



# Introduction

Since December 2013 when conflict engulfed South Sudan, IGAD has been at the centre of most peace mediation and conflict resolution efforts, albeit with slow progress. For instance, before June 2018 when individual member states, particularly Uganda and Sudan became guarantors to the peace process, warring factions kept breaking agreed terms during the various series of the high level revitalisation talks. As observed by

Deng (2018), although IGAD was ultimately successful in brokering an agreement among the parties, the mediation suffered with challenges throughout the conflict, including the zero-sum thinking of the warring parties which remain committed to military solutions and unwilling to compromise, and the manner in which regional leaders have asserted their bilateral interests<sup>1</sup>.

IGAD has been involved in resolving regional conflicts such as the long war between southern and northern parts of Sudan that lasted from 1983 to 2005. The role of IGAD with the technical and financial support from the rest of international community in particular Troika countries (the United States, Norway and the UK) as well as China and Russia were very influential in pushing for signing the Comprehensive Peace Agreement in Sudan in 2005. With the outbreak of the civil war in South Sudan 2013 and 2016, IGAD once again championed peace mediation efforts in South Sudan.

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This paper analyses the role of IGAD (both as an intergovernmental agency and individual member states) as a peace mediator in the South Sudan conflict. The paper also provides a deep reflection on the contribution of Troika in supporting IGAD in particular and peace-making processes in South Sudan in general.

The analysis in the paper is underpinned by these key questions; How well-positioned is IGAD to promote peacebuilding in South Sudan? What sustainable approaches could be implemented by both Troika and IGAD? Who are the main players in South Sudan Conflict within IGAD Members states and what determines their interests? Does the 2018 Peace Accord reflect the interests of all IGAD member states or just those of the two guarantors? How did Riek Machar's later involvement in the peace processes influence the pace and direction of the revitalisation talks? What challenges exists and what opportunities could be exploited to usher in sustainable peace, progress and stability in South Sudan.

<sup>1</sup> Deng, D (2018). *Compound Fractures: Political Formations, Armed Groups and Regional Mediation in South Sudan*. ISS, East Africa Report

This research adopted a purely qualitative methodology. Various literatures were reviewed

including books, journals, and articles on peacebuilding, conflict resolution, etc. Reports by the UN, IGAD, NGOs and Statements from Governments and regional organisations were useful sources of information.

The ultimate hope is that this paper makes a contribution towards a better understanding of the role of various actors such as IGAD, Troika, China, Russia, etc. in South Sudan. The paper is also very intentional in making the reader understand the processes that led to the signing of the R-ARCSS, its content, prospects and challenges. The policy recommendations offered in the paper could potentially contribute towards the effective implementation of the agreement and eventually the attainment of a more progressive and stable South Sudan.

## Peace Building in South Sudan as Political Settlements

This section explores how the theory of political settlement can help us to understand state building and its intricacies in the context of South Sudan. Political Settlement as a theory helps to explain the notion of state-building and its practices in fragile and conflict affected nations. This concept encourages efforts which are geared toward achieving an inclusive political economy framework which is a key pre-requisite for state building and stability.

Conceptually, political settlement can be understood as the expression of a common understanding or agreement forged between elites on how to organise and exercise power in the country or society<sup>2</sup>. They can formal

processes, agreements, and practices in a society that help consolidate politics, rather than violence, as a means for dealing with disagreements about interests, ideas and the distribution and use of power<sup>3</sup>. Political settlements evolve; they can include, but are not limited to, specific agreements like peace deals, electoral process, parliament, constitutions as well as market regulations. They include negotiations between leaders and followers, not just among elites. And they can be sub-national or sectoral as well as national<sup>4</sup>. Similarly, they can be informal and unarticulated agreements which could underpin a political system like a deal between elites on the division of spoils<sup>5</sup>.

2 DFID (2010) *Building Peaceful States and Societies, A DFID Practice Paper*, p22. London: DFID

3 Edward L & Adrian L (2014). *Political Settlements. DLP Concept Brief 01*

4 Ibid

5 Ingram, S (2014) *Political Settlement: The History of an Idea in Policy and Theory SSGM Discussion Paper*,

Political settlements encompass not only major political actors but it also includes the parties that are instrumental in moving societies away from the brink of political violence<sup>6</sup>. The key factor in this arrangement must be that those parties necessary to restore confidence transform institutions which can build momentum in bringing about a positive change for the country<sup>7</sup>.

Political settlements is different from other mechanisms to end conflict with militaristic approaches, forced disarmaments, external security guarantees or where peace is imposed on the warring/conflicting sides by third parties<sup>8</sup>. According to Mushtaq Khan (2010)<sup>9</sup> political settlements describe the 'social order' based on political compromises between powerful groups in society that sets the context for institutional and other policies.

More precisely, Khan defines political settlement as a combination of power and institutions that is mutually compatible and also sustainable in terms of economic and political viability. At the most minimum level, political settlement should enable a country to attain political stability and improve its economic performance for it to operate as a society<sup>10</sup>. He further argues that at a "deeper level, a political settlement implies an institutional structure that creates benefits for different classes and groups in line with their power potentials. In summary the concept of political settlement is underpinned by the organisation and exercise of political power; is largely elite-driven with support from wider society; is a the product of conflict and crisis and is greatly shaped by both formal and informal institutions<sup>11</sup>.

In the context of South Sudan, the Agreement on the Resolution of Conflict in South Sudan (ARCSS) of 2015 as well as the revitalised version of 2018 is a classic example of political settlement arrangement. This is because the agreement has provided a framework for "the establishment of political order and peace in a model that requires the creation of incentives for groups to share resources through non-violent mechanisms" as expressed by Di John and Putzel (2009)<sup>12</sup>. As will be comprehensively reviewed in the later parts of this paper, all articles in the R-ARCSS provides key steps, formats, terms and conditions of how resources will be managed and shared by key South Sudanese political stakeholders.

Reviewing the R-ARCSS, one quickly grasps how the key political actors in South Sudan are mapped alongside their political provenances. Clear distinctions and assignment of roles and responsibilities have been made along the political establishment lines of SPLM-IG, SPLM-IO, SSOA, FDs among others. Their various interests have also been identified and recognised based on the forms and weight of political, economic, social and ideological power they hold. For instance, SPLM-IG's representatives will form the biggest portion of the Transitional Government Legislative Assembly (TGLA) 332 MPs while SPLM-IO will have 128 MPs.

<sup>6</sup> World Bank (2011). *Conflict, Security and Development*,

<sup>7</sup> *Ibid*

<sup>8</sup> SSGM, 2014, *Ibidi*, 4,

<sup>9</sup> Khan, M. (2010) 'Political Settlements and the Governance of Growth- Enhancing Institutions'. Working Paper. London: SOAS, University of London.

<sup>10</sup> *Ibid*.

<sup>11</sup> Edward L & Adrian L (2014). *Political Settlements*. DLP Concept Brief 01

<sup>12</sup> Di John, Jonathan, Putzel, James (2009), *Political Settlements, Issues Paper, Governance and Social Development Research Center*

## A brief background on South Sudan

Between 1983 and 2005, Southern Sudan and the government of Sudan were embroiled in a longstanding contestation in which the Southerners were demanding for more autonomy and involvement in the management of their political, social and economic affairs. The conflict was fuelled in 1983 when Gen. Gaafa Nimiery abrogated the 1972 Addis Ababa agreement that had granted southern Sudan autonomy.

This gave birth to what became known as the SPLA/SPLM led by John Garang. During the course of the fighting over 1.5 million people died and over 4 million were displaced within and outside the country<sup>13</sup>.

