

South Sudan's Revitalised Transitional Government of National Unity: Which Way Forward?

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INTRODUCTION

For six years and still counting, the search for sustainable solutions to the conflict in South Sudan has been going on after power struggles in the Sudan People's Liberation Movement (SPLM) led to the outbreak of fighting on December 15, 2013, and ultimately the civil war.¹ In August 2015, the Agreement for the Resolution of the Conflict in South Sudan (ARCSS) was signed, bringing a glimmer of hope for peace in the world's youngest nation.² However, the conclusion of ARCSS was shrouded in controversies as the parties claimed that the agreement was imposed upon them by East African regional Intergovernmental Authority on Development (IGAD) and Troika consisting of the United States (US), United Kingdom (UK) and Norway.³ This claim cast scepticisms on the viability of the power-sharing agreement, and one year into its implementation the deal collapsed after fresh fighting broke out in July 2016.⁴ In December 2017, IGAD reinvigorated the peace process in an expanded High-Level Revitalization Forum (HLRF), with the hope of resuscitating ARCSS.⁵

After a series of negotiations marked by ceasefire violations and intransigent positions on issues of governance and security, as was the case with the ARCSS negotiations, the parties finally signed the Revitalised ARCSS (R-ARCSS) in September 2018.⁶ More than a year has elapsed since the signing of R-ARCSS, and the parties are yet to form the much anticipated Revitalised Transitional Government of National Unity (R-TGoNU) that was initially slated for May 2019 but was extended to November 2019.⁷ The November 19, 2019, extension date was again unmet, prompting the parties to agree on another 100-day extension.⁸ Several reasons have been advanced for the delays in the formation of the R-TGoNU, key among them being the formation of a unified force and the matter of internal boundaries.⁹ The conclusion of R-ARCSS notwithstanding, the above pattern raises questions as to whether the agreement will not be another process in futility.

FOOTNOTES

1. de Waal, "The Price of South Sudan's Independence," 195.
2. Temin, "From Independence to Civil War," 12.
3. Africa Research Bulletin: Political, Social and Cultural Series, "SOUTH SUDAN," 21120.
4. Vertin, "A Poisoned Well: Lessons in Mediation from South Sudan's Troubled Peace Process," 14.
5. Adeba and Prendergast, "The African Union's and IGAD's Contribution to South Sudan's War," 4.
6. International Crisis Group, "Salvaging South Sudan's Fragile Peace Deal - Africa Report No. 270," 3-4.
7. Awolich, "South Sudan Peace Process," 4.
8. Intergovernmental Authority on Development, "Parties to the South Sudan Peace Agreement Meet in Addis Ababa." Check the type size here! And, this doesn't look like a full footnote/attribution.
9. International Crisis Group, "Salvaging South Sudan's Fragile Peace Deal - Africa Report No. 270," 4.

"The way forward, therefore, is to institute a trust-building process at impersonal and interpersonal levels, with the hope of addressing the estrangement among the parties to instil trust for a sustainable power-sharing government and the implementation of R-ARCSS."

CONTEXTUAL BACKGROUND

It is quite evident that the outbreak of the armed violence in December 2013 was a culmination of power struggles among the SPLM leadership, which had been brewing for a while and began to manifest during the preparation phase of the upcoming elections.¹⁰ Throughout the process, the leadership displayed divisive positions, which became apparent when Riek Machar, Pagan Amum and Rebecca Nyandeng expressed interest to compete for the SPLM party chair that would hand the winner the presidential candidacy for the party.¹¹ A similar occurrence such divisiveness could have had been witnessed during the July 2008 National Convention where Riek Machar and Pagan Amum featured prominently and, according to Hon. Atem Garang de Kuek (personal communication, March 18, 2018), that was a postponement to 2013. As a result, the SPLM was divided into three factions: the SPLM In Government (IG), In Opposition (IO) and Former Detainees (FDs), all of whom are signatories to the defunct ARCSS and the current R-ARCSS. This trend of political disputes points to underlying issues in the fractured relationships among SPLM party members that exhibited deep distrust during political processes, including mediation and implementation of agreements. Various recent studies point to legacies of conflicts, particularly the 1983 and 1991 armed conflicts within the SPLM, as a major cause of the protraction of the conflict.¹²

In light of that background, this article discusses the eligibility of erstwhile SPLM leaders, especially the SPLM-IG lead by President Salva Kiir and Riek Machar's SPLM-IO, to successfully form a unity government in accordance to the R-ARCSS provisions.

