



THE SUDD INSTITUTE

RESEARCH FOR A PEACEFUL, JUST AND PROSPEROUS SOUTH SUDAN

P. O. Box 34, Juba, South Sudan • Tel: +211 (0)956 305 780
Email: thesudd.institute@gmail.com • www.suddinstitute.org

Weekly Review

August 11, 2015

The Compromise on Resolving South Sudan's Conflict: How IGAD's New Peace Offer is Unsustainable

Augustino Ting Mayai

It is now 20 months since the present civil war started in South Sudan. In search of appropriate interventions, several strides, concerted locally, regionally, and internationally, have thus far been undertaken. Unfortunately, not a single strategy has been able to produce convincing results for the warring parties to end the violence, reconcile the population, and undertake an encompassing project of reconstruction and development. Consequently, achieving durable peace in South Sudan remains a distant dream, implying South Sudan's grave future.

Yet further efforts to end the war continue to be propagated. IGAD¹, East Africa's economic bloc, is in the forefront on these kinds of initiatives. This past July, for instance, IGAD released a new peace proposal called *Proposed Compromise Agreement on the Resolution of the Conflict in the Republic of South Sudan*. The new deal calls for the warring parties and other stakeholders to converge in Addis Ababa, Ethiopia, compromise, and allow peace to prevail. The Compromise supposedly centers on inclusivity, recognizes dire circumstances to which innocent South Sudanese have been subjected in the last 20 months, rebukes resultant human rights abuses and calls for justice and accountability, seeks to reconcile the population, and just like prior proposals, advocates to institute the Transitional Government of National Unity (TGoNU) as a political settlement response. The Compromise seemingly pursues two fundamental objectives: achievement of durable peace, and construction of an inclusive, democratic South Sudan where state sanctioned policies are upheld. That IGAD has good intentions for the people of South Sudan is indisputable. The current proposal makes this case in its unique way. Unfortunately, it lacks in mechanisms to achieve this objective and instead latently perpetuates instability in the country, and stresses a system that seems to hand South Sudan over to foreign elements.

This review surveys some of the key sticky issues the IGAD's new proposal contains and their implications for sustainable peace in South Sudan. New political arrangements that

¹ IGAD has now become IGAD-Plus, including Troika (US, Norway and UK), China, African Union, and European Union.

seek to minimize monopoly by certain actors, nationalize security apparatus, demilitarize the nation's capital, earmark resources for reconstruction and reconciliation, and develop and introduce mechanisms for managing the nation's resources, for example, are a necessary direction for the country that is incredibly embroiled in fragility. However, expanding the government merely to cater for politicians violates the social contract upon which durable peace relies, inciting the general public against the system. Indeed, the proposed Compromise, if endorsed by all parties, could engender temporal calm, reunite politicians, and reinstitute opportunities for local and international trade, but just like the accommodation model the Government of South Sudan has thus far adopted, in the long-term, the current truce has potential to deliver future waves of violence. Under the new IGAD peace model, investment in reconstruction, reconciliation, and service delivery, for instance, is restrained. South Sudan's resources, which are increasingly getting scanty, will be spent on politicians and the army, not development. The rest of the review details some of the problems in the proposal. It concludes with the proposition that the Arusha model may be more fitting for sustainable peace in South Sudan than the IGAD team in Addis Ababa currently offers.

Key sticky issues

Security arrangements

The security arrangements the new proposal pursues include separate forces for the warring parties for up to 18 months, third party monitoring unit, and demilitarization of Juba, the capital of South Sudan. A number of problems feature under this arrangement. First, before and after the harmonization², the SPLA is likely to grow in size. This concern surfaces given that the new deal is likely to institutionalize recent militia groups into the army³. Increase in the SPLA has serious financial and reforms consequences. Financially, South Sudan, being economically fragile and plagued by corruption, will have to foot additional defense bill for roughly 2 years or more. On the reforms, a vast majority of the militia groups lack conventional military training and are illiterate. Training these groups to become professional forces demands financial resources and time—commitments the state would have difficulty meeting in less than two years of transition. The disarmament, demobilization, and reintegration (DDR)⁴ programming,

² Chapter II (8.2) states: The unification of security forces shall be completed within eighteen (18) months of this Agreement, with the national army and security forces fully constituted, and unified under a single command. Subsequently Joint military / security force coordination structures shall be disbanded as unified command is established. The process of unification shall be overseen and monitored by the Joint National Architecture described in Appendix 1.

