



THE SUDD INSTITUTE

RESEARCH FOR A PEACEFUL, JUST AND PROSPEROUS SOUTH SUDAN

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POLICY BRIEF

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The Mediation Pendulum and the Challenges that Underlie the Peace Implementation in South Sudan¹

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Summary

- *This paper assesses the mediation process looking at both the Addis-based IGAD peace process and the intra-SPLM dialogue based in Arusha, Tanzania.*
- *It makes the point that part of the reason the parties wasted a lot of time from signing a final agreement had to do with the preference of the parties for one process over the other.*
- *The paper outlines the major weaknesses of the mediation process, which may have inadvertently delayed or complicated the peace process.*
- *It specifically underlines the fact that the mediation was blind to the idea of momentum and therefore lost important opportunities to bridge the gap between the parties.*
- *The paper discusses the fact that the TROIKA countries squandered all their political capital on the release of political detainees and by the time the talks moved to critical stage, they had no leverage left on both parties except the threat of sanctions.*
- *When the mediation failed to persuade the parties to sign a deal, the mediation was expanded to include other countries in what became known as the IGAD-Plus mechanism.*
- *The mechanism finally forced the parties to sign the Agreement on the Resolution of Crisis in South Sudan in August 2015.*
- *The paper makes a number of actionable recommendations on the implementation of the agreement.*

I. Introduction

When the last round of peace talks collapsed in Addis Ababa early March 2015, the prospect for peace was greatly diminished as the country experienced elevated levels of violence. The warring parties had been vacillating between the IGAD peace initiative, now christened as the IGAD-Plus and the intra-SPLM party reunification process in Arusha. The parties had hoped that the two processes would provide some useful complementarity towards achieving sustainable peace. Nevertheless, this pendulum between Arusha and Addis did not improve the chances for finding a political solution in the country. The problem was that the parties preferred one process to the other. The government felt that the Arusha agreement provided the better outcome, while the opposition believed that the Arusha process did not give

¹ The Sudd Institute acknowledges the financial support provided by United Nations Development Program (UNDP) through its Community

them enough incentives. This is what explicated the back-and-forth shuttling of the parties between Addis and Arusha. While the mediation pendulum was between the two peace processes, the prospect for peace sadly remained elusive.

Given that people were losing hopes in the ability of the IGAD and the Arusha peace processes to bring a permanent solution to the crisis, other initiatives have sprung up in the months leading to the signing of the Agreement on the Resolution of Crisis in South Sudan (ARCISS). This paper, therefore, seeks to provide some understanding of the processes that led to the signing of the aforementioned agreement. It discusses both the Addis and Arusha processes and highlights the significance of the other initiatives in terms of their catalytic power towards the realization of peace in South Sudan.

The rest of the analysis starts with a survey of the IGAD-led mediation efforts and the inherent challenges in settling the conflict. It then turns to the intra-SPLM reunification process based in Arusha, Tanzania, focusing mainly on recent developments culminating in the return of some of the Former Detainees and their reinstatement into the party leadership and structures. The third section reviews other initiatives, and the concluding section summarizes and discusses the agreement and calls for the parties to expedite its implementation to restore peace.

II. The IGAD Led Mediation

Immediately, after gun battle in Juba came to a silence in December 2013, following what the government suspected was a coup attempt, regional leaders of the Intergovernmental Authority on Development (IGAD), landed in Juba, both to show their solidarity with the government and to urge for an urgent end to the conflict. A week later, the IGAD countries held the first summit on the South Sudan crisis in the Ethiopian Capital, Addis Ababa. The objective of the meeting was to persuade the parties to enter dialogue to end the conflict immediately. The parties duly accepted the regional call and agreed to enter dialogue, although with each presenting sets of preconditions.

The start of the IGAD process was indeed a great reprieve for the people of South Sudan, the region, and the international community. In earnest, the warring parties sent their delegations for peace talks in Addis. This is what Donald Booth, the US Special Envoy to Sudan and South Sudan, said about the start of the peace talks, "*I am very pleased to be able to say that both the government of the Republic of South Sudan and the opposition forces aligned with Riek Machar have agreed to send teams today to Addis Ababa prepared to negotiate, a first step, but a very important step*".² It was indeed a promising moment for the region and the world that was filled with hopes.

To their credits, the warring parties, though they initially had a number of preconditions before the talks, were able to drop these conditions and entered the talks, seemingly in good faith. At first, the Sudanese People's Liberation Movement in Opposition (SPLM-IO) wanted the release of the political detainees and the withdrawal of Ugandan troops before entering the talks with the government. The opposition entered the talks before seven of the eleven detainees were later released. The government on its part, had demanded unconditional ceasefire before it engages in the talks. They were able to drop this condition, even after the opposition retook the town of Bor

² <http://www.sudantribune.com/spip.php?article49404> accessed on July 11, 2015

just days before the negotiations. There was a lot of momentum towards the peace, especially after the parties signed the Cessation of Hostilities Agreement (CoHA) on January 23rd, 2014, just two weeks after entering the talks.

