



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

The Dialogue Brief

February 27, 2018

The Call for Merger of the National Dialogue and HLRF Processes

Abraham A. Awolich

Summary

Numerous attempts to end the conflict in South Sudan have been made but very few meaningful results have been realized. To achieve a comprehensive peace in the country, this Dialogue Brief makes a case for the merger of the National Dialogue process and the on-going High-level Revitalization Forum (HLRF). The argument is simple—that neither the National Dialogue nor the HLRF has all the ingredients to resolve the conflict singlehandedly. Merging the two processes creates strong synergies that could produce a lasting solution¹.

Thus, we recommend the following:

- ⇒ The parties to the Agreement should recognize the importance of the National Dialogue process to the broader achievement of peace in the country.*
- ⇒ The IGAD mediators and the international partners should recognize and support the National Dialogue process as an integral part of restoring peace and stability.*
- ⇒ The HLRF and the National Dialogue processes should be merged and sequenced because doing so affords the country a greater chance for sustainable peace.*
- ⇒ In the spirit of National Dialogue and to accommodate the views and interests of the other parties, the Steering Committee should be reconstituted or expanded.*
- ⇒ The National Dialogue process should be transformed into a constitutional conference to pass the permanent constitution, and*
- ⇒ Once adopted in the grander scheme of the political settlement, the resolutions of the National Dialogue Conference should be binding on all the parties to the Peace Agreement and should be treated as part of the broader peace settlement in the country.*

¹ The Sudd Institute is grateful to the Embassy of the Kingdom of Norway in South Sudan for funding.

1 Introduction

The search for a comprehensive peace in South Sudan is an urgent demand of all the people, most of whom are distraught and made anxious by the war-induced stresses. Indisputable is the truth that the war in South Sudan is horrendous and with which the ordinary South Sudanese can no longer cope as it increasingly turns towards a catastrophe. For example, The United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), reports that 7 million South Sudan need humanitarian support in 2018 and 5.1 million were served in 2017². Based on the OCHA's Humanitarian Bulletin, 700,000 South Sudanese became refugees in neighboring countries in 2017 alone and 2 million in total are now refugees since 2013³. The same source indicates that more than 85% of the refugees are women and children. Essentially, the future of the country is at risk. United States Agency for International Development (USAID) reported additional 2 million South Sudanese displaced internally; 218,000 of these are at the UN Protection of Civilian Sites (PoCs)⁴. The same report indicates that the US government alone has contributed nearly 2.7 billion dollars towards humanitarian operations from 2014 to 2017.

These statistics indicate a crisis that is enormous, which can no longer be ignored and calls for an immediate end to the conflict. All the warring parties know quite well the yearning for peace at the grassroots is fiercely exigent, expecting no less than a genuine and an immediate end to the conflict. Although the parties outwardly display the desire to end this war, they are caught in a dangerous zero-sum power game that sometimes clouds their judgment to notice the suffering they have inflicted on the people they claim to be representing and fighting for. Numerous attempts to end the conflict have been made but few meaningful results have come of them. Part of the problem for these efforts, some internal initiatives and others sponsored by other countries and organizations, is that they have been by and large operated paralleled to one another, often with very little attempt made to merge them.

To support the pursuit of a comprehensive peace in the country, this Dialogue Brief makes a case for the merger of the National Dialogue process and the on-going High-level Revitalization Forum (HLRF). The argument is simple—that neither the National Dialogue nor the HLRF has all the ingredients to resolve the conflict comprehensively singlehandedly. Merging the two processes creates strong synergies that could produce a

² <http://www.unocha.org/south-sudan>

³ https://reliefweb.int/sites/reliefweb.int/files/resources/SS_180118_OCHA_SouthSudan_Humanitarian_Bulletin01.pdf

⁴

https://www.usaid.gov/sites/default/files/documents/1866/south_sudan_fs10_08-04-2017.pdf

lasting solution⁵. This proposition is informed by the fact that the National Dialogue process cannot achieve a comprehensive peace alone because it does not tackle two critical issues: ceasefire and power sharing, which are critical in achieving a political agreement. The HLRF process, on the other hand, is inadequate in the sense that it is an elite process, mainly concerned with a political compromise at the top while failing to consider grassroots grievances. It simply does not sufficiently include the voices of ordinary citizens. A combination of the two processes potentially addresses these deficiencies for a possible comprehensive peace settlement. The sequence is clear, start with the political settlement and end with the National Dialogue. The rationale for this is evident in the fact that political settlements alone do not address the many local level dynamics that often drive conflict and violence. For example, many peace deals that have been made thus far have not been able to reduce violence at local levels. Likewise, the national dialogue is being viewed by those in the opposition as a government project that is aimed at delaying peace.