CONFLICT CONCEPTUAL ISSUES

Conflicts are dynamic and evolve in different stages, calling for varying and sequential interventions for effective outcomes.¹³ In the case of armed conflict, the costs in terms of human casualties, social and economic resources can be astronomical, requiring immediate interventions to contain the escalation and the related costs.¹⁴ Conflict management, therefore, forms the first step in the de-escalation of violence in which ceasefire agreements are critical in paving the way for political processes.¹⁵ The pre-ARCSS and pre-R-ARCSS

Cessation of Hostilities Agreements (CoHA) of January 2014 and December 2017 were such conflict-management approaches that were necessary to stop the rampant armed violence against the civilian population in South Sudan. Although these ceasefire agreements set a path for the commencement of political mediation processes, several violations were encountered leading to further humanitarian catastrophes and raising questions on the commitment of the parties to a peaceful settlement of the conflict. Therefore, attempts to control the destructive aspects of the conflict, while ignoring the behavioural attitudes that drive the conflict, prove to be the major deficiency in conflict-management strategies, which may lead to a mutation of the conflict and circumvention of the imposed strategies, further escalating the conflict.¹⁶

Since conflict management is a contingency measure aimed at minimising the destructive aspects of conflict, Founder and one-time director of the Peace Research Institute Oslo, Johan Galtung suggests that conflict resolution is the follow-up phase which focuses on the removal of the conflict condition and is achievable through complete agreements or compromise of the pertaining issues, termination of one of the conflict parties, or suppression of one of the parties.¹⁷ Bercovitch introduces problem-solving as another aspect of conflict resolution in which third parties voluntarily mediate between the parties.¹⁸ Reframing the conflict for mutual understanding towards cooperative approaches underscores the success of conflict resolution techniques.¹⁹ The ultimate aim of conflict resolution is for the parties to reach an amicable agreement that addresses their incompatibilities, promotes coexistence and ends violent aggression against the other.²⁰ As earlier stated, the South Sudanese parties succeeded in signing the ARCSS, however, the intended end of violent attacks was not achieved. Two years later, R-ARCSS has followed with the same expectations, but the delays in forming the TGoNU leaves lingering questions whether violent armed aggression will end any time soon.

From conflict management to conflict resolution, it seems the stakeholders in the conflict in South Sudan have done everything theoretically acceptable as a means of conflict intervention, and yet sustainable peace appears to be elusive. According to Doucet, agreements are opportunities for the

conflict parties to address the structural consequences of the aftermath of the conflict on the parties in the process of conflict transformation.²¹ Conflict transformation transcends the values of reframing positions and cooperative approaches in conflict resolution to transforming negative relationships among the parties that underlie and promote violent conflict.²² Conflict transformation underscores positive and equitable relations and an increase in justice from a restorative standpoint.²³ A review of both ARCSS and R-ARCCS reveals that there is no post-conflict provision to deal with conflict legacies among the SPLM parties. Nevertheless, the same parties are expected to harmoniously form a unity government despite the estranged status from legacies of conflict. The inability of the two main protagonists to cooperatively work together in their current estranged status is a known fact. The U.S. in 2015 asked them to step aside and even isolated Riek Machar in South Africa after the collapse of ARCSS, with the hope of making peace progress without him.²⁴ These facts signify the deep distrust that exists between the parties.²⁵ Subsequently, a factor which has been equally acknowledged by various researchers as a missing component to the ARCSS and R-ARCCS is the lack of trust-building among the conflict parties.²⁶ Ironically, the international and regional partners are pushing the conflict parties to set up the unity government, despite the numerous current delays citing security concerns as an indicator of unresolved distrust among the parties.

