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South Sudan Peace Agreement and Peacemaking

THE ZAMBAKARI ADVISORY: SPECIAL ISSUE

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MUKJAR, Southern Sudan - September 16, 2011:
Unidentified People in refugee camps.
THAI Military Peacekeeping mission in Southern Sudan.

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Peacemaking and Peace Agreements in South Sudan

An Introduction

Christopher Zambakari, BS, MBA, MIS, LP.D.

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In 2011, South Sudan seceded from Sudan following a landmark referendum on self-determination. Yet fewer than three years after the historic vote for independence, the world's newest country descended into a civil war that, since December 2013, has brought killing and bloodshed. In attempts to resolve the conflict and bring the civil war to an end, the warring factions have signed peace agreement after peace agreement. In September 2018, Salva Kiir, the president of South Sudan, and his major adversary, the former vice-president and rebel leader Riek Machar, signed yet another peace agreement in Addis Ababa, the Ethiopian capital. This is the 12th agreement between them. Most of these agreements have suffered from a fraught mediation context (at times, being very coercive), deficits in preparedness (with inadequate time to fully implement the agreements), consent, impartiality, inclusivity (given the proliferation of armed and unarmed oppositions) and lack of a broad political strategy to anchor the agreed-upon peace deal. How did this young country that attained her independence in 2011 amidst massive international fanfare degenerate into chaos so quickly? And why have the attempts to resolve the conflict faced such difficulties?

The Zambakari Advisory is pleased to publish its first Special Issue on the subject: "South Sudan Peace Agreement and Peacemaking." We asked scholars, activists, students, former government officials and leading intellectuals to think about the theme for this issue and offer insights into it. We hope these analyses will provide new insights to both reflect on, and inform the work of stakeholders engaged in brokering peace and/or the pending National Dialogue.

This collection features 15 articles contributed by Douglas H. Johnson, Peter Adwok Nyaba, Rev. Elias Rinaldo Gamboriko, Joseph Madak Wuol, Nichola Mandil Ukeil, Mabior P. Mach, Abui John Garang, Samson S. Wassara, Mahmood Mamdani, Rita M. Lopidia, Luka Biong Deng Kuol, Asha Abdel Rahim, John Ashworth, Angelina Bazugba and Malish John Peter on South Sudan's experiences with peacemaking and peace agreements, providing both a social and historical context, as well as an analysis of the specific peace processes. These papers offer a critical evaluation of South Sudan's political crises, its experience with peace deals, and offers innovative solutions for the bumpy road ahead as South Sudan seeks once more to implement an imperfect deal. The authors make it clear that the contemporary history of South Sudan has been that of conflict and civil wars (1955–1972, 1983–2005, 2013–current) with the Republic of Sudan to the north and with itself after securing independence in 2011. This issue highlights lessons learned from the Wunlit Peace Process in 1999, the 2005 Comprehensive Peace Agreement (CPA), the 2015 Agreement on the Resolu-

tion of the Conflict in South Sudan (ARCSS), and finally the 2018 Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS).

Preparation for the establishment of the Revitalized Transitional Government of National Unity is underway. If this new experiment in inclusive governance is successful, it should usher in a new era of inclusivity and democratic rule in May of 2019 after an eight-month interim period designed to resolve various obstacles that proved insoluble during the regionally brokered peace deals. The conflict has inflicted a terrible cost to the South Sudanese, now numbering more than two million in refugees camps throughout the region, while more than half the population are still dependent on emergency, assistance and food aid, while one in three is displaced.

The many attempts to resolve South Sudan's political crises have been short-lived and have not addressed fundamental contradictions within South Sudan. The failures to build an inclusive democratic state, resulting in face-saving settlements and various power-sharing arrangements between the government and various political and military elites, which have been later dishonored, have always led to another cycle of violence. Historically, political agreements have excluded non-violent resistance movements while rewarding armed resistance groups, leading to an inability or unwillingness to disarm, demilitarize and reintegrate armed militias; a national tendency to recycle old guards into the new political dispensation; and the failure to democratize the political space with national citizenship and an inclusive framework to manage diverse populations within a unified nation. Lastly, South Sudan has also suffered from failures of leadership that was capable to deliver socioeconomic development to address the fundamental problems of poverty and underdevelopment.

While the road ahead offers opportunities, there are also real obstacles that will require political adaptability, patience and the ability to silence the gun-wielding class to give peace a chance to succeed.

The failures of various peace agreements, the causes of the conflicts in a historical perspective, the flawed modalities and the implementation of the security arrangements, the analysis of the series of events that led to the signing of ARCSS in 2015 and the R-ARCSS in 2018, and the challenges awaiting the full implementation of R-ARCSS are all covered within this issue. As of today, the confusion in the R-ARCSS on the roles of the Joint Transitional Security Committee (JTSC) and the Strategic Defense and Security Review Board (SDSRB) continue to plague the implementation of the agreement. Several contributors call for the parties to use this opportunity to build confidence, trust and reconciliation within and between communities torn by protracted conflict. Another analyzed outcome of the R-ARCSS signed in Khartoum is that the sovereignty of South Sudan has tacitly been surrendered to Sudan and Uganda by formally acknowledging them as "guarantors," electing them to mediate the disagreement between the two parties, thereby making South Sudan an informal protectorate of Sudan and Uganda.

Some papers in this Special Issue address the urgent societal problem affecting women. The authors acknowledge the important gains during previous peace talks when women participated in the peacemaking process. This included the stipulation that at least twenty-five percent of the seats and positions in each legislative and each executive organ of the state needs to be allocated to women as part of Affirmative Action designed to redress historical injustices created by history, customs and traditions. This was later translated into the Transitional Constitution of the Republic of South Sudan (2011).

The contributions in this issue express cautious optimism about the viability of the recent peace agreement and propose to the political elites some measures that can be undertaken in order to sustain peace and create conditions for the socioeconomic development of South Sudan. The success – or failure – of the full implementation of the various agreements rests in the hands of the political elites and the South Sudanese. While the road ahead offers opportunities, there are also real obstacles that will require political adaptability, patience and the ability to silence the gun-wielding class to give peace a chance to succeed. A holistic and inclusive framework that includes the needs and rights of civilians, and the interests of all political actors, is a starting point for long-term political stability in South Sudan. The challenge ahead will be how to fully implement this imperfect agreement and to create a conducive environment for ensuring public safety and security, but if the leaders of South Sudan and regional and international power brokers ignore the lessons from previous agreements, South Sudan will only defer its problems to a later date.

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I

Foundations on Peacemaking and Peace Agreements in South Sudan

South Sudan's Experience at Peacemaking

An Address to the Diaspora

Douglas H. Johnson, PhD[1]

Distinguished Historian of South Sudan and North East Africa; Former Assistant Director for Archives in the Southern Regional Government; resource person during the IGAD-sponsored peace talks; Member, Abyei Boundary Commission

It is a privilege to have been asked to speak here today on such an important subject. I feel particularly honoured that the invitation was initiated by the South Sudanese Community Groups in Canada, to come to speak with them about their country when they know it far better than I do. I am not sure that I am the best person to speak about peacemaking in South Sudan since my own efforts at peacemaking, first as a resource person at the Karen talks on the Three Areas, and then on the Abyei Boundary Commission, have so spectacularly failed to make peace. Yet, perhaps we can learn as much from past failures as past successes.

I was in Juba at the end of October 2014 participating in the Rift Valley Institute's annual series of lectures at Juba University, whose theme that year was historic peace negotiations. Three sets of negotiations were examined: the 1972 negotiations that led to the Addis Ababa Agreement, the 1999 Wunlit people-to-people peace conference and the 2005 Comprehensive Peace Agreement. The discussions focused as much on the implementation of these agreements as on the negotiations that led to them.[2] The choice of case studies is evidence that South Sudan does have experience at peacemaking, but the question that confronts us all is whether this experience is relevant to the conflict that is currently tearing South Sudan apart?

There are some unpleasant and uncomfortable truths that confront us about that conflict, which we must acknowledge if there is any hope of returning South Sudan to peace. The first is the scale of the devastation inflicted on a civilian population who are not party to the political struggle. The second is that whatever the sequence of events that began the fighting, both contenders for power bear ultimate responsibility for its spread, both are culpable for massive human rights abuses. These abuses have been documented by independent investigations and are beyond dispute.[3] The third is that as the cycle of revenge killings spreads

1 This is a slightly revised and updated version of the Bertrand Russell Peace Lecture, presented at a symposium on Conflict and Peace-building in South Sudan, 8 November 2014, during the 22nd Annual Ghandi Peace Festival at McMaster University, Hamilton, Ontario, Canada. A summary of the lecture was included in a report by Brad Crawford and Arua Omaka (eds), *Conflict and Peace-Building in South Sudan*, McMaster University, 2015.

2 A Summary of the lectures and the discussion that followed was published as *We Have Lived Too Long to be Deceived: South Sudanese discuss the lessons of historic peace agreements*, Juba University Lectures 2014, London and Nairobi, Rift Valley Institute, 2015, available online at http://riftvalley.net/publication/we-have-lived-too-long-be-deceived#.W8R68xNKh3Q.

3 Among others see: South Sudan Human Rights Commission, *Interim Report on South Sudan Internal Conflict, December*

to communities uninvolved in the initial conflict a comprehensive resolution will have to involve more than just the political actors and offer some form of restorative justice to all who have been affected.

In this lecture I will try to answer the question I have posed by first briefly outlining South Sudan's experience in peacemaking, then looking at the legacy of war as a contributing factor to the current conflict and the missed opportunities to deal with that legacy during the interim period prior to independence, then analysing the contribution of the diaspora in promoting either conflict or peace, and finally suggesting how the experience of South Sudanese might be harnessed towards creating a space for peace.

The Experience of Peacemaking

I was introduced to South Sudanese methods of peacemaking over forty years ago, when I attended an intertribal meeting of chiefs in what is now Jonglei state. The chiefs had to deal with outstanding matters left over from the recently ended civil war. Cattle had been seized and girls abducted by local forces aligned with either the government or the Anyanya. Because of the Amnesty Act that accompanied the Addis Ababa Agreement the government was unable to address crimes committed by either side during the civil war, but people still wanted their cattle back and their girls returned. The discussions were often heated as the aggrieved parties presented their case. Throughout it all the elderly retired court president of the area sat in front, still wearing the insignia of his former office, puffing away on his pipe. When everyone who wanted to speak had had their say he finally spoke up and proposed a solution. The government could not force the perpetrators to return the cattle to their original owners or the girls to their families, nor could it levy fines. But the requisite number of cattle could be collected by the government and sold at auction, and the money collected used for the development of the district. As for the girls, any who now had husbands and children would have their unions recognized through the exchange of bridewealth with their families.

This compromise, which, strictly speaking lay outside normal practice in customary law, did at least have the advantage that even if the plaintiffs would not have their cattle back, neither would the defendants continue to benefit from them. There was another, unspoken, aspect to this solution: A court judgement brings no resolution if it cannot be implemented, but what the chiefs had agreed to, the government would help them implement through its administrative officers and police.

The process I witnessed was something that all South Sudanese understood very well. It was based on the pre-colonial system of arbitration that had become more formalized and struc-

15, 2013 – March 15, 214; United Nations Mission to the Republic of South Sudan (UNMISS): *Interim Report on Human Rights: Crisis in South Sudan*, 2/21/2014, *Conflict in South Sudan: A Human Rights Report*, 8 May 2014, *Special Report: Attack on Bentiu, Unity State*, 29 October 2014, and *Flash Human Rights Report on the Escalation of Fighting in Greater Upper Nile*, April/May 2015; United Nations, *Interim Report of the Panel of Experts on South Sudan established pursuant to Security Council Resolution 2206 (2015)*; U.N. High Commissioner for Human Rights, *Report on the human rights situation in South* Sudan, A/HRC/28/49, U.N. Human Rights Council, 2015; *Assessment mission by the office of the United Nations High Commissioner for Human Rights to improve human rights, accountability, reconciliation and capacity in South Sudan: detailed findings*, A/HRC/31/CRP.6, Human Rights Council, 2016; *We have Dignity, We are Humans, We need Help! A brief report on the effects of the recent violence on civilians in South Sudan's capital, Juba*, South Sudan Human Rights Society for Advocacy (and other national NGOs), 2016.

tured during the Condominium period under the British. What the British "hakuma" (government) had introduced was a hierarchy of courts, a record of judgments and precedents, a more regular means of implementing decisions, plus an expansion of the court system beyond sections of the same tribe to include regular intertribal meetings between neighbouring groups. It was the main way that feuds were not only ended, but prevented from starting. The system of customary chiefs' courts continued under the Northern Sudanese administrators who came after independence, by Southern Sudanese administrators after the Addis Ababa Agreement, and by the Sudan People's Liberation Army (SPLA) in the liberated areas during the second civil war.

Perhaps the most remarkable application of the court system during the second civil war was in the 1999 Wunlit Conference. Following the 1991 split in the SPLA, fighting was promoted primarily along ethnic lines. Prior to 1991 the border region between the Dinka of Bahr el-Ghazal and the Nuer of Upper Nile had been reasonably stable and peaceful, the border chiefs on either side being in touch with each other to try to contain cross-border cattle rustling. After 1991 both factions of the SPLA mobilized civilian forces in the region against each other, the main targets being the civilian population base of the opposing sides.

There was in effect no "hakuma" — no government — to intervene to organise intertribal meetings or enforce the law because the competing "hakumas" of the SPLA factions were themselves responsible for orchestrating the violence. It was the churches, through the New Sudan Council of Churches (NSCC), who took the initiative to promote a people-to-people peace process to bring the civilian communities of the border region together to take the civilians out of the war. In so far as the Wunlit Conference of February-March 1999 was a success, it was less to do with the meeting itself as the months of preparation that led up to it.

With the assistance of the UN "Operation Lifeline Sudan" the NSCC was able to bring Nuer and Dinka chiefs out of South Sudan to meet in the neutral location of the UN logistics base at Lokichokkio, Kenya. There, the chiefs were able to compare their experiences and come to an agreement to exchange visits and persuade their people to participate in a conference to be held in a secure location in Bahr el-Ghazal. It was the sight of the chiefs coming to "enemy" territory, so to speak, that convinced many that peace between their communities was possible, and indeed that it was coming. Although the leadership of both factions of the SPLA were skeptical about the initiative, Commander Salva Kiir Mayardit of the mainstream SPLA agreed to provide security, and Mario Muor Muor, the former director of the SPLA's Sudan Relief and Rehabilitation Association (SRRA), was put in charge of preparing the site at Wunlit.

At the conference between twelve hundred and fifteen hundred ordinary people participated along with the chiefs, and expressed their grievances openly and forcefully. This was all part of a cathartic process that helped each community to understand the other and agree to reconcile. A covenant was agreed and signed by 318 persons.[4]

4 "Wunlit Dinka-Nuer Peace Documents" (partial copy available from southsudanfriends.org/wp-content/uploads/2014/02/Wunlit-Documents-1.pdf); NSCC, The Story of People-to-People Peacemaking in Southern Sudan, NSCC, 2002; John Ashworth, "The People to People Peace Process", paper presented at the Rift Valley Institute 4th annual series of Juba University lectures, "Negotiating Peace in South Sudan: historic agreements and their lessons for the future", 23 October 2014; Mark Bradbury, John Ryle, Michael Medley, Kwesi Sansculotte-Greenidge, Local Peace Processes in Sudan, RVI, 2006 (http://www.riftvalley.net/publication/local-peace-processes-sudan#.VFpgj75h3bg).

Wunlit as a process of people-to-people peacemaking must be considered a partial success insofar as it did involve the active participation of people at the grassroots level, and it did bring some peace and stability to the border region before the civil war ended. But the process could not be repeated in Jonglei state, where it was most needed, because of the obstruction of the breakaway faction, then still allied with the Khartoum government. And the full number of border courts agreed in the covenant have still to be established due to lack of effective support from the Government of South Sudan and the state governments during the interim period prior to independence. This partial success demonstrates the important role of the "hakuma" in implementation. Where the "hakuma" is absent or lax in its responsibilities, full implementation even of popular agreements is not possible.

In the immediate postwar period a very similar process employing cross-border customary authorities did bring a measure of stability and peace along the north-south border between South Sudan and Sudan. During the war the Misseriya and Rizeigat Baggara had acted as militias (*murahalin*) for the Khartoum government against the Malual Dinka of Northern Bahr el-Ghazal. During the interim period following the signing of the Comprehensive Peace Agreement in 2005 both Baggara communities could no longer rely on the use of force to gain access to seasonal pastures in the Malual Dinka territory. In two peace conferences, in 2008 and 2010, the Malual Dinka confronted first the Misseriya and then the Rizeigat over acts of violence committed during the war, including not only cattle rustling but the abduction of women and children, as well as continuing clashes in the dry season pastures following the end of the war.

In both conferences there was the active participation of ordinary persons as well as the customary authorities of the Malual, Misseriya and Rizeigat. Each conference, too, had the active support of government authorities, including the Government of National Unity (GoNU) in Khartoum, the Government of South Sudan in Juba, the local government authorities of Northern Bahr el-Ghazal state, international agencies such as the United States Agency for International Development (USAID), the United Nations Mission in the Sudan (UNMIS) and the Norwegian Ministry of Foreign Affairs, as well as international and national Non-Governmental Organizations (NGOs) such as Planning and Development Collaborative (PADCO)-Sudan; Policy, Assessment and Consultancy and Training (PACT)-Sudan; and Swisspeace. As in Wunlit, members of each community aired their respective grievances openly and forcefully, and as in Wunlit this enabled the communities to reach an understanding about how they had damaged each other, and reach at least a partial reconciliation. Not all issues have been fully resolved, particularly between the Malual and the Rizeigat, but a working arrangement over shared pastures was agreed and has largely been implemented.[5]

What are the lessons of these three different people-to-people peace processes? First is the importance of the customary authorities — the chiefs' courts of the Nuer and Dinka, the Nazirs and Omdas of the Misseriya and Rizeigat — in providing a forum and a method for open debate and reconciliation. Second is the active participation of the people, and not just the customary authorities, in framing the debate and formulating a resolution. Third is the participation of external agencies, whether the churches, international and national NGOs, and even international governmental agencies as facilitators and moderators. Fourth and finally the importance of government authorities and institutions not only in guaranteeing and facilitating the process, but in the implementation of agreements.

Lessons of the Addis Ababa Agreement

These were very local peace agreements, but South Sudanese have experience of peacemaking at the national level as well. The 1972 Addis Ababa Agreement was the result of negotiations between the Sudan government and the armed opposition of the Southern Sudan Liberation Movement (SSLM). Now that the government of South Sudan is in a parallel situation of fighting and negotiating with its own armed opposition, what lessons can be drawn from the 1972 negotiations?

First, external support for the negotiations was important. As with Wunlit, the actual negotiations were preceded by several months of preliminary approaches and meetings between representatives of the two parties, in this case facilitated by external agencies, the World Council of Churches (WCC) and the All Africa Council of Churches (AACC).

Second, when the two delegations finally met they entered into the negotiations with a serious intent and were committed to reaching an agreement; neither party was negotiating to play for time on the battlefield.

5 Martina Santschi, Report: Dinka Malual–Misseriya Peace Conference, 11-14 November 2008, Aweil, Southern Sudan, Swisspeace, April 2009; Communiqué: Dinka Malual and Rizeigat Peace Conference, January 22nd to 25th, 2010, Aweil, Northern Bahr el Ghazal State.

Third, the role of the chair to the negotiations, Cannon Burgess of the AACC, was strictly that of a moderator, not a mediator. He was there to keep the negotiations on track, at times summarising points made in order to move the discussion on, at other times asking the delegations to clarify their positions, refusing to allow discussion to be sidetracked, sometimes breaking for prayer to allow tempers to cool, and finally sharply reminding them that the discussions could end in failure. At no time was he expected to provide drafts for the two sides to accept and sign.

Fourth, the role of the Ethiopian government was more indirect. It offered a safe and neutral venue for the talks. The Emperor Haile Selassie, gave his advice only once, and only when appealed to by both sides. He delivered his opinion diplomatically, but unambiguously, and his position as a respected elder statesman of Africa meant that what he said mattered, and could be accepted without coercion.

Fifth, there were other southern Sudanese "stakeholders" present as observers. They played no direct role in the formal negotiations, but had an influence on the delegates in informal discussions outside the negotiations.

Sixth, all texts of the final accord were drafted, discussed and agreed by the negotiating delegations in their committees, rather than drafted and presented by an external mediator.

And finally, though many in the SSLM were not happy with the compromises contained in the final agreement, the leadership ratified it because of the overwhelming support for the agreement that they received from the people of South Sudan.[6] The contrast between the 1972 negotiations and the series of negotiations that have stumbled along in Addis Ababa and Khartoum over the last five years is sharp. The commitment to negotiations by both parties today is in doubt, as each dry season begins with more violations of an agreed ceasefire. The position of the third party to the talks — the former detainees — is ambiguous. The impact of external agencies, such as IGAD, and the interventions of the mediators, has often done more harm than good.

These were all failures of both the state and national governments, but rather than bring pressure on the government to address their grievances, they turned on each other.

The Legacy of War and the Missed Opportunities of the Interim Period

Before the last century, warfare between South Sudanese communities tended to follow certain basic rules. Fighting was between armed men. Women and children might be captured, but by and large, women, children and the elderly were not the targets of fighting. On those rare documented cases that I know of when they were killed, this was either out of extreme revenge or an aberration.

As a result of the change in warfare in the last civil war this rule is frequently ignored. The reasons for this are complex and have to do with the way in which the civil war morphed into total war, where civilian populations became prime targets of armed groups. Part of this had to do with the Khartoum government's militia strategy where they recruited tribal militias (from both the north and the south) specifically to attack the civilian support base of the SPLA. Not only were livestock stolen and crops destroyed, but women and children were abducted or killed. It wasn't just the Khartoum militias who behaved in this way. The SPLA, too, attacked the civilian communities from whom southern militias were recruited. The areas hardest hit by these tactics were Jonglei state, where the activities of the Murle militia in the 1980s provoked a violent reaction from the Lou Nuer and the SPLA, and Unity state, where *murahalin* and Nuer militias were used in the ethnic cleansing of the oil fields.

The split in the SPLA intensified the ferocity of these attacks. The assault on Bor in 1991 was carried out by three groups: the SPLA of the Nasir faction, Khartoum's Anyanya II allied with that faction, and Lou Nuer civilians of the so-called "White Army". I was working with Operation Lifeline Sudan at the time and saw the photographs taken by the UN team that entered Bor in the aftermath of the attack: the body of an old man shot in the back as he tried to run away, young boys tied to a tree with their heads bashed in. I do not know who perpetrated these specific atrocities: SPLA, Anyanya II or White Army, but there was no way that these victims could be considered combatants, and I was deeply disturbed when a spokesman for the Nasir faction tried to justify these killings to me, and

6 Douglas H. Johnson, "The 1972 Addis Ababa Negotiations", paper presented at the Rift Valley Institute 4th annual series of Juba University lectures, "Negotiating Peace in South Sudan: Historic Agreements and their Lessons for the Future", 22 October 2014; Joseph Lagu, Sudan, Odyssey through a State: from Ruin to Hope, Omdurman: M.O.B. Center for Sudanese Studies, 2006: 259.

when one of the Nasir commanders dismissed civilian deaths merely as "regrettable."

The fragmentation of the Nasir faction into a number of competing forces[7] meant that there was no unified command that could exercise some control over commanders in the field and impose discipline on their troops. This is why the Wunlit Conference was so important, and why it was very unfortunate that it did not lead to further people-to-people processes in Jonglei state.

The interim period of 2005-2011 was the right time when an expansion of the people-to-people process could have taken place throughout South Sudan, and especially in Jonglei state. Unfortunately, there was no systematic policy of reconciliation, no attempt at reconciliation between the SPLA and civilians, and no sustained effort to reconcile formerly opposed communities. This was to have especially dire consequences in Jonglei where military solutions were applied to the problems of disarmament and the cycle of raids and counterraids.

Jonglei had been the site of some of the worst militia activity during the war, and there was an urgent need to promote reconciliation between the different civilian populations that had supplied the militias. This did not happen, and when the Murle continued their cattle raids on the Lou Nuer and the Bor and Kongor Dinka, this set off an escalating cycle of revenge attacks, especially between armed Murle and Lou civilian groups. Both parties continued to rustle cattle, but increasingly their targets were other civilians, with a rising scale of atrocities including decapitation and the evisceration of pregnant women. [8]

What was particularly tragic about Jonglei is that on those few occasions when representatives of the opposed communities were able to meet together they discovered that they had basically the same grievances: about a local justice system that no longer worked; about the lack of access to dispensaries, schools and markets; about the lack of any development of water resources in grazing areas to reduce dry season tensions. These were all failures of both the state and national governments, but rather than bring pressure on the government to address their grievances, they turned on each other.

The Role of the Diaspora

What has been the response and role of the South Sudanese diaspora throughout these developments? The South Sudanese diaspora are spread across the world, having come out of Sudan at different times during twenty-two years of war, and with different experiences of that war. The earliest members who came out at the beginning of the war were often persons with education and skills that enabled them to gain employment in their host countries. As the numbers of South Sudanese refugees grew the refugee resettlement schemes brought increasing numbers out of the refugee camps in Africa mainly into the United States, Canada and Australia. In the US, the diaspora at first organized themselves into pan-South Sudanese associations, but as numbers grew and refugees were located around the country, they tended to organize themselves into associations from specific homelands or language groups, and various Equatorian, Dinka and Nuer associations tended to emphasize local identities, rather than a national identity.

There is, of course, nothing inherently wrong with cultural associations where persons can gather to speak their own language, maintain contact with home and share common problems. But the tendency also has been to perpetuate divisions from home, rather than reinforce South Sudanese solidarity. The run up to the 2011 independence referendum did provide the basis for a common purpose, but since independence, and especially since the events of December 2013, that common purpose has been difficult to maintain. A South Sudanese friend of mine in Australia tells me that South Sudanese there remain deeply divided, even within communities of the same language group.[9]

Because of their access to the internet, the voice of the diaspora has been particularly loud. Most websites dealing with South Sudan today are set up outside South Sudan. Most of the articles and comments posted are posted by persons living outside South Sudan. The websites often post news

7 Douglas H. Johnson, "The Nuer civil wars", in Günther Schlee and Elizabeth E. Watson (eds), Changing Identification and Alliances in North-east Africa, vol. II, Oxford and NY: Berghahn Books, 2009: 31-47.

8 For a detailed account of patterns of fighting in Jonglei see Edward Thomas, South Sudan: A Slow Liberation, London: Zed Books, 2015.

9 See the RVI research paper, The Role of Transnational Networks and Mobile Citizens in South Sudan's Global Community: A pilot study focused on Melbourne and Juba, London and Nairobi: Rift Valley Institute, 2018, available online at http://riftvalley.net/publication/role-transnational-networks-and-mobile-citizens-south-sudan%E2%80%99s-global-community#.W8SFuhNKh3Q

items, but because there seems to be no consistent editorial oversight much of it is opinion presented as fact, statements unsubstantiated by evidence. Comments on chat sites, Facebook and websites such as *Sudan Tribune* quickly descend into trash talk, seemingly copied from American sporting figures, littered with obscenities and even threats of physical violence. The comments often react to who a person is assumed to be, rather than what a person has actually said.

Accusations posted on the internet are picked up, circulated and embellished. I remain skeptical of the truth of unsupported accusations. When I was working as Assistant Director for Archives before the war I managed to negotiate a grant of ten thousand dollars from the Ford Foundation for equipment and supplies. It was not long before a jealous colleague submitted a report to a member of the Southern Assembly accusing me of embezzling ten *million* dollars. The young man had just got excited and kept on adding zeroes. In some ways I was flattered, because *janubiyin* routinely accuse each other of corruption, and this suggested in a very backhanded way that somehow I was accepted as a *janubi*. But despite the fact that this and other accusations against me are completely false, they still circulate after thirty years and are accepted uncritically by many.

It is not yet clear to me what impact the diaspora have had or can have on events inside South Sudan, but there are some worrying examples of incitement and deliberate disinformation. I do not intend to condemn all South Sudanese in Canada by the examples I am going to cite, since the initiative of South Sudanese Community Groups in organizing this conference is a very positive development. If South Sudanese in Canada are aware of the two examples that follow, I would be very interested to learn what their response was.

During the fighting between Nuer and Murle in Jonglei a South Sudanese resident in Canada represented himself as the spokesman for the Lou Nuer White Army. He posted on the internet a number of press releases which in effect urged South Sudanese in Jonglei to go on killing each other, and even made threats against specific members of the Jonglei state government. I understand that the Canadian government was so concerned about these actions that they even considered extraditing this person. In the reversal of fortunes and opinions so common in South Sudan, this person has been given a government job, speaks on behalf of the Juba government and regularly post pictures of himself in the company of the president he once denounced.

Perhaps we should not worry too much about the activities of a self-important egotist. But another person who identifies himself as "a concerned South Sudanese living in Canada" has recently posted on the diaspora *South Sudan News Agency* website a long piece entitled "The Gurtong Trust-Peace is a revenge preaching and killing Machine: why are the Norway, the UK and the Swiss' Governments' Foreign Affairs funding it?" In it he makes the following accusations: that the Gurtong Trust Peace and Media Project "topped the list" of "the planners and promoters of the *Juba Nuer Massacre*" last December; that Gurtong preaches revenge killing against the Nuer; that the word "Gurtong" is Dinka for Revenge War; that the director of the Gurtong Trust, Jacob Akol, is a Bor Dinka who was featured in a "so called '*Bor Massacre*' documentary" and is intent on revenge. The alleged purpose of this article was to persuade Gurtong's funders — which he identified as the Norwegian Ministry of Foreign Affairs, the UK and the Swiss Ministry of Foreign Affairs — to cut off funds to the Gurtong Trust. The article has been picked up and reposted in a number of other South Sudanese websites.

For the record, I have known Jacob Akol for over forty years. He is a BBC-trained broadcaster and has had a long career in journalism. He published an account of his own life as a refugee during the first civil war and a collection of his own articles in two books published by the Pauline Press.[10] He is not a Bor Dinka, but comes from Bahr el-Ghazal. He did not feature in a documentary about the Bor Massacre and has never even heard of such a documentary (nor have I). The word "Gurtong" is not a Dinka word but an Anuak term describing a peacemaking ceremony when a spear (*tong*) is ceremonially blunted — something that is explained on the Gurtong website. Gurtong has published no article advocating revenge killings, and the author of the piece cited no such article. Finally, of the governments the author claimed was funding Gurtong, one of them has never funded Gurtong at all. Jacob Akol has posted a lengthy refutation of these libels, but as far as I know none of the websites that carried the original article have published his rebuttal.[11]

10 Jacob J. Akol, I Shall Go the Distance, Nairobi: Paulines Publications Africa, 2005 (now re-issued in a Kindle edition by Amazon as Long Way to Tipperarry: The Story of a "Lost" Sudanese Boy of the Sixties); Jacob J. Akol, Burden of Nationality: Memoirs of an African Aidworker/Journalist 1970s-1990s, Nairobi: Paulines Publications Africa, 2006.

11 Gurtong Is Not "A Revenge Preaching and Killing Machine" http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/15709/categoryId/24/Gurtong-Is-Not-a-revenge-preaching-killing-machine.aspx

The wildness of these claims caused one commentator to ask, "I wonder what it is about Canada that causes so many refugees there to think and behave so strangely." The toxic lies broadcast by the "concerned South Sudanese living in Canada" cannot just be the result of ignorance. This is not misinformation but disinformation. The real intended audience of this piece is not the donors of Gurtong — they clearly will not be persuaded by such false allegations — the real audience is other South Sudanese in the diaspora and at home. One can only speculate on the motives of the author in traducing a South Sudanese organization whose main purpose is and always has been to promote understanding and peace among all South Sudanese. The only likely outcome of such libels being uncritically accepted by other South Sudanese is to prolong war rather than promote peace.

... we have yet to see evidence that the two opposed parties are negotiating with serious intent; rather they seem to be playing for time.

What can people in the diaspora do to counter this negative influence? They can organize umbrella groups that keep various diaspora organizations in contact with each other to explore common backgrounds and experiences and rediscover a common purpose, in spite of political differences. As individuals, they can counter the hate speech that spills out onto the internet, not so much through more web chat but through personal dialog with anyone known to promote hate speech, and by support to anyone who is a victim of hate speech. But above all to be committed to respecting the common humanity of their fellow South Sudanese whatever their origin.