The Republic of South Sudan became an independent state in July 2011. This freedom came about as the result of the comprehensive peace accord which was concluded in 2005.

The Young nation is one of the most diverse countries in the African continent as it is the home to over 60 different ethnic groups. The country has an approximate population of 12M people and it covers a geographical expanse of 619,745 sq. km.

South Sudan's official language is English, although Arabic is spoken widely. Bari, Nuer and Dinka are the most spoken local languages in the country.

Salva Kiir Mayardit took over the leadership of the ruling SPLM/A on 30<sup>th</sup> July 2005, following a fatal plane crash that led to the demise of John Garang de Mabior, the country's independence struggle torch bearer.

## IGAD and its member states in South Sudan: Interests and Influence

Headquartered in Djibouti, IGAD is an inter-governmental agency of eight countries in the horn of Africa and the Great Lakes Region. It was founded in 1986 with the key objective of ensuring peace and stability among the member states. Many IGAD member states have been involved in the conflict and peacebuilding efforts in South Sudan in

different ways and along different political economy interests. A brief review of the involvement of 4 key countries, namely; Kenya, Uganda, Sudan and Ethiopia is presented here.

### Kenya

The Republic of Kenya has a long term relationship with the people of South Sudan. During the struggle for freedom, many SPLM leaders resided in Nairobi and were free to carry out political activities. Many south Sudanese took refuge in Kenya. Many also went to school in Kenya. After independence,

Kenya developed a vested interest in South Sudan's economy, especially in its banking and services sector. For instance, Kenyan banks such as KCB, Equity and Cooperative Bank still remain the biggest players in South Sudan's banking industry.

<sup>13</sup> ACAPS (2015) [www.s-c-acaps-country-profile-s.sudan-august-2015](http://www.s-c-acaps-country-profile-s.sudan-august-2015)

Kenya also played immense contribution toward the post-independence peace negotiations in Southern Sudan. For instance, the comprehensive Peace Agreement (CPA) was negotiated and signed in Kenya. Kenya has also maintained a neutral stand as it held a good relationship with the Sudan government while hosting rebels from the South of the country. After the outbreak of South Sudan crisis of December 2013, Kenya still maintained its neutrality of lobbying both parties in South Sudan, the government of President Salva Kiir and the SPLM-IO led by Riek Machar until when the ARCSS was signed in 2015.

Kenya has also previously sent troops to South Sudan to take part in the UNMISS until her forces were accused of not doing what was expected of them. This accusation led to the resignation of the Kenya commander, L. General Johnson Mogoia Kimani Ondieki who was in-charge of UNMISS's Peacekeeping Mission<sup>14</sup>. As result, Kenya withdrew its forces from South Sudan. Since then Kenya changed her policy towards South Sudan and in particular, its neutrality

## Uganda

Uganda under President Yoweri Museveni has played a vital role in South Sudan's politics and quest for independence. Before and even after independence, the relationship between the two countries remains cordial. From 2005 to date, South Sudan remains Uganda's biggest export destination. The export value peaked shortly before the 2013 war broke when it was valued at over UGX3.5bn per day.

Following the crisis of 2013, Uganda intervened militarily supporting President Kiir against Riek Machar's forces. It is claimed that without UPDF's support, the government in Juba would have been overrun by SPLM-IO's forces. Uganda justified her intervention by maintaining that the South Sudan government

stand towards the warring parties. It seems that Kenya neutrality policy shift was more in favour of the government.

For instance, Kenya started deporting senior members of the SPLM-IO who were seeking political asylum in the country. Cases in point are the January 2017 deportations to Juba of James Gatdet Dak,<sup>15</sup> Dong Samuel Luak and Aggrey Idris all of whom are member of SPLM-IO. Upon arrival in Juba, this trio were imprisoned and only released shortly after the peace celebration in Juba which preceded the signing of the peace deal. The authority in Nairobi went as far as restricting activities of South Sudanese opposition in the country.

However, the meeting Raila Odinga of both president Kiir and Rebel leader Riek Machar in Juba and Pretoria in May 2018, respectively marked a U-turn of Kenya's policy towards the conflict in South Sudan and in particular towards the opposition. SPLM-IO sources stated that Nairobi has assured them of their safety in the country.

had requested for support and as a gesture to strengthen the diplomatic and bilateral relations between the two countries, Uganda offered to help a neighbour in need.

Uganda also continues to host South Sudanese refugees, a hospital gesture it has been extending to Southern Sudan decades before they got independence. Currently, Uganda is hosting about one million refugees from South Sudan. Uganda's progressive refugee policy enables the South Sudanese refugees in Uganda to freely have access to jobs and other economic opportunities. They also have access to farmlands and other social services like education and healthcare facilities.

<sup>14</sup> Aljazeera (3rd Nov 2016). *Kenya Withdraws Troops from UN Mission in South Sudan*

<sup>15</sup> See [Nairobi.news.nation.co.ke](http://Nairobi.news.nation.co.ke) (2016), *Riek Machar Ally Locked Up at JkIA Police Station*, retrieved on 25.9.2018

There is also a vast and vibrant network of South Sudanese civil society organizations in Uganda, some of which are even registered within the jurisdictions of the Uganda NGO Regulations of 2017. South Sudanese civil organizations in Uganda have played key roles in sensitizing the refugee populations about the recent peace negotiation efforts to restore stability in South Sudan. A good example is NoSSCOU, a network of over 25 South Sudanese civil society organizations supported by the Konrad-Adenauer-Stiftung and other donors organized over 10 sensitization dialogues and workshops to popularise IGAD mediated High Level Revitalisation Talks and the peace accord signed in September 2018.

## Sudan

South Sudan and its political economy cannot be delinked from Sudan. The two countries are inextricably linked in a complex history with numerous episodes of exploitation. Firstly, the Southern quest for independence started when President Numieri of Sudan abrogated the Ethiopia Peace Accord in 1983. The abrogation of the Addis Ababa peace accord opened a Pandora box of conflict and war between Southern Sudan and the Sudan government subsequently leading to the secession of the Southern part from the rest of the Sudan.

Secondly, the South Sudanese oil pipelines flow through Sudan to the red sea. This makes the two countries interdependent of each other and thirdly, the Abyei issue is still a hot spot as the status of the region has not yet been resolved by the two countries. The Abyei question a few years caused sparked war between the two countries and on 27<sup>th</sup> September 2012, the two countries signed several agreements, among which was the

Although critics like Mamdani (2018) refer to the Khartoum Peace Agreement on Security and other Chapters of the R-ARCSS as a pact between President Bashir of Sudan and President Yoweri Museveni of Uganda<sup>16</sup>, the two leaders are key players in South Sudan and peace in South Sudan has direct positive economic consequences for Uganda.

Generally, the performance of Uganda's economy greatly depends on the peace and stability in South Sudan.

"Safe Demilitarized Border Zone (SDBZ) and its ten crossing corridors. The SDBZ was established to facilitate joint border management and reduced the trust deficient. However, this attempt could not be realized as both sides did not invest the political capital needed to operationalize the deal.

Sudan's other interest is also to use South Sudan in restoring her relationship with United States, which is a key alliance to South Sudan. So normalisation between the two countries is being supported by the US<sup>17</sup>. Therefore the country wanted to normalize her economic, social and political relationship with South Sudan by involving herself in bringing peace to South Sudan. By so doing, it is pleasing the western countries especially the US and the European Union which accused regime of human right violations in Darfur and the rest of the country.

