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## Finding Peace in Uncertain Times: South Sudan and the Revitalised Peace Process

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# Abstract

South Sudan's latest peace deal has been lauded as a milestone in the country's long road to peace and stability. The Revitalised Agreement for the Resolution of Conflict in South Sudan (R-ARCSS) outlines power-sharing arrangements between rivals President Salva Kiir and main rebel/opposition leader Riek Machar, and provides a blueprint for a sustainable peace and democratic transition. Despite this welcome development, South Sudan's revitalised peace process has been marred by delays, uncertainty, divisions and the regionalisation of the conflict. As a result, key issues relating to state boundaries and security arrangements remain unresolved, leaving the primary drivers of the conflict untouched. The civil war in South Sudan – which broke out in 2013 – has cost an estimated 400 000 lives, displaced millions and plunged the nascent country into a state of deprivation. South Sudan and its people must urgently facilitate a return to peace, stability, reconciliation and unity. This paper contextualises the agreement, examines its contents and presents the key enablers of and barriers to the success of the revitalised peace process.

## Introduction

South Sudan's long-running peace process reached a milestone on 12 September 2018 when the Revitalised Agreement on the Resolution of Conflict in South Sudan (R-ARCSS) was signed. The agreement was the product of months of dialogue and negotiations led by the Intergovernmental Authority on Development (IGAD).<sup>1</sup> The R-ARCSS has brought a formal end to a war that has devastated the country since 2013. It prescribes a power-sharing arrangement and details the country's road to peace. However, since the signing of the agreement the peace process has been characterised by delays, uncertainty and divisions, causing anxiety among many of South Sudan's citizens and in the international community.

Since the signing of the agreement the peace process has been characterised by delays, uncertainty and divisions

The pre-transitional period was due to end on 12 May 2019, ushering in a Revitalised Transitional Government of National Unity (RTGoNU) led by President Salva Kiir and First Vice President Riek Machar. However, after implementation delays and a failure to resolve

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<sup>1</sup> IGAD is an eight-country trading bloc in the Horn of Africa comprising Uganda, Sudan, Kenya, Eritrea, South Sudan, Djibouti, Somalia and Ethiopia.

key contentious issues, the parties to the agreement agreed to push the deadline back by six months, to 12 November 2019.<sup>2</sup> In an indication of how tenuous the truce is between South Sudan's rival leaders, the November deadline was later extended by another 100 days, to 22 February 2020.

Among the issues that caused delays and were yet to be resolved were the security arrangements and state boundaries. The RTGoNU was eventually formed after Machar was appointed first vice president on 22 February 2020. The inauguration of the new unity government has been the most progressive step since the signing of the revitalised agreement and arguably since the civil war began over six years ago.<sup>3</sup> Yet despite this welcome development, and at the time of writing, the situation in South Sudan remains in flux and thus the recommendations herein are contingent on future developments.

**The war in South Sudan has killed an estimated 400 000 people and displaced 4 million more**

The war in South Sudan, which broke out in December 2013 after a struggle for power within the government and the ruling party (Sudan People's Liberation Movement/Army, or SPLM/A), has killed an estimated 400 000 people and displaced 4 million more.<sup>4</sup> What began as a dispute over power and resources morphed into an ethnically loaded conflict between forces loyal to Kiir (from the Dinka ethnic group) and Machar (from the Nuer ethnic group) respectively. The civil war has created significant humanitarian, economic and socio-political challenges for the young country. Following the collapse of previous peace agreements, the situation in South Sudan is now graver than ever. Failure to fully implement the R-ARCSS risks plunging the country back into war.

## How did we get here?

When South Sudan gained its independence from neighbouring Sudan in 2011, few could have imagined that the once-hopeful country would immediately descend into yet another civil war. Its independence had been facilitated by the Comprehensive Peace Agreement

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2 "South Sudan Rivals Agree to Delay Forming Government", *Al Jazeera*, May 3, 2019, <https://www.aljazeera.com/news/2019/05/south-sudan-rivals-agree-delay-forming-government-190503183006336.html>.

3 Ashley Quarcoo, "Unity Government Rekindles Hopes for Peace in South Sudan", Carnegie Endowment for International Peace, February 27, 2020, <https://carnegieendowment.org/2020/02/27/unity-government-rekindles-hopes-for-peace-in-south-sudan-pub-81173>.