Essentially, the CoHA³ was an agreement to end the hostilities in order to create an atmosphere for the parties to engage in a meaningful dialogue. Besides ending the direct fighting and hostile propaganda, the parties had also agreed to open humanitarian corridors to relieve the suffering of vulnerable people. As part of confidence building measures, the parties had also discussed the withdrawal of foreign troops and the lifting of the state of emergency. There was also the acceptance of the proposed Monitoring and Verification Mechanism (MVM) to report and monitor any violations to the cessation of hostilities agreement. The parties also settled to expedite the release of the political detainees⁴. In the agreement the parties decided to establish an inclusive national reconciliation process involving many stakeholders. The signing of these two agreements created a great sense of optimism for peace in the country and internationally.

While the air was filled with enthusiasm after the signing of the CoHA, the IGAD mediators committed a series of strategic mistakes that essentially shattered hopes for achieving an immediate end to the violence. First, the mediators failed to get their priorities right following the signing of the CoHA. Instead of seizing the momentum already set in motion with the signing of the CoHA, to push the parties towards political settlement, the focus somehow switched from the need to observe the cessation of hostilities and reach a peace agreement, to the release of political detainees. Though it was unclear in the beginning what the motive was, it became apparent that the former detainees were being groomed as alternative to both the government and opposition leadership.

The entire cessation of hostilities agreement was ignored because there was not even any matrix on its implementation until November 9, 2014. True also is the fact that the MVM, an important part of the CoHA, was not operational until late April 2014. As well, the parties never really observed the cessation of hostilities as fighting continued until just a few days before the two principals signed the May 9th agreement. Furthermore, even after the operationalization of the MVM, it was not so clear which institution was responsible for holding the parties accountable in the event of violations. The accountability was essentially abandoned, except in few instances where the IGAD Special Envoys issued statements condemning both parties for violations of the CoHA. No other serious actions were taken, so the parties continued to violate the cessation of hostilities agreement with impunity. In addition, the parties continued to issue barrages of hate propaganda against each other in direct contravention of the agreement.

Looking back at the process that led to the signing of the CoHA, the parties were not seriously intent on implementing the CoHA's provisions but also did not want to disappoint the region and the international community. The parties did not want to be seen as an obstacle to the cessation of hostilities agreement, so they reluctantly signed it. On their part, the international peace envoys saw the need to show something for their efforts and so the CoHA was rushed into signing without adequate preparations for its implementation.

³<http://southsudan.igad.int/attachments/article/250/cessation%20of%20hostilities.pdf>

⁴<http://southsudan.igad.int/attachments/article/253/Status%20of%20Detainees.pdf>

What the IGAD and the Troika countries chose to push for in the implementation instead, was one provision of a supplementary agreement that committed the government to expedite the release of the political prisoners. Immense political capital was spent on securing the release of the political detainees. This, we believe, was a serious diplomatic sidetrack on the side of IGAD and the Troika, especially the United States.

The US, with support from other Troika countries, advanced this narrative that if the political detainees are not released, peace cannot be achieved. The pressure suggested that the detention of a number of SPLM leaders was the cause of the conflict in the first place. The idea was that their release was critical to moving the peace process forward and for reaching a political settlement. This is what Marie Harf, Deputy Spokesperson for the US State Department had to say about the release of the detainees. *“We do believe that to be meaningful and productive, senior SPLM members currently detained in Juba need to be present for discussions on political issues, which are happening in Addis... To help move these talks forward, we urge the government of South Sudan to uphold its commitments and release political detainees immediately”*⁵.

Many people strongly believe that the focus on the release of the political detainees diverted the attention that was crucially indispensable to building onto the thrust created by the signing of the CoHA, and to push the parties to end the conflict in earnest. Not only did this issue veer the attention away, it also consumed the whole of the political capital and leverage that the US and Troika countries had on the government and what was left was a great sense of distrust. The Sudd Institute discussed at length this issue on its April 28th, 2014 publication⁶.

In order for the US and the Troika countries to secure the release of the political detainees, they had to first of all disrepute the government’s coup narrative as false, the basis on which these politicians were detained. There were two narratives circulating in the international media about the immediate cause of the fighting in Juba. The official government’s narrative was that the violence resulted from an attempted but failed coup, now turned into a rebellion. The second narrative was from the rebels, claiming that there was no coup, but the government staged a preemptive violence to eliminate and silent political opponents. A neutral mediator would not buy into either of these narratives, but focus on expeditiously finding a way to end the ensuing suffering of innocent people.

