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Policy Brief

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Inclusivity: A Challenge to the IGAD-Led South Sudanese Peace Process

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Summary

For eleven months now, the northeastern African regional bloc, the Inter-governmental Authority on Development (IGAD), has been leading the world's response to the crisis in South Sudan. In a move designed to supposedly ensure a comprehensive resolution of a violent conflict between South Sudan's warring parties, the Government of South Sudan and SPLM/A in Opposition, IGAD leadership decided early on that a meaningful settlement of the deadly war could only be attained if the peace process is made inclusive. According to IGAD, and justifiably so, the value of inclusivity is such that different stakeholders who represent a wide spectrum of the South Sudanese society are brought together so as to forge a common ground critical for ensuring popular support among the citizenry as this is deemed crucial for arriving at a durable peace.

Despite this noble commitment, IGAD's intention seems seriously challenged, as it has not been able to convince the belligerent parties to accept the inclusion of the other parties in the talks. Moreover, much is being desired with respect to how the IGAD leadership and envoys are handling the mediation process. Instead of taking an impartial stance by not appearing to be biased, IGAD leaders ostensibly brought upon the process a cloud of suspicion. Perceived or real, the appearance of partiality by IGAD, coupled with ostensible conflicting interests, critically overshadows the bloc's good work in terms of its determination to finding a lasting peace in South Sudan.

After taking five months during which time the talks were totally limited to the warring parties alone, IGAD Special Envoys finally introduced what they regarded as multi-party roundtable negotiations. This came in the wake of the framework agreement signed on May 9, 2014 by the two principals, President Salva Kiir and Dr. Riek Machar, agreeing on the issues of inclusivity and formation of a transitional government of national unity, among a whole host of others. Unexpectedly, the notion of multi-party negotiations was quickly short-lived as the parties extended their rivalry to the selection and composition of the delegations of the other stakeholders to the negotiations.

Although the talks are supposedly still inclusive the role of the delegations of the other stakeholders in this important process is much reduced, creating a serious doubt as to how effective their participation might be after all. To push for the realization of an inclusive peace process, it is important that South Sudanese citizens, the region and the world community work collaboratively in order to bring pressure to bear on the warring parties to abandon their entrenched positions and give peace a chance through a negotiated political settlement.

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Introduction

The eruption of violence in mid December last year in the South Sudanese capital Juba, a situation that quickly spread like a wildfire across the country, particularly in the three states of Jonglei, Unity and Upper Nile, sent chilling waves around the world. In a bid to halt this crisis, the Inter-governmental Authority on Development (IGAD), a regional bloc of the northeastern African countries, immediately sprang into action. Having taken this seemingly clear-headed direction, IGAD quickly won a commensurate support from the international community, including notably AU, Troika, UN, EU, and China, among others. In deed, this early intervention from the region was appropriately and cautiously greeted by the public with a sigh of relieve and sense of hope. Given the swiftness of the response, there emerged a feeling that the disruptive and debilitating military confrontation was going to be soon addressed. However, this move has disappointingly failed to yield the expected result – ensuring an immediate resolution of the conflict. There is no overstating the fact that the war has already inflicted a considerable damage on South Sudan in terms of untold innocent lives lost, destruction of property, eroded social fabric and trust, and this reality surely highlights the urgent need to end it. Eleven months on, the much-needed resolution of the conflict has essentially remained elusive, thus prolonging the suffering of millions of people.

Why has the situation continued largely unabated in the face of the aforementioned early intervention, not only on the part of IGAD member states, but also of the world community? What explains this apparent lack of progress in the peace process? Is the problem with the mediation process, warring parties, or both? If the former, where has the mediation gone wrong, and if the latter, what are some of the issues that have hardened the parties' positions? What could be done to salvage the process and ensure the return of peace and stability in South Sudan? These are among some of the questions that preoccupy the thinking of anybody concerned with the current state of affairs in South Sudan.

In an attempt to provide answers to these questions, this policy brief explores why and how the issue of inclusivity, which was and is still seen as crucially important not only to help narrow a wide gap that exists between the warring parties on a myriad of items but also to ensure that the resultant peace enjoys popular support among a whole host of constituencies in South Sudan due to its comprehensiveness in terms of coverage of the underlying reasons responsible for sparking the crisis. The paper identifies some hindrances to inclusivity as issues having to do with the warring parties' apparent believe that the war is winnable, hence the attitude that there is no need to focus on a mediated solution but rather to secure a military victory in the field against the opponent, other third parties' urge to feature in power equation, lack of a neutral and strategic stance on the part of IGAD leadership in the conflict, an apparent ineffective handling of the mediation process by the envoys charged with facilitating a mediated settlement, and lack of sustained and relentless common pressure from the international community. Although involving different stakeholders makes it difficult in so far as the management of the mediation process is concerned, it argues that it is necessary to have an inclusive process to increase the likelihood of a comprehensive and durable peace agreement. This analysis concludes with some practical recommendations to consider if the dream of realizing a durable peace is to be attained.

