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Policy Brief

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South Sudan's Crisis: Weighing the Cost of the Stalemate in the Peace Process

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Summary

This analysis weighs the cost of the stalemate of the South Sudanese peace process. It suggests that the stalemate is costly, and that the solution to the current crisis lies with the warring parties, the South Sudanese citizenry, and the international community. However, the peace processes lack genuine intent to end the carnage, as the warring parties appear fixated on political and military gains.

Whatever the nature of the agreement will be, however, no peace agreement will bring peace to South Sudan. While the conflict is rooted in the lackluster state-building and nation-building programs, corruption, insecurity and injustice prevailing in the country since 2005, there is no denying that the events of December 15, 2013 were the tipping point, and patching them up in a quick fix style of peace agreements will not cut it this time, even if the principal parties sign a peace agreement. Any peace agreement that does not commit the warring parties to programs of institutional reforms, justice and accountability, national dialogue, healing and reconciliation programs, security sector enhancement, stricter oversight of financial institutions, the constitution and democratic processes, would be as good as an agreement to continue the war¹.

Introduction

The efforts being made by the East African regional block, Inter-Governmental Authority on Development (IGAD), to resolve South Sudan's on-going crisis, have been underway for over seven months now and have resulted in neither an enforceable ceasefire agreement nor a negotiated political settlement. Meanwhile, the suffering inflicted on the people of South Sudan by the ongoing violence remains unspeakable. Aid agencies report that 4 million people in Upper Nile, Western Upper Nile (Unity), and Jonglei states are confronted with a real risk of famine and starvation; that half a million people have sought refuge in the neighboring

¹ The Sudd Institute acknowledges the UNDP's financial support through its South Sudan's Democracy and Participation Programme.

countries and are living under horrific circumstances; that educational, health services and infrastructure, such as they existed before the conflict, in the three states of Greater Upper Nile region, have now been all wiped out. The United Nations Mission in South Sudan (UNMISS) is housing close to 100,000 people in its camps across the country, all in desperate and humiliating circumstances. The conflict has obstructed this year's planting season in vast parts of the country, creating real risks of more food insecurity going into the future. The death toll from this dire situation has not been sufficiently quantified but it is alarmingly high and rising, as disease and malnutrition combine their deadly forces, especially against children and pregnant women. This is besides the continued violence that targets civilians, and the death and destruction it has caused.² The use of woefully young boys by the rebel movement in its recent attacks on the town of Nasir in Upper Nile and the death of so many of these young boys is one of the particularly heart-wrenching examples.

The loss caused by this conflict could also be measured in terms of trade, extraction and development of oil, growth of local business, employment opportunities, not to mention anything about the image and the standing of the country within the community of nations. South Sudan was already judged by many record-keeping entities, including the Fund for Peace, which ranked it the 4th most failed state a year ago and in this year's ranking as the most fragile country, claiming the place Somalia had held for six years in a row.³ Among the citizens of South Sudan, their opinion, as gleaned informally from such sources as social media and other public forums, is that the conflict has also caused many of them to feel ashamed that their country is now the focus of negative world attention, even after gaining independence. It is most particularly decried as humiliating that South Sudanese have to flee across the border to the Republic of Sudan, the country from which they had just broken away in hope of having a better life.

Additionally, in assessing the cost of conflict to the country, one notices that the euphoria of independence, the trust in the state, the patience to wait for peace dividends, prospects for youth employment, the hope for security and stability, the expected foreign investment, membership of the East African Community, the oil pipeline to the Kenya coast, the promises of electricity and road infrastructure, the promises of social cohesion projects, national unity, nation-building programs, the participation in world sporting events and cultural shows and the pride that comes with these, have all been shattered in a single swoop. At the moment, as the conflict rages on, only someone in denial would fail to see what the country has lost due to this conflict and above all what the individual citizens have lost in the form of loved ones, opportunities to move up the social ladder, to re-forge social networks beyond one's tribe or invest in the future of one's children. If this conflict continues much longer, as it is feared it might, there is no question that the cost will continue to spin out of control. For these reasons and more, the cry for an end to this senseless war and for peace all across the nation is unmistakable.