Sudan's vested interests in South Sudan supersede those of other IGAD members by a far margin.

<sup>16</sup> Mahmood Mamdani (2018) *The Trouble with South Sudan's New peace Deal*, New York Times, <https://nytimes.com>, retrieved on 25.9.2018.

<sup>17</sup> See Donald Booth, (2014), "U.S. Policy on Sudan and South Sudan: The way Forward" Donald Booth, US Special Envoy for Sudan and South Sudan, The Atlantic Council-Washington, DC, 9 October 2014.

# Ethiopia

The Federal Democratic Republic of Ethiopia is one of the key countries with keen diplomatic interests and influence in South Sudan and in the entire horn of Africa. The country is sometimes referred to as the power centre of Africa. Ethiopia has a historical relationship with the people of South Sudan. Because of various geopolitical interests, all governments that come to power in Ethiopia remain strong allies with South Sudan and Sudan.

During the time of civil war between north and south (1955 to 1972), the rebels of the Anya Anya Movement were partly based in Ethiopia. The Addis Ababa Peace Agreement between Khartoum and Juba at the time was negotiated and signed in Ethiopia.

Similarly, South Sudanese refugees (mostly the Nuer tribe) form the biggest number of refugees in Ethiopia. Most of them are camped in Gambella. The presence of the Ethiopian Nuer community has also impacted the status of Nuer refugees in Gambella, allowing greater localised movement and interaction between the refugee and host community populations, given the common linkages<sup>18</sup>.

In terms of economic interests, Ethiopian companies take the lion's share of construction and real estate industries in Ethiopia.

With an immense political will by the newly elected Ethiopian Prime Minister, Ahmed Abbiy, much progress have been made within a short period of time to bring the various South Sudanese warring parties to the negotiating table.

## Troika and Peace Making in South Sudan

The US, UK and Norway (Troika) have the greatest foreign influence over political processes in South Sudan. During Southern Sudan's quest for independence, between 1983 to 2005, Troika contributed heavily in emergency food and medicine support which were badly needed by those inside the liberated Areas and other towns and cities in Southern Sudan which were under the control of Sudan People Liberation Movement and Sudan People Liberation Army (SPLM/SPLA).

Troika even supported SPLA with the weaponry to fight the Khartoum forces. It's thus an undoubted fact that the South Sudan independence was by extension a Troika project.

When independence was gained, the South Sudanese political elites took on a path not envisioned by their Troika supporters. The US particularly was disappointed by the outbreak of the war and the ensuing human right violations by the parties to the conflict. According to Donald Booth, the former Special Envoy to president Obama for Sudan and South Sudan, the war was caused by a plethora of factors including; Weak institutions; over centralization of power; slow progression of the security sector reforms; Corruption and financial mismanagement as well as unsolved war-era tensions between communities in the country;

However, Mamdani (2017) also attributes the conflict to the collective failure by those who assisted South Sudan to gain independence.

<sup>18</sup> Omar S Mahmood (2018). *Nobody came to ask us South Sudanese refugee perceptions of the peace process*. ISS East Africa Report 20.

SPLM was also accused of lacking vision after independence. Instead the elites were struggling for political power struggle that lastly caused the December 2013 fighting. Generally, SPLM has failed to transform itself from Liberation Movement to one of nation-building which is necessary for stability and development.

Because of the crisis, Troika has tried to ensure that the peace negotiation processes are inclusive and that the interest and aspiration of majority of the stakeholders are reflected. This is necessary because any peace deal must be owned by south Sudanese themselves if future fragmentations are to be avoided.

Being South Sudan's major supporter for the independence struggle, Troika's interest would definitely be that the country is progressive, prosperous, economically vibrant and politically stable and peaceful. As an extension of generosity and good will, Troika's

humanitarian actions in South Sudan have been one of the greatest contributions to protection of human lives and promotion of human dignities in the country.

Nonetheless, Troika's agenda is also furthered by deep economic interests. South Sudan is one of the wealthiest countries in Africa in natural resource terms. According to Taban Deng, Forty-four percent of South Sudan's area has evidences of a number of minerals, particularly gold, diamonds and other precious minerals<sup>19</sup>. Foreign players have particularly been interested in South Sudan's oil reserves which the country's largest forex earner. It has to be recalled the first international Oil Company that came to Sudan in 1987 and started drilling the oil and other minerals was the American owned Chevron Oil Company. However, the company gave up its drilling operation because of the on-going war at the time between the South and the North.

## IGAD, Salva Kiir and Riek Machar

In the general election of 2010, SPLM's Salva Kiir won with a 93% landslide victory. At independence, Riek Machar was deputizing Salva Kiir as the Vice President of South Sudan. However, in December 2013, the young nation was engulfed by in a civil war. This came about when President Salva sacked his entire government which included his Vice President Riek Machar whom he accused of planning a coup against him. Machar was replaced with Jame Wani Iga, an echelon of the South Sudanese army.

IGAD's mediation efforts brought the warring parties to the negotiation table at Addis Ababa in 2014. With the pressure from both IGAD and Troika, a peace settlement was reached in August 2015. Riek Machar was reinstated

as first Vice President and he returned to Juba in April 2016. James Wani Iga was retained as the Vice President. As part of the Addis Ababa Peace deal, a Government of National Unity (TGoNU) was established. Machar's return brought a sigh of relief that lasted for just a few weeks.

In July 2016, another vitriolic conflict started at the Presidential palace. Soldiers loyal to the President Kiir and Vice President Machar disagreed and open fire at each other, scaling up to a fully blown battle fight. The military showdown in Juba lasted for about 72hours until a military operation aided by Ugandan army in support of President Kiir overpowered Machar's forces. With a few soldiers, Riek Marcher managed to flee footing from Juba up

<sup>19</sup> <https://www.enca.com/africa/south-sudan-rich-in-minerals>

to the DRC border where he was picked by the UN Forces and handed over to the Congolese authorities. He was quickly taken to Khartoum and later transferred to South Africa to receive medical care. After his recovery, Machar stayed in South Africa for more one and half years.

During the course of the conflict, a new diplomatic initiative was launched by IGAD, mostly supported by Troika to find feasible

solutions to the conflict. This time around, Gen. Riek Machar was not involved as he was in South Africa. Machar's absence from the negotiation talks made it extremely difficult a meaningful consensus to be reached. This realisation led to his inclusion in the peace talks with the hope that his fighting forces will now honour the cease fire which was necessary for creation of conducive negotiation<sup>20</sup>.

## Machar's Exclusion During the Talks and its Implications

On 13th October 2016, Riek Machar arrived in South Africa on a private visit for medical treatment coming from Khartoum, Sudan. He had sustained severe injuries and at the time of the rescue, he was weak and frail with life threatening conditions. According to Clayson Monyela, the then Spokesperson of the South African Ministry of Foreign Affairs, "contacts were made with the government in Juba regarding Machar's visit". The spokesperson further explained that the period of Machar's stay in the country was still unknown.

After a week, Machar's health had improved and he had plans of returning to his military camp and SPLM-IO headquarters in Pagak. While planning to return, directives from unrevealed sources were issued to Ethiopia and Sudan that Machar couldn't be allowed to land at either Khartoum or Bole International Airports. He first arrived at Khartoum and was denied entry in Nov 2016. He later flew to Bole Airport and was detained for four hours before being advised to fly back to South Africa because he didn't have the necessary residency documentations. Machar flew back to South Africa.

