

Peace Building and Peace Agreements in South Sudan

An Analysis of Recent Experiences

Rev. Elias Rinaldo Gamboriko, EdD, PhD, Apostles of Jesus

Webster University, Vienna

The 2015 Agreement on the Resolution of the Conflict in South Sudan (ARCSS), mediated by the Intergovernmental Authority on Development (IGAD) and assented to by President Salva Kiir and his rival Riek Machar, is a clear example of one of the many failed peace agreements in South Sudan. After only a year, the terms of the peace accord were violated, prompting a fierce confrontation that lasted days between Kiir's and Machar's armies in Juba.¹ Ever since, the effort to restore peace in the region through negotiations has been a frustrating exercise because of deliberate delays and interruptions by the sitting president. Recent efforts to revive the ARCSS, although appreciated, have experienced numerous setbacks.² In a bid to address these setbacks and avoid a replication of the previous mistakes that led to the untimely death of the ARCSS, new strategies ought to be adopted.

The structure of the peace process to date has resulted in deadlock after a long duration of the conflict; the government has granted rebel factions an agreed amount of control of the dispersed resources and promised integration of the rebel forces into the country's military. In general, this was what ARCSS championed, and consequently, in June 2017, the IGAD Ministerial Council advocated an intense revitalization campaign of the ARCSS accord.³ The concept garnered the support of the government and the rebel groups, which intimated their willingness to partake in the peace exercise. Nonetheless, the IGAD officials are tasked with a vital role in reviewing the terms of the agreement since, for instance, previous security strategies have proved inapplicable in recent times.⁴ On the other hand, reintroducing the idea of fresh negotiations between the conflicting parties risks watering down the negotiation process and to some extent departing from commitments of constitutional amendments, economic governing and transitional justice that is part of the ARCSS agreement.

A matter of top priority remains the fact that the makeup and functioning of the revitalization campaign are still unclear. In the period since the 2016 crisis, both the military and

1 Johnson, C. 2012. Peacemaking and Peacekeeping: Reflections from Abyei. *International Peacekeeping*, 19, 640-654.

2 Sriram, C. L. 2017. Beyond Transitional Justice: Peace, Governance, and Rule of Law. *International Studies Review*, 19, 53-69.

3 Kane, R. 2014. Ritual Formation of Peaceful Publics: Sacrifice and Syncretism in South Sudan (1991-2005). *Journal of Religion in Africa*, 44, 386-410.

4 Mahmoud, D. I. 2013. Sudan's Comprehensive Peace Agreement Amidst the Clash of Agendas: Attempts, Failures and Lessons Unlearned. *Civil Wars*, 15, 157-172.

political landscape have drastically changed.⁵ In the aftermath of Riek Machar fleeing to exile, President Kiir appointed Taban Deng Gai, an opposition leader, as the deputy president with the expectation that Taban would bring with him rebel fighters, a condition that has not been actualized. This has been attributed to the fact that a significant number of the rebel army personnel's loyalty is with Riek. Consequently, Riek's involvement in the peace accord is seen as a threat to peace negotiations and no IGAD diplomat expects the former vice president to present himself in Juba following two assassination attempts by SPLA forces on his life in 2013 and 2016.⁶ The thought of bringing Riek into the government is not a welcome one, given the previous dysfunctional relationship between him and Kiir. However, the prospect of leaving him out of the negotiation process renders the process flawed, given the forces loyal to him. A further challenge to the negotiations remains the dynamic of sharing and inclusivity since positions of influence in the country have been characterized by self-enrichment of the holders and the amassing of political capital.⁷ Subsequently, due to unrest in the nation and macroeconomic turmoil, the resources that are being struggled over are slowly declining. A major problem and cause of the conflict is the lack of accountability of political leaders, which remains an issue in South Sudan.⁸ All this implies that the lack of an overreaching political vision in the country from the transitional government spells doom for another power-sharing agreement, spiraling down to conflict and civil war as was experienced two years ago.

It is clear that temporary fixes are no longer feasible for South Sudan. No single mechanism can usher in conclusive tranquillity any time soon.⁹ Presently the mechanisms instituted can be employed in an attempt to prevent, mitigate and manage the scale and inhumane nature of the conflict to the point that a safe space for a long-term peace accord can be realized. First and foremost, the IGAD and international arbitrators need to assert that the warmongers will face the full force of law for the abuses – including sexual abuses, looting and mass murder – during the conflict.¹⁰ This can be achieved with regional support, for instance through the freezing of assets among other measures. For example, in September last year, the African Union Peace and Security Council issued a directive to the parties involved that the revitalization program was the last of its kind and threatened to impose sanctions against interrupters of the process. Following the United States bulking up unilateral sanctions, the Kenyan Central Bank directed its financial institutions to affect a freeze of assets in accordance to the directive passed by the UN Security Council in 2015.