Restorative Justice and People-To-People Peace

The circle of violence in this current war is expanding. We hear of Mabaan in Upper Nile forming their own defence force to fight the Nuer. Refugees from Sudan's war in Blue Nile state have been returning home from the refugee camps in neighbouring Upper Nile, fearful of attack by SPLA-in-Opposition forces who have passed through Blue Nile to attack the area of Renk. The peace established between the Rizeigat and Malual Dinka is being threatened by other SPLA-in-Opposition forces passing through Mile 14 and regrouping in Eastern Darfur.[12] It is evident to me that the prolonged negotiations between the warring parties in Ethiopia and Khartoum will not, and cannot by themselves restore South Sudan to peace. Unlike the 1972 Addis Ababa negotiations, we have yet to see evidence that the two opposed parties are negotiating with serious intent; rather they seem to be playing for time.

The obstacles to a lasting peace are not confined to the political ambitions of the leaders of either side. I think the main obstacle is the trauma that so many South Sudanese have now experienced at the hands of their leaders and the forces that are supposed to protect them. At a meeting in London a few years ago a woman from Malakal stood up and asked me, "How can we live side-by-side with these people again?" Her answer was that she could not: let them stay in their own area, was her solution. Clearly she did not consider the people who invaded Malakal fellow citizens any more. Nuer living in Juba could ask the same question.

In the woman's answer to her own question lies the danger of federalism, as it is currently being debated in South Sudan. Federalism in itself is neither a bad idea nor unworkable, but in so far as many South Sudanese conceive of it as meaning withdrawing into their home areas there is the danger that it would promote *de facto* segregation rather than national unity.[13] A peace agreement that merely tinkers with the structures of government and the distribution of offices will not address the trauma that threatens to divide South Sudanese from one another. But, as David Deng of the South Sudan Law Society recently asked, "I wonder whether there's not some opportunity here." His answer was that peace has to be approached in a holistic manner.

> The peace process, he said, has to go beyond the major players, who are largely unaffected by the horrors of the violence. There is a need to engage combatants, survivors, and those living in conflict-affected places. The question civil society now faces is how to incor-

12 "The Mile 14 Area", Human Security Baseline Assessment for Sudan and South Sudan, http://www.smallarmssurveysudan.org/facts-figures/borderdisputed-areas/14-mile-area.html.

13 I have discussed the history of the federal idea in South Sudan in Federalism in the History of South Sudanese Political Thought, Rift Valley Institute Research Paper 1, London and Nairobi: Rift Valley Institute, 2014, available online at http://riftvalley.net/publication/federalism-history-south-sudanese-political-thought#.VEZcJks9Lbg, and recently reprinted in Luka Biong Deng Kuol and Sarah Logan (eds), The Struggle for South Sudan: Challenges of Security and State Formation, London: I.B. Tauris, 2018.

porate those who are uninvolved at the formal level and, at the same time, are most affected by violence.[14]

The South Sudan Law Society has issued a number of working papers dealing with issues of working with a traumatised population and establishing transitional justice that are well worth serious consideration.[15] What will be needed is a real people-to-people process. It is not enough to approach a donor organisation to fund a meeting of 300 or so people, fly in a bishop and a couple of ministers to bless the meeting, and then fly them out again. This will require the type of real long-term engagement between communities that preceded Wunlit, and the type of sustained implementation that was not followed up after Wunlit.

All of this is hypothetical as long as there is no end to the current fighting. But how to make the parties serious about negotiating peace? The diaspora communities in different countries have been and are being wooed by representatives of the warring parties seeking their public support. It is natural for you in the diaspora to be concerned about what is happening in your own country, especially as it affects your home areas and your own families. It is also natural, in these circumstances, to want to take sides. But when you are approached by these representatives you can pose to them a series of questions to determine their commitment to a peaceful resolution to the conflict that they – and not you – initiated. These might be all the more effective if posed to persons you consider to be your leaders. Such questions might include:

1. Are you committed to a national dialog leading to a national constitutional convention before new elections are held?
2. What role do you see for civil society groups and community leaders in a national dialog?
3. Are you willing to commit yourself to a peace even if it does not involve you, or the leader of your party, holding a position in government?
4. What steps will you take to help restore peace between the communities who have been affected by this war?
5. What restitution to the peoples who have suffered violence from your forces will your group commit itself to?
6. Will you and the leaders of your group submit yourself to some form of transitional justice or a truth and reconciliation process?
7. And of course the question we all would like to ask, but to which we will probably never get a truthful answer is: How many people are you willing to see die so that you can hold onto or seize power?

Public opinion can have the power to influence leadership. Just as public support for the Addis Ababa Agreement reinforced the commitment of the leaders of the SSLM to stand by

14 South Sudan: Is Peace Possible? voices from civil society, January 2014, Rift Valley Institute Meeting Report, Nairobi Forum, Friday 10 January, 2014, p.2.

15 David K. Deng, "Special Court for Serious Crimes (SCSC): A Proposal for Justice and Accountability in South Sudan", Working Paper, South Sudan Law Society, May 2014 and "Truth and Dignity Commission: proposal to reconcile the many truths of South Sudan from 1972 to the present", Working Paper, South Sudan Law Society, August 2014; "Trauma, Healing and the Plight of Displaced Persons in South Sudan", Peace and Justice. A Newsletter by the South Sudan Law Society (SSLS), November 2014; Search for a New Beginning: Perceptions of Truth, Justice, Reconciliation and Healing in South Sudan, Juba: UNDP and SSLS, 2015; Rens Willems and David Deng, Justice and Conflict in South Sudan: Observations from a pilot survey, The Hague: University for Peace, 2015.

it, so the public voice of the diaspora can be mobilized to put pressure on the warring leaders to put the nation before political ambition. Publicly withholding support until the leadership demonstrates a genuine commitment to peace can be more effective than signing up to an insincere declaration. Your opinion does matter, and now is the time to make it known. Your voice does count, and now is the time to make it heard.

Postscript

Since this lecture was first delivered in 2014, two peace agreements have failed, civilian and armed opposition groups have fractured and multiplied, and the 2018 IGAD-brokered peace agreement is again based on incorporating some opposition members into government through the creation and distribution of government positions. A more positive development has been the parallel rise of active and vocal civil society groups, generating a civilian constituency for peace. One of the most creative and innovative groups is "Anataban" ("I'm tired"), who campaign for peace both inside South Sudan and among the diaspora, using theatre, songs, videos and art to spread their message.[16]

About the Author

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16 Instruments in both Peace and War: South Sudanese discuss civil society actors and their role, London and Nairobi: Rift Valley Institute, 2016, available online at http://riftvalley.net/publication/instruments-both-peace-and-war#.W8SKXhNKh3Q

The Fundamental Problems of South Sudan

How to Sustain Peace and Conditions of Socioeconomic Development

Peter Adwok Nyaba, PhD
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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.[1]

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.

1 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[2] 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[3] that a face-to-face meeting with President Salva Kiir – under the auspices of the Ethiopian Prime Minister Dr. Abiye 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,[4] 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.[5]

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[6] the people of southern Sudan fought against the different regimes that rose and fell in Khartoum, is the centuries-old condition of extreme socioeconomic 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 system. This exploded violently on 15 December 2013, heralding the beginning of the civil war.

... the political elite [is] notorious for violating their own agreements. These peace comprimises invariably create conditions for the eruption of violence.

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.[7] 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

6 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.

7 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.[8] This underpins the current predicament that has prevented South Sudan's transition to effective statehood and nationhood.[9]

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 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-

8 "The African peoples lived side by side as negotiating ethnicities before 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) Reimaging Pan-Africanism, Mkuki Na Nyota Publishers, Dar es Salaam.

9 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 Tailor & 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.

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.

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II

The Agreement on the Resolution of the Conflict in the Republic of South Sudan

Peace Building and Peace Agreements in South Sudan

An Analysis of Recent Experiences

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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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5 Brereton, V. and Ayuko, B. 2016. Negotiating Security: Sudan's Comprehensive Peace Agreement and Kenya's Political Accord. *Global Governance: A Review of Multilateralism and International Organizations*, 22, 135-154.

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

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

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

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

10 Brereton, V. and Ayuko, B. 2016. Negotiating Security: Sudan's Comprehensive Peace Agreement and Kenya's Political Accord. *Global Governance: A Review of Multilateralism and International Organizations,* 22**,** 135-154.

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 Movement[13] 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 rejoin 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

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

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

13 Kane, R. 2014. Ritual formation of peaceful publics: sacrifice and syncretism in South Sudan (1991-2005). *Journal of Religion in Africa,* 44**,** 386-410.

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

15 Brereton, V. and Ayuko, B. 2016. Negotiating Security: Sudan's Comprehensive Peace Agreement and Kenya's Political Accord. *Global Governance: A Review of Multilateralism and International Organizations,* 22**,** 135-154.

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

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

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

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.

A peace accord ... has to extend further than the main players who have not been scarred by the violence ...

Furthermore, another challenge to the peace accord is the 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

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

20 Brereton, V. and Ayuko, B. 2016. Negotiating Security: Sudan's Comprehensive Peace Agreement and Kenya's Political Accord. *Global Governance: A Review of Multilateralism and International Organizations*, 22, 135-154.

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

22 Kane, R. 2014. Ritual formation of peaceful publics: sacrifice and syncretism in South Sudan (1991-2005). *Journal of Religion in Africa,* 44**,** 386-410.

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

24 Brereton, V. and Ayuko, B. 2016. Negotiating Security: Sudan's Comprehensive Peace Agreement and Kenya's Political Accord. *Global Governance: A Review of Multilateralism and International Organizations,* 22**,** 135-154.

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 peacemaking 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.

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

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

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

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

Prospects and Challenges of Peacemaking

The Case of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan

Joseph Madak Wuol

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The state of South Sudan has long been predicted to face challenges in its uncertain transition from a state of protracted civil war to statehood and nation building. It is the world's youngest nation and one of the poorest members of the United Nations. The Comprehensive Peace Agreement (CPA), signed in January 2005, partly concluded several decades of one of the longest civil conflicts in Africa between the Sudanese people. The CPA implementation culminated in a historic referendum that led to the declaration of an independent state of South Sudan on 9 July 2011.

In February 2009, the Wunlit Conference gave expression to the role of traditional authorities in national confidence and trust building related to post-conflict South Sudan. However, the deep and unresolved ethnocentric and power disputes amongst the top political leadership of the Sudan People Liberation Movement/Army (SPLM/SPLA), and especially between President Kiir and the opposition leader, Riek Machar, continued to bedevil any opportunities for a sustainable peace agreement and peacemaking after the outbreak of deadly violence on 15 December 2013. The Intergovernmental Authority on Development (IGAD) heads of states convened an extraordinary summit in January 2014 to stop the escalation in the crisis of political leadership. By August 2015, an Agreement on the Resolution of the Conflict in South Sudan (ARCSS) had been mediated and signed between the warring parties, paving way for the formation of the then-Transitional Government of National Unity (TGONU). However, just a few months before its implementation, the ARCSS collapsed due to violent clashes between the forces of the president and his former vice president on 9 July 2016. IGAD intervened further, managing to broker another cessation of hostilities agreement and initiate the revitalization of ARCSS in Addis Ababa in March 2017.

On 12 September 12, 2018, in Addis Ababa, the government of South Sudan under President Salva Kiir, various armed and unarmed opposition groups, and other parties, including the SPLM/A-IO led by Dr. Riek Machar, signed a peace deal – the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) aimed at ending the civil war. The R-ARCSS was mediated by IGAD and facilitated by the Government of Sudan. The R-ARCSS provides for the establishment of a Revitalized Transitional Government of National Unity (RTGoNU) whose term of office shall be 36 months, commencing eight months after signing of the R-ARCSS (as of September 12) or on completion of redeployment of "necessary unified forces." The Agreement provides that Kiir shall continue as president of South Sudan, with Dr. Machar assuming the position of the first vice president. According to the R-ARCSS, the RTGoNU shall be comprised of five parties:

1. The Incumbent TGoNU, comprising of: the former GRSS; the former SPLM/A-IO (led by Gen. Taban Deng Gai); and the Other Political Parties in TGo NU and represented, as such, at the HLRF;
2. The SPLM/A-IO (led by Dr. Riek Machar);
3. The Former Detainees (FDs);
4. Other Political Parties (OPP) outside of the Incumbent TGoNU including Alliance, Umbrella and political parties participating as such at the HLRF; and
5. The South Sudan Opposition Alliance (SSOA).

In addition to the president and the first vice president, the R-ARCSS provides that there shall be four other vice presidents in the Republic of South Sudan, who shall be nominated as follows:

1. Vice president to be nominated by incumbent TGoNU to oversee economic cluster;
2. Vice president to be nominated by SSOA to over see services delivery cluster;
3. Vice president to be nominated by incumbent TGoNU to oversee infrastructure cluster; and
4. Vice president to be nominated by FDs, who shall be a woman, to oversee the gender and youth cluster.

The first vice president (i.e. Dr. Machar) shall oversee the governance cluster. According to the agreement, apart from the first vice president, there shall be no hierarchy among the vice presidents and the ranking provided for in the agreement is "for protocol purposes only."

The R-ARCSS also provides details for the breakdown of the Council of Ministers and Deputy Ministers between the various parties and groupings, how the Transitional National Legislature (TNL) will be comprised, and how the Transitional National Legislative Assembly (TNLA) and Council of States shall be composed.

With regard to the Council of States, the 2015 ARCSS was signed on the basis of 10 states that existed per the South Sudan Transitional Constitution. However, the government later increased the number of states to 28 and later 32, a move the opposition called illegal and a violation of the Constitution and the ARCSS. The R-ARCSS now provides that, within two weeks of the signing of the R-ARCSS, the IGAD Executive Secretariat shall appoint an Independent Boundaries Commission (IBC): "The function of the IBC shall be to consider the number of States of the Republic of South Sudan, their boundaries, the composition and restructuring of the Council of States and to make recommendations on the same," states the agreement, with the IBC to complete its work within 90 days. Should the IBC fail to report, it will be transformed into a Referendum Commission on Number and Boundaries of States (RCNBS).

The agreement also provides for IGAD to appoint a Technical Boundary Committee (TBC) to define and demarcate the tribal areas of South Sudan as they stood on 1 January 1956 and the tribal areas in dispute in the country. The IBC and RCNBS are to take full account of the report of the TBC, which will form the basis for their decision and formulation of the question for the referendum. It is stated in the agreement that in the event that any tribe claims that the TBC report is violated, that tribe is entitled to resort within a maximum of two years of the alleged violation to arbitration and bring its case against the RTGoNU or any subsequent government of South Sudan before the Permanent Court of Arbitration at The Hague.

The text of the agreement reveals that R-ARCSS shall establish a transitional constitutional court and also provides for reforms of the judiciary, including but not be limited to the review of the Judiciary Act during the Transition; and the establishment of an ad hoc Judicial Reform Committee (JRC) to study and make recommendations to the RTGoNU for consideration.

Is the Peace Agreement and Peacemaking in South Sudan Sustainable?

According to Jean Arnault,[1] Center of International Studies, Princeton University, a good agreement will result in a durable peace, while a bad agreement will result in delays, setback, or even the collapse of the peace agreement implementation process. This article will shed light on the challenges and opportunities of both governance and security arrangements, and their role in enabling a sustainable peace agreement and peacemaking in South Sudan, and particularly the recently signed revitalization peace agreement. It is important to note that the major cause of the crises was the fall-out within the SPLM/A top leadership, and the consequent divide between the South Sudanese major ethnic groups (the Dinka and

1 Jean Arnault, (2001), Lesson for Mediation, Center of International Studies, Princeton University

the Nuer) along ethnic lines, combined with the heightened mistrust and incoherent working relationship at the top of the SPLM/A. Many South Sudanese think that the unfortunate demise of Dr. John Garang De Mabior (the movement's leader since 1983) in a plane crash in June 2005 created the leadership vacuum and the subsequent confusion in the organization's vision.

Attention regionally and internationally has shifted to the implementation of the signed R-ARCSS between the government and armed and unarmed opposition groups. Its implementation is important because it will end the past two years of resumed violence after the collapse of the ARCSS signed in Addis Ababa, Ethiopia, in August 2015. However, the unresolved post-conflict issues limit the chances for a durable peace agreement. These issues include, for example, weak institutional capacities (corrupt practices across different government levels and the misuse of authority), problems regarding viable political space, ethnically based politics, intertribal communal conflicts along borderlines regarding cattle grazing pastures, possession of illegal arms by civil populations and a lack of socioeconomic development.

For South Sudan's progress on the path to state and nation building to meet the benchmarks set by UNMISS and to emerge from its fragile post-conflict position, considerable work will be needed. The CPA and other subsequent peace agreements such as R-ARCSS have barely begun to foster the required security, peace and stability. In March 2018, at an extraordinary meeting of the IGAD heads of states in Addis Ababa, Ethiopia, the South Sudanese parties were encouraged to cooperate in IGAD's efforts to revitalize the 26 August 2015 peace agreement. A ceasefire agreement was signed by the parties, but its implementation remained shaky with several reports of continued violations, with the United Nations observer group continuing to raise concerns over attacks on civilian populations by the forces of the warring parties. Overcoming these challenges requires serious measures from the regional and the international community alike, in addition to those from the South Sudanese parties.

Trust-building is the bedrock upon which the desired working relationships in an organization are built among political leaders to attain their vision and mission.

The governance power-sharing deal signed on 5 August 2018 (a subset of the R-ARCSS) is believed to be flawed, including by the TROIKA countries (Norway, the USA and the UK) involved in helping South Sudan to emerge from the decades of conflicts. The leadership fallout within the SPLM has opened up issues surrounding weakened leadership resulting in malfeasance, self-interest and disregard for citizen priorities. Fortunately, Salva Kiir and Riek Machar have yielded to regional and international community pressure to reconcile their differences and have both agreed to work together. Similarly, the alliances of opposition inside and outside South Sudan, despite their dissatisfaction, have joined in signing the R-ARCSS. Efforts to help the South Sudanese leaders to reconcile and amend their working relationship remain problematic despite the humanitarian crisis and grave human right violations. IGAD and other members of the international community continue to exert pressure on the parties to ensure that the R-ARCSS is fully implemented and refugees and internally displaced persons (IDPs) return back to their homes.

According to Kate A. Knopf, stabilizing a nascent state such as South Sudan would require transforming extractive or predatory political and economic norms into inclusive, accountable institutions to manage political contests nonviolently and provide a good environment for sustained economic growth.[2] Trust-building is the bedrock upon which the desired working relationships in an organization are built among political leaders to attain their vision and mission. The role of traditional authorities, such as shown through the Wunlit Conference that operated at a grassroot level, are helpful in building trust and confidence amongst the neighboring communities. However, the authority that they can exercise in such a role largely depends on the prevalence of security and the political will amongst the main rival parties at the national level. The Wunlit Conference was able to achieve some success because of the implementation of the CPA. For example, today the three neighboring communities of Greater Lakes (Rumbek), Warap and Western Upper Nile have been able to maintain community peace with the exception of a recent flare up of military engagement due to the SPLM/A political power rivalry. Similarly, the national dialogue established by the government can function only if a peace agreement has been reached by the parties and implemented. Other civic society organizations can foster programs of peacebuilding to assist in building a sustained peace.

2 Kate A. Knopf, Consultant, Africa Center for Strategic Studies, Washington DC.

Governance and security arrangements are fundamental to any peace agreement and its implementation. Drawing on experiences in other post-conflict states, three critical tasks are important for building the momentum for peace: ensuring public safety and security, strengthening the capacity of the government, and creating peace dividends. The failure of most post-conflict peace agreements, including in South Sudan, are mainly the result of flawed modalities for the implementation of the security arrangement.

... focus on creating a conducive environment for ensuring public safety and security, and thereby fairy disburse peace dividends amongst the population ...

The current R-ARCSS agreement between the South Sudanese parties faces challenges related to the provision of public safety and security assurances. The implementation of the security arrangement is viewed by many as an exact replica of the past failed security deal that allowed for a recurrence of violence. The public are unsure whether the proposed role for regional forces and the proposed joint integrated forces of the warring parties will provide the necessary security and public safety during the pre-transitional arrangement or thereafter.

Ashraf Ghani, the president of Afghanistan, says that people in failing states know that it is the dysfunctional state that stands between them and a better life. He argues for decisive, legitimate governments that have a strong social contract with their own citizens and the international community.[3] This has been recognized for a considerable time: To take one example, all representatives of fragile states at the High-Level Forum on Aid Effectiveness in Accra, Ghana, September 2008, acknowledged the importance of legitimate government.

Provision of just and equitable employment opportunities to the diverse communities of South Sudan, and the provision of basic services such as clean drinking water, health services, education and food security, amongst others, in a transparent and accountable manner are important peace dividends for poverty-ridden communities to recover from the state of abject poverty created by years of relentless violence in the country. Often times, such unprecedented and complex conflict situations are fraught with the problems of conflict definition, rules of engagement and strategies. All of these are separate but connected: Often seen on a peace process continuum, they require different strategies to bring about holistic stability and transformational solutions. Importantly, it is primarily the South Sudanese parties who must use this opportunity to build confidence, trust and reconciliation amongst themselves to achieve a durable peace. They should focus on creating a conducive environment for ensuring public safety and security, and thereby fairly disburse peace dividends amongst the population to restore hope and tranquility.

The Khartoum-facilitated R-ARCSS revitalization no doubt carries over some unresolved issues into its implementation, yet many consider it a miraculous opportunity after years of IGAD mediation. Some of the described shortcomings would require a separate set of follow-up strategies between the guarantors (IGAD, TROIKA and the UN) and the parties. Primarily, the issues of executive and legislative power, the security and safety of opposition leaders and supporters, federalism, the thirty-two states, counties and states boundaries must all be addressed. It is a known fact that most agreements fail because of lack of balance in executive and legislative power-sharing between the parties, the current R-ARCSS is a case in point and is a replica of the collapsed peace agreement brokered by IGAD and signed on August 2015.

The revitalization of the ARCSS is not free from this dilemma, especially as no one is yet sure whether the agreement will be implemented in its current form, give the technical limitations that it faces.

The IGAD Council of Ministers continues to facilitate the final steps but there are doubts about the agreement comprehensiveness and whether it will herald the needed transformation considering the plethora of irregularities that colored the process. However imperfect it is, there is hope though as the government of Sudan, the lead mediator, expressed willingness to commit its resources at all levels to ensure the implementation of the agreement. During the 5 August 2018 signing ceremony in Khartoum, Omar Hassan Al Bashir, the current president of Sudan stated that the security and the economy of South Sudan and Sudan are interdependent: "It

3 Ashraf Ghani, Afghan president, statement at Aid Effectiveness Conference, Accra, Ghana, 2004

is incumbent upon us, the Sudanese, to help our brothers from South Sudan to have durable peace through comprehensive implementation of this agreement". [4] It is hoped that some of the shortcomings of the agreement implementation will be addressed, creating an opportunity for the people of South Sudan to have peace, and bringing to an end the violent conflict with its accompanying mass internal displacement.

About the Author

Joseph Madak Wuol is a South Sudanese former head of Government Performance Management Secretariat, currently pursuing his doctoral education at the School of Public Policy and Administration at Walden University in Maryland, USA.

4 Omar Ahmed El Bashir, president of the Republic of Sudan,(25th August 2018), Signing Ceremony of the South Sudanese Opposition Groups of the Governance and Security Arrangement Agreement, Republican Palace, Khartoum, Sudan.

A Bad Peace is Better than a Good War

The Case of South Sudan

Nichola Mandil Ukeil
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The above headline may strike some readers with amazement – what does a bad peace entail, and what constitutes a good war? For sure, you will only grasp the substance of this piece if we read it to the end.

It should be understood that the two notions are not my own inventive concept of peace and war. These perspectives have been coined as a result of the protracted civil war in South Sudan that has caused the loss of lives and huge suffering.

The conflict in South Sudan is almost five years old, since it erupted on 15 December 2013 in the nation's capital, Juba. Efforts to end the conflict have been led by the regional security and trading bloc, the Intergovernmental Authority on Development (IGAD), which has mediated between the warring parties in South Sudan, with the government on the one side and the Sudan People's Liberation Movement/Sudan People's Liberation Army in Opposition (SPLM-SPLA-IO) on the other.

The Ethiopian capital, Addis Ababa, was chosen to be the venue of the negotiations. The first round of talks kicked off on 4 January 2014 at Sheraton Hotel at around 7 p.m., Ethiopian local time. The author was present as part of the media team that was there to cover the big event in Africa on that day.

The negotiations went on for nearly twenty months, as there were gaps in the talks, as well as moves to include other belligerent groups that were not initially parties to the conflict in the name of "inclusivity."

The involvement of other groups such as the women's bloc of South Sudan, civil society organizations (CSOs), the eminent personalities, faith-based groups from the South Sudan Council of Churches (SSCC) and the South Sudan Islamic Council, and other groups, seems to have delayed the peace process in a way, due to the fact the warring parties had to amend the Declaration of Principles (DoP) in order to bring aboard these new groups.

Analysts criticized the involvement in the negotiations of non-state actors who were not parties to the conflict. Responding to this criticism, Bishop Enock Tombe Stephen Loro, the Emeritus Anglican Bishop of the Diocese of Rajaf, who headed the delegation of the faith-based interests, in an interview with the author in Addis Ababa, said, "We have come in to help push the warring parties to end the war and bring lasting peace to South Sudan. If they

were able or capable of ending the war, why not do it? Let them end the war. Since they are not able, we have come in to push them and tell them the people of South Sudan want peace." [1]

... there were gaps in the talks ... and moves to include other belligerent groups that were not initially parties to the conflict in the name of "inclusivity."

The negotiations went on for many months and on 17 August 2015, a final peace deal dubbed the "Agreement on the Resolution of the Conflict in the Republic of South Sudan" (ARCSS) was signed. The deal was inked by the leader of the SPLM-SPLA-IO, Dr. Riek Machar Teny, and Mr. Pagan Amum Okech, the leader of the group that calls itself SPLM Leaders or the Former Political Details (FDs).

President Salva Kiir Mayardit, who initialed the agreement, did not sign it immediately in Addis Ababa. According to the IGAD chief mediator, Ambassador Seyum Mesfin, President Salva Kiir had asked for a period of two weeks to enable him to return to Juba to consult with his constituencies and then he would return to Addis Ababa to sign the peace deal.

However, in under two weeks, President Salva Kiir contacted the IGAD mediation team, and the copy of the signed agreement was brought to Juba and, on 26 August 2015, President Kiir inked the agreement at the Freedom Hall in Juba. The signing ceremony in Juba was witnessed by regional leaders from Ethiopia, Sudan, Kenya and Uganda. The gesture by President Kiir to sign the agreement was welcomed, but there were seventeen reservations that were also presented by the South Sudan government. Copies of the reservations were distributed to the media and to those who witnessed the signing of the agreement.

Many analysts and monitors dreaded that the reservations presented by the government would not lead to a smooth implementation of ARCSS. A renowned South Sudanese lawyer and advocate, Youhaness Yor Akol[2], who was addressing a group of civil society activists in Juba just a few days after President Kiir signed the agreement, commented:

"The reservations presented by the government are time bombs and landmines awaiting the implementation of the peace agreement. As civil society, be careful and study these reservations very well. But the good news is that you have the Joint Monitoring and Evaluation Commission (JMEC), it is like a court where you will meet monthly and if you have issues, bring them to JMEC."[2]

Speaking as a lead facilitator, Mr. Yor urged the civil society activities to make good use of JMEC as a monthly forum to evaluate the implementation of the peace agreement and assess the compliance of the parties to the provisions of the peace agreement.

Many would agree that the statement of Mr. Yor was a prediction as to what happened at the State House (J1) in July 2016, when the bodyguards of President Kiir and the bodyguards of his former First Deputy Dr. Machar clashed, prompting renewed violence in Juba that left more than 300 people dead, according to the reports by the United Nations and other humanitarian agencies. That scenario forced the first vice president, Dr. Machar, who had taken the oath of office a few months before that, to flee the country. As he departed Juba and fled into the bush, Dr. Machar made a statement through Al Jazeera and the international media that the peace agreement had "collapsed and the country was back to war."

The collapse of the peace agreement and the renewed violence in different parts of the country compelled the chairman of the JMEC, Mr. Festus Mogae, the former president of Botswana, to suggest to the IGAD heads of state during their extraordinary summit in Addis Ababa in June 2017 to call for a new process to revitalize ARCSS. His belief was that the new process would re-energize the peace process and put life back into it. The process started again, and delegates convened in Addis Ababa with the aim of fortifying the peace agreement.

The process moved from one city to another: Addis Ababa, Ethiopia, to Kampala, Uganda; from Kampala to Khartoum, Sudan. Extensive trips by South Sudanese politicians to and fro to engage regional leaders led to the signing of the Agreement on Cessation of Hostilities, Protection of Civilians and

1 Bishop Enock Tombe is a civil engineer by profession who served as General-Secretary of the Sudan Council of Churches (SCC) in Khartoum between 1995-2002. He was appointed Bishop of the Episcopal Church of the Sudan to head his home diocese of Rajaf on the outskirt of Juba. He retired in January 2018 and is currently active in the peace process.

2 Youhaness Yor Akol is an independent South Sudanese advocate and elderly brother of the renowned South Sudanese politician Dr. Lam Akol Ajawin. Mr. Yor used to run an independent law firm in Juba.

Humanitarian Access on 21 December 2017 in Addis Ababa. This was seen as the first step in the right direction to the revitalisation process of the ARCSS.

A Breakthrough in Khartoum

Finally, a breakthrough was made by the parties in the Sudanese capital Khartoum on Sunday 5 August 2018 when President Kiir and his archrival Dr. Machar signed an agreement on power sharing, which followed their commitment to cease hostilities and observe a permanent ceasefire. The deal was hailed by many as a step in the right direction to end the five-year conflict in South Sudan and was the final step to the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS), which was later signed as outlined above.

Although the signing in Addis Ababa was not hailed as much as the signings in Khartoum, it marked the end of a stage in the R-ARCSS. The R-ARCSS will establish a Revitalized Transitional Government of National Unity (R-TGONU), which will be shared by the elites who have been fighting one another for nearly five years.

At this point, it must be remembered that the aim of a peace agreement is to stop the conflict. Ultimately, this involves sharing power amongst the elites. This is the concept of a peace agreement. But this peace agreement must also create a system of governance that serves the people of South Sudan and helps provide security to the citizens and delivers services, which have been absent while the conflict ravaged the country.

Release of Prisoners of War

As part of the implementation of the R-ARCSS, the warring parties, specifically the government of South Sudan and the SPLM-SPLA-IO, are supposed to release all the Prisoners of War (POWs) in their custody with immediate effect.

As part of this commitment, in September 2018 President Kiir ordered the release of all POWs and other political detainees from the government's detention facilities. President Kiir called the release of POWs "a positive step for confidence building."

The order was announced on South Sudan Broadcasting Corporation (SSBC) in Juba and welcomed by the SPLM-IO.

"The release of political detainees and prisoners of war will definitely create a conducive environment for confidence building, which is critical to the implementation of the R-ARCSS. As SPLM-IO, we are happy because the political detainees and prisoners of war will be freed," said Mr. Manawa Peter Gathkuoth, SPLM-IO deputy spokesperson.[3]

This order for the release of the POWs is one step in the right direction to the implementation of the R-ARCSS. It should be respected and implemented by all the parties in the interest of peace in South Sudan.

3 Manawa Peter Gathkuoth is the deputy spokesperson of SPLM-IO Mahar's faction. He was quoted by The Dawn English daily newspaper, published in Juba Monday October 1, 2018, page 2, Vol. 3 Issue 762.

Archbishop Lukudu: Sincere Change of Heart Needed for Peace

As the R-ARCSS enters a pre-transitional phase, a church leader in South Sudan made a call for a change of heart for the sake of peace.