Why Inclusivity?

Following the outbreak of fighting, IGAD hurriedly convened an emergency summit of the Assembly of Heads of State and Government on December 27, 2013 in the Kenyan capital Nairobi. As expected, this meeting helped in forging what was initially regarded, and rightly so, as a critical regional response to the crisis, essentially showing its commitment to mediate between South Sudan's warring parties. To immediately start the envisaged mediation process, the summit ensured that Seyoum Mesfin of Ethiopia, Lazarus Sumbeiywo of Kenya and Mohammed El Dhabhi of Sudan were tapped as special envoys. In addition to the selection of the said peace emissaries, the IGAD December summit also highlighted the need to have an inclusive peace process, a position that each summit ever since convened by the regional body, though rhetorically, has consistently maintained.

To many people, particularly those who understand the challenges of having a peace settlement that works, the position of IGAD, its expressed objective to facilitate an inclusive South Sudanese peace process was laudable. This is because including other stakeholders in the process, beyond the principal parties to the conflict, is seen as fundamental to the attainment of a sustainable peace (Lederach 1997, Paffenholz 2006). The thinking is that when all the country's main stakeholders are adequately engaged, this has the potential of bringing different but yet substantive perspectives together, hence the likelihood of eradicating some potential spoilers by bringing a wide spectrum of the society together¹. Perhaps, what gives this view some credence relates to the immediate experience of the Comprehensive Peace Agreement (CPA) that ended Sudan's north – south second civil war in 2005 whereby the National Congress Party (NCP) led government of Sudan and the Sudan Peoples' Liberation Movement (SPLM) practically determined the fate of the whole country alone.

Although the CPA recognized other northern and southern political parties as stakeholders, albeit implicitly, it failed when it came to these parties getting what could qualify as the right share in the power arrangement. Despite their numbers, the northern-based groups all combined were given only 14% share compared to NCP whopping 52%. Their counterparts in the southern region did not fare well either, as these groups were allocated 6% leaving 28% to the other warring party, SPLM. Judging from these numbers alone, we can safely conclude that part of the reason that underlays the dominance of NCP and SPLM, which has continued until today stems from this power arrangement. When it came to the militia groups, most of whom were southern-based but allied to Khartoum during the war, the deal simply stipulated that these groups were free to join either side. However, this arrangement became too difficult to implement, and this led to separate negotiations that culminated in the signing of the so-called Juba Declaration. Consequently, many of these militia groups were integrated into the SPLA, further confounding institutional incoherence and the already fragile security environment. This integration of militia groups, which reflected little institutional integrity, no doubt contributed to the current crisis.

¹ See Nine Models for inclusion of Civil Society in Peace Process, a background paper prepared for "Building More Inclusive Political Transitions: A Review of the Syrian Case", a meeting co-sponsored by the Institute for Inclusive Security, Nonviolent Peaceforce and International Civil Society Action Network.

While there were many other parties, political and otherwise, that were willing and ready to take part in the process at the time, had they been allowed to share their ideas on the way forward, the then IGAD-driven CPA process could have been better informed as opposed to relying on seemingly, unsubstantiated traditional thinking that only the warring parties should be given a space to settle their differences alone. The argument usually presented as a justification to limit peace talks to the warring parties alone is that involving others does make it difficult for the parties to reach an agreement. South Sudan's warring parties themselves have bought into this concern, especially regarding the cessation of hostilities, that the initial phase of the talks be confined to them in order to halt violence while the peace process proceeds. But the contention against inclusivity has to do with the fact that having multiple parties directly involved in the peace talks creates dynamics difficult to manage, thus complicating an already complex situation. Although it makes sense to view the protagonists of any conflict as central to any eventual resolution of the matter, it is not entirely convincing to suggest that a durable peace can be achieved strictly from these actors alone since the implementation of any resultant agreement requires collective efforts on the part of the whole society. The apparent defectiveness of this understanding could not really be overstated as it horribly fails to envision the spoiling capacity of the excluded groups from the negotiating table. These groups might be other armed elements or political forces that have some vested interests that they seriously consider as having been utterly ignored by the resultant deal. Furthermore, successful implementation squarely rests on the buy-in capacity on the part of the larger society, and this surely becomes difficult to realize in the event that peace agreement is done in an exclusionary manner that seems to maintain narrow and parochial interests of those behind it.

As already alluded to elsewhere, this formal, independent, and direct participation of all stakeholders in peace talks is indeed a new concept in South Sudan. Examples in this regard include the peace deals of 1972 and 2005. The negotiations that led to the Addis Ababa Agreement, which secured eleven years of relative peace after Sudan's first civil war (1955-72), were not inclusive. The same situation is true for the CPA, although other third parties provided important contributions, albeit in an informal manner as they were wholly excluded from the negotiating table that was reserved to the liking of the warring parties who saw their legitimacy as gun-driven rather than acquired through a politically-driven process. It is arguable as to what extent this non-inclusive approach might have contributed to the outbreak of the ongoing conflict. Furthermore, individuals and groups in the SPLM/A that were involved in the negotiations might possibly have perceived their role as "liberators" to mean that they do have unquestionable and broad sense of entitlement that completely does not consider the roles of others in steering the country towards stability.

