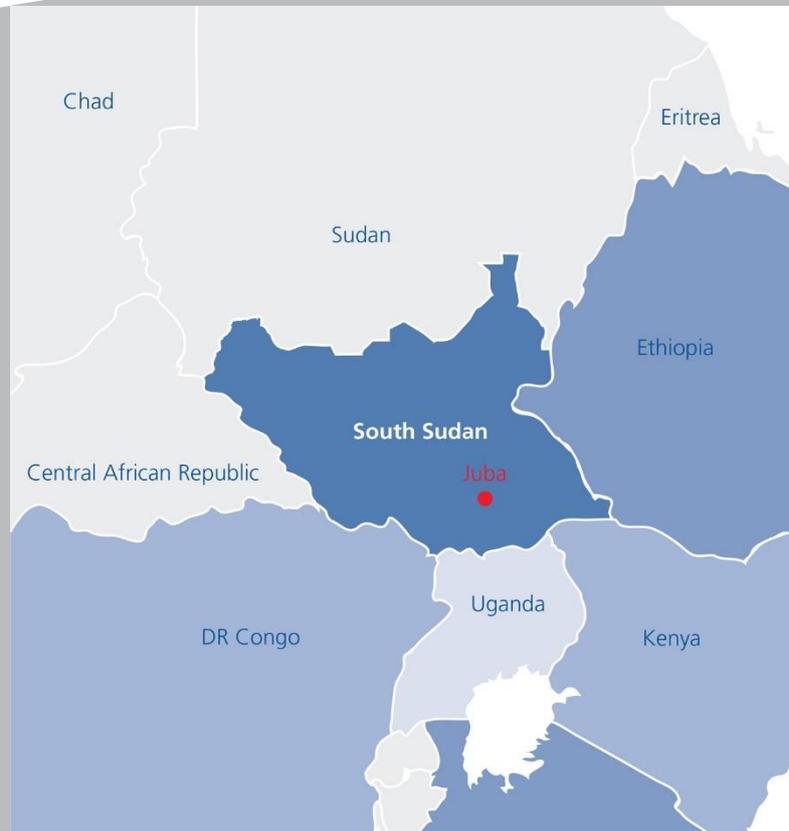


**Mairi John Blackings**

**Why Peace Fails:  
The Case of South Sudan's Agreement on the Resolution of  
the Conflict in South Sudan**

# Why Peace Fails in South Sudan?



**Mairi John Blackings**

**The Case of South Sudan's Agreement on the Resolution of the Conflict in South Sudan**

## About the author

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## EXECUTIVE SUMMARY

The Agreement on the Resolution of the Conflict in South Sudan (ARCSS) signed in 2015 between the Government of South Sudan and the Sudan Peoples' Liberation Movement/Army in Opposition (SPLM/A-IO) was meant to restore peace and stability to South Sudan, but it failed to do so. The key parties to the agreement signed because of the tremendous international pressure they were under rather than out of conviction of the provisions of ARCSS. They signed amidst public protest and reservations. As a result, none of the signatories felt ownership of the agreement. Since none of them felt committed to the agreement, its implementation was taken as no one's responsibility. Each party was expecting outside forces to put pressure on the other, especially with regard to the provisions the other party had reservations about or which they felt would threaten their existent privileges.

The international community, through their backing of and support for IGAD, was the midwife to the agreement. These international actors were however conspicuously absent when needed most, especially when the agreement started unravelling very fast in July 2016. Events were allowed to unfold and take their course, without any meaningful international intervention. The lack of robust and effective strategies for managing any disputes arising from the agreement can be identified as one of the contributing factors leading to the collapse of ARCSS.

The inability of the IGAD and Troika to ensure that the parties delivered on what they had committed to with their signatures has been one of the weaknesses of this peace agreement. The sheer knowledge that one can get away with flouting the will of the international community with impunity may breed and already has bred all sorts of problems: wilful obstructions, harassment and intimidation of individuals or parties who are trying or willing to implement stipulated provisions.

## INTRODUCTION

The Agreement on the Resolution of the Conflict in South Sudan (ARCSS) was signed between the Government of South Sudan and the armed opposition group referred to as the Sudan Peoples' Liberation Movement/Army – in Opposition (SPLM/A-IO) in August 2015. The agreement was meant to restore peace, security and stability in South Sudan following a political disagreement within the ruling Sudan Peoples' Liberation Movement (SPLM), which erupted into violence in December 2013. This was barely three years after the secession of South Sudan from the Sudan in July 2011. The political disagreement quickly degenerated into open warfare, which tragically came to be personified in the persons of Salva Kiir Mayardit, the President of South Sudan and his then deputy, Dr Riek Machar. The pair hails from the two dominant ethnic groups in South Sudan, the Dinka and the Nuer, respectively. The genesis of the conflict was political, but the execution of the war, especially the targeted killings, the recruitment and deployment of the army quickly introduced ethnic elements to the conflict. The main parties to the conflict – both the government and the SPLM-in Opposition – have been accused of war crimes and crimes against humanity in their execution of this deadly and costly war.

The agreement, for all intents and purposes, has collapsed, notwithstanding contrary claims from the government and the SPLM-IO faction in government. Most of the provisions of the agreement, apart from the formation of the Transitional Government of National Unity (TGoNU), are either lagging behind or have not been implemented at all.

There are questions to be asked not only about the legitimacy of the SPLM-IO faction in the government under Taban Gai and whether they can still speak in the name of SPLM-IO; or whether they should now be considered as part of the SPLM-in Government (SPLM-IG) rather than SPLM-IO in any future negotiations; and therefore, whether they are able to deliver on

the peace agreement, whose implementation is miles behind schedule, at all.

Navigating one's way delicately around intractable issues aside, the length of time it took to negotiate the peace deal as well as for the implementation to commence offered a rough indication of the level of political will expended in the peace deal by both parties to the conflict. The conflict broke into an open war in December 2013, but it was not until August 2015 that the agreement was forged, even then in two separate sessions. Furthermore, it took almost another eight months of wrangling about the security details of Riek Machar for him to report to Juba to assume the newly created position of the First Vice President. This position was part of a power-sharing government to be led by President Salva Kiir.

No sooner had the ink dried than the international monitoring commission started loudly sounding alarm bells. There were a series of ceasefire violations by both sides and lots of foot dragging on the implementation. By the time the nation was preparing to celebrate the fifth anniversary of the independence of South Sudan on July 9<sup>th</sup>, 2016, violence had engulfed Juba. Riek Machar, who was first driven out of Juba in December 2013, was being flushed out of Juba for the second time. The conflict, which prior to this was contained mostly in the Upper Nile region, quickly intensified and spread across the whole country, including the relatively peaceful and stable Equatoria region.

If ever the international community wanted a clear indication of what awaited them, it was to be found in the signing debacle of ARCSS devoid of the ceremonial handshakes. The agreement, which was already six months behind schedule, failed to be signed in a single session. The signing was staggered instead over two sessions with lots of arm twisting. The Sudan Peoples' Liberation Movement – In Opposition (SPLM-IO), led by Riek Machar, the former Vice President, was the first to sign on August 18<sup>th</sup>, 2015 in Addis Ababa, Ethiopia. As a result of international pressure, Gen. Salva Kiir Mayardit, the President of South Sudan, eventually put pen to paper in a separate session held in Juba, South

Sudan, August 26<sup>th</sup>, 2015, not without adding an addendum outlining 16 points of reservations, which have yet to be addressed. The parties, having felt compelled to sign, did not feel committed enough to the agreement and most probably resented it.

In other words, there had been enough signs to indicate that the implementation process would be bumpy at best. These signs were either not interpreted correctly or the political will to act collectively to avert the imminent challenges was lacking on the part of the international community. To most observers, the events of July 2016 have derailed ARCSS completely. And with this seems to have dried whatever funding that was pledged in support of ARCSS. Whatever support being given to ARCSS seems to be out of fear of creating a vacuum, which may be much more dangerous. It may be more destabilizing to admit that ARCSS is dead than going along with a bad situation until a solution is stumbled upon. ARCSS, as the Security Council has put it, is seen as the only "framework for durable peace, reconciliation and national cohesion" in South Sudan. The call for the High-Level Revitalization and the consultation going on is possibly a realization that the agreement is on life support.

