

AFRICAN JOURNAL ON CONFLICT RESOLUTION

Volume 18, Number 1, 2018



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in South Africa: Lessons from Niger Delta, Nigeria**

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political conflict in the post-Comprehensive Peace Agreement era**

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Meaningful concepts and possible realities**

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Is the ICC a bulwark against impunity or an imperial Trojan horse?**



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Power-sharing consociationalism in resolving South Sudan's ethno- political conflict in the post- Comprehensive Peace Agreement era

*Francis Onditi, Kizito Sabala and Samson Wassara**

Abstract

This article uses Arend Lijphart's notion of 'power-sharing consociationalism' to understand the mutually reinforcing conflict system and the barriers to resolving such conflicts in South Sudan. 'Consociationalism' has been affirmed as an ideal approach for resolving conflicts in ethnically divided societies, but in South Sudan, the formal institutions of power sharing have not delivered sustainable peace. Analysis in this article reveals that the implementation of the various 'peace agreements' and 'deals' deviated from classical 'consociationalism'. Consequently limited attention

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was paid to inter-ethnic tensions and too much emphasis was placed on the mechanics of power sharing among the executive and military institutions, leading to the proliferation of ‘organised political movements’. Rather than focusing on the mechanics of power sharing, a viable consociational model for South Sudan should concentrate on how such multifaceted layers of issues can be accommodated within a single settlement. Therefore, the South Sudan conflict system requires a stronger reconceptualisation of issues. Hence we have coined the term ‘tragedy of ethnic diversity’, not as a replacement of the well-known concept of ‘resource curse’, but as new thinking that might shape future research and scholarship in the increasingly complex South Sudan conflict system.

Keywords: Consociationalism, power sharing, conflict resolution, ethnicity, tragedy of ethnic diversity, South Sudan

Acknowledgement

In doing the research on which this article draws, we had support from various assistants. Robert Obonyo was particularly helpful in the initial data bench-marking and in reading through the first draft. In latter days of constructing this article, we were very fortunate to have had Racheal Makokha who joined Riara University as Tutorial Assistant at the School of International Relations and Diplomacy in February 2018. Racheal had just completed her Master’s degree in International Development (International Political Economy and Development) in 2017 from the University of Birmingham, UK. This article benefited much from her editorial skills. The intellectual curiosity and enthusiasm of both Robert and Racheal on matters of research and writing are certainly desirable qualities of emerging scholars.

1. Introduction: The conflict in South Sudan

The disquieting relationship between President Salva Kiir and his former Vice-President, Dr Riek Machar, defines the conflict situation in the Republic of South Sudan. It is this unclear relationship that has framed the

intra-South Sudan conflict as 'ethnocentric'. The country has experienced intractable conflicts, but also limited intermittent peace spells. Yet, the historical 'power struggle' within the military, political, territorial and economic structures continues to entangle the country in more humanitarian and development crises (Madut and Hutchinson 1999:126; Kuol 2016:6). Although some scholars such as Clemence Pinaud (2014:193) have argued that the problem of South Sudan cannot be juxtaposed with 'ethnicity', it is equally important to attest that within this 'system of ethnic-based class domination', tensions tend to emerge along the deeply entrenched fault lines: 1) ethnic affiliation; 2) socio-economic differentiation; and 3) loyalty buttressed up by the 'big man' syndrome. In contrast to this argument, Jurg Steiner (1981:1245) observes that instead of focusing only on ethnic divisions of a society, 'levels of cultural segmentation' should also be studied within the realm of consociationalism (Mehler 2009b:455).

Attempts by scholars such as Francis Deng (1997) to conceptualise consociationalism through the lens of ethnicity link this model of conflict resolution to value systems, institutions and patterns of behaviour that define a society. However, Johan Galtung (1958:28), considered as one of the pioneers of Peace and Conflict Studies, is sceptical and reckons that 'value'-based conflicts are the most difficult to erase from the human race. Yet while this model of conflict resolution based on 'shared values' as opposed to 'absolute ethnicity' has worked in resolving European conflicts such as the case of Switzerland (Mueller 2014:90), the patronages and politics of 'who knows whom' in sub-Saharan Africa complicate the quest for sustainable peace in South Sudan.

Considering these conceptual incongruences and contextual convolutions, this article argues that the current ethno-political uncertainty and turbulence in South Sudan may not be resolved merely through formal governance institutions. Furthermore, this conceptual indistinctness has made it harder for scholars to explore other models of conflict resolution, because much attention has been put to the forked Anglo-Egyptian

Condominium Policy¹ of administration (Collins 1983:470). As a point of departure from this historical scholarship, we begin our analysis from the understanding that South Sudan suffers from forces of kleptocracy characterised by political insolvency and economic stagnation, often reinforcing each other at the expense of peace and stability. This ethno-political manipulation has led to a constellation of ethnic powers (Oxford 2003:149; United States Central Intelligence Agency [US CIA] 2011; Kalyvas 2006). The ethnocentric form of governance has dramatically deepened, eroding gains made after the formation of the Agreement on the Resolution of the Conflict in South Sudan (ARCSS) mechanism in 2013. The country has simply plunged into what Thandika Mkandawire (2015:570) refers to as 'neopatrimonialism'. As such, opportunities can only be accessed by an affiliation to a tribal homeland (Zambakari 2013:10).

