

# The Fundamental Problems of South Sudan

How to Sustain Peace and Conditions of Socioeconomic Development

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On 12 September 2018, the parties to the conflict in the Republic of South Sudan – namely the Transitional Government of National Unity (TGONU), the SPLM/A In Opposition (SPLM/A-IO) and the South Sudan Opposition Alliance (SSOA) comprising ten armed and political opposition groups – signed the revitalized Intergovernmental Authority on Development (IGAD)-brokered Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS) in Addis Ababa, Ethiopia. It will be recalled that on signing the previous ARCSS document on 26 August 2015, President Salva Kiir expressed serious reservations about ARCSS; indeed, he was not convinced of its viability and immediately set on a path of violating its provisions.<sup>1</sup>

The word “revitalized” must be contextualized; the former Botswana President H.E. Festus Mogae, the then-chair of the Joint Monitoring and Evaluation Commission (JMEC) established following the signing of ARCSS in August 2015, concocted it as a means to keep ARCSS on track and to bring the parties back to the negotiating table following the collapse of ARCSS and TGONU, barely two months into their formation, when violence erupted in Juba on 10 July 2016, forcing the SPLM/A (IO) back into the bush.

The collapse of ARCSS rekindled and escalated the war to the hitherto peaceful areas of western Equatoria and Bahr el Ghazal. The fragmented IGAD mediation had no legal or diplomatic tools to contain, leave alone or resolve the new situation. First, there was the immediate emergence and proliferation of new armed and political opposition groups that had also to be brought on board in the peace negotiations. Secondly, the mediators were not united in their resolve; the regional countries involved in the mediation – namely Uganda, Kenya, Ethiopia and Sudan – had competing national security, economic and political concerns in the South Sudan conflict. Moreover, Uganda itself was a party in the war on the side of President Kiir. This complicated and to some extent paralyzed mediation efforts.

Furthermore, the intervention of the US Administration to twist the arm of IGAD into recognizing what in essence was President Kiir’s flagrant violation of ARCSS, created a regional situation that led to the incarceration in South Africa of Dr. Riek Machar, the leader of the armed opposition SPLM/A-IO. This emboldened the government to harden its position toward peace.

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<sup>1</sup> President Salva Kiir decreed on 1 October 2015 the Establishment Order 36/2015 dividing South Sudan into twenty-eight states in contemptuous violation of the ARCSS provisions.

In order to give itself another lease of life – because there was actually no agreement for The Joint Monitoring and Evaluation Commission (JMEC) to monitor or to evaluate events – the chair of JMEC proposed, and the IGAD summit in June 2017 endorsed, the formation of the High-Level Revitalization Forum (HLRF) as a way out of the impasse. It was a diplomatic innovation that ran along the same lines as the mediation modality that produced ARCSS. However, it was skewed in favour of the government's position on the settlement.

The sticking points, the IGAD mediation envisaged, and which the HLRF had to expeditiously tackle, were in the areas of power-sharing and the security arrangements. It was clear that President Salva Kiir did not veil his disdain for Dr. Riek Machar and vowed never to again work with him. The issue of the two armies (SPLA and SPLA-IO) coexisting during the transition was something that President Salva Kiir and the hawks in his government would not countenance. Given the parties' uncompromising positions, the HLRF was therefore bound to fail, suggesting that the humanitarian crisis gripping South Sudan<sup>2</sup> would continue unabated. The IGAD Special Envoys had to be innovative. They lifted Dr. Riek Machar's incarceration and flew him to Addis Ababa in the hope<sup>3</sup> that a face-to-face meeting with President Salva Kiir – under the auspices of the Ethiopian Prime Minister Dr. Abiy Ahmed – would sublimate their mutual distrust and accelerate an agreement.