In addition to fostering a sense of collective ownership over the eventual attainment of peace and security, the engagement of more stakeholders beyond the principal parties in the peace talks also provides a number of direct and practical advantages worth pursuing. In a society where there is an apparent failure of political leadership, which seems to be the case in South Sudan, a situation that led to a violent confrontation, it is fair to assume that unity of purpose in terms of a few groups commanding the support of the masses is not possible. This suggests that defining what might reflect the will of different constituencies is a work that could be advanced by a broad range of actors, and this in a serious sense necessitates the need for having other South Sudanese stakeholders to join the peace talks and help in putting the country back on track.

Through their networks, these groups have links to populations throughout the country, in both the government and opposition controlled areas. In fact, these actors can serve as a conduit through which vital information from the mediation process to the constituencies throughout the country can be disseminated, and to ensure that the views and aspirations of the South Sudanese people are meaningfully reflected in any resultant peace accord. Through their works, institutions such as think tanks, universities and other research institutions do hold a comprehensive and better sense of the inner workings of different organizations in South Sudan. In this vein, engaging these and many more others stands to bring unique contributions in terms of identifying some of the root causes that triggered the crisis and to give more highlights in terms of the credibly and carefully considered recommendations with respect to the reform agenda going forward. Given their engagement in the country over many years of working side-by-side with populations, it is important to view these bodies as possessing better understanding when it comes to consulting the citizenry in terms of obtaining their views on critical matters of public interest.

As South Sudan continues to suffer from a devastating conflict that has multiple enabling governance and development related factors neglected for far too long, it is imperative that a quick solution is found. However, this much-needed remedy to a very bad situation does not require the usual patchwork that is only good to provide respite but not a complete overhaul, and charting this important course necessarily warrants the involvement of others beyond the gun-wielding sides. Certainly, peace talks are the first step towards this long process. In a sense, as much as involving other stakeholders in finding an immediate and speedy end to the devastating violence in South Sudan is of utmost importance, it is realistic to see it as only the beginning and not the end. Moreover, the task of restoring peace and stability should rather be seen as a collective duty and responsibility that every South Sudanese citizen is obligated to contribute, and this arguably begins with the talks. Potentially, this could help to usher in a new order by ensuring that the South Sudanese people are never needlessly made to suffer from this kind of heinous and senseless war in the future. In this spirit, both the talks and any subsequent national dialogue should be approached in a collective manner, as this is crucial in forging a popular support upon which a sustainable peace hangs. Toward this end, it is necessary that lessons from the past mistakes are appropriately drawn, and to use resultant insights to properly and proactively chart a new way forward by ensuring meaningful and robust involvement of a broad range of interests in the peace process.

Factors Impeding Inclusivity in the Peace Talks

Warring Parties Fixation on Power

In spite of IGAD ostensible commitment to facilitate a more comprehensive peace deal that incorporates perspectives from a wide spectrum of the South Sudanese constituencies, peace talks in Ethiopia have unacceptably dragged on far too long without any apparent end to the conflict. What explains the stalemate on the peace front with respect to the issue of inclusivity, which is generally viewed not only as a way to bring about serious, substantive discussions that can fundamentally address the underlying factors of the conflict but also to bridge the negotiations gap that exists between the parties to the conflict. Simply put, the deadlock seems to have everything to do with how the warring parties view things, specifically their fixation on power. It is to be recalled that the eruption of fighting in Juba, which quickly engulfed the country came as

a result of a power wrangling within the Sudan Peoples' Liberation Movement. For sure, nobody can be faulted for having political differences but the problem arises when the interests of the whole nation are seriously compromised just to achieve some narrowly calculated gains, and this is where the warring parties seem to have gone overboard.

Failing to recognize the unnecessary suffering the war has once again brought upon many innocent, ordinary South Sudanese, who by all accounts appear to have very little, if any, interest in this situation in the first place, the parties have and continue to drag their feet, clearly showing their unwillingness to responsibly end the crisis through a negotiated settlement. Instead of seeing the situation for what it is, a calamity of epic proportion that requires an urgent and immediate resolution, the two parties are essentially engaging in brinkmanship of the worst kind while the country continues to drift into the abyss. With the calculus of winning over the other in their quest for power, the parties seem convinced that the only acceptable solution to the crisis is one that ensures victory, whatever that means, over the other. Obviously, this line of reasoning is not only wrong but also unrealistic and points to how South Sudanese leaders have become so consumed in power as opposed to quality leadership.