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Furthermore, international arbitrators, notably the Troika of three nations supporting the negotiations (Norway, the UK, and the USA), but also Germany and the EU more widely, can convince other nations to adopt an informal embargo on arms sales to South Sudan. American efforts in this regard have halted the supply of weapons to Riek's rebel group. The involvement of Ukraine, Egypt and Uganda – which the experts of the UN perceive as the South Sudanese Government's weapon dealers – would be vital to ensuring a peace process is sustainable.¹¹ Notably, the commitment of international organizations and arbitrators to end the conflict in South Sudan would energize the revitalization program thus providing diplomatic support for those nations to reevaluate the arms shipments' deliveries.

Civil society empowerment is another important step in realizing the revitalization program. The church has an essential role in the peacemaking process since it is among the few institutions that span the country. In addition, compared to other stakeholders in the peace deal, they are certain to remain in place should the process face difficulties.¹² Thus, efforts by the clergy, UN envoys, and other non-governmental entities require donor backing that encompasses direct early recovery procedures.

In an assessment of peacemaking efforts in South Sudan, it is vital to review previous peace accords to gauge the strides made and make an accurate recommendation for future courses of action. The Comprehensive Peace Agreement – also referred to as the Naivasha Accord – assented to in early 2005 by the Government of Sudan and the Sudan People's Liberation Movement¹³ is one such example. It aimed to halt the second Sudanese civil conflict and to develop a democratic form of rule throughout the country while also ensuring an equitable dividing of oil earnings. Notably, the agreement was championed by IGAD and the Troika nations.¹⁴ However, two years later, the SPLM distanced itself from the coalition government accusing it of violations of the CPA conditions, specifically the dominance of the National Congress

Party (NCP), and the failure of the government to withdraw troops from the southern oil fields and Abyei.¹⁵ Although, in 2007, the SPLM intimated that they would not resort to war, experts suggested that the accord had been breaking down for a while since the international focus was on the situation in Darfur, a region in western Sudan.

In December 2007, the SPLM announced their move to re-join the coalition with the government after an agreement was reached. The agreement dictated that government seat would revolve between Juba and Khartoum on a three-month basis, despite this being a symbolic measure, and that a means to fund the census that was essential for the referendum would be found. A schedule for troop withdrawal was also issued and consequently northern Sudanese troops finally left southern Sudan in early 2008. It is worth mentioning that the CPA served to inspire developmental aid and political settlement within the eastern side of Sudan.¹⁶ Initially, prior to the realization of the CPA terms, the government of Sudan had commenced an increment increase in investment in terms of infrastructure in the area. Essentially, the Sudanese government built ties with investors to handle development and worked with UN entities on the huge Internally Displaced People (IDP) challenge, permitting more involvement on both the national and local levels.¹⁷ Despite the fact that this development was welcomed, a number of participants termed it a ploy to gain political mileage ahead of the 2008 elections and condemned the Sudanese government's emphasis on physical infrastructure at the expense of social projects that were needed at the time.¹⁸ Ideally, the most important influence of the CPA was to instigate peace negotiations for the eastern participants that hoped for the inclusion of other political players, civil society and local leaders rather than the closed course they were taking.

Although a few tribal leaders were included in the negotiations – for instance in Cairo, Egypt – they felt left out of the high-level stakeholder talks held at Asmara, Eritrea. A section of the populous perceived that the government had

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successfully convinced the traditional leadership to agree to minimal participation by patronage and coercion.¹⁹ As a result, some participants were concerned that the government would sign up for a tactical accord as opposed to a strategic one: in other words, the eastern faction would be crippled since they were excluded from the significant stakeholders grouping.²⁰ On the other hand, another group condemned the banning of international envoys in the negotiations and the limited amount of information resulting from the talks. The media was heavily restricted in Sudan to the point that print media was greatly censored, with the Government of Sudan outlawing the private ownership of radio outlets.