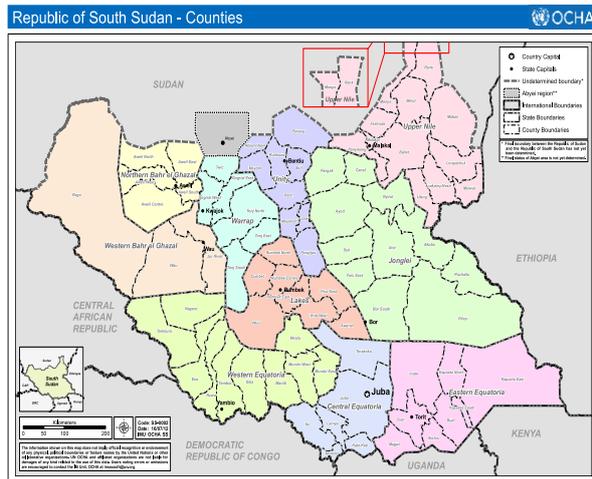
The current tragic state of affairs in South Sudan, characterized by the devastating intensification and spread of violent conflict to areas that had been relatively peaceful and stable, can be attributed largely to the failure to fully implement the agreement and to the lack of specific strategies to manage any challenges to the agreement. The litany of the woes has since increased: more than one third of the population of the country is displaced either internally or are refugees in neighbouring countries; insecurity has gripped urban areas like Juba; famine looms large; the countryside has been laid to waste; and the economy has all but collapsed.

This paper sets out to assess the challenges, threats and obstacles that have hindered the successful implementation of the peace agreement. It seeks to achieve this by examining both the historical and contemporary abuse of power, corruption, resource competition, ethnic tensions, conflicting interest of regional powers,

weak institutions and the security sector. In so doing, the study aims to shed some light on the political economy of the conflict and its staying-power.

## ANALYZING THE CONTEXT

In this section, we look at the impact of contextual and structural factors on the implementation of the South Sudan peace agreement known as the Agreement on the Resolution of the Conflict in South Sudan (ARCSS). This section scrutinizes inadequate capacity for conflict management resulting from weak institutions, the unintended consequences of peace related policy implementation, namely military absorption, and the impact of blurry institutional boundaries.



Political Map of South Sudan showing 10 former states: Source OCHA

### Inadequate capacity for conflict management

War diminishes the ability of even stable and established governments to respond effectively to challenges of state and nation building. The situation is much worse in post-conflict states like South Sudan, which have just emerged out of decades of fractious wars. They become so fragile and vulnerable that without close and constant attention being paid to them, the likelihood of their returning to even more debilitating war is real and significant. The putting in place of close monitoring mechanisms and swift strategic response and intervention plans following any peace deal would go a long

way towards establishing stability in such countries.

The state has not only to contend with weak and fragile institutions but has the added burden of lack of capacity, if not unwillingness to embrace reform. When in December 2013 a handful of party stalwarts including Riek Machar and Pagan Amum expressed their desire to contest for the top leadership position of the party, the response of the party was to suspend the political bureau and relieve a number of key political actors from their positions, possibly in an attempt to realign the numbers in case of voting in the political bureau. These are actions of an organization lacking in democratic credentials and which is ill at ease with plurality of ideas, if not wary of reform and change. The individuals in question were labeled as political agitators planning a coup against the government.

This response of the government added fuel to the fire burning within the party and which was soon to engulf the whole country in an inferno of violence that has lasted up to this day. Key political actors relieved from their positions included the then Vice President, Riek Machar, the Secretary-General of the SPLM, Pagan Amum, and the Governor of Unity State, Taban Deng. These powerful individuals alongside some colleagues went on to form a loose anti-Kiir alliance with the objective of unseating the President. Riek Machar and Taban Gai had to flee the country. Pagan Amum and a number of others like Deng Alor and Kostis Manibe were charged and arraigned before a judge before the case collapsed and the group now known as the Former Detainees was released. Deng Alor was absorbed as the Foreign Minister following ARCSS. Pagan Amum was briefly given back his old position as Secretary General of SPLM, before unceremoniously being removed in apparent punishment for endorsing ARCSS in Addis Ababa.

### **Military integration gone wrong**

Since its inception, the SPLA has failed to transform into a unitary army but has remained a loose collection of individuals in uniform whose loyalty is mostly local, ethnic and to a large extent to individual commanders or warlords. The troops in Bahr el Ghazal operating around Aweil, for example, are widely believed to pledge their loyalty to the former chief of general staff Paul Malong than to the government. The absorbed former South Sudan Defense Forces (SSDF) were primarily Bul Nuer, of Unity State and have their loyalty mostly to the Nuer ethnic group and local Nuer commanders, just like the Equatoria Defense Forces (EDF) or the Arrow Boys of Western Equatoria were regional in composition and allegiance.

On the eve of independence in 2011, the South Sudan government had in place a commendable inclusive political and military strategy. However, the pursuit of the proclaimed aim of achieving national integration, reconciliation and healing was soon derailed. The absorption of hostile internal armed groups instituted in 2005 merely became an instrument of neutralizing political and military dissenting voices and stifling plurality of ideas. As the purported goals of the absorption process were diverted, stabilization of the country, demobilization and professionalization of the army fell to the wayside. Some modest achievements were scored in the exercise as a number of hostile armed groups, most of which were either formed by or were allied to Khartoum and fought against the SPLM during what is commonly referred to as the war of liberation (1983-2005), were neutralized with varying degrees of success.

The 2005 Comprehensive Peace Agreement (CPA), which was signed between the SPLM and the government of the Sudan, allowed these groups, referred to as the Other Forces to either join the SPLA or the Sudan Defence Forces of Khartoum. The result of the deployment of such forces outside of their region of origin has often been devastating. For example, when the SSDF forces were deployed east of the Nile in largely Chollo areas, they attacked and harassed

civilians. Similarly, it is the Mathiang Anyoor forces from Bahr el Ghazal, under the direct command of Paul Malong, that are today accused of bringing violence and destruction to the formerly peaceful regions of Western Bahr el Ghazal and Equatoria and committing war crimes against civilians. There is, therefore, today little expectation that unless major reforms are undertaken, the army would be able to rise above sectarianism and protect the lives and property of all civilians in a non-partisan manner.

### **Absorption's unintended consequences**

Initially, absorption focused on bringing these former allies of Khartoum back to the fold. However, soon the SPLA too started suffering defections from its once loyal ranks. Defectors were often absorbed or reabsorbed with inflated ranks and troop numbers, which then offered incentives for defections and re-defections. Government lacked a strategy or the ability to cope with these unintended consequences. The bulk of the absorption exercise was carried out in Upper Nile region, a region which already accounted for a sizeable chunk of SPLA troops. As a result, the already existing ethnic and regional imbalance in the army was exacerbated. Moreover, the bloated absorption ranks put the number of generals in the South Sudanese army, the SPLA, higher than in the USA, and second only to Russia, - for a population of less than 11m people (HSBA 2014:5). Inflation of ranks of absorbed groups also bred resentment and jealousy among comrades who had not defected but remained loyal, as yesterday's juniors leapfrogged into higher ranks and positions while their own loyalty was rewarded with stagnation of their careers. In sum, the absorption process, originally designed to forge national cohesion, quickly turned into the 'rebellion pays' or 'rewarding rebellion' syndrome, which continues to plague South Sudan today.

It is true that the absorptions did temporarily stabilise the situation and bought the government some desperately needed breathing space. However, this absorption strategy's far-reaching military and political

consequences were in the realigning of the balance of power in the military and the introduction of a culture of rebellions, defections and buy offs.

The absorption of these hostile groups into the army helped further to undermine the Disarmament, Demobilization and Reintegration (DDR) efforts. Instead of being disarmed and demobilized, these groups often remained armed, frustrating efforts to downsize and professionalize the army. With the ministry of defense budget escalating unchecked, accounting for more than 50% of the national budget, less and less money became available for public services, fueling further dissatisfaction and rebellions.