4 Megan Specia, "383 000: Estimated Death Toll in South Sudan's War", *New York Times*, September 26, 2018, <https://www.nytimes.com/2018/09/26/world/africa/south-sudan-civil-war-deaths.html>.

of 2005, which gave South Sudan regional autonomy and a portion of the national wealth. It upheld the South Sudanese people's right to decide – through a referendum – whether to remain in a united Sudan or to secede and become an independent state.<sup>5</sup> However, violent conflict erupted on 15 December 2013 in the wake of a power struggle within the government and the ruling party. Many in the SPLM had lost confidence in Kiir and felt that the party had lost direction and had no coherent programme for national development and unity. This led to prominent politicians within the SPLM such as Machar, Pagan Amum, Nhial Deng Nhial and Rebecca Nyandeng announcing that they would contest Kiir for the chairmanship of the ruling party.<sup>6</sup> In response, Kiir dismissed his entire cabinet, including then vice president Machar, in an attempt to purge and weaken his political rivals before the SPLM's National Liberation Conference in December 2013. By the time the Political Bureau of the SPLM met in December, the seeds for a confrontation between Kiir and his detractors (coalescing around Machar and the newly formed SPLM/A-In Opposition, or SPLM/A-IO) had been sown. A spat between rival ethnic groups in the presidential guard on 15 December 2013 catalysed widespread fighting and paved the way for the Juba Massacre, forcing Machar to flee the capital and country. Forces were mobilised for an insurgency. With the violent conflict spreading to other parts of the country, a civil war was ignited.<sup>7</sup>

Following the outbreak of war, IGAD, in accordance with the AU's principle of subsidiarity and its previous peacemaking experiences in Sudan, was tasked with mediating between the warring parties and finding a blueprint for sustainable peace. The AU Commission of Inquiry on South Sudan, chaired by former Nigerian president Olusegun Obasanjo, was established to complement the formal mediation process led by IGAD and mandated to investigate gross human rights violations, war crimes and crimes against humanity committed since the outbreak of violence in December 2013.<sup>8</sup>

IGAD's initial process unfolded in two phases. Phase one focused on a cessation of hostilities agreement and the release of political prisoners; phase two sought to broaden the scope and agenda of the peace process to include a sustainable political settlement and broad-based structural reforms.<sup>9</sup> However, the mediation process lacked impartiality and inclusivity, as regional interests came to dominate it.<sup>10</sup> Nonetheless, the first phase of the peace process led to the signing of a cessation of hostilities agreement in January 2014. The agreement committed the government and opposition forces to cease attacks against civilians, freezing their forces and halting offensive operations. It also established

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5 David Deng, *Compound Fractures: Political Formations, Armed Groups and Regional Mediation in South Sudan*, East Africa Report (Johannesburg: Institute for Security Studies, 2018), 1–24.

6 Douglas Johnson, "Briefing: The Crisis in South Sudan", *African Affairs* 113, no. 451 (2014): 306.

7 The Juba Massacre took place in December 2013, following clashes between government and opposition forces. South Sudanese soldiers, most of whom were from the Dinka ethnic group and loyal to President Salva Kiir, fired indiscriminately in highly populated areas and targeted people of Nuer ethnicity. Scores of civilians died and many more were displaced as the violence intensified and continued in Juba.

8 Dimpho Motsamai, *Assessing AU Mediation Envoys: The Case of South Sudan*, East Africa Report (Johannesburg: ISS, 2017), 2.

9 Zach Vertin, *A Poisoned Well: Lessons in Mediation from South Sudan's Troubled Peace Process* (New York: International Peace Institute, 2018), 1–22.

10 Vertin, *A Poisoned Well*, 4.

a monitoring and verification mechanism.<sup>11</sup> As expected, the agreement was repeatedly violated by the warring parties. The second phase of the process laboured on for 20 months, fatiguing international actors and prompting the expansion of the mediation team to include the IGAD-Plus.<sup>12</sup>

After much foot-dragging and threats of UN sanctions, the ARCSS was signed on 15 August 2015. It had the following key features:

- a coalition government based on power-sharing between the government, the SPLM/A-IO and the SPLM-Former Detainees (FDs);
- a permanent ceasefire;
- transitional security arrangements; and
- the establishment of a hybrid court to try those accused of war crimes.<sup>13</sup>

Under the agreement, Kiir would remain president of South Sudan, with Machar filling the position of vice president. The transitional period would facilitate and ensure the acceleration of constitutional reforms, economic stability, justice and social reconciliation before the election of a new and democratic government.<sup>14</sup>

Upon Machar's return to South Sudan in July 2016 for the formation of the Transitional Government of National Unity (TGoNU), clashes between the SPLA-In Government (SPLA-IG) and the SPLA-IO in Juba heralded the collapse of the 2015 ARCSS and the renewal of violence.