Paulino Lukudu Loro[4], the Metropolitan Catholic Archbishop of Juba, who was presiding over a church service to mark the centenary of faith at the parish level of St. Theresa Cathedral, said on Sunday 30 September 2018, "I saw [that] people have been moving to Khartoum, Addis Ababa and Kampala in search for peace. There are options for us to look for this peace, wherever we can find it. […] Let us accept what we have agreed upon in this revitalized peace agreement. If it is yes, let it be yes for peace. Meaning it is good for all of us. Therefore, we must seriously work for the implementation of this peace agreement."

He added, "There is no need to hate one another, and there is a need for a sincere change of heart for the sake of peace. Let all come and let us all together work for peace. Let there be security in our country as a result of this peace agreement."

A Bad Peace or a Good War

If this peace agreement, the R-ARCSS, holds and can stop the war it can be a good peace. However, there are accusations and counter accusations by the parties to the R-ACRSS. If it fails (God forbid), but conflict does not resume, then there will be a bad peace.

My question is whether a bad peace is a better than the so-called good war, which was glorified by some warlords. War by any degree is bad, and peace by whatever degree is something good. But war can be good for some people because it creates opportunities for them.

Some of these opportunities include getting into power or government. War becomes a conduit for some people to get power: It becomes a good thing for anybody who wants to get into power, sleep in hotels, fill their pockets with money, local and hard currency, eat good food, fly to conferences in any part of the world as they wish.

All these happen at the expense of poor men and women where the war is fought. For such people, peace is always a bad thing, because it prevents them from getting what they want. Peace is a threat to those who always want to cause chaos in order to eventually make their way into the government. Peace is also a bad thing for some people who, though not directly involved in the conflict, benefit from the mayhem that comes as a result of war.

Some people may be in the government, and when there is war, they celebrate, because the prolonged period of the conflict keeps them in power. Often, they derail the peace process by their behavior and actions. Such people are not far from the spoilers of peace. They find themselves in a safe haven when there is a war in their country.

The logic behind this argument is that peace is a threat to some people who would want to stay in power for a long time. Peace is a threat to them because with peace come some conditions: power sharing with the former foes and transitional justice in the form of the hybrid court of South Sudan.

> ***… Peace is a threat to them because with peace come some conditions: power sharing with the former foes and transitional justice in the form of the hybrid court of South Sudan.***

This court, if established, would facilitate the trials of those who committed atrocities before, during and after the five-year conflict in South Sudan. Analysts see the establishment of hybrid court for South Sudan under the terms of R-ARCSS as a litmus test of the commitment and respect of human rights by the government of South Sudan.

Here comes my argument: a peace agreement to whatever degree, and whatever may be its provisions, if it can stop a war or conflict, is a good peace. But if it is just a signed piece of paper that stops the war only for a short period of time and then people return to war, then it is not a good peace for people!

If this peace agreement can end the five-year bloody conflict in South Sudan, it should be welcomed. It will be a good

4 Archbishop Paulino Lukudu Loro is the senior Catholic Bishop in South Sudan and a vocal church leader.

peace. But as Archbishop Loro said, there is a need for a sincere change of heart for the sake of peace in South Sudan. This call that the archbishop made was in the presence of President Kiir, who attended the church service at St. Theresa Cathedral Kator.

At the end of the day, this peace agreement can deliver a good peace. The war that has ravaged the country over the past five years cannot be termed a good war at all!

About the Author

Nichola Mandil Ukeil is an award-winning South Sudanese journalist, who won an award as "Journalist of the Year in South Sudan (2015-2016) for "Excellent Reporting on the South Sudan Peace Process." He is a freelance journalist and an independent media consultant and trainer, a part-time journalism instructor at the College of Arts and Humanities, Department of Mass Communication, University of Juba; and at Strafford International University College, College of Economics and Social Studies, Department of Mass Communication and Journalism.

III

Making Sense of the Revitalized Agreement in Light of the Past

Learning From the Past: The Way Out of South Sudan's Crisis

Merging lessons learned from the Wunlit Conference of 1999, the Sudans' Comprehensive Peace Agreement of 2005–2011 and the Agreement on the Resolution of Conflict in South Sudan 2015–2018.

Mabior P. Mach
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Introduction:

On June 25, 2018 in Khartoum, President Salva Kiir and the leader of the major armed opposition, Dr. Riek Machar, signed an agreement declaring a ceasefire between their forces throughout the country and committing themselves to reaching another comprehensive agreement. This step follows disagreements during the second phase of a forum intended to ostensibly revitalize the Agreement on Resolution of Conflict in South Sudan (ARCSS). The regional bloc mediating the process, The Intergovernmental Authority on Development (IGAD), convened the recent meetings of the High-Level Revitalization Forum (HLRF) at the end of May 2018. However, despite the presence of church leaders, the parties failed to reach consensus on key issues and rejected a power-sharing proposal that IGAD eventually submitted. But on August 30, 2018 in Khartoum, Kiir and Machar initialed the revitalized agreement (R-ARCSS) and officially signed it in Addis Ababa on September 12, 2018, bloating the future unity government with several ministers and vice presidents. Rushing through a power-sharing agreement without resolving the root causes of the conflict is not only a meaningless political experimentation, but an unnecessary formalization of hypocrisy and the use of force to access political power. It deprives the voice of reason the power it deserves in shaping democracy. It rewards violence, incentivizes anarchy and, pathetically, cements the foundations for durable political instability and civil strife.

A moral, acceptable and just mechanism should understand the causes of the conflict, objectively identify the negative and positive actors, and set forth the basis for working with truth, discouraging hypocrisy, lies and deceit.

This paper, therefore, builds on lessons learned from the Wunlit Peace Conference of 1999 (WPC), the 2005 Comprehensive Peace Agreement (CPA) that ended the war in Sudan and led to independence of South Sudan in 2011, and the 2015 ARCSS that was to be resuscitated through the IGAD-led HLRF, to outline the key elements that in the author's view would constitute a working solution to the conflict in South Sudan and safeguard democracy in the long term.

Overviews of the Peace Agreements:

Wunlit Peace Conference (WPC), February–March 1999:

In 1991, a brutal split shook the then-rebel movement, the Sudan People's Liberation Movement/Army (SPLM/A).[1] Another division occurred within the SPLM/A in 2013, this time constituting South Sudan's ruling party/national army, resulting in widespread violence, population displacement and killings.[2] The 1991 split took place when Dr. Riek Machar and Dr. Lam Akol, who were senior commanders in the SPLA, announced the ouster of their chairman and commander in chief, Dr. John Garang, accusing him of human rights abuses and dictatorial behavior. Soon, fighting in areas that resisted Dr. Riek's supposed new leadership quickly took on ethnic undertones, leading to the infamous Bor Massacre, in which thousands of civilians were brutally killed in the Dinka Bor area, the hometown of Dr. Garang.

> ***A moral, acceptable and just mechanism should … set forth the basis for working with truth, discouraging hypocrisy, lies and deceit.***

Dr. Riek's group eventually disintegrated, with Dr. Lam forming his own faction. In 1996, after Dr. Garang's faction had retained and even won more support, Dr. Riek fled to Khartoum, where he signed the Khartoum Peace Agreement (KPA) in 1997. Although the KPA elevated Dr. Riek to the position of assistant president and promised self-determination for southern Sudanese, it remained unimplemented. Meanwhile, violent confrontations between the Nuer and the Dinka persisted. In 1998, to end the continued civilian deaths, the Sudan Council of Churches held a reconciliation conference for community chiefs from both Nuer and Dinka on the West Bank of the River Nile.[3] This led to the WPC in Tonj, in the Bahr al-Ghazal region. Participants agreed to avoid attacks on each other and use dialogue to resolve disputes as opposed to mobilizing armed soldiers from one's ethnic group.

However, the WPC notably adopted a "let's unite against Khartoum" approach that fell short of delivering justice for victims. Dr. Riek reluctantly supported the WPC agreement in the hope that it would generate more pressure on Khartoum to fully implement the KPA.[4] The WPC, therefore, effectively managed to halt the violence but did not heal the wounds, with the result that any subsequent misunderstanding could easily tear apart the relative calm and re-open old wounds. In addition, the conference had no mechanism for ensuring long term mutual harmony.

The CPA 2005–2011:

After the WPC, the SPLM/A started reuniting. In 2002, Dr. Riek left Khartoum and returned to the fold; in 2003, Dr. Lam, who took his own path to Khartoum in September 1997, also rejoined the SPLM/A. In 2005, the CPA was signed, ending the longest war in Africa and paving the way for independence of South Sudan on July 9, 2011, after a referendum six months earlier. Fundamentally, the CPA was crafted around a "one-country, two-systems" approach, with the aim of transforming Sudan from a prospective Arab monolithic hegemony into a secular New Sudan of equality, justice and prosperity for all.[5] It addressed contentious issues such as the separation of religion from the state, the exploitation of resources in southern Sudan and the neglect of the region's development, the dispute over the Abyei region, the identity of the people of the Blue Nile and Southern Kordofan, and self-determination for the people of southern Sudan.

In order to make all parties vital stakeholders in ending the war and transforming Sudan, the CPA guaranteed reasonable participation of all political forces in the country. The CPA, however, was too idealistic in ignoring the differences amongst the southern Sudanese, given that it was attempting to first address the national decay. Thus, it failed to resolve historical injustices. The success of the CPA also hinged on an unwritten rule of two states and two systems under one federal government. There were two armies because the southern Sudanese felt they needed to retain a force to defend the

1 Additional information is available on Global Security website, under an article titled 'South Sudan – Tribal War', available on https://www.globalsecurity.org/military/world/war/south-sudan-1991.htm

2 A UN report details the incidents of killing. See the link: https://reliefweb.int/sites/reliefweb.int/files/resources/UNMISS%20Conflict%20in%20South%20Sudan%20-%20A%20Human%20Rights%20Report.pdf

3 Further information is provided by the Human Rights Watch, in an article titled 'The Wunlit Nuer-Dinka reconciliation process', available on https://www.hrw.org/reports/2003/sudan1103/13.htm

4 For more information, see https://www.hrw.org/reports/2003/sudan1103/13.htm

5 A copy of the CPA is available on http://www.icnl.org/research/library/files/Sudan/SummaryCPA.pdf

deal against violations, after a lengthy record by Khartoum of reneging on and dishonoring agreements. However, the provision on Joint Integrated Units (JIUs) created reassurance and affirmed the belief that Sudanese were, indeed, still one people who could resolve their differences, thus maintaining a level of hope for unity.

ARCSS, August 2015–October 2018:

There is no consensus about the gunfire that erupted in Juba on December 15, 2013, and plunged South Sudan into war even before the new country had celebrated its third Independence Day. Some believe Dr. Riek had attempted a military coup after failing to secure his interests at the ruling party conference on December 14, 2013.[6] That conference was held five months after Dr. Riek was sacked from his position of vice president, a seat he had occupied since 2005. Dr. Riek, along with a range of ministers and senior party officials who had lost their jobs, reacted with threats to national security, incitement of the armed forces, and with an angry bid to oust their boss[7]. But others believe that President Kiir enacted a drama to allow him to purge political dissent.[8] A group of [11] senior SPLM members and former ministers were arrested and charged for allegedly taking part in the "coup," but the trial abruptly ended in early 2014 after pressure from diplomats and regional leaders.[9] This group became known as the Former Political Detainees (FDs).

... it was not a negotiated political settlement but rather a wishful agreement imposed by the mediators and the international community.

However, what's clear is that the gunfire stemmed from a clash among the Presidential Guards, known as Tiger, between those allied to President Kiir and those allied to Dr. Riek Machar.[10] Some SPLA generals from different units switched sides and Dr. Riek quickly mobilized a force (SPLA-In Opposition, known as the IO) with which he wanted to seize power. Despite mediation efforts by IGAD, the conflict spread, with reports of soldiers on both sides raping and killing women, targeting civilians based on their ethnicity, and inflicting other forms of gruesome abuses and violations.[11] Thousands were killed, and millions displaced from their homes.[12]

In August 2015, the three factions of the SPLM (SPLM - In Government under President Kiir, SPLM-IO and FDs) along with other political parties, signed the Agreement on the Resolution of the Conflict in South Sudan (ARCSS). From the beginning, the ARCSS was deeply flawed and destined to collapse as it was not a negotiated political settlement[13] but rather a wishful agreement imposed by the mediators and the international community.[14] It lacked a sense of ownership amongst the parties. President Kiir was clearly not pleased with it and issued a list of reservations[15] after signing the accord in Juba on August 26, 2015, several days after Dr. Riek and the FDs signed it in Addis Ababa.

In addition, the provision of Hybrid Court to try suspects of abuses and violations during the conflict created no motivation for fully implementing the agreement[16] since all sides

6 Dr. John Akech of the University of Juba provides more information on this, in the article: South Sudan: Making Sense of December the 15th, Start of War – Part 1 and 2, available on http://www.sudantribune.com/spip.php?article55339; http://johnakecsouthsudan.blogspot.dk/2014/01/

7 More information is available on http://www.sudantribune.com/spip.php?article49087

8 For further information, see https://www.csis.org/analysis/coup-south-sudan

9 Radio Tamazuj provides more information about the court process in the news story available on https://radiotamazuj.org/en/news/article/kiir-regrets-sparing-lives-of-machar-pagan-group

10 Report of AU Commission of Inquiry on South Sudan provides detailed findings and analyses in relation to what happened on Dec 15, 2013, and its aftermath. Read the report on https://reliefweb.int/sites/reliefweb.int/files/resources/auciss.final_.report.pdf

11 Human Rights Watch compiled a report on the abuses and violations, available on https://www.hrw.org/news/2014/08/08/south-sudan-massacres-unlawful-killings-pillage

12 Reuters reported on the death toll. See https://www.reuters.com/article/us-southsudan-unrest-un/u-n-official-says-at-least-50000-dead-in-south-sudan-war-idUSKCN0W503Q

13 It was not negotiated as President Salva Kiir felt he was forced to sign. See more on https://www.nation.co.ke/news/africa/We-signed-peace-deal-under-duress--Kiir-claims/1066-2311816-mlecgu/index.html

14 Africa Confidential reported on the excessive pressure from the international community. https://www.africa-confidential.com/article-preview/id/5198/A_deal_under_duress

15 The full list of the reservations is available on https://paanluelwel2011.files.wordpress.com/2015/08/president-kiirs-reservation-to-the-igad-peace-agreement.pdf

16 Kiir and Machar testified about how the court is a threat to the agreement. The testimony was published by The New York Times. See https://www.nytimes.com/2016/06/08/opinion/south-sudan-needs-truth-not-trials.html

were accused. Instead, it sucked away any basis for mutual trust and motivated rivalry among the parties in the hope that justice would be seen through the victor's perspectives. The ARCSS should have drawn from the successes of the WPC, which gave warlords on both sides assurances that they were not working for their own peril. To ensure accountability in the long term, the Hybrid Court should have been the preserve of an elected, sober government that was not driven by bitterness or the urge for vengeance. Peace and justice go together, but none should be allowed to impede the other, as long as there is a way for achieving both in the medium and long term. While the WPC conference totally ignored the resolution of injustices, its success in the short term could be used to secure peace. In the medium and long term, an elected, sober government would have the mandate of resolving historical injustices.

Granted, the ARCSS provided for Joint Police Units. But by entrenching the existence of different military forces with separate commands in one country without a uniting formula (such as the JIU through the CPA), the ARCSS ensured both sides drifted apart even when there was no political reason for doing so. The crafters tried to make the ARCSS into the CPA – but it was not. The ARCSS unnecessarily rewarded aimless fragmentation and visionless divisionism. One example was the allocation of the speaker position to Equatoria as if the people of Equatoria were not among the parties represented.

Further, ARCSS implementation started with a violation. Dr. Riek insisted on coming with more angry soldiers and superior weapons[17] than was specified under the agreement[18] – and this was accepted. Thus, the agreement brought the battlefield, once again, to Juba without putting in place the basics for restoring mutual trust. The result was stirred tensions between the guards of President Kiir and Dr. Riek at Gudelle suburb in Juba on July 7, 2016.[19] A meeting at the Presidential Palace to resolve this impasse resulted in more deadly gunfire on July 8, 2016.[20] Soldiers fought while the president, the first vice president and other senior government officials were in the meeting room. The leaders were safe, and President Kiir and Vice President Wani Igga protected Dr. Riek and ensured he was taken to his base in the Jebel Kujur suburb in the west of Juba.[21] President Kiir called Dr. Riek for another meeting the next day, but Dr. Riek declined. Further fighting ensued. Dr. Riek eventually fled Juba and was pursued by government soldiers[22] until he was picked up by UN forces after crossing into the Democratic Republic of Congo.[23] Although the IO in Juba nominated Taban Deng Gai to replace Dr. Riek, this incident created disunity amongst the IO and affected the credibility of the Transitional Government of National Unity.

Another reason for the failure of ARCSS is the lack of financial support. The body that was entrusted with monitoring the implementation – the Joint Monitoring and Evaluation Commission (JMEC) – was underfunded, making it difficult to see through reforms such as the relocation of military forces at least 20 kilometers outside Juba, the training of the police force and other reforms of key institutions.[24] Yet the government, after years of staggering corruption and conflict that resulted in high inflation, was banking on the support of the guarantors.

The High-Level Revitalization Forum (HLRF):

Having seen the major shortfalls of the Agreement on the Resolution of the Conflict in South Sudan (ARCSS), it would be expected that a follow-up initiative, such as the High-level Revitalization Forum (HLRF), would be more reasonable and relevant in terms of addressing the crux of the matter. However, the HLRF stinks of bad faith in its approach to seeking a new agreement only when the old one was expiring. If it was grounded in serious concern to end deaths and suffering in South Sudan, it should have been held soon after July 2016 to resolve issues surrounding the fighting.

Shockingly, the international community appeared to have

17 This was reported by Eye Radio. See http://www.eyeradio.org/machar-enter-juba-with-laser-guided-missiles/

18 The specific number of soldiers that should have accompanied Dr. Riek Machar is stated in a report on this link http://jmecsouthsudan.org/index.php/arcss-2015/full-agreement/60-outcome-of-the-meeting-on-planning-implementation-of-the-agreement-number-of-forces-november-3-2015/file

19 For more information, visit https://www.bbc.com/news/world-africa-36763076

20 Further information is on https://www.nation.co.ke/news/africa/Gunfire-erupts-in-South-Sudan-capital/1066-3286630-15ntcbp/index.html

21 Further information is available on https://www.youtube.com/watch?v=hO-QEyFk-4do

22 News report by Radio Tamazuj provides further details. Visit https://radiotamazuj.org/en/news/article/south-sudan-peace-monitors-urge-kiir-to-stop-pursuing-machar

23 BBC reported on how Dr. Riek went to DR Congo. Visit http://www.bbc.com/news/world-africa-37116862

24 Eye Radio reported about the shortage of funds to implement reforms. Visit http://www.eyeradio.org/peace-partners-failed-provide-funds/

accepted Taban Deng Gai's elevation to the position of first vice president[25] without an idea about what happens in the long term.[26] Indisputably, Taban and Kiir seem to enjoy a better working relationship and there is currently no war on the battlefields in South Sudan. The problem now is about going beyond the politics of war and opportunism and the rhetoric of peace into "lasting peace." Long, endless transitional periods for elites to share power and grumble over it cannot chart the way forward. This approach rather promotes the attitude of "we better lose it all" among politicians, giving no room for compromise in the people's interest.

The Way Out:

The current conflict in South Sudan is elitist, caused by a struggle for power and the resulting control over resources. Its resolution should, therefore, emphasize the use of peaceful means to access or retain power. Rushing to power sharing deals as quick-fix solutions, without addressing the root causes of the conflict and the underlying issues, rewards selfish "warlordism" and entrenches violence as the means of getting power.

As long as they are rivals over power, there is no convincing evidence they will not sing the rhetoric of reform publicly and, in the dark, continue entrenching what promotes their selfish interests.

In spite of its flaws, the HLRF (and its product R-ARCSS) can however be used to address political power wrangles in the short term. HLRF should, therefore, be redirected. Firstly, the HLRF should recognize that the current problem in South Sudan is no longer about war, but rather about moving beyond the politics of war and the rhetoric of peace into lasting peace. Secondly, the Hybrid Court should be scrapped. Thirdly, the rhetoric about reforms should be ended, except those centered on political and media freedom, because the elites who established the current system and clashed over jobs all have interests to advance through corruption even in the civil service and independent institutions. As long as they are rivals over power, there is no convincing evidence they will not sing the rhetoric of reform publicly and, in the dark, continue entrenching what promotes their selfish interests.[27]

The HLRF's subsequent phases, or any other peace initiatives, should focus only on power sharing over a short transitional period, so that all parties become stakeholders in guaranteeing reliable security, the return of civilians to their homes, and, more importantly, securing the space for political and media freedom. This will secure a peaceful and stable environment for general elections at the end of the transitional period. Since fighters are drawn from the communities, the National Dialogue process should be fused into the HLRF (and R-ARCSS) to resolve the conflict at the community level. By doing so, warlords will not be able to easily mobilize community youths against the other for their selfish interests, since there will be fewer conflicts to take advantage of at the grassroots level. By returning power back to the people, the elites will retain or be able to access power through votes instead of resorting to guns to kill the same people they should have protected. With no easy way to mobilize

25 After Machar's ouster, the US proposed he should be blacklisted by the UN. More information available on https://www.reuters.com/article/us-southsudan-security-un-idUSKBN13D238

26 In a report, the chairman of the body monitoring the peace agreement in South Sudan spoke about the despair among key members of the international community in relation to the way forward. The report is available on https://radiotamazuj.org/uploads/media/58efad0fa6842.pdf

27 John Prendergast, quoted by Time, spoke about the interests of the leaders that overcome the national interest. Visit http://time.com/4303056/south-sudan-riek-machar-civil-war/

youths to violently retain or access power, and with no threats of humiliation through the hybrid court, even warlords will be willing to compete against the other in elections. This is the only path to democracy and lasting peace in South Sudan.

About the Author

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Ways of Sustaining Durable Peace and Reconciliation After Conflict

The Case of South Sudan

Abui John Garang
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Background

Looking back at South Sudan's history, even before independence the country underwent many difficult times brought about by wars fought on her soil. These included the Anyanya wars (1955–1972) and the recent war that lasted for over two decades (1983–2005), also known as the First and Second Sudanese Civil Wars, respectively. Over two million people died in the second war and millions were displaced as IDPs and refugees into different parts of the continent and the world at large. The war has fragmented historical community relations. During this period of war, international and nationally based nongovernmental organizations and people of goodwill tirelessly offered humanitarian and emergency services to the people in IDP camps and refugee camps but worked little on peace building and reconciliation among different tribes. In 2005, the civil war ended with the signing of the peace agreement in Nairobi, Kenya, ushering in a transitional government of national unity, allowing Southerners self-rule from 2005–2010, and Southern Sudan to decide its future in a referendum. With independence in July 2011, the country set off on a new footpath as the youngest nation in the family of nations. People were full of hope and plans were underway to develop the country. However, the Sudan People's Liberation Movement/Army (SPLM/A)-led government failed to work on reconciling the communities that the last war had made into adversaries.

The post-independence conflict that began in December 2013 threatens to destroy almost all the small progress that was made during and after the Comprehensive Peace Agreement (CPA). The result of the ongoing conflict is that the country is now divided along both political and ethnic lines, with around 1.9 million people being internally displaced and some taking refuge in neighboring countries. As a result of this massive displacement, communities' lives have been disrupted and minimal developmental activities have taken place. The political turn of events in the country now challenges the democratic governance, transparency and accountability of the government to the people. In addition, the current attempt to fight for peace is now being put on attack by different personal interests from leaders.

It is a sad fact that conflict affects many countries, and that there is an irrefutable link between conflict, peace and development. South Sudan is no exception to this. It has been affected by wars and suffers from compounded forms of insecurity and tribalism, leading to poverty, malnutrition, socioeconomic underperformance and underdevelopment, and general instability.

Development achievements rely on good governance, the rule of law, justice and peace, and freedom of expression. Once these begin to be in place, they work as fundamental factors that encourage individuals and communities to be involved in peace building and development. A democratic and peaceful environment and reconciliation is an added value to the ingredients of development and sustainability. They create room for people's participation in shaping the future of a country through the decision-making processes. In the absence of the rule of law and democratic processes, impunity becomes the order of the day. As a citizen, my understanding is that these pillars for the growth and development of a country require organized civic education programs. There is dire need to incorporate them in development and peace building drivers at all the levels of administration of the state/nation.

... the country is now divided along both political and ethnic lines, with around 1.9 million people being internally displaced and some taking refuge in neighboring countries.

The resurgence of violent conflict barely two years after independence is a sad experience and a drawback from the historical social cohesion that existed among the South Sudanese people and what was gained during the journey to independence. This occurrence challenges democratic and peacebuilding institutions/organizations, raising sharp questions such as; what went wrong? What was lacking, and was there anything we didn't emphasize during the years of our presence on the ground but was important and led to this outcome? The answers to these questions may somehow lead us to a new start and the reorganization of peacebuilding work that contributes to the sustainability of programs and community relationships.

While peacekeeping takes center stage in the arena of civil wars, little attention is given to other branches, such as peace building. Building relations, healing the wounds and not creating support mechanisms is one reason that causes unsustainability. There are no strong established conflict mitigating structures that respond early enough to conflict indicators whenever they are identified and that call for an early response, hence pre-empting the outbreak of violent confrontation.

As a citizen, there are so many pending questions to be answered by the authorities and all people inhabiting the country. These include, if we were fighting the first Anyanya and SPLA/M war just to gain our freedom from the oppression of Khartoum, then what are we thinking about our national aspirations for a peaceful South Sudan? How do we manifest the love for our country? How do we imagine a peaceful society that coexists in tolerance to ourselves? How do we forge unity in the midst of the social, political and economic divides created by the conflict. In answering these questions. I believe that there is a need to build and establish democratic systems and sustainable structures that support community-based initiatives. Such structures are essential and will contribute considerably to sustain investments directed to the community and to the nation as a whole. Peace and reconciliation are the way forward to remove and control conflict, and for any nation to coexist peacefully and develop all its citizens should collectively work for peace. Desmond Tutu, the Anglican Archbishop Emeritus of South Africa, was reported to have commented from within the situation of social revolution in South Africa that, "without reconciliation, there is no future".[1] This underscores the desire of any country for peace and conflict resolution. We must act to solve these fundamental issues because it is not in our best interest to allow our children to suffer the consequences of this conflict in the future.

Peace Building and Reconciliation Through Justice

Talking about the sustainability of this agreement is like another hot cup of tea, when one looks at the commitment of the main parties who are the signatories to the peace agreement and when the path to justice for the victims of the conflict is at stake. We know that peace without justice is like serving tea without sugar. The Agreement on Resolution of Conflict in South Sudan contains clear provisions of justice, which are stated in chapter V (Transitional Justice, Accountability, Reconciliation and Healing), that the Transitional Government of National Unity shall initiate legislation for the establishment of transitional justice institutions that would allow victims of conflict access to justice and reconciliation.

Knowing that reconciliation is a process that aims to put an end to persistent conflict among different parties (like the South Sudanese case), then all parties should champion it so that the current hostility among the tribes is brought to an

1 R.K. Wüstenberg, Bonhoeffer and Beyond: Promoting a Dialogue between Religion and Politics, Revised ed., Volume 2 of *International Bonhoeffer Interpretations* (Frankfurt, Germany: Peter Lang, 2008), 89.

end and it opens up the potential for healing, rehabilitation and the recovery of victims. To do this feat, it would require a partial third-party intervention that would design strategies to correctly manage conflict issues amongst different tribes and restore back the fractured social relationship between communities, victims and perpetrators.

In a country where impunity has taken over or replaces principles of democracy and rule of law, where equal access to justice has become dysfunctional, then victims go without justice and perpetrators and the powerful go unpunished. If South Sudan's legal frameworks fail, it is because impunity has become the manifestation of the absence of institutions that promote equality, impartiality, accountability and fairness. As we continue a search for a democratic system of governance, we should always provide a safe space for victim of injustices to obtain justice and think of concrete formula for our unity and establishing the rule of law in strong institutions that may promote our equal aspirations for a peaceful society. Generating peace and reconciliation through the provision of justice would help create a space for peaceful social and political contestation, providing the basis for a vibrant dialogue on how to end any emergent conflict and impunity.

We know that peace without justice is like serving tea without sugar.

Strategies for Sustainable Peace and Reconciliation

One strategy is to enhance community participation and decision making in the peace building and reconciliation processes in the country. The purposes of the proposed citizen participation are to elicit total and sustainable behavioral change in societies and government and to build a sense of ownership. Sustainability is challenged when people feel left out of or ignored within any peace programs, if their ideas or opinions are not sought prior to initiating and implementing a peace agreement. This approach encourages the community to view the peace process as owned by them, not the government and development partners, hence, reassuring sustainability. Establishing peace committees will bring aboard the committees' members and create a sense of the ownership that may speed up the reconciliation and healing process, a feeling that, "This is ours." Community participation offers an opportunity to prioritize and decide the projects that are to be established in their areas based on the needs on the ground, thus removing information asymmetry.

Capacity building through awareness raising of the signed peace agreement: Implementation of the peace requires capacity building for the stakeholders and partners on the ground. They need to undertake training in the areas of peace building and sustainability, coupled with livelihood, democracy and good governance, the role of peace committees, and early warning – early response (monitoring conflict trends) to enable them to establish and properly manage the proposed recommendations for peace and reconciliation.

Sustainability: Once the community has been made part and parcel of the program, they will ensure that things works well and maintain relations amongst different communities. The monitoring of possible huddles to the peace agreement and reconciliation is important as early response to any disputes arising and engaging with right body/institution to correct it has a greater chance of success. When the situation becomes the responsibility of the community; a sense of ownership is built. Inclusivity needs to be promoted by the implementers: When one has become part of an activity, s/he is motivated to walk an extra mile to ensure that the objectives are met. I sum it up by stating that experience has shown that most peace agreements between the warring parties and community-based peace fail because the members feel they are outsiders to the processes – hence become observers even when things are going wrong. Allowing conflicting communities in South Sudan to reconcile through an inclusive peace and reconciliation conference is an important phase in building a long-lasting peace. In that inclusive conference, all conflict affected communities will have an opportunity to come together and share the painful stories and suffering they have inflicted on one another in the five years of civil war.

Looking back at the history, you'll realized that faith-based organizations remain strong actors in promoting peace and reconciliation among different conflict affected communities. To take an example from Kenya, which was devastated by ethnic violence following the 2008 presidential election: Throughout the violence, Bishop Cornelius Korir, from the Diocese of Eldoret, recognized that his position as a spiritual leader respected by the groups in conflict could be used to help stop the violence and foster constructive dialogue. He organized dialogues between members of affected communities and helped to improve peacebuilding capacity at the local level. It became a popular project with ever-growing levels of participation. Ultimately, under the bishop's guidance, the participants created a community peace committee to

help organize and facilitate interethnic dialogues. The Kenya model of using spiritual leaders to brokered peace and reconciliation was sustainable: This could be replicated in South Sudan, even though it should be noted our faith-based leaders were very instrumental in the last processes of achieving peace in the country. This time, the faith-based leaders need to be given the continued brokering as a full task, as there is a reduction now in the scale of violence.

As we're aware, the fading relationship and lack of trust between President Kiir and his partner, Dr. Riak Machar, defines and move the conflict in the country. It's a power struggle and a lack of trust that has led to the South Sudanese finding themselves in a cycle of violence. Always in this violence, tribalism is weapon to fight the war and the only tool used to mobilize the communities to wage wars.

In my own opinion about the currently signed revitalized ARCSS, I would say it is just a period of recuperation before they lock horns again. Power sharing has always been the central part of any agreement in South Sudan. The question of who should take what position or which region and tribe should take a different high position keeps popping up and sometimes cripples the agreement or makes it dysfunctional. Different regional and international negotiators have come up with diverse forms of power sharing arrangement, but these have failed to work. To suggest a solution for this, I would make one suggestion if the current peace fails. South Sudan is a multi-ethnic or heterogeneous society that heavily believes in and relies on communities and tribal sections. To share power in such kind of ethnically-polarized society, we can adopt, adapt and try the system used by the Dayton Peace Accords[2] to settle the conflict in Bosnia and Herzegovina, which today remains as a complicated system of government. Under this system, there are dual entities within the country that have high degrees of autonomy and independence from each other, and a tripartite rotating Presidency from the different nations, which is in charge of foreign, diplomatic and military affairs, and the budget of state-level institutions. The three presidency members are from the three constituent nations of Bosniak, Serb and Croat. In comparison, there are three main tribal regions in South Sudan the Upper Nile, Equatoria and Bahr el Ghazal which is accurately equivalent to the Bosnia and Herzegovina case.