Though the U.S. had maintained somewhat a neutral position, it was seen initially as leaning more towards supporting South Sudan government. According to the press briefing on Secretary Kerry’s phone conversation with President Kiir January 6, 2014, the two leaders... *“Discussed the urgent need for both sides to immediately halt fighting on the ground and protect civilians even as talks continue. The Secretary reiterated that the United States would deny support and work to apply international pressure to any elements that use force to seize power from the Government of South Sudan”*⁷.

⁵ <https://radiotamazuj.org/en/article/kiir-under-pressure-release-9-detainees-exchange-ceasefire> accessed on July 11, 2015

⁶ <http://www.suddinstitute.org/publications/show/the-release-of-south-sudan-s-political-detainees-and-the-prospects-for-peace/>

⁷ See link above and go to January 7, 2014 press briefing with Jen Psaki, Spokesperson for the State Department.

This view changed when the Assistant Secretary in the Bureau of African Affairs, Linda Thomas-Greenfield, in a testimony to the Senate Foreign Relations Committee on the 9th of January 2014, declared that, “*We have not seen any evidence of a coup attempt...It is an armed rebellion against the government of South Sudan*”⁸. Given that there was no elaborate explanation regarding this statement, one has to assume that the statement was made to create enough pressure on the government to release the political detainees, partly because the government has not been able to advance its coup narrative with convincing evidence.

However, the statement backfired. Not only did it contradict the principal narrative of the government, it did so in support of the narrative of the opposition. This was coupled with the fact that it was the United States that was leading the campaign for the release of political detainees, a position that was perfectly in line with that of the opposition. What is more is that the statement was surprising because it was a day earlier when Secretary Kerry reassured the South Sudanese government of the support of the US government for a democratically elected government against subversive forces. The circumstances leading to the release of this statement are not clear, but one can only speculate that the Obama Administration clearly lacked a coherent policy towards South Sudan.

While the release of the former detainees was morally demanding on the conscience of any freedom loving people, the political expense on their release was unjustifiable, partly because it was extracted out of the government after applying considerable pressure and so by the time the real talks commenced, the US and the Troika had no more gas in the tank. There were also unsubstantiated rumors that Troika and other western countries preferred the former detainees to take leadership in the country, as they did not have blood in their hands. This is supposedly part of the reason their release and involvement in the peace process was central to the Troika.

With the benefit of hindsight, there was not much in the way of evidence to suggest that their release would significantly enhance the attainment of peace or even simply speed the peace process. As well, the idea that these men represented the alternative to the current leadership could not be corroborated in any meaningful way, given that they did not command any significant following compared to the two contesting parties. What is more is that the political detainees could not extricate themselves from the political mess created by the party they led and from the cause of the conflict, given their role in the fraudulent manner in which the state and its institutions were run. It was essentially a shot in the air by those who advanced this narrative, which unnecessarily swerved the attention away from what was extremely exigent, the need to end the conflict expeditiously. The key point here is that the focus on the release of the political detainees was clearly misguided and a crucial time elapsed when major issues could have been resolved following the signing of the CoHA when there was a momentum towards peace.

III. The May 9th 2014 Agreement

The international arm-twisting of the government and the opposition saw a long period of no meaningful progress after the signing of the CoHA. It was not until late April 2014 when the government finally gave in and released the last four of the political detainees just days before the

⁸ <http://www.bloomberg.com/news/articles/2014-01-09/u-s-asks-south-sudan-to-release-prisoners-sees-no-coup-attempt> accessed on July 11, 2015.

high level visits by UN Secretary General, Ban Ki Moon and the US Secretary of State, John Kerry. Both Secretary Kerry and the UN Secretary General landed in Juba early May 2014 to push President Kiir to release the last of the remaining political detainees and to meet Riek Machar face-to-face to commit to an inclusive peace process with the aim of establishing what is called the Transitional Government of National Unity (TGoNU), a mimicry of the GoNU from the 2005 Comprehensive Peace Agreement (CPA) toolbox. Indeed, President Kiir met Riek Machar early May and both signed the *Agreement to Resolve the Crisis in South Sudan*, on May 9, 2014⁹.

In terms of the substance of the agreement, the parties came to the recognition that the conflict had no military solution and that the way to achieve a sustainable peace is through a negotiated political settlement. In earnest, the parties pledged to take bold decisions in the interest of national reconciliation and to guide the country towards a new political dispensation and constitutional order. To affect this, the parties recommitted themselves to the Cessation of Hostilities Agreement and urged their forces to cease aggression and confrontation within 24 hours after the signing of the agreement. As a proof of good faith, the parties assured the mediators of their willingness to open humanitarian corridors to allow access and assistance to vulnerable people. In terms of the way forward, the parties granted the establishment of the Transitional Government of National Unity, which was considered the vehicle for achieving a peaceful settlement to the conflict.