### **Absorption of the SSDF**

A case in point is the absorption of General Paulino Matip's Southern Sudan Defence Forces (SSDF), a group that was allied to the government of Sudan during the war. Absorption saw Matip elevated to the position of Deputy Commander in Chief of the SPLA. Paulino Matip had probably the largest and most effective of the forces allied against the SPLA. It was a shrewd move by the government to bring him aboard. Without him being in the same tent with the SPLM/A led government in Juba, things would have been very difficult for the nascent state. Most parts of Upper Nile region would have been left a contested area between the two forces. This would have drastically cut oil production, thus reducing the government's ability to finance itself and buy off other renegade forces.

Unfortunately, the absorption of Paulino Matip was not to witness the expected reduction in the number of rebellious generals. Rather, the process seems to have had the reverse effect: a series of rebellions and reabsorptions with hefty monetary handshakes, inflated ranks, positions and troop sizes became the order of the day. This buy off of opponents, which treated the symptoms rather than the underlying causes, was sustainable as long as the oil boom continued, and the market oil prices continued to rise. But once these hit a snag, the spending

spree and the buy off strategy quickly became unsustainable. Unable to buy loyalty any longer, government saw its authority being eroded while the position of the hardliners within the government who sought to use the military option became hardened and strengthened with devastating human and other costs to the nascent nation.

Unfortunately, the effort that went into the absorption of these hostile forces was not matched by attempts to integrate them. While the leader of SSDF, Paulino Matip, rose to become the Deputy Commander in Chief of the SPLA, the bulk of the forces under him were neither fully integrated nor dispersed into the other units. They remained largely as a separate unit under his sole command within the SPLA. Bearing in mind that most of these forces owed their loyalty to their ethnic group and individual commanders, this did not bode well for building a professional and integrated army.

### **Reversing imbalance by creating imbalance**

Apart from notable exceptions such as the Equatoria Defence Forces (EDF) under Theophilus Ochan and General Martin Kenji, who had been absorbed into the SPLA prior to the CPA, the bulk of the Other Forces came from Upper Nile region, and were predominantly from the Nuer ethnic group. Their absorption skewed the balance of power in the army in favour of the Nuer, the second largest ethnic group in South Sudan. When the events of December 2013 started to unfold, the Nuer alone, by some estimates, constituted more than half of the SPLA forces. Had it not been for the military intervention of Uganda, the SPLM-IO, under Riek Machar, which drew the bulk of its support base from the Nuer, would probably have given the government a harder time.

The conflict of December 2013 jolted the government to the grim reality of the imbalance in the army; at the same time, offering it the opportunity to re-address it. Unfortunately, the pendulum swung too far in the opposite direction: Once counting a majority of Nuer troops, the army became almost totally dominated by the Dinka, the largest ethnic group

in South Sudan with the bulk of the new recruits hailing from one region - Bahr el Ghazal - under the then chief of general staff, Paul Malong.

It must be recalled that confronted with a similar reality in 1972, following the Addis Ababa Accord, when Equatoria alone could easily have filled the 6,000 slots for absorption into the Sudanese armed forces, the then leadership gave each of the three main regions of Bahr el Ghazal, Equatoria and Upper Nile 2000 slots each. Then, regional balance was seen as an important tool for stability, cohesion and the creation of a sense of belonging. Today, the vision and the strategy are totally different. Recruitment following the December 2013 crisis favoured the Dinka, especially from Bahr el Ghazal. The infamous Mathiang Anyoor, a personally controlled force within the SPLA, reputed to be ill-trained and undisciplined, became the face of ethnic sectarianism in the armed forces, increasing feelings of alienation in other parts of the country, and setting the stage for the deterioration into full scale war.

#### **Divided loyalties and the Malong crisis**

This sense of divided loyalty means that established chains of command are more likely to be flouted than observed. The then SPLA chief of general staff General Malong is regarded by some as the person behind the escalation if not the onset of the July 2016 crisis, which led to the uprooting of Riek Machar from Juba. He is also accused by some of conducting the war along ethnic lines by unleashing the purely Dinka dominated Mathiang Anyoor forces on the rest of the communities. As a result, a number of senior military officers like Lt Gen Thomas Cirillo, who has since formed a movement of his own, have defected.

To replace Malong with an officer from the same region is possibly a tacit acknowledgement that the loyalty of the forces heavily recruited from the populous Aweil constituency is critical, yet it cannot be relied fully upon by government. The government had to walk a tight rope in a move attempting to both placate and contain the soldiers and the community from which the two

generals hail, if not by sowing division among them.

The events that followed the relief of General Paul Malong, the powerful and controversial Chief of Army, and his replacement by General James Ajongo Mawut, the former Deputy Chief of Staff of Administration and Finance, in May 2017, is a clear indication of the entrenchment of indiscipline and personal loyalties overriding command hierarchy in the highest echelons of the army. In a defiant pose, General Malong is said to have refused to formally handover to his successor and together with his heavily armed convoy was halted on his way to his home base of Aweil, the very night he was relieved. This was to be followed by a standoff in the first week of November 2017 when heavily armed troops referred to as his bodyguards refused to disarm and be deployed elsewhere following a presidential directive supposedly. Malong has since bargained his way out of the country, supposedly for medical treatment, while the Government has accused him of taking up arms against the state - a claim he has so far denied.

The Malong impasse is symptomatic of the lack of discipline, deliberate flouting of orders, and personal loyalties overriding loyalty to the state: features that have come to characterise the SPLA. It is widely believed that it was the concerted effort of community elders that worked out a formula to resolve the impasse between the President and the former chief of staff. The successful mediation of this impasse raises the question whether a similar formula could not have been employed to address the tensions and open conflict in December 2013 or July 2015?

#### **Blurry institutional boundaries**

For most of the SPLA soldiers, the boundary between the protection of the sovereignty and the integrity of the state and the protection of the regime in power is very blurry. The sectarian nature of the army, lack of professionalism and discipline has led SPLA soldiers to being accused of some of the vilest atrocities, including rape and summary executions.

For an army to operate above political frays, it has to be equidistance from all the political forces in the country. This includes being above ethnic, regional and party politics. Unfortunately, this is not the case in South Sudan. The SPLA and the SPLM, the party at the helm of power in Juba, still see themselves as two different sides of the same coin. The SPLM was formed in 1983 as the political wing of the SPLA, a guerrilla movement fighting for a New Sudan. Right from the onset as the political wing, the SPLM was subsumed into the military wing, the SPLA, and was answerable to it, and not the other way around. Any realignment done in this relationship after South Sudan became independent in July 2011 is still to bear fruit. The resulting situation in South Sudan has been referred to by some as an army with a country, rather than a country with an army whose duty it is to defend the sovereignty of the nation, including the lives and property of all its citizens and not just one political party.

It is for the same reasons that when the events of December 2013 started, the army fractured quickly along ethnic lines and was not able to position itself above the politicking. Neither is there a clear boundary between the SPLM and the state. The two are often thought and spoken of in the same vein. When the state of South Sudan came into existence on July 9<sup>th</sup>, 2011, the party flag quickly became the national flag, blurring the boundary between the party and the state further. Similarly, a conflict that started within the party, found it easy to spill over and consume the whole state machinery and the country with it.

## ANALYSING THE ACTORS

The current politico-military actors have all been ripped from roughly the same tried and found wanting SPLM/A loincloth. Even the call by some to change the leadership of the SPLM has rarely been informed by the need to carry through a national reform agenda, nor has it been accompanied by a costed manifesto outlining a vision for South Sudan and a road map to achieve the same. Yet, past experiences have shown that any attempts to accommodate the various actors without implementing structural reforms

only creates incentives for further rebellions, a vicious cycle which South Sudan desperately needs to break out of.