In conclusion, South Sudan has always been known to be an unstable nation before and after her independence in the region. The country has suffered from an ongoing high intensity of internal conflict, mainly associated with competition over resources such as water, pasture, livestock, or from cattle raiding among pastoralist communities, child abductions and land-grabbing. The SPLM party political disagreement in December 2013 has led the country into devastating war. To restore security, the government should shoulder the responsibility and devise strategies for a new inclusive dialogue to negotiate peace across the divide. However, the big problem with peace agreements in South Sudan is that they are negotiated at the high political level of government and rebels, which excludes the participation of civil communities at grassroots. Indeed, most of the agreements are centered at strengthening power sharing, and other governance and security issues, but fail to look at community issues – unlike other peace dialogue processes in the rest of world that are made as community processes.

Lastly, to suggest some measures for peace building and reconciliation among the communities that would effectively work, these may include; the formation and strengthening of border courts; the establishment of joint police to protect against encroachment on another's grazing land without permission; the formation of a community-coordinating council to deal with: (1) the implementation of agreed principles, (2) coordination with different actors and politicians, and (3) to review performance, organize meetings and maintain contacts. Furthermore, other measures include the promotion of intermarriages, the return of abducted children and women, the formation of abductee identification teams and the promotion of peace through justice by providing justice to victims before integrating them to the communities. To establish a free, just South Sudan that is built on the foundations of peace, justice and unity, there is need to reboot the current system and leadership from the government and opposition.

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2 The General Framework Agreement for Peace in Bosnia and Herzegovina, also known as the Dayton Peace Agreement (DPA), or Dayton Accords was a peace agreement reached in 1995 at Wright-Patterson Air Force Base near Dayton, Ohio, by the presidents of Bosnia, Croatia, and Serbia, effectively ended the 3 1⁄2-year-long Bosnian War.

Peace Agreement Revitalized in South Sudan

Peoples' Reticence and Uncertainty About the Future of the New Agreement

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1. Introduction

Post-independence civil war erupted in December 2013 and escalated over the recent years throwing citizens into political, social and economic chaos. They could not understand the cause since the ruling party was involved in a violent conflict with itself and its constituent factions. The scale of the violence overwhelmed not only South Sudanese citizens, but also the Intergovernmental Authority on Development (IGAD) and its partners. Events of mediation and negotiations demonstrated how deep-seated the conflict was entrenched in the governance system of South Sudan. The peace was hammered on 17 August 2015. Yet the implementation, according to the government of national unity, started on 29 April 2016. This fact itself stunned the general population as to why it took that long for parties to the August 2015 agreement to declare the starting date about eight months from the date of signature.

Peace had been on the lips of South Sudanese since IGAD-led negotiations kicked off in January 2014. All media were pumping the message of peace and artists sang, and dramatized peace throughout the years of the civil war. The conflict escalated and violence intensified as people were yearning for peace. The signature of the Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS) on 17 August 2015 did not invite jubilation on the part of the general population for one reason: Not all the parties to the conflict appended their signatures at the same venue (Addis Ababa, Ethiopia) and on the same date. This very action sent different signals to South Sudanese. The late signature of the agreement amid several reservation was not an event to celebrate. The question that kept coming to surface was whether the peace would actually materialize to the expectation of the average citizen. Doubts of citizens concerning the sustainability of the agreement became true when deadly war broke out in Juba just two months after the formation of the Transitional Government of National Unity (TGONU) in July 2016.

This paper attempts also to highlight in its conclusion new issues of the Revitalized Agreement on the Resolution of the Conflict in South Sudan Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS). The problem is, in the absence of euphoria, South Sudanese do cautiously welcome the agreement. The reason for their reticence is about numbers and commitments of signatories and spoiling potentials of non-signatories, and the timeframe for establishing the government of national unity. These issues are still under observation.

2. Attitudes of People and Parties to Peace Agreements Compared

Peace agreements raised hopes of people who suffer the stress of poverty, war and violence. Given the number of overarching civil wars, militia violence and many other forms of armed groups, South Sudan have witnessed a number of peace agreements in the past. The most important ones are the Addis Ababa Peace Agreement on 3 March 1972 and the Comprehensive Peace Agreement signed (CPA) on 9 January 2005. These were very jubilant events for people in South Sudan when they happened.

During the Addis Ababa Agreement in 1972, an overwhelming majority of people demonstrated overtly their joy and jubilance to welcome back Southern Sudanese politicians from exile and their army, the Anyanya. A general euphoria engulfed not only Southern Sudan, but also progressive forces in Northern Sudan. Only radicals in communities in the North and members of the traditional political parties were lukewarm about the agreement.

The process of negotiations of the CPA invited more euphoria than one could imagine. The signing of the Machakos Protocol marked the beginning of the hope that kept growing until the final agreement became a reality on 9 January 2005. The signing of the CPA showed overwhelming jubilations in Southern Sudanese communities. The question to answer is "Why did euphoria and jubilance miss in South Sudanese communities at the signature of ARCSS compared to past agreements?" There may be many reasons why people of South Sudan are reserved about the ARCSS as a peace agreement. The author considers only a few compelling reasons why euphoric atmosphere in the society was lacking concerning the ARCSS. People did not understand why the war broke out in the first place. Parties to the violence were all members of the SPLM. What was so intriguing that could not be settled through the party's operational mechanisms? The average citizens with no stakes in businesses of the government described the war as senseless.

Further, many South Sudanese felt that parties to the conflict did not care about the plight of the civilian population. So many citizens were victimized by the war in the form of loss of lives, properties, displacement and flight into refuge. Yet the main parties to the conflict, Sudan People's Liberation Movement/Sudan People's Liberation Army in Government (SPLM-SPLA-IG) and Sudan People's Liberation Movement/Sudan People's Liberation Army in Opposition (SPLM-SPLA-IO) strived to knock out the other from the politico-military scene of South Sudan. The Sudan People's Liberation Movement-Former Detainees (SPLM-FD) wanted to portray themselves as a better alternative political force to the armed warring factions of the same party.[1] These conflicting perceptions contributed to the lengthy negotiations, which were not appreciated by the public. More frustrating were escalations of violence whenever negotiations were in progress.

Finally, South Sudanese armed conflict divided the IGAD peacemakers. Relations soured among the mediators of the conflict in South Sudan in the days leading to the signature of the ARCSS. Ethiopia felt that Uganda was undermining the IGAD peace process. Tensions among mediators persisted until parties concluded the deal dubbed ARCSS on 17 August 2015. Ethiopia and Ugandan presidents ran into verbal encounter resulting in early departure of Yoweri Museveni, the president of Uganda, before the signature of the agreement. The conduct of the mediators was a matter of concern to South Sudanese citizens. The Ethiopian-Ugandan tension reflected the reticence of parties to the agreement to start its implementation.[2] The very fact that parties to the ARCSS formed a Government of National Unity while the legal framework was not enshrined into the Constitution remained problematic. There were articles of the agreement, which were in stark contradiction with dispositions of the Constitution. People were expecting the harmonization of the Transitional Constitution of South Sudan with the ARCSS. This is did not happen. All these facts worried many people in the country to the extent that they began to doubt the viability and effectiveness of the political transition.

3. Military Clashes, Diminution of ARCSS and Proliferation of Armed Movements

Superficial local knowledge of South Sudan's conflict played a critical role in the conception and implementation of the ARCSS. All indicators showed that the agreement was lopsided when the government landed so many reservations and the kind of rhetoric that followed preparations for the estab-

The average citizens with no stakes in businesses of the government described the war as senseless.

1 Warner, L A, 2016. "The Disintegration of the Military Integration Process in South Sudan (2006-2013)." *Stability International Journal of Security and Development*, 5(1): *p.* 9-10.

2 *Africa Confidential,* 2016, Vol. 58, No. 17, 28 August.

lishment of the TGONU.[3] While IGAD and partners put pressure on the government to sign the ARCSS, a similar pressure was put on the SPLM/A (IO) to return to South Sudan for the formation of TGONU.

The ARCSS contained a security arrangement that permitted the existence of two armies in such a small space like Juba. It prescribed also the demilitarization of the city where the existing national army had to deploy 25 miles outside Juba. This was the greatest weakness of the peace agreement. It was just a replicate of the security arrangement in the CPA, but the context was completely different. The two armies were in two different parts of the Sudan. Despite the larger space separating the two armies, there used to be skirmishes wherever their locations were. For example, the Joint Integrated Units (JIU) clashed with the SPLA more than twice in Malakal Town in Upper Nile. One researcher observed that:

> "Both parties portrayed the peace agreement as an instrument of control by the international community and exhibited little commitment it. Two days before the outbreak of fighting, Vice Vice President Riek Machar and his chief of staff General Simon Gatwech Dual claimed that the international community had lured them into a trap. President Kiir in turn stated that in an interview on the anniversary of independence on 9 July that the peace agreement, which he said he had never wanted, treated him and his government as little children."[4]

On 2 July, unknown gunmen killed a senior SPLA (IO) officer in a dubious circumstance. The SPLA (IO) forces killed five government soldiers in retaliation at a checkpoint in Juba. The violence escalated into a full-fledged fight in Juba. The period 7–11 July 2016 witnessed deadly clashes in Juba city between the SPLA (IG) and SPLA (IO) in which over 300 people perished, including two Chinese peacekeepers. At the same time, approximately 36,000 people sought protection at UNMISS facilities in the capital city. Riek Machar and some of his soldiers escaped into the bushes of Equatoria. Government forces, the SPLA (IG), pursued Riek Machar with his forces until they entered the territory of the Democratic Republic of Congo. The UN mission received them in Garamba National Park. The Juba violence distorted provisions of the ARCSS, which led to revised implementation of the powersharing and security arrangements. This development prompted the IGAD Plus and AU Peace and Security Council to issue communiques endorsing deployment of the Regional Protection Force. Following the deteriorating security and humanitarian situation in South Sudan, the UN Security Council adopted resolution 2304 on 12 August 2016 ,[5] which extended and detailed the new mandate of UNMISS in South Sudan. The mandate of the force was to protect key facilities in Juba including the airport. [6]

The new civil war introduced also new elements to the original one that started on 15 December 2013. The July 2016 confrontation between the government forces and the SPLA (IO) in Juba spread to other areas in greater Equatoria. It forced an exodus of the civilian population to neighbouring countries. South Sudan's civilians flooded Uganda with hundreds of thousands of refugees. The immediate problem was that new rebel groups controlled strips of territories in formerly peaceful areas of the country. Some of these groups claimed to pay allegiance to the SPLA (IO), while others did not. This new development complicates the security and power-sharing arrangements stipulated in the ARCSS of August 2015. The negative impact of the 7 July 2016 incident was the proliferation of armed groups and armed movements in Equatoria and Western Bahr el Ghazal regions.

The endless formation of armed movements was the continuous source of instability in South Sudan, which uprooted nearly 3 million people.

Armed opposition groups and disgruntled communities have little confidence in the government dealing with root causes of the civil war. Most disputes in South Sudan are political and include unresolved grievances between the national government and local communities. They can be resolved through dialogue and mediation between the people and their own government. The endless formation of armed movements was the continuous source

3 GRSS 2011. *The Transitional Constitution of South Sudan*. Juba, July.

4 Weber, Annette, 2016. *Back to Square One: Fighting Resumes in South Sudan*. Berlin: German Institute for International Security Affairs: *p.* 1.

5 UN, 2015. Document S/2015/118 *Report of the Secretary General on South Sudan*, New York: Security Council, 17 February.

6 Wassara, Samson S.and Eisei Kurimoto, 2017. "Negotiating Statehood: Handling the Crisis of South Sudan." *African Virtues in the Pursuit of Conviviality: Exploring local Solutions in Light of Global Prescriptions*. Bamenda: Langaa RPCIG & Kyoto: University CAAS: *p.* 122-124.

of instability in South Sudan, which uprooted nearly 3 million people. The proliferation of so many rebel groups risks the lack of common agenda for stopping the civil war. In addition, there is the fear in South Sudan that regional mediators and international backers are focusing excessively on demands of the government, rebel movements and opposition leaders, while failing to understand the rapidly changing dynamics of on the domestic scene. National and regional leaders need to focus attention on ways to empower faith-based groups, civil society and local communities to facilitate locally owned peace through intercommunal dialogue.

4. Security Implications in the Region

South Sudan's civil war affects the IGAD region through not only cross-border incursions, but also the population displacements and export of refugees. Uganda is highly affected by the influx of refugees resulting from the upsurge of violence in South Sudan after the July 2016 crisis. One Ethiopian scholar[7] pointed out the fact that Ethiopia has suffered political conflict about numbers due to influx of Nuer refugees into Gambela region. The increase in the number of Nuer refugees has intensified the conflict between the Anuak and the Nuer in Gambela region. Until the mid-1980s, the Anuak constituted the majority of Gambela's population, but the population majority has shifted in favour of the Nuers. Now it is necessary to look at the South Sudan's refugee population in the neighbouring countries and implications for demographic shifts in local populations hosting refugees. UNHCR (2018)[8] figures are alarming and are a signal to the regional security in the proximity of South Sudan.

Table 1: Refugees and Asylum Seekers From South Sudan in 2018

Location Name	Source	Date	Population	Percent (%)
Uganda	UNHCR, GoU PM's Office	28 Feb 2018	1,053,598	42.9
Sudan	UNHCR, IOM, SRCS, COR, HAC	31 Mar 2018	768,830	31.3
Ethiopia	UNHCR	31 Jan 2018	428,928	17.5
Kenya	UNHCR	28 Feb 2018	113,039	4.6
DRC	UNHCR	31 Mar 2018	91,038	3.7
Total	-	-	2,455,433	100

Source: IGAD (2018)

Adverse impacts South Sudan conflict in the region is not only about demographics, they are also about economic security. The conflict in the country has inflicted considerable damage to business and livelihoods. Uganda's economic interests was a factor when the civil war broke out in December 2013. Uganda was the largest trading partner of South Sudan in a variety of commodities. South Sudan employed Ugandans in the service sector, generating a significant amount of revenue, which the conflict had affected.[9] Sudan was beneficiary of the oil export from fields of South Sudan. The use of the pipelines was an important source of revenue to

7 Dessalegn, Aziza Geleta, 2017. "The Cause and Consequence of Conflict in South Sudan. *International Journal of Political Science and Development*. 5(1): *p.* 19-20.

8 UNHCR, 2018. Source at https://data2.unhcr.org/en/situations/southsudan .

9 Wassara, Samson S., 2015 "South Sudan: sovereignty challenged at infancy." *Journal of Eastern African Studies*, Vol. 9 (4): *p.* 636-637.

Sudan. However, the conflict in South Sudan has interrupted oil production and consequently oil export through Sudan. The other setback for the economy of countries of the region is the fate of the financial market. The civil war disrupted all those economic benefits Kenya was enjoying. Consequently, Kenyan banks reduced their businesses by closing down many branches in the country. Likewise, Ethiopian economic interests in South Sudan were at stake. Ethiopia had a large contingent of citizens. Ethiopian Airlines and Commercial Bank of Ethiopia had strong links with South Sudan. Ethiopian scholars[10] argue that many Ethiopians and Ethiopian institutions left South Sudan since the eruption of civil war in 2013. Therefore, the consequences of the conflict on the region are devastating in the political arena, economic performance, humanitarian sector and the security sector.

Conclusion

Unlike enthusiastic reactions of people in the aftermath of past peace agreements, South Sudanese were not allowed to demonstrate their support for ARCSS for reasons best known to the signatories of the agreement and stakeholders. The litmus test for the agreement would have been an invitation of citizens for public rallies to explain new policies of the anticipated Government of National Unity. The number of people attending such rallies could have served the purpose of rating popularity of the agreement and new government in transition emanating from it. Relations within the government remained murky and shaky. This situation was not raising expectations of the people for the long-awaited peace agreement. It remained doubtful when the parties in the government made no meaningful efforts to build consensus and unity while going about their businesses of state or national building in the immediate future for the traumatized majority of South Sudanese people.

An overview of new developments touches on the multiplication of demands from new political groups and many armed groups that sprang after the renewed violence in July 2016. Mediators of the revitalization of the ARCSS faced a new political landscape after the collapse of the initial agreement. As noted earlier, the phenomenon of proliferation of political movements along with their armed wings complicated the process of negotiations. It was simpler to negotiate the ARCSS than the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS). Fusion and fission of politico-armed negotiators was the salient feature of the negotiation process. Interests of the IGAD mediators called for changing venues of the negotiations that ensued. Citizens began to question the reasons behind shuttling negotiations between and among Addis Ababa (Ethiopia), Khartoum (Sudan) and Kampala (Uganda). In the end, Khartoum took the matter into its hands to pressure parties to the conflict to accept terms of the R-ARCSS. In that regard, detractors of the agreement argue that mediators put their national interest before negotiating genuine peace or South Sudanese.

Warring parties, political parties and civil society signed the R-ARCSS on 12 October 2018. Other political movements with armed wings pulled out of the agreement on the ground that it did not tackle root causes of the conflict in the negotiation processes. However, unpopularity of war has pushed citizens all over South Sudan to welcome the agreement in celebrations. Although the opposition parties participated in the celebrations that took place in Juba, questions remain about the implementation schedule of the pre-interim period. People are worried that anything can happen during the eight-month period. Therefore, the peace euphoria remains to be seen in attitudes and behaviour of people. Nevertheless, people and institutions are still hopeful that the R-ARCSS will hold.

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10 Mehari, M and Abel A., 2013. "The Crisis of South Sudan and its Implication on Ethiopia." *Ethiopian International Institute of for Peace and Development*. Addis Ababa: EIIPD.

IV

The Revitalized Peace Agreement

The Trouble With South Sudan's New Peace Deal

The Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS)

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On September 12, 2018 Salva Kiir, the president of South Sudan, and his major adversary, the former vice president and rebel leader Riek Machar, signed a peace agreement in Addis Ababa,[1] the capital of Ethiopia — the 12th agreement between them — to end the long, brutal civil war that has killed thousands and displaced millions in South Sudan since December 2013.

The most urgent question remains whether the new peace agreement is any different from earlier ones and if it could survive.

This is not an agreement between Mr. Kiir, a Dinka, and Mr. Machar, a Nuer, who lead two of the biggest rival factions in the country. This is an agreement between Omar Hassan Ahmed al-Bashir,[2] the president of Sudan, and Yoweri Museveni, the president of Uganda. Mr. Bashir and Mr. Museveni are the guarantors of the agreement.

The new agreement represents a remarkable turnaround from the Comprehensive Peace Agreement signed in 2005[3] and the independence agreement of 2011. All previous agreements shared a common assumption: that Sudan is the source of the problem, that Sudan must be isolated and contained if there is to be peace in South Sudan. A disaffected group could simply turn to Sudan in the north. To close that loophole was to recognize that Sudan had to be part of the solution and not the problem.

The assumption underlying this new agreement is the opposite, that Sudan is the solution to peace in South Sudan. The agreement represents a first step toward the regional and global rehabilitation of Sudan and Mr. Bashir, who was indicted by the International Criminal Court for war crimes and crimes against humanity in 2009.[4]

1 The Daily Star, "South Sudan Rivals Sign Peace Deal," https://www.thedailystar.net/world/africa/news/south-sudan-rivals-sign-peace-deal-1633771.

2 On April 11, 2019, President Omar al-Bashir, who seized power in a military coup in 1989 and has ruled Sudan in an autocratic style for nearly 30 years, was overthrown as popular protest which started in 2018 engulfed the country. He was arrested in a coup by the armed forces but protestors are still demanding the military hand over power to civilians government.

3 Andrew Natsios, "Save South Sudan from Itself," New York Times, http://www.nytimes.com/2013/12/26/opinion/save-south-sudan-from-itself.html?_r=0.

4 Al Jazeera, "Profile: Omar Al-Bashir," AL JAZEERA, https://www.aljazeera.com/focus/2009/03/20093485834634368.html.

What happened can be understood as the product of a learning process. All previous agreements contained one big loophole: Sudan had not been among their signatories or guarantors. Sudan had no reason to support an agreement in which one objective was its own isolation. This meant that whoever wanted out of the agreement had a ready-made way out. Given its historical role in unified Sudan and its location, Sudan would be an invaluable source of diplomatic and military assistance for any group with a grievance.

The new agreement is a sharing of the pie between the tribes of South Sudan:[5] first the major tribes, Dinka and Nuer,[6] and then the lesser ones. It does not envision South Sudan as a country, but as a coming together of tribes. Every inch of South Sudan has to be marked as part of one tribal homeland or another. Even areas with multiethnic populations must be defined as belonging to one particular tribe.

The result will be the disenfranchisement of a large section of South Sudan's population. Every tribal homeland will be considered the monopoly preserve of its "indigenous" majority; the result will be to deprive minorities within each district of two critical rights, the right to "customary" use of land and to participation in local government. It will now be much easier for ambitious leaders of different tribes to mobilize popular discontent and fan flames of a future conflict.

The agreement says state boundaries will be drawn by an independent boundaries commission appointed by Inter-Governmental Authority on Development, the regional trade bloc, within two weeks of the signing of the agreement in Addis Ababa.

All previous agreements contained one big loophole ... whoever wanted out of the agreement had a ready-made way out.

The boundaries commission will be chaired by a non-South Sudanese and shall conduct a referendum "on the number and boundaries of States of the Republic of South Sudan" within eight months. After that, the Inter-Governmental Authority on Development shall appoint a committee "to define and demarcate the tribal areas of South Sudan".[7]

If there is disagreement between two parties, the guarantors of the agreement, Sudan and Uganda, will be the mediators. Any tribe with a boundary-related grievance shall be entitled to bring a case against the South Sudan government before the Permanent Court of Arbitration at The Hague within a two-year period.

The agreement is signed by the parties to the conflict, the government and the opposition, by witnesses, and Mr. Bashir and Mr. Museveni as guarantors. A second agreement between South Sudan and Sudan on dividing oil and revenue is in the offing, according to officials in the African Union.

5 Manny Marotta, "South Sudan President and Rebel Leader Sign Peace Deal, Ending Seven-Year Civil War," JURIST, https://www.jurist.org/news/2018/09/south-sudan-president-and-rebel-leader-sign-peace-deal-ending-seven-year-civil-war/.

6 Jennifer Williams, "The Conflict in South Sudan, Explained," Vox Media, https://www.vox.com/world/2016/12/8/13817072/south-sudan-crisis-explained-ethnic-cleansing-genocide.

7 "Signed Revitalized Agreement on the Resolution of the Conflict in South Sudan." Intergovernmental Authority on Drought and Development(IGADD), https://igad.int/programs/115-south-sudan-office/1950-signed-revitalized-agreement-on-the-resolution-of-the-conflict-in-south-sudan.

South Sudan is on its way to becoming an informal protectorate of Sudan and Uganda. By formally acknowledging them as "guarantors," the agreement recognizes their strategic role in determining the future of South Sudan: Ugandan troops are physically present to support Mr. Kiir's faction, and Sudan provides critical support to opposition groups, including those led by Mr. Machar. South Sudan will likely turn into a tribally fragmented society. The state will reflect this fragmentation and will in turn deepen the societal fragmentation.

For now, [Parliament] is a debating society with no teeth, but it is the only forum that brings together representatives of all groups in South Sudan.

The president, the five vice presidents and the ministers will be appointed on basis of tribal identities. The South Sudan Army, already a collection of militias, will further fragment into tribal militias.

Only one institution still stands for a united South Sudan. That is the Parliament. Recall that Parliament was not implicated in the violence of 2013. For now, it is a debating society with no teeth, but it is the only forum that brings together representatives of all groups in South Sudan.

The future of South Sudan is likely to be marred by continuing chaos until a single dominant group emerges out of it. When this happens, regional powers will likely be further drawn into the conflict. To forestall that development is to recognize the key deficiencies in the present agreement — its tribal architecture and the absence of a Pan-South Sudan political process — by finding ways to give primacy to a political process over a military contest.

About the Author

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8 Mahmood Mamdani, "The Trouble with South Sudan's New Peace Deal," New York Times, https://www.nytimes.com/2018/09/24/opinion/south-sudan-peace-agreement.html. This article is reprinted with permission from The New York Times.

South Sudanese Women at the Peace Table

Violence, Advocacy, Achievement and Beyond

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Introduction

This paper provides an insider's perspective to the role that South Sudanese women played in the High Level Revitalization Process (HLRF) that led to the September 2018 Revitalized Agreement on the Resolution of Conflict in the Republic of South Sudan (R-ARCSS). The first part is a raw account of the despicable acts that South Sudanese women have faced since July 2016. It then provides an overview of why women should be at the table, their advocacy, achievements and enablers. It further assesses whether South Sudan is ready for a gender-inclusive government and suggests some ways forward to enhance women's participation to pave the way for a durable peace.

Continuity is an important feature in South Sudanese women's role in peace processes, which contributes to and shapes women's participation in current peacemaking processes. South Sudanese women's participation in peacemaking at community and national level were evident in the Wunlit peace process in 1999, the Liliir Covenant,[1] and the Comprehensive Peace Agreement (CPA).[2] In the Wunlit peace process, communities appointed delegates to the peace conference and each county was required to nominate three delegates, one of whom had to be a woman. An important gain for women's participation in that process was that issues such as women and children abduction and forced marriages were addressed. Women delegates were also signatories to the resolutions passed.[3] During the CPA process, a significant gain was the 25 percent women's quota, which was later translated in the Transitional Constitution of the Republic of South Sudan (2011).[4]

Impunity – Sexual Violence and Mass Atrocities

While decades of war with Sudan cost the lives of millions of people and displaced an even greater number of people into neighboring countries as refugees, the war that erupted in July

1 Young, John 2012. The Fate of Sudan: The Origins and Consequences of a Flawed Peace Process. p.116

2 Itto, Anne 2006. Peace by Piece: Addressing Sudan's Conflict. https://www.c-r.org/accord/sudan/guests-table-role-women-peace-processes

3 HRW 2003. "The Wunlit Nuer-Dinka Reconciliation Process, 1999." https://www.hrw.org/reports/2003/sudan1103/13.htm

4 Zambakari, Christopher 2012. "The Role of Women in Nation-Building in South Sudan." https://www.pambazuka.org/gender-minorities/role-women-nation-building-south-sudan

2016 has been much more ruthless and fought with greater impunity. It has been characterized by extremely brutal accounts of mass atrocities and sexual violence committed with high levels of impunity. It must be recognized that the majority of citizens who suffered the consequence of this brutality are women and children, not sparing foreign nationals.[5]

The sexual violence inflicted on women and children[6] portrays a disturbing picture of South Sudan to the world. In Unity State a six-year-old girl was gang-raped while elderly and disabled villagers were burnt alive in their huts.[7] The author has personally listened to first-hand stories of victims in South Sudan and the refugee camps in Uganda. In Gudele-Juba, a suburb of the capital city for instance, armed men raped a young girl of 17 years in front of her parents; two years later she remains so traumatized, she has completely isolated herself from social interactions. Along the Juba, Lainya, Yei, Morobo, and the infamous Juba Nimule roads, properties have been looted, houses burnt down, women raped and gang-raped, killed and maimed, and their men killed in their presence. In September 2018, a woman in Agok camp in Wau, a city in northwestern South Sudan, narrated how she was brutally beaten and raped at gunpoint in Baggari (Western Bahr-el-Ghazal); by the time she arrived at Agok camp to seek medical attention, the wounds to her abdomen and hands were already septic. The conflict has separated families, resulting in many unaccompanied children loitering in the camps in Uganda without a future. In November 2018, women in the Bidi Bidi Refugee Settlement, a refugee camp in northwest Uganda and one of the largest refugee settlement in the world, reported cases of suicide, psychological breakdown, and drugs and substance abuse among girls and boys.

These accounts were evident in the April 2018 UN Secretary General report on conflict-related sexual violence, which listed state actors in South Sudan among those responsible for committing acts of rape. This followed a high-level dialogue in Juba in September 2016, in which high-level government officials articulated the need to address impunity.[8] Both clearly indicated the deliberate failure of the military to exercise restraint and discipline. Perpetrators of grave violations remain free, and it is these armed men, some who have committed atrocities, who are rewarded with a seat at the peace table. Women, despite doing the heavy lifting of the burden of keeping families and having an essential role in building peace, only have a small space at the peace table.

Why Should Women Be at the Peace Table?

In South Sudan, similar to other parts of the world, women are largely underrepresented in peace processes. Throughout the Intergovernmental Authority on Development (IGAD)-led peace process from early 2014 and the 2017 High Level Revitalization Forum (HLRF), women activists have tirelessly lobbied to be accredited to the process and called on parties to include women in their delegations. However, women activists faced entrenched opposition by some mediators and warring parties. This is not new; from the CPA days, repeated requests from civil society and women groups for formal or observer status in the negotiations were rebuffed.[9] In 2014, before women could be granted observers status, a women's activist had to resort to an unconventional approach for women to gain access: she locked up one of the IGAD secretariat staff and threatened to harm her if the Special Envoys did not provide a guarantee of women's inclusion in the process. While this is not best practice, and although she was eventually jailed in Ethiopia and declared persona non grata, her act led to the South Sudan Women's Bloc being a signatory to the Agreement on the Resolution of Conflict in South Sudan (ARCSS) in 2015.

The Security Council Resolution 1325 (SCR1325)[10] and the African Union Protocol on the Rights of Women in Africa acknowledge women's experiences in conflict and their proactive role in building peace and preventing conflict. South Sudanese women activists equally possess skills and

5 Burke, Jason 2018. South Sudan soldiers jailed for murder and rape in hotel attack https://www.theguardian.com/world/2018/sep/06/south-sudan-soldiers-jailed-for-and-in-hotel-attack

6 HRW 2016; South Sudan: Killings, Rapes, Looting in Juba https://www.hrw.org/news/2016/08/15/south-sudan-killings-rapes-looting-juba

7 Burke, Jason 2018. South Sudan soldiers jailed for murder and rape in hotel attack https://www.theguardian.com/world/2018/sep/06/south-sudan-soldiers-jailed-for-and-in-hotel-attack

8 UNDP,2016. High-Level Dialogue Held in South Sudan to Address National Action Plan on Ending Impunity for Sexual and Gender-Based Violence http://www.ss.undp.org/content/south_sudan/en/home/presscenter/articles/2016/09/29/high-level-dialogue-held-in-south-sudan-to-address-national-action-plan-on-ending-impunity-for-sexual-and-gender-based-violence.html

9 Young, John 2012. The Fate of Sudan: The Origins and Consequences of a Flawed Peace Process. p.109

10 United Nations Security Council (UNSC). 2000. Landmark resolution on Women, Peace and Security. United Nations Security Council (UNSC), accessed Jan. 6th, 2019. http://www.un.org/womenwatch/osagi/wps/.

competence that benefit peace processes. Women bring perspectives that broaden the agenda beyond powersharing negotiations, including issues such as civilian protection, accountability, reparation and in some instances de-escalate tension between the parties. Furthermore, in the context of South Sudan where more than 50 percent of the population is female, it is unjustifiable to decide on their behalf without their inputs. Participation of South Sudanese women in the peace negotiations is not merely for representation purposes or as many claim looking for positions, but to ensure that they contribute to finding solutions to the conflict. This is backed by evidence from the global study on the implementation of Security Council Resolution 1325 (2000), which confirmed that women's strong and influential participation in peace processes and implementation of peace agreement is critical in sustaining peace.[11]

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The Silence was Deafening and too Long – Women's Advocacy Efforts

After almost a year of silence from the region and international community since violence erupted in July 2016, IGAD launched the High Level Revitalization Process (HLRF) in June 2017.[12] During this period, as the situation degenerated and the space for civil society shrank with threats and the killings of journalists, the women of South Sudan were on advocacy missions traversing the globe from Juba to Addis Ababa, Brussels, New York and Washington. Women knew exactly what they were advocating for because they were prepared before the violence erupted; they had a strategy developed before the ARCSS (2015) was signed. The strategy had two scenarios; scenario one was what women could do if peace was agreed, and the second was what could be done when things fell apart.[13]

In October 2016, to set the stage for advocacy, Eve Organization, one of the largest women-led organization devoted to the peaceful empowerment of women in South Sudan and Uganda,[14] held a peace dialogue in Nairobi to analyze whether the ARCSS (2015) was still relevant.[15] This was followed by an address to the UN Security Council in October 2016[16]

11 Preventing Conflict, Transforming Justice and Securing Peace: A Global Study on the Implementation of United Nations Security Council resolution 1325 http://www.europarl.europa.eu/meetdocs/2014_2019/documents/femm/dv/unw-global-study-1325-2015_/unw-global-study-1325-2015_en.pdf

12 Communique of the 31st extra-ordinary summit of Igad assembly of heads of state and government on South Sudan, https://igad.int/communique/1575-communique-of-the-31st-extra-ordinary-summit-of-igad-assembly-of-heads-of-state-and-government-on-south-sudan

13 South Sudan women experts' conference http://evesouthsudan.org/

14 EVE Organization for Women Development was established in August 13, 2005, in Sudan and in 2008 in South Sudan and 2017 in Uganda. EVE Organization's Head Office is in Juba South Sudan, with a liaison Office in Khartoum, Sudan, and a regional office in Kampala, Uganda. In South Sudan, the Organization operates in five states. Central, Eastern and Western Equatoria states, Western Bahr el Ghazal and Jongolei State. In Uganda, the organization runs projects in Kiryandongo, Rhino and Bidibidi with a possible expansion to Adjumani. These operating locations were selected based on EVE Organization's interest of engaging women mostly South Sudanese and developing a strategic stronghold to address the challenges facing women in South Sudan.