The rest of the paper is organized as follows. The first part reviews the Agreement on the Resolution of Conflict in South Sudan and its core provisions as a mechanism for addressing the conflict. It also looks at its shortcomings, which contributed to its collapse in 2016. The second part reviews the on-going Revitalization process and its potential to restoring peace in the country. The paper speculates on its limitations. The third part provides overview into the National Dialogue, its objectives, its potential as a solution to the conflict, and the challenges it faces. Fourth, the paper investigates the link between the two processes, focusing on synergies and prospects for a permanent solution to the crisis in South Sudan. The last part concludes with actionable recommendations.

2 The Agreement on the Resolution of Conflict in South Sudan

The Agreement on the Resolution of Conflict in South Sudan (ARCSS) has a total of nine chapters covering governance, security, humanitarian assistance, economic recovery and reforms, transitional justice, accountability, and reconciliation mechanisms, and the making of a permanent constitution. Two of these chapters, I and II, are indispensable. Chapter I is about the Transitional Government of National Unity and the power sharing mechanism. Chapter II deals with the Permanent Ceasefire and Transitional Security Arrangements. These two provisions are arguably the most serious and form the basis of the elite's Agreement. It can be argued, therefore, that lack of any meaningful implementation of the two provisions renders the Agreement ineffective.

The governance and security chapters suffered great setbacks when fighting broke out at the State House in July 2016, stalling the implementation of the peace accord. The fighting in Juba saw Dr. Riek Machar trekking to the Congo, making his position vacant. Gen. Taban Deng Gai subsequently replaced Dr. Riek as an SPLM/SPLA-IO

⁵ See Dr. Francis Deng opening statement at <https://www.ssnationaldialogue.org/press-release/statement-dr-francis-mading-deng-revitalization-forum-addis-ababa/>

representative to the Agreement. This move effectively divided the SPLM/SPLA-IO into two factions and created a serious predicament for the peace process. Since then, Riek's faction has pronounced the Agreement dead while Taban's faction claims otherwise.

The government and the SPLM/SPLA-IO faction under General Taban and other parties have all been hesitant to disown the Agreement, even as the fighting actually spreads to more areas after the Juba incident, greatly straining the viability of the Agreement. This is because the Transitional Government of National Unity (TGoNU) has its legitimacy pegged on the Agreement that created it. The mediators and the guarantors of the Agreement have also been committed to the ARCSS, although recently advocating for an inclusive, revitalized process.⁶ For the mediators and guarantors, the Agreement remains the basis for consensus building despite its shortfalls. Lack of certainty on the status of the Agreement had been a major source of anxiety among citizens, coupled with the worsening security and humanitarian crises in the country. While the resumption of violent confrontations in July 2016 could be blamed for the breakdown of the Peace Agreement, there were flaws inherent in the ARCSS that are partly responsible for the impasse.

One serious shortcoming of the ARCSS is the presence of two armies in a single city. This created very high tensions and eventually led to the resumption of conflict and the collapse of the two critically important chapters of the Agreement referenced earlier. Another fault of the ARCSS is the power sharing deal, which gives the President and the 1st Vice President nearly equal powers. The President does not make any decisions that the 1st VP does not endorse. This forms a recipe for power-struggle as the Agreement actually creates two centers of authority in the country. What makes the situation even more precarious is the fact that the parties are not equal in terms of military strength on the ground; the government has an upper hand. It was also problematic that both the armies and the political elite had not cooled off before putting them in one space. They had fought a particularly vicious war for two good years and antagonistic feelings were quite intense, hence the inability to tolerate each other's mistakes.

Finally, another mistake was the Agreement's attempt to divide South Sudan regionally, giving the armed opposition control over the Upper Nile, an oil producing region. The government vehemently objected to this arrangement. These efforts were interpreted as an attempt by the opposition to carve out a territory as its stronghold. The government countered this plan by dividing the country into 28 and 32 states, respectively. This action, of course, was understood by the opposition as an effort to undermine the Peace Agreement, forming one of the most serious threats to the implementation of the ARCSS.

Nevertheless, the on-going efforts by the IGAD mediation team to revive the Peace Agreement are commendable. The High-Level Revitalization Forum came as a result of over a year of uncertainty and impasse on the implementation of the ARCSS, and the IGAD Heads of State and Government saw the need for a new momentum towards full

⁶ It was described by President Mogae, the head of Joint Monitoring and Evaluation Commission, as being in a comma but can be resuscitated.

implementation of the 2015 Agreement. The parties have so far agreed to move forward with this process, despite challenges.