In order to negotiate the composition and functions of the Transitional Government of National Unity, the parties committed to enter an all-encompassing dialogue with the other stakeholders identified as the Former Political Detainees, civil society, political parties and faith-based leaders. The stated rationale for the multi-stakeholder approach to peace negotiation was to “ensure broad ownership of the agreed outcomes”¹⁰. The parties were given one month for consultations, after which they were to reconvene and sign a final peace agreement.

Regrettably, the whole inclusive process affair was another excursion, one in a series of mistakes mediators committed during this peace process. First, there was controversy over the identity of the civil society groups, an issue the two parties used to walk away from the talks, especially the opposition. In the end, the parties essentially had to manufacture their own civil society groups that became their tentacles. For the political parties, the government essentially stirred up political differences among the parties and denied some leaders permission to leave the country. In the end the political parties did not have effective representation and participation in the talks. The whole month ended while the parties were still fighting over the identification of the appropriate stakeholders, so not much was achieved¹¹.

The central point, however, is that the push by the Troika and the acceptance by IGAD mediators to open the negotiation to multiple stakeholders was a misstep and it derailed once again the momentum towards peace given the impetus provided by the May 9, 2014 agreement

⁹ <https://radiotamazuj.org/en/article/full-text-%E2%80%98agreement-resolve-crisis-south-sudan%E2%80%99> accessed on July 11, 2015.

¹⁰ See the full text of the agreement on the link provided on footnote #7 above.

¹¹ <http://www.suddinstitute.org/publications/show/inclusivity-a-challenge-to-the-igad-led-south-sudanese-peace-process/>

between President Kiir and Dr. Riek Machar. What became apparent was the fact that the multi-stakeholder approach did not work, the warring parties were obviously “more equal than others”¹², to borrow George Orwell’s words. Hence, the smaller and weaker stakeholders were eventually crowded out and the warring parties were left alone standing on the negotiation table.

Although the idea of an inclusive national reconciliation was part of the CoHA, the intent was not to populate the negotiation table, quite the opposite. The objective was to establish an inclusive national dialogue to address wider national issues of consensus and to mend the torn social fabric and to include the broader society into the discussion. This was taken literally to mean bringing everybody to Addis to partake in the political settlement. Though the idea of an inclusive process sounds really good, it is obviously impractical given the fact that the whole issue was framed as power struggle. The warring parties clearly did not see the reason they should share power with other insignificant stakeholders, when the whole fight is about each party trying to take it all.

By August 2014, seven months after signing the CoHA, the parties were not any closer to an agreement and so they had to sign another document called the “*Protocol on Agreed Principles on Transitional Arrangements Towards the Resolution of the Crisis in South Sudan*”¹³. Although the text of the agreement was partially negotiated through the multi-stakeholder process, most of the text came from the Summit of the IGAD Heads of State and Government, who signed the document and attempted to coerce the parties to sign it. President Kiir signed it, but Dr. Riek Machar abstained, accusing IGAD of partiality. The protocol was essentially an attempt on the side of IGAD mediation to resolve the issues inherent in the formation of the TGoNU.

When the parties could not find a common ground on the protocol, the talks were adjourned, but when they resumed in September 2014, they were moved to Bahir Dar, Ethiopia. In Bahir Dar, the parties were able, for the first time, to enter direct face-to-face dialogue on all the issues. They were able to narrow the gaps in many areas but a few areas remained contentious; these were referred to the two principals in what was known as the rainbow document.

IV. Challenges to the IGAD-Led Mediation

Obviously, the warring parties hold the largest share of blame for failing to end the conflict they started, but the mediation is partly culpable given how the process has been managed. One of the serious challenges to the IGAD mediation had been the fact that the mediators did not simply understand the power of momentum. Whenever the talks reached a critical stage, the mediators would send the parties on recess. During recess, momentum fades away and when the parties returned, they came with their positions hardened and on many occasions they reneged on previously agreed positions. This is what led to the collapse of the peace talks in December 2014.¹⁴ One of the most serious instances that demonstrate this was when the parties clearly had agreed on a number of critical issues in Bahir Dar, Ethiopia, and instead of inviting the principals to iron out the few remaining items, the parties were sent on a long recess to conduct

¹² Read George Orwell’s *Animal Farm* 1945

¹³ https://radiotamazuj.org/sites/default/files/Protocol%20signed%2025%20Aug%2014_0.pdf

¹⁴ <http://www.voanews.com/content/south-sudan-peace-talks-collapse/2569409.html> accessed on July 13, 2014.

consultations¹⁵. When the SPLM-IO convened for the first time in Pagak, it essentially reneged on previous commitments and took a hardline position on major issues.¹⁶ The government also resolved to take hardline positions on a number of controversial issues during the consultative process in Juba.