IGAD played a role in foiling Machar's plan to travel back to South Sudan. Ethiopia's Prime

Minister Hailemariam Desalegn and also the then IGAD sitting Chairperson on a visit to South Sudan in October is on record saying "we will not support an armed struggling group or anyone who opts for path of war and therefore we will not allow any armed movement which is detracting from peace in our region both in Ethiopia and South Sudan". According to Deng (2018) the Chair of the body of the established to over the implementation of the ARCSS, former Botswana President Festus Mogae articulated the consensus viewpoint when he said that the diplomats 'don't have an option' (referring to the exclusion of Machar).

Troika is also indicted. Quoting a diplomatic source, Reuters' writer Ed Cropley reported that Machar's South Africa residency was a preferred option for the peace negotiators because he (Machar) "keeps going back and mobilising his people and stirring up problems"<sup>21</sup>.

Emboldened by the apparent international support, government forces embarked on military campaigns in pursuit of opposition forces, Deng asserts.

The exclusion of Machar from peace negotiation efforts in South Sudan affected

20 BBC (2018), *South Sudan Country Profile 17 January 2018*, retrieved from [bbc\\_southsudan\\_profile.pdf](#)

21 Ed Cropley (2016). *Exclusive: South Africa holds South Sudan rebel Machar as "Guest"*. retrieved on 17.9.2018.

the pace and prospects of political stability in the country in many ways. Firstly, the relationship between the SPLM/SPLA-IO and IGAD and Trioka countries was maddened. The rebel forces did not trust the IGAD as an organization interested in peacebuilding since it worked to isolate their leadership. The

problem was further exacerbated when James Gatdet, the official spokesman of Machar was deported from Nairobi to Juba later imprisoned together with Aggrey Idris, Machar's security advisor and Dong Samuel Luak a prominent human right activities.

## IGAD's High-Level Revitalization Forum and the Inclusion of Riek Machar in Negotiation Talks

The body tasked for monitoring and evaluating the implementation of the agreement on the resolution of conflict in South Sudan, Joint Monitoring and Evaluation Commission (JMEC) conducted a comprehensive evaluation of the implementation of the peace agreement. The JMEC warned that the implementation of ARCSS 2015 was out of order and something needed to be done urgently. JMEC strongly recommended that ARCSS be revitalized as the situation was worsening and arms groups were proliferating<sup>22</sup>.

The IGAD council of ministers picked up the call of JMEC and immediately appointed an IGAD Special Envoy to South Sudan led by the former president of Botswana, Festus Mogae. The HLRF was meant to; revitalize ARCSS; resolve expired provisions, re-engaged on peace implementation through revised timeline and schedule; and restore inclusivity in the government<sup>23</sup>.

From 18<sup>th</sup>-22<sup>nd</sup> December 2017, the first High Level Revitalization Forum was conducted in Addis Ababa and cessation of hostilities agreement was reached between the government and the armed groups with the witness of IGAD and other foreign actors. By 23<sup>rd</sup> December 2017, both President Kiir<sup>24</sup> and rebel leader Riek Machar<sup>25</sup> directed their armed

forces to cease from any form of aggression that might hamper the implementation of the agreement.

Unfortunately, the signed agreement was violated just within days as warring factions fought each at various locations across the country. For instance, on 24<sup>th</sup>-25<sup>th</sup> December 2017 SPLA-IO attacked the government soldiers in Logobero and Lujulo to re-acquire the area. Meanwhile, on the same dates, the government soldiers also attacked an SPLM-IO based in Kajo-keji<sup>26</sup>. On 21<sup>st</sup>, December, 2017, warring factions signed the Cessation of Hostilities (CoH) agreement which was signed to reaffirm their commitment to its implementation as pre implementation matrix.

The subsequent round of talks provided unique opportunities to renegotiating major provisions in chapter 1 and 2 of the ARCSS. This was important because the number of the conflicting parties had increased and their interests varied significantly. However, while the HLRF initiative demonstrates IGAD's continued attention to the crisis in South Sudan, serious ambiguities, including the questions of who will participate and the extent of the agenda existed in its design and severely hampered its pace and possibility to solve the conflict in South Sudan.

22 CEPO (2018). *Cessation of Hostilities Agreement First Oversight observation report*

23 *Observation Report on IGAD led High Level Revitalization Forum*: <http://cepo-southsudan.org/news/observation-report-igad-led-high-level-revitalization-forum>

24 <http://www.sudantribune.com/spip.php?article64330>

25 *Ibid*

26 CEPO (2018).

In fact, the initial phases of the negotiation were slow because the various warring factions didn't fully understand the context of the HLRF and the feasibility of its implementation. According to CEPO (2018), all negotiating parties and stakeholders and partners of the peace process had different and clashing understanding of revitalization of ARCSS. The report further noted that the revitalizing ARCSS chapter 1 was easily in Sudan - Khartoum phase because the mediators being security and military experts understood the security context of South Sudan and the stand point of the armed opposition groups. This made it possible for the mediators to direct the process of the mediation to engaged

renegotiating security arrangements and permanent ceasefires.

These HLRF round of talks contributed towards the peacebuilding process in South Sudan because it brought together the warring factions opened space for dialogue. The principle of inclusivity and civic participation which acknowledged the views of several stakeholders including religious leaders, imminent persons and ordinary citizens, and the CSOs all played unique roles to making the talks produce better results that led to the signing of the peace agreement.

## Kiir and Machar: Face to Face Meetings

On 27<sup>th</sup> of May 2018, the former Kenya Prime Minister and Opposition Leader, Raila Odinga paid a courtesy visit to President Salva Kiir in Juba. The two leaders discussed ways and means in which the crisis in south Sudan can be resolved with the involvement of all stakeholders including Riek Machar. After meeting with Kiir, Raila Odinga also proposed to travel to South Africa to meet Machar. This move by Kenyan leader was supported by the rebel leaders who welcomed it wholeheartedly.<sup>27</sup>

On 11<sup>th</sup> of June 2018, Raila Odinga travelled to Pretoria and met Riek Machar. The two men discussed the way forward to end the war in the country. During the meeting, Machar assured Raila Odinga that he and his SPLM-IO colleagues were committed to peace and ready to participate fully in the "Face-to -Face" meeting between President Salva Kiir anytime and anywhere.

Within days, the preparation for face-to-face meeting was in full gear with IGAD as its convener. On the 31<sup>st</sup> of May 2018, the IGAD Council of Ministers decided to call for a face-to-face meeting between Kiir and Machar. In the Communiqué issued after the 62<sup>nd</sup> Extra-Ordinary Session of IGAD Council of Ministers on the situation in South Sudan, dated 31<sup>st</sup> May 2018 in Addis Ababa, the following recommendations were made: "The Chairperson of the IGAD Assembly of Heads of State and Government to consult with members of the Assembly on the convening of an Extra-Ordinary Summit of the Assembly and a face-to-face meeting between H.E. Salva Kiir Mayardit and H.E. Dr. Riek Machar Teny before the 31<sup>st</sup> summit of the Assembly of the African Union to be held on 1<sup>st</sup> and 2<sup>nd</sup> July 2018 in Noukakhott, Mauritania".

It was also recommended that IGAD will make a final decision on the effective participation of Riek Machar Teny on the ongoing peace process in South Sudan. At the same time, the

<sup>27</sup> *Sudantribuneof27th May 2018.*

IGAD summit directed the IGAD facilitation team<sup>28</sup> " to develop a fully revitalized text of the ARCSS. This document should then be presented to the IGAD Council of Ministers for endorsement.<sup>29</sup>

On 20<sup>th</sup> of June 2018 President Salva Kiir and Opposition leader Riek Machar met in Addis Ababa under the stewardship of the newly elected Ethiopian Prime Minister, Dr. Ahmed Abiy. It was the first time the two arch-rivals were meeting face to face in over two years since the July 2016 conflict. The meeting was intended to create a bridge between the two key players in the South Sudanese conflict with the hope that they could once again try to work together for the greater good of South Sudan and Africa at large.