² In this regard, it is important to note that the nature of all modern wars, compared to, say, World War I, is such that more civilians die than combatants. This might cause the warring armies to be less concerned about the cost of war, as the military personnel are not dying at the same rate as the civilians.

³ It is of course the case that some of these ratings and rankings are very arbitrary and quite absurd in the sense that they do not take into consideration the unique histories of each country, such that a country that is two years old is put on the same scale as countries that have 60 or 200 years of existence. But the ratings could still function as warnings to the leaders of younger countries so that they do not have to reinvent the wheel, and instead, benefit from the hindsight of older countries.

Essentially, the conflict started with disagreements within the ruling Sudan People's Liberation Movement (SPLM) between the leaders who are currently in office and those who are trying to topple them on account of lack of reforms and issues of governance. But as political ambition, which was certainly at the core as to why this unconscionable war had to break out, there is no doubt that it has further morphed into pure contest for power, with some of the leaders reaching for the ethnic card as a way to entice their ethnic kin to support their political cause, and subsequently making it more difficult to reconcile. The more intense this contest becomes and the more the suffering described above is forgotten at the peace talks, the more likely that an ethnic divide becomes ever more entrenched as a tool for politics, especially in negotiation rooms, where accusations are often traded on who started the violence or who has committed more atrocities. Such accusations and counter accusations have moved the focus away from the impact of the conflict on the citizens and have turned it into a duel of showing the opponent in the worse light possible.

Judging by what has been happening at the IGAD-led peace talks, the suffering described above seems to have no presence in the conscience of some of the leaders who are negotiating in Addis Ababa. It seems that South Sudanese leaders on both sides of the current conflict remain convinced of their prospect for military victory and will not give heed to the principle of “no victor, no vanquished,” which so many African wars, including the north-south civil war in the old united Sudan, were concluded with.⁴ The peace talks have exhibited one clear dynamic, and that is the parties' pronounced “commitment” to peace while each side seeks military victory, supposedly in order to boost one's negotiating position, from which they might dictate the terms of the negotiation. The result of this situation is that there is a stalemate at the peace talks, matched against the already existing military stalemate, as no party is likely to achieve a decisive military victory in this conflict. The government might take control of the towns but would have difficulties reigning in all the fighters, and the rebels might be able to win a small town here and there, but unlikely to force the government out of office. Such a stalemate at both the war and peace fronts means more death from the many direct and indirect consequences of violence. But how did the country get to this stage, where the peace talks have ceased being about peace and became more about what political gains each party wishes to achieve from the talks?

This analysis attempts to look at the South Sudanese current crisis by weighing the costs of stalemate at the peace process presently taking place in Addis Ababa, Ethiopia. In doing so, we specifically look conflict in relation to peace dynamics, the nature of ongoing talks, and what and who may help break the stalemate to bring this violence to a speedy end.

Conflict and Peace Dynamics

The Republic of South Sudan was born in 2011 with immense promise and expectation, a moment of euphoria almost unequalled in the collective history of its people. There was a moment of triumph, solidarity and unity when South Sudanese voted in the referendum to break

⁴ All African civil wars, save just three or four in the sixty-year post-colonial history of the continent, have been concluded only through negotiated arrangements, not by a military win. And yet, every military leader, whether in government or in opposition, has not learned anything from those before him and quit the fight sooner in the interest of the country.

away from Sudan. But the conflict that broke out in the country, starting in Juba in December 2013, pitting Riek Machar's rebel group against the government led by Salva Kiir Mayardit, was as shocking as it was disappointing to everyone who had dreams of success for the world's newest country, citizen and foreigner alike. The aspirations that were pinned to independence evaporated for many citizens and the expectations that so many of them had were utterly shattered. The conflict has quickly divided its people, threatened regional stability, and has disappointed its many supporters from all corners of the globe.