This magic did not work, prompting the Sudanese president's initiative to invite to Khartoum both President Salva Kiir and Dr. Riek Machar, as well as the leaders of other parties, to continue the negotiations. In order to allay Kiir's fears,<sup>4</sup> President Bashir brought the indulgence of President Museveni into the enterprise. The signing on 26 June 2018 of the Khartoum Declaration of the Peace Agreement, in which President Kiir and Dr. Riek Machar embraced, came against the backdrop of another agreement signed by the ministers of petroleum of Sudan and South Sudan allowing for the resumption of oil production, repairs to the heavy damage of the oil installation in Heglig, on the border between South Sudan's Unity State and Sudan's South Kordofan State, and for Sudan's army to protect the oil fields. This agreement was described as a Faustian bargain.<sup>5</sup>

The revitalized agreement on the resolution of the conflict in South Sudan, notwithstanding the reservations expressed by some opposition groups, was finally signed in Addis Ababa on 12 September 2018, and President Salva Kiir feted it on 31 October, joined by the presidents of Sudan, Uganda, Ethiopia, Somalia and the prime minister of Egypt. In a confidence-building exercise, Dr. Riek Machar, Dr. Lam Akol, Hon. Gabriel Changson Chang and other leaders of the opposition came to Juba for that celebration. The chapter on negotiation and agreeing on how to share power and affect security arrangements during the transition closed, and the chapter on implementing the agreement in letter and spirit could now begin.

2 In the form of famine and displacement: By the beginning of 2017, there were more than two million South Sudan refugees in Uganda, Kenya, Ethiopia and the Sudan. More than four hundred thousand were living in UN Protection of Civil centres in Juba, Wau, Bentiu, Bor and Malakal.

3 This was along the lines of a handshake between President Uhuru Kenyatta and opposition leader Raila Odinga made to reduce the tension and conflict following the disputed presidential elections results 2017.

4 The government of South Sudan had always suspected Khartoum supported the armed opposition.

5 The Khartoum agreement in essence pawned the sovereignty of South Sudan against peace between Salva Kiir and Riek Machar. Had both leaders considered and put the interest of the people of South Sudan above their personal egos they could have achieved peace without both Bashir and Museveni.

## **The Fundamental Problem in South Sudan**

The fundamental problem underpinning the civil war, and for that matter the two wars<sup>6</sup> the people of southern Sudan fought against the different regimes that rose and fell in Khartoum, is the centuries-old condition of extreme socio-economic and cultural underdevelopment. This is reflected in the widespread poverty, cultural backwardness, ignorance, illiteracy and superstition of its people. South Sudan has the lowest human development indices in the world notwithstanding its huge natural resource potential.

The desire to establish an independent state and develop the natural resources were the drivers of the civil wars. Hence, the solidarity and huge international political goodwill toward the independence of South Sudan in 2011. However, the failure of the dominant political elite to lay the basis for a modern state, provide socioeconomic development and an ideology that united the people across ethnic and provincial contours betrayed the people's struggle that had spanned five decades. It was no wonder that narrow ethnic nationalism and its ideology of hegemony and domination supplanted South Sudanese patriotism in political thinking and the action of the leaders of the national liberation movement – the SPLM/A rendering it more of a power project.

This phenomenal failure played out in the failure to deliver socioeconomic development to address the fundamental problems of poverty and cultural backwardness of the people. Thus, from 2005 when the Comprehensive Peace Agreement (CPA) was sealed to end the war, the subnational entity – Southern Sudan – was embroiled in a political regime in which politics were organized and power exercised along ethnic lines to build clientelism, with large political and economic patronage cartels, insecurity and communal feuds being ubiquitous throughout South Sudan. Widespread corruption and the theft of public funds were the order of the day. These factors rolled up into an inflammable amalgam reflecting acute social, economic and political crises in the

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system. This exploded violently on 15 December 2013, heralding the beginning of the civil war.

The civil war is indeed a reflection of acute and deep social, economic and political crises of the system the SPLM/A has built since 1983. This system was too deformed to be reformed. It needed radical transformation through regime change, not reforms and power sharing. This is where another failure of the opposition, mainly the SPLM/A (IO), comes in, in terms of organizing and transforming the civil war into a revolution to address socioeconomic and cultural development issues. It had to succumb to liberal peacemaking and resolving this acute problem through negotiations.

The drawbacks to most of the political compromises the Sudanese, and for that matter the South Sudanese political elite, reached through liberal peacemaking is that they only address the symptoms, not the roots of the problem. This has rendered the political elite notorious for violating their own agreements.<sup>7</sup> These peace compromises invariably create conditions for the eruption of violence.