## ARCSS: Strengths and Weaknesses

The outbreak of the civil war in South Sudan two years after independence from Sudan in July 2011 necessitated a political settlement framework which became known as ARCSS. Because of the catastrophic impacts of the war and the need to find sustainable solution to it, (IGAD and Troika (US, UK and Norway) intervened in the crisis and brought to the table the warring parties. After conducting

Sudan also announced her interest to organise another face-to-face between Kiir and Machar. Sudan's request was approved by IGAD and on 26<sup>th</sup> June 2018, the second face-to-face was hosted in Khartoum by President Omar Hassen Ahmed Al Bashir and Ugandan President Yoweri Museveni<sup>30</sup>. The Khartoum meeting was yet another promising step towards the peace building efforts in South Sudan. But more talks still needed to happen. President Yoweri Museveni convened a third face-to-face in Kampala on 7<sup>th</sup> of July 2018. IGAD's shift in policy to include Machar in the peace negotiation processes contributed significantly towards making the warring parties reach a constructive consensus.

several negotiations during a 20 months period, the parties to the conflict signed on the 26<sup>th</sup> August 2015 what became known as the Agreement on the Resolution of the Conflict in South Sudan (ARCSS). The political settlement proposed the establishment of the Transitional Government of National Unity (TGoNU) led by President Salva Kiir and Vice President Riek Machar.

## Structure and Mandate of the Transitional Government of National Unity (TGoNU)

According to the ARCSS, the parties to the agreement were supposed to form the TGoNU not later than July 9<sup>th</sup> 2015. ARCSS set out the terms of the power-sharing government that would be responsible for implementing an ambitious post-conflict recovery programme over the course of a 30months transitional period preceded by a pre-transition Period of three months. The mandates of the TGoNU were to ensure;

### A) Peace and Stability

1. Implement the peace accord and restore peace, security and order in the country; expedite the relief, repatriation, rehabilitation and resettlement of IDPs and returnees; facilitate and oversee a process of national reconciliation and healing through an independent mechanism as per the articles of the peace accord; oversee the permanent constitution making process.

<sup>28</sup> The IGAD Communiqué of the 62<sup>nd</sup> Extra-Ordinary session of IGAD Council of Ministers of the situation in South Sudan, dated 31.May 2018, issued in Addis Ababa, Ethiopia.

<sup>29</sup> Ibid

<sup>30</sup> See also the PML Daily dated 26th June 2018, retrieved at [www.pmldaily.com](http://www.pmldaily.com)

- II. To work closely with the African Union, IGAD and the International Community and to consolidate peace and stability in South Sudan.
- III. Ensure transparent and accountability management of national resources;
- IV. Implement security sector reforms and security sector transformation;
- V. Establish a competent and impartial national elections commission to conduct free and fair elections and the transitional period;
- VI. Conduct a national population and housing census before the end of the transitional period of three years from the date of signing the ARCSS.

**B) Good governance:**

- I. The Parliament would comprise of 332 members including the SPLM-IO.
- II. The National Assembly would have the role of overseeing the implementation of the peace accord and the necessary reforms agreed by the parties to the conflict<sup>31</sup>.
- III. There were 29 Ministers and eight Deputy Ministers. The Ministers were sub-divided into Governance Cluster, Economic Cluster and services and Social Development Cluster. The Ministerial portfolios were allocated among the parties to the agreement in line with the percentages agreed by the parties.
- IV. It was also agreed that a Joint Monitoring and Evaluation Commission (JMEC) would be established. The role of JMEC was to monitor and oversee the implementation of the agreement and the mandate and tasks of the TGoNU which include the adherence of the parties to the agreed

time lines and implementation schedule. In case of non-compliance, the JMEC shall make appropriate recommendations to the TGoNU for correction.<sup>32</sup>

- V. The parties to the agreement agreed on the establishment of an Independent Hybrid Court to investigate and prosecute individuals bearing the greatest responsibility for human rights violations and international humanitarian law since the 15<sup>th</sup> of December 2015<sup>33</sup>.

It is important to note that a key strength of the ARCSS was that it was an agreement between two parties, namely, SPLM-IG and SPLM-IO. In theory, this was a blessing as the parties would easily consult each other and agree on key political settlement terms.

On the other hand, there were fundamental shortfalls that occasioned the quick demises of the agreement.

From the outset, the Salva Kiir had many reservations to the agreement. Shortly before signing the agreement, he said, "With all those reservations that we have, we will sign this document". He also blamed the international community for carelessly handling the negotiation processes reiterating that he even faced intimidation during the peace process. He even warned that "a poor agreement could backfire on the region"<sup>34</sup>.

The ARCSS was prematurely signed by President Kiir against the advice of the Jieng Council of Elders, a key political actor within the SPLM. The council had raised concerns about the loopholes within the agreement. For instance, they warned that the agreement could create more problem than offer feasible solutions to the conflict highlighting three major reasons.

<sup>31</sup> See IGAD(2015), *Areas of Agreement of the establishment of the Transitional Government of National Unity(TgoNU) in the Republic of South Sudan, Addis Ababa, 1<sup>st</sup> February 2015, 1-2.*

<sup>32</sup> See IGAD(2015), *Ibid, 4.*

<sup>33</sup> See IGAD(2015) *Ibid, 4*

<sup>34</sup> *The Guardian, South Sudan's President Salva Kiir signs peace deal despite 'serious reservations', 27 August 2015. <https://www.theguardian.com/world/2015/aug/27/south-sudan-president-salva-kiir-signs-peace-deal-despite-serious-reservations>*

“Firstly, the proposed agreement is intrinsically a strategy for the international actors to take-over the country. It is essentially born out of the recommendations of the African Union Commission Report, which recommended foreign personalities to run the country during the transitional period. Second, the proposal creates a more divisive future for the country that is likely to breed a much bitter war, considering the proposal to handover Upper Nile region to the opposition. Thirdly, it does not address in a meaningful way the root causes of the conflict. Though it may succeed in temporarily halting the fighting, it does not entirely provide any guarantees to stop its resumption in the very near future”<sup>35</sup>.

The Presidential decree to increase the number of states from 10 – 28 (with a subsequent increase to 32) further undermined the agreement by through the state-level power sharing ratios into disarray, and placing most of the oil-producing areas in states controlled

by the government aligned forces<sup>36</sup>.

The security arrangement was not implemented in good faith by the parties. This led to the violation of Cessation of Hostilities (COH) agreement, especially by military commanders on the ground from both sides.

The split within the SPLM-IO did not help in implementing the agreement as some ministers were not happy with the ministerial portfolios allocated to them by the leadership.

Lastly, a key weakness of ARCSS was its lack of enough support from the grassroots people who had suffered most during the war. This made the ARCSS to be viewed as an only elite pact. However, the idea of conducting a national healing and reconciliation in the agreement was to consult with the grassroots, seek their support, reconcile the communities affected and address their grievances.