Instead of showing leadership to preserve national interests and integrity, the parties unwisely managed what was initially a normal political disagreement to morph into a full-fledged violent encounter that threatens the country to its core. With an immediate intervention from IGAD seemingly assured of the support of the community of nations, there was a sense that a speedy resolution of the conflict was within reach. While this line of thinking might have been correct, it seriously seemed to have underestimated the parties in terms of their entrenched self-interested redlines. Perhaps, owing to what they regard as their proportionate contribution made during the last liberation struggle that culminated in the signing of the CPA, which ultimately paved the way for South Sudan's independence, the presumptuous SPLM leaders found on both sides of the conflict seem to think that each camp can outdo the other in their pursuit to control power through military means. Equally, they extend the same spirit to not like the involvement of other stakeholders in the peace talks. In a sense, they view anybody's involvement as an unnecessary interruption that has to be resisted by all means as this apparently threatens their envisaged individual and collective interests. Furthermore, the parties seem to prioritize political gains, how much power one walks away with, over compromises in the name of peace, and the more parties at the peace table the smaller the piece of the pie each party gets.

To ensure that other South Sudanese groups that seek to participate in the negotiations are completely kept out of the talks as much as possible, the government's negotiating team took an early lead in vehemently opposing any attempt by the IGAD leadership and mediation team to push for the inclusion of other parties in the peace process. The civil society organizations and the first batch of released (former detainees) seven of the eleven politicians arrested following the outbreak of violence in Juba were the only two groups that first expressed readiness and interest in joining the talks. Perhaps unsurprisingly, this genuine and natural request was met with a stiff resistance first by the government delegates and later by the opposition. On its part, the government's delegation to the talks in Addis Ababa came out forcefully in opposing what it regarded as an unjustified urge by IGAD and its continental and global supporters to expand the negotiations to include other South Sudanese stakeholders. Using traditional understanding, which sees the negotiating table as a sacred domain that belongs to the primary parties to the conflict alone, the government demanded no interference by other groups. Toward this end, the

government negotiators took to the airwaves to hammer home their point that only those with guns deserve to have access to the talks. This was at times done in a seemingly not so honest manner, whereby homegrown and bona fide South Sudanese representatives of the civil society organizations were at some points depicted or chided as being externally based and controlled, hence could not be possibly trusted as they might not have the national interest at heart.

Concerning the former detainees, the response that the government's delegation gave as their reasoning for rejecting the inclusion of this group in the peace talks was lack of relevance in the conflict. The government saw the conflict as a two-way rivalry and wished that everyone else took one of the sides, instead of standing alone. The argument was based on the fact that the detainees do not have armed elements fighting for them, as is the case with the other two groups. Obviously, what seems terribly wrong with the negotiating team's reasoning for wanting to exclude others from the peace process is the implication that having taken up arms against the states lends legitimacy to one's grievance claim. If this line of thinking were to be followed to its logical conclusion, it would mean that rather than punishing rebellion it should instead be rewarded. Judging from the past few years experience whereby a myriad of rebel groups were often given blanket amnesties coupled with financial and positional incentives, it is a sad reality to conclude that South Sudan has been condoning a bad practice that it needs to categorically discourage. According to the government side, it was not possible for the detainees to enter the talks on a separate seat but they were welcome to join either warring parties' camp as the only mode through which they can participate.

Although the government's delegation did quickly become a leading vocal critic against the issue of inclusivity, this does not mean that the rebels' side fared any better. On its part, the negotiating delegation representing the SPLM in Opposition initially chose not to publicly reject the involvement of the other third parties in the peace talks. As it later became abundantly clear, this however did not necessarily mean that the rebels embraced the invitation of the said stakeholders to the negotiating table. On the contrary, the initial stance the opposition took with respect to this matter seemed to have been a calculated move designed to evaluate the environment and respond accordingly. Given the fact that rebellion was predicated on unseating the government from power, the opposition probably wanted to survey positions of other forces in the country in order to figure out the possibility of building alliances. Like the representatives of the government who feel obligated to defend the status quo by all means, the opposition delegates seem to harbor a strange view that they are duty bound to allow others to take part only when that helps them to advance their narrowly defined interests.

Using this understanding to project a better public posture, the SPLM-IO delegation through its statements appeared open to the representatives of civil society organizations joining the talks, and this ostensibly set a disparity between them and the government. Of course, the contrast between the two warring camps was just in style but not substance. The government's team understandably seemed set to defend the status quo that it deemed favorable in terms of its grip on power. The rebels on the other hand saw the inclusion of others as not necessarily a drag on their interests but an opportunity to pressure the government they desperately want to replace. Like the government's negotiating team, which as alluded to earlier, was adamant that the talks be essentially restricted to the warring parties alone, a position that certainly does not seem to factor in the necessity of achieving a durable peace that could enjoy the popular support, the rebels had to publicly confirm the notion that only those with guns are allowed to negotiate.