In efforts to resolve these layers of conflicts, individuals and some stakeholders have undertaken various forms of conflict resolution, such as dialogue, mediation, negotiation and agreements that are sometimes clandestine in nature.

Seeking a deeper insight into these conflict resolution issues and mechanisms in South Sudan, this article contributes by addressing a lacuna in the theoretical study of Peace and Conflict, and in particular, 'power-sharing consociationalism'. Consociationalism has been a central part of South Sudan's conflict resolution efforts, where the ideological differences between President Salva Kiir and Dr Riek Machar led to clandestine political governance on the one hand, and resistance to such arrangement by the opposition on the other. This pseudo-political architecture apparently allowed President Salva Kiir's faction to dominate the cabinet in the 2015/2016 power-sharing deal. However, Machar on the other hand, had not only the majority of the opposition members in the cabinet, but also the majority in the opposition membership in the national parliament. Although this deal seemed to have accommodated the diversity of the country, the July 2016 break up and fierce fighting thereafter, may

1 This was a British system of governance applied in most British colonies between 1899 and 1956.

have just confirmed the fears that this arrangement was merely a socio-political reengineering of institutions as opposed to forming a sustainable political architecture. On a similar note, President Salva Kiir, pronounced his discontent² with the Inter-Governmental Authority on Development (IGAD)-led Agreement signed in Addis Ababa on 17 August 2015:

It must be stated clearly that the reality of political differences within the SPLM [Sudan People's Liberation Movement] which has been cemented in the Peace Agreement, and accepted cheerfully by our colleagues in the opposition; requires us all to reorganize ourselves on a new basis. This simply means, the SPLM will never be one again as long as we follow the implementation (The East African 2016).

Indeed, the issues raised by President Kiir about the 2015 Peace Agreement are not different from his complaints over the April 2016 political arrangement. After all, conflict resolution scholars have observed that such an arrangement can only perpetuate covert power sharing among the elites at the expense of the society (Hartzell and Hoddie 2015:41–42). In such an environment dominated by power-sharing tricks, the prospect for attaining durable peace and sustainable political architecture is close to an impossibility. This power-sharing consociational mechanism was further complicated by the fact that Dr Riek Machar, who is in exile for fear of assassination, has renewed ties with Khartoum after being rescued from the thick Garamba forest near Dungu by Khartoum organised aircraft and flown first to Kinshasha, Democratic Republic of the Congo (DRC), and later to Khartoum. This followed his escape after the fierce fight that broke out between his troops and President Salva Kiir's in July 2016. This period of political entropy is a manifestation of miscalculations by both the government and the SPLM-IO (in Opposition) resulting in a

2 One of the reservations raised by President Salva Kiir was that the IGAD mediators with full consent of the former detainees (FDs), managed to keep the SPLM-FDs a distinctive group despite the Arusha SPLM-FDs reunification agreement. That brought the FDs back to Juba and reinstated Pagan Amum as the Secretary-General of the Party. His colleagues were also readmitted into the SPLM political bureau. For more information, see The East African 2016.

convoluted environment in which crafting an effective response on the basis of consociational power-sharing results in zero-sum game-bolstering apathy among the would-be peace brokers.

Although power-sharing ‘consociationalism’ has been hailed as an ideal model for resolving conflicts in ethnically plural societies (Butenschon 1985:90), there are concerns that in South Sudan, even with an internal state-centric approach favoured by ‘consociational’ peace deals, there has been an overly narrow focus on the mechanics of ‘power sharing’ – the design of the deal, especially with regard to who takes what within the internal circles of political and military elites. Despite concerted efforts by IGAD-Plus (a group of IGAD Member states and the Troika of the United Kingdom, United States and Norway) and the African Union Ad-hoc Committee on South Sudan to structure the peace process within the framework of the Joint Monitoring and Evaluation Committee (JMEC) to foresee the ARCSS, sustainable peace remains elusive. The question remains: Why have the formal institutions (political, economic, military and territorial) of consociational power sharing not delivered sustainable peace in South Sudan?

In order to address this fundamental question, this article is divided into five sections. The introduction is followed by section 2 on contextual setting and crucial issues. Section 3 is on theoretical perspectives of consociationalism and associated principles, section 4 examines the complexity of the conflict and limitations of the power sharing consociationalism in South Sudan while section 5 concludes by examining what does and what does not work with consociationalism. Finally, conceptual and policy recommendations are drawn on how consociationalism needs to be reconfigured in fragile societies.