The ARCSS collapsed for several reasons. First, important provisions in the agreement that sought to demilitarise Juba by installing an external third-party force were ditched at the behest of Ugandan President Yoweri Museveni. As a result Machar had to return to Juba with his own security forces, placing the SPLA-IG and SPLA-IO forces in close proximity in the capital amid extreme distrust between the two factions. The consequent outbreak of violence was a natural outcome of the failure of the security arrangements contained in the ARCSS. Second, armed parties to the agreement used the provision that called for the cantonment of forces to mobilise new forces across the country and in areas that had enjoyed relative peace until then.<sup>15</sup> Third, Kiir unilaterally expanded the number of states from 10 to 28, then to 32. This move was viewed by many as an attempt by the central government to gerrymander power into the hands of the Dinka ethnic group and to

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11 Vertin, *A Poisoned Well*, 3.

12 The IGAD-Plus comprises IGAD member states, the AU, UN, China, US, UK, EU, Norway and the IGAD Partners Forum.

13 The pre-transitional provisions of the agreement would be implemented over a period of six months, after which a Transitional Government of National Unity (TGoNU) would be formed to oversee a 30-month transitional period.

14 Mesfin Gebremichael et al., "South Sudan Conflict Insight" (Conflict Analysis and Insights 2, Institute for Peace and Security Studies, Addis Ababa, 2018), 5.

15 Alex de Waal, "South Sudan: The Perils of Payroll Peace" (Memo, London School of Economics and Political Science, London, March 2019), 7. Cantonment refers to the process of (re)locating armed groups or militaries to semi-permanent camp sites where they undergo training, retreat or prepare for advances.

(re)distribute administrative patronage at all levels of the state as part of a 'payroll peace'.<sup>16</sup> Fourth, the implementation of key pre-transitional provisions of the agreement was far behind schedule by the time the TGoNU was formed, indicative of Kiir's lack of political will and commitment to the peace process.<sup>17</sup> It should be noted that Kiir only reluctantly signed the ARCSS.<sup>18</sup> In a foreboding public statement made in September 2015, Kiir had proclaimed that<sup>19</sup>

the ARCSS is the most divisive and unprecedented peace deal ever seen in the history of our country and the African continent at large ... There is no doubt in my mind that the implementation of some of the provisions of the Agreement will be confronted by practical difficulties that will make it inevitable to review or amend such provisions.

As the peace deal unravelled, Machar fled to the Democratic Republic of Congo amid attempts on his life by government soldiers.<sup>20</sup> Against the spirit of the agreement, Kiir sacked Machar as first vice president, replacing him with Taban Deng Gai, a former opposition negotiator who had broken ranks with Machar.

In response to the collapse of the ARCSS and increased pressure from the Troika (US, UK and Norway) and the EU, IGAD launched the High-Level Revitalisation Forum (HLRF) in June 2017 to revitalise the agreement and so end the civil war. The mandate of the HLRF was to restore a permanent ceasefire, fully implement the ARCSS and revise its implementation schedule.<sup>21</sup> The HLRF brought together the government and opposition forces, leading to the conclusion of a cessation of hostilities agreement in December 2017. This was also violated shortly after coming into effect. These developments in the peace process were foreshadowed by the proliferation of new armed and political opposition groups that all saw an opportunity to enter the peace talks and get on the payroll. This spread the conflict to areas that had previously been peaceful. Factions that had defected from the government and/or opposition SPLM-IO, such as the National Democratic Movement and the National Salvation Front (NAS), were integrated into the revitalised peace process under the banner of the South Sudan Opposition Alliance (SSOA).<sup>22</sup>

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16 Payroll peace can be defined as the practice of planting various soldiers and civil servants on the state's payroll as a reward and incentive for accepting a particular peace agreement. This has become a commonplace practice in South Sudan, as witnessed in the CPA, ARCSS and now the R-ARCSS.

17 Deng, *Compound Fractures*, 6.

18 Clayton Vhumbunu, *Conflict Resurgence and the Agreement on the Resolution of the Conflict in the Republic of South Sudan*, Conflict Trends 3 (Durban: African Centre for the Constructive Resolution of Crises, 2016). Kiir's reservations about the ARCSS dealt with, but were not limited to, the scope of the transitional security arrangements, the structure and composition of state governorships, the powers and mandate of the vice president in the TGoNU and the transitional justice mechanisms proposed in the agreement.

19 "Statement of HE President Salva Kiir Mayardit to the Nation on the Agreement of the Resolution of the Conflict in the Republic of South Sudan", *The Sudan Tribune*, September 15, 2015, [http://www.sudantribune.com/IMG/pdf/20150915\\_statement\\_of\\_h\\_e\\_presidentsalva\\_kiir\\_mayardit.pdf](http://www.sudantribune.com/IMG/pdf/20150915_statement_of_h_e_presidentsalva_kiir_mayardit.pdf).