3 High-Level Revitalization Forum

Following the 31st Extra-Ordinary Summit of IGAD Assembly of Heads of State and Government on the 12th of June 2017 in Addis Ababa, Ethiopia, a Communique was issued that declared their intention to revitalize the Peace Agreement. The revitalization forum has three main objectives. The first of these is the restoration of the permanent ceasefire. The second is the full implementation of the agreement as signed in 2015. The final objective is to develop a realistic timeline in terms of the implementation schedule toward a successful conduct of democratic elections at the end of the transitional period⁷.

The main premise of the HLRF is that the ARCSS forms the basis of a political settlement in South Sudan. What ARCSS needs then is revitalization, which simply means putting new impetus into its implementation. Particularly, the quest for the restoration of the collapsed Permanent Ceasefire is in order. In recognition of the newly emerged armed groups, HLRF advocates for a new category of stakeholders called “estranged groups” to be included in the ARCSS. Looking at the Agenda of the HLRF, it is evident that the parties are likely to agree on all of the articles, not just in an effort to restore the Agreement, but also to make room for the many stakeholders that were not part of the ARCSS as signed in 2015.

Assuming that the parties will reach a Peace Agreement, it would largely mean a new power sharing deal and a new security arrangement. Achieving an elite consensus is a necessary condition to moving forward because it will silence the guns and pave way for a meaningful national dialogue process. However, the weaknesses inherent in the ARCSS discussed in this brief will not disappear completely. For example, ARCSS will continue to suffer from lack of a framework that addresses grassroots grievances, possibly garnering limited support and requisite voice of the ordinary citizens. This is where sequencing the ARCSS with the National Dialogue becomes extremely important.

4 The South Sudan National Dialogue

President Salva Kiir declared the intention of his government to facilitate a broad-based National Dialogue among the people of South Sudan in December 2016, with an overarching objective to end all violent conflicts in South Sudan, to constitute national consensus, and to save the country from disintegration and foreign interference. In the

⁷ The stated objectives of the revitalization as stated in the communique include: *to urgently convene a High-level Revitalization Forum (HLRF) of the parties to the ARCSS including estranged groups to discuss concrete measures, to restore permanent ceasefire, to full implementation of the Peace Agreement and to develop a revised and realistic timeline and implementation schedule towards a democratic election at the end of the transition period.*

President's view, National Dialogue is both a forum and a process through which the people of South Sudan shall gather to redefine the basis of their unity as it relates to nationhood, citizenship and a sense of belonging, restructuring of the state and renegotiation of the social contract, and the regeneration of people's aspirations for development and membership in the community of nations⁸.

For the South Sudan National Dialogue to be successful, a three-stage process is envisioned. This process starts with a grassroots consultation in the former 79 counties, plus Abyei. The consultation has a key focus: it asks the people of South Sudan what they think led to the current situation in the country and what do they suggest is the way out. At the grassroots, citizens select their delegates to the next level of the Dialogue process, which is the regional conference. At the regional conference, the delegates deliberate on local, regional, and national issues that they believe created the conflict, consequently arriving at resolutions, which get forwarded to the National Dialogue Conference. At the end of the regional conferences, delegates to the National Conference get elected. For the purposes of the National Dialogue process, a region is defined as any of the former 10 states of South Sudan, plus Abyei and Pibor Administrative Areas. Based on this definition, there are 12 regions that are designated to hold regional conferences. At the end of the regional conferences, a national conference shall be convened.

To manage the National Dialogue process, a Steering Committee, made up of the leadership, secretariat, 15 subcommittees, and the plenary, has been established. The leadership is made up of 9 people—2 co-chairs, a deputy, the rapporteur, his 2 deputies, and 3 members. The expanded leadership includes 15 leaders of the subcommittees and heads of the Secretariat. The Steering Committee is tasked primarily with the facilitation of the National Dialogue process and the development of the National Conference agenda.

The National Dialogue process addresses fundamental problems at the grassroots, aiming to involve the ordinary citizens in state and nation building processes. The specific objectives of the National Dialogue include: ending political and communal violence, reforming the military, redefining and re-establishing the national unity, restructuring the state and social contract reaffirmation, developing a mechanism for managing diversity, achieving an agreement on a mechanism for allocation and sharing of resources, the return of internally displaced persons and refugees, and building a consensus on steps and guarantees for safe, free, fair, and peaceful elections and transition.