15 Is the ARCSS (2015) still relevant? http://evesouthsudan.org/index.php/news/116-is-the-agreement-for-the-resolution-of-conflict-in-south-sudan-still-relevant

16 NGO working Group on Women, Peace and Security https://www.womenpeacesecurity.org/resource/statementunsc-wps-open-debate-october-2016/

and bilateral meetings on peace, justice and accountability, arms embargo and targeted sanctions. Women at different forums warned of all-out war in South Sudan if the regional and international bodies did not intervene.[17] In March 2017, another statement was made at the UN Security Council[18] and, between January and May 2017, women activists held several meetings, consultations and bilateral meetings at the African Union in Addis Ababa taking policymakers to task on South Sudan.[19] At the national level, women organized protests marches and called on African leaders to act.[20] These advocacy efforts did not go unheard and contributed to the revitalization process.

South Sudanese Women at the Table and Achievements

In August 2017, prior to consultation with stakeholders, IGAD convened a workshop of 22 independent high-level South Sudanese experts in Bishoftu, Ethiopia to deliberate on a way forward in revitalizing the ARCSS.[21] Only four of the participants were women, and among other recommendations, they advised that women be adequately represented in the revitalization process. The discussion further developed at Entebbe (Uganda) in September 2017 where the South Sudanese women activists came for a meeting on the HLRF convened by Eve Organization. This led to the birth of the South Sudan Women Coalition for Peace, eventually a signatory of the R-ARCSS. This Coalition brought together over 50 South Sudanese women organizations from within South Sudan, Kenya, Uganda and Egypt including ones representing refugee women. The Coalition opened up the space for women organizations to take part in the revitalization process as direct negotiators and as a technical support team, improving coordination between the women activists and other groups. It called for women mediators and an increase of women in the IGAD Secretariat – leading to a number of gender experts in the IGAD Special Envoys Office and the Joint Monitoring and Evaluation Commission.

The 2017 HLRF saw an increase in female delegates compared to the 2015 process, with women accredited as full delegates, not just as observers. At the start of the HLRF in December 2017, the number of women delegates was only 11 out of 90 participants; this increased with the start of the political negotiation in February 2018 to 23 delegates. By the end of the Addis Ababa rounds of talks in May 2018, there were 39 women delegates among 120 participants.

Initially the objectives of the HLRF were to restore a permanent ceasefire, ensure full implementation of the ARCSS, and revise realistic timelines and implementation schedules towards democratic elections at the end of the Transitional Period, but women's presence led to change of the agenda of the HLRF from reviewing timelines to opening the ARCSS for a holistic discussion. This was due to the fact that, first, the admission of the South Sudan Women's Coalition as a prominent actor in the process allowed for more seats to be allocated to the women in the different mechanisms for the implementation of the R-ARCSS, and second, the significant gains in chapter one, which included the 35 percent women's quota and the position of the vice president. These changes affected the other chapters of the R-ARCSS, which had to be opened for discussion. Other significant gains for women during the HLRF included the devolution of power to lower levels; the opening of humanitarian corridors articulated in both the cessation of hostilities and in the R-ARCSS; the protection of women, children and people with special needs; and accountability for offences of sexual violence, justice for crimes committed during wartime and reparation.

Enablers for Women Participation in the HLRF

There were factors that facilitated the participation of women in the High Level Revitalization Process (HLRF). First, at the start of the HLRF, a few women activists were invited to the process and were repeatedly reminded that they were invited in their individual capacities as women experts. However, these few women rejected being considered solely as individuals and instead insisted for more space for other women. This underscores the importance of ensuring that women who get access to the table are connected with the wider women's movement and can open up the space for more women representatives to add pressure. Numbers do

17 South Sudan at "tipping point" warns woman activist https://news.un.org/en/audio/2016/10/618692

18 UN Security Council Briefing on South Sudan http://www.womenpeacesecurity.org/peacebuilder-resource-un-security-council-briefing-south-sudan-betty-sunday-march-2017/

19 South Sudan 2013 - present https://crisisaction.org/our-work/south-sudan/

20 African Leaders must take action to silence the guns in South Sudan https://www.theeastafrican.co.ke/oped/comment/African-Union-silence-guns-South-Sudan/434750-4638664-2o5tt7z/index.html

21 IGAD meets in Ethiopia to revitalize South Sudan peace process https://radiotamazuj.org/en/news/article/igad-meets-in-ethiopia-to-revitalize-south-sudan-peace-process

matter in peace processes. In the case of the HLRF, women were able to even get in their technical support team, which acted as the support mechanism for performing analyses.

Second, prior advocacy and consultations were crucial, with advocacy working in spreading the plight of women. As a result, it was not only women calling for inclusion and pressuring the parties and mediators, but this was echoed by the region and the guarantors to the agreement. For instance, the AU Commission Chairperson, Mr. Moussa Faki, has been outspoken on South Sudan and on the rights and participation of women throughout the HLRF.

Third, with the formation of the South Sudan Women's Coalition, women from the region including the refugees were able to meet more than five times in Entebbe (Uganda) to analyze progress, review strategy, bond and get feedback from the wider fraternity, and develop documents before each phase of the talks. This enabled women to be on top of the agenda, prepare substantial feedback, and heighten advocacy and pressure around the negotiations.[22] Women during the HLRF always had written submissions and this allowed for gender to be debated for the first time in a plenary for more than half-an-hour.

... it was not only women calling for inclusion and pressuring the parties and mediators, but this was echoes by the region and the guarantors to the agreement.

Fourth and most important was the flexibility of the IGAD's special envoy for South Sudan, H.E. Ambassador Dr. Ismail Wais, who acts as the chief mediator to the process. In comparison with the peace process in 2015, the special envoy was available and accessible. Women didn't relent but took full advantage of that, while he had been tough on women, he was also considerate as the submissions and argument of women were convincing.

Fifth, funding, although not sufficient, was available. Individual contributions, membership fees from the coalition and support from partners such as the Norwegian People's Aid, Cordaid, The United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), the Berghof Foundation, Crisis Action, Oxfam and the Global Network of Women Peacebuilders enabled women activists to meet, travel to Addis Ababa and Khartoum, as well as access corridors in the region and globally.

Is South Sudan Ready for a Gender Inclusive Government?

The author notes that this is not a comprehensive analysis – more in-depth research might be required to dissect these factors further. However, while the vision of South Sudanese women of gender equality and an inclusive society is not so far from reach, it is being challenged by a number of factors. First are the grips of patriarchy that constantly yearn to reduce women to traditional and subordinate positions or censor them as contributors to peace. First-hand accounts from both the CPA and the HLRF suggest that women's sense of agency is often undermined, particularly when it comes to the implementation of agreements or articles of the constitution and policies that promote women's rights and participation. For instance, the Transitional Constitution (amended 2015) clearly mandated government institutions to promote women's participation by at least 25 percent; however, since independence in 2011, the 25 percent women quota has not been fully implemented. This is due to a lack of political will and the patriarchal nature of noncompliance with policies that promotes women's participation. In some cases where this provision has been implemented – such as in the executive branch – it is noted that women were appointed in service-oriented institutions that resembled stereotypical traditional roles: no woman has been appointed to key ministries such as interior, finance, petroleum, defense or foreign affairs. In December 2015, when the 28 states were formed, the president appointed all male governors to the states,[23] citing that the situation was "too dangerous" for women as they might be kidnapped.

These patriarchal underpinnings surfaced during the High Level Revitalization Process (HLRF). Its undertones were portrayed through sentiments such as "spaces like these are too harsh for women to be in." While women were able to

22 South Sudanese women demand representation on peace talks http://www.africanews.com/2018/05/22/south-sudanese-women-demand-representation-on-peace-talks//

23 Gurtong, 2015. Kiir Appoints Governors Of 28 Newly Created States. http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/18209/Kiir-Appoints-Governors-Of-28-Newly-Created-States.aspx

make gains during the HLRF, it is clear that not all of the male counterparts in the process believe that women should be in these high-level spaces, although most were tolerant to avoid being tagged "the bad guy" who does not support women's participation in the 21st century. Patriarchy resurfaced during the reconstitution of the mechanisms and institutions that oversee and monitor the implementation of the R-ARCSS. All parties to the conflict including the incumbent Transitional Government of National Unity (TGONU) fell short of fulfilling the 35 percent women's representation in the implementation mechanisms, despite articles in the R-ARCSS requiring women's representation at all levels, with the parties agreeing in principle to the 35 percent quota at all levels of governance.

Second is the representation of women in political parties; the HLRF was an opportunity especially for women politicians to strategically position themselves and emerge empowered from the process, but only a handful took advantage of that. Women activists were instead dominant in all the spaces and more engaged than the women politicians: it is important to note that while women activists pushed for the 35 percent women quota, this quota can only be filled by women from the political parties. Activists were on the forefront of pressuring parties to open the space for women politicians; the special envoy for South Sudan was going after parties with invitations specifically stating that out of three delegates one must be a woman. At a certain stage during the process, most parties complied, and more women politicians were seen in the process. But did they engage? Unfortunately, most of them were a "window dressing." This act risks disempowering women and the gains already made. It can, however, be argued that some of these parties either do not have the women cadres for such a high-level process or were unwilling to invite qualified – that is, women who understand the political context and dynamics in the country, good public speakers and able to rigorously engage in a highly powered and tense space – women cadres.

This argument is not to simplify the reality and the consequences of the years of conflict on South Sudanese women. This certainly needs to be addressed through a long-term strategy. However, in a short term, there is a serious need to dispel the myth that politics is a space for men and challenge the misconception of victimhood. A vital barrier that needs breaking is the attitude of many women politicians who wait to be invited or things to be done for them. Women politicians need to be forthcoming, proactive, savvy and unapologetic in demanding their spaces.

Women politicians need to be forthcoming, proactive, savvy and unapologetic in demanding their spaces.

So, can South Sudan achieve a gender inclusive government? Since independence, South Sudan has showed interest and has been somehow positive to the idea of allowing women to participate in public life. With the quota system, the country has the potential to set records of gender-inclusive governance in the region. However, the struggle for gender equality is definitely one that will continue to encounter opposition. It is vital that despite the challenges, it can gradually be accomplished through a series of deliberate strides. The transitional period, in the event the agreement holds, provides a strategic opportunity to take advantage of short-term gains. First, it is an opportunity for women to also align themselves with the political waves of change. There is a need for a rigorous political awareness and capacity building among women to take full advantage of the quota system and the constitution review process, and to prepare for elections at the end of the transition. Second, there should be an attempt to open gender dialogue between women and men to address the concerns of both genders, and generational and cultural discrimination. This sort of dialogue can help to close gender gap. Thirdly, there is a

need for the development of a long-term strategy that will address historical marginalization that can help drive the country forward where both men and women can play key roles in catalyzing change for a gender inclusive society and a peaceful and prosperous South Sudan.

Conclusion

"Women should spend their valuable time and energy on substantial issues rather than seeking a skirt everywhere even in insignificant places."

> -A delegate of one of the parties to the HLRF to a representative of the South Sudan Women's Coalition in Addis Ababa, April 2018.

The question is why peace negotiation meetings should be termed an insignificant place for skirts when trousers can be seen all over the same insignificant places, with decisions that affect the nation being made in some of these insignificant corners. The burden of nursing the deep wounds and scars that the conflict inflicted can no longer be addressed by only provision of psychosocial support by Non-Governmental Organizations (NGOs) and shelter by UN agencies, but its indignity needs to be brought to the political table even through unconventional ways. South Sudanese women refused to heed the model that peace can only be negotiated by belligerents. The violence did not differentiate gender – both men and women alike are affected, and women equally must be part of finding a solution.

About the Author

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The 2018 South Sudanese Peace Agreement

A Litmus Test of Coercive Mediation

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1. Introduction

The signing of the Revitalized Agreement on the Resolution of the Conflict in South Sudan (RARCSS) in September 2018 raised debate not only about its added value to the 2015 Agreement on the Resolution of the Conflict in South Sudan (ARCSS) but also the effectiveness of style of mediation pursued by mediators. Although there are divergent views on whether the RARCSS will deliver sustainable peace or reach the same fate of ARCSS, these views can be grouped into realists and idealists. While realists see RARCSS as practical way to end the enormous suffering faced by the people of South Sudan, the idealists see RARCSS as a "bad peace," as it fails to address the root causes of conflict that may be a recipe for another cycle of violence. Between these two extreme views of realists and idealists are the middle ground group "idealism with realism" that sees opportunity in transforming this "bad peace" into "good peace" by working from within and creating space for civicness in governance rather than continuing with armed opposition or non-violent diplomatic opposition.

In assessing these expectations and views, the article attempts to review the RARCSS with provocative question of whether ARCSS has been revitalized or deadened and whether RARCSS will be sustainable as it was concluded through coercive mediation. These two questions can be adequately answered by comparing the process, the content and the outcomes of RARCSS in relation to ARCSS and the 2005 Sudan Comprehensive Peace Agreement (CPA). The article is organized into five sections, including this introduction section. The analysis of the process of RARCSS is presented in Section 2, while its content is discussed in Section 3. The outcomes of RARCSS are presented in Section 4, while main conclusions for finding a common ground between idealists and realists are discussed in Section 5.

2. The Process: Coercive Mediation

The success of any peace agreement is measured by the quality of process rather than its outcome in terms of the final document. The process of any peace negotiation is not only important in discussing how to address the root causes of conflict but it also provides a trusted platform for building trust between the rival factions. The last phase of mediation led by Sudan and that resulted in the eventual signing of the RARCSS is considered by many observers as flawed, exclusive and coercive.

My personal discussion with some of the key participants in the peace negotiations in Khartoum narrated how the government of Sudan coercively forced some members of South Sudanese opposition groups to sign against their will some protocols of the RARCSS. Some very senior negotiators from the opposition groups described the level of coercion and intimidation they experienced in Khartoum as not comparable to the level of intimidation of Southern Sudanese chiefs in the infamous 1947 Juba Conference that condoned the handing over of Southern Sudan to the new colonial masters from Northern Sudan.

While realists see RARCSS as a practical way to end the enormous suffering ... the idealists see RARCSS as a "bad peace," as it fails to address the root causes of conflict ...

The mediation style adopted by Sudan for the negotiations of RARCSS was an aberration to other mediation styles such as facilitative, transformative, evaluative, and narrative. Vertin (2018) argues that the mediation of RARCSS demonstrates an unusually fraught mediation context, including deficits in five fundamental areas: preparedness, consent, impartiality, inclusivity, and strategy.[1] The mediation style of RARCSS was just a coercive one that reflects the characters of the Sudanese ruling elites who relegated Sudan that was once a leading democracy in Africa to be one of the most fragile and autocratic countries on the continent. These Sudanese ruling elites have glaring national political and economic interests in South Sudan and they see the birth of South Sudan as a political project of the Western countries and should not be allowed to succeed and to make the reunification of the two Sudans as a new reality.

Besides the leading role of Sudan in the mediation of RARCSS, Uganda played a critical role in shaping the style of mediation adopted by Sudan. Unlike Sudan, Uganda has played a prominent role in the emergence of South Sudan. However, Uganda that was once a prosperous democracy has recently been seen to regress from multiparty democracy to what some Ugandan scholars termed as "multiparty autocracy"[2] and with partial strategic and biased interest in maintaining the status quo in South Sudan. Given their vested interests in maintaining President Salva Kiir and Dr Riek Machar in power, Sudan and Uganda focused during the negotiations of RARCSS on the government of South Sudan and the SPLM in Opposition (SPLM-IO) and with systematic exclusion or minimal engagement of other stakeholders.

Unlike the CPA negotiations process, President Salva Kiir and Dr Riek Machar did not use the negotiations of RARCSS for confidence and trust building. Dr John Garang and Ali Osman, the principal negotiators of SPLM and government of Sudan respectively, used the process of CPA negotiations to build trust and nurture cordial relations not only between them but also between the negotiators of the two parties and importantly between their families. Dr Garang in particular would prefer to spend hours and even days with Ali Osman to talk on general strategic issues not related directly to the negotiations and that helped to create mutual respect, confidence-building and conducive environment that resulted in the conclusion of CPA with minimal engagement of mediators. Dr Garang believed that the process of negotiating the CPA was more important than the peace agreement itself. Unlike Dr Garang and Ali Osman, the difference between and among the negotiators of the RARCSS was less about strategic political issues but more about their personal grudges, rivalry and lust for power and ethnic patronage.

3. The Content: The Win-Lose Powersharing and Weaker Opposition

Assessing the content of any peace agreement is extremely difficult. The powersharing arrangement is one of the important content of any peace agreement. It has been shown that the negotiated powersharing arrangement is one of mechanisms for escaping fragility.[3] Like the ARCSS, the powersharing arrangements in the RARCSS[4] have maintained the sta-

1 Vertin, Z., (2018). "A Poisoned Will: Lessons in Mediation from South Sudan's Troubled Peace Process". New York: International Peace Institute.

2 Behnam, V., (2018). "Is Rapid Ugandan Urbanization Threatening Museveni's 31-year Rule? Brown Political Review. February 13.

3 LSE-Oxford Commission, (2018). "Escaping the Fragility Trap." London School of Economics-Oxford University Commission on State Fragility, Growth and Development.

4 IGAD, (2018). "Signed Revitalized Agreement On the Resolution of the Conflict in South Sudan." Addis Ababa: Intergovernmental Authority on Development. https://igad.int/programs/115-south-sudan-office/1950-signed-revitalized-agreement-on-the-resolution-of-the-conflict-in-south-sudan.

tus quo of rewarding the "Gun Class"[5] but with weaker opposition (see Box 1). The majority of small ethnic communities that did not participate in the violent conflict or failed to join the warring parties that are signatories to the RARCSS will not have opportunity to be represented in the transitional government. Generally, the people of South Sudan do support powersharing but majority (59 percent) do not support expanding the size of government in the RARCSS.[6] While the share of the government has declined in the presidency, legislature, and local government level, it maintains overwhelming majority in the Council of Ministers and other institutions with minimum share of 55 percent.

Box 1: Powersharing (Arrangements in %)

Agreements	The Parties	Presidency	Council of Ministers	Legislature	States and Local Governement
ARCSS	Government (Three States of Upper Nile Region)	67	53	83	46
	Opposition (Three States of Upper Nile Region)	33	47	17	54
RARCSS	Government (All States and Local Government)	60	57	60	55
	Opposition (All States and Local Government)	40	43	40	45

Source: IGAD (2018)

Undoubtedly, the RARCSS is a win-lose in favor of the government; particularly in the Council of Ministers where its share increased from 53 percent in ARCSS to 57 percent in RARCSS and with fragmented and weak opposition. Interestingly, although the leadership of the government in the presidency has been slightly reduced, the RARCSS has given more powers to the president and his two vice presidents to oversee two important clusters; economic and infrastructure clusters (see Box 2). The powers of the first vice president have been considerably reduced in RARCSS to only chairing governance cluster rather than all cabinet clusters as in ARCSS (see Box 2).

Box 2: Powers of the First Vice President

ARCSS	RARCSS
• Coordinates the implementation of this Agreement and initiates institutional reforms as prescribed in this Agreement.	• This power is given to the president and in consultation with the first vice president and other vice presidents.
• Chairs the cabinet clusters	• Chairs only governance cluster
• Oversees the preparation and consideration of TGoNU business and programmes.	• This power is given to the president and in consultation with the first vice president and other vice presidents.

Source: IGAD (2018)

Besides accentuating the powers of the current government, the RARCSS favours the position of the government of maintaining 32 states by providing rather unrealistic process for determining the number of states and boundaries instead of adopting the ten states with clear constitutional, political and economic powers as provided for in the ARCSS. The recent citizen perceptions survey shows overwhelming respondents (75 percent) do not support the decision to create 32 states and with

5 This term was introduced by Dr Majak D'Agoot (2018). "Taming the Dominant Gun Class in South Sudan." Washington: Africa Center for Strategic Studies. https://africacenter.org/spotlight/taming-the-dominant-gun-class-in-south-sudan/

6 SSCSF, (2018). "Revitalizing Peace in South Sudan: The Citizen Perceptions of the Peace Process". Juba: South Sudan Civil Society Forum (SSCSF).

majority of respondents (57 percent) support 10 states.[7] It is inconceivable for the referendum on determining the number of states to be conducted within the eight months of the pre-transitional period with more than half of the population outside the country or internally displaced.

These findings from the citizen perceptions survey of the peace process may provide basis for building consensus within the Independent Boundaries Commission in determining the number of states and to avoid the conduct of this unrealistic and unnecessary referendum. Also the proposal by the South Sudan National Dialogue to revert to the colonial three regions and 22 former colonial districts may also provide a middle ground for the Independent Boundaries Commission to reach consensus on reorganizing South Sudanese state[8].

Also in an unrealistic way, the RARCSS provides for the Intergovernmental Authority on Development (IGAD) Mediation to appoint a Technical Boundary Committee (TBC) to define and demarcate within 60 days the tribal areas of South Sudan as they stood on 1 January 1956. The African tribal boundaries are always flexible and accommodative and any attempt to delineate them will be a recipe for more tribal conflicts over boundaries. The challenge is not about the delineation and demarcation of boundaries but rather the decision on the number of sub-national governments and their constitutional, economic and political powers after which the territorial boundaries will be defined.[9]

Unlike ARCSS, the RARCSS did not affirm the demilitarization of Juba as the seat of Revitalized Transitional Government of National Unity (RTGoNU) and entrusts such task to the workshop of Permanent Ceasefire and Transitional Security Arrangements (PCTSA) to determine the type and size of security forces needed for the protection of all cities. When the workshop was held in Khartoum, the parties resolved to determine arbitrary the type and size of security forces needed for the whole country.

There is also another confusion in RARCSS on the roles of the Joint Transitional Security Committee (JTSC) and Strategic Defense and Security Review Board (SDSRB). While SDSRB is tasked to determine the type and size of security forces through a process of national security policy and strategy formulation and implementation, the JTSC is charged during the same period of pre-transition to set eligibility criteria and plan and execute the unification of all forces. Also, there is misunderstanding between the parties of the process of unification of all forces, while the government sees the process as absorbing the other forces, the opposition groups see the process as overhauling and transforming the entire security sector and to establish a new and more inclusive and representative security sector.

There is no doubt that there are positive improvements in RARCSS, particularly in detailing the necessary reforms in the judiciary such as establishment of inclusive Judicial Service Commission and Constitutional Court. Also, the RARCSS and unlike ARCSS that restricted powersharing to the three states of Upper Nile has extended the powersharing arrangements not only to the level of all states but also to the local government level. Importantly, the RARCSS maintains the provisions related to the transitional justice, particularly the ineligibility of those indicted or convicted by the Hybrid Court of South Sudan (HCSS) to participate in RTGoNU or successor governments. In carrying out its investigation the HCSS may use the report of the African Union Commission of Inquiry (COI) on South Sudan. One of the recommendations of COI in the African Union Commission of Inquiry on South Sudan: Final Report notes that:

> "A majority or respondents on both sides of the conflict were of the view that both principals in the crisis, President Salva Kiir and Riek Machar, were to be held responsible for the crisis, its escalation and the violations perpetrated. While there is lack of clarity from views expressed on the form that responsibility should take, the Commission's conception includes criminal, civil or political (administrative) elements."[10]

It remains to be seen whether the revitalized TGoNU and African Union will be able to expedite the process of establishing HCSS as provided for in the RARCSS. The establish-

7 Ibid

8 Sudan Tribune, (2018). "South Sudan dialogue body proposes to re-establish colonial three provinces". The Sudan Tribune, November 14, 2018.

9 Johnson, D., Verjee, A. and Pritchard, M., (2018). "After the Khartoum Agreement: Boundary Making and the 32 States in South Sudan". Nairobi: The Rift Valley Institute.

10 AU, (2014). "African Union Commission of Inquiry on South Sudan: Final Report". Addis Ababa: African Union. http://www.au.int/en/auciss: pg. 299.

ment of the HCSS to bring to book those who alleged to have committed atrocities will be a litmus test of the commitment of the parties to RARCSS and its regional and international guarantors and witnesses to the justice and political accountability. The failure of previous peace agreements to address transitional justice and wounds and atrocities of the past contributed not only to the eruption of civil war in 2013 but also to the intensity and cruelty with which the civil war has been fought by the warring parties.

4. The Outcome: Fractured Opposition and New Condominium

Unlike ARCSS, the unblemished outcome of the RARCSS is the serious division among all opposition groups including their umbrella organization, South Sudan Opposition Alliance (SSOA). While RARCSS contributed to the fracturing of the opposition, it retains the unity within the government but with unresolved modalities for powersharing among the political parties in the Transitional Government of National Unity (TGoNU).[11] As RARCSS has entrusted the government to exclusively manage the affairs of the country during the eight months pre-transitional period and coupled with increase in oil prices and relative peace around the oilfields, the government will certainly use the oil proceeds to pursue the co-option strategies for opposition parties and that may contribute to further division within the opposition.

The real question is whether a peace agreement concluded through coercive mediation such as RARCSS will result in lasting peace.

The other serious outcome of the RARCSS is that the sovereignty of South Sudan will be at stake (see article in this issue by Mahmood Mamdani). In particular, the Khartoum Declaration Agreement[12] signed by all leaders of South Sudan opposition political parties and government in July 2018 has implicitly surrendered the sovereignty of South Sudan to the Sudan. In this Agreement, Sudan has been entrusted by the leaders of South Sudan not only to discuss measures to rehabilitate the economy of South Sudan through bilateral cooperation but also to rehabilitate petroleum sector and provide security to oil fields in South Sudan. Also the revitalized Agreement on Security Arrangements in South Sudan[13] has entrusted Sudan and Uganda to lead the monitoring and verification mechanism of the security arrangements agreement as well as training of uniformed personnel for security sector of South Sudan.

In fact, the RARCSS has indirectly put South Sudan under the condominium of Sudan and Uganda. Unlike the Anglo-Egyptian Condominium of Sudan, South Sudan is put under the condominium of two countries that are among the most fragile but also autocratic in the world; particularly Sudan. While the South Sudanese leaders who signed the Khartoum Declaration vehemently rejected the call for regional or international administration of South Sudan,[14] they have paradoxically put indirectly South Sudan under the administration of countries that are struggling like South Sudan to put their houses in order. The challenge for the South Sudanese leaders who signed the RARCSS is whether they will be able to protect the sovereignty of South Sudan that came as a result of enormous selfless sacrifices of the people of South Sudan.

5. Conclusion: Idealism with Realism

Although there is a consensus in mediation literature that coercion is a very poor way for resolving conflict,[15] some argued that when a highly biased power intervenes in a crisis, a peaceful settlement is likely because warring parties are

11 Peter, M., (2018). "A Second Chance to Deliver Peace through Power-Sharing: Comparative Analysis of South Sudan Peace Agreements". Special Report. Juba: Institute of Social Policy and Research.

12 IGAD, 2018. Khartoum Declaration Agreement between parties of the Conflict in South Sudan". Khartoum. https://igad.int/attachments/article/1874/Khartoum%20Declaration.pdf

13 IGAD, 2018. "Agreement on Security Arrangements in South Sudan". Khartoum. www.sudantribune.com/spip.php?article65805

14 Mamdani, M., (2016). "Who's to Blame in South Sudan?" Boston Review, June 28; Knopf, K., (2016). "Ending South Sudan's Civil War," Council Special Report No. 77. Washington DC: Council on Foreign Relations.

15 Noll, D., (2003). "Coercion-More Costly Than You Think". Mediation.com. https://www.mediate.com/articles/noll8.cfm; Schuberth, D, Sellers, R. and Stewart, S. (2018). " Coercive and disruptive behaviors mediate group cognitive-behavioral therapy response in pediatric obsessive-compulsive disorder". Comprehensive Psychiatry. Vol 86, pp 74-81; Hofmann, E., Hartl, B., Gangle, K., Hartner-Tiefenthaler, M. and Kirchler, E., (2017). "Authorities' Coercive and Legitimate Power: The Impact on Cognitions Underlying Cooperation". Frontiers in Pyschology. Vol 8(5), pp. 1-15.

certain the third party will enforce an agreement by military means as shown in the case of U.S. and British interventions in the Balkans.[16] The real question is whether a peace agreement concluded through coercive mediation such as RARCSS will result in a lasting peace. Despite the apparent flaw in the mediation process, the failure or success of RARCSS rests on the political will and leadership of the elites of South Sudan.[17] The political elites of South Sudan are morally bound to transform the blemished RARCSS to serve as a framework for the opening up political process to address the root causes of conflict as well as encouraging the African Union rather than Sudan and Uganda alone to help them implement RARCSS and to resolve any remaining issues and to make transitional government workable and inclusive so as to deliver the much-needed sustainable peace to the people of South Sudan.

... the challenge is how to address the concerns of idealists while leveraging the optimism of realists to make RARCSS implementable.

There is no doubt that people of South Sudan want peace at any cost. The findings from the recent citizen perceptions survey show that there is a growing confidence in RARCSS with 43 percent of respondents thought that RARCSS will bring lasting peace, while 17 percent of the respondents see the contrary and the rest of respondents (37 percent) thought RARCSS might bring lasting peace or do not know (3 percent).[18] Although the preliminary results of the national dialogue initiated by the government suggest that Salva Kiir and Riek Machar to step aside voluntarily,[19] and allow new leaders to manage the public affairs of South Sudan, the findings of citizen perception indicate that 57 percent of respondents think that government and opposition leaders can work together during the implementation of RARCSS and 30 percent of respondents do not see them working together.[20] In this spectrum of optimists (realists) and skeptics (idealists) of the RARCSS, the challenge is how to address the concerns of idealists while leveraging the optimism of realists to making RARCSS implementable. This brings me to consider the wisdom of Dr Francis Deng (2010) of "idealism with realism".[21] Despite the genuine concerns by the idealists of seeing the joint leadership of President Salva Kiir and Dr Riek Machar during the transitional period of RARCSS as synonymous with more suffering and violence, the option of continuing with violent conflict is not a viable option as recognized by the realists. The bridging and reaching across the two sides of aisle of realists and idealists will require political will and leadership that may currently be in short supply in South Sudan.

The building of a bridge across the aisle will require the emergence of new breed of political leadership from the government, opposition, civil society and media to create and expand space for civicness to supplant and erode space for the culture of violence by making the cost of non-implementation of the RARCSS more than the cost of its implementation. The church leaders, imminent personalities, civil society organizations particularly women could play such a role of transforming RARCSS into an opportunity for bringing a lasting peace in South Sudan.

With government feeling triumphant and weaker opposition with strong sense of political, economic, social and physical insecurity, the transition to democracy through elections by the end of interim period will be extremely difficult. Instead investment in building and strengthening checks and balances institutions provided for in powersharing arrangements may be more effective in facilitating a transition to democracy than through elections.[22] This calls for prioritization of establishment of effective and professional security sector in-

16 Favertto, K., (2009). "Should Peacemakers Take Sides? Major Power Mediation, Coercion, and Bias". American Political Science Review. Vol 103(2), pp. 248-263.