2. Contextual setting and issues

The discussion of power-sharing consociationalism in South Sudan must be understood within the history of several ‘peace agreements’ designed, negotiated, implemented or terminated during the period between

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2005 and 2017. These include the Inter-Governmental Authority on Development (IGAD)-led Comprehensive Peace Agreement (CPA), the ARCSS, the IGAD-led High Level Revitalization Peace Forum (HLRF) and the most recent 'clandestine (dis)agreement' between President Salva Kiir and 'himself'.

The CPA, which was signed in Naivasha, Kenya, on 9 January 2005, brought an end to the intractable civil war and conflict (1955–1972; 1983–2005) (Rolandsen 2011:217; US Department of State 2011). The Agreement was the culmination of the intense negotiations between the National Congress Party (NCP) and the Sudan People's Liberation Movement/Army (SPLM/A) (US CIA 2011). It ushered in a new political dispensation and provided for a referendum on self-determination which was conducted in January 2011 with 98.83 percent of South Sudanese effectively voting to secede from the larger Sudan (Shaka 2011:1–4). The General Assembly of the United Nations admitted the country into the community of nations as the 193rd member of the UN on 14 July 2011 (UN News 2011).

One of the strategic pillars in the CPA was the programme on Disarmament, Demobilisation and Reintegration (DDR) (Munive 2014:340). As part of the DDR implementation plan, parties to the CPA established the National Disarmament, Demobilisation and Reintegration Commission (NDDC) (African Development Bank 2016), which meant that it had been mandated to make policy decisions on who should be targeted and how to conduct the delicate process of disarmament without creating animosity among communities (Lamb et al. 2012:5; Haile and Bara 2013:33; Omeje and Minde 2014:27). The DDR process, however, did not happen as planned for fear of skewed disarmament.

The second important aspect of the CPA was a referendum for political independence. The referendum (9–15 January 2011), shed bright new light not only on the future of the country's political independence, but also on a path-way for peacebuilding activities – cohesion, integration as well as post-conflict reconstruction and development. More than half a decade after this question was posed, the challenge of developing an inclusive

and democratic governance structure and of upholding the rule of law remains a puzzle to this 54th member of the African Union. Indeed, despite independence, South Sudan is still linked to the north (Zambakari 2012: 520), albeit with enmity and cynicism. The difficulty of resolving the Abyei border disputes (the Abyei, South Kordofan and Blue Nile) attests to the intractable tensions between the two countries. The referendum on self-determination seems to have been ‘merely a ray of passing sunshine’. In any case, the referendum never resolved the hostile relationships forged historically over years (Johnson 2014:306; Zambakari 2012:510).

Several attempts have been made to resolve these internal and border disputes, but such efforts have failed due to unaddressed local grievances that have fed militias and insurgencies countrywide. This has led to what researchers have termed a proliferation of ‘organized political movements’, and to dysfunctional decentralisation and exclusionary politics (Roque and Miamingi 2017:1–5). The August 2015 peace deal seems to have been destined for failure. The power-sharing deal brokered by IGAD calibrated the distribution of national resources as follows: Government of the Republic of South Sudan (GRSS) (53%); the South Sudan Armed Opposition (33%); Former Detainees (7%) and other political parties (7%) (IGAD 2015).

The ARCSS was the main mechanism for delivering and monitoring the power-sharing deal. The rival parties³ agreed to form a unity government and implement reforms in the country. Each faction nominated officials who were then appointed to the ministerial positions based on the number of ministerial portfolios allocated in the power-sharing deal in the new 30-member cabinet – where the government or SPLM-IG (in Government) had 16 national ministers, SPLM-IO (in Opposition) 10 national ministers,

3 The rival parties include the government led by President Salva Kiir, the armed opposition faction of the SPLM-IO led by First Vice-President, Riek Machar, the Former Detainees (FDs) led by the now appointed Foreign Minister, Deng Alor Kuol, acting chairperson on behalf of Pagan Amum, former SPLM Secretary-General, and Other Political Parties (OPPs) led by Lam Akol, Chairman of the Democratic Change (DC) party, who also chairs the alliance of opposition political parties in South Sudan.

FDs (Former Detainees) two, and OPPs (Other Political Parties) also two. This was in addition to a number of deputy ministers (Sudan Tribune 2016).

In view of the foregoing discussion on ethno-political realignment, it would only be fair to frame the question in this article within the realm of 'power-sharing consociationalism'.