5 Principles of National Dialogue South Sudan Context

Even with all the structures in place, the National Dialogue could still fail if it does not conform to fundamental principles common to all dialogues. The United States Institute of Peace (USIP) published a Peace Brief in October 2015 outlining the key principles of National Dialogue. National dialogues in general are tools for conflict resolution and political transformation, because they broaden the debate about a country's future

⁸ See the *President's National Dialogue Concept Note*

(Stigant & Murray, 2015). Dialogue dialogues provide an opportunity for meaningful conversation about the underlying drivers of conflict and ways to holistically address these drivers (Stigant & Murray, 2015).

The first principal of dialogue is inclusion, meaning inviting an array of stakeholders to partake in the process, especially being able to include groups that are normally not included such as women, youth, and people with special needs. Second, the process must be transparent and allows for public participation so as to get acceptance. Third, dialogues are political processes, so they require a credible convener—that is someone with impeccable sense of integrity, has experience, and is trusted by most of the stakeholders. Fourth, the process must have an agenda that addresses the root causes of conflict. Fifth, the process must have a clear mandate, requisite structures, and clear rules and procedures to guide it. Lastly, the process must have an agreed mechanism for implementation of the outcomes.

These principles are obviously not controversial, but they are not as easy to meet without deeper conceptualization of the value they represent in the process. It might be of great interest for many people to know how South Sudan National Dialogue process is doing in observing these principles. We begin with inclusivity. The South Sudan National Dialogue design is very inclusive in that it tries to reach out to citizens across the country and outside. For example, grassroots consultations are being conducted in 80 former counties. In the consultation, up to eleven stakeholders are identified as participants, who comprise at least 25% women, 25% youth, and so forth. However, there are important constituencies that are not included—armed and unarmed opposition groups outside the country. They demand a political agreement first before they can be involved in the national dialogue process. Grassroots consultations are also not happening in armed opposition-controlled areas for the same political reasons. As such, while the process tries to be inclusive, there are both political and security reasons that limit the application of this principle to the desired level.

In terms of transparency and public participation, the South Sudan National Dialogue process is arguably transparent and open to all to participate in, with proceedings broadcast live. People also have access to the website where they can post their comments about the process.

On the third principle, the President was initially the Patron of the process, but many objections were raised, so veteran politicians, H. E. Abel Alier and Hon. Angelo Beda were appointed as conveners of the process. Both men have a lot of respect from all the parties and stakeholders, however, some citizens complain that the duo got appointed by the President and not elected by all the stakeholders.

On the agenda principle, the Steering Committee of the National Dialogue is tasked with two important duties; first, the Committee is to facilitate the National Dialogue process and second, develop an agenda for the National Dialogue Conference. The process therefore has clear goal and roadmap. Finally, on the agreed mechanism for

implementation, this is still missing, but it will come out as a part of the adoption of the National Conference agenda.

6 Merging the National Dialogue and the HLRF Processes

The link between the National Dialogue process and the HLRF is clear. The Revitalization Forum aims at finding a political solution to the conflict and to create consensus among the military and political elites. In other words, it is about a new power configuration that will accommodate the political and military class. While an elite pact is extremely important, it is not always sufficient to address a deeply divisive conflict, such as the on-going conflict in South Sudan. South Sudan is fortunate in this particular instance because it has two processes that are ideally complementary. The National Dialogue process, which is grassroots centered, should be a second stage in the restoration of stability in the country.

In the context of the broader peace process, the National Dialogue serves very important objectives. First, it serves as a forum to popularize the Agreement and consolidate its acceptance and implementation. Second, it supplements the Agreement and rectifies its inherent weaknesses, making it more acceptable to the country's greater constituency. Third, it goes beyond the Agreement as it addresses grassroots grievances, restoring communal relations. More importantly, the National Dialogue process restores people's sovereignty through a collective decision on the future of their country, as opposed to a few self-appointed politicians doing it on their behalf. Lastly, the National Dialogue creates a culture of dialogue that stands in sharp contrast with the prevailing culture of violence in the country.

In light of all these synergies between the National Dialogue and the HLRF, the two processes should be merged. To merge the two processes means that the parties to the Agreement at the HLRF Forum should formally Agree to the conduct of the National Dialogue process as an integral part of the broader peace settlement. In practical terms, the National Dialogue process should be integrated into the Peace Agreement, with its resolutions forming part of the implementation strategy. More specifically, the National Dialogue process should partly influence the production of the permanent constitution. It should serve as a forum where fundamental issues, such as the structure of the state, the question of federalism and governance, and reform items, are discussed and decided upon.