### An inner circle of sectarian elites

Decisions inside the SPLA seem to be made by a small group of individuals. The U.N. Panel of Experts, for example, have identified a "narrow circle of senior individuals in the military and security services" as the key actors on government side who are pursuing an "aggressive war involving the targeting of civilians and extensive destruction of communities." One of the actors the Panel identified in its September 2016 report was the then Chief of General Staff Paul Malong, who on September 7<sup>th</sup>, 2017 was among the three South Sudanese on whom sanctions were imposed by the US. The other two are the Minister of Information Michael Makuei, and a retired general.

It is not only in the army that a few well-placed individuals are calling the shots. The same can be said of the political front as well. There is believed to be an excessive influence of informal actors like the self-appointed Jieng Council of Elders (JCE), who are predominantly senior Dinka politicians from Bahr el Ghazal. The creation of the controversial 28 plus states is attributed to their influence. Their agenda far from being national seems to be sectarian, divisive and driven by the politics of ethnicity aimed at rallying the Dinka against the rest of the other ethnic groups.

### Proliferation of opposition actors

The AUCISS reports of "a state or organizational policy to launch attacks against civilians based on their ethnicity or political affiliation." These actions, often characterised by collective punishments, has resulted in building up resentment, marginalisation and spurring rebellion. It has also eroded whatever respect or trust there was in the ability of the army to offer protection to most communities. Therefore, the government's approach, which can only be described as a scorched earth policy, in responding to insurgency in suspected areas has

been the best recruiting sergeant for armed opposition groups.

The number of the political and military actors, which include armed rebel groups and local militias, continues to rise. The SPLA-IO, whose nucleus is formed by the Nuer community, is probably the most significant of all the politico-military actors on the opposition side, and the biggest in numbers. It originally split from the ruling Sudan Peoples' Liberation Movement in December 2013 after a rift between its leader, Riek Machar and the President, Salva Kiir, who accused his deputy of planning to overthrow him. The bulk of SPLA-IO support is from the White Army, which is a militia of civilians in uniform, and wholly hails from one ethnic group, the Nuer. Their main base is the Greater Upper Nile region with roots in some parts of Equatoria and Western Bahr el Ghazal. The level of organisational depth is not certain in Equatoria, especially after the formation of General Thomas Cirillo's National Salvation Front. The split of the SPLM/A-IO in July 2016 into two factions - Riek Machar's faction in exile and Taban Gai's faction, which is in government - and the subsequent exile of its leader, Riek Machar, to South Africa must have weakened its effectiveness a great deal.

The National Salvation Front (NAS), formed in March 2017 by General Thomas Cirillo, a former Deputy Chief of Staff for Logistics who defected in February 2017, has benefitted from SPLM-IO especially in Equatoria. The NAS leader, former career soldier General Thomas Cirillo, lists among his grievance the ethnicization of the army under the then Chief of General Staff, Paul Malong.

Dr Lam Akol, the former leader of the SPLM-Democratic Change (SPLM-DC), and the former Agriculture Minister, resigned both his membership of the party that he founded following a split from SPLM, and from the government to form a new group, the National Democratic Movement (NDM). The South Sudan National Movement for Change (SSNMC) is led by the former governor of Western Equatoria, Joseph Bangasi Bakosoro, who was detained for several months before being set free without

any charge. There is a group referred to as the SPLM-Former Detainees, by virtue of having been detained at the outset of the conflict in December 2013. The members of this group, who at times refer to themselves as the historical SPLM include Pagan Amum, the former Secretary General of SPLM; Deng Alor, the current Minister of Foreign Affairs and Rebecca Nyandeng, the widow of Dr John Garang. The former Minister of Finance, Gabriel Changson Chang, has a party called Federal Democratic Party (FDP) and is also associated with South Sudan Defence Forces (SSDF) which forged ties with NAS in 2017. General Bapiny Monytul is the leader of South Sudan Liberation Movement (SSLM). General Peter Gadet heads the South Sudan United Movement/Army (SSUM/A).

### Ethnic militias

As outlined above, the lack of professionalism and discipline in the SPLA meant that when the political infighting escalated, the army was unable to stand above the political frays. It took sides, became entangled and quickly fragmented along ethnic lines. The attack on Terrain Hotel in July 2016 was indicative of the indiscipline within the armed forces and the lack of control the government had over its forces at that time. These actions of the army effectively merged political identity with ethnic identity with dire consequences.

Though the conflict is political rather than ethnic in origin, actions of the army and partisan forces as well as ethnic favouritism in recruitment into the SPLA under General Malong have played a big role in whipping up dangerous ethnic sentiments. The Mathiang Anyoor, a loyalist militia within the SPLA structures which is almost exclusively Dinka from Bahr el Ghazal, left nothing but destruction and shattered communities wherever it went. In some UN Protection of Civilian (POC) sites, such as in Bor and Malakal, the army was reported to have taken part in attacks along ethnic lines. Similarly, where clashes have taken place between civilians within the POC sites, these have almost always been between rival ethnic groups.

The ethnicization of the armed forces in turn has led to a spike in community-based militias to protect local interests. Most of these militias are not directly under the command of the SPLA-IO or the government, and their loyalty is often with the local areas and communities they hail from. They probably sprang up because they felt that the national army, the SPLA, could not be relied upon to protect them and their communities. As most of these militias are loyal to local commanders or ethnic groups, it should not be surprising that the violence in South Sudan often takes a sectarian form with ceasefires difficult to monitor and implement.

There are a number of such forces. The Abialang Dinka formed a group to, among others, guard the Paloich oil fields. The Shilluk under Johnson Olony formed a militia on the West Bank of the Nile to safeguard Shilluk interests. In the Warrap and Lakes region, there are the Titweng and Gulweng militias. Then there is the Jiech Mabor, or the White Army, which is exclusively made up of Nuer and quickly re-emerged in response to the killing of the Nuer in Juba in December 2013. Despite sharing the Nuer identity with SPLM-IO leader Riek Machar, their loyalty to him is questionable. Instead, they are more likely to operate as mercenaries for any highest Nuer bidder. Finally, the Arrow Boys of Western Equatoria are made up mostly of the Azande and the Moru ethnic groups while their political leadership is not very clear.

The installation of Taban Deng Gai as the Vice President in the place of Riek Machar introduced, if not intensified, intra-ethnic conflict within the Nuer, which to a lesser extent has spilled over in Equatoria as well. There are reports that the SPLA-IO units in Central Equatoria, who aided the escape of Riek Machar around the Pajulu areas of Loka and Lainya, have clashed among themselves. Some are said to have defected to General Thomas Cirillo's newly formed NAS. General Thomas Cirillo himself hails from Central Equatoria.

In conclusion, the dynamics of the war has changed since July 2016 with many schisms and new actors entering the field. The SPLM-IO has split into two at least. It may be difficult to

determine the extent to which the SPLM-IO in government is independent of the government. Would they need a separate seat at the table or share the seat with the government? The former chief of Army Paul Malong seems to be posturing for a seat as well.

### Regional neighbours

South Sudan borders six countries with shared ethnic groups across most of these borders. While this proximity does not automatically translate into cross-border support for either party to the conflict, it can at times quickly regionalize, complicate and entrench rather than contain a conflict that would otherwise be regarded as domestic or internal. Riek Machar's ethnic group, the Nuer are found in Ethiopia as well. The extent to which, as a result, Riek Machar's group is supported by actors inside Ethiopia is unclear yet circles within the government of South Sudan strongly believe that the Ethiopian government supports the rebels due to these ethnic linkages. There were unsubstantiated stories in Juba following July 2016 that some of the soldiers of the SPLM/A-IO who were killed had Ethiopian national identities. Of course, any suggestion that one is fighting an external aggression is an important rallying tool for a government.