3. Theoretical perspectives: Consociationalism and associated principles

Consociationalism is founded on the understanding that divided territories on the basis of regions or states or communities are usually governed according to consociational principles (O'Leary 1987:11; McGarry 1988:44). In most societies, the 'division' is driven by ethnicity, religion or language, or, sometimes, political inclinations. The concept of 'divided societies' as it relates to 'consociationalism' denotes separate cultural communities each running its own political and socio-economic institutions (Lijphart 1975:83–84). More often, such cultural divisions would limit interactions and communications across boundaries which could be geographic, socio-cultural and even psychological. Some scholars have defined 'divided societies' by pointing out that such phenomena play out during important national functions such as elections and boundary reviews (Fraenkel and Grofman 2006:630; Barry 1975:480). In other words, there can be no 'uniformity' on how such societies respond to such matters of national importance.

To frame these issues, one has to understand key principles underpinning 'consociationalism' as a model of resolving conflict in divided societies.

3.1 Consociationalists' debate

The consociational debates tend to link conflicts to ethnic divisions. In the context of South Sudan, these divisions follow narrow cleavages of ethnicity and socio-economic diversities. For example, pastoral herders vs. agricultural farmers, those who participated in the liberation struggle vs. collaborators with Khartoum – the former referred to as 'heroes' while the

latter are seen as ‘traitors’, or those who were in the diaspora vs those who fought the guerrilla war in the ‘bush’. The division in fragile countries such as South Sudan is due to a combination of political power, socio-cultural loyalty and national symbolism. This implies that the hypothetical significance of the consociational approach to conflict resolution lies in how such multifaceted layers of issues can be accommodated within a single settlement.

Consociational theorists further argue that the destabilising effects of sub-cultural or territorial segmentation are neutralised at the elite level by embracing non-majoritarian mechanisms for conflict resolution (Andeweg 2000:510, McGrattan 2012:390). However, some scholars (O’Leary 2003:670; Barry 2006:395) caution that even though the model attracted curiosity in resolving conflicts in moderately divided Anglo-Saxon countries, it might worsen the situation in multipolar societies. This is particularly the case of South Sudan where the historical injustices provoke hostile emotions along ethnic ‘fault lines’. Helen Kyed and Mikael Graves (2015:5–10) on the other hand, are hopeful that efforts to link economic and territorial pillars in peacemaking processes could develop ‘trust’ among the warring groups, hence leading to sustainable peace (MacGinty 2010:400).

Still, while anti-consociational narratives admit that cultural and political integrative approaches sound logical in addressing identity issues, they remain sceptical and claim that according to lessons from Europe (for example, Northern Ireland) transforming conflict through ‘identity change’ is always challenging in deeply divided societies (Kunze 2015:11–12; Dixon 2011). In short, they argue that consociationalism cannot deliver peace, merely on the basis of building bridges. They note that, in order to resolve such conflicts, it is imperative to address issues of territorial boundaries (Ibekwe 2012:74–75). Agreeably, other scholars argue that the formal institutions of power sharing are insufficient and therefore incapable of overcoming the belligerent and unspoken self-interests of the leading political elites (Seymour 2014:3; Cammett and Malesky 2012:987).

Nonetheless, a few success stories of how the consociational model can resolve and sustain peace stand out. One of them is Switzerland, which is established on consociationalism (Bohn 1981:1237; Bogaards and Crepaz 2002:360; Bogaards 2000:400). Based on the success of Switzerland, consociationalism is predicated on 'organizational principles': the first being *executive power sharing*, which implies that each of the main communities in the conflict share in executive power (Mueller 2014:85).

However, as is the case in other states in sub-Saharan Africa, class domination and the 'big man' syndrome complicate the case of South Sudan, excluding those regarded as 'outsiders' from the centre of power. Class politics seem to make the political elites in South Sudan thrive on violent ascent to power (Madut 2013:3; Pospieszna and Schneider 2013:50; Pinaud 2014:197). This is what Pa'gan Okiech (2016:10) reconstructs as the kleptocratic regime in Juba. The debate on a kleptocratic form of governance is well understood when framed within the principles of power-sharing consociationalism.

3.2 Consociationalism: Core principles of power-sharing

In addition to power sharing, consociationalism is premised on three other principles: autonomy/self-government, proportionality, and veto rights. The principle of *self-government* dictates that each faction to the conflict enjoys some measure of autonomy. In culturally divided societies, where the warring groups are concerned with identities, there should be an arrangement to have self-governance on matters of cultural concern. Andele Jinadu (1985:75) observes that this theory also provides a basis for the development and utilisation of consociational conflict-regulating mechanisms. A conflict-regulating mechanism can however, give rise to affirmative action policies to consolidate elite domination by an ethnically based political class faction.

Affirmative action as a tool for consociationalism is indeed problematic, in that in situations of 'self-determination disputes', ethno-national communities focus on contested homelands. The unresolved question is then, *who* should exercise power at the level of central government? In such

cases, the effectiveness of federalism and consociationalism as conflict resolution mechanisms may be limited. In federal states such as Nigeria, the competition to control the state and its resources has compelled political parties to cross-cut ethnic cleavages (Jinadu 1985:76). Critiques of consociationalism on the basis of the self-autonomy principle raise concerns that the approach is too elitist and that executive instruments of policymaking and conflict regulation lack popular control to bring peace to the 'grass-root' level (Hueglin 1985:203; Dixson 1996:131).