In recognition of the fact that the opposition groups were not part of the initial declaration of the National Dialogue, it may become necessary to reconstitute or expand the National Dialogue Steering Committee to create room for the other parties to the conflict. However, reconstitution or expansion of the Steering Committee should consider issues of continuity, institutional memory, and a recognition of the ground work that is already laid, including the ongoing grassroots consultations process. The expanded Steering Committee would reach out to the opposition areas for further consultations and prepare the regional conferences and the National Conference agenda.

7 The Need for International Support to the National Dialogue

Since the start of the South Sudan National Dialogue process, there has been a lot of skepticism, especially among the international partners. This is understandable because the National Dialogue process was announced at a time when the country was nearly collapsing, and the government was met with growing disapproval. Being that the National Dialogue is a political process, many partners felt that it is too risky to be sucked into it. Particularly, there was a general feeling that the Agreement was stalled, and partners did not want to help the government in avoiding genuine political process that involves opposition. For some, they went as far as saying that the National Dialogue process was a sham designed to derail the whole political process and give the government extra miles in its quest for political survival. This is consistent with one of the findings of the USIP, which points to the fact that a National Dialogue could become antithesis of political transformation and peace (Stigant & Murray, 2015). In essence, the hesitation to support the National Dialogue is not on the substance of what the process tries to achieve, rather it has largely been the political uncertainty in the country and the fear of being seen as bias.

The National Dialogue process, however, has made a lot of progress in terms of allaying the fears of partners and demonstrating that the body is independent, and it has the intention to conduct a credible process. Citizens who feared being arrested if they spoke their minds have so far participated fully in the process without any reprisals. The government has also proven by its actions that it is serious about the process and has largely financed the National Dialogue process, except for the little support from Japan, administered through the UNDP and the air support by UNMISS. These actions point to the seriousness with which the people of South Sudan want this dialogue process to succeed. Ordinary citizens have told the committees point blank that they do not have much faith in the IGAD led process, but they think the National Dialogue has what is required to achieve peace in the country.

The support of the international partners is therefore imperative because their interest is the restoration of peace in South Sudan, which, naturally, is the objective of ordinary South Sudanese and the National Dialogue process. The success of the national dialogue process and the implementation of its outcome requires international support, moral, political, financial, and technical inputs. In fact, if the two processes are merged, the political risks associated with its support dissipate, as all the parties will be active participants.

8 Recommendations

- ⇒ The parties to the Agreement should recognize the importance of the National Dialogue process to the broader achievement of peace in the country.
- ⇒ The IGAD mediators and the international partners should recognize and support the National Dialogue process as an integral part of restoring peace and stability.
- ⇒ The HLRF and the National Dialogue processes should be merged and sequenced because doing so affords the country a greater chance for sustainable peace.
- ⇒ In the spirit of National Dialogue and to accommodate the views and interests of the other parties, the National Dialogue Steering Committee should be reconstituted or expanded.
- ⇒ The National Dialogue process should be transformed into a constitutional conference to pass the permanent constitution.
- ⇒ Once adopted in the grander scheme of the political settlement, the resolutions of the National Dialogue Conference should be binding on all the parties to the Peace Agreement and should be treated as part of the broader peace settlement in the country.

Bibliography

- Awolich, A. A., Jok, J. M., Tiitmamer, N., & Mayai, A. (2017, November 21). The Revitalization of the ARCSS and the Prospects for Peace in South Sudan. *The Sudd Institute*. Juba, South Sudan.
- Deng, D. F. (2017, April 3). National Dialogue: A Policy Framework. Juba, South Sudan.
- Deng, D. F. (2017, December 18). *Press releases and statements*. Retrieved from South Sudan National Dialogue: <https://www.ssnationaldialogue.org/press-release/statement-dr-francis-mading-deng-revitalization-forum-addis-ababa/>
- Deng, D. F. (2017, August 15). *Publications*. Retrieved February 2018, from The Sudd Institute: National Dialogue: A Critical Perspective
- Deng, D. F. (2017, July 14). *Publications*. Retrieved from The Sudd Institute: <https://suddinstitute.org/publications/show/5969a940af43a>
- Deng, D. F. (2017, July 5). *The Sudd Institute Publications*. Retrieved from The Sudd Institute: <https://suddinstitute.org/publications/show/595d3c425be3b>
- Institute, T. S. (2017, April 3). *The Sudd Institute Publications*. Retrieved from The Sudd Institute: <https://suddinstitute.org/publications/show/58e21103bbef6>

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

Abraham A. Awolich is a founding member of the Sudd Institute and currently runs administration and finance department. Awolich is a policy analyst and his research interests are in public administration, development, decentralization, NGO and public management, budgeting and public finance, community development, organizational justice and all poverty related issues.