



THE SUDD INSTITUTE

RESEARCH FOR A PEACEFUL, JUST AND PROSPEROUS SOUTH SUDAN

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

Weekly Review

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South Sudan's Transitional Government of National Unity: A Solution to the Country's Instability or Mere Elite Pact of Self-Preservation?

Jok Madut Jok

I. Introduction

After many delays, Riek Machar, leader of the armed opposition, Sudan Peoples' Liberation Army in Opposition (SPLA-IO), finally returned to Juba on April 26, 2016, bringing with him cautious happiness among the populace who had been desperately anticipating the return of peace since December 2013. As he comes back to take up his post as First Vice President of the Republic and to kick off the implementation of the Agreement on the Resolution of Conflict in South Sudan (ARCISS), many citizens of the embattled East African nation expressed both hopes for the return of peace and skepticism about the ability of VP Riek Machar and President Salva Kiir Mayardit to forge a viable coalition and to genuinely work for the welfare of the whole country. This weekly review attempts to survey Machar's return, with emphasis on hope and skepticism.

II. Hope

Machar's return signals an end of over 2 years long civil war, allowing for restoration of security, stabilization of the country's economy, the delivery of humanitarian services the war triggered, and a process of national healing and reconciliation to mend deadly ethnic rifts that long existed and which the conflict amplified. The speeches the political leaders delivered upon Machar's arrival and at the oath ceremony almost all made references to the need for a national reconciliation, so as to repair the war's damage to ethnic relations, restore coexistence, and rebuild trust between the leaders and restore people's confidence in them.

The *leaders* were surprisingly forthright about the challenges that await the peace process, and about the future of the country at large. The fact that the *leaders* admitted publicly for the first time since the war began that the country is in dire need of fixing provides another sign of hope, that perhaps there is a change of direction from one of covering up the problems and singing about sovereignty to an environment where problems facing the nation should instead be articulated and confronted head-on. President Mayardit and VP

Machar, as well as the *leaders* of the ruling Sudan Peoples' Liberation Movement (SPLM), spoke candidly about the obstacles to creating a peaceful South Sudan and that they would work together to overcome them. Will they do that? They addressed each other as “brothers,” and many South Sudanese certainly hope that they mean business. Interviews with the members of the general public that filled the airwaves since Machar’s return were also quite optimistic about the direction the country has embarked upon from this moment on. International partners, including the US, appreciate the reconciliatory tone the two leaders demonstrated. This probably necessitated the US’s recent offer to increase humanitarian aid funding in the country.

III. Skepticism

Still, there is fear that the two *leaders* have had too much built-up bitterness between them to genuinely work together to effect meaningful national policies that would get the country out of the current mess. There is also fear of what lies ahead in terms of security, the economy, displacement, the looming famine and governance issues, problems that even a strong Mayardit-Machar’s joint commitment will struggle to address. The formation of the transitional government of national unity (TGoNU) that the compromise agreement stipulates becomes the first order of business after Machar was sworn in. It is this government that everyone—citizens, analysts and donors—will be keenly watching, to see what it will be capable of, what policies it will put in place, how it will attract necessary resources for the tasks that the peace agreement has placed on its shoulders, and how cohesive it will be. The dynamics within this government, an alliance of disparate groups who have minimal trust and sometimes quite bitter animosities between them, will either fix or further destroy the distressed nation.

How much will the last two and half years of conflict form a lesson for these leaders to prioritize the welfare of the country over personal political and resource gains?

The prospects for peace in the country, the restoration of institutional functions, the creation of professional security organs, the resumption of service provision programs, exercise of fiscal responsibility, especially with regards to how the donor bailout money will be spent, in the event there is such a bailout, and the strengthening of accountability mechanisms, will be tall order indeed for this government. But these must be done, or the peace agreement and the unity government will become a mere postponement of the conflict before it erupts once again in the near future. In terms of the functioning of the government itself, the biggest challenge will be the likelihood that its members will be at loggerheads with each other, undercutting each other’s policies and plans in order to show off in the worst light possible. This will be born of animosity that has grown over the war period and from the competition over the country’s dwindling resources. This would make it nearly impossible for the government to actually carry out the mandate of the peace agreement and to meet the expectations of the South Sudanese.

As for the challenges that face the country, some of which this government will be expected to immediately try to address, there will be the problem of scarce resources, as South Sudan is essentially broke and there is no relief in sight. So, how will the transitional government of national unity implement some of the most important provisions of the peace agreement, particularly the security reforms? The agreement calls for cantonment of hundreds of thousands of fighting men and women from which the national army will be formed over the next three years. How will the government pay, house, feed, train and equip all these fighters? To commit to paying them means giving all the country's available resources to this task and nothing else. Failure to do so will risk further rebellions. So, which way is the transitional government likely to take? With little change of strategy, history is bound to repeat itself.

The issue of security will also be magnified by two additional problems. One is the widespread of small arms all across the country, making it extremely difficult for the state to ensure safety of citizens' lives and their properties, and the more insecure the vast majority of the public the more likely that more and more people will seek to arm themselves illegally, and a country where everyone is armed in the false assumption of self-protection is not a country where anyone is secure. Such insecurity would eventually begin to erode the very foundation of the state and that of the transitional government, as it did between 2007 and 2013. The second additional security problem is the many armed groups, from Upper Nile, Bahr el Ghazal and from Western Equatoria, that have pledged to fight the Juba government. If the transitional government does not quickly come up with a conception as to how to bring these groups into the fold, South Sudan will remain a country at war with itself into the near future. The 28 states project has also spurred new internal security problems, many of them a result of border and leadership contests. These compound the challenges the new government will have to confront.