The principle of *proportionality* assumes that economic, political and territorial resources in divided societies can be distributed proportionally. For instance, each belligerent group is represented proportionally in key public institutions and is a beneficiary of public resources and expenditures in pro rata measures (McGarry 1988:240). In fragile post-conflict societies, scholars have underscored the use of the 'closed-list proportional representation' electoral system as the most effective power-sharing mechanism (Cammatt and Malesky 2012:983). They further observe that this approach to conflict resolution, if well executed, might produce not only good governance, but also stability, and might prevent recurrence of conflict by emphasising the application of democratic processes such as voting and equitable distribution of state power (Cammatt and Malesky 2012:998). This notwithstanding, the institution of democracy is difficult to attain because the 'majority votes and seats can dominate minority groups' (Ottaway 2003:316).

The final principle is *mutual veto*, which is the most complex to implement. It assumes that, when resolving conflict instigated by ethnic-political competition, a feature that characterises South Sudan's conflict, mechanisms should be put in place to prevent domination in decision-making processes. This, however, was not done in South Sudan and what accordingly happened was the SPLM-IO fall-out and the subsequent divorce between Dr Riek Machar and President Salva Kiir. Heavy-weight political manoeuvres around individual-based political settlements, may anyway be expected in fragile states (Menocal 2011:1720).

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Rudy Andeweg (2000:520) contests some of the auxiliary principles of consociationalism – such as ‘consensus democracy’ which remains controversial. Some scholars have posed the question as to whether the very logic of consociationalism may lead to a prescription for more adversarial politics, particularly in countries that have experienced social cleavages (McGrattan 2012:395). Allison McCulloch’s (2014:503) analysis, based on various countries where the consociational model has been applied, suggests that ethnicity should be recognised through ‘consociational’ institutions, as this may lead to an increase in inter-ethnic accommodation. For example, the proposed boundaries review process aimed at creating twenty-eight (28) states seems to have evoked ethnic consciousness, with bordering communities such as Bare and Mundare in Central Equatoria fighting over boundaries. These factors have been fuelling conflict among Sudanese people from as early as the 1950s to the 70s (Rolandsen 2011:216; Sambanis 2004:840). The failure/success of power-sharing consociational arrangements depends on the capacities and interests of armed groups involved in or excluded from an agreement (Spears 1999:527).

In South Sudan, successive policies of power sharing offer political payoffs for insurgent violence, thereby turning the rebel path into an appealing option in the pursuit of otherwise blocked aspirations (Podder 2013:20). A fundamental problem has been that, rather than building peace, these ‘deals’ represent little more than an elite ‘gentlemanly’ understanding on how the spoils of patronage are shared. It is against this background that readers of democracy in Africa, such as Nicholas Cheeseman (2011:339–340), caution that ‘formal power-sharing institutions in most parts of Africa are hurriedly designed to deal with crisis, hence high propensity to undermine prospects for sustainable peace.’

The most feasible mechanism of power sharing according to Donald Horowitz (2014) is a combination of both consociationalism and a ‘centripetal approach’. In both cases, the ultimate goal is to create *inter-ethnic power-sharing* political structures by establishing ethnically based

parties (Spears 1999:30). Yet, others caution that power-sharing processes are too risky, especially when the operating environment is characterised by notions of competition for political power (Traniello 2008:30).

It is evident that the outcome of the 'power-sharing consociational' structures can be weak, underdeveloped and untested 'governance structures' that continue to 'bleed' complications in South Sudan's quest for sustainable peace – a problem that is interrogated by this academic prognosis.

4. The 'bleeding' complications and power-sharing 'deals'

Despite numerous interventions, sustainable peace in South Sudan remains elusive, which prompts the question why the formal institutions based on the principles of consociationalism are insufficient to deliver peace in the country. The factional fighting that broke out in Juba between the SPLM-IG and SPLM-IO on 10 July 2016, gnarled the peace deal that had been agreed upon in April. The quest for peace is complicated by both structural and systemic factors. These include: 1) weak institutions of governance, 2) challenges associated with the politics of power-sharing, 3) politico-ethnic complications, 4) territorial tensions, 5) militarisation of the peace process, and 6) proliferation of parties to the peace process.

In regard to the first problem, there is the missing link between the governing institutions and the prioritisation of the socio-economic and cultural needs (Apuuli 2015:125). What does it mean to have Dr Riek Machar excluded from the peace process? The Transitional Government of National Unity (TGoNU) formed on 29 April 2016 was not enshrined in the Constitution. It was obvious that there were articles of the peace agreement which were in stark contradiction with provisions of the Transitional Constitution of South Sudan (TCSS) (Wassara 2016). People expected the harmonisation of the TCSS with the ARCSS, which did not happen until violence engulfed the country on 10 July 2016.