In a move that immediately angered the SPLM-IO, the recently released former detainees decided to pitch their own separate tent, essentially choosing a separate seat at the negotiating table. After having made the release of the people they regarded as their comrades when it comes to their opposition to the government one of their primary demands in the talks, the rebels could not stomach the idea of a third group directly participating in the talks. This new development arguably shows the “unwritten agreement” of the warring parties’ opposition to having multi-party negotiations as outlined by IGAD with the blessing of others such as multi-lateral intergovernmental bodies, individual countries and other pressure groups. That is, with this turn of events, the parties responsible for the carnage currently consuming the new nation publicly demonstrated that they were practically unwilling to allow the involvement of any group, particularly when that seems to undermine their interests – real or perceived. Obviously, the “us only approach” deployed by the two warring groups is not only a contravention of the political framework agreement of May 9, 2014, which calls for inclusivity but also an unbelievable nose thumping to the people who have every reason to claim the assumed birthright by the self-appointed crowns to singlehandedly determine the fate of the whole nation.

IGAD Confusing Approach to Mediation

To many, the speedily organized IGAD summit, which happened just less than two weeks after the outbreak of fighting was seen as a right move in the right direction as it gave a sense that the resolution of the conflict might be within reach. Subsequent to IGAD appointment of the envoys last December, the two protagonists fielded and sent their delegations to Addis Ababa to take part in the talks. Eleven months later however, the seriously challenged talks are now on leaving everyone to only guess when and how they will come to a close. Given this situation, the expectation of a quick settlement is really in doubt as IGAD appears woefully inadequate or unable to convince the warring parties to give a negotiated political settlement a priority above the insanity of continuing to unnecessarily shed blood.

As mentioned previously, IGAD leadership, particularly the Assembly of Heads of State and Government apparently made the need to having an inclusive peace process for South Sudan abundantly clear through its communiqués of December 27, 2013, January 31 and March 23, 2014. Despite this laudable position, however, IGAD commitment to bring about a speedy, comprehensive and durable peace in South Sudan has sadly remained as ever a rhetorical posturing than reality. While the IGAD special envoys as per the aforementioned communiqués were presumably directed to ensure that the peace talks are inclusive in terms of having representatives of the different stakeholders attending, it took them five months to finally inaugurate the idea. Throughout the aforementioned period, the talks were only limited to the negotiating teams of the parties to the conflict. The delay to introduce multi-stakeholder negotiations no doubt was created by the parties’ unjustified opposition to others joining in as well as what is arguably IGAD’s own ambivalence toward the issue of inclusivity itself.

Judging by how disappointingly slow the pace of the talks has been thus far, the extent to which IGAD is genuinely committed to ensuring an inclusive peace process in South Sudan is being justifiably called into question. Despite the rhetoric of inclusivity, IGAD’s handling of the mediation process is one that has been confusing to say the least. That is, the genuine desire of having a comprehensive solution commensurate to the conflict is in jeopardy as IGAD continues to shift the goalposts. It is an open secret that ultimatums of 60-day and 45-day deadlines during

which the parties were told to settle their differences by IGAD passed without the promised repercussions. At the time of this writing, another 15-day deadline is lurking around the corner, and it remains anybody's guess as to whether this would finally break with the troubling pattern of non-compliance we have all gotten accustomed to. In addition to the deadlines are threats often issued, none of which has been followed through in terms of the punitive measures promised. By setting standards it cannot keep, IGAD renders itself powerless and undermines its integrity and credibility.

Perhaps, the disappointing stalemate in the peace talks in Ethiopia might not be as nearly bad as it is right now if both the IGAD leaders and envoys have taken the position of being honest peace brokers seriously as is expected of them. Doing this would certainly ensure that the warring parties are held to account. Sadly, this is not the case as apparent competing interests on the part of IGAD leadership show. The case in point is the recently signed protocol that was supposedly going to guide the negotiations as a basis for determining the content and formation of the transitional government. With the exception of the government, all the other South Sudanese stakeholders' delegations cried foul accusing the region's leadership of having deliberately sided with the government. One week before the said summit of the IGAD Heads of State and Government convened this last August, the government delegation pulled out from the thematic committees whose job was to establish some commonalities on issues involved in terms of identifying broad base principles upon which hang the negotiations. Given what emerged as a central role President Museveni of Uganda is alleged to have played, the rebels protested the outcome forcing IGAD to abandon the document that was advanced as critical in determining power sharing among others. Given the fact that Uganda has forces in South Sudan that are supporting the government troops, it is understandable why the rebels would not appreciate any significant involvement of the country, particularly in the mediation front. For the sake of credibility and integrity of the process, it is not far fetched to think that IGAD leadership would do well if it takes extreme care in order to avoid being accused of partiality by either party.