Yet the possibility of clandestine local support, often not sanctioned at the national or official level, cannot be ruled out. Similarly, President Salva Kiir's ethnic group, the Dinka, does exist in the Sudan, or more precisely, in the contested region of Abyei. There is no evidence that this has translated into support for Juba by Khartoum. On the contrary, the government frequently accuses Khartoum of supporting Riek Machar. The airlifting of Machar to Khartoum from DRC after having been flushed out of Juba has been used by some in the government as evidence of Khartoum's support for Riek Machar. Khartoum, however, maintains that its airlifting of Machar was purely on humanitarian grounds to enable him to get medical treatment. Soon after, when Riek Machar sought to return to Sudan after having sought further medical treatment in South Africa, Khartoum denied him entry. In what appears to reflect an unofficial

position adopted by IGAD to keep Machar out of the region, Riek Machar to this day remains under undeclared house arrest in South Africa.

Any support that Khartoum may be lending to Riek Machar may be for historical reasons dating back to the 1991 split, which saw him briefly allied to the Khartoum regime against John Garang, the then leader of SPLM/A. It could also be understood within the wider context of the unresolved issues between South Sudan and the Sudan. The SPLM/A, which is credited with the independence of South Sudan, was on record as fighting for a New Sudan, which had within its ranks units of fighters recruited from Blue Nile, Darfur and Abyei, referred to as the Northern Sector. The tie between the Southern Sector of the SPLM/A, which constitutes the current South Sudan and the Northern Sector has not yet been severed completely. In fact, the ruling party in South Sudan, the SPLM, still bears the name Sudan People's Liberation Movement. The government of South Sudan is still accused by some to be giving support to what is today the SPLM/A North, which Juba vehemently denies.

SPLM internal dynamics regarding South Sudan's relations with its northern neighbour also need to be understood. For some in the SPLM/A, as long as the National Congress Party (NCP) of President Bashir remains in power in the Sudan, Sudan poses a threat. This group supports the Sudan People's Liberation Army-North (SPLA-N), which they were allied to in the war with Khartoum. Their support may offer Khartoum grounds to interfere in the affairs of South Sudan, such as through, as alleged, Khartoum's support to South Sudanese rebels, and, in reverse, support of Sudanese opposition groups to the Juba government as suggested in claims of SPLA-IO massacring Darfuris, who they accuse of being soldiers fighting on the side of the government, in Bentiu in 2014.

## ANALYSIS OF INTERACTION BETWEEN CONTEXT AND ACTORS

ARCSS was brought about by the concerted effort of IGAD on behalf of and with the help of the international community, most importantly

the Troika countries USA, UK and Norway. As the midwives to this agreement, IGAD and its partners have a political, legal as well as moral responsibility to see that the agreement succeeds. Similarly, the two parties to the agreement, the government of South Sudan and the SPLM-IO owe it to their people and country that peace prevails in the country, by implementing ARCSS, which they have put their signatures to. Yet, when the international community was wanted most, it was found to be wanting on a number of fronts. Similarly, when leadership was demanded of the government and the SPLM-IO in the form of implementing an agreement they had signed up to, it was in short supply.

It is the analysis of this interaction between context and the actors that we turn to next with the view of understanding the use to which they put the opportunities and challenges offered by ARCSS. This includes understanding the roles these actors have played in aiding or impeding the process of bringing about change, especially in regard to the peace implementation processes.

### Flawed approach to peacemaking

South Sudan entered the conflict of 2013 with pending legitimacy issues. President Salva Kiir was elected in 2010 in the then Sudan. Some legal opinions argue that when the South became independent on July 9th, 2011, Kiir should have at least sought a new mandate. This was not done. The mandate acquired under the Sudan came to an end on July 9th, 2015. However, before it could come to an end the parliament extended the life of the government by a further three years, which expires in July 2018. This in turn was overtaken by ARCSS, which gave the TGoNU a lease of 30 months from the time of signing the agreement, preceded by 90 days of pre-transitional period. This too will soon come to an end without any progress being made in the implementation of ARCSS.

### Individual interests above nation

The leaders of South Sudan are accused of having squandered both their responsibility and

legitimacy in two main ways: entering this war and in failing to bring it to an end. The leaders are held 'personally responsible for this new war', which is a 'self-inflicted disaster' (Rice 2015:68). The implication being that resolving the conflict is within their reach as 'only leaders on both sides can end this violence' (ibid). It is the political will to put the national interest first that seems to be lacking.

The government and the armed opposition, SPLM-IO signed the agreement for different reasons. The government signed it for reasons of regime survival and to weaken the opposition. With the dislodging of SPLM-IO from Juba, the scattering of the SPLM-IO soldiers in disarray, the exiling and isolation of Riek Machar and his replacement by Taban Gai, who the government thinks it can work with, the government has largely achieved its aims. The SPLM-IO, on the other hand, signed the agreement with the aim of finding a seat at the table and to dilute what they perceived to be Dinka hegemony. They have only partly achieved obtaining seats at the table but at a very high cost. The party has split, and its leader was exiled. The two parties to the agreement might have achieved some of their objectives for signing the agreement, but the same cannot be said of the common people of South Sudan, who have not gained much from the peace agreement. Instead the war has intensified adding to their suffering and misery with hundreds displaced internally and across the borders.

Provisions demanding structural reforms have fared particularly poorly in implementation. This is so because once important actors have secured themselves a share of power, and by extension resources, in the form of ministerial and other appointments, they drag their feet with implementation of other provisions. The reason for this is often simple: self-preservation. The protection of narrow individual economic and political interests' takes centre stage, while the interests of the nation at large, in whose name these agreements are forged, assume a back seat. In other words, the individual takes precedence over the collective good. The failure to levy for reluctance to fully implement agreements actors have committed to with their

signatures is in itself an incentive to continue frustrating the will of the international community, as well as to entice others to rebel and pick up arms with the hope of obtaining similar privileges of power sharing.

### Challenges of credibility and impartiality

The impartiality of IGAD member states being in question is one of the key factors that have complicated the peace process. Some IGAD members like Uganda are believed to be either conduits for the supply of arms to the government of South Sudan or have been actively involved in the war on the side of the government. To expect such a member state to arbitrate impartially in a conflict where it has already taken sides is unrealistic. Kenya has fared no better. It deported the former spokesperson of SPLM-IO in Kenya, who has been put on trial in Juba and since condemned to death. Three other high ranking SPLM-IO have mysteriously disappeared in Kenya.

The IGAD member states and the international community had every right to put pressure on the leader of the opposition Riek Machar to report to Juba, but not without adequate security preparation. As it came to pass when things turned sour, IGAD was nowhere to offer the leader of the SPLM-IO the security he and his team needed. Worse yet, IGAD conspired to have Machar exiled. Events were allowed to unfold and take their course, without any meaningful intervention. The manner in which the leader of the SPLM-IO, Riek Machar, has been exiled from South Sudan and the region does not harbour well for impartiality and credibility of IGAD or any future peace deal.

The fear that a more aggressive stance could possibly draw unwelcome response from the government at a time of immense humanitarian crisis, seemed to have paralyzed the international community. There may be some justification for this because whenever there were signs of more forceful rhetoric, the government would accuse the international community of a regime change agenda. As a consequence, the international community immediately recoils, buying the government

more time. As a result, none of the provisions of ARCSS have been implemented, apart from the formation of the TGoNU.

Generally, the IGAD member states, because of individual self-interests, kept on sending mixed signals and have been accused of taking sides. This, not only emboldens and strengthens recalcitrant positions, it exposes, endangers and weakens the resolve of those from within the system intent on implementing the agreement. Uganda, for example, sent in troops supposedly to protect key infrastructures like the Juba airport in response to the outbreak of the conflict in December 2013. It is widely believed that the intervention of the Ugandan troops played a major role in halting the advance of SPLM-IO troops towards Juba. This type of intervention has the risk of jeopardizing regional efforts at the political resolution of the conflict. Some reports accuse Uganda of supplying if not acting as a conduit of armed shipment to South Sudan. There are accusations of Sudan supplying arms to SPLM-IO, but little evidence has been supplied to support this. However, the fact that Riek Machar, after evacuation from Congo, following his recent escape from Juba, was airlifted by Khartoum to the Sudan, seems to be enough an evidence for some. Sudan vehemently denies offering any support and claims it was on humanitarian grounds that it allowed Riek Machar to be evacuated to Khartoum.