20 *Reuters*, "Riek Machar Flees S Sudan, 'in Care' of DRC Authorities", *Al Jazeera*, August 18, 2016, <https://www.aljazeera.com/news/2016/08/riek-machar-flees-sudan-care-drc-authorities-160818174515204.html>.

21 Aly Verjee, "South Sudan's High-Level Revitalisation Forum: Identifying Conditions for Success" (Peace Brief 228, United States Institute of Peace, Washington DC, August 2017), 2.

22 Gebremichael, "South Sudan Conflict Insight", 5.

After phase two and three of the HLRF stalled owing to disagreements among the parties over power-sharing, security arrangements, Machar's return to South Sudan and state boundaries, IGAD asked Sudan and Uganda to facilitate face-to-face discussions between Kiir and Machar.<sup>23</sup> In June 2018 Kiir and Machar met in Addis Ababa and then in Khartoum.<sup>24</sup> Sudanese President Omar al-Bashir's efforts gained purchase as Kiir and Machar signed the Declaration of Agreement on a Permanent Ceasefire, commonly known as the Khartoum Declaration, on 27 June 2018. The declaration laid the foundations for subsequent negotiations and the final revitalised peace deal.

The R-ARCSS was signed in Addis Ababa on 12 September 2018, and draws considerably from the ARCSS.<sup>25</sup> Initially, it was to be implemented in two phases: a pre-transitional period of eight months would lead to the formation of the Revitalised Transitional Government of National Unity (R-TGoNU) for three years, and which elections would be held two months before the end of the transitional period.<sup>26</sup> As such, the R-TGoNU was due to be formed on 12 May 2019. However, following delays in the implementation of the deal's provisions, the deadline was extended by six months to 12 November 2019. With the new deadline looming, IGAD agreed to extend the November deadline by another 100 days to 22 February 2020. This came after Machar warned that he would not be part of the R-TGoNU because the necessary security arrangements for his arrival in Juba were not in place.<sup>27</sup>

The unity government was formed on 22 February 2020 after Machar was appointed as the country's first vice president. Yet much remains unclear about the details and future of the new unity government

The unity government was formed on 22 February 2020 after Machar was appointed as the country's first vice president. Yet much remains unclear about the details and future of the new unity government, including who will occupy the 35 ministerial positions, the legislative seats and other provisions contained in the agreement. However, the revitalised agreement does outline a new power-sharing arrangement, as well as the infrastructure needed to monitor and evaluate the ceasefire and the implementation of the pre-transitional

23 International Crisis Group, *Salvaging South Sudan's Fragile Peace Deal* (Brussels: Crisis Group, 2019), 4.

24 Crisis Group, *Salvaging South Sudan's Fragile Peace*, 4.

25 Peter Nyaba, "The Fundamental Problems of South Sudan: How to Sustain Peace and Conditions of Socioeconomic Development", *The Zambakari Advisory: Special Issue* (Spring 2019): 20–25.

26 Joint Monitoring and Evaluation Commission South Sudan, "Summary of the Revitalised Agreement on the Resolution of Conflict in the Republic of South Sudan (R-ARCSS)", September 12, 2018, <https://www.jmecsouthsudan.com/index.php/arcss-2015/agreement-summary/130-summary-of-the-revitalized-agreement-on-the-resolution-of-the-conflict-in-the-republic-of-south-sudan-r-arcss-12-september-2018/file>.

27 Denis Dumo, "South Sudan's Machar Says Unlikely to be Part of Unity Government by Nov 12", *Reuters*, October 20, 2019, <https://www.reuters.com/article/us-southsudan-politics-un/south-sudans-machar-says-unlikely-to-be-part-of-unity-government-by-nov-12-idUSKBN1WZ0JR>.

provisions. It also outlines the procedure for accessing humanitarian assistance; instructs the parties to the agreement on how to manage the country's resources; and defines how the agreement will be integrated into the Transitional Constitution of the Republic of South Sudan.<sup>28</sup>

A striking feature of the R-ARCSS is the structure of the executive government and legislature. While Kiir and Machar retain their positions as president and 'first' vice president respectively, the rest of the executive will consist of four more vice presidents, one of whom must be a woman.<sup>29</sup> Further, the powers of the first vice president have been cut back considerably, while those of the president have increased. Whereas in the ARCSS the first vice president would chair the cabinet clusters, coordinate the implementation of the peace agreement and oversee the preparation of the TGoNU business and programmes, the R-ARCSS strips these powers from him and gives them to the president.<sup>30</sup> At the state and local levels, power-sharing is reconstituted to include the new parties to the agreement. Power is distributed as follows:

- 55% for the incumbent government;
- 27% for the SPLM/A-IO;
- 10% for the SSOA;
- 8% for other political parties; and
- three of the 35 state ministerial positions for the FDs.<sup>31</sup>