Like the leaders of IGAD who clearly seem to have brought against themselves some cloud of suspicions by failing to ensure that the decisions they take can be implemented as well as maintaining a neutral position often required of honest peace brokers, IGAD special envoys have thus far succeeded in creating a public perception of being ineffective when it comes to them steering the peace talks. Even though this might be nothing more than just a perception, it has a damaging effect on the peace process as it forces people to question the competence of the mediators. The debate whether there is an apparent willful disposition or an inadvertent weakness on the part of envoys is something beyond the scope of this paper. What is not in doubt though is the generally low feeling that exists when it comes to the envoys' ability to safeguarding the integrity of the mediation process, particularly on the issue of inclusivity. This feeling is based on how the inclusion of the other South Sudanese third parties into the process was handled. As alluded to earlier, it took IGAD five months to persuade the warring parties to accept the expansion of the talks. This was finally achieved with the signing of the May 9 framework agreement between President Kiir and Riek.

Using the said agreement, the envoys convened a multi-party symposium to inaugurate inclusivity from June 6 -7, 2014 in Addis Ababa. This seminar was attended by the delegations of the warring parties, representatives of former detainees, political parties, civil society organizations, religious leaders, chiefs, war disabled and eminent persons. In addition to

introducing what was deemed as multi-stakeholder roundtable negotiations, the symposium also aimed to familiarize the expected participants with some of the substantive issues that were going to be central in the talks. Following the June conference, the negotiations quickly run into a deadlock over the SPLM-IO key demands on the issues of Ugandan troops withdrawal and composition of the civil society organizations. The controversy over the selection of the civil society organizations' representatives emerged after IGAD hastily organized a meeting in which the CSOs delegation was changed. The CSOs delegation that was replaced on June 8, 2014 in Addis was chosen in March 2014 during a much bigger conference attended by nearly sixty representatives drawn from a wide spectrum of backgrounds. No reason was given for the impromptu meeting, but it was alleged that this was done in order to appease the government delegation, which was silently planning to boycott the symposium.

To break the deadlock, IGAD reckoned that it had no choice but to give in on the rebel delegation's demand on getting pro-opposition CSOs seven members selected to match that of the presumed pro-government members. This was done, and consequently, the 14-member CSOs delegation was completely adulterated as each of the warring parties got their allies in the team. The cost of IGAD failure to prevent what appears like a deliberate and obstructive attitude of the warring parties towards ensuring an inclusive process is that the independence of the civil society is compromised. In a sense, the value added in terms of having this group joining is significantly watered down, and this seriously begs the question as to why the same parties are being represented twice. Perhaps, the goal of the parties of not allowing the other stakeholders to make no significant contribution in the negotiations is met.

Of course, this was not the first time the envoys gave in to the pressure from the conflict parties. The first time this sidetracking occurred was earlier this year. Working in partnership with the Office of the US Special Envoy, Donald Booth, the IGAD envoys decided to convene a meeting of civil society organizations from March 15–17 in Addis Ababa. The expressed objective of this conference was to allow the mediation team to strategically interact with some CSOs representatives so as to figure out the model of engaging this important sector. As a matter of courtesy, the envoys proceeded to notify the negotiating delegations about the conference. Owing to their belief that they alone should be allowed to negotiate a peace deal that South Sudan seriously needs, the parties submitted their lists of the prospective participants to attend this Addis based gathering.

Few days ahead of the said conference, the meeting of a small team tasked with preparing the agenda of the meeting and to select the conference attendants took place. In its deliberations, the committee identified and invited the participants, and having used some strict set of criteria to determine who qualified to represent the civil society organizations in this consultative forum, none of the warring parties' choices was selected. When it surfaced that none of the people proposed by either of the two parties was invited to attend the conference, the parties bitterly complained to the envoys about this. On their part, the envoys decided to walk away from their initial commitment of engaging the civil society organizations so as to determine their participation in the peace process.

Although the conference was held as scheduled, the representatives of the civil society found themselves alone without any significant interaction with IGAD as the envoys decided to recoil, practically staying away from the venue of the conference – a situation that made a mockery of

the notion of the much hyped consultative spirit of the meeting. Throughout the span of three days, CSOs representatives have had to deal with a program they did not initiate. In addition to the presence of some IGAD junior representatives, who were not authorized to substantively deal with any resultant issues, were envoys from elsewhere on the continent and globe. Given the fact that this meeting was not their own but IGAD's, these said diplomats could not do more than listening to a litany of concerns expressed by the conference's participants about the process.

Other Stakeholders Expected Contribution

As mentioned previously, IGAD has been on record since day one regarding the importance of having an inclusive peace process in South Sudan. However, this view remained as an aspirational goal for about five months, a period that saw the talks being limited to the warring parties alone. Contrary to the aforementioned IGAD position, both warring parties were united in their determination to keep other stakeholders out of the talks, arguing that inclusion of parties who are not directly involved in the conflict can make the negotiations more difficult to reach any deal. After growing impatient with what it regarded as a stonewalling attitude of the warring parties, a situation that certainly made it nearly impossible to reach an agreement, IGAD leadership finally prevailed on President Salva Kiir and his rival and former Vice President Riek Machar as discussed previously. This deal, which was sealed in May, committed the rival camps to agree in principle about the formation of the transitional government of national unity, further recommitting them to the Cessation of Hostilities accord reached on January 23, 2014 and agreed to the establishment of the humanitarian corridor granting access to the people needing emergency relief services.