ESTRANGED POLITICAL RELATIONSHIPS

As earlier stated, legacies of conflicts have been cited by previous studies as a cause to the continuous power struggles among the SPLM leadership, resulting in armed conflicts that affect the entire population. The origins of these conflicts are traceable to the 1983 disputes during the formation of the SPLM and to 1991 during the Riek Machar attempted coup, both of which bear similarities of political leadership and ideological disputes.²⁷ Consequently, the political relationships between the parties were fractured, causing negative emotions characterised by anger, bitterness and distrust with the potential igniting violent conflict in the course of political engagements.²⁸ Addressing these emotional attitudes to restore trust becomes a basis for the successful implementation of peace agreements and future political engagements.²⁹ Roy J. Lewicki, a leading scholar in the study of negotiation and conflict management processes, argues that destructive conflicts are stirred by negative emotions in estranged relationships that are devoid of trust, and metaphorically states that trust is “the glue that holds relationships together.”³⁰ These relationships fall in two categories, at an interpersonal level between individuals or an impersonal level where institutions are the basis of relations between the individuals.³¹

TRUST CONCEPTS AND CATEGORIES

Trust involves reliance on another with the confident

expectation that the other will deliver according to expectations.³² According to business management and behavior experts Debra L. Shapiro, Blaire H. Sheppard and Lisa Cheraskin, four categories of trust in relationships.³³ Firstly, Deterrence-Based Trust (DBT) evokes punitive measures as a deterrent for trust violations; and secondly, Knowledge-Based Trust (KBT) helps the parties predict the behaviour of others. Thirdly, Identification-Based Trust (IBT) leads the parties to internalise and empathise with the other interests. In addition to DBT, Calculus-Based Trust (CBT) provides not only calculated deterrent measures but also motivational rewards for the parties who keep trust.³⁴ Whereas DBT and CBT fall under the ambit of impersonal trust, KBT resonates more with interpersonal relationships. IBT, on the other hand, cuts across both impersonal and interpersonal relationships; the value of identifying and empathising with the interest of the other raises its trust bar beyond the different categories of trust.

The category of trust expected between the SPLM leadership is first and foremost an impersonal one, meaning achieving trust between members is a function of the values, rules and norms of political institutions necessary to regulate their relationships.³⁵ In the current situation, the R-ARCCS is the only institutional framework available for regulating relationships among the conflict parties. However, is R-ARCCS capable of offering either DBT or CBT as an institutional trust tool necessary for regulating positive relationships among the signatories to the agreement? Judging from the postponements, especially advocated by the SPLM-IO, it seems clear that R-ARCCS does not inspire the requisite trust in its current form to form a sustainable power-sharing unity government. KBT further reinforces this position at an interpersonal level; the parties have background knowledge of past trust violations, starting from the 1983 Anyanya II and Garang group SPLM formation conflict that has not yet been resolved.

TRUST-BUILDING IS NECESSARY

The collapse of ARCSS in July 2016 demonstrated its inadequacy to instil DTB and in general terms the lack of capacity to inspire trust among the parties. The failure was mainly attributed to the security arrangements, which, as previously mentioned, is one of the significant reasons the implementation of R-ARCCS has stagnated. This aspect is compounded by the KBT arising from the unresolved conflict legacies, which renders trust-building a necessity. This point is critical because one day before the outbreak of fighting on December 15, 2013, President Salva Kiir was categorical in his speech in the National Liberation Council (NLC) that he did not want a repeat of the 1991 coup which escalated to violent attacks on civilian populations.³⁶ Acknowledgment of the past traumatic experiences in a reconciliation process is the basis of trust-building as a part of conflict transformation.³⁷