At the time of the 1972 negotiations in Addis Ababa, Ethiopia, both parties had a serious intent to halt the conflict: this is lacking at the moment as the two factions waste time, and given that there have been significant indications that fragments of conflict are spreading significantly, it is clear that the extensive peace talks between the warring factions happening in Ethiopia are not a solution and are unable to restore tranquillity in South Sudan on their own. Reports have indicated that Mabaan in the Upper Nile is creating a defense force to go to war with the Nuer, with refugees from conflict in the state of Blue Nile returning from refugee camps near the Upper Nile, dreading future attacks by the SPLA. Notably, the peace accord between the Rizeigat and the Dinka is under threat from the SPLA, with rival armies traversing through Mile 14, one of the most contested zones on the Sudan-South Sudan border, and regrouping in the eastern part of Darfur. With renewed conflict possible, it is clear that the main setback to prevailing tranquillity in South Sudan is the self-interest and political ambition of the leaders on both sides of the divide.²¹ It is worth mentioning that a peace accord that does not touch on government arrangements and the even distribution of positions is not a solution.

Furthermore, another challenge to the peace accord is the

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21 ChandraLekha, S. 2017. Beyond Transitional Justice: Peace, Governance, and Rule of Law. *International Studies Review*, 19(1), 53-69. doi:10.1093/isr/vix006

trauma experienced by the South Sudanese citizens, who are at the mercy of their political leaders who are mandated with the task of safeguarding them. A woman from Malakal – now living in London – was asked whether she would be capable of living in the future with rebel fighters back home. She responded stating that she could not because the individuals invading her hometown were her fellow citizens. A similar response was obtained from a Nuer residing in Juba when posed with the same question.²² It is evident from the two responses that a potential threat looms in the adoption of federalism, as has been put forward in South Sudan in recent times. While a federal system of government could be adopted by the nation and if implemented correctly could be positive, the danger lies in the understanding of a majority of South Sudanese, which could mean relocating to one's respective home district, which is quite unsafe for a majority:²³ a de facto discrimination would be encouraged as opposed to uniting the nation.

A peace accord, therefore, has to extend further than the main players who have not been scarred by the violence to the fighters, survivors and the country's citizens who reside in war-stricken areas. Thus, the contentious issue in civil society is the way in which to incorporate and include individuals who were non-participants at the state level simultaneously with those most affected by the conflict, along with those who were active participants.²⁴ The Law Society in South Sudan has documented studies on how to handle a traumatized population and how to create transitional justice mechanisms that are of value and ought to be considered. At the

moment the requirement is for a people-to-people process. It is not sufficient to approach donor entities to bankroll a meeting of some 400 individuals, in the presence of a clergyman and some inter-government representatives. An enduring agreement will require the lasting involvement of the communities, as was shown through the Wunlit agreement (see discussion by Douglas Johnson and John Ashworth in

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this issue), and the specific mechanisms that were used to maintain implementation after Wunlit.²⁵ The involvement of community support is understood by political actors, however, and the diaspora communities in various nations have been approached and efforts made to coerce them by representatives of the clashing parties in an attempt to gain public support. While many in the Diaspora still care about the happenings at home, they should nonetheless fight the urge to take sides on the way to foster the unity of the country.

Lastly, Western nations, mainly through the Troika positive's involvement, will serve to foster the negotiation process only if the ability they have to influence the warring and the peace-making is recognized. For instance, the acceptance of the ouster of Riek Machar in favor of Taban Deng Gai rendered the peace process legitimate.²⁶ In contradiction, the hurried and failed attempt by USA to extend the UN sanction regime and develop an arms embargo to some extent raised the confidence of Juba in the perception of Western envoys.²⁷ As a result, the government advanced its Equatoria operations that resulted in the displacement of civilians and interrupted the access to humanitarian services.

In summation, it is evident that there is no clear-cut solution to halting the civil unrest in South Sudan. At the very least, international envoys should guarantee that their activities and decisions do not further the suffering of the South Sudanese people no matter how unintended.²⁸ Moreover, the leaders need to cut their political ambition and self-interests for the realization of peace that will consequently improve the lives of the citizens. Ultimately, going past the tendency to initiate conventional transactional position sharing accords is a critical step in the right direction for the realization of peace and tranquillity.

About the Author

Rev. Dr. Elias Rinaldo Gamboriko, is a Catholic Priest of the Missionary Congregation of the Apostles of Jesus (AJ) for Africa and the World. He comes from the Catholic Diocese of Tombura-Yarnbio in South Sudan. He is based at Webster University in Vienna.

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