³ Chapter II (2) states: The GRSS and the SPLM/A-IO agree that the forces that shall be cantoned shall be those forces previously in combat in Juba, Jonglei, Unity, and Upper Nile States, and any other forces related to the conflict in other areas that are declared by the warring Parties during the Permanent Ceasefire Arrangements workshop.

⁴ Chapter II (2.4.10) states: Disarmament, Demobilization and Reintegration (DDR) activities (in 90 days).

which equally demands large investments, supposedly commences 90 days after the signing of the agreement and the implementation of ceasefire mechanisms. Still, the deal is unclear on the implementation of this exercise, how long it would go on, who pays for it, and how to determine who participates. Likewise, the government of South Sudan is unlikely to buy the idea of having parallel military commands during the 18 months period allocated in the deal.

Secondly, the Transitional Third Party Security Unit (TTPSU) seeks to provide a neutral security force to protect key government officials. This security apparatus replaces the indigenous organized forces and calls for a demilitarization of Juba⁵. There are two fundamental problems with this arrangement. Primarily, South Sudanese are unlikely to entrust the protection of their leaders to a foreign contingent. This kind of security apparatus, to some South Sudanese, violates South Sudan's sovereignty. Finally, the deal assumes that ridding Juba of uniformed military personnel equally rids it of firearms. To its credit, IGAD's proposal allocates a total of 455⁶ local protection guards for the entire presidency. It seems, however, that the local contingent will play a subsidiary role. Overall, in a society as militarized as South Sudan, relocating the military 25 square kilometers away from a single city is not sufficient for achieving comprehensive security reforms.

Power sharing

The proposed Compromise distributes executive powers among four political spectra. At the center (TGoNU) the SPLM-IG gets a share of 53 percent, 33 percent for the SPLM-IO, 7 percent for SPLM leaders (former detainees) and other 7 percent for other political parties. In the Upper Nile region, however, power-sharing ratios⁷ are swapped, with the

⁵ Chapter II (5.1): The National Capital, Juba, which is the seat of TGoNU, shall be demilitarized within ninety (90) days from the signing of this Agreement in order to create conducive conditions for the formation of the TGoNU and the return of the SPLM/A-IO and SPLM Leaders (Former Detainees) to Juba. Consequently, Juba shall be designated as a Special Arrangement Area (SAA). 5.2. Juba shall be demilitarized 25kms in radius from the center of the city and the demarcation of the area shall be agreed upon (as per attached map) during the PCTSA workshop in terms of latitude/longitude.

⁶ Chapter II (5.3): All other military and paramilitary forces shall vacate Juba in accordance with the boundaries established during the PCTSA workshop with the exception of:

5.3.1. The Presidential Guard: A company consisting of four platoons of 65 soldiers each (65x4=260 soldiers) in total.

5.3.2. First Vice President's Guard: A company consisting of three platoons of 65 soldiers each (65x3=195 soldiers) in total.

⁷ Chapter I (15.4): The State Council of Ministers in the States of Jonglei, Unity, and Upper Nile shall be reconstituted and appointed at the beginning of the Transition, and not later than a month, as per the following power sharing ratios:

15.4.1. GRSS: thirty-three (33) per cent;

15.4.2. SPLM/A-IO: fifty-three (53) per cent;

15.4.3. SPLM Leaders (Former Detainees): seven (7) per cent;

15.4.4. Other Political Parties: seven (7) per cent.

SPLM-IO getting 53 percent of the state governments. Offering the SPLM-IO an advantage in the Upper Nile gives an impression that the war has something to do with governance only in this region. This lends potential for future disintegration of the South Sudanese society. The compromise suggests that the FDs, now part of the IG, are still independent. Finally, this structure obscures the fundamental problems of governance in a broader context, and instead assumes that distributing political powers among contending elite ultimately resolves them.