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

To give the warring parties another chance to negotiate and end the conflict, IGAD once again started supporting the revitalization of the signed 2015 Peace Agreement or the ARCSS. Initially, this proposal was vehemently opposed by the government in Juba as they did not want renegotiate with SPLM-IO, especially if Riek Machar still remained its top leader. They claimed that Riek Machar is no longer the leader of the SPLM-IO, but Gen. Taban Deng Gai is now in charge of the Movement<sup>37</sup>. Taban Deng had replaced Riek Machar as SPLM-IO Chairperson when Machar fled. Nonetheless, negotiations started with Gen. Taban as the key negotiator for SPLM-IO. After numerous efforts, very little progress had been made

and there was now a stark realisation that Riek Machar ought to be included in the negotiation processes.

Fundamental changes had to be made in the newly revitalized negotiations peace talks. For instance, it created the office of Five Vice Presidents with each mandated to be responsible for a particular section within the government. This also meant the creation of a huge parliament with many ministerial positions.

The R-TGoNU which comprises of former GRSS, SPLM-IG, SPLM-IO, Sudan Opposition Alliance (SSOA); former Detainees (FDs) and the other Political Parties outside the

<sup>35</sup> South Sudan Nation (2015). *The Position of Jieng Council of Elders on the IGAD-Plus Proposed Compromise Agreement*. <http://www.southsudannation.com/the-position-of-jieng-council-of-elders-on-the-igad-plus-proposed-compromise-agreement/>

<sup>36</sup> Deng, D (2018). *Compound Fractures: Political Formations, Armed Groups and Regional Mediation in South Sudan*. ISS East Africa Report 21.

<sup>37</sup> See Bior(2018) *Ibid*,3.

Incumbent is supposed to play key roles during the transitional period. As per Article 1.2.2 and 1.2.2, the RTGoNU shall “implement the Agreement and restore permanent and sustainable peace, security and stability in the country”.<sup>38</sup>

In addition, the RTGoNU shall oversee and ensure that the permanent constitution-making process is successfully carried out and finalised before the end of the Transitional Period.

According to the peace Agreement, the Composition of the RTGoNU shall be as below: During the transitional Period, the executive arm of South Sudan government shall be made up of President, First Vice President and four vice Presidents. As per Article 1.5.1.1 of the accord, President Salva Kiir shall lead the presidency, SPLM-IO Chairman Riek Machar Teny shall assume the office of the first Vice President. Two more Vice Presidents shall be nominated by Incumbent TGoNU, while one Vice President shall be nominated by the South Sudanese Opposition Alliance (SSOA) and the other shall be nominated by former detainees (FDs).

The agreement also emphasised that apart from the First Vice President, the four Vice presidents shall be equal in hierarchy. The First Vice President and Vice Presidents shall be responsible for overseeing the Cabinet Clusters as shown below:

- First Vice President shall be responsible for Governance Cluster;
- Vice President for Economic Cluster;
- Vice President for Service Delivery Cluster;
- Vice President for Infrastructure Cluster and
- Vice President for Gender and Youth Cluster<sup>39</sup>.

The President of the Republic shall serve as

President and Executive Head of the State for the Transitional Period.

In Articles 1.7, 1.7.2 and 1.7.3, Riek Machar is identified as the First Vice President and among others, he shall serve as Commander in Chief of the SPLM/SPLA-IO during the transitional period; shall serve as Acting Commander in Chief of Unified South Sudan National Army and Overall Commander of all other organised forces in the event of any temporary absence of the President. After the Unification of the forces, he shall chair and oversee the Governance Cluster. He shall also serve as Deputy Chair of EFMA Board as well as serve as Deputy Chair of NSC and NDC<sup>40</sup>.

Article 1.9, 1.9.1 upto 1.9.6.1.4.4 of the R-ARCSS further defines the functions of the President and the Vice Presidents and how their duties should be performed. Summarily, the agreement further stated that the decision-making in the Presidency shall be in a spirit of collegial collaboration. In addition, the R-ARCSS impose that The President, the First Vice President, and the Vice Presidents shall seek to reach agreement on matters of Executive Administration. In case of disagreement, at least four of them shall take decision.

It is worth to note that the R-ARCSS created new Ministries such as the Ministry of Reforms and Implementation of Peace Agreement, Ministry of Technology and Scientific Research as well as Ministry of East African Community. Many Ministries have also been split twice and others even thrice. For instance,, the Ministry of Labour, Public Service and Human Resource Development has become,; Ministry of Labour, Ministry of Human Resource Development and Ministry of Public Service all as independent ministries The aim these splits is to accommodate the plethora of political actors who are involved in the South Sudan politics.

<sup>38</sup> See the initialised R-ARCSS signed in Khartoum on 28 August 2018,3.

<sup>39</sup> See R-ARCSS of 28.8.2018, *Ibid*,8-9.

<sup>40</sup> See R-ARCSS signed on 28.8.2018, *Ibid*,10-11.

The importance of this clause cannot be emphasised enough as previous conflicts were mostly caused by mistrust and the inability of

the South Sudanese political elites to work together and reach a feasible consensus in key decision making processes.

## The Transitional National Legislative Assembly (TNLA) and Council of States

As per Article 1.13 up to 1.13.5, the Transitional National Legislature (TNLA) shall be expanded into 550 members and shall be reconstituted as follows; Incumbent TGoNU - 332 Members; SPLM-IO - 128 Members; SSOA - 50 Members; OPP - 30 Members; FDs -10 Members. Looking at this composition, the Government has the lion share in the Assembly. By implication, it means they can still push laws in their favour.

In addition, the Incumbent TGoNU shall nominate the Speaker of TNLA, while the

SPLM-IO shall nominate the Deputy Speaker. A second speaker will be nominated by Other Opposition Parties while the third Deputy who shall be a woman will be nominated by the Incumbent TGoNU<sup>41</sup>.

As far as power sharing arrangement in the States and Local Governments is concerned, the parties agreed that the incumbent TGoNU shall be in control of 55% of the states while SPLM-IO takes 27%, SSOA 10% and OPP 8%.

## Permanent Cease Fire and Transitional Security Arrangement

The parties to the R-ARCSS agreed that the permanent ceasefire which was signed in Khartoum Sudan on 27<sup>th</sup> June 2018 and came into effect on 1<sup>st</sup> July 2018 shall be observed throughout the Republic of South Sudan. This is to ensure that there is sustainable peace to facilitate the operationalization of the Transitional Security Arrangements. It will also encourage voluntary repatriation, resettlement and rehabilitation as well as reintegration of returnees and Internally Displaced Persons.

In addition, the ceasefire shall also apply to all other forces of the warring parties and all

other forces or militias allied to either party. The agreement called for withdrawal of foreign forces from South Sudan. The parties to the agreement also agreed that they would stop the training of their security forces with immediate effect.<sup>42</sup>

The Security Arrangement is very wide and comprehensive and its effective implementation is the key to the success of the peace accord. It is worth noting that ARCSS failed largely due to the lack of implementation of its security arrangements.

## Challenges ahead of R-ARCSS's implementation

With all its promises, the R-ARCSS still face multiple challenges towards its effective implementation.

The issue of 32 States must be resolved as soon as possible.

<sup>41</sup> See also R-ARCSS signed on 28.8.2018, *Ibid*, 21.

<sup>42</sup> See R-ARCSS signed on 28.8.2018, *Ibid*, 31-32.

The timeframes must also be critically reflected upon. For instance, it seems impossible to conduct a referendum within the short time which the parties agreed upon for a number of reasons. Firstly, more than four million South Sudanese are either in IDPs camps in the various towns or in refugee camps in the neighbouring countries. For effective repatriation, the security arrangement has to be effected and the guns must be silenced.

With its massive public administration, a lot of financial resources are required for very basic management of the country. This shall require a rapid aid flow. Unfortunately, aid comes with

its own intricate dynamics which South Sudan will soon find itself embroiled in.