The next challenge, which is also related to the fact that the country is bankrupt, is the humanitarian crisis, including repatriation of Internally Displaced Persons (IDPs) of an estimated two million, the reconstruction of war-affected areas, especially in the greater Upper Nile, the looming famine in all corners of the country, which is presumed to be threatening over four million people, and the resumption of basic services provision in healthcare and education, not to say anything about infrastructural development. These are some of the most important popular expectations, with the failure to meet them simply meaning the peace agreement and the TGoNU are nothing more than rewarding the elite with power and resource control to persuade them to end hostilities.

However, while there is no crystal ball to predict what the next few months will bring, the actions of the parties to the agreement about the start of its implementation since its signing in August 2015, provide a glimpse of what the future dynamics look like among the members of the transitional government. Take, for example, the issues that delayed or nearly derailed the whole compromise pact. As world leaders were nudging South Sudan's competing leaders toward speeding up the implementation of the peace deal to end the country's civil war and the misery of its people, South Sudan's leaders kept up

their pace of throwing more obstacles on the path. The recent focus on the return of Machar, and the many delays that plagued it, are an indicator that the transitional government might exhibit similar problems.

That the implementation of ARCISS would experience delays was evident from the beginning, and so will the delays in the functioning of TGoNU, unless the leaders replace the bitterness they have shown so far with a new attitude of rising above personal grudges and create a plan to focus on delivering peace for their people. For example, the first impediment that the accord faced was the controversy raised by President Mayardit's reservations about the agreement. While the "reservations" themselves did not necessarily block the start of the implementation, the armed opposition under the leadership, and indeed many world leaders, including the President of the United States, seized on these "reservations" to accuse the South Sudanese government of intransigence and anti-peace stance. The reactions to the reservations proved far more burdensome to the agreement than President Mayardit's initial reluctance about it. Then there was President Mayardit's October 2015 executive order to create twenty-eight states out of the existing ten. This was seen by the opposition, the mediation team, and the countries supporting the peace process as a direct violation of the agreement, as one of the main chapters of the agreement, the power-sharing deal, had been based on the existing system of government.

These two issues, the president's "reservations" and his executive order, remained for quite a significant amount of time as obstacles to peace, before they were finally brushed aside for the moment to push for the return of Machar and the formation of TGoNU. There was also the effort on the part of the armed opposition to claim the loyalty of the various militias and armed groups that have been formed in different parts of the country over the past two years. When the government engaged any of them militarily, such as the case of Arrow Boys in Western Equatoria, the opposition protested this as a ceasefire violation, even though the Arrow Boys were not really part of SPLA-IO and not a party to the ceasefire agreement. This later extended into the question of cantonment: which forces to be cantoned and which ones are ineligible, with the opposition wanting to incorporate these unaffiliated militias and the government bitterly objecting to their inclusion, a disagreement that caused many delays to the start of the peace agreement implementation.

Furthermore, civil society and human rights activists have also complained bitterly about the structure of the agreement as a mere elite pact at the top and lacking mechanisms to create peace for the entire society. This makes many people skeptical about the value of the whole process, especially the fact that it appears wanting in the area of justice, reconciliation, and restoration of ethnic relations of coexistence. This skepticism seems to have reverberated in many policy quarters that would otherwise support the peace process, subsequently reducing the amount of enthusiasm that is necessary for a speedy implementation. In other words, South Sudanese, despite being desperate for peace and desire for change, have not been holding their breaths about this process, hence the limited enthusiasm about the unity government.

Public incredulity about the peace process has also been born of the previously shattered promises these elites had made, whether about the reasons to separate from the Sudan, the anticipated development projects, open political space, security of life and property, and the overall prosperity of the country. There has been so much expression of disappointment that South Sudan's political leaders, despite the many sacrifices they made in the liberation effort, did not mean much of what they said about working for the welfare of the South Sudanese in the wake of the country's independence, so why should they be trusted now on the eve of yet another peace deal? It seems that it is the peoples' skepticism that will deflate the leaders' euphoria for peace this time around. From the above, it seems that in the same way that the peace agreement was a product of a prolonged and intense negotiation, its implementation will equally be an intensely competed upon process. Particularly vexing is the question of whether the president and his deputy will abide by the powers and mandates that the peace agreement has delineated. How they will interact with one another will be a matter of regular, intense negotiation of such powers, and the risk of such dialogues collapsing is all too prominent. This could eventually render the government of national unity ineffective.

Since the day Machar's return to Juba was first scheduled, there was a strong focus on logistical, political and security arrangements for the return to the country of the armed opposition's leader in accordance with the terms of the accord, but the key issue that was obfuscated by logistics was what the agreement said in letter and spirit. These sideshows include the size of Machar's guards and the weapons to bring to Juba, and who should pay the cost of his transport. The issue of military ranks in the seemingly merged army, the questions of jobs for the many opposition leaders who have returned to Juba with hopes of finding something to do, and how much money these individuals will get in order to start their lives back in the country, will all be subject of negotiation and could unravel much of the pact, if caution is not exercised by the parties that are charged with monitoring and evaluating the progress of the ARCISS' implementation.

IV. Conclusions

In conclusion, the Transitional Government of National Unity, which was announced immediately after Machar arrived, needs to quickly internalize the six key issues it must start to tackle on day one. These include, security matters, economic challenges, humanitarian crisis, selling the agreement to the ordinary population, justice and reconciliation, and ensuring that the members of this government work together for South Sudan's welfare. For a country that has depleted its foreign exchange reserves, lost nearly half of its oil revenues due to the war induced discontinuation of oil production and the decline of global prices, it will be even more crucial that the public finance management systems are strengthened, accountability enforced, and the sources of revenue diversified.

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

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