This aspect of trust-building solidifies KBT trust at an interpersonal level among the parties. Secondly, the enforcement mechanisms for R-ARCCS, being the only

basis of political relationships among the parties, require a review. For example, under the security arrangements, the Ceasefire Transitional Security Arrangements Monitoring and Verification Mechanism (CTSAMVM) should have the capacity to cause compliance to the security arrangements failure, which the violating party is sanctioned as a way of instilling DBT.³⁸ Where CTSAMVM cannot enforce violations in the security arrangements, DBT is lost. At the impersonal level, trust-building may commence by auditing the status of the CTSAMVM in implementing security arrangements and enforcing violations of the same, which is critical in instilling DBT. Identified failures of CTSAMVM need to be addressed in a manner that demonstrates amendments to deterrence shortfalls to ensure future enforcement are effective in deterring violations of the agreement.³⁹ It is essential to report the violations, but what recourse has CTSAMVM got to offer as deterrence measures for future violations? If the security arrangements fail to address these deterrence concerns, there is a likelihood that the parties may delay the formation of the unity government or, if forced into it, the agreement stands the risk of another collapse.

FOOTNOTES

10. Johnson, "The Political Crisis in South Sudan," 170.
11. Johnson, 169. Check typesize
12. Young, "A Fractious Rebellion inside the SPLM-IO," 57; Rolandsen, "Another Civil War in South Sudan," 171; Human Rights Watch, *Soldiers Assume We Are Rebels*, 18; Vertin, "A Poisoned Well: Lessons in Mediation from South Sudan's Troubled Peace Process," 2, 8.
13. Ramsbotham, Woodhouse, and Miall, *Contemporary Conflict Resolution*, 12–14.
14. Reychler and Paffenholz, *Peacebuilding*, 3–4.
15. Galtung, "Institutionalised Conflict Resolution," 350.
16. Deutsch, "Subjective Features of Conflict Resolution: Psychological, Social and Cultural Influences," 47.
17. "Institutionalised Conflict Resolution," 351.
18. "Conflict and Conflict Management in Organizations," 109–10.
19. Deutsch, "Cooperation and Competition," 34–36.
20. Wallensteen, *Understanding Conflict Resolution*, 8.
21. "Conflict Transformation," 186.
22. Miall, "Conflict Transformation," 6.
23. Lederach, *The Little Book of Conflict Transformation*, 14; Galtung, *Peace by Peaceful Means: Peace and Conflict, Development and Civilization*, 1.
24. International Crisis Group, "Salvaging South Sudan's Fragile Peace Deal - Africa Report No. 270," 1–2.
25. Onapa, "South Sudan Power-Sharing Agreement R-ARCSS," 6–7.
26. Rolandsen, "Another Civil War in South Sudan," 164; Adeba and Prendergast, "The African Union's and IGAD's Contribution to South Sudan's War," 3; Blackings, "Why Peace Fails: The Case of South Sudan's Agreement on the Resolution of the Conflict in South Sudan," 23; Johnson, *South Sudan*, 153.
27. Arnold, "The South Sudan Defence Force," 490–91.
28. Kaufman, "Escaping the Symbolic Politics Trap," 201–2.
29. Onapa, "South Sudan Power-Sharing Agreement R-ARCSS," 7.

30. "Trust, Trust Development, and Trust Repair," 92.
31. Onapa, "South Sudan Power-Sharing Agreement R-ARCSS," 3.
32. Rousseau et al., "Not so Different After All," 394.
33. "Business on a Handshake," 366–72.
34. Rousseau et al., "Not so Different After All," 398–89.
35. Barkin, "Realist Constructivism," 333.
36. Onapa, "South Sudan Power-Sharing Agreement R-ARCSS," 8.
37. Berghof Foundation, *Berghof Glossary on Conflict Transformation*, 36–37.
38. Hauenstein, Joshi, and Quinn, "Report of the Peace Accords Matrix Project on the Implementation of the Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) - Observation Period: September 2018 – March 2019," 13.
39. Awolich, "South Sudan Peace Process," 1.