The second complication arises from the politics of power sharing. Arend Lijphart (1975:85) has defined consociationalism as requiring a 'grand coalition'. The formation of a grand coalition has, however, been viewed as

the main weakness in the design of power-sharing agreements (McGarry and O'Leary 2004:215). The South Sudan case helps people realise that although grand coalitions are empirical possibilities, what makes consociations feasible and workable is joint consent across the significant communities, with emphasis on 'jointness' as opposed to 'parallelism'. The peace deal of August 2015 continued to suffer sluggish implementation, amid struggles in the ranks of political elites. Engagement of regional states in the South Sudan conflict resolution remains controversial. For instance, Uganda called for a mini-summit comprised of Ethiopia, Kenya, South Sudan and Uganda. The purpose of the mini-summit was to assure President Salva Kiir that those provisions he disagreed with will be dropped from the text of the agreement.

The provisions of the agreement objected to by the government of South Sudan were, among others, the demilitarisation of Juba, the withdrawal of foreign troops from South Sudan, the monitoring and verification mechanism, the cantonment of forces, the accountability for war crimes, and separate armies (Africa Confidential 2016:5). Tensions among mediators persisted until the deal dubbed *Agreement on the Resolution of the Conflict in South Sudan* (ARCSS) was signed on 17 August 2015. The Ethiopian Prime Minister and the Ugandan President became involved in verbal altercations resulting in the early departure of Yoweri Museveni before the agreement signing. This meant that only the leaders of the SPLM/A-IO and the representative of the SPLM/A former detainees and other stakeholders signed. President Salva Kiir declined to sign the Agreement on 17 August 2015. However, he later signed the agreement on 26 August 2016 after registering sixteen reservations.

Thirdly, the deepening politico-ethnic division complicates the deal. Political settlement is one of the dimensions of the power-sharing method of conflict resolution (Hartmann 2013:127). In August 2016, the two rival groups fought fiercely in Juba with accusations and counter-accusations of attempted assassination of their respective leaders by the other group. In this case, the creation of a consociational political compromise was required. The Caroline Hartzell and Matthew Hoddie (2003:48) model

of political power sharing recommends that in a divided society, peace settlements should not only lay down structures for distributing political power in the core governing institutions of the state among groups, but also organise security structures in a manner that provides a ‘fall-back’ scenario for each party.

The August 2015 power-sharing arrangement did allow former Vice-President Dr Riek Machar to retain soldiers loyal to SPLM-IO, but that was contrary to the host of reservations levelled against the August peace agreement by President Salva Kiir. Critiques of power sharing are sceptical of its success in resolving complex conflicts (Spears 2013:35). The Kenyan one that sparked the post-election violence in 2007/8 collapsed shortly before the 2013 elections due to lack of trust, historical factors and – more critically – ethnic bigotry between the ruling Agikuyu community and the former Prime Minister, Raila Amollo Odinga, who hails from the Luo community.

The fourth complication arises from the very principle of power sharing between territorial sections of a country. Andreas Mehler (2009a:8) identifies four dimensions of power sharing: 1) inclusiveness, 2) degree of power, 3) level of power sharing, and 4) relative prominence of negotiators. Others, however, have cautioned that power sharing in Africa is narrowly exercised through federalism and decentralisation (Zanker et al. 2015:80). Federalism and decentralisation of power is usually achieved through the constitutionally entrenched system of governance that demands greater autonomy (Dash 2007:697–700). In South Sudan, the question of devolving power is not adequately addressed within the existing devolved structures of governance. The Riek Machar-led faction prefers federalism and defines it as a system in which power is shared between multiple levels of government as a means of arresting ethnic or regional divisions (Adeba 2015; Pospieszna and Schneider 2013:45).

Fifth, the militarisation of the peace process introduces further complications. Military power sharing ‘seeks to distribute authority within the coercive apparatus of the state’ (Hartzell and Hoddie 2015:43). In this case, warring groups are integrated into a ‘unified’ state security

force (Hoddie and Hartzell 2003:306). It seeks to specify the details around staffing, chain of command and control, and make-up of the state's coercive agencies. In line with this military strategy, the August 2015 peace agreement included proportional numbers of forces mainly from SPLM-IG and SPLM-IO. Nevertheless, what was witnessed in Juba on Friday, 29 April 2016, was the appointment of each group to key leadership positions in all arms of government, including the security sector. The military dominant arrangement seems to have entrenched what Clemence Pinaud (2014:194) describes as 'dominant class', and which caused a situation that led to violence in Juba. No wonder, the widespread confrontations that ensued in 2016 began with deep altercations between SPLM-IG and SPLM-IO military forces laying allegiance to President Kiir and Dr Machar respectively.

