

The Future and Implementation of the R-ARCSS in South Sudan

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After nearly seven years of civil war between President Salva Kiir Mayardit-led state forces, the Sudan People's Liberation Army/Movement (SPLA/M) and opposition leader Riek Machar-led Sudan People's Liberation Movement-In-Opposition (SPLM-IO), the two leaders agreed to form the long-awaited Revitalized Transitional Government of National Unity in South Sudan (R-TGONU) on February 22, 2020.

The power-sharing deal signed in 2018 was extended twice – first in May 2019, and again in November 2019¹ – delaying the formal end to a war that has killed nearly 400,000 people², displaced millions and pushed tens of thousands to the brink of starvation.³

The Zambakari Advisory is pleased to publish its Spring 2020 Special Issue on the subject “The Future and Implementation of the R-ARCSS in South Sudan.” This is an important and timely follow up to our Spring 2019 Special Issue, “Peace Making and Peace Agreements in South Sudan.”⁴ We invited scholars, activists, students, former government officials and leading intellectuals to consider the prospects and challenges related to the formation of the Revitalized Transitional Government of National Unity (R-TGONU) in South Sudan and the implementation of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS). This Special Issue focuses on two key issues: the security provisions of the agreement,

and the number and boundaries of states, including the special administrative status of Abyei (north-south border between Sudan and South Sudan), Ruweng (in Unity State) and Pibor (in Jonglei State).

This collection features 10 articles contributed by such respected voices as Remember Miamingi, Peter Adwok Nyaba, Jok Madut Jok, Majak D'Agoôt, Brian Adeba, Beny Gideon Mabor, Santino Ayuel Longar, The International Crisis Group, Sam Angulo Onapa and Dirk Hansohm. These valued contributors focus on the prospects and challenges of implementing R-ARCSS, the pitfalls and ways forward as South Sudan embarks once again on a treacherous journey to build sustainable peace in the aftermath of a civil war.

In the first section, South Sudanese national and human rights lawyer Miamingi dismisses the notion that the problem of South Sudan can be reduced to individual leaders, armed actors, tribalism, contestation over the number of states or corrupt public life. He writes that the South Sudan problem is that of nations and peoples cohabiting without a state.

A winner of the Noma Award for Publishing in Africa, Nyaba writes that R-ARCSS, like ARCISS, did not address the fundamental contradictions in the conflict. He notes that in its current configuration, R-ARCSS may suffer the same fate as ARCISS, collapsing as have previous agreements. Nyaba includes in his contention the critical importance of

the parties to the agreement successfully charting a political program by translating the articles of R-ARCSS into plans to transform the conditions of poverty, ignorance, illiteracy and superstition that submerge the consciousness of the masses of the people of South Sudan. Without such a well-mapped program, Nyaba argues, R-ARCSS will be no more successful than ARCISS.

Jok, for the two years following South Sudan's independence in 2011 the fledgling country's undersecretary in the Ministry of Culture and Heritage, contends that the parties, the mediators and civic activists who have worked on the peace deal have flagrantly veered away from the core objective of the agreement, namely getting down to the root causes of the conflict, building a peaceful foundation that prevents a return to war in the future. Most core issues such as addressing injustice, atrocity crimes, reparations for areas most affected by the war and state collapse have been grossly neglected while resources are channeled to fight the war. He warns that allowing the implementation period to be used as another phase of continued negotiation will defeat the purpose of inking the peace agreement.

In the second section, focused on security arrangements, D'Agoût – former South Sudan deputy defense minister – draws from comparative cases studies in Africa to make sense of the political crisis in South Sudan. He notes that the security provisions of R-ARCSS were based on a faulty architecture by its designers. The outcome, he believes, is that the security provisions are unrealistic and unimplementable in the short term. He urges the Intergovernmental Authority on Development (IGAD, the eight-country trade bloc in Africa), African Union, the Troika (United States, United Kingdom and Norway), Egypt, South Africa, Rwanda and the United Nations to help South Sudan to consolidate the current ceasefire to pave the way for the emergence of an egalitarian consensus leading to a free and fair election.

Enough Project Deputy Director of Policy Adeba urges policymakers to rethink defense policymaking in a radical manner to take stock of the country's evolving security environment. He notes that the successes of the peace deal will depend on how the parties to the conflict handle troop cantonment. If the implementation is mismanaged, this risks plunging the country into another intractable conflict – worse than the current one in terms of refugee flows, war-induced famine and genocide-like war conditions, which could be very costly for donor countries.