The second concern is that the mediation seemingly suffered from lack of full mandate and independence. This is presumed from the fact that the mediators hardly tried to resolve any impasses with the parties. Instead, they consulted the Heads of State and Government whenever hurdles were hit. Whilst the pressure from the IGAD leaders was welcomed, it seemingly interfered with the smooth flow of the mediation. It felt that the mediators were not fully in charge of the process and therefore were not as creative and were pulled to all directions. Evidently, the actions of the IGAD Heads of State did not necessarily help the process move forward given their conflicting interests as important actors. Particularly, Uganda and Sudan, two countries that are deeply involved directly in the conflict, still sit on the mediation table. This conflict of interests is not confined only to the IGAD Head of States; there was an apparent competition between the Ethiopian and Kenyan mediation teams.

The third problem with the IGAD mediation was the fact that IGAD itself did not live up to its end of the agreements; it has been moving the goal posts in the middle of the game. For example, at the March 2014 Summit of the IGAD Heads of State and Government, a Deterrent and Protection Force (DPF)¹⁷ was authorized as a way to speed up the withdrawal of foreign troops to ensure peace and stability in the country and to improve the capacity of the Monitoring and Verification Mechanism to monitor the CoHA. This force never materialized. This is on top of the fact that in the August 2014 protocol, IGAD had proposed the creation of the position of Prime Minister; in December 2014, the new proposal had the First Vice President. This capricious decision-making style by the mediation created confusion for the delegations.

Fourthly, the most serious challenge for the IGAD has been issue-framing. From the start, IGAD mediation had framed the conflict in terms of power sharing and so restructuring state power and finding equitable power sharing ratios was the preoccupation of the peace envoys. Though the conflict started as a power struggle within the SPLM, it has grown beyond the confines of the party, and hence, power sharing alone would not address it. This framing did not allow the mediation team sufficient operational space to think outside the rigid walls of power sharing. Although the parties agreed to focus on the issue of power restructuring, their constituencies are not necessarily concerned with power. They are concerned with mundane issues of daily living and the need to alleviate their current states of being. Predicating a solution to a serious national crisis on finding a win-win power equation leaves so much to be desired and tragically ignores the concerns of the commons.

Fifth, the IGAD-led peace process was fraught with regional and international interests that were interfering with the principal objective of finding a permanent resolution to the conflict in South Sudan. Regionally, Uganda and Sudan are fighting proxy wars on the ground in South Sudan. Uganda has deployed its troops mostly in Juba and Bor in support of the government. Sudan, on

¹⁵ <https://radiotamazuj.org/en/article/south-sudan-peace-talks-suspended> accessed on July 13, 2015.

¹⁶ <http://paanluwel.com/2014/12/13/splm-io-pagak-conference-resolutions-and-position-papers/>

¹⁷ <http://www.sudantribune.com/spip.php?article50283> accessed on July 13, 2015.

the other hand, provides logistical support to the opposition forces, mostly in Unity, Upper Nile and Jonglei states. They have preferences regarding the solution to the crisis. Kenya and Ethiopia also had competing interests; they were vying for control over the mediation process. The Troika and other supporters of IGAD also had their own objectives, which may not be in line with those of the parties. Since Troika and the European Union were paying the bill, they held sway over the mediators as well. Such an environment could not produce an immediate peace.

Lastly, the IGAD mediation seriously suffered from lack of credibility, partly because of the style of the mediation leadership. The process has not been tightly controlled and it had been subjected to so much interference from the warring parties, IGAD leaders, and their supporters. The whole IGAD mediation got into serious trouble after the parties failed in March 2015 to reach a final settlement¹⁸. Attempts were made to revive the IGAD led mediation through a new mechanism called the IGAD-Plus that brought the Troika countries, China, the EU, UN and five representative countries of the African Union, to the mediation table. The pendulum continued. Last year, the focus was mainly on the need for South Sudanese inclusive peace process. As discussed, it did not produce edible fruits. Now, the thinking was to populate the table with all the world powers, with the hope that these powers will squeeze out every bit of air in the warring parties so as to reach an agreement.

Though there was skepticism regarding the ability of IGAD-Plus to push the parties towards an agreement, the IGAD-Plus succeeded in pressuring the parties into signing the fledgling agreement called the Agreement on the Resolution of Crisis in South Sudan on August the 17 and 26, 2015, respectively.