When the conflict erupted at the end of last year, many countries acted like a deer in the headlights, not knowing how the country almost unraveled so quickly and how to respond. Such disappointment manifested itself in the subsequent reactions from the world community. One kind of reaction from the international community was to intervene right away, though there was a question about what the nature of the intervention was going to be. This question has divided the East African region, with one country, Uganda, intervening militarily in defense and at the invitation of the Juba-based government, and the rest with attempts to broker a peace deal. Uganda's role in South Sudan's conflict continues to be the subject of much heated debate, with some suggesting that it is within the rights of a sovereign state to forge military alliances with other countries and the critics of this alliance saying that it is an alliance that is shrouded by lack of transparency and legislative oversight as would be required of an open democratic society.

Another kind of response came from countries further away from the region that either wanted to throw in the towel and let South Sudanese sort out their own mess or wanted to help with the search for peaceful settlement. Some suspended or reduced their development aid, with the only exception being the willingness to convert their development aid into humanitarian assistance. Six months on, much, if not all, of the remaining aid is still going toward humanitarian responses, a perfect alibi for the desire of some donor countries to punish Juba for the conflict and for these countries' unwillingness to be involved in the search for political solutions. The IGAD heads of state, the countries that would be most affected should South Sudan's conflict becomes prolonged, immediately descended on Juba and shortly thereafter dispatched emissaries to South Sudan to find ways to arrest this crisis and to seek a political settlement. IGAD also moved very quickly to convene a summit of heads of State and Government, appointed special envoys to lead an IGAD mediation, called for an immediate cessation of hostilities and to start the talks, with the push for a process that is inclusive of representatives of broad sectors of the South Sudanese society as a key point in the mediation.

This action offered the people of South Sudan a degree of hope that this conflict would be ended in short order, especially as so many people were shocked that South Sudanese should opt for war as a solution to political problems shortly after attaining their hard won freedom from Sudan.⁵ The action by IGAD was also seen as the ultimate expression of regional solidarity, giving meaning to Thabo Mbeki's African renaissance, a period of African solutions for African problems, and was therefore, seen as the most fitting venue to resolve South Sudan's crisis. This promise was heightened by the appearance on mediation scene of Lazarus Sumbeiywo, the retired Kenyan general who also successfully mediated the settlement of Sudan's Comprehensive

⁵ To this day, almost seven months since the conflict erupted, many citizens remain bewildered how the leadership of a country that achieved its sovereign existence through a treacherous struggle could cause or allow this tragedy to unfold under their watch.

Peace Agreement (CPA) in 2005, ending the north-south war in the old Sudan, Africa's longest running war at that time, and paving the way for South Sudan's secession.

When the peace talks began in January this year, a few weeks after the fighting broke out, the talks were focused on attempts to immediately end the fighting and all the death and destruction that it was causing. The question about how a negotiated political settlement should be approached in order to satisfactorily end a complex conflict was essentially intended to understand the complex political, social and cultural history of the country. The first thing that was needed at this juncture was for the mediators and the parties to the conflict to collectively determine the nature of the approach to peace, to come up with a solution that best suits South Sudan's context and the country's unique circumstances. In other words, whether to just reconcile the warring parties, the men with guns, and then build on to that to commit the parties to all essential subsequent steps to peace, or to search for a process that goes deeper into the root causes of the crisis and that involves more stakeholders beyond the two parties, was an object of the settlement initiative. Each of these approaches has its advantages and shortcomings.