Understandably, this change of position by the two leaders was greeted with some cautious sense of optimism, as it now than ever looked plausible that the peace process was significantly reinvigorated by the inclusion of others in the talks. As it soon turned out, having others joining was not necessarily going to change things in a more positive manner in terms of ending the stalemate. Instead, this was just going to open another front in the perpetual power duel between the two SPLM factions as the preceding discussions showed. Using the said agreement to push for a possible settlement, the envoys arranged to allow other stakeholders to take part in the negotiations by inviting the delegations of the political parties, former detainees and civil society organizations to join as direct negotiators. Furthermore, religious leaders and some eminent persons were allowed to sit in the talks as observers. With these newcomers on board, it was soon found that their joining did not amount to some kind of a breakthrough as this could help narrow the gap between the parties to the conflict.

On the contrary, some of these stakeholders, particularly the politicians constituted delegations unwisely played into the hands of the rival camps. Despite the glaring fact that both the conflict, and the subsequent deadlock reached in the peace talks between the warring parties are fueled by the two sides struggle for power, the political parties and former detainees representatives made a move to feature in the power arrangement in the interim period whenever a deal is reached. By making this move, the newly added stakeholders seemed to have quickly succumbed to the trap laid by the warring parties.

This happened when the proposals drawn up by the delegations of the political parties and former detainees on the subject of how the expected composition of the transitional government

of national unity (TGNU) agreed in principle in the referenced May deal signed by President Kiir and Dr. Riek Machar should be structured. The two parties in question weighed in on the question of who should get what by revealing their preferred positions sharing formulae. For political parties, slicing of the proverbial national cake was going to be done on a 60% to 40% basis across the board from the national, state and county levels². In their reasoning, this proposal of the political parties gave 60% to the three SPLM factions (Government, SPLM in Opposition, and SPLM Leaders, Former Detainees). The remainder percentage was to be given to the political parties themselves.

On their part, the former detainees' plan posited that power is shared 28%, 27%, 25% and 20% for the government, SPLM-IO, former detainees, and other political parties respectively during the transitional government³. Earlier on, the rebels had come up with their own power sharing formula in which they wanted to take 70% leaving the remaining 30% to be shared 20%, and 10% between the government and some unidentified parties respectively⁴. Missing in this apparent scramble for positions in the transitional government in terms of what its proposed power-sharing plan is the government block. Although nothing has been mentioned publicly about how those presently serving in the government view the issue of power arrangement, it is not unreasonable to assume that they would prefer a formula that allows them to have a higher percentage than any proposed by the other groups.

Certainly, nothing is wrong with politicians showing their interests with respect to how the question of power arrangement should be addressed. What is disconcerting however, is the almost exclusive focus on power, as this alone cannot sufficiently address the core issues responsible for the war. Instead of challenging the envoys on what is ostensibly a poor sequencing on their part in terms of how the agenda for negotiations is framed, which enables a very narrow focus on power sharing without any concrete proposal with respect to how the root causes underlying the conflict can be addressed, the other third parties did not seem to have their priorities right. It is to be recalled that the case for their inclusion in the process is to substantively contribute so as to enhance a comprehensive resolution of the conflict, a resolution that goes beyond ending the violence and the reinstatement of parties to government positions.

Unsurprisingly, both the government and rebel sides seem to once again have forged an agreement, essentially returning to their earlier positions; rejecting the expansion of the talks to include other stakeholders. With the blessing of the mediation team, the warring SPLM factions including the former detainees managed to limit the talks within their circles alone recently in Bahir Dar, Ethiopia. During this time in which virtually no agreement was reached on the issue of the powers to be given to the proposed premier position, the talks were a close door affairs for the three SPLM groups. Despite the presence of the civil society organizations' delegation, which is recognized as one of the direct negotiators, this group was completely excluded from the proceedings for the entire period of the talks. Just days before the resumption of the talks, there was an apparent power-driven controversy within the ranks of political parties' delegation that

² See the "Position of the Political Parties on the Transitional Government" for more information.

³ Refer to "Single Negotiating Text Arising from Draft II Framework for Political and Security Negotiations Towards Resolution of Crisis in South Sudan" for more detail.

⁴ The proposal is contained in a draft alleged to be an agreement the Government and SPLM-IO dated August 19, 2014

led to five members of the negotiating team including the team leader, Lam Akol being prevented from traveling to Addis Ababa to attend the talks. As the selection of the political parties was done as directed by the IGAD Heads of State and Government communiqué of June 10, 2014, the envoys are supposed to intervene to ensure that political parties are duly represented in the talks as per the 9th of May accord. They did not and this once again portrays the confusion with the mediation process, particularly on the issue of inclusivity.