#### **No one to take the lead**

As far as IGAD was concerned, there has been a lack of a unified and concerted strong voice. This has not helped the peace process. The absence of regional powerhouses like Nigeria or Senegal for ECOWAS, and the conflicting interests of IGAD member states meant that IGAD lacked the teeth and authority to enforce its will. To gain more clout, in March 2015, IGAD unveiled a new "IGAD-plus" mediation mechanism with a greater role for the United States, the African Union, Europeans, the United Nations, and China. In addition, the UN invoked Chapter VII to deploy the Regional Protection Force (RPF). This should be a welcome move despite the government's warning that "anyone who enters

without our consent is an invader." The effectiveness of the deployment that has started is still to be demonstrated. It is not clear that apart from open visibility, what RPF would bring to the table where UNMISS has faltered. The response of Kenya to threaten withdrawal from the mission, when the Kenyan commander in chief of UNMISS was criticized for lack of robust response to the situation in July 2016 shows, among others, how national interests seem to override all other considerations including the protection of South Sudanese civilians.

The success of the Comprehensive Peace Agreement (CPA) in 2005 was partly due to two concrete steps taken by Kenya, an IGAD member. First, Kenya appointed General Lazarus Sumbwayo as the special envoy of Kenya to the Sudan. He had the full backing and ear of the Kenyan government as the chief mediator. Secondly, Kenya more or less owned the peace negotiations, to almost the total sidelining of the other IGAD countries, under the patronage of the USA. Such an arrangement is lacking in the present peace deal. No IGAD country has stepped up to own and drive the peace process forward. By belonging to everyone, the negotiations and the agreement are owned by no one. Hence, there is a lack of progress.

#### **Exclusion as incentive for spread of war**

In bestowing special status upon the conflict regions of Unity, Upper Nile and Jonglei States, regionalism has been added to ARCSS. The other regions, which were regarded as peaceful like Equatoria, felt excluded. The message out there seems to be that it is the size of one's gun that guarantees one a seat at the table. In short, the incentive for violence or rebellion is suddenly huge, the very thing the agreement has set out to avert. By focusing on these regions, the agreement can be said to have an inbuilt ethnic and regional dimension to it. The agreement was largely felt to have been between the two largest ethnic groups, the Dinka and the Nuer. The rest of the ethnic groups felt excluded. By focusing exclusively on the interest of belligerents, while ignoring the peaceful regions and ethnic groups, the agreement could be said to "reward violence" with the added message that only

those with the capacity to wage war have a place at the table.

### Failing the security arrangements puzzle

One of the most controversial components of the peace agreement was the issue of cantonment. The two parties to the agreement had differing motives for and interpretations of cantonment. The SPLM-IO saw cantonment as a way of bolstering its presence in areas other than the three conflict ridden states (Jonglei, Unity and Upper Nile) as well as in Juba, the seat of the government, and boost its national appearance. Likewise, the government felt that SPLM/A-IO stood to gain most from the cantonment provisions within ARCSS, especially from the planned demilitarization of Juba, and accordingly displayed lukewarm commitment to the implementation of this particular provision, particularly in Equatoria region and the capital Juba, where, as the government argued, SPLM/A-IO had no presence prior. Cantonment became a contested ground.

The paradox is that the fears expressed by both sides regarding cantonment of Juba seemed to have been realised following the events of July 2016. Riek Machar is said to have returned to Juba in April 2016 with around 1,370 armed personnel - far short of what SPLM-IO believed would have offered them reasonable protection in case of any eventuality (Blanchard 2016). Their calculation that the government would withdraw the bulk of its forces from Juba by the time they deploy or that the international community would come to their rescue should the need arise never materialized.

The failure to demilitarize Juba meant that two antagonistic forces were cohabiting in close proximity to each other. This was a time bomb ready to explode, as it soon did. The government military advantage, which strengthened the resolve and position of the hardliners in the government, was likely influential in the preference of the military option. The hardliners probably saw an opportune moment to resolve the issue militarily once and for all.

The SPLM/A-IO was outnumbered and outgunned in Juba and thus was easily flushed out of the capital. The hardliners however were not content with simply dislodging Riek Machar from Juba as the unremitting forty days hot pursuit of Riek Machar across the border into the Congo and the arsenal employed by the government forces in this operation, which included heavy weapons, helicopters, tanks and armoured vehicles, suggest. This disproportionate use of force, which resulted among others in the reported destruction of the house occupied by Riek Machar, his exile and his forces being sent into disarray is a contributing factor to the collapse of whatever residual confidence the two sides extended to one another and, subsequently, the peace deal.

Had cantonment been observed fully in Juba, the parties would have had their forces relatively balanced, and the incentive for a military confrontation would have been reduced. In not fully implementing cantonment in Juba, government had the upper hand in the capital, allowing for a renewed escalation of conflict in July 2016.

### Questionable TGoNU legitimacy

On 23rd July 2016, barely two weeks after Riek Machar was forced out of Juba, Taban Deng Gai was appointed to replace him as the First Vice President. The replacement of Riek Machar by his former chief negotiator, Taban Deng Gai raised serious procedural and legal issues. To most observers, including the UN Panel of Experts, this marked the end of ARCSS. However, the government and the SPLM-IO in Government, now under Taban Deng, saw things differently. To them the agreement was alive and was being implemented. In earlier statements Taban Deng Gai sought to assure the international community that the replacement was temporary pending the return of Riek Machar. This position shifted with the increasingly hostile rhetoric from some within the government, prohibiting the return of Riek Machar from his South African exile, with the connivance, if not the blessing of IGAD.

Prior to this change in SPLM-IO leadership, Riek Machar, probably in anticipation of this move, had expelled Taban Gai from SPLM-IO, and removed him from the cabinet. Taban Gai's membership of SPLM-IO was therefore already in question, not to mention the manner in which he was elected as First Vice President. The peace agreement, states that the First Vice President, should the seat fall vacant for whatever reason, the replacement had to be by the "top leadership body, as at the signing of the agreement." It is questionable whether there were enough of the opposition's top leadership available in Juba at that time to elect Taban Gai, who had already been dismissed from the party, to replace Riek Machar. The level of support Taban Deng has from the top SPLM-IO political and military leadership outside Juba still remains to be proven.

When the government dislodged Riek Machar and installed Taban Deng Gai in his place, they may have found in Taban Deng Gai an individual with whom they can do business. This element of shopping for a peace partner may deliver short-term stability but it cannot deliver sustainable peace. What the country needs is a sustainable and lasting peace at the center of which is the interest of the nation.

In sum, the lack of robust and effective strategies for managing any disputes arising out of the agreement can be said to be one of the contributing factors to the collapse of ARCSS. The inability of the IGAD and Troika to ensure that the parties delivered on what they have signed up to has been one of the setbacks to this peace agreement.

#### **Weak institutions and a culture of impunity**

The lack of strong institutions that can withstand the pressure of being drawn directly into political confrontation is one of the challenges facing South Sudan. Had the SPLA been a strong institution, above political frays, the current crisis, which started as a political disagreement within the ruling SPLM, might have been contained as such without being allowed to blow up as a full-blooded armed conflict. Where institutions are functioning, there is either too

much political interference or the rule books are selectively observed. While the Draft Constitution, for example, gives the President the powers to remove elected governors, it also stipulates that elections be held within 60 days for the replacement of any removed governor. This provision of the constitution has been used frequently without invoking the elections clauses in any of the cases.

The rule of law, a great deterrent against the culture of impunity, can be said to be non-existent in South Sudan. The culture of impunity is deeply entrenched. Uniformed perpetrators of killings, rape and armed robbery are rarely held to account. This could be attributed to a number of factors: limited ability of the police, harassment of the police by the army, a few untouchables among the well placed, the powerful or the uniformed. Some of the perpetrators in uniform may be too politically influential to be held accountable or removed. The case of an arrested former minister of finance being forcefully freed by armed soldiers from his community with no dire consequences to either the former minister or the soldiers is a case in point. The minister was instead rewarded with a seat in the Council of State, the second chamber of the legislative assembly.