The agreement provides for a bloated leadership with potentially the largest parliament in the region, the highest ratio of cabinet officials to population in Africa and one of the highest MP-to-population ratios in the world

Moreover, the number of legislators has increased in the R-ARCSS to 550 Members of Parliament (MPs) – up from 400 in the ARCSS.<sup>32</sup> In effect, the agreement provides for a bloated leadership with potentially the largest parliament in the region, the highest ratio of cabinet officials to population in Africa and one of the highest MP-to-population ratios

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28 Sandra Tombe, "Revitalising the Peace in South Sudan: Assessing the State of the Pre-Transitional Phase" (Conflict Trends 2019/1, Accord, Durban, 2019), <https://www.accord.org.za/conflict-trends/revitalising-the-peace-in-south-sudan/>.

29 Tombe, "Revitalising the Peace".

30 Tombe, "Revitalising the Peace".

31 JMEC, "Summary of the Revitalised Agreement", 7.

32 De Waal, "South Sudan: The Perils", 8.



in the world.<sup>33</sup> It promises a job for everyone in the ‘political marketplace’, thus failing to subvert the logic of payroll peace.<sup>34</sup>

Unsurprisingly, the political elite in South Sudan has emphasised the power-sharing provisions in the run-up to and after the formation of the R-TGoNU, neglecting other key provisions related to transitional justice mechanisms such as reparations, institutional reforms and the proposed hybrid court.

## Main barriers to progress

There was growing anxiety among South Sudanese citizens and the international community that the R-TGoNU would not be formed by the extended deadline of 22 February 2020, despite assurances from the parties. Without the formation of the R-TGoNU, the peace deal would almost certainly collapse again. What has been especially worrisome since the signing of the agreement in 2018 is the frustratingly slow speed of implementation.<sup>35</sup> Of all the institutions and mechanisms that need to be set up or reconstituted, only the National Pre-Transition Committee, the Reconstituted Joint Monitoring and Evaluation Commission and the Ceasefire and Transitional Security Arrangements Monitoring and Evaluation Mechanism have been established.<sup>36</sup> Key security institutions/mechanisms were established and/or reconstituted months after their prescribed deadlines.<sup>37</sup> Half of the provisions that were expected to be completed within the first six months have not even been initiated, nine others are ongoing and four others are minimally implemented.<sup>38</sup>

It is important, however, to take stock of some of the positive developments in the implementation of the R-ARCSS. In September 2018 Kiir ordered that prisoners of war and political detainees be released from government custody. The permanent ceasefire continues to hold, except for incidences of localised violence. Further, humanitarian assistance has been provided to the people of South Sudan with little hindrance.<sup>39</sup> Scores of displaced people have returned to South Sudan from neighbouring countries and the estimated number of refugees and internally displaced persons has dropped. Additionally,

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33 De Waal, “South Sudan: The Perils”, 8. South Sudan is set to have 550 legislators with an estimated population of 11 062 113, meaning that there will be one legislator for every 20 113 people.

34 The “political marketplace” is a term coined by Alex de Waal that describes a system of governance where politics is conducted as the exchange of political services or loyalty for payment or access to structures of power. De Waal argues that the political marketplace is deeply entrenched in South Sudan.

35 Abraham Awolich, “South Sudan Peace Process: The Challenge to the Implementation of the R-ARCSS” (Policy Brief, The Sudd Institute, Juba, 2019), 4.

36 Tombe, “Revitalising the Peace”.

37 Tombe, “Revitalising the Peace”.

38 Madhav Joshi, Jason Quinn and Matthew Hauenstein, *Report of the Peace Accords Matrix Project on the Implementation of the Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) – Observation Period: September 2018 – March 2019* (Notre Dame: Kroc Institute for International Peace Studies, 2019), 13.

39 Reconstituted Joint Monitoring and Evaluation Commission, *Report by HE Amb. Lt. Gen. Augustino SK Njoroge (Rtd) – Interim Chairperson of the RJMEC – On the status of the implementation of the Revitalised Agreement of the Resolution of Conflict in South Sudan for the period 1<sup>st</sup> July 2019 – 30<sup>th</sup> September 2019*, Report 006/20 (Juba: RJMEC, 2019), 1.

the process of cantoning forces has allowed some opposition groups to free their ranks of child soldiers.

## The February 2020 deadline loomed with two key issues still unresolved: the dispute over the number of states and their boundaries, and disagreements on the security arrangements

Notwithstanding the above, the February 2020 deadline loomed with two key issues still unresolved: the dispute over the number of states and their boundaries, and disagreements on the security arrangements.