Finally, the increase in the number of actors in the peace process is a factor that perpetuates contradictory articulation of demands. In the past, mediators used to deal with the Government and the two factions of the SPLM (in opposition and former detainees). Now, we have newcomers on the scene like the National Salvation Front (NAS), the South Sudan National Movement for Change (SSNMC), the National Democratic Movement (NDM), civil society organisations, and faith-based organisations. Nine parties accused the government of lack of political will to negotiate meaningful peace (Wassara and Kurimoto 2017:124; South Sudan Opposition 2018).

This proliferation of actors in the conflict and the growing distrust in the President Kiir-led government has led to the failure of the IGAD initiative to make peace deals during the second round of negotiations in February 2018. These structural challenges continue to diminish hopes that the IGAD-led revitalisation process will bear fruit. The process which at best can be described as the 'old' camouflaged as 'new' is unlikely to result in any meaningful progress in the search for peace. This is due to the challenges of the previous efforts, such as inability to resolve the deeply entrenched mistrust among the various stakeholders and dismissal of the revitalisation process as Troika-controlled. The threats by IGAD to freeze bank accounts

of peace spoilers will not move the main protagonist in the conflict due to the lack of political leverage and clout, and converging interests from within and across the region.

Looking beyond domestic politics, the conflict resolution processes seem to have widened its regional presence. For example, in May 2018, the Members of the IGAD Council of Ministers travelled to South Africa on a shuttle diplomacy mission to hold consultations with the former South Sudan Vice-President, Dr Riek Machar. On this note, the former President of Botswana, Festus Mogae, who is also the Chairperson of the Joint Monitoring and Evaluation Commission, urged stakeholders to the conflict not to miss the opportunity for making peace during the next round of peace talks that were scheduled to resume in Addis Ababa. Although the IGAD-led High-Level Revitalization Peace Forum was optimistic that talks will pave the way for sustainable peace, 'trust' between President Salva Kiir and Dr Riek Machar continues to play a critical role in the management of the conflict. In fact, the opportunity to strike a peace deal hangs in the balance after it emerged that the former military chief, General Paul Malong Awan Anei, was side-lined from the Addis Ababa peace talks. Indeed, trust seem to be the only way to assure warring groups and citizens that the two leaders are committed to resolving the conflict.

Failure to build trust among the key protagonists and other actors in the conflict and fatigue may impede the would-be peace promoters. The economy will then probably continue to plummet, the humanitarian situation may worsen, and the likelihood of South Sudan becoming a forgotten country may become a reality.

5. Conclusions and Recommendations

The foregoing discussion reveals the limitations of trying to over-rely on power-sharing consociationalism as a model of conflict resolution without linking such processes to the society in its entirety. What is recognised as 'best practice' may not be the right prescription for every ethnic-based conflict around the world. Institutional weaknesses, lack of trust as well as

lack of conditions supportive of the 'best practice' are better off pursuing 'second-best alternatives.' As such, our conclusion and recommendations in this article contend that mitigating the reliance on formal institutions and individuals to resolve the conflict in South Sudan would reduce incentives for trapping the country in the conflict, and greatly increase chances of citizens' ownership of the peace process and destiny for their country.

5.1 Conclusions

This article frames the discussion of the past and the ongoing peace and conflict resolution situation in South Sudan within the framework of a power-sharing consociational model as contained in the April 2016 political rearrangement. It is grounded on the understanding that the problem in South Sudan is partly due to lack of transformation of the country from a pseudo-political military party, the SPLM-IG and SPLM-IO, into a public policy-driven political structure that can allow democratic governance to thrive. Analysis of the power-sharing model has demonstrated that, in spite of the merits in resolving politically instigated violence, the model is not necessarily a 'one-size-fits-all'. This is partly because the current kleptocratic style of governance in South Sudan was built on ethnic politics and military dominance leading to a culture of violence. The making and partial implementation of the South Sudan 2015 Peace Agreement indicates some limitations of the classical consociationalism model, due to its conceptual contradictions as well as contextual complications that continue to impede possibilities of sustainable peace in the country.

It is therefore fair, that we conclude this article by deducing the main limitations that a consociational South Sudan will have to address on its path to sustainable peace and stability.

5.2 Recommendations: The future of consociationalism in South Sudan

One of the weaknesses that consociationalism presents is dominance of certain groups in peace deals. For sustainable peace and stability to be achieved in South Sudan, the ordinary population should be involved in the

management of the country through efficient constitutionally respected institutions such as central and state legislative assemblies and mandates. In this way, checks and balances can be provided against the excesses of the state; and democratic values, principles and voices can be protected in domestic politics. A range of policy recommendations towards a political realignment in South Sudan, may also be made available. However, we shall focus our recommendations on: 1) Resolving contextual challenges; and 2) Conceptual flexibility.