After lengthy discussions on this question, the government delegation to the Addis Ababa-based negotiations insisted on the talks being confined to the warring parties, that the quickest way to end the violence was a direct dialogue between the government and the rebel movement. But the rebels, the donor countries and the civil society organizations, all pushed for an inclusive approach. The rebels were at this time talking about change in power, and justice and accountability for the events of violence that took place in Juba when the fighting first broke out. The civil society campaigned for an inclusive process, not necessarily for the same reasons as the rebels, but mainly for the purpose of producing a settlement that has the widest South Sudanese buy in, one that seeks justice and accountability for the mistakes committed by either side in the course of the violence. There was also talk about political strategies of each party, with opposition emphasizing a commitment to institutional reforms, democracy, tackling corruption and changes in the system of governance, all to be carried out following the end of this conflict. But from the outset, what was essential was to stop the killings. Everyone agreed on that. Those in the rebellion raised the issues of reform, accountability, and the restructuring of the system of government as matters of priority for them, but they pinned them to a negotiated settlement. Once again, peace was put at the center of the dialogue and that the reforms would follow an agreement. The only caveat to the rebel leaders' position was that at the same time as they talked the language of negotiation, they were making pronouncements to the effect that the sitting president must quit office, though not clear how they intended to remove him, either through a negotiated process or to opt for violence should the negotiations fail or drag on?

Though the kind of dialogue that would bring together representatives of all sectors of South Sudan's population had been absent at the outset, it was increasingly becoming obvious to all concerned, even to the government, despite its initial skepticism about inclusivity, that it was crucial to deal with the South Sudan crisis in a comprehensive manner, through a broad-based dialogue beyond the two main contenders. As mentioned above, the government delegation's position was for the two contenders to find a settlement to end the fighting immediately, but the rebel delegation, along with the civil society and many world governments, insisted on a comprehensive process. The mediators, in a bid to implement the issue of inclusivity as called for by every single communiqué that the IGAD Heads of State and Government summit issued, agreed on the need for a broad based peace process. For the mediation, it did not have to be a

question of either the process is confined to the belligerents or to wider South Sudanese society, but instead a search for a middle ground between the two, something that narrows the negotiating positions without compromising on bigger national questions that serve wider public interests. It was a question of what would sustain any deal that might emerge. The argument was that a political settlement that focused on the belligerents only could simply return the country to the old status quo through some sort of power sharing agreement. If history is any guide, such a process would merely postpone the solution to all the interconnected problems until the next time these problems erupt into another crisis, contended the proponents of an inclusive process. It was important for the negotiation to deal with the underlying causes of the crisis such that the end product ushers in a new political arrangement, one that South Sudanese would endorse and presents potential for meaningful reforms.

However, the increasing violence, the looming humanitarian crises, the news that both parties were seeking more military options and other such grave developments, all demanded the search for a speedy settlement, and this in turn put the mediators in a dilemma. On the one hand, a focus on the warring parties is desirable in order to produce a quick settlement. After all, negotiations between the parties involved in a war are among the most critical and sensitive of all bargaining processes. Sometimes it is necessary to hold closed door meetings, some of them secret, in order to reach a peace agreement. This makes peace talks different from an inclusive stakeholder conference or national dialogue. But this risks the exclusion of important actors from the process, making them potential spoilers of peace down the road. Analyses of other similar complex political crises have categorically shown that such an exclusive process would merely patch up the country's problems and would reward the perpetrators of violence with power. On the other hand, there was intense pressure on the mediators to press for representation of all stakeholders, to ensure that some mechanisms of accountability, restitution, justice and reconciliation are built into the peace agreement, as they are necessary ingredients of a durable peace, and to ensure that the citizens will subscribe and commit to these programs. But such an ambitious process comes with the risk of causing the main power contenders, the men with guns, to shy away from the table. Histories of peace negotiations have also shown that any deal that attempts to hold the belligerents accountable could also become a disincentive to the parties to agree to it. The real question becomes whether an end to the conflict is so paramount as to compromise everything else for it; or whether the risks of a prolonged peace process outweighs the risk of a bad peace.

Talks about the Talks

In Addis Ababa, there was no underestimating the challenge presented by the peace process. There are two choices here. One is a quick peace deal between the main contenders that excludes everyone else, all in the interest of bringing about a quick end to the violence at the risk of producing a shoddy agreement that might collapse in the near future. The other is a more comprehensive and inclusive process that deals with all the grievances, the root causes of the conflict, institutional reforms, constitutional reviews, elections, justice and accountability, all in the interest of producing a more durable peace but at the risk of disincentivizing the warring parties and pushing them away from the peace talks. This has been a dilemma that demands a search for a middle ground, as it is unacceptable for the warring parties to drive an entire country into the corner where the people have to choose between bad peace that accrues immediately or that which embodies justice but might take years to materialize. But driving the people into the

corner is exactly what has happened in Addis Ababa, and now the mediators and the countries that support the process, are poised to either quit the whole thing in frustration or find some pressure buttons that they might use to force the parties into a process that emphasizes peace over political gains.