### Number of states

The issue of the number of states and their boundaries in South Sudan has been a thorny one in the peace process ever since Kiir unilaterally increased the number of states in 2015. As a result, the R-ARCSS mandated the Technical Boundary Committee (TBC), a consensual body comprising experts from IGAD and Troika member states, with defining and demarcating South Sudan's tribal areas as they stood in January 1956.<sup>40</sup> The idea was that the work and report of the TBC would feed into the work of the Independent Boundaries Committee (IBC), a body tasked with determining the number of states in South Sudan.<sup>41</sup> The IBC submitted a report on its work on 18 June 2019.<sup>42</sup> Yet the contentious issue of the number of states remained unresolved, as the report of the IBC was inconclusive on the issue and instead recommended a political solution to resolve the dispute.

The R-ARCSS provides for a referendum on the matter should the dispute over the number of states and the council of states not be resolved. This option is practically ambitious and riddled with inherent difficulties.

Mediatory initiatives by IGAD and South Africa's special envoy to South Sudan, Deputy President David Mabuza, to resolve this dispute also failed in persuading the parties to compromise.<sup>43</sup> Kiir continued to push to retain the 32-state system, while opposition groups called into question its legitimacy – arguing that it was created unilaterally and

40 Intergovernmental Authority on Development, "The South Sudan Technical Boundary Committee Submitted its Report", Press Release, March 2019, <https://igad.int/programs/115-south-sudan-office/2087-the-south-sudan-technical-boundary-committee-submitted-its-report>.

41 JMEC, "Summary of the Revitalised Agreement", 7.

42 IGAD, "The Work of the Independent Boundaries Committee Gets Underway in Juba", March 19, 2019, <https://igad.int/programs/115-south-sudan-office/2081-the-work-of-the-independent-boundaries-commission-gets-underway-in-juba>.

43 Aggrey Mutambo, "South Sudan 'Ignored Advice' on Number of States", *The East African*, December 11, 2019, <https://www.theeast-african.co.ke/news/ea/South-Sudan-advice-on-number-of-states/4552908-5381444-b90bd3z/index.html>.

outside the purview of the 2015 agreement. Kiir eventually agreed to return the country to 10 states, just before the 22 February 2020 deadline lapsed. In addition to the 10 states are three 'administrative areas': Ruweng, Pibor and Abeiyi. Opposition parties are still aggrieved by the decision to include these areas, despite their agreeing to join the newly formed unity government. This is partly owing to the fact that Ruweng is oil-rich and was heavily fought over during the civil war, raising fears that Kiir's faction would retain significant control over the area and the much sought-after oil revenues.<sup>44</sup> Ultimately, recognition of a fixed number of states is crucial for how a country will be governed. Should there be an impasse or disagreement on the appointment of governors, thereby creating a power vacuum, South Sudan could be faced with yet another failed attempt at finding lasting peace.<sup>45</sup>

## Security arrangements

No issue is more critical to the peace deal's sustained stability than the security arrangements. After all, the failure to resolve and implement key security arrangements in time for the TGoNU led to the collapse of the ARCSS in 2016. Under the R-ARCSS, the main parties to the conflict have committed themselves to develop a security sector reform (SSR) strategy and merge their respective forces and militias to form a new unified army.<sup>46</sup> While the general process of cantonment of forces in South Sudan has been slow since the signing of the agreement in September 2018, there has been some progress with the Joint Military Ceasefire Commission verifying 25 cantonment sites for opposition forces and 10 barracks for the South Sudanese national army.<sup>47</sup> However, some forces deserted cantonment sites without training because of a lack of food and medicine.<sup>48</sup>

Nonetheless, there were still fundamental problems with the security arrangements. First, the R-ARCSS widened cantonment and integration rights to the wider SSOA. This led to the SSOA's claiming non-existent numbers of active forces, giving it an opportunity to mobilise and recruit more forces to meet the claimed numbers.<sup>49</sup> Second, while the reconstitution and reintegration of armed forces can be the bedrock of mutual trust and nation building, South Sudan remains an ethnically polarised country and if these tensions are not mediated, they can undermine any SSR efforts.<sup>50</sup> Third, some opposition parties' withdrawal from the agreement – and/or their refusal to sign it (such as the NAS) – has left them outside the scope of the monitoring and evaluation mechanisms. This has resulted in forces loyal to General Thomas Cirillo of the NAS engaging in sporadic clashes with

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44 "South Sudan's Machar Rejects President Kiir's Peace Offer", *Al Jazeera*, February 16, 2020, <https://www.aljazeera.com/news/2020/02/south-sudan-machar-rejects-president-kiir-peace-offer-200216090638473.html>.

45 Andrew Yaw Tchie, "Why South Sudan's Attempts at Peace Continue to Fail", *The Conversation*, November 17, 2019, <http://theconversation.com/why-south-sudans-attempts-at-peace-continue-to-fail-126846>.

