

No End in sight for South Sudan's Crisis

By: Abel Abate and Dr. Mehari Taddele Maru

The Sudan People's Liberation Movement (SPLM) would perform an important service to the people of South Sudan if it succeeds in ending the current civil war, revitalises the role of its collective leadership and decision-making, and transforms itself into a popular, democratic movement that appeals to its political rivals and the general population with the simple message of unity and equality, insist Abel Abate Demissie and Dr Mehari Taddele Maru

It has been a year and few months since the South Sudan conflict erupted and led to the killings of tens of thousands of civilians and the displacement of over two million people, more than 10 percent of the population, according to the United Nations estimate. There have been many peace and power sharing agreements signed between President Salva Kiir and his former deputy, Dr Riek Machar, but to no avail. On March 6, 2015, on the completion of the deadline for the Intergovernmental Authority on Development (IGAD)-led mediation, the IGAD Chair, Prime Minister Haile Mariam of Ethiopia expressed his disappointment on the failure of the two warring parties to come up with a breakthrough in the mediation. With an intention of putting pressure on the warring parties while in a closed-door 'final' negotiation in the Ethiopian capital, Addis Ababa on March 3, the United Nations Security Council members unanimously adopted a resolution to impose sanctions on those disrupting efforts to restore peace in South Sudan. With the endorsement of IGAD countries, both Russia and China supported the sanction.

Challenges Affecting the Mediation Effort

International actors supporting the South Sudanese peace effort, including the IGAD as well as the 'Troika' (comprising the US, UK and Norway), have reiterated warnings to impose severe sanctions on those dragging their feet in the peace process. The US Ambassador to the UN, Samantha Power was quoted by Reuters as saying, "(IGAD) are now sitting down with the parties and making (it) very clear that if this round of talks ... do not succeed then IGAD and the (Security) Council are going to need to move out on these long-threatened sanctions." This is the continuation of US Secretary of State John Kerry's effort in June 2014 to persuade three of South Sudan's immediate neighbours to impose tough penalties against the spoilers of the mediation process.

The Information and Broadcasting Minister Michael Makuei Lueth has reportedly expressed his dissatisfaction with the IGAD-mediation team. "We are appealing to the region and especially the Kenyan government. Kenya is the centre for everything here in the region. This is where our message should be carried from," he is reported to have said. In August 2014, Ezekiel LolGatkuoth, former South Sudanese ambassador to the United States and top aide of Dr Riek Machar, criticised the IGAD for 'legitimising Kiir'. In June 2014, the South

Sudanese government threatened to withdraw from the IGAD mediation after the Executive Secretary of the IGAD, (Eng.) Mahboub Maalim, allegedly said that the warring parties were 'stupid' if they believed they could win militarily.

The only reason that has kept the warring factions in the negotiation process seems to be the fear of alienation and sanction across the region and the world. South Sudan, which receives a major part of its budget from international donors, is not expected to survive long without it. Lacking the type of party and state structure and popular anti-western social base that enabled the Sudanese and Eritrean regime to survive and sustain themselves under similar sanctions and international pressure, the Sudan Liberation Movement/Army (SPLM/A) and the state would be unable to sustain similar levels of sanctions, if imposed. The state, which depends solely on oil revenue for FINANCING the entire public service, faces a serious decline in its ability to exercise legitimate core functions, including the maintenance of law and order, and the operation of the armed forces (SPLA). This weakness constitutes a recipe for state failure in South Sudan.

On the other hand, if the anticipated sanctions that include asset freezes are imposed, the damage on the rebel's side will also be fatal. As most of the FINANCE is received from the Nuer diaspora and some other sympathisers abroad, there is no way the Machar group can afford a cut in its budget.

There is also a growing consensus that the mediation efforts should employ a fresh approach as present efforts have not delivered the anticipated result. The mediation has taken place in unfavourable circumstances with the requirement to adopt some imperfect positions and approaches, such as the inclusion of ethnic and religious representatives with the vision and commitment to transform themselves and their followers from a purely sectarian outlook to that of democratic citizenry. In this regard, a serious concern of the IGAD-led mediation process is the need to ensure the inclusivity of representatives of all communities, particularly those from peripheral areas located far away from the capital Juba. These include organisations that were disenfranchised even before the crisis erupted (mainly in the diaspora) and those who were displaced during and after the crisis.