Mabor's article identifies failures of security sector reform in South Sudan and justification for a review in the context of the R-ARCSS. Commissioner at the South Sudan Human Rights Commission, he outlines a roadmap to ensure a provision of effective human security, safety of properties and a guarantee for territorial integrity and sovereignty of the state within a framework of democratic security and defense policies that are subordinate to the civilian authority. These expert voices address the many outstanding

issues and tension points that make the formation of a coalition government difficult. The challenges inherent in the implementation of critical tasks during the upcoming transitional period are also at the forefront of their work as the transactional period of the agreement approaches.

In the third section of our issue, a research associate at the Sudd Institute in South Sudan, Longar takes up one of the thorniest issues that could derail the peace deal: the legality and constitutionality of determining the number of states in South Sudan. He argues that unless the issue is taken seriously, it has the potential to undermine or even derail the entire peace agreement.

In the fourth section, our authors turn to the subject of implementation of the agreement and the way forward. The International Crisis Group – an independent, nonprofit, nongovernmental organization committed to preventing and resolving deadly conflicts – notes that the negotiated 100-day extension for naming a unity government averted a crisis imperiling a ceasefire between the warring factions. The organization calls on regional leaders to use the time to pressure the belligerents to form the unity government and implement the peace deal.

Onapa, a Ph.D. candidate at the University of New England in New South Wales, Australia, whose studies focus on the conflict in South Sudan and the role of the political elite in the struggle, acknowledges that from conflict management to conflict resolution, the stakeholders in the challenges in South Sudan have done an acceptable job as a means of intervention. Now, the parties need to institute a trust-building process at impersonal and interpersonal levels, with the hope of addressing the root causes of the conflict among the parties to instill trust for a sustainable power-sharing government in South Sudan.

Lastly, author Hansohm – an economics and energy expert with special expertise on development and education policy challenges in South Sudan/Sudan – reminds us that peace-building efforts in South Sudan have not been able to bring lasting peace to the young country. He claims the civil strife will not end without the parties addressing underlying structural factors, notably economic factors, and without involving and empowering other actors. He sees a potential solution in South Sudan's ascension into the East African Community (EAC) and the World Trade Organization (WTO) as a way to bring higher commitment to the implementation of the peace agreement.

President Salva Kiir Mayardit took an important step on February 15, 2020, to return the country back to the 10-states arrangement⁵ from the current 32 states, which has been a contested issue since the establishment of the 28 states in October 2015⁶ through an executive order – later expanded again to 32 states in 2017.⁷

Although the belligerents agreed to form the unity

government, many contributors to this Special Issue believe that the disagreements between President Salva Kiir and his former vice-president Riek Machar are still unresolved. The coalition government must resolve those outstanding issues if peace is to return to the war-torn country.

Among the many outstanding issues are the key questions of integration of the various armed forces into a unified army, reform of public financing and management of state resources, stabilization of the economy, democratization of the political process, resolution over the number and state boundaries, bringing diverse peoples with a lingering history of hostility into a framework of one state, and whether or not the South Sudanese leaders can build and sustain a broad-based coalition that is democratic and inclusive of all key stakeholders in South Sudan (armed and unarmed)⁸. Lastly, the success of the implementation of R-ARCSS will also depend on the support that IGAD), the Troika consisting of the United States, United Kingdom and Norway, and the African Union (AU) provide during the difficult transition ahead.

We hope these analyses will revisit old problems in light of new context and recent developments in South Sudan, thereby providing new insights to both reflect on, and inform, the work of stakeholders engaged in brokering peace in South Sudan.

The contributors to this issue recognize that the road ahead is rich with opportunities to build sustainable peace in South Sudan, but also riddled with real obstacles that can derail the fragile peace deal. It is now incumbent upon the parties to the R-ARCSS to not only silence the gun-wielding class but collectively work toward resolving outstanding issues within the Government of National Unity and to give long-awaited peace a chance to succeed. The successful implementation of the peace deal requires the development of adequate resources that will cultivate and nurture the possibilities for a peaceful coexistence among the multitude of nationalities, the rich social and cultural tapestry that make South Sudan the promising and special country it can be.

As this Special Issue went to press, rival leaders Salva Kiir Mayardit and Riek Machar opened a new chapter in South Sudan's fragile emergence from civil war, forming a coalition government in late February. The two, President Salva Kiir and Deputy/First Vice President Machar, announced they have agreed to form a government meant to lead to elections in three years' time – the first vote since South Sudan's independence from Sudan in 2011. – CZ

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