formed, it would still be encumbered by the minutia, the bickering that goes on around the power and wealth sharing that the leaders have been putting ahead of everything that could consolidate peace. These are peace agreements no one signs with the intent to implement. They are stopgap measures aimed at win-lose aspirations. What South Sudan needs is not peace agreements mediated by foreigners, but leadership that can reimagine the nation-state to be built on new foundations, new ideologies and new commitments that go beyond the “liberators” entitlement.

FOOTNOTES

1. Alex de Waal, “South Sudan: The Politics of Delay.” South Sudan Peace Portal, December 3, 2019.



About the Author

Jok Madut Jok is trained in the anthropology of health and holds a Ph.D. from the University of California, Los Angeles (UCLA). Professor of anthropology at the Maxwell School of Citizenship and Public Affairs at Syracuse University, he is a fellow of Rift Valley Institute and has held fellowship positions at a number of other institutions, including the United States Institute of Peace and the Woodrow Wilson International Center for Scholars. Jok also has served in the government of South Sudan as undersecretary in the Ministry of Culture and Heritage for three years, from 2010 to 2013.

The founding director of the Sudd Institute in Juba, South Sudan, Jok’s areas of specialization include security, governance, democracy and development in South Sudan and Sudan. He has written extensively about gender, sexuality and reproductive health, humanitarian aid, ethnography of political violence, gender-based violence, war and slavery, and the politics of identity in South Sudan and Sudan. He is the author of “Breaking Sudan: The Search for Peace” (Oneworld Publications, 2017), “Sudan: Race, Religion and Violence” (Oneworld Publications, 2007), “War and Slavery in Sudan” (University of Pennsylvania Press, 2001), and “Militaryization, Gender and Reproductive Health in South Sudan” (Edwin Mellen Press, 1998). He has also co-authored “The Sudan Handbook” (J. Willis, J. Ryle and S. Baldo; Sudd Institute/ James Currey, 2011). Before joining the Maxwell School he was visiting professor of anthropology at the University of Oxford and a fellow of Linacre College in Oxford.