

South Sudan: (Dis)Agreements and Hope(Lessness)



South Sudan's President Salva Kiir, left, shakes hands with rebel leader and former vice president Riek Machar, right, as Tanzania's President Jakaya Kikwete, center, looks on after signing a framework agreement for further talks in Arusha, Tanzania.

1. Agreements Dishonoured

Since the outbreak of fighting in the Republic of South Sudan (RoSS) in December 2013, it appears there have been too many agreements, signed but dishonoured by the parties to the conflict led by President Salva Kiir Mayardit and former vice-president Riek Machar Teny. The reality is different. There has been no peace deal between the two parties.

So, what have these many agreements and headline 'breakthroughs' been about? They have been (a) an agreement to end hostilities and stop the killings, destruction and displacement of populations and (b) several intermediate steps (agreements) towards a peace deal and several re-commitments to the cessation of hostilities agreement, in the mediation process facilitated

by the Inter-Governmental Authority on Development (IGAD).

The agreement on cessation of hostilities, signed on 23rd January 2014, included a deal on the status of key politicians under detention by the government at the time. That is not to say that the global public rage at the two leaders for their intransigence is unjustified.

An estimated 50,000 - 100,000 people have died in this conflict and about 2 million people displaced. Almost a quarter of the displaced have crossed borders into neighbouring countries of Sudan, Kenya, Uganda and Ethiopia while an estimated 100,000 people remain inside United Nations (UN) camps in the country. That's to say nothing of the economic costs of the war for South Sudan, countries in the region and the in-

ternational community.

The refusal by the parties to honour the cessation of hostilities agreement is the biggest disappointment and cause for anger. It may be understandable that negotiations towards a final settlement could take quite some time. But the continued deaths and deepening humanitarian crisis exerts a lot of pressure on the political dialogue process launched on 5th February 2014. IGAD has set up a mechanism for monitoring and verification of the implementation of the cessation of hostilities agreement.

However, without strong and immediate punishment for violations, the monitoring process on its own is inadequate for attaining a cessation of hostilities. To be sure, the incentives to silence the guns on either side are very low. From the beginning, both sides were into a fight and fairly confident that they would win it, on their own or with the military support of allies in the region. For IGAD, the limitations and challenges associated with a military intervention in South Sudan by the regional body or any other force, even in the short-term, are well appreciated.

Understandably, IGAD has opted for a political solution, fast! Accordingly, when Kiir and Machar held their first face-to-face meeting in Addis Ababa on 9th May 2014, there was an agreement to be signed. The parties agreed to forming a Transitional Government of National

Unity (TGoNU) and work towards a new constitution. They also recommitted themselves to the cessation of hostilities. The two sides had signed a recommitment on humanitarian matters and cessation of hostilities only four days before the leaders' face-to-face meeting.

2. Transitional Government

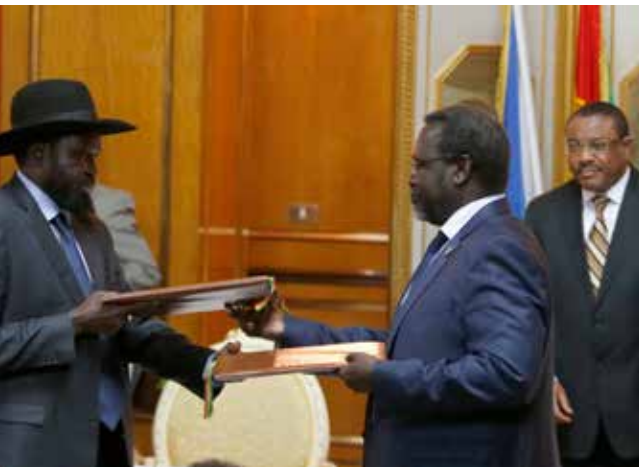
In June 2014, the two leaders had another face-to-face meeting in Addis Ababa and agreed that the successive phases of the peace process would entail a multi-stakeholder forum of political groups (the three SPLMs - in government, in opposition and former detainees as well as other political parties) and other interested parties in the country, mainly civil society and religious organizations. From here, it got complicated.