The two main institutions, the civil society and the media, which should be championing civil rights, operate in a limited and hostile space. Their freedom of operation is severely curtailed, preventing them from effectively informing the public on crucial issues. Academic freedom is almost non-existent. The universities are unable to hold free discussions or public lectures on most topics. The voices of dissent and alternative views have no outlet. It is difficult to see how the public can contribute to and be part of any peace process under such an environment, where one cannot freely express his or her opinions in public. Even legislators speak of harassment once outside the parliament, whenever they express their opinions rather forcefully.

The lack of political will on the part of the international community has also contributed to the establishment of the culture of impunity and invincibility. The African Union, for example,

established the African Union Commission of Inquiry on South Sudan (AUCISS) immediately following the outbreak of the conflict in 2013 to investigate human rights violations and other abuses committed during the conflict. The Commission, under former President of Nigeria, Olusegun Obasanjo, in its report released in October 2015, pointed out that human rights violations were committed “in a systematic manner and in most cases with extreme brutality.” The security forces were particularly singled out for targeting the Nuer and of committing acts of torture and rape in Juba. The AUCISS report accused both sides of targeting civilians from rival ethnic communities, incitement to violence, hate speech and gang rape. Since the publishing of report, no steps have been taken, to punish or identify the responsible individuals.

#### Diffusion of conflict to the local level

Conflicts such as the one in South Sudan, which start off at a national level rarely remain at that level. They soon find their own roots and take on local dimensions. The war is being fought mainly in the countryside and the villages, and not in the urban centres. With the notable exception of towns like Malakal, which was almost completely erased from the map, the bulk of the war has been fought in the rural areas, where as a result the social fabric of communities has been severely damaged. The army, especially the Mathiang Anyoor, has been deployed deep into rural areas, where they have terrorized the rural community and inflicted untold suffering on them in the name of counter insurgency operations.

The political elite have used their privileged positions to stoke and manipulate ethnic and communal grievances to suit their ends. The atrocities committed against civilians by these groups and others allied to them have destroyed the social cohesion of the country and caused untold suffering to the nation. In Pageri corridors of Imatong State, for example, the displacement of the local population by the actions of the army, has given room for cattle keepers from mainly Bor to move in with their cattle and settle in the land. It is inconceivable that this could

have happened without the knowledge if not connivance of the army. While these new arrivals are allowed to roam freely and in the open with guns, for any local person to be seen with a gun, is a certain death sentence. This sense of injustice and preferential treatment aside, the few local people who had wanted to remain are now being forced to evacuate their home because the new invaders are armed and allow their cattle to roam freely in fields, laying to waste crops. If the initial issues were political and at the national level with the army supposedly acting to flush out what they regard as sympathisers of the SPLA-IO, the new dimension is now completely different from the national one and totally localised. The resolution of the national issue between SPLM-IG and SPLM-IO is unlikely to take this new dispensation into consideration. A different strategy has to be developed to resolve this dimension - otherwise the conflict will continue to simmer underneath. The issue of the displaced populations and their eventual return is therefore important. If not addressed, both local and national actors may capitalise on these grievances for the purpose of recruits for further conflicts. For the indigenous communities to return to their homes, the issue of the armed cattle herders has to be addressed as well.

The ill-conceived and implemented 28 plus states creation which was interpreted as denying SPLM-IO sole control of the rich oil Unity State and possibly to derail the peace process created new conflicts in terms of land and boundary disputes where they previously did not exist. The appointment of Taban Gai may have temporarily stabilized the situation and given a semblance of normality, at least in Juba, the seat of the government. Outside of Juba, the situation has worsened. The whole of Equatoria that was relatively peaceful before July 2016 is now totally engulfed in violence. Western Bahr el Ghazal is no exception. The whole of Upper Nile is equally on fire. In addition, intra-ethnic violence in Warrap, the home state of the President, has equally intensified. These cannot be seen as isolated issues. The triggers may be different, but they all point to and are symptomatic of something not being quite right in the nascent state. The issues at the center

cannot be resolved without looking into these simmering issues, which can no longer be regarded as peripheral.

The basis of any attempt to resolve the conflict in South Sudan should thus focus on the diffusion of local dynamics of conflict, which has intensified as a result of the anti-insurgency tactics employed by the government and the deployment of a purely sectarian army deep into villages. Chief among these must be the resolution of the conflict between the two major ethnic groups, the Nuer and the Dinka. The rest of the ethnic groups in South Sudan feel caught in a battle between the two giants. Unless this is resolved, the feeling among the rest of the ethnic groups is that there cannot be peace in South Sudan.

### The economy of war

At the economic front, the near total collapse of the economy, the hyper-inflation and the declining purchasing power of the South Sudanese Pound are some of the key staying-powers of the conflict. With the government unable to regularly pay salaries and with the defence budget expanding exponentially to foot the war bill, individuals feel they have nothing to lose by picking up arms. In fact, the returns from picking up a gun may even be greater, as one is almost assured of a higher military rank and a position in the government with the attendant privileges. The decline of the economy started with the government turning off the oil taps in 2012 amidst accusations of "Khartoum is stealing our oil". It does not take a lot of imagination to know the risk factors as oil accounted for almost 98% of the economy. The rationalisation offered by some in the government is that they spent the whole of the past twenty-two years in the bush without salary and oil money. This may be a good rallying cry for the faithful but is suicidal for managing a modern government with salaries to pay, roads to build, services to render and hordes of other bills to settle. The GDP of South Sudan is believed to have declined by a whopping 48% in 2012 alone. And the country has not recovered from the fiscal austerity measures put in place then.

### Arms purchases fueling war

For any peace to hold, the parties to the conflict must have reached a state of mutual stalemate. That is, each party must have reached the conclusion that an outright military victory in the battlefield is not possible. The hardliners in SPLA buoyed by the new arms acquisition however were convinced that all out military defeat of Riek Machar was possible. All attempts at peaceful resolution of the conflict were resisted and took the back seat with the acquisition of new arms. Those seeking outright military resolution on the battlefield became emboldened. The boosted air and riverine capacity of the army made the pursuit of military objectives more appealing to the total exclusion of other alternative or parallel avenues. The July 2016 attack on the home of Riek Machar, which dislodged him from Juba for the second time, was reportedly mounted using these newly acquired arms including helicopter gunships. These weapons are believed to have been acquired mostly through Uganda. They were also used in the forty days pursuit of Riek Machar along Central and Western Equatoria to the Garamba National Park in the Congo. This ready flow of arms, which changed the priority from negotiated settlement to finding a military solution, came at a high cost. The war, far from being contained and resolved, has spread to other peaceful zones of the country, not to mention the strain it has put on the national budget. The CIA World Fact book had already as far back as 2012 cited South Sudan's military expenditures as the highest in the world as a percentage of GDP.

### Quest for control of the oil

The control of the Unity State oilfields has been a major factor in the realignment game between SPLM-IG and SPLM-IO and within the SPLM-IO as well. Anyone who controls Unity State controls a good portion of the oil resources of South Sudan. There is the lucrative 2% payment of oil proceeding to the state where oil is extracted from. Arguably, the increase in number of states from 10 to 28+ was among other things calculated to deny SPLM-IO the total control of the Unity State oilfields. Similarly, the fall out

between Taban Gai and Riek Machar is believed to have a lot to do with denying Taban Gai or his loyalist the ministerial portfolio of petroleum. As soon as he assumed office of the Vice President, one of Taban Gai's first actions was to remove the incumbent Minister of Petroleum and replace him with a trusted loyalist. It is widely speculated that it was the proceedings from this 2% accrued when Taban Gai was the Governor of Unity State which helped bankroll the SPLM-IO. In this respect, it is important for the government to get Taban Gai, the chief bankroller of SPLM-IO, on its side - which it has achieved.

### Guns and livelihoods

Since the outbreak of the 2013 crisis the economy has collapsed, and the value of the South Sudanese Pound has plummeted. It has not been uncommon for the country's civil servants to go unpaid for spells of three to four months. Most countries in comparable situations would give the security sector preferential treatment to offset any unrest and buy loyalty. But preferential treatment notwithstanding, South Sudan's security sector has not been spared salary irregularity either, not least due to corrupt practices and the misappropriation of soldiers' pay.