17 Vertin, Z., (2018). "A Poisoned Will: Lessons in Mediation from South Sudan's Troubled Peace Process". New York: International Peace Institute.

18 SSCSF, (2018). "Revitalizing Peace in South Sudan: The Citizen Perceptions of the Peace Process". Juba: South Sudan Civil Society Forum (SSCSF).

19 RSS, (2018). "The Governance Cluster of Emerging Issues from the Grassroots Consultations: A Technical Note". Juba: Secretariat of National Dialogue Steering Committee, Republic of South Sudan (RSS).

20 SSCSF, (2018). "Revitalizing Peace in South Sudan: The Citizen Perceptions of the Peace Process". Juba: South Sudan Civil Society Forum (SSCSF).

21 Deng, F., (2010). "Idealism and Realism: Negotiating sovereignty in divided nations". The Hag Hammarskjold Lecture.

22 Hartzell, C., and Hoddie, M., (2015). "The Art of the Possible: Power-Sharing and Post-Civil War Democracy". World Politics. Vol 67(1), pp 37-71.

stitutions that will contribute not only to easing the feeling of insecurity but also solidify the foundation for civicness in governance.

The implementation of the 2015 Arusha Agreement on the Reunification of the Sudan People's Liberation Movement will be critical for the implementation of the RARCSS. The crisis of the 2016 could have been avoided if the Arusha Agreement was implemented. All SPLM factions have vested interest in the implementation of the Arusha Agreement and any faction that may opt to form its own political party may commit political suicide. Despite the fact that SPLM or at least its leaders have disappointed the people of South Sudan and almost depleted its political capital, SPLM still remains in the hearts of the people of South Sudan as a movement that crowned the long struggle of the people of South Sudan into the independence. The Arusha Agreement provides opportunity for the SPLM to articulate a new vision for South Sudan with which it can remarket itself and win the minds and hearts of the people of South Sudan. I believe South Sudan cannot be put on the track of stability and peace without credible and democratic political parties that would articulate the political agenda and future direction. The democratization and reunification of the SPLM are critical steps for creating, expanding and nurturing democratic and civicness space in South Sudan as well as providing the much-needed unified political leadership for the implementation of the RARCSS.

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South Sudan's Peace Agreements

An Economic Perspective on Peacebuilding

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1. Introduction

South Sudan is only one of many countries striving to resolve social conflicts and build peace – even if it is an extreme one, having only two years of peace as an independent state. Regrettably, its experience of failing to build durable peace is not singular. One positive result of its late coming to statehood gives it the advantage of being able to reflect and build on lessons of these efforts elsewhere.

One of the lessons is that there are economic roots to conflicts that have to be addressed to build a sustainable peace. Solutions need economic elements for success, but this is not well appreciated. Where peace agreements does not include economic considerations, they are in danger of breaking down sooner or later. Sustainable peace can only be achieved if the basis for welfare creation is laid.

Although the Revitalized Agreement on the Resolution of Conflict in South Sudan (R-ARCSS) has economic elements (as the 2005 Comprehensive Peace Agreement (CPA) did), it does not seem to be based on a thorough understanding of the economic situation of the country. Before reviewing the R-ARCSS and in order to set a framework, this article will look at lessons from peace building elsewhere, with a focus on economic elements and the economic record of South Sudan over its first years as an independent state. This will create the basis of an informed review and discussion of the provisions of the R-ARCSS. In conclusion, the paper will suggest some recommendations for the way forward.

2. Lessons From Economic Peace-Building

Conflicts are an unfortunate part of the development process. Violent conflicts and economic development influence each other: On the one hand, violent conflicts reduce or altogether derail economic development. Conversely, economic growth and development reduce the risks of violent conflicts. While stagnant economies provide the basis for dissatisfaction and conflicts, a growing economy creates increased individual welfare and an interest in maintaining stability.

However, the economic aspects of conflict and peace have only come relatively late into fo-

cus, and economic science has only belatedly given attention to this topic.[1] While the literature is expending rapidly, there are still many open questions where researchers disagree. Nevertheless, some broad findings emerge – all of which are very pertinent to South Sudan.

The quality of governance and of state administration is usually poor. In this context, it is not adequate to attempt reform across a broad front. Rather, a few policy areas that are politically as easy as possible and yield rapid pay-offs should be targeted.[2]

Post-conflict countries are highly dependent on financial aid (in addition to technical aid) to finance reconstruction. However, despite promises, aid is not safely predictable, but subject to yearly changes according to home policies in donor countries. This complicating factor increases the importance of building up the ability to mobilize domestic resources. In the context of poor governance, the productivity of investments, public or private, is low. Massive investments and high spending should wait until financial management and accountability are strengthened.

... the copying of other countries' institutions can only be done to a limited degree. Instead ... 'the wheel has to be reinvented.'

Many conflict-prone countries, including South Sudan, are highly dependent on another rent: mineral rent, in particular from oil. Like aid, mineral incomes fluctuate, are subject to changes in prices that are internationally set and have been largely unpredictable, in particular for oil. Furthermore, they are based on declining natural resources, and so increasingly these resources will need to be replaced by non-oil production and by non-oil exports.

Business and the organisations representing firms should be integrated in the peace building process from early on.[3] Only a growing economy with an increasing number of productive jobs can ensure sustainable peace. Because it takes time to build on the private sector on a large scale, it is useful to engage early. It has to be noted that the private sector is very heterogeneous: It includes small and large, domestic and foreign, producing and non-producing entities. Furthermore, in conflict countries, the private sector is part of the conflict economy i.e., some entrepreneurs gain from conflict.

Addressing the grievances over resources that played a role in the war should be prioritized. In South Sudan these include land ownership, oil revenues, lack of investment in certain areas. Social policy is relatively more important and macroeconomic policy is relatively less important in an immediate post-conflict environment. Specifically, policies for social inclusion are vital. Although education and health investment have only long-term impacts, their signal effects are important.

The build-up and reform of institutions (including rules and organisations) is a vital part of peace building. The nature, structure and character of organisations, laws, regulations and rules must be appropriate to the circumstances and capabilities of conflict and post-conflict countries. That means in particular that the so-called "best practices" of rich countries are often not appropriate, with goals and standards often being over-ambitious. Often organisations looking like first world bodies, but not functioning, have been erected.[4] Either these institutions do not work, or they function very differently if transplanted into low- and middle-income economies.[5] In the context of poor post-conflict countries, the copying of other countries' institutions can only be done to a limited degree. Instead, local circumstances are vital and to some degree, 'the wheel has to be reinvented.'[6]

In general terms, conflicts and their resolution should not be regarded as matters of management, but of social and political conflict that are part of the longer-term development process. The most important part of this process is the building of institutions. Success in economic as well as political

1 Blattman, Christopher and Edward Miguel. 2010. "Civil War", Journal of Economic Literature, 48, 1, 3-57

2 Collier, Paul, et al, 2003, Breaking the conflict trap. Civil war and development policy, World Bank and Oxford University Press

3 Mac Sweeney, Naoise, 2008. Private Sector Development in Post-Conflict Nations. A review of current literature and practice, Cambridge UK: Donor Committee for Enterprise Development

4 Pritchett, Lant, 2012, South Sudan as a disruptive innovator in state building, International Growth Centre, Country Office Juba, 10 Dec.

5 North, Douglass C. et al., 2013, In the shadow of violence. Politics, economics, and the problems of development, Cambridge University Press

6 Pritchett, Lant, 2012, South Sudan as a disruptive innovator in state building, International Growth Centre, Country Office Juba, 10 Dec.

development depends primarily on improving institutions.[7] However, helping a weak government build a strong military and police force is no panacea for development problems. In many cases, it allows greater repression and extraction of rents from opponents, hindering development. From this angle, peace agreements only have a chance if they provide a transformative perspective i.e., contribute to the process of moving from purely personal rule to a more institutionalized nature of development.

3. Record of Economic Development: A False Start

From the perspective developed above, how has South Sudan fared since its independence? The result of the five-year pre-independence period under the CPA had already been, at best, disillusioning.[8] Many new laws, regulations and organisations had been created, often modelled after "best practices" from higher-developed countries with, in many cases, no adaptation to the local context. The skills and available capabilities did not allow their effective functioning. Too many initiatives were started in parallel, instead of prioritizing and sequencing. As a result, high sums were wasted and the pre-independence period of 2006-11 was largely a missed chance for state-building. Responsibility lies with both policy makers and the donor agencies.

The following section looks at the record since independence.[9] Economic growth fluctuated sharply, mainly determined by the oil price and level of oil production. Following the total shut down in oil production in 2012, that year's growth rate plummeted to -46.1 percent. Subsequent to agreement with Sudan on the terms of oil wealth sharing, oil production resumed, and growth returned to positive figures from 2013, reaching a high of 22.2 percent in 2014 according to the National Accounts.[10] In the following years the rate of growth declined, approximating zero (0.3 percent in 2016), reflecting underlying unresolved structural problems and unresolved political conflicts.[11] Sudan attained 2.9 percent growth over the same five-year period, despite suffering heavily from the shock of losing much of its oil income.

Although most people still work in and live on agriculture, the sector contributed just 8.7 percent of GDP (2012)[12] at least, as most agricultural production is of a subsistence character. Manufacturing production is in its infancy, contributing 4.5 percent of GDP. The remaining industrial sector, including electricity, gas, steam and air conditioning supply, water supply and sewerage, and construction, make up 22.6 percent of GDP.[13] The biggest sector is services, including trade, transport, telecommunication, security, public administration and others.

Private consumption continues to be the most important demand category, covering more than half of GDP. Government consumption expanded from 20.1 percent of GDP at independence to 32.1 percent in 2015.[14] This is of concern, as it has not been accompanied by improved public services. Also worrying is the decreasing amount and share of investment, reflecting the deteriorating business environment and continuing political crisis. Between 2011 and 2015 annual investments halved: from 16.2 percent to 7.8 percent.[15]

Government expenditure constitutes a high and rising share in GDP compared to other African countries: it rose from 37.5 percent in 2014 to 57.4 percent in 2016. During the same period, total revenue and grants increased from 29.1 percent to 35.6 percent. With unadjusted spending, the overall fiscal deficit increased rapidly from 3 percent of GDP in 2013/14 to 31 percent in 2015/16.[16]

This resulted in an increasing debt burden. According to

7 North, Douglass C. et al., 2013, In the shadow of violence. Politics, economics, and the problems of development, Cambridge University Press

8 Abdel Rahim, Asha, and Dirk Hansohm, Macroeconomic policy formation in South Sudan: Building fiscal management, in: African Development Perspectives Yearbook, Vol. 17: Macroeconomic Policy Formation in Africa - Country cases, 69-105

9 The following is based on UNECA (2018)

10 UNECA, African Development Bank, African Union, 2017, Africa Statistical Yearbook, https://www.afdb.org/en/documents/document/african-statistical-yearbook-2017-95662/

11UNECA, African Development Bank, African Union, 2017, Africa Statistical Yearbook, https://www.afdb.org/en/documents/document/african-statistical-yearbook-2017-95662

12 UNECA (2018), p. 6

13 UNECA (2018), p. 6

14 National Bureau of Statistics (NBS), 2017, Release of South Sudan GDP estimates for 2016, http://www.ssnbss.org/sites/default/files/2017-10/Final%20GDP%202016.pdf

15 National Bureau of Statistics (NBS), 2017, Release of South Sudan GDP estimates for 2016, http://www.ssnbss.org/sites/default/files/2017-10/Final%20GDP%202016.pdf

16 UNECA (2018), p. 7

IMF figures,[17] external debt rose from 4.2 percent of GDP in the fiscal year 2013/14 to 38.7 percent in 2016/17 (projected). Expenditures on wages and salaries constituted an increasing share of government expenditure. While they were one third in 2011, they became more than half (51.3 percent) of all expenditure in 2015.[18] Recurrent expenditures dominated total expenditure: compared to 83.5 percent in 2011, they were 96.8 percent in 2016.[19] With limited access to external financing, deficits were primarily financed through discretionary central bank financing and accumulation of arrears.

Oil production plays an important role in the country's economy. It contributes more than half of GDP, 95 percent of exports, 90 percent of government revenue, and a significant share of private sector employment (albeit with a high share of foreign labour).[20] As mentioned above, instead of spending more than was being earnt and accumulating debt, a portion of the oil resources should have been saved for the future. However, oil incomes declined significantly due to the combined effect of low prices (a decline of more than half) and reduced production (less than half compared to 2011/12). Low oil revenue, weak non-oil revenue mobilisation, and increasing security-related expenditure caused the deficit to increase rapidly.

Domestic credit increased from South Sudanese Pound (SSP) -3,273 million in 2011 to SSP 18,181 million in 2015. The large majority of this is a claim on the public sector. The spread of an average of 12.5 percent between lending and deposit rates reflects limited competition between financial institutions.[21]

From September 2011 until December 2015, the country's exchange rate was pegged to the US$ at 2.96 SSP/US$). Foreign exchange earnings earnings from oil (by far the most important) was sold to the central bank (Bank of South Sudan: BSS) at the official rate. The BSS allocated the foreign exchange to economic agents at this rate. While meant to ensure the supply of essential goods, the allocations were prone to being captured by rent seekers who benefited from the large difference between official and parallel market rates.

As oil revenues fell and the parallel market rate rose from SSP 4/US$ in mid-2014 to SSP 17/US$ by late 2015, with the result that the official exchange rate became increasingly unrealistic. In December 2015, the BSS switched to a floating exchange rate system in order to eliminate the parallel rate. Under the new system, the BSS supplies foreign exchange through market-based auctions, and commercial banks are free to determine the rate with customers. While this system initially managed to reduce the spread between the two rates, excessive monetary expansion and a shortage of foreign exchange connected with the security crisis have continued to exert a downward pressure on the exchange rate. The scarcity of foreign exchange has increased difficulties with importing food and contributed to inflationary pressures.

The high fluctuations and secular trends of the current account balance reflect the severe economic problems the country has faced since independence. The current account balance and its core, the trade balance, went from strongly positive in 2011 to negative in the following years. This reflects mainly the sharp contraction of oil income through reduced world market prices and reduced production.

South Sudan drafted a development-oriented trade policy document in 2011 that is liberal, outward looking and with a focus on private sector promotion. However, the institutional weakness of the trade ministry restricts its ability to implement much of the policy. In practice, trading across borders is about the most difficult globally (rank 178 out of 190 in Ease of Doing Business report).[22]

Social development in the country has been significantly constrained by insecurity, drought, and the continuing political and economic crisis. Since the outbreak of violent conflict in 2013, there have been large numbers of internal displaced persons (almost two million at present) and even more refugees (currently more than two million), mainly in Sudan, Ethiopia and, more than half, in Uganda (UNHCR 2017).[23] This makes Uganda the country hosting the largest number of refugees on the African continent. South Sudan faces high levels of poverty. According to the national pover-

17 IMF, 2017, World Economic Outlook, October, Washington

18 IMF, 2017, World Economic Outlook, October, Washington

19 IMF, 2017, World Economic Outlook, October, Washington

20 UNECA (2018), p. 7

21 UNECA (2018), p. 8

22 World Bank, 2017, World Development Indicators, https://data.worldbank.org/indicator/

23 UNECA (2018), p. 11

ty line, half of the population are poor (50.6 percent; 2009).[24] The poverty gap is 33.3 percent. This measure reflects the depth of poverty as well as its incidence. The poorest 20 percent of the population only account for 3.9 percent of national income. However, overall inequality is moderate with a Gini coefficient of 46.3 (0 representing perfect equality and 1 perfect inequality). Nevertheless, the country is more unequal than its neighbours.

There are also alarming signs of hunger. Almost half of the population are presently reported to be severely food insecure.[25] Only massive humanitarian assistance has avoided a human catastrophe thus far. In the last quarter of 2017, 4.8 million people – about 45 percent of the population – were reported to be severely food insecure. This is 1.4 million more than at the same time the year before.[26] The harvest season has not brought much relief to the local population, as the country's greenbelt has been ravaged by fighting. A massive humanitarian response helped to stop famine in parts of the country but the food security situation was expected to further deteriorate in 2018 (5.1 million severely food insecure in the first quarter). More than 1.1 million children under five were forecast to be malnourished in 2018.

Despite the progress made, the country's health indicators are still worse than the African averages and of most of its neighbours. For instance, South Sudan's neonatal mortality rate of 39.6 (2014) improved by 40 percent compared to 1993, but still compares to an African one of 29.[27] Infant mortality rate fell by more than half in the twelve years and stands now at 11 percent higher than that of the African average.

Due to its stark neglect, educational achievements had been minimal before the peace agreement of 2005. Next to health, the education sector was a key intervention focus of foreign aid. South Sudan's pre-primary gross enrolment ratio almost doubled between 2011 and 2015 but is still less than half of the sub-Saharan African average. Its primary gross enrolment ratio actually declined by 24 percent between 2011 and 2015, while the secondary gross enrollment ratio only improved by 5.5 percent in the same period.[28]

According to UNICEF's State of the World's Children report (2016),[29] South Sudan's literacy rate is 27 percent, compared to a 60 percent sub-Saharan African average. The average rate of Eastern and Southern Africa is 67 percent, 82 percent for least developed countries (LDCs),[30] and 91 percent for the global average (all for 2009-14). South Sudan is left far behind its neighbours and the region and is thus ill prepared to build a society in which wealth is well-distributed.

The country faces major policy challenges. While development of human resources has been a priority since the end of civil conflict in 2005, resources were focused on primary education and basic health, to the neglect of higher education and research. However, without an educated elite and sufficient technical and managerial skills the country will not be able to develop vital market and non-market institutions to improve governance and move up the technological ladder. The strengthening of the position of women would also have large society-wide benefits. South Sudan still needs to cultivate those institutions needed for modern economic development.[31]

... women occupy less than 10 percent of leadership positions at the local government level.

Although women make up half of the country's population, they play a limited role in public life and their economic contribution is largely invisible. More importantly, their role is clearly inferior in the traditional moral and legal codes. The government of independent South Sudan intends to change this situation and to empower women through affirmative action. However, a recent study shows that women occupy less then 10 percent

24 World Bank, 2017, World Development Indicators, https://data.worldbank.org/indicator/

25 UNOCHA, 2017, Humanitarian Bulletin South Sudan, Issue 17, 17 November

26 UNOCHA, 2017, Humanitarian Bulletin South Sudan, Issue 17, 17 November

27 World Bank, 2017, World Development Indicators, https://data.worldbank.org/indicator/

28 World Bank, 2017, World Development Indicators, https://data.worldbank.org/indicator/

29 UNICEF, 2016, State of the World's Children report, New York, June

30 Least developed countries are low-income countries that are confronting severe structural impediments to sustainable development, and the classification is done based on each country's level of development as measured by per capita gross national income (GNI)

31 Abdel Rahim, Asha, and Dirk Hansohm, 2015, Higher education in South Sudan, in: Sudan Studies Association Bulletin, Vol. 33 No. 1, Summer, pp. 48-55

of leadership positions at the local government level. The causal structural factors of gender discrimination include low education levels, economic dependency, gender-based violence, and other systematic factors.

In sum, despite some progress in a few areas, the general orientation of economic progress during the first years of independence has been negative and problematic, and has included:

- insufficient and declining growth (rising growth would be necessary as a basis for peaceful development);
- no structural change to non-oil sectors, such as agriculture, where most people work;
- a concentration of attention on Juba to the neglect of rural areas;
- a rising public sector, often in bloated bureaucracies, instead of a developing private sector with productive employment that adds welfare, rather than subtracting from it;
- declining governance and public sector efficiency;
- declining business conditions;
- no attention on social policies (except by donors);
- rising public deficits and rising debt, instead of saving up oil resources for investing at a time of sound public management capabilities;
- concentration of resources on the military, while insecurity has increased;
- a multitude of institutions, sometimes with overlapping authorities, who are, however, not functioning because of a lack of resources and lines of authority.

4. Economic Aspects of R-ARCSS

Experience, in South Sudan and elsewhere, shows that such a problematic record creates the basis for enduring conflict. Does R-ARCSS take account of this status and take steps to address it?

R-ARCSS gives attention to economic issues. In Chapter 4 it deals with resource, economic and financial management.[32] Notable are provisions for:

- transparent and accountable government;
- effective leadership and a commitment against corruption;
- oversight mechanisms, guided by principles of mutual consent in accountability, to control revenue collection, budgeting, revenue allocation and expenditure;
- a medium-term Economic and Financial Management reform programme;
- an independent central bank;
- a quota for women in governance;
- a review audit chamber, anti-corruption commission, and wide range of national legislation, in order to ensure independence;
- a reform of existing economic and public sector financial management institutions to ensure the most transparent and accountable possible public financial management;
- a private sector development strategy that will be implemented.

These formulated intentions address many of the above shortcomings. However, obviously they cannot be taken at face value. In fact, the same or similar institutions were already pres-

32 Revitalized agreement on the resolution of the conflict in the Republic of South Sudan (R-ARCSS), 12. Sept. 2018

ent under the CPA and through the laws, regulations and organisations of independent South Sudan. However, these principles were often blatantly disregarded. For example, although high degree of corruption was known about, the accused were in most cases not prosecuted.

It is important to have a transparent and accountable government. It is, however, not clear how this can be done if there are the same leaders and staff who were there before. A competently, technically staffed, sufficiently resourced, strictly independent Audit Chamber that publishes its audit reports on all public spending regularly is the body to lay the basis for accountable government. There is no need for a parallel corruption commission. But this relies upon effective, resourced staff and a system that takes account of the findings and institutes appropriate follow up actions.

The planned Economic and Financial Management reform programme would need to emphasize a reorientation towards a slimmed down and effective public administration, private and rural development. No sign of such a reorientation is visible. The danger is that the peace agreement will rather strive to continue past priorities of attempting to "buy off" interest groups. The programme does not set a transformative agenda with a view to transform the economy and does not look credible in face of existing skills and institutional capacities. A review of existing bodies, laws and regulations will be important. However, there needs to be awareness that resources are limited, with priorities set and proper sequencing. For example, 35 ministers are mentioned. This is far too many.

... credible monitoring and evaluation mechanisms need to be created. These need to be external and may be best formed by civil society.

The Revitalised Transitional Government of National Unity (R-TGNU) is to be formed by the incumbent TGNU, the Sudan People's Liberation Army/Movement in Opposition (SPLA/M-IO), the South Sudan Opposition Alliance, the former detainees and other political parties. Professional organisations, as for instance the vocal university staff organisations, business associations, farmer and trade unions, and other civil society bodies, are not included. But credible monitoring and evaluation mechanisms need to be created. These need to be external and may be best formed by civil society. Only such organisations, external to the power holders, are able to provide a credible mechanism of monitoring and accountability.

5. Recommendations

The R-ARCSS is another attempt to create peace by bringing together the main power holders and trying to balance their interests.

However, the perspective does not look very promising. It does not seem different from previous agreements, which all failed. In economic terms, it rehashes the same old precipices, and does not provide new ideas. But there is a need for radical, substantial economic reform that addresses the roots of conflict in order to lift the country out of the vicious circle of stagnant development and violence.

As argued above, for post-conflict countries it is important firstly to build up managerial and accountability structures before spending massively. Similarly, for mineral-dependent countries that have limited resources it is important to save much of the gains, rather than spending all immediately. A fund for these limited resources should be created to save much of the resource income for the future – this had actually been planned for the CPA period,

but was not implemented. Instead of saving funds, debt was incurred. The same is planned under R-ARCSS. This is both unreasonable and irresponsible.

The saved resources should be spent on nationwide infrastructure (roads, rail, electricity, telecoms, internet). This will reduce the market costs and by itself raise living standards. This is planned, but barely executed. Instead of top-heavy administration that tries to buy off power holders through well-paid jobs for which they are not qualified, a bottom-up approach should be applied. Local development centres should be created in every local council area, including local infrastructures such as primary schools, primary health centres, small administrations, agricultural support centres, internet cafes and post offices.

In addition, the private sector should be promoted. Beyond easing business conditions, small businesses should be promoted, for instance by easing access to credit. This is also planned but has not been executed.

Decentralisation, bringing development closer to the people, is vital. However, the multiplication of states is not an appropriate means to achieve this. On the contrary, the additional state level between central and local government takes away resources from local development. In the context of scarce resources, it would be reasonable to cut out the state level entirely. This would contribute to the necessary replacement of administration by productive jobs.

About the Author

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V

Case Studies

The People-To-People Peace Process[1]

Wunlit: The West Bank Nuer-Dinka Peace and Reconciliation Conference

John Ashworth
South Sudan Analyst and Adviser to both the Church Council and to the country's Catholic Bishops

Failed High-Level Mediation

In 1991, the Sudan People's Liberation Movement/Army (SPLM/A) experienced a disastrous split. Ethnicity was only one of the reasons for this, but nevertheless it became a major issue that led to the massacre of thousands of civilians in the two main ethnic groups in southern Sudan, the Dinka of Dr. John Garang and the Nuer of Dr. Riek Machar.[2] From an early stage, the Church attempted to mediate between them. At times it appeared that they were very close to achieving a reconciliation, but ultimately the attempts failed. The two men were not prepared to reconcile.

People to People

In 1994, partly as a result of the split, the mainstream Sudan People's Liberation Movement/Army (SPLM/A) convened the Chukudum Convention, bringing together several hundred people from all over southern Sudan. This was the beginning of a change to make the movement more democratic and accountable, to improve its human rights record, to strengthen its political wing and to institute a civil administration in the "liberated areas." In July 1997, this was followed by a meeting in Kajiko, near Yei (southwestern of South Sudan), to iron out differences that had developed between the Church and the movement. It was a fiery meeting but ended well, with the SPLM/A mandating the Church to handle peace and reconciliation.

The ecumenical body in the liberated parts of Sudan, the New Sudan Council of Churches (NSCC), discerned that since it had failed to bring together the two principals, it would start at the other end of the spectrum, with the grassroots, initially integrating three different elements: traditional peacebuilding techniques, Gospel values and peacebuilding techniques. Consequently, in June 1998, a meeting was held in Lokichoggio, northern Kenya, bringing together influential chiefs and elders from the Dinka and Nuer communities on the west

1 Based on Chapter 6 of *The Voice of the Voiceless: The Role of the Church in the Sudanese Civil War 1983-2005*, by John Ashworth, Paulines Publications Africa, Nairobi, 2014.

2 The reasons for the split included a power struggle between individuals; ethnicity; a poor human rights record and a lack of democracy within the movement; and disagreement over whether the main aim of the liberation struggle was independence for South Sudan or a new, democratic, secular dispensation for the whole of a united Sudan.

bank of the Nile, along with church leaders.[3] This was the first time in almost ten years that they had been able to meet, and it constituted a first step in building trust, which was to become one of the key elements of the People to People Peace Process. This trust was developed in part through the telling of their stories, the second key element of the peace strategy.

At the Lokichoggio Chiefs' Peace Meeting, the leaders began to recall how they and their ancestors had historically dealt with conflicts and restored peace. Thus, the third key element emerged: the use of traditional peacebuilding techniques. A fourth aspect followed quickly: "We are capable of making reconciliation even if Garang and Riek are not present. Don't blame them – we are capable of making peace. We are responsible." This fourth element was that the community is the primary actor in peacebuilding. At one point an elderly bishop held a heavy wooden chair, called the Chair of Leadership, above his head, clearly straining from the effort to do so, and cried, "Who will help me with this burden?" A chief rushed forward to help him, and a fifth element, symbolism and imagery, came into play.

An agreement was signed and immediately enacted. "I will allow the Nuer to come to my grazing area and water points starting in January [1999], so they will know we are serious about this peace," said one Dinka chief.

Wunlit: The People to People Peace Process

A great deal of practical preparation then ensued. Local people and the military factions controlling the area had to be mobilised, to say nothing of the donors. There were major logistical problems to be resolved, as well as security issues. Perhaps the most important and emotionally powerful part of the preparation was the exchange visits in which five chiefs and a women's representative from each community, accompanied by church leaders, visited the other community. Traditional rituals were performed. There was great fear, but also great courage, joy, hospitality and reciprocity. At one point, chiefs from one community offered to act as hostages to guarantee the safety of the others: the offer strengthened their resolve and was graciously declined. Seeing the opposing chiefs in their own territory, people became convinced that a real peace process was under way.

A relatively obscure Dinka area called Wunlit was chosen for the first main peace conference in February-March 1999. A whole new village of 150 mud and thatch houses, plus a conference hall, had to be built from scratch. Cooking facilities had to be provided, boreholes drilled, latrines dug, the dirt road repaired, and an airstrip created. Hundreds of delegates (of whom one-third were women) and hundreds more support staff congregated there, a total community of up to 2,000 people, all in the centre of an active war zone. Transport had to be arranged, although many people walked there, often from far away. There were several working languages used at the conference. It was a community effort.

It is difficult to capture the atmosphere of such a meeting.[4] Each clan group was composed of six official representatives under the chief, with the six representatives including two elders and two women. One of the high points was the slaughter of a white bull ("Mabior" in the local language):

> Mabior is the Bull of Peace that will be sacrificed for reconciliation and peace ... Anyone who breaks this commitment to peace will follow the way of Mabior ... The elders are making a peace and are taking an oath not to repeat atrocities previously committed. A curse is placed on any who partake of the Mabior sacrifice and later break the oath ... It is a very serious curse; it is a curse of death.[5]

Most of the meeting was preoccupied with the sixth element of the process: truth. In the Nilotic tradition, peace can only truly be achieved when everyone knows fully what wrongs were committed. The two communities were each given an opportunity to tell their story, to "vomit out" all the suffering and bitterness. It was a painful time for all involved. While there was later an opportunity for rebuttal, often there was none. Both sides acknowledge the truth of the accusations, but also recognised that they had each suffered in a similar way at the hands of the other. This led to agreements including practical actions for peace, followed by the signing of a covenant. To ensure this follow up, Peace Councils were formed and to date there has been no major breach of the peace accord on the west bank.

3 Both communities are also found elsewhere in South Sudan, but the process began on the west bank.

4 See NSCC, 2002, pp 59-61 for a credible attempt to do so.

5 Ibid, p 60

The role of the women was crucial. The men tended to speak for a long time, recounting the whole histories of related issues. The women, conversely, were brief and to the point, expressing the wish for the conflicts to stop; stating how they were saddened at the loss of their husbands and sons and the abduction of daughters; and how they would like to see the banning of guns. The women reminded the men of women's traditional influence on war and peace and threatened "a revolution ... we will stop giving birth."

While the Peace Councils were very successful, the one glaring omission was "the peace dividend" that was expected to be provided by international partners. The agreement called for the establishment of community police groups, with radios for communication. Humanitarian aid was also requested. People began to return to their homes from where they had been displaced; water points, shelter, schools and clinics were all needed to replace those that had been destroyed. Food was needed to help them to settle in, as well as for the host communities who shared what little they had with the returnees. Seeds and tools were needed to break the cycle of dependency on relief aid. But very little assistance came from the international community. It seemed they were happy to support the high-profile peace conference, but always had excuses to avoid supporting the low-visibility follow-up.

The women reminded the men of women's traditional influence on war and peace and threatened "a revolution ... we will stop giving birth."

Waat and Liliir

The process then moved to the east bank. Meetings were held in Waat (October 1999) and Liliir (May 2000). The situation on the east bank was complicated by various factors, including the number of different ethnic groups involved and various political considerations. The result was that there was not such a clear-cut resolution as there had been in Wunlit. Nevertheless, progress was made, it being recognised that peacebuilding is not based on "successful" one-off peace conferences, but on a long process that has its ups and downs.

Strategic Linkages

By November 2000, it was time to take stock and evaluate the process. Dr. Riek Machar had terminated his alliance with Khartoum but was still fighting against SPLA. A meeting designated "Strategic Linkages" was held in the village of Wulu on the west bank, bringing together representatives from all the other conferences. Their basic message was: "We have made peace, but it is our sons who continue to encourage conflict" (referring of course to Dr. John and Dr. Riek). There was a clear recognition that while ethnic conflict often has its own roots, the ethnic nature of the conflict is often manipulated and exacerbated by political and military interests.