The idea of an inclusive peace process has long caught fire among the civil society, with the mediators and the rest of the international community lending their voice to the South Sudanese civil society. With what appears to be an unprecedented support, the United States, Norway, United Kingdom, the European Union, the United Nations, the countries neighboring South Sudan and the IGAD mediators, have all scrambled to demand and enforce the principle of inclusivity. This too, has cornered the mediators into certain single-mindedness that there will be no return to a two-parties agreement. The IGAD mediators have become extremely convinced about the value of such a process, almost to a point of rigidity that may not prove entirely productive. Inclusivity widened the circle of stakeholders to include the two main parties to the conflict, political parties, civil society and former political detainees serving as negotiators on substantive issues and religious leaders and eminent persons acting as observers. But is this widening going to produce any agreement anytime soon? We doubt it will. If the negotiations to end violence are to be meaningful, they have to be between the parties engaged in violence.

From the mediators' perspective, these groups have all made a sufficient case for their representation at the peace talks, not just in terms of physical presence at the negotiating table, but also in their contribution to shaping the agenda of the talks. The former political detainees whom the government had accused of masterminding the coup plot that sparked the violence are now living in Kenya and Ethiopia after the government released them following the intervention of IGAD heads of state. They have since been trying to act as the wild card in this process, at the risk of becoming an obstacle to a deal, especially as the mediators and the governments of IGAD countries, as well as some Western donor countries, appear to be imposing these former politicians on the process, even as they have been unable to show what constituency they represent.⁶ While the concept of inclusivity is important, holding a process hostage on account of trying to impose individual politicians, the mediators and donor countries are surely redefining what inclusivity means. But will this push for everyone to be on the table really bring a peace agreement? This approach simply seems to prolong the process at best and possibly leads to total collapse of the mediation process at worst.

Once there was a sense of consensus on the value of an inclusive process, there was now the question of how or who to select as representatives of civil society, with an eye to creating a manageable inclusivity, as flooding Addis Ababa with hundreds of civil society representatives could pose a logistical nightmare and possibly encumber the process to a point of confusion. So to make this process more manageable and legitimate, the mediation team offered to host a symposium of resource persons representing all the stakeholders in Addis Ababa as a way to introduce inclusivity and the concept of multi-party negotiation process. About ten different parties took part in the symposium held in June. These included the two parties to the conflict,

⁶ There appears to a strange conviction among some world governments that these former politicians, the very ones who had run the country for nearly 9 years since the end of the north-south war, and were involved in serious cases of corruption, are the only viable alternative to the current leadership, something that really rubs many South Sudanese citizens the wrong way.

political parties, civil society organizations, religious leaders, former political detainees, eminent persons, traditional leaders, representatives of Greater Equatoria Region, and the representatives of the War Disabled, Widows and Orphans Commission. The symposium was aimed at enabling a free exchange of ideas in an atmosphere of equality and shared responsibility. The symposium was also aimed at generating the ideas that the civil society might wish to feed into the peace process without actually physically sitting at the negotiating table. But the selection of people to attend this symposium was shrouded with disagreements that nearly destroyed the prospects of a collective civil society platform. It was literally at the very last minute that the symposium was saved from collapse, as some groups held out for concession on representation. Despite weeks of consultation since the 10 June 2014 IGAD summit, Multi-stakeholders' negotiations towards a political transition have yet to commence.