The failure (1958) of the northern political elites to honour promises they made to their southern compatriots (December 1955) led to the formation of the Anya-Nya Land Freedom Army (1961); Nimeri's abrogation (1983) of his own Addis Ababa Agreement (1972) led to the formation of the SPLM/SPLA; Kiir's violation of ARCSS escalated into the civil war and led to the emergence and proliferation of the opposition against him. This recurrence of peace and conflict occurred simply because in most cases the parties were never committed to genuine political solutions but made compromises to save face and time.

### **The R-ARCSS Did Not Address the Root Causes**

In spite of the political fanfare that occurred in Juba and Khartoum, the revitalized agreement has not addressed the fundamental problem of South Sudan. It is therefore with a pinch of salt that many South Sudanese welcomed the R-ARCSS. They don't ignore the fact of Sudan and Uganda's

<sup>6</sup> The first civil war [1955-1972] predated Sudan's independence from the Anglo-Egyptian Condominium rule, while the second civil war [1983-2005] came in the wake acute socioeconomic and political crisis of the May regime; the Southern Region was its weakest link.

<sup>7</sup> Abel Alier (1990) "Southern Sudan: Too Many Agreements Dishonoured." Ithaca Press, London.

involvement in this Faustian bargain. Sudan is interested only in South Sudan's oil transiting to international markets in order to collect fees. Uganda wants to recoup its debts from Kiir's government. This suggests that R-ARCSS only resolved the economic problems of Sudan and Uganda: It had very little to do with the suffering people of South Sudan, save for the cessation of hostilities and power sharing among the political elite.

It goes without saying that the revitalized agreement did not address the fundamental drivers of the conflict in South Sudan. This simply means that the conflict elements – ethnic nationalism, power struggles, weak institutions of governance, etc. – remain alive, albeit that they may be dormant. Without transforming these elements, the weakest links along which the system easily implodes, through revolutionary action the R-ARCSS might not survive for long. First, it provides for a bloated government: the president, five deputy presidents, fifty-five ministers and ten deputy ministers, almost six hundred members of the legislature at the national level, thirty-two or more state governments including governors, deputies, state ministers and legislators. This is going to be a financial nightmare, meaning that there will be no money for socioeconomic development.

This is a typical vicious circle: poverty-conflict-peace-lack of development-then conflict. It is a precarious configuration in which power sharing and superficial reforms of the system will only ensure its continuation ad infinitum. Therefore, what is needed now and not later is a paradigm shift in the manner in which the political elite think and manage the youngest state in the world. A paradigm shift that places the people and the current socioeconomic development challenges at the centre of their social, economic and political engineering processes.

### ***The Conditions for Sustainable Peace in South Sudan***

The republic of South Sudan comprises sixty-seven nations, nationalities and social formations with varying demographic weights and at variegated levels of socioeconomic and cultural development. The wars and conflicts triggered by elites' competition for power and wealth have visited untold sufferings, destruction and erosion of the social capital that had bounded them for centuries.<sup>8</sup> This underpins the current

predicament that has prevented South Sudan's transition to effective statehood and nationhood.<sup>9</sup>

In order to answer the question as to whether or not the revitalized peace agreement will endure in the face of the difficulties and contradictions inherent in it, the political leaders and the people, especially the civil society in their different formations (faith-based groups and the traditional or indigenous institutions of governance), have to coalesce into a wider political coalition, chart a programme for reviving social capital benefiting from the rich African traditional values that underpinned our community solidarity and cohesion in the past.

Now that the political leaders in government and in the opposition have agreed on power sharing, nothing prevents them from engaging further to create conditions conducive to the peace and social harmony. They should just sit down to translate this agreement into a political programme, which they will implement during the transitional period beginning in May 2019. These leaders under the auspices of President Salva Kiir, the incumbent, should henceforth engage themselves and the rest of society in constructive national political discourse to identify the major areas of concern and make plans to address them. These include:

- Build consensus on erecting a governance system that recognizes the social, cultural, religious and linguistic multiplicity of South Sudan and is capable of translating this into promoting the principle of "unity in diversity." It is a fact that the executive presidential system in South Sudan outside of the context of institutions and instruments of power is one of the drivers of the conflict. This requires political agreement to construct a system that enshrines freedom, justice, rule of law and the prosperity of the people.
- The anticipated Transitional Government of National Unity (TGONU) should embark on socioeconomic de-

colonial rule turned them into competing tribes." British historian John Lonsdale, quoted from Bereket Habte Selassie, Distinguished Mwalimu Nyerere Lecture 2011 in Issa Shivji (2015) *Reimagining Pan-Africanism*, Mkuki Na Nyota Publishers, Dar es Salaam.