For any nation, especially a fragile one, not to actively carry the security forces with it and to expect the sense of patriotism exhibited during the liberation war to continue to prevail, is to tempt fate. To have hungry and angry armed men in uniform manning the various checkpoints dotted across the country is to issue them with the license to extort and harass civilians. This gradually erodes the application of the rule of law, the observance of the chain of command and with it, the authority of the state. Add to this the thousands of unemployed and disenfranchised youths roaming the villages and streets of South Sudan - youths who feel they have no stake in the nation and who are aware that they stand to elevate their power and social prestige by picking up arms - and it becomes clear how decisively the government must act to prevent the country from falling into chaos and war.

The decline in oil production and near total collapse of the economy means the government is increasingly finding it difficult to buy off the many rebellious commanders. In addition, there are hundreds of thousands of unemployed youth who are there to offer their services to anyone willing to pay. Commanders who control mineral rich areas or areas conducive for cattle raids have the highest propensity to recruit. Through raids, harassments, intimidation, looting and plundering, armed young people gain wealth and status, which are threatened by any peace deal. Unless they can be gainfully employed following any peace deal, this cycle is unlikely to be broken.

War has the tendency to empower youths and armed combatants; giving them privileged positions, power and control over especially resources. The advent of peace threatens this. There should therefore be specific provisions made for these actors, who are often illiterate or not well educated, and stand to lose out when conflict ends. The economy should be helped to transition from war economy, which favours armed actors, to a peacetime economy where non-war related sectors can flourish. This will involve the creation of jobs to absorb former combatants. An effective DDR programme could help in this regard. Today in Juba, for example, the otherwise ordinary trade in charcoal, the main source of cooking fuel, has been turned into a lucrative business controlled by the army, who have raised the price almost eight-fold. It is the army who can go to the bush, cut the trees, burn the charcoal and transport it to town. The end of the war would threaten this as it will open the market to other operators. The army would not like to lose this monopoly without a fight.

In sum, the economy of South Sudan has all but collapsed. The ending of the conflict cannot and must not be seen as a panacea for the economic woe. Concerted efforts need to be exerted in the economic recovery and development efforts of the country. Without robust intervention in the economy, the country cannot deliver on peace and may slip back into an even more devastating war.

## CONCLUSIONS AND APPRAISAL

To silence the guns and end the conflict, a totally inclusive and sincere peace process needs to be embarked on, and in good faith. There must be a degree of sincerity when signing an agreement and the willingness to implement whatever one has agreed to sign up for. These should be driven by the welfare and interest of the nation. Therefore, for the peace process to work and agreements to stick two things need to happen. First, there should be a strong willingness to compromise on the part of all the parties to the conflict. Similarly, the international community need to exert concerted effort to support and engage with the parties at every step of the way to make the peace process viable. When ARCSS was signed, each of the side to the agreement was hoping that the international community would prevail on the other side to implement areas where there were reservations. This pressure never came, and both sides were left to their own devices. They did what they knew best: buy time while the whole agreement remained unimplemented.

A lasting solution needs to be found to the recurring practice of some commanders who have made a habit of rebelling and changing sides frequently. The power sharing agreement between the SPLM-IG and SPLM-IO is a typical example of violence paying off and the perpetuation of rewarding warring parties that may not lead to real reforms. Once such agreements are signed and the individuals are out of the bushes into town, there should be an effective mechanism for resolving any misunderstandings or conflicts that may arise. Otherwise frustration and helplessness can set in, especially when access to the leadership to resolve any issues arising becomes problematic. No rebel leaders should find it easier to withdraw and continue the war than to have access to the mechanisms for resolving any arising issues. This pattern of showing one's face in town only to disappear the following day into the nearest thicket has to stop. The reasons and circumstances may vary, but the pattern and trend, which include individuals like General Peter Gadet, Dr Riek Machar, Johnson Oliny and Dr Lam Akol is long and telling. These individuals

have come in only to exit soon afterwards, suggesting a systemic failure in implementation of agreements. South Sudan needs to wean itself out of this cycle, which can be achieved by having among others a minimum standard of education for admission into the army. This way a sizeable number may not qualify for absorption, in the event of a rebellion.

The long memory with which the CPA (2005) was approached was unfortunately not demonstrated in ARCSS, which was entered into with full mistrust. Little was done to build trust between the two key antagonists. Most peace talks start with or conclude with the hawks being side-lined. This was not the case in ARCSS. The hawks instead found their positions strengthened within the system, which emboldened them. Neither was the rhetoric toned down. Instead, the statements from the hawks became more vitriolic.

In other words, ARCSS was signed by a coalition of the unwilling rather than of the willing. It was signed not because the actors believed in it or wanted peace, but because they were under tremendous international pressure. Thus, one of the key lessons learnt is that the imposition of deadlines to force parties to sign a peace agreement by a certain date may secure signature but does not translate into the ownership or the implementation as subsequent events in South Sudan have shown. Neither should the appending of signatures be enough to placate the international community, who need to set a higher bar than that. The preoccupation with simply ending the conflict should be replaced by efforts in the building of institutional capacity and the sowing of seeds of democracy.

Just as there is need for South Sudan to break away from the ethnicization of politics and the army, there is equally a strong case to be made against the politics of personality. The current conflict and the attempt to prescribe its solutions seem to evolve around two personalities: President Salva Kiir and his former vice, Riek Machar. Actors in South Sudan must start to look beyond these two personalities and must be creative enough to start imagining a future without either of them. This may then be

followed by state building, establishing a strong state-society relationship, improving governance, security sector reforms, strengthening economic and social development. At the same time, efforts must be exerted to dilute the social, economic, and political power enjoyed by young armed people in both the army and the rebel ranks. They pose real challenges if they cannot be gainfully deployed once a peace deal is made. A number of these youths have been denied their youth and education. They have tasted and enjoyed the power the gun can bestow on one. To suddenly feel disempowered without any other provisions being made for them may not harbour well for the future. The efforts by the current High-Level Revitalisation team must therefore aim at an all-inclusive peace process. The civil society organisations, women's groups, and unarmed political leaders should also be included, and not just those actors with guns.

Imperfect as ARCSS may seem, there are important elements in it, especially on transitional security arrangements; resource,

economic and financial management arrangements; and transitional justice, accountability, reconciliation and healing. These provisions should not be tampered with lest they are diluted. However, for the successful implementation of the above, the same level of international commitment witnessed during the CPA need to be replicated. There should be robust intervention strategies in place once signs of foot dragging are detected. This means having in place a functional and accountable government if South Sudan is to deliver on peace. This must be supported by the international community demonstrating resolve and impartiality. In a conflict situation like that of South Sudan any delay that allows the situation to simmer for much longer complicates the issue further. The adoption of an immediate, robust, impartial and uncompromising stance by the international community is the only way of addressing the structural problems facing South Sudan, which includes weak institutions, volatile ethnic and community relations, and unprofessional and ethnically skewed, dysfunctional security apparatus.

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### **About this Study**

The Agreement on the Resolution of the Conflict in South Sudan (ARCSS) signed in 2015 between the Government of South Sudan and the Sudan Peoples' Liberation Movement/Army in Opposition (SPLM/A-IO) was meant to restore peace and stability to South Sudan, but it failed to do so. The key parties to the agreement signed because of the tremendous international pressure they were under rather than out of conviction of the provisions of ARCSS. They signed amidst public protest and reservations. As a result, none of the signatories felt ownership of the agreement. Since none of them felt committed to the agreement, its implementation was taken as no one's

responsibility. Each party was expecting outside forces to put pressure on the other, especially with regard to the provisions the other party had reservations about or which they felt would threaten their existent privileges. The lack of robust and effective strategies for managing any disputes arising from the agreement can be identified as one of the contributing factors leading to the collapse of ARCSS. The inability of the IGAD and Troika to ensure that the parties delivered on what they had committed to with their signatures has been one of the weaknesses of this peace agreement.