First, it took time for the two sides to agree on representation of the civil society organizations. But more importantly, the details of the transition arrangement have been hotly contested and remain the greatest threat to reaching a final settlement. The SPLM-IO argues that they took arms to fight for the re-structuring of the state in South Sudan to be more inclusive and equitable. For them, the TGoNU is acceptable if it affords them real opportunities to pursue change from within.

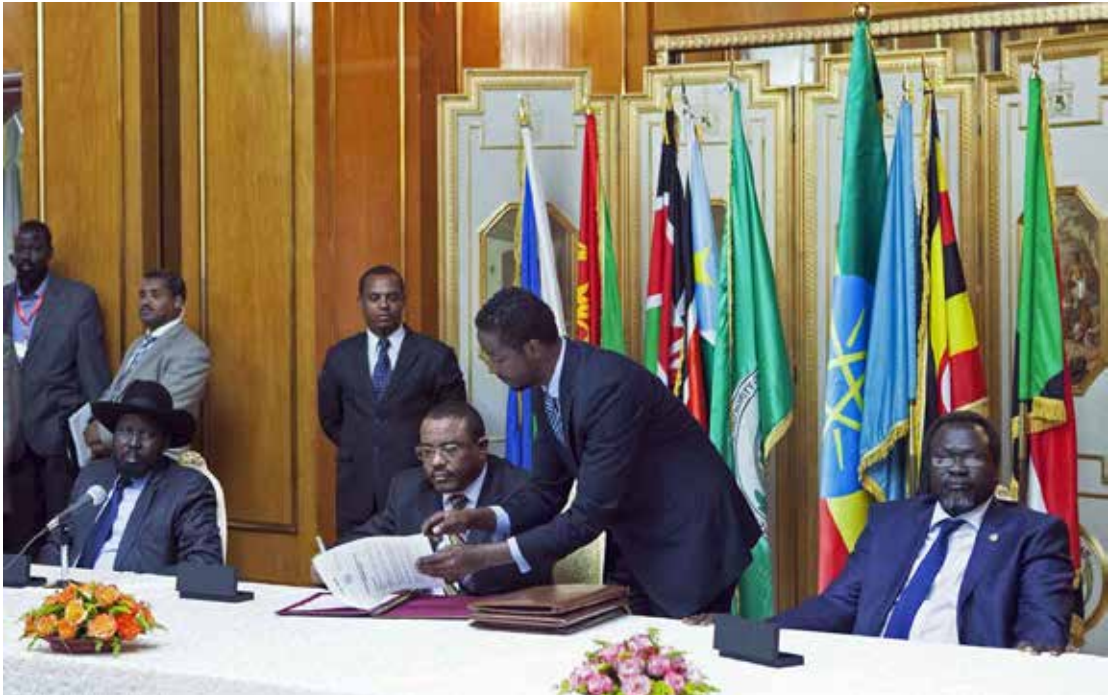
That means sharing real power with Salva's group and also retaining a fallback position in the security arrangements that should allow for separate armies and a joint force, just like it happened in the comprehensive peace agreement between north and southern Sudan in 2005. As expected, Salva's group would take none of these. For both sides, IGAD is rather forceful and impatient.

3. Sanctions and possible re-launch of peace process in Arusha

In Arusha, Tanzania, the two sides have signed two agreements under facilitation of Tanzania's ruling Chama cha Mapinduzi (CCM) and a rather obscure presence of South Africa's African National Congress (ANC). One of the Arusha deals was the framework towards addressing the "root causes" of the conflict, signed in October 2014



South Sudan's rebel leader Riek Machar (R) and South Sudan's President Salva Kiir (L) exchange signed peace agreement documents in Addis Ababa



Ethiopian Prime Minister Hailemariam Desalegn (C) signing the Cessation of Hostilities treaty over the war in South Sudan, alongside Salva Kiir (L), President of South Sudan, and Riek Machar (R), SPLM Opposition leader, in Addis Ababa.

and the other was the agreement for the re-unification of the SPLM signed on 21st January 2015.