At this juncture, however, it had become evident that the inclusive approach to the talks would prevail and groups representing various sectors of the country's political spectrum would be invited. However, the rebel movement protested the composition of the civil society organizations that were accredited to the talks, claiming that they did not include organizations coming from opposition-controlled areas. The rebel movement suggested that the people who have been displaced or who have sought refuge in the neighboring countries include members of political parties, civil society activists and church groups, and that they should all be represented in consultations, or they would walk away from the talks. But seeing that this was a weak argument and that it would probably not persuade many people as a reason to stop the talks, the rebel group started adopting what had initially been the government position, demanding that the talks should now be confined to the two main parties only and that the business of inclusivity is going to prolong and possibly derail the peace process all together. One rebel leader suggested that a process that only involves the rebels and the government does not necessarily exclude other important stakeholders, but simply sequences their involvement, as the inclusion of any party would be more fitting if they come onboard at the appropriate stages in the process, instead of all at once.

These developments have shown that since their start in January 2014, the peace talks in Addis Ababa under the auspices of IGAD have remained as talks about the peace talks and very little else. There have never been any face-to-face negotiations between the parties' delegations and no clarity in each side's endgame, the exception being the two meetings between President Salva Kiir and rebel leader, Riek Machar. The parties have basically been talking about peace without any kind of demonstrable commitment to peace, making it fair to suggest that the whole affair has now morphed from a quest for peace to a project of power sharing, political gains and therein lies the stalemate referenced above, all to a total frustration of every person of goodwill involved in the process.

What and Who can Break the Stalemate?

No one seems more frustrated by these developments than the chief mediator, Ethiopia's former Foreign Minister, Seyoum Mesfin. When the negotiations were suspended in late June due to the rebels' objection to the composition of the civil society, Ambassador Seyoum went to New York to deliver a report on the state of South Sudan's peace talks at the United Nations Security Council meeting on June 27, 2014, in which he described this situation as follows: "The two

parties to the conflict have created one excuse after another as they attempt to scuttle, narrow or delay the process...Each party appears to be riding two horses at the same time. They compelled the mediation to adjourn the meeting at the beginning of this week.” His conclusion leaves many South Sudanese wondering whether their leaders are ready to work for peace with genuine commitment. It is obvious that they have to be, and can only show that by getting rid of the prevailing zero sum mindset in which each side is seeking victory for oneself and “total defeat of the other,” said Seyoum.

The parties to the conflict seem to disregard the value of historical reflection and have lost sight of the trajectories of conflict resolution in Africa, a history that reveals that more conflicts have only been resolved through negotiation and not through military victory. While the parties seem convinced about the value of a negotiated peace, each one is willing to commit to a deal only if they gain more out of it than one’s opponent. How can such peace process accomplish anything? What can the world community do to force the parties out of that mindset? None seems to be offering any carrots, but who has a stick strong enough to force the top leaders to agree to end the conflict and implement reforms? Is the stalemate really due to the parties’ intransigence or to this rather obtuse negotiating process that tries to open up the process to anyone who wants to join?

The above questions maybe right to ask at this moment, though easy answers are not readily available, but there are three other realities that, unless South Sudanese themselves are convinced that peace must come right away, would make any international efforts useless. The first reality is that both parties continue to pursue military solutions, and although fighting has reduced in recent weeks, the warring parties do not appear ready to stop the war and to end the killings once and for all. The continuous violation of the cessation of hostilities agreement suggests that the parties continue to see war either as a possible solution to the crisis or a viable negotiating tactic. This attitude is also borne of a desire by political leaders to see war and peace as two sides of a single coin called political power, the power the rebels want to wrestle from the government and the power the government wants to keep. Both of them see war and peace as viable avenues to power, either by winning a war or by agreeing to a negotiated settlement in which one gets more power than the other.

Another observation is the reluctance of the warring parties to commit to a truly inclusive process by allowing the mediators to invite all the possible stakeholders after meeting a set of criteria that clearly defines their eligibility to participate in the peace process. It is not enough for the parties to be seen to agree to inclusivity, but more important to be clear about what it means and how to do it. This is not about political correctness, but about genuine commitment. For example, although the government has recently shown more willingness to engage in a multi stakeholder format, there is still the fundamental challenge of getting both the warring parties and the rest of the stakeholders, including the former political detainees, political parties, civil society organizations and faith based leaders, into meaningful dialogue with each other without anyone imposing preconditions.