This led to "Strategic Linkages 2," held in the Kenyan city of Kisumu in June 2001. This brought together traditional leaders, elders and women from the grassroots with civil society, politicians, intellectuals, diaspora and representatives of the various factions of the liberation movements.

The conference nearly didn't take place. The SPLM/A declined the NSCC's invitation and physically blocked the participation of citizens in areas under SPLM/A control. The SPLM/A failure to endorse the conference made the NSCC aware of a final important element: empowerment. The NSCC had originally set out to make peace, but empowerment of all the parties involved was an inevitable result of the process. The SPLM/A felt challenged by this dynamic.

The underlying message from Kisumu to both leaders was, "We fully support the liberation struggle and Dr. John's leadership of it, but it is unacceptable that you continue the conflict between yourselves: You must unite." The conference called for an immediate cessation of hostilities, open dialogue to resolve political differences, and self-determination as the central objective of the liberation struggle.[6] Dr. John and Dr. Riek subsequently signed a peace agreement on 6 January 2002.

The reunion of the two main factions significantly reduced the suffering of the people on the ground and hastened the end of the civil war. Negotiations sponsored by the Intergovernmental Authority on Development (IGAD),[7] an eight-country trading bloc in Africa, resulted in the January 2005 Comprehensive Peace Agreement (CPA), ultimately leading to the referendum in January 2011 and independence for South Sudan in July 2011. The IGAD negotiations were strictly be-

6 Kisumu Declaration, 23 June 2001.

7 IGAD comprises the countries of Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan and Uganda.

tween the two warring parties, but the Church "shadowed" them with a series of meetings in Entebbe, Uganda, which brought together individuals, parties, militia, movements and others from both northern and southern Sudan, and thus influenced the IGAD process from the sidelines. This 'Entebbe Process' was a direct continuation of the People to People Peace Process.

Model

The People to People Peace Process has been recognised as a model of grassroots peacemaking. Many NGOs have tried to copy it, usually without much success. To begin with, the NGOs lack the credibility and moral authority of the Church. In addition, they usually focus on high-visibility conferences, neglecting the years of patient preparation that are required before any major conferences are held. They also neglect the key elements that underpin the process: trust; story-telling; traditional methods; the recognition of the community as the primary actor; symbolism and imagery; truth; a peace agreement with practical measures for implementation and follow-up; and empowerment.

A conference of several hundred people engaged in telling their painful stories and acknowledging the truth cannot be tightly time-tabled, finished and agreed within three days. These conferences must be allowed to continue as long as is necessary, even over many days or weeks, while the process itself may take years. Decades of conflict and trauma cannot be overcome in a few months. Quick fixes do not work. While the church is of course concerned to stop immediate violence, it nevertheless recognises that peace is not merely the absence of war; "Stopping the war is essential, but not sufficient for the establishment of a just and lasting peace."[8]

The NSCC did not have access to modern "peace studies;" at that time little literature was available. For the Sudanese Church, the call to peace and reconciliation dawned slowly. Much of the work was reactive, with no long-term strategy or plan. The team sat together after each step and planned the next step, but they hardly knew where the process would go beyond that. It was an "emergent" process.

8 *Let There Be A Just and Durable Peace in the Sudan: An Appeal by the Bishops of the Catholic and Episcopal Churches of Sudan*, Nairobi, 17 August 2001.

"... We have overemphasised the technical aspects and political content to the detriment of ... keeping a process creatively alive," of leaving space for serendipity, intuition, art and the web of relationships.

During those early forays into peace work, the Church in Sudan was unaware of the sterling work of Mennonite John Paul Lederach and his pyramid model in which he identifies grassroots, mid-level and high-level components of peacebuilding.[9] The NSCC first attempted (and failed) to reconcile the leaders (high-level), then went back to the grassroots. From the grassroots, the wisdom of the elders expressed at the first Strategic Linkages conference led the NSCC to the midlevel ("We have made peace; it is our sons who are the problem now."). From there, pressure was exerted on the principals to make peace at the high level, and at the same time the church entered the high-level national peace process via the Entebbe Process and international advocacy. Peacebuilding mobilises both horizontal and vertical dynamics.

Elsewhere, Lederach comments, "I am uneasy with the growing technique-oriented view of change in settings of violence that seems to dominate much of professional conflict resolution approaches."[10] He speaks of "invoking the moral imagination ... which is not found in perfecting or applying the techniques or the skills of a process ... My feeling is that we have overemphasised the technical aspects and political content to the detriment of the art of giving birth to and keeping a process creatively alive,"[11] of leaving space for serendipity, intuition, art and the web of relationships.

All this would be familiar to those who work for peace in Sudan. Indeed, it could be said that rather than designing a process, People to People opened up a space whereby the people themselves could pursue peace and reconciliation; the process was designed as a result of what emerged within that space. Sudan and South Sudan have become a laboratory for peacebuilding, and the experience of their peace pioneers now informs international thinking.

9 Lederach, 1997, p 39.

10 Lederach, 2005, p 52.

11 Lederach, 2005, p 70.

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Forging a Shared Future

Women Resilience, Recovery and Stabilization in Gbudue State

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1. Introduction

While the massive mobilization by both faith-based and traditional leaders succeeded in bringing the Gbudue State[1] government and warring parties to the table to sign the State Peace Agreement in 2017, the puzzle remains as to what really triggered the conflict in the state that was once considered the most peaceful and a bread basket of South Sudan. What happened to the pre-existing structures that used to cement together the Azande people?[2] And what type of recovery, resilience and stabilization mechanisms would be relevant at this time, specifically for women and children who bear a disproportionate burden of the effects of conflict.

2. About Gbudue State: The Socio-Economic, Political and Cultural Facets

Gbudue State is one of the 32 States of South Sudan.[3] It borders Tombura State to the west, the Democratic Republic of Congo to the south, Maridi State to the east, and Western Lakes State to the northeast. It is administratively divided into two old counties, Yambio and Nzara, and occupies an area of 15,313 sq km with a population of 269,907 of whom 50.9 percent are male and 49 percent are female (mid-2016 population).[4] Gbudue State is inhabited by mainly the Azande, Balanda and Bongo.

The state's literacy rate is not known but for the former Western Equatoria State (WES) the literacy rate among the age group of 15 to 24 years was 14.3 percent for young women.[5] Access to adequate health care remains a major challenge. Infant mortality and the mater-

1 Gbudwe State is one of the 28 states of South Sudan created in 2015 after President Salva Kiir issued a decree establishing 28 states, expanding the previous 10 constitutionally established states to 28. It is located in the Greater Equatoria Region and it is part of the former state of Western Equatoria.

2 The Azande people are culturally diverse group of peoples (nations) that are predominantly in the Greater Equatoria region of South Sudan and live partly in the Democratic Republic of the Congo, and partly in the Central African Republic.

3 The Second Republican Order for the year 2017. See also *Juba Monitor – Tuesday Jan 17, 2017 vol. 7 issue No.963 – 12 pages* (www.jubamonitor.com). The Second Republican Order for the year 2017

4 National Bureau of Statistics (2015). Population Projection for South Sudan by Payam from 2015- 2020.

5 Ministry of Health and National Bureau of Statistics (2010). South Sudan Household Survey 2010, Final Report. Juba, South Sudan.Available from http://www.ssnbss.org/sites/default/files/2016-08/Sudan_Household_Health_Survey_Report_2010.pdf [Accessed 22st Dec 2018].

nal mortality rate remain high (2,327 deaths per 100,000 live births).[6]

In terms of agricultural production, the state falls in the green belt agro-ecological zone, 550-650m above sea level and has a generally wet climate with long, reliable rainy seasons with annual rainfall reaching 1400 mm and more, which is highest in the whole of South Sudan. It enjoys a very long growing period (March–December): 99 percent of the land is prime agricultural land, suitable for agro-pastoral and forest products. Depending on the season, the temperature ranges from 17° to 30° centigrade, which provides the state with the potential to be the food basket for the rest of South Sudan and to produce export market oriented crops. Nearly 90 percent of the population is involved in crop farming. Yet, the frequent displacement of the community due to violence and insecurity – especially over the last few years – has aggravated the low production of food crops and increased reliance on imported food from neighboring countries.[7] Inadequate market information, limited access to microfinance institutions and support from cooperatives/or agricultural banks too, have had a negative bearing on the support and services rendered to farmers.

There continues to be underrepresentation of women, despite the enactment of gender responsive policies and laws.

Materially, many parts of the area and infrastructures such as roads and bridges, schools, health centers, agricultural plantations of cash crops and the Nzara industrial complex require substantial restoration. Most roads and bridges in Gbudue State are dilapidated and not passable, especially during rainy seasons. The present condition of roads hampers resettlement of Internally Displaced People (IDPs), rehabilitation and future development.

Women, Peace and Security

In terms of women, peace and security, there is a positive political will, but limited social welfare services available to address the needs of the poorest and most vulnerable, including poor women, widows, the disabled and children, returning individuals and families, internally displaced people and refugees. While the United Nations Security Council Resolution 1325 on women, peace and security emphasizes the inclusion of women in all decision-making structures in the post-conflict reconstruction period, the implementation of the resolution has been lagging throughout South Sudan. There continues to be underrepresentation of women despite the enactment of gender responsive policies and laws. Even though many authors reject the assumption that women's political presence is sufficient for the substantive representation of women, they agree that women's political presence is a necessary end, in and of itself.[8]

As homemakers and care givers, women bear a huge workload hindering their effective participation in the social, economic and political decision-making that affects their lives. Traditional practices such as early marriage, earlier pregnancies and other forms of violence, effectively subordinate women and girls and restrict their efforts to contribute to development. Many young women are exposed to elevated risk of maternal death, and contraceptive use is practically non-existent or insufficient. Youth friendly services on adolescent sexual reproductive health and rights services are minimal. Compounding this, the majority of women have very limited access to basic healthcare services needed during pregnancy and after birth; more than 80 percent of deliveries occur at home and mostly at the hands of traditional birth attendants. The prevalence of HIV/AIDS in Gbudue State, which was part of Western Equatoria State (WES), is 6.8 percent, higher than the country level, estimated at 3 percent.[9] The higher rate is attributed to limited knowledge about HIV/AIDS and prevailing high-risk behaviors, such as multiple concurrent sexual partners, polygamy without condom use, as well as low school enrollment and poverty.

6 Medecins Sans Frontieres (2015). Maternal and Child Health in Yambio, South Sudan. Available from https://www.msf.org/gallery-maternal-and-child-health-yambio-south-sudan [Accessed 22nd Dec 2018]

7 Famine Early Warning Systems Network (2018). South Sudan Food Security Outlook. Feb to Sept 2018

8 Bazugba, A. 2014. "The Politics of Gender Quotas: What Accounts for the Relative Success of Gender Quotas in the first South Sudanese Elections?" University of Edinburgh.

O'Neil, D.A. al. 2015. A Framework for Developing Women Leaders: Applications to Executive Coaching. The Journal of Applied Behavioral Science, 2015, Vol. 51(2) 253–276; Celis, K and Childs, S. (2008). Introduction: The Descriptive and Substantive Representation of Women: New Directions. Parliamentary Affairs Vol. 61 No. 3, 2008, 419–425

9 Medecins Sans Frontieres (2015). Maternal and Child Health in Yambio, South Sudan. Available from https://www.msf.org/gallery-maternal-and-child-health-yambio-south-sudan [Accessed 22nd Dec 2018]

For example, although the situation of women from 2016, shows that the maternal mortality rate has decreased marginally from 2,054 (2006) to 789 per 100,000 live births,[10] comprehensive and basic emergency obstetric care services are limited with up to 57 percent of health facilities non-functional in most conflict-affected areas. A majority of women (87 percent) deliver their babies at home. Amidst critical shortage of human resources for health, skilled birth attendance stands as low as 11 percent.

Family planning uptake is low (contraceptive prevalence rate is 4.5 percent for all methods and 1.7 percent for modern methods). The teenage pregnancy rate is exceptionally high (300/1,000 for girls aged 15-19 years), attributable to the high rate of child marriage in which 40 percent of girls are married before the age of 18.[11] South Sudan has a generalized HIV epidemic with an adult prevalence of 2.6 percent. The epidemic is geographically concentrated in the southern states, with a prevalence of 6.8 percent in Western Equatoria, 3.1 percent in Central Equatoria, and 4.0 percent in Eastern Equatoria.[12]

In terms of gender and security issues, there is a low understanding of security threats and limited representation and participation in peacebuilding and conflict prevention and mitigation despite the fact that women are the most affected. Besides, the proliferation of small arms that contribute to making public spaces dangerous for women and children, landmines and other unexplosive ordnances discourage them from engaging in productive activities such as farming, political and public decision-making. Discussions with women indicate that women prefer to resolve tensions within the community amicably by consulting the conflicting parties, as opposed to men who resort to fighting and threats.[13] This suggests the importance of women's priorities to overall peace building, recovery and stabilization efforts.

... there is a low understanding of security threats and limited representation and participation in peacebuilding ... despite the fact that women are most affected.

The Role of Women in Various Sectors

The critical roles played by women in formal and informal sectors contribute significantly to peacebuilding and development. Studies have shown that South Sudanese women play a central role in society as well as in conflict prevention and peacebuilding. Despite the independence of South Sudan in 2011, women's post-conflict status is among the lowest of all groups in South Sudan, regardless of ethnic background.[14] During the referendum on self-determination, South Sudanese women were mobilized to educate community members about the referendum in addition to leading voting centers in registering and making sure the election was transparent, fair and credible.[15]

While in most cases those in formal policy agencies (operating within parliaments, governments and ministries) are widely recognized, some studies suggest that other actors may be as critical or more critical than formal political representatives.[16] By exploring the role played by women's movement actors/women's associations, operating as part of civil society or faith-based organizations, and as integrated parts of political parties, findings indicate that there are numerous activities undertaken by these groups as noted elsewhere.[17] For example, these groups work together and continue to provide a catalytic forum for women to freely raise, discuss and address issues affecting the lives of their communities. Voicing women's concerns related to gender-based violence,

10 World Bank: South Sudan Health Rapid Results Project: P127187- Implementation Status Results Report , June 29th 2017.

11 The Republic of South Sudan. National Bureau of Statistics (NBS) (2010). Sudan Household Health Survey (SHHS) Report. Available from http://www.ssnbss.org/home/document/survey/sudan-household-health-survey [Accessed 22st Dec 2018].

12 Southern Sudan Antenatal Care Clinics Sentinel Surveillance Report, MOH, 2012.

13 State Consultation interview with women's groups held in Yambio 28-29/01/2018.

14 Zambakari, C. (2013), The Role of Women in the Nation and State Building Projects in South Sudan, *Sudan Studies Association Bulletin (Spring Issue) 31*(1), 12-17.

15 Ibid., pp. 10

16 Lovenduski et al. (eds), (2005). State Feminism and Political Representation, Cambridge University Press; Mazur, A. (ed.), (2001). State Feminism, Women's Movements and Job Training:Making Democracies Work in the Global Economy, Routledge

17 Celis, K, Childs, S. Kantola, J. and Krook,M.L (2008). 'Rethinking Women's Substantive Representation', Representation. Special issue on the Substantive Representation of Women. London: Routledge.

harmful traditional practices, insecurity and unfavorable economic policies, among others, not only helps to prioritize and construct women's interests and the conceptions of the female citizen, but will also encourage them from not shying away from politics and agree to engage in intra-party strategies as experienced elsewhere.[18] Equally, the roles women played during the liberation movement as peace builders, as caretakers of families, the wounded and elderly, and subsequently as mobilizers for voting in the referendum of January 2011, contributed to the recognition of their status in political processes.[19]

Policy and Legal Framework

The Republic of South Sudan has progressive laws and policies on women and gender equality that recognize 25 percent gender quotas for women's representation. These include the Transitional Constitutional of South Sudan (TCSS 2011), the Gender Policy, the Elections Act (2012), the South Sudan Development Plan and the National Action Plan for the implementation of UNSCR 1325, among others. However, this requirement which "stipulates that at least 25 percent of seats and positions in each legislative and each executive organ of the state needs to be allocated to women as part of Affirmative Action designed to redress historical injustices"[20] has not been met. Recently, the Revitalized Agreement on Resolution of Conflict in South Sudan (R-ARCSS) has adopted 35 percent representation at all decision-making levels. Yet, the implementation and enforcement continue to lag behind due to cultural barriers, political will, a lack of oversight mechanisms, a limited understanding and poor interpretation.

Political and Community Protection Mechanisms: What Went Wrong?

While the signing of the comprehensive peace agreement (CPA) on January 9th, 2005, brought peace in most parts of the country, this was disrupted by attacks and invasion by insurgents from the neighboring country of Uganda, the Lord's Resistance Army (LRA), as early as 2006, while the gains achieved after independence in 2011 were again plunged into a brutal civil conflict in December 2013, triggered by a political dispute between factions of the ruling Sudan People's Liberation Army/Movement (SPLA/M). Since then, the state has continued to encounter insecurity and challenges, resulting in the displacement and devastation of her citizens, of which women and children are the most affected.

In 2008, the U.S.-backed Operation Lightning Thunder to crush the LRA[21] was launched, but the strike caused by the LRA's persevered, resulting in a loosely organized local militia[22] called the Arrow Boys, which formed in Western Equatoria State (WES) to protect civilians from further attacks by the LRA. The Arrow Boys mainly used arrows with some self-made guns that were provided to them by ex-combatants. Although they succeeded in pushing out the LRA in 2010, the group did not disband. They continued with patrolling in the bushes along the borders of the three countries while collecting special tax or food-in-kind from the community for their sustenance. Meanwhile, government initiatives to support and recompense the Arrow Boys who drove away the LRA did not materialize. As a consequence, distrust, rebellion and a claim for political recognition set in, leading to a formation of South Sudan National Liberation Army (SSNLA). This took the state back to conflict and sporadic attacks that destabilized life and the livelihoods of the entire society.

With continued intercommunal, resource-based conflicts, and tensions in the border areas, there was an increased death toll, occurrences of sexual violence and displacement. The protracted war brought a culture of violence and the proliferation of small arms, which in turn perpetuated more violence. Similarly, the capacity of local peace infrastructure parties – including traditional and religious institutions and peace committees – has been undermined by emerging youth groups who are energetic, defensive and use fire arms to seize resources and endanger citizens' lives. However, var-

18 Inglehart, Ronald, and Pippa Norris. 2003. Rising Tide: Gender Equality and Cultural

Change Around the World. Cambridge: Cambridge University Press, 2003.; Lawless, Jennifer L., and Richard L. Fox. 2005. It Takes a Candidate: Why Women Don't Run for Political Office. Cambridge: Cambridge University Press.

19 Ali, N. (2011), Gender and State building in South Sudan, Special Report, Washington: USA.; Faria, C., (2011). Gendering War and Peace in South Sudan. The Elision and Emergence of Women. The Association of Concerned Africa Scholars (ACAS). Bulletin no.86: "The Sudan's: Which Way?" November, pp.20-29

20 Zambakari, C. (2013), The Role of Women in the Nation and State Building Projects in South Sudan, *Sudan Studies Association Bulletin (Spring Issue) 31*(1), pp.6.

21 The Lord's Resistance Army: End Game? Africa Report N°182 – 17 November 2011; International Crisis Group, working to Prevent Conflicts Worldwide.

22 Non-state security providers and Political formation in South Sudan: The Case of Western Equatoria's Arrow Boys; Centre for Security Governance, No. 4/ April 2016

ious reports show that the negotiation initiatives by the state government and religious leaders succeeded in making the youth sign the peace deal with the government and lay down their arms: At least 1900 had already been trained and re-integrated into the regional army by the end of January 2018.[23]

The spillover of armed hostilities that erupted in Juba in December 2013 hit the state in different parts. Yambio and Nzara counties experienced desertions and infighting among rival military groups, together with increasing youth and militia mobilization, which led to high levels of insecurity and massive displacement. At the same time, the spillover brought in some tribes, such as the Jur Ber Community, from other states who forcefully wanted to settle in Gbudue State. The dispute over land spurred communal misunderstandings, ethnic conflicts and disassociation, hate speech and competition over resources and employment. As a consequence, incidents of targeted/revenge attacks, loss of lives and displacement, mental stress and fear have risen in Yambio, the capital city of Gbudue State.[24] Prices of food and fuel have sky rocketed; markets have fragmented; and there has been limited movement of people undertaking hunting and fishing.

Equally, the renewed fighting in July 2016 affected the livelihood of groups in Gbudue State. With two militia groups in place – the Sudan People's Liberation Army In-Opposition (SPLA-IO) and South Sudan National Liberation Army (SSNLA) – all the six payams of Yambio County were affected.

The state peace initiatives involving government and religious leaders succeeded in bringing the SSNLA to Yambio cantonment areas from the bush, and in ensuring the SSNLA signed the peace deal and was integrated into the national army (SPLA). However, other sources of political tension remain, which includes the presence of ex-combatants who would like to join other organized forces and returnees. Among the returned Arrow Boys are boys and girls who need to be given skills as they have not been absorbed in the SPLA. To prevent further socioeconomic sliding down and to mitigate some of the adverse development impacts, building resilience and tangible stabilization and recovery interventions are of vital importance for development.[25] This approach will prevent the fall back or a spillover of the conflict to other relatively peaceful areas.

The results of a rapid assessment and consultations with state authorities and other key stakeholders in February 2018 indicate interventions areas that could benefit Gbudue State under the resilience/stabilization/recovery grouping. These are categorized into five main areas:

1. Consolidation of local government and traditional authority. Since these structures are closer to the people, empowering them with increased knowledge and skills will expedite peacebuilding initiatives by a trickle down to the community. By strengthening police, judicial and prisons services, the rule of law will be maintained.
2. Rebuilding and empowering communities. This includes the provision of humanitarian assistance to the conflict affected areas, IDPs, returnees and their resettlements, as well as the establishment of community empowerment and development programs in which basic service delivery including health and education will be provided.
3. Revitalization of the economy through: a production and marketing enhancement program; infrastructure rehabilitation and urban improvement services; and the protection of the environment and natural resource management program.
4. Peacebuilding, reconciliation and social cohesion. This can be achieved through the provision of common social services that bring together communities from various backgrounds with the objective of sharing and achieving a common purpose such as education and recreation. In the process, information may be shared publicly, and education and communication materials distributed to enlighten the communities.
5. Counseling program; demobilization and re-integration of ex-combatants program.
6. A number of people have been traumatized due to the nature of the prolonged conflicts. Providing a safe space to talk, listen and allow them to find solutions

23 Interview with Paramount Chief of Gbudue State – 27/01/2018; Interview with the Governor 28/01/2018; State Consultation workshop in Yambio 28-29/01/2018.

24 UNMISS and UN Human Rights Office of the High Commissioner (2018). Violations And Abuses Against Civilians In Gbudue And Tambura States (Western Equatoria) April-August 2018 report. Published on 18 October 2018 Available from https://www.ohchr.org/Documents/Countries/SS/ReportWesternEquatoria-17Oct2018.pdf (Accessed20th Nov 2018)

25 Consultation workshop for Gbudue State authorities and intellectuals 28-29/01/2018, Yambio, Tourist Hotel.

to their problems is vital in assisting them to come out of shock and enabling them to move on with their lives.

Conclusion

Based on women's historical participation in peacebuilding processes, it is clear that the sustainability of the networks and women's organizations rely on an agreed agenda for women, peace and development, and therefore it is possible to collaborate beyond and above party lines. The associations have been able to successfully work as an important instrument for gender responsive laws, diplomacy, and legislation on critical issues faced by women through legislative measures, sensitization and advocacy, and knowledge sharing through organizing training, meetings, workshops and seminars. Establishing alliances, within and outside the state, for building a critical mass and for developing joint strategic moves regarding women's empowerment have been some of the most successful strategies adopted by women's association. Equally, civil society organizations and female activists are regularly invited by members of the Women's Parliamentary Caucus at the national level for consultations on key issues.

The different roles women play inform the substantive representation of women that is critical for national peacebuilding. The advocacy and lobbying for gender responsive laws and the conflict mediation roles of women are likely to take place at different, and often, interacting levels (supra-national, national, regional and local) and in different and interacting fora (within legislatures, executives, semi-autonomous non-governmental organizations or civil society). Furthermore, the substantive representation of women is likely to take place in contexts that can be considered to a lesser or greater extent as enabling or constraining. This is in line with other studies, which found that where there is a supportive women's movement and networks inside and outside of parliament, women seeking to influence policies ideologically consistent with the governing party, are more likely to enable feminized change.[26] Since one of the significant landmark achievements by women has been establishment of women's associations/organizations and women's parliamentarians caucus in the state, their inclusion in the design, planning and implementation of peace agreements and in the resilience, recovery and stabilization programs should not be overlooked if the success of the UNSCR 1325 is to be realized at the state and national levels.

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26 Childs, S. and Krook, M.L (2005).The Substantive Representation of Women: Rethinking the Critical Mass Debate, Paper presented at the 2005 APSA Annual Meeting, Washington.; Mansbridge, J. (1999). "Should Blacks Represent Blacks and Women Represent Women? A Contingent 'Yes'" *Journal of Politics* 61 (3): 628–57.

Deliver Peace Through Powersharing

A Comparative Analysis

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Introduction

After several months of political and diplomatic shuttling by mediators, South Sudan finally has a peace deal. Broadly, the new agreement recognises the evolution of the conflict and no longer considers the civil war as binary duel between the two protagonists but rather as involving many actors. It also accepts that Uganda and Sudan, the closest allies to the various conflict parties, play an instrumental role in realising a lasting and sustainable peace agreement. The agreement has attracted wide criticism, especially in the manner in which key players such as the Troika (the United States, Norway, and the United Kingdom) and other stakeholders had been excluded from the final phase of the process held in Khartoum, Sudan. Most importantly, the Revitalised Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS) has been attacked for not doing enough to tackle corruption, state-capture by elites and social injustices which have been regarded as the main drivers of the conflict since 2013 as cited in various reports by AU and UN experts.[2] So much has been spoken of the bad peace deal signed by different stakeholders, including conflict parties and the international community. What remains unclear is a comparative analysis of the R-ARCSS and its predecessor - the Agreement on the Resolution of the Conflict in South Sudan (ARCSS), and the realities that have changed the dynamics of the conflict.

Despite the flaws in the recently signed R-ARCSS in terms of tackling the ambiguous border demarcation mechanisms and shortcomings in the cantonment process, the new agreement offers another opportunity to stabilise the country if political and military leaders show the required political will to implement it. The R-ARCSS has strengthened inclusivity of various stakeholders such as youth, women, faith-based groups and civil society in the governance process. Most importantly, it included a detailed implementation matrix that is binding parties to uphold it. Although the agreement favours the incumbent government, it has broadened the participation of the different armed and unarmed groups during the transitional period. This paper attempts to comparatively analyse the underlying similarities and dif-

1 This article was originally published by The Institute of Social Policy and Research (ISPR), a public policy and research centre specialising in social, economic and governance policy research.in Juba, South Sudan and titled "A Second Chance to Deliver Peace through Power Sharing: A Comparative Analysis of South Sudan Peace Agreements." It is reproduced here with permission from ISPR and its Chief Executive Officer, Malish John Peter.

2 AU Commission of Inquiry Report on South Sudan October 15, 2014 available at http://www.peaceau.org/uploads/auciss.final.report.pdf

ferences between the 2015 ARCSS and the 2018 R-ARCSS, specifically focusing on the Governance Chapter which is the critical part of the agreement that determines the power dynamics between the different actors. It also digests the key facts for use by advocacy groups within and outside of South Sudan. The first section provides a snapshot of the conflict's context since 2016 and the reasons why the 2015 ARCSS collapsed. The second part analyses the transitional governance arrangements under the two agreements and concludes with critical enablers for successful implementation of the agreement.

Context of the Conflict

Since 2016, South Sudan's conflict has become multifaceted in scope and number of armed actors. Since the escalation of violence in 2016, several armed groups[3] have sprung up and complicated the search for political settlement. Central to this is the continued fragmentation of the ruling Sudan's People's Liberation Movement and Army (SPLM/A), and counterdefections of different generals and politicians in the government and opposition groups. At the regional level, Uganda and Sudan have been deeply involved in the civil war and both have resisted any peaceful resolution without their interests being secured. Uganda wants to fortify its porous border, which is already susceptible to internal threats to President Museveni's government, control South Sudan's internal market and possibly the oil sector for its new refineries and pipeline to the Dar es Salaam port.[4] On the other side, Sudan's economic woes and the unresolved disputed areas along the border with South Sudan necessitated Khartoum to change its policy towards the Government of South Sudan. President Bashir[5] has realised that neither the government or opposition groups will achieve absolute military victory. Sudan's new strategy is two-fold: to work with any party that guarantees their rights to acquisition of the disputed areas and oil fields, and to keep South Sudan under its lenses against any potential that might emanate from the Blue Nile and South Kordofan insurgency.

> ***... Uganda and Sudan have been deeply involved in the civil war and both have resisted any peaceful resolution without their interests being***

Why Revitalise the 2015 ARCSS?

The Inter-Governmental Authority on Development (IGAD) brokered ARCSS had a short-lived implementation in 2016 focusing on power-sharing and wealth control, and did not prioritise the implementation of important provisions, such as cantonment and integration of the forces, which could have paved the way for robust security, economic and governance reforms. The signs of the eminent collapse of the ARCSS were clear parties continued to disagree over the size of opposition soldiers and the type of weaponry to be allowed into the capital, Juba. Also, continued contestation of the expansion of the states by the opposition among other indications showed that the agreement was bound to fail. But most importantly, the failure of the enforcement mechanisms by the guarantors of the agreement further emboldened impunity as the belligerent parties selectively implemented what suited their interests. Little peace dividend was experienced at the community level as inadequate political will to address social injustices, combat communal fighting, stop repression of minorities and limited reforms to stabilise the economy meant that the Transitional Government of National Unity (TGONU) failed to deliver.[6] The situation was further aggravated by the fresh fighting that flared at the Presidential Palace and escalated into a full blown civil war across the country.

The failure of the ARCSS to stop the conflict, jump-start the economy, establish a new political discourse and achieve significant progress in stabilising the country, IGAD initiated a High Level Revitalization Forum (HLRF).[7] The HLRF was mandated to review the implementation progress of agree-

3 South Sudan Country Report: Children and Security, April 3, 2018 available at https://www.childsoldiers.org/wp-content/uploads/2018/05/South-Sudan-April-2018.pdf

SPLM IO Advance Team, December 4, 2015, available at, http://www.eyeradio.org/list-splm-io-advance-team/

4 Uganda, Tanzania set new fast track deadline for oil pipeline, May 6, 2018, available at https://observer.ug/news/headlines/57627-uganda-tanzania-set-new-fast-track-deadline-for-oil-pipeline.html

5 On April 11, 2019, President Omar al-Bashir, who seized power in a military coup in 1989 and has ruled Sudan in an autocratic style for nearly 30 years, was overthrown as popular protest which started in 2018 engulfed the country. He was arrested in a coup by the armed forces but protestors are still demanding the military hand over power to civilians government.

6 DANIDA Country Program Strategy 2016 – 2018, available at http://um.dk/en/~/media/UM/English-site/Documents/Danida/About-Danida/Danida%20transparency/Consultations/2015/SSD%20country%20programme.pdf

7 IGAD Communique, June 12, 2017 available at https://igad.int/attachments/article/1575/120617_Communique%20of%20the%2031st%20Extra-Ordinary%20IGAD%20Summit%20on%20South%20Sudan.pdf

ment, reconstitute a broad-base transitional government and develop new electoral timeline. The revitalisation agenda was limited to the Governance and Security Arrangements and Permanent Ceasefire chapters as the nexus of the collapsed deal. Since July 2017, IGAD had engaged the various South Sudanese stakeholders, including new armed groups, to negotiate a broad and inclusive peace agreement that will result in sustainable peace, security and stability. Consequently, after 15 months of intense negotiations, the parties and stakeholders signed the revitalised agreement under the auspices of Sudan on 12 September, 2018.[8]

Comparatively, there is little difference in the guiding principles and approach to resolve the conflict between the two agreements. Both agreements comprehensively captured the structural and institutional weaknesses that led to the civil war in 2013 and 2016, and the required reforms to stabilise the country. Contrary to expectations, the agreements failed to tackle the cracks in the Sudan People's Liberation Movement (SPLM) and the state-capture by elites. Neither of the agreements provided a framework to address the root causes of community violence, hatred and stereotypes that fertilised the civil war. Most importantly, both the ARCSS and the R-ARCSS believed that the political elites are only responsible for the violence, and that by forming coalition governments they would work together to stabilise the country, and tackle other issues that triggered the civil war. This assumption is somewhat justified given the patriarchal societal set up in South Sudan. However, the question of political trust and ideological differences between the main political actors demand a close watch by the guarantors, civil society and the citizens if this new deal is to succeed.