Ideally, the Arusha process should be complementary to the Addis process, and deals only with intra-SPLM conflict as a step towards agreement on the broader issues at the multi-stakeholder forum in Addis Ababa. So, when the parties signed another agreement soon after Arusha, in Addis Ababa on 1st February 2015, committing themselves to the signing of the final peace agreement by 5th March 2015 and the formation of the TGoNU by July 2015, there should be no confusion over the two processes. But that's not the full truth. Thinking about the future, three things are important to keep in mind.

First, for both the SPLM-IO and SPLM-IG, this is more about power for their respective groups than state reforms. Secondly, the three SPLMs are happy to remain in a peace process without the other stakeholders.

Thirdly, even though IGAD can threaten sanctions against the leaders to force a peace deal, those threats have to be weighed against the in-

terests of states and personalities within IGAD in South Sudan. As it is, the latest Addis agreement leaves a lot of details of the TGoNU for further negotiations.

The powers of the (first) Vice-President (a position Machar will most likely accept), proportional share of ministries and the security arrangements will be the most contested elements and potential deal breakers.

IGAD may still force a deal, only if partner states make a stronger resolve at the expense of their own interests in South Sudan. Even then, there is no guarantee that a forced deal will hold for long.

The parties may continue to seek solutions to the "root causes" of the conflict under the Arusha process. There, the issues of transitional justice pushed to the periphery by IGAD may also be opened up. The peace process for South Sudan may, in the near future, not only relocate from Addis to Arusha, but also change mediation hands. After all, Burundi's peace process also changed hands and venues. It happens.

Can IGAD impose Sanctions?

ARRF has always supported targeted sanctions on individual leaders and their associates, especially freezing of assets and blockage of financial flows for these parties in IGAD regions. It will have a crippling effect on both sides.

Unfortunately, IGAD member states are highly entangled in the South Sudan economy and they are unlikely to agree on sanctions and proceed to impose them.

Business and private investors from these countries will not allow their governments to impose any sanctions on South Sudan that may attract punitive retaliation on their investment in that country.

Yet sanctions and arms embargo by the UN and western countries may have an effect or make the warring parties 'sit up'.

However, once such sanctions are imposed, the peace negotiations will lose momentum and the UN as well as western countries may lose leverage in that process.

Sanctions may be a way to let the world forget about South Sudan for a moment, but no solution to the crisis.

They may have the effect of turning the situation into chaos and statelessness, redefining the problem differently from the current conflict as we know it.

Policy Recommendations

1. Parties should honour the agreement for the cessation of hostilities) and stop killings, destruction of property and displacement of populations. The IGAD monitoring of implementation of the Cessation of Hostilities (CoH) agreement needs to integrate the possibility of actions by member states against parties defying the CoH agreement.
2. The parties should form the Transitional Government of National Unity (TGoNU) and work towards a new constitution within an agreeable time period, possibly a year.
3. The Arusha framework addressing the "root causes" of the conflict, signed in October 2014 and the other agreement for the re-unification of the SPLM signed on 21st January 2015 should be pursued as a long-term path to long-lasting peace, but not an initiative that may delay an immediate settlement to current crisis. In that case, the agenda for the Arusha process should 'spill-over' from the Addis Ababa talks.
4. Sanctions on individual leaders and their associates, especially freezing of assets, travel bans and blockage of financial flows for these parties in IGAD regions should be seriously considered by the international community
5. As much as possible, civil society representation in the talks and post-agreement activities needs to be maintained.



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