Government size

The proposed Compromise advocates an increase in the government to 30 ministries, keeps the existing commissions, and institutes at least ten other institutions, all at the center (GoNU). The newly proposed institutions include Compensation and Reparation Authority (CRA), Special Reconstruction Fund (SRF), Economic and Financial Management Authority (EFMA), Enterprise Development Fund (EDF), National Revenue Authority (NRA), Public Procurement and Asset Disposal Authority (PPADA), Salaries and Remuneration Commission, Environmental Management Authority, and Research and Development Centers. In addition, the national assembly goes from 332 to 400 members. The expansion of the government seems to mainly satisfy the interests of political elite. In a society punctuated by economic exploitation of the poor and where patronage, not citizenry rights, is entrenched, inflating the central government implies more money being diverted away from development and basic services. Even more disturbing, the current budget structures favor the center. At risk, as this peace model proposes, is the social contract upon which state and citizenry relations rely. A number of IRI's studies indicate people's dissatisfaction with government's service delivery efforts. Political programs that are designed to explicitly hamper basic services, especially for the youth, could produce a situation akin to the Arab spring uprising in South Sudan. Under normal circumstances, that is, when the government truly demonstrates concern about the citizenry, sufficient endowment in social projects, not political accommodation, takes center stage. The IGAD's peace deal needs to adequately reflect this reality.

Of the newly suggested institutions, the CRA and SRF are more deserving. Compensating the families that have lost homes and loved ones due to this crisis is a humane thing to do. However, the CRA appears difficult to implement given the complexity to adequately define and certify eligibility for the beneficiaries. Reconstruction fund could go a long way in rejuvenation infrastructure in the war-affected states. Still, a fund of \$100M per year to compensate for billions of dollars worth of destruction in the Upper Nile region alone is insufficient to excite substantial development. The extent of damage the war has created requires a comprehensive study, that way a commensurate reconstruction fund is devised. IGAD's lack of emphasis on these factors reflects its apathy to genuine concerns of the population. Rather, most of its peace models seem to be politically motivated.

The creation of EFMA and the NRA assumes that increasing the number of government institutions to accommodate disgruntled politicians compensates for political will. Specifically, the creation of EFMA, mandated to oversee 'economic and public financial management, and to ensure transparency and accountability particularly in the oil/petroleum sector, concessions and contract award, budgetary and public expenditure, revenue collection and other related matters', is uncalled for. It adds to the pool of similar institutions, such as the

national ministry of finance, anticorruption commission, and the audit chamber whose central roles are in the realm of managing the country's resources. Like the EFMA, the NRA supposedly takes up some responsibilities from the national ministry of finance, especially those responsibilities concerned with revenue generation and management, but adds little value to the system. The deficiency in the roles of existing institutional structures, however, is an underlying lack of political will on the part of political leaders. This cannot be necessarily rectified via a surge in the government. The leaders will have to wake up and take actions on the programs they have committed to.

Conclusions

The IGAD's newly proposed peace model, while a good negotiating starting point, insufficiently meets the fundamental ingredients of attaining sustainable peace. It assumes good-faith negotiation by the parties. But relying on power sharing as an optimal solution to a myriad of problems affecting the South Sudanese only temporarily suspends fragility. A deal that is comprehensive and acceptable to all South Sudanese is required. The Arusha model, though intra-party, offers an acceptable point of departure and should be further exploited for durable peace in South Sudan (see our analysis of Arusha Intra-SPLM Reunification Agreement for more details⁸). This attempts to reunite the SPLM as a steppingstone for comprehensively achieving peace in the country. It covers a wide range of problems of governance facing the country and makes a case of universal reforms, both within the party and the country. In fact, it is the model that has spurred real actions on the part of IG authorities. Likewise, the IO's top leadership praised what the Arusha deal affords the parties. A peace deal that South Sudanese would appreciate is that which creates jobs for the youth, substantially invests in basic services, advocates for institutional reforms, and sets stage for sustainable prosperity.

About Sudd Institute

The Sudd Institute is an independent research organization that conducts and facilitates policy relevant research and training to inform public policy and practice, to create opportunities for discussion and debate, and to improve analytical capacity in South Sudan. The Sudd Institute's intention is to significantly improve the quality, impact, and accountability of local, national, and international policy- and decision-making in South Sudan in order to promote a more peaceful, just and prosperous society.

Author's Biography

Augustino Ting Mayai is the Director of Research at the Sudd Institute and an Assistant Professor at the University of Juba's School of Public Service. He holds a PhD in Sociology, with concentrations on demography and development from the University of Wisconsin-Madison. He currently studies how state effectiveness affects child health outcomes in South Sudan and Ethiopia. Dr. Mayai has written extensively on South Sudan's current affairs.

⁸ <http://www.suddinstitute.org/publications/show/simplifying-the-arusha-intra-splm-reunification-agreement/>