46 Gwinyayi Dzinesa, "South Sudan's Bid to Build a New Army Is Troubled", *Mail & Guardian*, February 20, 2019, <https://mg.co.za/article/2019-02-20-00-south-sudans-bid-to-build-a-new-army-is-troubled>.

47 RJMEC, *Report by HE Amb. Lt. Gen. Augustino SK Njoroge*.

48 "South Sudan Forces Desert Military Camps due to a Lack of Food, Medicine: Monitors", *The East African*, October 29, 2019, <https://www.theeastafrican.co.ke/news/ea/Ceasefire-monitors-lament-lack-of-progress-in-south-sudan/4552908-5375566-qc80mhz/index.html>.

49 De Waal, "South Sudan: The Perils".

50 Dzinesa, "South Sudan's Bid".

the South Sudanese army in the Yei River area. Lastly, the implementation of the security arrangements could stall further if Kiir fails to disperse the much-needed funds for the implementation of the deal.<sup>51</sup>

Fundamental to these symptomatic challenges is the deep-seated mistrust between the political leaders, the lack of political will to institute reform, endemic corruption, violence and the ethnic and transactional politics that have beset South Sudan since the outbreak of war in 2013. The political elite has manipulated and exploited social and ethnic tensions for its own narrow gains and trapped the majority in a perpetual state of poverty, neglect and conflict. Thus, the task of building a viable state that works for the people and embraces democratic precepts will require that these primary drivers of conflict be addressed and resolved.

## External actors

Since the outbreak of violence in 2013, the context and process of mediation have been fraught with difficulties. These can largely be attributed to zero-sum thinking on the part of the warring parties and their resistance to compromise, as well as the geopolitical considerations that inform the behaviour of external actors in the peacemaking process. As a consequence, external actors have had a stabilising effect on the conflict in South Sudan in some respects, while also undermining and exacerbating existing fault lines in the peace process and conflict dynamics.<sup>52</sup> It is therefore necessary to analyse the involvement of the main external actors (Uganda, Sudan and the Troika) and their impact on the situation in South Sudan.

### Uganda

Uganda has long-standing political, economic and military relations with South Sudan,<sup>53</sup> and is a major trading partner of the country. It has used the peace process to leverage protection for its workers and lucrative business operations in the war-torn country. Uganda's position in relation to the crisis in South Sudan can be interpreted as being informed by the desire to shape future developments and counter-balance Sudan's influence in the country and region, as well as by Museveni's support for Kiir and personal dislike of Machar.<sup>54</sup>

Before the revitalised peace process Uganda was happy to play a limited mediating role, where it could have contributed constructively and worked through regional frameworks.

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51 "IGAD Orders Kiir to Disburse Funds", *South Sudan News Agency*, August 23, 2019, <https://southsudannewsagency.org/index.php/2019/08/23/igad-orders-kiir-to-disburse-peace-funds/>.

52 Berouk Mesfin, *The Regionalisation of the South Sudanese Crisis*, East Africa Report (Pretoria: ISS, 2015), 2.

53 Mesfin, *The Regionalisation of the South*, 19.

54 Crisis Group, *South Sudan: Keeping Faith with the IGAD Peace Process* (Brussels: Crisis Group, 2015), 5-10.

Instead, it chose to keep its troops stationed in South Sudan despite repeated calls for their withdrawal, while diverting arms and ammunition to the South Sudanese army and its allies.<sup>55</sup> During the revitalised peace process, however, Museveni played a more proactive mediatory role by hosting peace talks and leaning on Kiir to make concessions when required to do so. As one of the guarantors of the agreement, Uganda hosted face-to-face dialogues between Kiir and Machar during the pre-transitional period but failed to push the parties to implement the deal expeditiously.

## Sudan

Unlike Uganda, Sudan has played a more participatory role in South Sudan's peace process. From the outset, Sudan was involved on both sides of the conflict by publicly supporting Kiir while privately supplying weapons to opposition groups. Sudan was also represented in the three-person mediation team that brokered the first agreement. Further, al-Bashir worked with both the South Sudanese government and the opposition to broker the revitalised agreement, partly to serve his vested interests. These included exerting Sudan's status of power in South Sudan; pushing back against Ugandan interference; and opening the oilfields in Unity State in order to accrue fees from the use of its pipelines.<sup>56</sup> The latter is reflected in the R-ARCSS's provisions for bilateral negotiations between Sudan and South Sudan on oil-related matters. Sudan's assertive and heavy-handed role in the revitalised peace process led to the isolation of South Sudan's opposition groups, created factions among excluded groups and alienated fatigued international actors and donors.<sup>57</sup> The centre of gravity of the mediation process shifted from Khartoum back to IGAD in the pre-transitional period owing to the weakened power and eventual political demise of al-Bashir and Sudan's limited capacity to implement the peace deal.<sup>58</sup> The ouster of al-Bashir and the subsequent formation of a transitional government in Sudan could help improve Sudan-South Sudan relations and give impetus to Sudan's playing a more constructive and impartial role in the process towards peace in South Sudan.<sup>59</sup>