Formation of a single national army requires meticulous and a well-intentioned strategy coupled with multiple layers of planning and consultations. It yet remains to be seen how this will effectively be executed.

Other key players in South Sudan's politics such as Gen. Paul Malong Awan, Pagam Amum, Thomas Cirlo and other newly emerging group were excluded in the R-ARCSS. This still remains a gigantic challenge towards the implementation of the peace accord.

## Post 12th Sept 2018: Peacebuilding Efforts after the Signing of the R-ARCSS

### a. Ratifications, Board Nominations, Meetings and Presidential Pronouncements

Since the signing of the R-ARCSS in Addis Ababa in September 12th 2018, many developments have taken place. On 22<sup>nd</sup> of September, the SPLM-IO ratified and endorsed the agreement without any reservations. Another key endorsement that same month was by DMC's Lam Akol. Between September and Mid October 2018, all parties to the agreement have ratified the R-ARCSS. The Transitional National Legislation Assembly also ratified the Peace Accord on 14<sup>th</sup> October 2018.

As part and parcel of the peace implementation, the parties have nominated their representative to various committees such as Security Sector Committee like Joint Defence Board (JDB), CTSAMVM & Strategic Defence and Security Review Board (SDSR-B).

In a televised decree, President Salva Kiir appointed a National Pre-Transitional Committee which comprises of members from both Government and opposition.

On 27<sup>th</sup> September 2018, President Salva Kiir directed the release of all prisoners of war under the custody of the SPLA.

In addition, the meeting of Pre-Transition National Committees was held in Juba on 8<sup>th</sup> of November 2018. This showed that there is now confidence among the parties to R-ARCSS.

The government even made available 100 million South Sudanese Pounds (SSP) and \$1 million Dollar to fund activities of the implementation of Pre-Transitional Period.

The PCTSA held a Workshop in Khartoum to determine the type and the size of the forces during the transitional period. It was also recommended that the VIP Protection Unit will be selected from the first phase of the unified trained forces<sup>43</sup>.

<sup>43</sup> See the statement issued in Khartoum on 27th September 2018, by representatives from TGoNU, SPLM-IO and SSOA

The SPLA-IO and SSPDF met on the 5<sup>th</sup> of November 2018 in Juba and agreed on the following:

- I. To open all routes coming and going out of Juba. All Check points were supposed to be closed down immediately.
- II. All humanitarian Agencies should be allowed to move freely and deliver assistances to the needed both at the Government and SPLA-IO controlled areas.
- III. Citizens should be allowed to move to the government and SPLM-IO areas without any hindrances.
- IV. Soldiers from both sides should move with Departure Order, but without military uniforms and guns.
- V. It was also agreed that the two forces should carry out joint security patrolling in their areas.

This was the first meeting of its kind in the history of the independent South Sudan. It was historic because the spirit in which the forces met and made a joint declaration once again demonstrated the commitment of the parties to peace.

Although some progress have been made in nominating representatives to key agreement institutions and Mechanisms, for instance, at National Pre-Transitional Committee (NPTC), Joint Evaluation and Monitoring Mechanism (JMEC), Independent Boundaries Commission(IBC) and Joint Defence Board (JDB); the implementation is behind schedule. If one looks at the implementation matrix.

## **b. Peace Celebration in Juba: What does it mean for A-ARCSS Implementation?**

On 31<sup>st</sup> of October 2018, the Government of Republic of South Sudan officially launched a historic Peace Celebration in the Capital, Juba. The Occasion was attended by Head of States and Government, diplomatic representatives and foreign Ministers from the region and beyond. Among the dignitaries were President Yoweri K. Museveni of Uganda, Hussan Chekh Mahmood of Somalia, the newly elected President of Ethiopia Sahle-Work Zewde, President Omar Hassan Ahmed Al Bashir of Sudan, United Nations Secretary General Representative to south Sudan, The SPLM-IO Chairman, Dr. Riek Machar Teny, Dr. Lam Akol, Chanson Lew, Col. Bangasi Baksoro among other South Sudanese politicians from both sides of the political divides.

The government spent about \$5M to organise the celebration. During the celebration, President Salva Kiir and SPLM-IO Chairman Riek Machar Teny declared that the war had come to an end. While addressing the gathering at freedom Halle, President Kiir ordered the release of James Gatdet Dak and the South African Col. William Endley Who were said

to be associated to Riek Machar as advisors on military affairs. The release of the two men was said to be a good gesture for peace implementation. The coming of Opposition leaders to Juba to attend the celebration was a big sign to those who were sceptical about peace deal between Kiir and Machar.

The celebration was indeed a sign of commitment by all the parties and especially on the side of the SPLM-IO. This is because, there were a lot of rumours that Riek Machar would not come back to Juba without his military or if the Regional Protection Forces (RPF) is not deployed in the Capital Juba. To surprise of many Riek Machar, was among the first delegates who arrived at Juba International Airport accompanied by over 50 delegates comprising of senior political and military leaders of his movement. In his speech, Riek promised to implement the agreement fully and that every citizen should know that the peace agreement will not be a futile attempt this time around.

The peace celebration has direct relationship with the implementation of the R-ARCSS. First the Celebration in Juba was used by Salva Kiir and Opposition Leader Riek Machar to declare that the five years civil war has come to an end. This is important indeed as it sends clear signal to those who don't believe in the sincerity

of both government and the rebel leaders and in their commitment to peace after the collapse of the 2015 peace deal. Secondly, the peace celebration restored hope in the faith of the ordinary citizens who weren't following the peace negotiation processes in various capitals of the IGAD member states.

## IGAD's Immediate Post September 12<sup>th</sup> Actions

IGAD secure the services of experts who should begin work on the IBC and TBC.

On 22<sup>nd</sup> October 2018, IGAD Chiefs of Defence Forces/ Staffs met in Khartoum and discussed a number of issues including the possible deployment of Regional Protection Force (RPF) which should come from the neighbouring countries mostly. Their meeting agreed to established and deploy an assessment team to south Sudan which will report on the political and security situation in the country. This security assessment team arrived in Juba in the first week of November 2018.

In another development, IGAD has appointed Acting Chair of RJMEC but hasn't yet approved its Terms of Reference in accordance to Article 7.4 of the peace accord. In addition, the IGAD Chief of Defence Forces/ Chief of Staff have agreed that the Regional Protection Forces be commending by Sudan, one of the Guarantors to the Peace Accord.

On November 8<sup>th</sup> 2018 military commanders from the SSPDF and SPLA-IO met in Yei River State to work out on security modality and cooperation among their forces. This meeting was held in Government Barrack and was reported by both sides as "Fruitful meeting" according to the Deputy SPLA-IO Spokesman Col. Lam Paul Gabriel. The Yei River State meeting is important indeed as Yei River State is one of the areas which still witnessing insecurity and fighting between SSPDF and SPLA-IO.

On the 9<sup>th</sup> of November 2018, SPLM-IO Chairman Riek Machar sent the highest delegation to Juba led by the Deputy Chair and Deputy Commander in Chief of the SPLA-IO Hon. Henry Dilah Odwar accompanied by Hon. Puot Kang Chol, Chair of the SPLM-Youth Wing.

Upon his arrival in Juba International Airport Odwar said; "I return to the capital to participate in the pre-transitional committee meeting. The implementation of the peace deal has run behind schedule. I want to assure South Sudanese that we shall work hard to make sure that we catch up because we are behind schedule".