The third and most important dynamic is the will of the political leadership to fully commit to a negotiated process without preconditions. Such political will has already proven absent or weak, as recent agreements have not only been unimplemented but flagrantly disregarded or actively violated. The cessation of hostilities agreement signed on January 23rd did not halt the violence

and needed to be revamped again on May 9th when President Salva Kiir and Riek Machar met in Addis Ababa to give the agreement more weight. After about a month, both agreements needed to be reinforced once again in another face-to-face meeting on June 10th, 2013 between the two leaders, as the previous two had not done the magic. These are all commendable steps, but they have not significantly changed the dynamics of violence on the ground, as they have all been violated left and right, creating the suspicion that the leaders have been making them for the mere purpose of political appearance. The result is frustration at the negotiating table and across the country among the people who suffer the consequences of the deadlock in the peace process.

The agreements on cessation of hostilities presented an opportunity as the middle ground between the two extremes mentioned earlier – one of broad-based and comprehensive peace talks that include the root causes and the grievances that had sparked the conflict in the first place, and the other about a process that concentrates just on the primary power contenders. The cessation of hostilities agreement suggests that the peace process does not have to be an either or situation. Instead, as it means curbing violence, it also allows for a more deliberate search for a peaceful settlement without the risk of continued violence during the negotiations. The problem is that cessation of hostilities agreements are difficult to enforce in a military climate such as the one prevailing in South Sudan. The leading challenge here is the question of command and control, that many of the fighting forces have no loyalty to the commanders and the leaders do not have capacity to control the behavior of their fighting forces.

All it takes the ceasefire agreement to crumble is one bullet fired in the direction of the “enemy,” and as the case of Riek Machar’s movement may demonstrate, its White Army component is fighting a cause almost altogether unrelated to Riek’s aspirations to public office. This has meant that the White army may well be deaf to orders from Riek’s command center for them to cease hostilities towards the government. Likewise, on the government side, issues of discipline and historical grudges among individual soldiers of one ethnic background towards members of other ethnic groups could cause them to attack the opposition forces or individuals suspected of supporting it, and in the process trigger a return to fighting. In the absence of cooler heads, whereby a single incident of that nature could be seen as an isolated case, it has meant that ceasefire agreements have been all too violable. The IGAD has set up a mechanism of monitoring and verification, but it has remained largely symbolic, as any reports of violations by any party do not carry real cost to the violator. So, unless the IGAD comes up with a clear way to deter any party from violating ceasefire deals, the parties’ behavior will have no consequences for them.

Conclusion

The solution to South Sudan’s crisis lies in three hands, the warring parties themselves, a collective action by the people of South Sudan to deny those engaged in violence the ability to recruit new fighters, and the international community that is mediating. So far, the parties have signed several agreements to cease hostilities, along with instruments of implementation, some of which have reduced the fighting over the past two months. They have also committed themselves to humanitarian access and the ceasefire agreements have proven relatively effective in opening up corridors for civilians to access aid. There has also been an agreed agenda for political talks, and both parties seem to be coming full circle on matters of widening the dialogue to include

other stakeholders. Also, the fact that President Kiir and Riek Machar had two face-to-face meetings has provided a glimpse of hope that a settlement may not be too far off, the most promising part of which is the possibility of establishment of a transitional government of national unity. The problem is that all these steps seem void of real negotiating agenda, only to create a façade of a search for peace when in fact the parties are still dragging their feet for reasons to do with political or military calculations. The only agenda item that matters to the nation is an end to violence. But peace remains a distant possibility, given that the parties to the conflict attach prospects for political gains to the peace negotiations, making the IGAD model of multi-stakeholder peace talks inappropriate in the current circumstances and likely to prolong this destructive conflict.