V. The Intra-SPLM Reunification Process

The SPLM intra-party dialogue commenced in the Ethiopian Capital, Addis Ababa, on April 7, 2014, when members of the Political Bureau (PB) converged at the venue under the auspices of Ethiopia's ruling party, Ethiopian People's Revolutionary Democratic Front (EPRDF) and the South African ruling party, African National Congress (ANC). The meeting was an attempt to prepare the ground for an SPLM Leadership Review and Self-Assessment Forum.¹⁹ While the process was to run concurrently with the main peace process, it was part and parcel of the IGAD led mediation effort. Initially, the SPLM-IO declined to participate in the forum predicating their abstention on the premise that the crisis had outstripped the SPLM and that it was now a national crisis that required a broader mechanism to resolve it.

Though the dialogue was held in Ethiopia, the main power behind it was Cyril Ramaphosa, the South African Deputy President, whose role in supporting the SPLM internal democracy through the ANC dates back to 2011. He had this to say about the objective of the intra-SPLM dialogue:

¹⁸ <http://www.reuters.com/article/2015/03/06/us-southsudan-unrest-idUSKBN0M216A20150306> accessed on July 13, 2015.

¹⁹ <https://radiotamazuj.org/en/article/splm-%E2%80%98leadership-review%E2%80%99-initiated-addis-ababa> accessed on July 13, 2015.

“Following the outbreak of conflict, they asked the ANC and the Ethiopia’s ruling [party], the Ethiopian People’s Revolutionary Democratic Front [EPRDF], to assist them in streamlining the functionality and effectiveness of the SPLM, because it was realized that the SPLM had essentially become dysfunctional – and that’s where the root of the problem is. Once you address the root of the problem, and the party begins to function effectively, it becomes a lot easier to address the governance issues. Now, this is a party that started off as a military wing fighting an armed struggle and now it’s a party in government and has to transform itself. It did not start like the ANC, which was a political movement initially and then later formed an armed wing. So it’s the inverse of what the ANC processes have been all about.”²⁰

The intra-party dialogue in Ethiopia did not make any major inroads, owing to the refusal of the SPLM-IO to partake in the process. When it became apparent that no meaningful progress could be made in Ethiopia, so the SPLM leadership, in the person of President Kiir, sought the help of the Tanzanian President, Jakaya Kikwete. By October 2014, the Tanzanian ruling party, Chama Cha Mapinduzi, took the mantle to help the SPLM put its house in order, though with continued support from the ANC. On the 20th October 2014, President Jakaya Kikwete, in the presence of President Salva Kiir and Dr. Riek Machar, launched the dialogue. The SPLM-IO accepted to participate in the party reunification by the time the initiative was launched in Arusha. After the talks moved to Arusha, it took only two months and so by the 21st of January 2015, the parties to the talks were able to sign the *Agreement on the Reunification of the SPLM* ²¹.

Notably, the agreement tackled three broad categories of issues: political, organizational, and leadership. On the political issues, the key provisions include the need for the SPLM to make a public apology for having created the crisis in the country. The agreement also called for the reversal of the decisions that dismissed party leaders in 2013 and the redefinition and articulation of the SPLM vision. The other substantive point was the commitment of the parties to use both the Arusha intra-party agreement and the IGAD led mediation in Addis to conclude a peace settlement.

In addressing some of the organizational issues that created the rift within the party in 2013, the parties agreed to address the mode of voting question, accepting the use of secret ballot as the mode of voting when there is no consensus on controversial issues and the use of show of hands on non-controversial issues. Second, the SPLM constitutional provision, which allowed the chairperson of the party to nominate 5% of the delegates to the convention, was abolished. Instead, the Political Bureau is now tasked to formulate a policy on the representation of minorities in state congresses and in the national conventions.

Thirdly, there was a dispute over the size of the national convention and the agreement urged the party to review the total number of delegates to the convention. Lastly, in the existing SPLM constitution, the SPLM deputy chairpersons, Secretary General and the Political Bureau members are nominated by the chairman and confirmed by the Convention, Political Bureau and National Liberation Council. This is abolished; now, all candidates for all positions will be elected directly by the National Convention. Concerning leadership matters, the most significant provision was the agreement on two 5 years term limit for the SPLM chairman at the national and state levels.

²⁰ <https://www.issafrica.org/iss-today/ramaphosas-inverse-logic-in-south-sudan>

²¹ See the text of the Agreement on the Reunification of the SPLM, January 21, 2015.

Although the agreement came into effect on the 21st of January 2015, the parties have been slow to fully implement its provisions. The SPLM-IO more than any of the three factions, has been hesitant to fully embrace the Arusha agreement for obvious reasons. Most of the SPLA-IO commanders are not members of the SPLM political leadership besides Riek Machar and Taban Deng Gai. Still, the most significant boost to the agreement is the recent return to Juba and reinstatement of some of the former political detainees.