Will the R-ARCSS usher in the sustainable peace and stability in South Sudan? Time will surely tell. But one thing is clear: the political elites in South Sudan have come to a stark realization that war is causing huge loses everyone, including themselves. Perhaps, the Statement of the First Vice President Taban Deng Gai before the 73<sup>rd</sup> Session of the United Nations General Assembly in New York on 28<sup>th</sup> September 2018, shortly after agreement offers a more optimistic picture;

*Conflict by itself can be a vehicle for positive change, if we are aware of where we came from, where we are now and where we are heading to. As brothers and sisters, we have hurt each other. As we seek national healing, my president H.E. Gen. Salva Kiir Mayardit, empowered a cross-section of community representatives and mediators to set up a National Dialogue and other Grassroots 'People to People' Peace Initiatives"<sup>44</sup>.*

<sup>44</sup> Gai, Taban Deng (2018). Statement by H.E. Gen. Taban Deng Gai, First Vice President of Republic of South Sudan, at the 73<sup>rd</sup> Session of the United Nations General Assembly, 28th September 2018, New York, USA, 16.

# Conclusion and recommendations

Whether the current political settlement framework in South Sudan shall birth a more politically stable country and progressive economy has envisioned by theorists like Mushtaq Khan (2010), Adrian Leftwitch (2007), Di-John (2012), Laws (2011) among other still remains a question of major interest. What's true though is that the political will exhibited by the various political elites in South Sudan and the interests demonstrated by key players like IGAD and Troika points to promising path.

In its review of the R-ARCSS, this paper identified key loopholes and suggested mechanisms which could strengthen its implementation for the greater good of South Sudan and the world at large.

Fundamentally, the significance of the supported by international players such as Troika and IGAD towards peacebuilding and development in South Sudan cannot be emphasised enough. Their moral, financial, political and diplomatic support is needed now more than ever before in light of the fact that the South Sudan's economic base has completely been eroded by the conflict.

Uganda and Sudan too should continue with their lead roles as guarantors to the peace agreement in light with the fundamental gains which were achieved in the past months because of their direct involvement in the peace negotiation processes. As warned by Mamdani (2018), the interests of these two countries must not supersede the general goal of attaining maximum peace, political stability and sustainable development in South Sudan.

## **We suggest the following recommendations;**

- The warring factions must agree to put the interests of the country above their own interest because the success of the peace

accord greatly depends on their collegial collaborations.

- The smooth formation of a unified South Sudan Army Forces is urgent and needs to be carried out as per terms of the Peace Agreement.
- The Guarantors to the R-ARCSS, especially Sudan, Uganda and Troika need to continue to work hard to push the parties to meet their obligations as per the agreement as there still a lot of road blocks ahead.
- The international Community as whole and Troika, European Union, China and even Russia should fully support the implementation of peace agreement not only politically but also morally, financially and diplomatically.
- The implementation of the Security Sector Reform is more than necessary in South Sudan. As majority of civilian have lost trust on security operators and as people grapple with the fear of the unknown "Gun Men".
- The establishment of clear cantonment sites for the Opposition forces throughout the country and the availability of fund for this purpose are more than necessary. This will help JEMC to monitor and identify in shortest time possible ceasefire violators.
- The demilitarisation of towns and cities like Juba, Malakal, Wau is paramount in ensuring the normalisation of the situation in the country.
- There is need to engage other key political actors in South Sudan who were excluded from the R-ARCSS negotiations.
- Soldiers who won't be recruited into Unified South Sudan Army Forces (USSAF) should be offered alternative sources of income, less, they may resort to violence as a survival strategy.

# Annex 1: Ministries and Positions Created by R-ARCSS per Cluster

## Sovereignty Cluster

S/N	Portfolio
1.	Ministry of Cabinet Affairs
2.	Ministry of Foreign Affairs
3.	Ministry of Defence
4.	Ministry of Interior
5.	Ministry of Justice and Constitutional Affairs
6.	Ministry of National Security
7.	Ministry of Parliamentary Affairs
8.	Ministry of Information
9.	Ministry of Federal Affairs
10.	Ministry of International Cooperation
11.	Ministry of East African Community
12.	Ministry in the Office of President
13.	Ministry of Reforms and Implementation of Peace Agreement

## Economic Cluster

S/N	Portfolio
1.	Ministry of Finance
2.	Ministry of Planning
3.	Ministry of Petroleum
4.	Ministry of Mining
5.	Ministry of Agriculture and Food security
6.	Ministry of Livestock and Fisheries
7.	Ministry of Commerce and Foreign Trade
8.	Ministry of Wildlife Conservation
9.	Ministry of Tourism and Hospitality
10.	Ministry of Industry
11.	Ministry of Investment
12.	Ministry of Forestry

## Service Delivery Cluster

S/N	Portfolio
1.	Ministry of Veteran Affairs
2.	Ministry of Communication and Postal Services
3.	Ministry of Environment
4.	Ministry of Cooperatives
5.	Ministry of Rural Development
6.	Ministry of Higher Education
7.	Ministry of Technology and Scientific Research
8.	Ministry of General Education and Instruction
9.	Ministry of Health
10.	Ministry of Labour
11.	Ministry of Public Service
12.	Ministry of Human Resource Development
13.	Ministry of Gender, Child and Social Welfare
14.	Ministry of Culture and Heritage
15.	Ministry of Youth and Sports
16.	Ministry of Humanitarian Affairs
17.	Ministry of Disaster Management

## Infrastructure Cluster

S/N	Portfolio
1.	Ministry of Electricity and Dams
2.	Ministry of Transport
3.	Ministry of Roads and Bridges
4.	Ministry of Lands, Housing and Urban Development
5.	Ministry of Water Resources and Irrigation

## Annex II: Composition of the Transitional Government Legislative Assembly

### Sovereignty Cluster

S/N	Name of the Party	Ratio
1.	Incumbent TGoNU	332 Members
2.	SPLM-IO	128 Members
3.	SSOA	50 Members
4.	OPP	30 Members
5.	FDs	10 Members <sup>45</sup>

<sup>45</sup> See the R-ARCSS signed on 28.8.2018, *Ibid* 21.

## Annex III: National Pre-Transitional Committee

S/N	Name	Position in the Committee	Affiliation
1.	Hon. Tut Gatluak	Chair	SPLM-IG
2.	Hon. Henry Odwar	Deputy Chair	SPLM-IO
3.	Hon. Gabriel Changson	Deputy Chair	
4.	Hon. Deng Alor Kuol	Member	FDs
5.	Dr. Martin Elia Lomoro	Secretary	SPPLM-IG
6.	Dr. Dhieu Mathok Diing Wol	Member	SPLM-IG
7.	Hon. Awut Deng Achuil	Member	SPLM-IG
8.	Hon. Puot Kang Chol	Member	SPLM-IO
9.	Hon. Peter Mayian Majongdit	Member	OPP
10.	Hon. Michael Makeiw Lueth	Member	SPLM-IG <sup>46</sup>

<sup>46</sup> See the Republic Order No.16/2018, issued on 25th Sept.2018.

## Annex IV: Proposed composition of the military forces

S/N	Type of forces	Size		
		Phase One	Phase Two	Phase Three
1.	Military	6 Divisions	5 Divisions	11 Divisions
2.	National Security Service	2 Divisions	1 Division	3 Divisions
3.	National Police	13,000	12,000	25,000
4.	State Police	45,000	42,000	87,000
5.	Wildlife Forces	12,500	12,500	25,000
6.	Prison Services	16,500	15,000	31,500
7.	Fire Brigade Forces	6,500	6,500	13,000

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