Commitments to end violence are only meaningful if they come from people who can actually issue an order to stop shooting. Parties not directly engaged in the fighting have a lot to contribute to South Sudan's future. But unfortunately, while violence is ongoing, they can only get in the way of serious and substantive talks. The longer the mediation insists on bringing everyone to the table and the longer the parties to the conflict continue to demonstrate intransigence and unwillingness to cooperate with the mediation process, possibly prolonging the war, the more dire the consequences for South Sudanese will be. The cost of this war to the country as a whole is already unbearable on all fronts. It is clear to all concerned, that this intransigence and the consequences for the future of South Sudan are unacceptable. But unfortunately, it seems that no one has any clear idea about what would force the parties to engage in a meaningful process towards peaceful resolution of the crisis. The people of South Sudan do not have a platform for an organized collective citizen action that is loud enough to pressure the warring parties into abandoning war. So long as the parties continue to recruit from these very citizens, train and equip armies, they would not heed the citizen's cries for peace. And so long as the divisive ethnic politics remains in place, politicians would continue to recruit for war on ethnic basis and further dividing the people. It is this division that drives the ongoing conflict, with revenge for the events of December 15, 2013 that sparked the violence as the main factor on the side of opposition forces and fear on the side of government supporters that the rebels would come for them if they win.

The international community knows that peace has got to come, but it can do little beyond facilitation of talks, since only South Sudanese themselves can make peace. Is there any room for a collective international action that could force a peace process, beyond picking up the tap for the peace talks? Is there anything they can do at least to make it too expensive for any party to the conflict to continue on the path of intransigence? Perhaps getting the United Nations Security Council, the African Union, the European Union, IGAD, the Troika and several individual countries to be on the same page, indeed a difficult scenario to imagine, would create enough muscle to bring pressure to bear on the parties.

On the side of the mediation itself, the insistence on a negotiation process that includes so many groups all at once seems an unworkable plan. Both the international parties above and the IGAD mediators need to reconsider the insistence on a mediation process that tries to solve all the country's woes in a single process. The initial phase of peace talks must be confined to the SPLM in-Government and SPLM in-Opposition. To try to involve all the seven groups, the two main parties to the conflict, the political parties, former political detainees, civil society, eminent persons and faith-based organizations, has presented the mediation with a challenge of how to

get the men with guns to agree to anything the rest of the groups are demanding without the two main parties fearing loss of power. It would seem more logical to sequence the process by bringing the warring parties together to first agree to a settlement that commits them to processes that can only be implemented together with the other groups: issues such as justice and accountability, national reconciliation, repair of ethnic relations, constitutional processes, repatriation of IDPs, special fund for redevelopment of war-affected areas, etc. But the way the mediation is trying to impose a comprehensive negotiation at the outset risks driving the main warring parties away from the process. If the mediation persists along this path, it is very unlikely that peace will come anytime soon. So what will it take to pressure or persuade the government and the opposition to give peace a genuine chance? What kind of collective action could be applied to force them away from their current rigid positions? Are the current limited international and regional sanctions and the threats of escalation of these sanctions going to cost them enough? These questions remain difficult to answer, but perhaps hold the key to the current stalemate.

Whatever the nature of the agreement will be, however, no peace agreement will bring peace to South Sudan. While the conflict is rooted in the lackluster state-building and nation-building programs, corruption, insecurity and injustice prevailing in the country since 2005, there is no denying that the events of December 15, 2013 were the tipping point, and patching them up in a quick fix style of peace agreements will not cut it this time, even if the principal parties sign a peace agreement. Any peace agreement that does not commit the warring parties to programs of institutional reforms, justice and accountability, national dialogue, healing and reconciliation programs, security sector enhancement, stricter oversight of financial institutions, the constitution and democratic processes, would be as good as an agreement to continue the war.

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.

About the Author

Jok Madut Jok is a co-founder of the Sudd Institute. He is the author of three books and numerous articles covering gender, sexuality and reproductive health, humanitarian aid, ethnography of political violence, gender-based violence, war and slavery, and the politics of identity in Sudan.