5.2.1 Resolving contextual challenges

Analysis in the article demonstrates that previous design and implementation of consociationalism in South Sudan has misconstrued the critical role of the external actors or what we coin in this article as ‘the actor in the neighbourhood’. Although conflict resolution in South Sudan has involved national, regional and global mediators, the struggle for autonomy has sealed the country off from its former master – Sudan. Yet, the role of Khartoum in the South Sudan conflict cannot be ignored. This has produced two related problems. First, there has been a tendency to downplay the importance of the disputed boundaries – both internally and externally – by overemphasising the political power-sharing narrative and mechanics. Thus, the design and operation of consociationalism has neglected the possibilities of positive roles that Khartoum could play in the *implementation* and in the active *operation* of power-sharing settlements. As a result of this policy lacuna, Khartoum’s role tends to lean towards the role of a ‘spoiler’. Dr Riek Machar’s self-exile in Khartoum has raised suspicion as to the role President Al-Bashir of Sudan plays in the entire conflict spectrum.

Importantly, there is the role of self-determination in uniting divided societies. This is more of a contextual problem than a conceptual one. Evolution of consociationalism is traced in European countries – the Netherlands, Belgium, Austria and Switzerland. In other contexts, however, analysts argue that this approach might be counterproductive, especially in circumstances where the majority would like to have majority

rule, while the minorities want guarantees against an overruling majority rule (Dixson 1996:135; O'Leary 2003:700). This condition is fertile ground for degradation of inter-ethnic trust and a recipe for even deeper class divisions based on ethnic identities. Such class divisions are mainly fuelled by the need to access territorial, economic, military and political resources. Policy analysts and political scientists might want to classify such complications as 'resource curse' (Auty 2001:840; Shaxson 2007:1130), but due to the centrality of ethnic identities in South Sudan, we think that the social complexity presented by the conflict in South Sudan can be well articulated as the 'tragedy of ethnic diversity'. One consequence of this type of social formation is that the emphasis in the traditional consociational model is on *who* should exercise power at the level of the central government. But self-determination disputes are often about *how much* power should be exercised by the central government and about whether there should be one or more central governments. Although autonomy is an important value in consociational arrangements, the emphasis in South Sudan is more often on territorial than on corporate autonomy.

A second Khartoum-related problem that was identified in the consociational South Sudan is the tendency to treat the state as a sovereign, independent and insulated entity. In South Sudan, even within the internal state-centric approach favoured in traditional consociational accounts, there has been an overly narrow focus on the design of the SPLM, and the need for agreement on whether the country can transform the SPLM into a fully-fledged political structure. The emergence of SPLM-IO was aimed at providing an alternative ideological stance, hence paving the way for a functional democracy. It is however important to note that the journey to sustainable peace normally requires agreement on issues that go beyond such institutions, such as the security sector reform, reforms in the police, demilitarisation, the return of exiles to their homes and more importantly, reintegration of ex-combatants into the society.

In order to address the challenge of reintegration in South Sudan, it is worth highlighting an institutional weakness of conventional consociational thinking. Lack of political will creates 'insolvency' in consociations;

it appears to be premised upon overcoming trust and voluntariness. In South Sudan, absence of a forum via which political discourse could be directly effectual has been cause for the lack of *sustainable political architecture*. The political manoeuvres we are currently witnessing in Juba is a symptom of a ‘captured state’, a country awaiting the return of Machar – when the worst could happen.

5.2.2 Conceptual Flexibility

A further insight is into possibilities of conceptualising and contextualising consociationalism within the realities of African states’ ‘capture’ of the society and behaviour of the military and political elites. Although Lijphart has traditionally defined a consociation as requiring a ‘grand coalition’, many see that as consociation’s key weakness (both because it is difficult to achieve such a coalition, and because it is said to preclude democratic opposition).

Finally, democratic governance is central to this process of change and, importantly, to the impression of stability through its role in bringing together concepts, interaction and context. In other countries where consociationalism has worked, such as Northern Ireland, the 1998 and 2006 agreements have been carefully presented so as not to imply ‘*radical change*’ to the ideologies and goals of the parties concerned (Zuhair 2008). The key to their success was the ability to propagate moves that were in line with the interests of one’s own group in a tactical and pragmatic way. Although there were several differences in the ideological settings and strategies (Filardo-Llamas 2008), between Northern Ireland and South Sudan, the underlying principle for most countries experiencing ethnic/ideological division is how to manage *diversity* and address the challenges associated with what we have coined in this article as the *tragedy of ethnic diversity*, a term that is not intended to replace the concept of ‘resource curse’, but an alternative thinking on how best to conceptualize complex conflict systems in Africa and beyond.

Thus, in this article we do not have references to a ‘United South Sudan’, as was the case in countries where consociationalism worked such as

Northern Ireland, but only to an 'Agreed South Sudan' – a phrase which we believe acknowledges the necessary consent of all its members in order to make consociationalism work in Africa.

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