Analysis of the Agreements

Chapter One of the R-ARCSS establishes the Revitalised Transitional Government of National Unity (R-TGONU) based in Juba. The R-TGONU is tasked to implement the agreement to restore peace, security and stability in the country. It is also responsible to carry out necessary institutional and policy reforms that will provide safe environment for the return of internally displaced people (IDPs) and refugees. The R-TGONU will also oversee the promulgation of new permanent constitution. Whereas the 2015 ARCSS provided for only 90 days or three months of a pre-transitional period to set up institutions and mechanisms to implement the provisions of the deal, R-ARCSS extended this period to eight months or 240 days with similar functions to complete. This is a significant shift from ARCSS. The expanded pre-transitional period is required to facilitate cantonment of forces, implement key security provisions as well as build confidence between the parties to fully embark on the implementation of the agreement. This is a positive gesture in the new agreement to allow parties sufficient time to prepare for the transitional period.

Additionally, the R-ARCSS also establishes a National Pre-Transitional Period Committee (NPTC) tasked with the responsibility to oversee the implementation of pre-transitional activities. These activities include reunification of forces, ratification of the agreement and establishment of institutions for the transitional period. In addition, raising awareness on the agreement, initiating national reconciliation and healing, reviewing relevant laws, implementing security arrangements, devolving powers to the states and local governments and fundraising for the implementation of the agreement are also part of pre-transitional activities.[9] This was not the case under the ARCSS as there was no specific body tasked with overseeing pre-transitional events, instead the events were directly coordinated by the government. Even the opposition team that arrived in Juba in December 2015 ahead of the formation of the TGONU did not possess the legal tools that would reinforce their work.[10] This caused delays and further contestations ahead of implementation of the agreement. Generally, both agreements retained the period of the transitional unity governments equivalent to three years (36 months) before general elections are held.

The R-ARCSS has been attacked for its inability to clearly find a lasting solution to the issue of states, which was central to the collapse of the 2015 ARCSS among other issues. It is worth mentioning that IGAD acknowledged the creation of more states in 2015 as a violation, but failed to enforce its own resolution[11] that called for the restoration of the 10

8 Revitalised Agreement on the Resolution of the Conflict in South Sudan, September 12 2018, available at https://igad.int/programs/115-south-sudan-office/1950-signed-revitalized-agreement-on-the-resolution-of-the-conflict-in-south-sudan

9 Revitalised ARCSS 2018, https://igad.int/programs/115-south-sudan-office/1950-signed-revitalized-agreement-on-the-resolution-of-the-conflict-in-south-sudan

10 SPLM IO Advance Team, December 4, 2015, available at, http://www.eyeradio.org/list-splm-io-advance-team/

11 IGAD: Creating New States in South Sudan Violates Peace Deal, October 13,

states. IGAD attempted to resolve the matter through the revitalised agreement which include; establishing mechanisms to address the number and border conflicts arising from the creation of new states through the Technical Boundary Committee (TBC) and Independent Boundary Committee (IBC). These bodies will look into the number and tribal borders of the newly created states, with a possibility of referendum if no consensus is reached. Although this was a good way forward to expedite and resolve the numerous conflicts emanating from the delineation of the new states, it still lacks strong safeguards, consensus and credibility that will ensure that the process does not trigger new disagreement and conflict among stakeholders that will affect the implementation of the new deal.

What is New in the R-ARCSS?

The 2018 R-ARCSS provides for the establishment of a new revitalised transitional government of national unity (R-TGONU). In the new agreement, there are significant changes in the scope of executive and legislative arms of government. The size of the government has been expanded because the number of actors in the conflict has increased, and almost every party demands adequate representation in cabinet and parliament. For example, in the 2015 ARCSS, the presidency had three members (president, first vice president and vice president) and 30 cabinet ministers, but in the 2018 R-ARCSS, the presidency and the cabinet will be composed of six members and 35 ministers respectively. This manifests a significant increase in number of the executive team disproportionate to the actual population of the country.

Unfortunately, inspite of fact that lack of rule of law has continuously been cited as part of the root causes of the civil war, there is little urge to overhaul the justice sector that oversees constitutional order and rule of law. As the case with the 2015 deal, the judiciary remains a peripheral focus of the mediators, parties and the agreement itself despite its critical role in ensuring accountability, balance of power and justice that are important ingredients of a stable country. On the positive side, the R-ARCSS has put in place mechanisms to restructure and reform the justice sector to deliver its mandate.

Most notable gesture of the R-ARCSS is the increased affirmative action that increased the participation of women by 35 percent in all government levels and calls for youth involvement in governance structures and decision-making processes. This is something the ARCSS was lacking. It remains to be seen whether parties will adhere to these commitments as far as affirmative action is concerned.

Power Sharing at the Executive Level

Presidency

The executive arm of government is comprised of the presidency and the Council of Ministers (COM). In the new agreement, the presidency has been expanded from a three-member entity in the ARCSS [president, first vice president (FVP) and vice president (VP)] to a six-member presidency which will have the president, FVP and four more VPs. Whereas the president retained similar powers and authority as enshrined in the Transitional Constitution of South Sudan 2011 (TCSS) (as amended) and the 2015 ARCSS, the new agreement witnessed reduction in the powers and authority of the FVP as some of the functions were assigned to, or shared with, the new VPs. For example, the FVP lost control over the other clusters (economic, social, infrastructure and gender and youth). The FVP also lost some powers as the chief inspector and in-charge of the implementation of the agreement to a coordinated teamwork responsibility.

Similarly, the agreement introduced collegial responsibility in addition to the consensual and voting mechanisms in decision-making regarding policy decision matters, especially on appointments of constitutional post holders within the presidency. The FVP retained the deputy roles in all constitutional institutions in the governance, economic and security bodies and the COM. In the 2015 ARCSS, the president and FVP shared powers on constitutional appointments. The president had his powers limited in certain decision-making that would affect the ARCSS implementation, for example, declaration of state of emergency and war. The agreement also required consultations and consent of the FVP. Meanwhile, the ARCSS also made the FVP in charge of the implementation and put the FVP in the driving seat of the peace process. All these provisions have changed in the new agreement. The expanded presidency has witnessed the powers and status of the president remain unchanged or maybe strengthened by having additional vice presidents to easily pass decisions. In the new formation, TGONU has 50 percent of the presidency and the opposition cumulatively possesses 50 percent as well. The R-ARCSS requires at least four members of the presidency or 67 percent of the votes to pass decisions if no

2015, available at https://www.voanews.com/a/south-sudan-igad-peace-agreement-delays/3004183.html

consensus is reached. This puts the TGONU on the upper side as they simply need one more VP to decide. On the other hand, the agreement also offers an opportunity for the opposition to consolidate their solidarity and push for the reforms they lobbied for if they find common ground to work together and convince either the president or one vice president to vote on their side. Most importantly, the R-ARCSS has no veto powers for the president or first vice president to block decisions, which can be seen as a positive safeguard.

In a nutshell, the new agreement reinstated the status quo ante 2016 with few changes to capture the new realities. It further individualised certain portfolios to avoid the 2016 internal split in the opposition camp that was largely blamed for the post-July 2016 escalation of violence. The South Sudan Opposition Alliance (SSOA) proposals for structural adjustments, such as non-executive president, lean government and federal system to be adopted during the transitional period lost ground in the new R-ARCSS.

Council of Ministers

The role of the Council of Ministers in the R-ARCSS remains the same as in the 2015 agreement, including implementation of the agreement, development policies, supervision of subnational government entities, initiation of bills, and management and allocation of resources to support government programmes. However, there is significant increase from 30 ministers under the 2015 ARCSS to 35 ministers in 2018, making it the highest proportional rate of cabinet to population in Africa. This means that, on average, each cabinet minister serves 342,857[12] of South Sudanese people. The new agreement retains the selection of ministerial portfolios by consensus or on a rotational basis across the clusters with the incumbent TGONU to pick first followed by SPLM, SSOA, FD and other political parties ("OPP") respectively. The selection procedure is fair enough to ensure balance of power between the parties across ministerial clusters. Comparatively, the TGONU took 57 percent of the cabinet portfolios and the combined opposition took 43 percent. The numbers of deputy ministers are split 50 percent each between the incumbent TGONU and the oppositions.

From the civil society perspective, there is no sufficient justification for this bloated government.

From the civil society perspective, there is no sufficient justification for this bloated government. South Sudan is experiencing the worst economic crisis in the region.[13] Nearly every sector needs resources and investment to scale up development. Therefore, this size of government does not reflect the urgent priorities and desires of the citizens as it may stifle the effective use of available resources to benefit the wider citizenry in favour of the few elites.

The decision-making process under the R-ARCSS in the Council of Ministers is by consensus or requires a 67 percent majority vote in the COM meeting with a quorum of not less than 23 or 66 percent of cabinet ministers present. The same threshold was required under the ARCSS, but the new agreement has disadvantaged the opposition this time as far as decision-making power is concerned. Based on the calculation of the distribution of existing portfolio, TGONU requires at least 24 votes in a full cabinet meeting or 15 ministers in

12 Calculated from the extrapolated population of South Sudanese at 12,323,419 million according to http://www.ssnbss.org/

13 World Bank South Sudan Economic Outlook, July 2018 Report, http://documents.worldbank.org/curated/en/928961533737855697/pdf/129303-WP-PUBLIC-SouthSudanEconomicUpdateJuly.pdf

a quorum attended meeting to pass any policy and enforce reforms. The advantage is that the TGONU has a very limited chance to push through decision in a full cabinet meeting without buy-in from other parties. On the other hand, TGONU is better placed to easily pass decisions in case all its ministers (20) plus three others attend a quorum cabinet meeting. For the opposition, without bipartisan agreement on bills, reforms or policies, they have no chance to push any decision because they have only 15 ministers cumulatively, which falls short of making the required quorum to pass policy frameworks or any reform in a full cabinet meeting. This means that implementation of the reforms in the various sectors will largely depend on TGONU or a bipartisan agreement at the cabinet level, but the opposition has a greater chance to influence policy at the presidency level.

Power Sharing at the Transitional National Legislative Assembly

The 2015 ARCSS created the Transitional National Legislative Assembly (TNLA) composed of the post-independence national assembly and new additional Members of Parliament (MPs) appointed by the then Government of South Sudan (GRSS) and Sudan People's Liberation Movement in Opposition (SPLM-IO) in 2016. The new deal provides an opportunity for restructuring the TNLA to form the Revitalised Transitional National Legislative Assembly (R-TNLA) and expands an already huge national assembly from the existing 400 MPs to 550 MPs, with additional 150 MPs to be nominated by the parties. As per the new power sharing arrangements in the revitalised TNLA, TGONU gets 332 seats or 60 percent, SPLM-IO 128 or 23 percent, SSOA 50 or 9 percent, FDs 10 or 2 percent and Other Political Parties ("OPP") 30 or 5 percent respectively. This makes the R-TNLA the largest parliament in the region and globally by MP-per-population ratio. As per the latest extrapolated population, each MP will represent 21,818[14] South Sudanese. Africa's richest by gross domestic product (GDP) and most populous nation – Nigeria, with over 195 million people, has only 469 combined senators and representatives (MPs) equivalent to one Nigerian MP to 544, 098 people.[15] This clearly shows how the political power that comes with significant authority to control wealth has been the centre of focus of the conflict and peace negotiations by the parties and regional actors.

In the R-ARCSS, decision making in the R-TNLA is by consensus, but in the event of disagreement, two-thirds or 67 percent of the members' present is required to pass any decision. The biggest miss in the R-ARCSS is the silence of the deal on specific quorum to effectively safeguard potential manipulation during enactment of crucial policy reform frameworks or bills. This is problematic. The new deal also gives the TGONU the leadership of the assembly as Speaker and Second Deputy Speaker will be appointed by the government. Based on the allocation of seats in the R-TNLA, TGONU already has a 60 percent majority and only requires 37 additional MPs to obtain the two-third majority vote to pass any bill. Equally, TGONU has enough seats (332 MPs) to block any policy or bill that might be considered pro-opposition or tabled by opposition groups. On the other hand, the opposition groups, with combined seats of 218 MPs or about 40 percent voting power, are extremely weak and may not push through any bill or policy without bipartisan agreement from the TGONU. In comparison, the incumbent TGONU power balance in the assembly dropped from 83 percent (332 MPs out of 400 MPs) under the 2015 ARCSS to 60 percent under the R-ARCSS and the opposition cumulatively gained 40 percent from just 17 percent in the 2016 TNLA. Consequently, the expected law and policy amendments enshrined in the R-ARCSS to support the reforms in the country rest in the hands of the incumbent government. The agreement has put the incumbent TGONU in the driving seat of the agreement implementation, as such its success will depend on the government's political will.

Council of States

The Council of States in the new agreement remains unattended to because its reconstitution will largely depend on the outcome of the IBC report on the number and boundaries of states. The failure to resolve the "states issue" means that this will not be reconstituted until the final decision is made on the administrative structure of the country. This presents fresh challenge to the R-ARCSS implementation, which was not the case in the ARCSS. Equally, there is a missed opportunity to reform the Council of States to become an effective body. As it stands, the institution maintains its vague and unstructured identity as a collection of old politicians and traditional leaders without a clear mandate within the system of governance.

14 Calculated from the extrapolated population of South Sudanese at 12,323419 million according to http://www.ssnbss.org/

15 Nigeria has 469 Senators and Representatives for 184million Nigerians according to World Bank, Nigeria Country Overview, October 12, 2017, available at http://www.worldbank.org/en/country/nigeria/overview

Reforms in the Judiciary

Perhaps one of the greatest weaknesses of the 2015 ARCSS was the inadequate emphasis and the lack of a clear road-map on judicial reforms and constitutional safeguards of the agreement. The ARCSS did not explicitly explain the role, composition and mechanism for reforms in the judiciary to be undertaken despite being the weakest, yet, critical arm of the government in the country. The acknowledgement of the need to ensure independence of the judiciary, supremacy of the rule of law and scanty recommendations for judicial reforms within the framework of the Judiciary Act 2011 were not enough under the ARCSS. On the other hand, R-ARCSS attempts to amplify the need to expeditiously reform the justice sector and strengthen it to become an independent institution. The new agreement mandates the establishment of the Judicial Review Commission (JRC) composed of the parties. However, the R-ARCSS provisions in articles 1.17.4 and 1.17.5 lack clarity as to who shall chair the JRC. Also, the establishment of the constitutional court under the R-ARCSS was something missed in the ARCSS. This would help in constitutional interpretation in matters relating to the provisions of the agreement during the implementation to address any misconception and interpretation conflicts that largely befell the previous deal. But without clear guidelines as to the composition and independence of this new court, again, its effectiveness and efficiency will depend on the political elites' interests and agenda.

Reforms at the State and Local Government Levels

The ARCSS was signed on the basis of the 10 states. However, in October 2015 through a presidential order, 28 states were created. This further increased to 32 states after various petitions and conflicts by communities in the Upper Nile and Western Equatorial regions. The creation of the new states is one of the notable acts of violation, which set the stage for the 2016 political crises. Although IGAD[16] condemned it and resolved the reinstatement of the 10 states, the failure to enforce the decision made parties to make away with it. During the pre-HLRF consultations conducted by the IGAD Special Envoy to South Sudan Ambassador Dr. Ismail Wais, different stakeholders expressed reservations with regards to the intentions of the new states delineation.[17] Among the arguments are the questions of whether it was a priority for the people of South Sudan, resources availability to finance expansion of more administrative structures, the lack of consultations with the people and the ethnic inclination and distribution of the states. As a result, several options were proposed which included, the three regions, 10 states or 21 old districts. Unfortunately, no progress was made even at the HLRF to resolve this critical issue to-date.

Consequently, the R-ARCSS tried to resolve the issue of the number and boundaries of the new states through community consultations and a referendum. For the incumbent government, this was the right approach to give people the power to decide whether the number of states must be reduced. But, for the opposition groups it is a ploy to stamp and approve the legitimacy of the new states since they do not believe that the IBC and TBC can amicably find a solution. The opposition even doubt the government's political will to ensure that the referendum is free, fair and credible. It is worth mentioning that since 2015 the number of counties, payams and bomas created as a result of the new states is overwhelming. This will increase public expenditure on already ineffective local governments. Above all, it creates the newest conflict dynamics at the local level as rival parties will attempt to secure positions – shifting the dogfight from Juba to the peripheries.

Regardless of the outcome of the TBC and IBC process, the R-ARCSS has to some extent strengthened the inclusivity of the opposition groups in the governance structures at the state and local government levels. The agreement allocated positions to the incumbent government and all opposition groups across the country unlike the ARCSS that allowed power sharing only in the former Upper Nile region. It is partly because of the expansion of the conflict across the country. The R-ARCSS allocates 55 percent to TGONU, 27 percent to SPLA/M-IO, 10 percent to SSOA and 8 percent to Other Political Parties ("OPP") accordingly. The power sharing ratios apply to governors, state cabinets, state assemblies and county commissioners. In this case, the opposition has

17 IGAD Pre-HLRF Consultations Report, November 2017, https://paanluelwel2011.files.wordpress.com/2017/12/report-of-the-pre-forum-consultations-on-the-hlrv.pdf

16 IGAD Asks Government to Pause 28 States Plan, January 31, 2016 available at https://paanluelwel2011.files.wordpress.com/2017/12/report-of-the-pre-forum-consultations-on-the-hlrv.pdf

gained since by the time the agreement was signed, the government was in control of the greatest proportion of the country. The opposition can take advantage of their presence at the local level to mobilise and solidify their support base ahead of the general elections in 2022 if they think strategically and the R-TGONU does not restrict freedoms of movement, expression and association, which are key ingredients to implementation.

Enablers for Successful Implementation of the Revitalised Agreement

The revitalised peace agreement signed in September was received cautiously by the international community, with South Sudan's traditional friends from the Troika (the United Kingdom, United States, and Norway) not committing any financial support towards its implementation. Internally, the incumbent government has moved to popularize it among its constituencies. Meanwhile, several opposition parties are split into factions with those who support the peace deal and others who rebuked the process and the way the agreement was mediated in Khartoum. In this section, the paper outlines the critical enablers for this agreement to successfully deliver peace, stability and dividends to the people.

Maintain Harmony in the Incumbent TGONU

Unfortunately, the governance arrangement has not clarified how the parties in the incumbent TGONU can relate and share the portfolios having seen SPLM-IG, SPLM-FDs (Juba) and SPLM-IO (Taban Deng Gai Faction "TDG") factions amalgamated into one party. This puts the former SPLM-IO under the current First Vice President General Taban Deng Gai on the brink. Similarly, the SPLM-FDs and the National Political Parties Alliance or Political Parties Agenda under Dr. Elia Lomuro, who are part of the incumbent TGONU, may demand to be included. Hence, the task ahead is how the new R-TGONU will strike a balance of inclusivity of the different groups in the incumbent TGONU to maintain the harmony and unity which is critical for the new government during the transitional period. Any break up in the incumbent government can easily lead to violence as the usual way to seek national and regional attention and fight for power.

Unify the Fragmented Opposition Groups

Since the HLRF negotiation moved to Khartoum, most of the opposition groups experienced splits. The most affected formation is the South Sudan Opposition Alliance (SSOA) which witnessed the split of its founding members. For example, the National Salvation Front (NAS) of General Thomas Cirilo and the South Sudan National Movement for Change (SSNMC) under Governor Bangasi Bakasoro both tore apart. Within the incumbent TGONU, the political parties alliance or agenda experienced power struggle over control of the alliance between Dr. Elia Lomuro and Hon. Joseph Ukel.[18] This fractious nature of the political parties could threaten efforts to implement the R-ARCSS successfully. The South Sudanese have witnessed the disastrous effect of the split in the SPLM in opposition in 2016. This is something the new government must tackle to avoid similar mistakes. A united, strong and coherent opposition group will strengthen the implementation of reforms enshrined in the peace deal.

18 USAP Party Chairman Refutes Allegations on his Dismissal, March 14, 2018 available at, http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/21355/USAP-Party-Chairman-Refutes-Allegations-Of-His-Dismissal.aspx

Strengthen an Independent Judiciary

The judicial sector in South Sudan demands clear reforms to make it effective and efficient to enforce constitutionalism and rule of law. The new agreement calls for reforms without specifying measures to ensure independence, impartiality and credibility of the institution to deliver on its mandate as per the Transitional Constitution of South Sudan 2011 (TCSS) (as amended). This lack of clarity could become a potential power struggle area as far as dispensing justice is concerned if the appointment, firing and supervisory role of the judiciary is not clearly defined in the agreement to safeguard against individual or group influence. The yet to be established constitutional court under the new agreement offers a massive opportunity to ensure any contradiction arising from the constitution and R-ARCSS can be handled by this court. Its effectiveness and efficiency to handle judicial reforms will depend on the political elites.

The implementation of the new states activities during the pre-transitional period remains the most difficult and tricky part of the implementation process...

Resolve the Number and Borders of States

It is worth mentioning that this matter played a central role in the fallout between the Government of the Republic of South Sudan (GRSS) and Sudan People's Liberation Movement in Opposition (SPLM-IO) that resulted in fresh fighting in 2016. IGAD's mechanism and process to address the "states issue" through the Technical Boundary Committee (TBC) and Independent Boundary Committee (IBC) seems to be a better option. However, the assessment of tribal borders and determination of the number and borders of the new states is poised to attract controversies if not conflict at the community level. The implementation of the new states activities during the pre-transitional period remains the most difficult and tricky part of the implementation process to be watched with interest by the guarantors, civil society and the citizens.

Implement Clear Devolution Mechanism

South Sudan is ethnically very diverse and large, which makes it one of the most difficult countries to administer. Successive regimes in Sudan did not find the right formula to govern the region due to these unique features. In the ARCSS, the governance system retained the unitary decentralised form, which was blamed for monopolizing power and creating patronage leadership that led to the civil war. Apart from the reluctant government, most stakeholders have argued for a federal governance system as a mechanism to increase citizen participation in governance, reduce interethnic violence and improve service delivery, but there is little evidence to show the superiority of federalism over other systems in South Sudan.[19] It is critical for the new peace agreement to provide clear and strict parameters to enforce devolution of power and resources to the subnational governments in order to decongest Juba. So far, politicians believe and crave for appointment in Juba because the system is highly centralised, so that to earn a living and respect one has to force their way into the national portfolios. This must be discouraged by making public jobs in states and counties attractive to politicians and the middle class.

19 Malish, J. (2018). Understanding the Proposed Governance Systems for South Sudan, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3134311

The SPLM Factor – Rethink the Reunification Push

The reunification of the ruling (and opposition) SPLM factions as a de facto solution to the country's crises is complicating the search for permanent peace. Disagreement among the elite SPLM leaders should not hold the country hostage as SPLM as a party is responsible for the current stalemate in South Sudan. The pursuit of peace should seek an alternative and holistic approach that addresses the deepest root causes of the violence and conflicts in the country. The various SPLM factions are unlikely to reunite and pursue their liberation struggle collectively because the party has been destroyed beyond reformation. There is no trust among leaders to coexist in the same party. Any sustainable peace negotiation should treat the different SPLM factions as independent entities the same way as other political parties in the country. The new transitional government should create a conducive space for new ideas and political pluralism to flourish in the post-conflict South Sudan.

Political Will, Trust and Confidence

Political will and mutual trust are immeasurable and unenforceable. The success of implementing the R-ARCSS, especially the governance, security and economic reforms depends hugely on the political will, mutual trust and shared desire of all parties to stabilise South Sudan and deliver services to its citizens. The new agreement was built around the 2016 formation that is now the incumbent TGONU and SPLM IO (Riek Machar). The incumbent TGONU received the proposals it tabled in the new deal. It has the upper hand in the presidency, cabinet and national assembly. This success also comes with a responsibility that, should the R-ARCSS fail to deliver, the new government will have no excuse or scapegoat to blame. Globally, it is difficult to point out a successful coalition government and even harder to find one in Africa. Kenya and Zimbabwe coalition governments are good examples where parties did not have an easy working relationship as per the signed agreements. The July 2016 gun-battle at the State House (J1) in Juba is a testament of how fragile coalition government without trust and confidence among the parties can be.

The writing of the future social contract between the government and the people must be people-driven and establish safeguards that no indivual or group should have leeway to manipulate it.

Participatory Permanent Constitutional Making Process

The future of South Sudan depends on what type of permanent constitution will be promulgated, the extent of citizens' involvement in its writing and ownership of the document by the people. The political crises that befell the country are largely to be blamed on a constitution that concentrated power in the executive level, and particularly in the presidency. The writing of the future social contract between the government and the people must be people-driven and establish safeguards that no individual or group should have leeway to manipulate it. The regional experience in Uganda, Burundi and DR Congo ought to be taken into consideration – that parliament cannot be entrusted to defend the constitution from potential manipulation. It is important for stakeholders, particularly the civil society, to map and identify some of the fundamental doctrines of the basic structure of the constitution that can only be changed through a countrywide referendum. This can safeguard the country from sliding back to chaos in the short and long term.

Uganda and Sudan Factors

So much has been discussed about the effect of Uganda's and Sudan's direct involvement in

the conflict as well as in arbitration to resolve the civil war. The Khartoum Declaration Agreement[20] provided unreasonable terms that are recipe for future chaos. South Sudan should not trust its former foe that had done everything to marginalise its people for years. By giving Sudan the responsibility to secure oil fields, border demarcation and claim of contested areas like Abyei is in jeopardy. It further exposes the government to rely on Khartoum for strategic decisions, such as national security. On the other hand, Uganda's incursion into South Sudan militarily, regardless whether to safeguard the peace or not, demands scrutiny by the civil society, government and international partners. This should not create laxity and imbalance of power in the security sector that will weaken genuine reforms to create and professionalise the national army.

Engagement of the International Community – UN, TROIKA and AU

The ARCSS collapsed because the primary guarantor (IGAD) went to sleep immediately after the signing ceremony in August 2015. Other regional and international players did not fully get behind the parties to implement the deal. The pressure that led to the finalisation of the agreement particularly from the Troika (the United Kingdom, United States, and Norway) and the UN Security Council disappeared. This mistake is already taking place, with various international partners cautiously welcoming the peace deal and employing a "wait and see" approach. It is critical for the international community to directly engage the parties to make sure that this deal is implemented. The consistent split in foreign policy towards South Sudan by major powers affects genuine implementation. Also, international pressure on Sudan and Uganda remains an important tool to ensure that both use their leverage to get the peace deal implemented. The Troika, particularly the US and the UK, spend billions of funds to support Uganda's military, and the recent normalisation of relations between Sudan and the West provides an opportunity to pressure the two countries to positively impact the implementation of the R-ARCSS instead of emboldening impunity.

Conducting National Housing and

20 Khartoum Declaration of Agreement Between Parties of the Conflict in South Sudan, June 27, 2018, available at, https://igad.int/programs/115-south-sudan-office/1874-khartoum-declaration-of-agreement-between-parties-of-the-conflict-in-south-sudan

Population Census

The revitalised agreement provides for the conduct of the first National Housing and Population Census since the independence of South Sudan. It is worth mentioning that the national census is an important programme that the R-TGONU must prioritise as the basis for permanent determination of governance structures in the country. Since 2011, the national census has been a highly politicised activity in the corridors of power despite its critical importance in providing statistical guidance in planning and budgeting. Therefore, the new government must move away from looking at the census through a political lens but rather as basis to stimulate an objective development agenda moving forward.

Civic Education and Citizen Engagement

Lessons must be drawn from the successful civic education during the Comprehensive Peace Agreement (CPA) – 2005, Referendum (2011), general elections (2010) and population census (2008). These key programmes were successful during the CPA era due to the mass civic education of the population on key timelines and events. The R-ARCSS must take the same approach. The peace deal must be owned by the people. The citizens must be the first guarantors of the agreement. The role of the R-TGONU, civil society, faith-based groups and partners is critical. International partners should increase funding to civil society to reach out to the communities with basic information about the agreement. The civic education on the R-ARCSS should also target all the organised forces including the various armies, police, prisons and national security actors to ensure that everyone understands the text of the agreement and what roles and responsibilities the leaders have committed themselves to uphold.

Open Space for Civil Society and the Media

The role of the civil society in governance or humanitarian response cannot be underestimated. They complement various government agencies by delivering lifesaving interventions in the remotest areas that some area members of parliaments have not even accessed. In the governance and accountability sector, civil society plays a crucial role in building the local peace, advocating for social justice and providing oversight over government to ensure proper utilisation of public funds. These roles support the government as such and it is prudent that the R-TGONU opens the space for the civil society and the media to inform the citizens and support the peace implementation process.

Upholding Fundamental Freedoms and Basic Rights

The ongoing efforts by the government and parties to build trust and confidence are important steps towards the implementation of the R-ARCSS. However, the same confidence and trust needs to be built among the citizens to freely engage in their daily lives. This includes the need to guarantee the right to movement, expression and assembly to show political will to do things differently. The incumbent government has a crucial role to play to put the population in the peace mood. Creating an enabling environment that upholds these freedoms and basic rights will also showcase the government commitment towards political pluralism. It enables the government to explore various policy options based on research that will benefit its programming in the implementation of the peace. Above all, this is an important confidence building and policy shift that will earn the government allies in the international community as far as social, civic and political rights are concerned.

Timely Investigations, Identification of Individuals and Reporting of Ceasefire Violations

The 2015 ARCSS has largely failed to deliver because of impunity among the parties. This was coupled with inadequate investigations, reporting and action using agreed monitoring mechanisms, such as the Ceasefire Transitional Security Arrangements Monitoring Mechanisms (CTSAMM) and the Joint Monitoring and Evaluation Commission (JMEC), on those who have violated the terms of the permanent ceasefire. For the R-ARCSS to hold, things must change. The reconstituted Ceasefire Transitional Security Monitoring and Verification Mechanism (CTSAMVM) and the Revitalised JMEC must swiftly investigate, identify individual violations and publicly report to the citizens those caught breaching the ceasefire terms. This will help not only IGAD and the international community to know who is against peace, but it will equally put the citizens as primary stakeholders to know those behind the continuation of the civil war. The parties should also demonstrate willingness to punish (within the means of the law) individuals for their actions on security breaches, which will reduce the possibility of generalising violations.

Conclusion

The revitalised agreement mirrors the 2015 ARCSS. Whereas the incumbent government gained ground in the new deal, it has also been assigned a huge responsibility to deliver on it. The R-ARCSS reflects the position of the incumbent government since the HLRF negotiations began in 2017. It has reduced the chances of scapegoating others for the failures to implement the deal. This should provide a rare opportunity for the government to demonstrate leadership and stay on course to implement what it advocated for. The new transitional government should implement the enablers in this report if this peace agreement is to succeed. Equally, the R-ARCSS offers the opposition an opportunity to unite and work together to push for the reforms that will open up democratic space that embraces political pluralism, participation of citizens and fair sharing of the national development agenda. Politically, the new agreement is more inclusive than its predecessor as it has brought on board most of the known armed and unarmed groups into the bloated coalition government. This could prove decisive in reducing the number of actors who will remain at large and pursue violence despite the various split in the opposition camps which must be addressed.

The R-ARCSS strengthens inclusivity of the broader non-state actors outside the conflict,

which include the faith-based groups, business community, academia, civil society, youth and women in the various mechanisms and institutions it created. The women's affirmative action increased from 25 percent to 35 percent along with the recognition of the urgent need to include young people in governance and decision-making process. This is a significant change in the R-ARCSS and a positive step towards increasing participation and involvement of citizens in the governance process.

It is critical for the international community to support this new peace deal morally and financially. There is no bad peace that is better than war (see chapter by Nichola Mandil Ukeil). The fragmented policies among the regional and international actors towards South Sudan negatively affect any momentum to hold violators accountable. It is important for partners to approach South Sudan's peace process with a united voice and action to ensure parties uphold their commitments.

About the Author

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