<sup>9</sup> Nyaba, P. A. (2018) "The curse of elitism: South Sudan's failure to transit to statehood and nationhood." In Amir Idris (editor), *South Sudan Post-Independence Dilemmas*. Routledge Taylor & Francis Group, New York and London, 2018 pp 19-37, also refer to this elites' failure covered by this author in "South Sudan's Endless Wars: Elites, Ethnicity and the Stunted State." Published by Mkuki na Nyota Publishers, Dar es Salaam, 2018.

<sup>8</sup> "The African peoples lived side by side as negotiating ethnicities before

velopment to build the national productive forces in agriculture, medicine, industry, engineering, information and communication technology. The nature of South Sudan is such that only an enhanced role of the state in planning and directing social and economic activities can ensure the even and equitable development of the different parts of South Sudan. This would mean choosing a socioeconomic development trajectory that renders the public sector more dominant, particularly in large scale agricultural, industrial and services production.

- The social and political empowerment of the people through awareness raising and political education to trigger a change of attitudes and to acquire the correct perception of the reality of the divide with which they live and interact with each other. This would enable them to know their rights and duties as citizens and help in deepening the knowledge and understanding of the concepts of freedom, justice, and solidarity/fraternity as tools for combating negative social traits like tribalism, nepotism, ethnic chauvinism, religious bigotry and sectarianism.
- Combat and eradicate negative traditional and customary mores that infringe on people's rights, particularly those of women and girls with respect to marriage, property rights and education. It will not be possible to realise human rights and fundamental civil and political rights without the knowledge that enables people to enjoy these rights or exercise freedoms and civil liberties.
- Institute a legislative apparatus that is as far as possible inclusive of all the ethnicities. As mentioned above, South Sudan comprises ethnicities of varying demographic weights. In this case, selective discretion must be exercised to represent the small minorities by waiving certain conditionalities that legally operate against them.

These ideas, inter alia, constitute the minimum conditions conducive to peace building and conflict resolution in South Sudan. This includes a peace building process that combines state formation and nation building. The twin processes to mould the sixty-seven national groups into a nation with a progressive culture and a vibrant economy requires a scientific understanding of the task by the sociopolitical forces at work. It also requires a knowledge of the regional and international political and economic environment in order to correctly and expeditiously navigate the young republic through the various tides.

### **Concluding Remarks**

The situation of extreme power asymmetry that is present between the government and the fragmented opposition does not augur well for peace and peace building in South Sudan. Notwithstanding the presence of peace guarantors (Sudan and Uganda), President Salva Kiir will be the one calling the shots on R-ARCSS implementation to the letter and spirit. The IGAD, the African Union and the United Nations Security Council will have to pay more attention to the parties with regard to the manner in which they conduct and adhere to the implementation matrix and timelines. This is not only not to repeat what occurred following the signing of ARCSS in 2015, whereby the parties were left to themselves, but also for the people of South Sudan to regain confidence in these institutions.

The leaders of the opposition have a duty and responsibility to ensure the successful implementation of the R-ARCSS. To appreciate the significance of peace requires a change of attitude and a shift in political thinking. While the people of South Sudan will impress this on President Kiir, in the same manner they must call on the opposition leaders for a corresponding change of attitude. In conclusion, South Sudan is bigger than any individual, group of individuals or any single ethnicity. For those who strive for power, let them think critically and strategically on how power could be used to serve the people rather than personal or ethnic ambitions. Being out of power and a position of authority does not amount in itself to a limiting or reduced situation.

### **About the Author**

Peter Adwok Nyaba is a South Sudanese scholar and political activist, formerly the minister of higher education and scientific research in the government of the republic of the Sudan (2008-2011) and minister of higher education, science and technology in the government of the republic of South Sudan (2011-2013). He is a civil society activist, researcher and has carried out several studies for international humanitarian agencies operating in Southern Sudan. In 1997, he published a Noma Award-winning book, "The Politics of Liberation in South Sudan: An Insider's View" (1996).