Possible Way Out

The international community needs to continue exerting its utmost pressure on the warring parties. The pressure should also be imposed on regional countries that are directly involved in support of one group over the other. The unilateral involvement of certain countries to support one group over the other will drive South Sudan in particular and the region in general into a deeper political quagmire. The best way to resolve the South Sudan crisis is to form a transitional caretaker government, composed of individuals considered independent, but with popular legitimacy and professional integrity, to lead the country for a specified time period. The transitional government would be entrusted with the role of formulating a constitution and forming an electoral board. It also needs to envision a federalist state as the conflict is mainly along ethnic lines. This would ultimately require the exclusion of the two leaders of the warring factions from any state leadership position. Ensuring a transitional process that is insulated from undue influence of the warring groups like an

independent transitional arrangement would create a level playing political field for all participants, including those outside the SPLM/A.

Given that legitimacy is now dispersed among many actors, including the incumbent, the rebel faction, the third bloc and other civil society organisations, mainly religious organs, this legitimate transitional process could unite all South Sudanese political actors. For the transitional process to enjoy popular legitimacy, it must be inclusive. The caretaker government must bring representatives of Internally Displaced People (IDP) and refugees as well as the diaspora together to participate in a constitutive national dialogue. Such an arrangement would ensure that stability and legitimacy can be pursued together, without sacrificing legitimacy for the sake of stability by allowing the powers that be to remain in power. This arrangement would ensure the comprehensive nature and sustainability of the peace agreement.

However, despite being most desirable, this scenario still remains the least probable, as it is mainly dependent on the political will of the warring parties, particularly their leaders. For the incumbent group and perhaps for the current president and the former vice president, personally, inclusivity may not lead to a happy ending. Companies and external forces may work against such an arrangement, as it may endanger existing financial and other interests.

Multiple Scenarios

A more pragmatic solution would be to work for a government of national unity. South Sudan can usher in a transitional Government of National Unity similar to that of Kenya and Zimbabwe where the ruling and opposition parties share power. As a result, these countries entered into relatively peaceful election processes.

A similar situation might occur in South Sudan. However, there is no strong judiciary in the country, as in Kenya, and to a limited extent in Zimbabwe. More essentially, the SPLA is not a professionally neutral and with a united army as in the case of the Kenyan armed forces. Despite many concerns surrounding the result of Kenya's last election, the Kenyan armed forces remained neutral. The SPLA still remains an ideologically and ethnically politicised rebel army. Governments of national unity do not necessarily lead to democratic dispensations, but as experienced in Kenya and Zimbabwe, they are capable of delivering stability and reducing political violence.

A government of national unity composed of the warring groups of the SPLM is highly probable, given that a stable central government is vital in order to prevent further violence and total collapse of the South Sudanese state. While seeking the best scenario under a caretaker government, a government of national unity may simply be the best outcome that the IGAD-led mediation effort can deliver.

However, the continuation of the current situation where the incumbent SPLM group in government continues to stay in power is unacceptable. With such dispersed centres of legitimacy, the status quo is unsustainable unless the SPLM/A is reconstituted afresh. The root cause of the current crisis resides in the unwillingness of

the SPLM/A to transform itself into a democratic political party fit to govern post-independent South Sudan. Thus, stability and democracy in South Sudan requires radical reform of the SPLM/A, or total replacement of the current system of governance by a constitutional democracy. The current government will be able to achieve popular legitimacy only if it embarks upon the democratic reconstruction of the governing structures of the SPLM/A and commences an inclusive, constitutive national dialogue process. The SPLM would perform an important service to the people of South Sudan if it succeeds in closing this chapter, revitalises the role of its collective leadership and decision-making and transforms itself into a popular, democratic movement that appeals to its political rivals and the general population with the simple message of unity and equality.