The most glaring weakness in the Arusha is that it does not offer the armed opposition substantive incentives, especially the field commanders. It frames the issue as an exclusive party conflict, and that once it is resolved, everything will fall in order. Unfortunately, the problem is much bigger and the party mechanism can no longer resolve it. This is perhaps the reason six months on, after the signing of the Arusha agreement, the search for peace continued.

Other Initiatives

Following the collapse of the Addis-based IGAD-led mediation efforts in early March 2015, the prospect for peace in the country greatly diminished. Many hopes were dashed when the parties could not agree on the formation of the transitional government. In response, many new initiatives sprung up that did not necessarily lead to an immediate silence of guns, but served as precursors towards softening the positions and facilitated the achievement of the larger peace agreement. Notable among these are the Chinese and Kenyatta Initiatives.

After the parties failed to reach an agreement in December 2014, the Chinese Foreign Minister, Wang Yi, organized a consultative meeting in support of the IGAD-led South Sudan peace process on January 12, 2015, in Khartoum to help the warring parties narrow their differences²². The meeting was organized at the ministerial level, although the SPLM-IO Chief mediator attended. In concluding the one-day meeting, the parties committed to speedup the peace process, uphold the cessation of hostilities agreement, and work jointly within the auspices of IGAD-led mediation process so as to silent guns and put a stop to the war. This was essentially iteration of previous commitments by the parties and nothing significantly new was achieved in Khartoum. However, the initiative signified China's role as a broker of peace in South Sudan, considering its growing influence in the region.

The Kenyatta Initiative came as a result of a meeting between President Uhuru Kenyatta and President Salva Kiir Mayardit, on the sidelines of the African Union meeting in South Africa on June 14, 2015. The two presidents met to assess the statuses of both the Arusha Intra-SPLM Reunification process and the IGAD-Plus process with the aim of closing the gap between the two parties so as to arrive at an agreement. At the time of their meeting, both the UN Security Council and the African Union Peace and Security Council had warned the parties of possible sanctions and other consequences if they did not end the atrocities in the country. This was on top of the persistent call from activists and international organizations for the release of the African Union Commission of Inquiry's report on South Sudan's war atrocities.

²² <http://www.geeskaafrika.com/sudan-chinas-led-south-sudan-peace-process-in-khartoum/7740/> accessed on July 14, 2013.

In that meeting, President Kenyatta presumably implored President Kiir to fast track the party reunification process, especially with regards to the reinstatement of the party leaders, to which President Kiir seemingly gave assurances. Upon his return to Nairobi, President Kenyatta facilitated the return of the Former Political Detainees to Juba for direct talks with President Kiir. Events moved so fast that on the 23rd of June 2015, Pagan Amum was reinstated as the SPLM Secretary General and members of his team were also reinstated to various SPLM structures such as the Political Bureau. Pagan resumed his office duties on July 14, 2015. Although the FDs left Juba again under unknown circumstances, the initiative succeeded in creating an environment for further dialogue among the party leaders.

Subsequently, after the return of Former Detainees to Juba, President Uhuru called a meeting of the two principals, President Kiir and Dr. Riek on June 24th, 2015, in an attempt to bring them to agree on the final settlement. The Former Detainees were also invited and they attempted to persuade Riek Machar to return to Juba in fulfillment of the Arusha SPLM Reunification Agreement. Their call, of course, did not sway the armed opposition leader. In their meeting with Kenyatta, President Kiir is said to have offered to reinstate Riek Machar as First Deputy Chairman of the SPLM and invited him to return to Juba. Still, Riek Machar declined to take the President's offer and instead demanded the resolution of six issues before his return to Juba. The six issues are identified as the power sharing ratios, payment for opposition troops during the transitional period, the creation of federal state during the transitional period, the need to compensate war victims, demilitarization of the national and state capitals, and the implementation of critical reforms in the judiciary, economic sector, civil service and the military²³.

VI. Summary and Concluding Remarks

We have discussed at length both the Addis-based IGAD-led mediation efforts and the Arusha-based party reunification process and their shortcomings. We have also surveyed other initiatives and their role in narrowing the gaps between the parties. The broader message in this analysis is that, while there were many initiatives, they were not necessarily well coordinated to engender an agreement between the parties. However, some of these initiatives served as precursors to the agreement whose implementation attempts are currently being undertaken.