The intra-SPLM dialogue launched last month in Arusha, Tanzania with the blessing of President Kiir and Riek was seen as presenting a new opportunity to reward the efforts of reuniting SPLM. However, a month has already passed and there is no indication yet as to when the delegations of the three factions are to travel to Tanzania to participate in substantive talks. According to the arrangement announced at the completion of the launching, the groups were only given two weeks to return, and this time has now doubled, and it is anybody's guess as to whether this process is really still on or not. As the country waits for the return of an elusive peace, shopping for the resolution of the conflict continues. Just this past week, President Museveni hosted a meeting between the government delegation, which was led by President Kiir and the group of ten of the former detainees. No adequate information from the meeting was made public, but it is said that the parties will return after a week.

Response of the International Community

Unlike the negotiations that ended the last protracted Sudan's north-south conflict in 2005 with the signing of the CPA, the international community has taken a more layback approach when it comes to the current IGAD-led mediation process, and this unquestionably affects the state of affairs. Using a difficult logic to understand, there seems to be a consensus that the IGAD region is to lead the efforts for peace in South Sudan. This view does not factor in some inherent conflicts within the region, which have led to the overt and covert roles some IGAD member states are playing. Equally, the hands off approach the world community has shown in terms of a conspicuously absence of a united front, formal role seems to only allow those with competing interests to further exacerbate the already intoxicated situation.

Instead of deferring too much to IGAD, which arguably is the right forum to help address the matter, there is a serious need for a stronger involvement from all relevant bodies like the AU, Troika, UN as well as individual countries that have leverage over the warring parties. If done in a coordinated fashion, having a unified front towards the attainment of peace and order in South Sudan can unquestionably bear fruits. This could well be advanced when the leaderships of the two warring parties are pushed to immediately resolve the conflict. When there was an apparent stalemate in the talks in Naivasha between the delegations of the government of Sudan and SPLM, a concerted pressure on the leaderships of both parties was exerted and this brought Dr. John Garang and Ali Osman Mohammed Taha to directly negotiate with one another. Needless to say that the direct talks quickly changed things for the better as the two leaders possessed authority to committing their respective sides to compromises necessary to ensuring peace. Without a doubt, the subsequent progress recorded an understanding that resulted in the signing of the CPA.

Recommendations and Conclusion

As the body entrusted with the role of helping the warring parties to settle their differences peacefully, it is understandable that IGAD is sensitive to the feelings of the government and SPLM in Opposition. Doing this, however, should not and cannot be done to undermine reaching an implementable and durable peace agreement, which badly requires the contribution of other South Sudanese stakeholders. It cannot be overstated that among the obvious pre-requisites of having a durable peace is getting some buy-in from the citizenry, which in some way can be assured with the involvement of groups representing the public interests. Moreover, IGAD needs to be mindful of the fact that its success in terms of getting the two sides to agree on the way forward largely depends on being seen as an honest broker. The parties have on several occasions expressed concern of biasness in IGAD's efforts, the recent protocol, which seemed to have been manipulated in government's favor, being a prime example.

Like IGAD, both the continent and international community have the moral duty and obligation to ensure that the war, which has and continues to exert unimaginable suffering on innocent South Sudanese, is brought to an immediate end. Reaching an amicable solution to the crisis requires a greater degree of cooperation among all the regional and international bodies and governments with competing interests to work together for the sake of peace in South Sudan. In a sense, the feet dragging attitude the warring parties have shown thus far seems to have emanated in part from lack of a united stance on the part of the world community to exert pressure on the leadership of the warring sides to take the peace process seriously.

For the South Sudanese citizens who are unfortunately bearing the brunt of this unnecessary war they need to understand that they cannot afford to stand idly by while the nation is being shredded in their very own eyes. To push for the notion of having the citizens to take a more active role in terms of them pushing their leaders to end the crisis, it is incumbent upon other stakeholders such as political parties, civil society organizations, women and youth groups, faith based institutions to lead in this endeavor. Doing this entails helping the citizenry to understand that there is no gain to be made in taking sides. Instead, a meaningful peace is only possible when all peace-related actions and activities are geared towards building trust in order to heal the wounds created by the situation. To get the parties to move out of the military victory frame of mind, the aforementioned groups need to reinforce each other's efforts and to constructively push the parties towards a meaningful settlement.

In order to bring about the much-needed resolution of the current conflict in South Sudan, it is extremely important that all involved forge a united front so as to put a sustainably commensurate pressure to bear on the warring parties who see their narrowly defined interests as trumping those of the ordinary citizens. From the South Sudanese citizens, the vast majority of whom are directly and indirectly supporting the two sides in the conflict to the regional leadership and mediating team, from AU to those organizations and countries that are financially supporting the peace process, and from the UN to the individual countries with leverage over the two camps in question the message needs to be loud and clear in favor of a speedily negotiated settlement, not some unlikely military victory, which in any event cannot guarantee permanent peace.

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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.

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