## The Troika (UK, US and Norway)

The Troika has been the anchor of Western policy on Sudan and South Sudan for over two decades. It has provided diplomatic and humanitarian support to South Sudan since the outbreak of violence in 2013, and has backed the mediation process led by IGAD. However, the Troika was not a formal part of the R-ARCSS, and is thus not a guarantor

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55 Associated Press, "Uganda Diverted Weapons to South Sudan Despite Arms Embargo", *News24*, November 29, 2018, <https://www.news24.com/Africa/News/uganda-diverted-weapons-to-south-sudan-despite-arms-embargo-20181129>.

56 Deng, *Compound Fractures*, 11.

57 Crisis Group, *Salvaging South Sudan's Fragile Peace*, 10.

58 World Peace Foundation, *Impact of the Sudanese Revolution on South Sudan* (Somerville: WPF, May 20, 2019), 3.

59 Abraham Awolich, "The Implications of al-Bashir's Downfall on South Sudan" (Weekly Review, The Sudd Institute, Juba, April 30, 2019), 6.

of the agreement.<sup>60</sup> Its withdrawal from South Sudan's most recent peace process can be attributed to the US' changing attitude to South Sudan under Donald Trump's administration.<sup>61</sup> The US has taken a back seat diplomatically, withdrawing its special envoy to Sudan and South Sudan – the only member of the Troika to do so. The absence of a US special envoy to South Sudan has left it, and by extension the Troika, without the necessary high-level authority to engage in shuttle diplomacy outside of Juba. As the penholder on South Sudan at the UN Security Council, the US has used the platform to air its frustration with the leaders in Juba by imposing sanctions and other punitive measures.<sup>62</sup> Further, the US' hard line on South Sudan can be interpreted as part of its growing fatigue with Kiir's intransigence and an attempt to pressure the South Sudanese government into taking positive action.<sup>63</sup> Having said that, the Troika has cautiously welcomed the R-ARCSS as the only vehicle towards a sustainable peace in South Sudan and has consistently encouraged the parties to meet their commitments to the deal.

## Conclusion

The signing of the R-ARCSS in September 2018 has been an important turning point in South Sudan's peace process. It provides a glimmer of hope to the people of South Sudan, who have had to endure years of suffering and bloodshed. The deal has also given rise to newfound hope for a lasting political settlement between Kiir, Machar and other political actors. Yet legitimate concerns about the commitment and capacity of the new unity government to institute much-needed reforms and fully implement the R-ARCSS remain. While the R-ARCSS establishes numerous benchmarks and commitments the parties need to meet, the lack of prioritisation and political will on the part of the South Sudanese elite has imperilled the peace process. If there is no political will to achieve peace, the peacemaking process is doomed from the very beginning. Therefore, the formation of the R-TGoNU on 22 February 2020 should spur the parties to engage in good faith and to accelerate the implementation of key transitional period provisions.

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60 Daniel P Sullivan, *A Way Forward for Lasting Peace in South Sudan*, Testimonial Report (Washington DC: Refugees International, October 9, 2019), <https://www.refugeesinternational.org/reports/2019/10/9/way-forward-peace-south-sudan>.

61 Crisis Group, *Salvaging South Sudan's Fragile Peace*, 10.

62 Siobhan O'Grady, "As South Sudan's Conflict Drags On, US Frustrations Mount", *The Washington Post*, December 21, 2019, [https://www.washingtonpost.com/world/africa/as-south-sudans-conflict-drags-on-us-frustrations-mount/2019/12/20/a2cb9f82-22a7-11ea-b034-de7dc2b5199b\\_story.html](https://www.washingtonpost.com/world/africa/as-south-sudans-conflict-drags-on-us-frustrations-mount/2019/12/20/a2cb9f82-22a7-11ea-b034-de7dc2b5199b_story.html)

63 Crisis Group, *Salvaging South Sudan's Fragile Peace*, 10.

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# About SAIIA

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## Cover image

South Sudanese President Salva Kiir (R) shakes hands with First Vice President Riek Machar as he attends his swearing-in ceremony at State House in Juba, South Sudan on February 22, 2020. South Sudan rebel leader Riek Machar was sworn in as first vice president, formally rejoining the government in the latest bid to bring peace to a nation ravaged by war (Alex Mcbride/AFP via Getty Images)

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