There was obviously a paradox in the relationship between the increasing number of peace initiatives and the prospect for peace in South Sudan. While the number of initiatives was growing, the prospect for peace was declining. This situation raised concerns internationally, that the parties were using the venue-shopping strategy to conceal their intentions aimed at achieving political objectives militarily. The fear was that when the parties are allowed to hop around for favorable venues, there is an inherent risk for the process to get diffused, with a great likelihood to drag on. The pendulum between the IGAD-led mediation and the party reunification agreement process in Arusha sourced these fears.

The government saw the Arusha as the most favorable venue, as it does not clearly touch on issues related to the government; rather, the issues are confined to the party. This is partly the

²³ Interview with an anonymous respondent on July 13, 2015

reason the President himself took the courage to seek support regionally to help with the reconciliation within the party. The Arusha agreement did not touch on the powers of the President and other organs of the government. Although the government made very serious concessions in Arusha, the concessions did not shake the core of the government and its powers. The return of the Former Political Detainees to Juba in June 2015 through the Arusha framework was clearly a political feat for the government. The government intended to use the Arusha framework as the mechanism for the resolution of the conflict. Moreover, the Arusha model addressed the root causes of the internal rapture of the SPLM. Following this diagnosis, the Arusha agreement provided the greatest potential to resolve the whole conflict, except for those issues related to security arrangements and ceasefire.

For the SPLM-IO, the Arusha agreement did not offer much in terms of the incentives to end the conflict. First, this is because only Riek Machar, Taban Deng Gai, and Alfred Lado Gore are the only members of the SPLM leadership, the Political Bureau. Consequently, if the agreement becomes the business of the SPLM, the field commanders would not see themselves in such arrangements. Besides, the Arusha did not really offer much in the way of leadership and power shakeup. Viewed from this perspective, the IGAD-led mediation effort offered the best to the SPLM-IO, especially on the issue of power and leadership. They considered the Arusha agreement as a trap that did not offer the SPLM-IO enough space to negotiate both the military and political reforms.

Although the two processes were meant to be complimentary, they diverged overtime for a number of reasons. Primarily, the IGAD mediators and the Troika members felt that the Arusha process was an unnecessary distraction from the real peace process; so, they did not really support it. Although the parties agreed to merge the two initiatives with the Arusha providing the thrust to the IGAD mediation, it did not happen that way. When the IGAD process resumed after the Arusha agreement, the process preceded without incorporating the resolutions of the Arusha agreement. The Chairman of IGAD reportedly refused to attend the signing ceremony of Arusha in protest. Hence, an element of regional competition between the Arusha and the IGAD mediation was introduced, with IGAD countries feeling uneasy of the role of Tanzania, South Africa, and the Great Lakes countries.

While the collapse of the IGAD-led process in March 2015 cannot entirely be blamed on the refusal of IGAD mediators to incorporate Arusha agreement into the broader framework for peace, it did contribute to the intransigent position of the government on the contentious issues. This position is assumed because there was an element of distrust between the government and the IGAD mediators. In other words, the government was not really committed to the IGAD-led process after the signing of the Arusha accord. Conversely, the SPLM-IO was non-committal to the Arusha accord, as it did not offer any tangible incentives to the non-SPLM members of the IO. This is where the pendulum between the Arusha and Addis emerged. Whereas the two processes were not mutually exclusive, they were made to appear so, considering competing regional interests. If the two processes had been inter-married, perhaps a peace settlement would have been reached a lot sooner.

When it became apparent that the parties did not provide demonstrable commitment towards signing the final agreement, the IGAD-Plus countries forced the parties to sign it. Though both parties had tabled a significant number of reservations on the agreement, they could not

withstand international pressure and so in the end, they signed it. The main challenge now is how to get the parties to implement an agreement they partly negotiated and partly forced upon them.

Recommendations

To expedite the implementation of the peace settlement, we recommend the following:

1. Both the President and the leader of SPLM-IO should move beyond their reservations in the agreement and embrace it as a mechanism for continued dialogue, with the Arusha agreement used to support the ARCISS.
2. The two leaders should lead the campaign to popularize the agreement, cease hostilities permanently, and work towards bringing the nation together.
3. The grassroots initiatives aimed at peace and reconciliation should be encouraged and supported to begin the actual realization of peace.
4. While the focus of the international community should go towards stoking and nudging the parties toward overcoming the last hurdles in the implementation process, it should be recognized that the signing of a peace agreement is not sufficient; therefore, the next step is going to be the launch of encompassing national dialogue for peace and reconciliation.
5. In order to enhance an environment for peace in the country, the warring parties and the international community should cease negative media campaign so as to build a momentum towards full realization of peace in the country.
6. Lastly, JMEC needs to study the nature of peace that is demanded by the population. A population survey covering the entire nation needs to be undertaken, that way the implementation and monitoring aspects of the agreement largely cohere with the expectations of the people.

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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.

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