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Assessing the Effectiveness of Power-Sharing Arrangements in South Sudan:
A Peacebuilding and Conflict Resolution Approach

Foday Darboe

Senior Researcher and Analyst at Valka-Mir Security LLC

Abstract

The violent conflict in South Sudan has numerous and complex causes. There is lack of political willpower from either President Salva Kiir, an ethnic Dinka, or former Vice President Riek Machar, an ethnic Nuer, to end the hostility. Uniting the country and upholding a power-sharing government will require the leaders to set aside their differences. This paper uses power-sharing framework as a peacebuilding and conflict resolution mechanism in the settlement of inter-communal conflict and in bridging sharp divisions in war-torn societies. The data collected for this research were obtained via a comprehensive thematic analysis of existing literature on the conflict in South Sudan and other post-conflict power-sharing arrangements across Africa. The data were used to pinpoint the convoluted and complex causes of the violence and examine the August 2015 ARCSS peace agreement as well as the September 2018 R-ARCSS peace agreement, which went into effect on February 22nd, 2020. This paper attempts to answer one question: Is a power-sharing arrangement the most suitable mechanism for peacebuilding and conflict resolution in South Sudan? Structural violence theory and intergroup conflict theory offer a powerful explanation of the conflict in South Sudan. The paper argues that, for any power-sharing arrangement to take hold in South Sudan, trust must be rebuilt amongst the different stakeholders in the conflict, which requires the disarmament, demobilization, and reintegration (DDR) of the security forces, justice and accountability, robust civil society groups, and equal distribution of natural resources amongst all groups. Additionally, a power-sharing arrangement alone cannot bring sustainable peace and security to South Sudan. Peace and stability may require the additional step of delinking politics from ethnicity, and the need for mediators to thoroughly focus on the root causes and grievances of the civil war.

Keywords: South Sudan, ethnic violence, power-sharing arrangement, peacebuilding, conflict resolution

Introduction

Structural violence theory and intergroup conflict theory offer a powerful explanation of the conflict in South Sudan. Scholars in peace and conflict studies have maintained that justice, human needs, security, and identity are the root causes of conflict when they are left unaddressed (Galtung, 1996; Burton, 1990; Lederach, 1995). In South Sudan, structural violence takes the form of widespread impunity, the use of violence to sustain power, marginalization, and lack of access to resources and opportunities. The resulting imbalances have insinuated themselves into the political, economic, and social structures of the country.

The root causes of the conflict in South Sudan are economic marginalization, ethnic competition for power, resources, and several decades of violence. Scholars in social science have specified a connection between group identities and intergroup conflict. Political leaders often use group identity as a rallying cry to mobilize their followers by describing themselves in contrast to other social groups (Tajfel & Turner, 1979). Fomenting ethnic divisions in this way leads to an upsurge in the competition for political power and encourages group mobilization, which makes conflict resolution and peacebuilding difficult to achieve. Drawing on several events in South Sudan, political leaders from the Dinka and Nuer ethnic groups have used fear and insecurity to promote intergroup conflict.

The present government in South Sudan emanated from the inclusive peace deal known as the Comprehensive Peace Agreement (CPA). The Comprehensive Peace Agreement, signed on January 9, 2005 by the Government of the Republic of the Sudan (GoS) and the primary opposition group in the South, the Sudan People's Liberation Movement/Army (SPLM/A), brought to an end more than two decades of violent civil war in Sudan (1983–2005). As the civil war was ending, the Sudan People's Liberation Movement/Army top ranking members put aside their differences to present a unified front and, in some cases, to position themselves for political office (Okiech, 2016; Roach, 2016; de Vries & Schomerus, 2017). In 2011, after decades of protracted war, the people of Southern Sudan voted to secede from the North and became an autonomous country. Nevertheless, barely two years after independence, the country reverted back to civil war. Initially, the split was mainly between President Salva Kiir and former Vice President Riek Machar, but political maneuvering deteriorated into ethnic violence. The government of Sudan People's Liberation Movement (SPLM) and its army, the Sudan People's Liberation Army (SPLA), had split following a long-standing political conflict. As the fighting spread beyond Juba to other areas, violence alienated all the major ethnic groups (Aalen, 2013; Radon & Logan, 2014; de Vries & Schomerus, 2017).

In response, the Inter-Governmental Authority on Development (IGAD) mediated a peace deal between the warring parties. However, key member countries showed a lack of interest in finding a durable solution through the Inter-Governmental Authority on Development's peace negotiation process to end the conflict. In attempts to find a peaceful resolution to Sudan's intractable North-South conflict, a multidimensional power-sharing approach was developed within the 2005 Comprehensive Peace Agreement, in addition to the August 2015 Agreement on the Resolution of the Crisis in South Sudan (ARCSS), which tackled the prolongation of intra-South violence (de Vries & Schomerus, 2017). Several scholars and policymakers have considered the conflict in South Sudan an intercommunal conflict—but framing the conflict mainly along ethnic lines fails to address other deep-rooted issues.

The September 2018 Revitalized Agreement on the Resolution of the Conflict in South

Sudan (R-ARCSS) agreement was intended to revitalize the August 2015 Agreement on the Resolution of the Crisis in South Sudan, which had many deficiencies and lacked well-defined goals, guidelines, and framework for peacebuilding and disarming rebel groups. However, both the Agreement on the Resolution of the Crisis in South Sudan and the Revitalized Agreement on the Resolution of the Conflict in South Sudan emphasized the distribution of power amongst political and military elites. This narrow distributive focus exacerbates the political, economic, and social marginalization that drives armed violence in South Sudan. Neither of these two peace agreements is detailed enough to address the deep-rooted sources of the conflict or propose a roadmap for the unification of militia groups into the security forces while managing economic transformations and ameliorating grievances.

This paper uses power-sharing framework as a peacebuilding and conflict resolution mechanism in the settlement of inter-communal conflict and in bridging sharp divisions in war-torn societies. Nevertheless, it is important to note that power-sharing has the propensity to strengthen division leading to a decay of national unity and peacebuilding. The data collected for this research were attained via a comprehensive thematic analysis of the existing literature on the conflict in South Sudan and other post-conflict power-sharing arrangements across Africa. The data were used to pinpoint the convoluted and complex causes of the violence and examine the August 2015 Agreement on the Resolution of the Crisis in South Sudan as well as the September 2018 Revitalized Agreement on the Resolution of the Conflict in South Sudan, which went into effect on February 22nd, 2020. This paper attempts to answer one question: Is a power-sharing arrangement the most suitable mechanism for peacebuilding and conflict resolution in South Sudan?

To answer this question, I describe the historical background of the conflict. The literature review explores examples of previous power-sharing arrangements in Africa as a guiding principle. I then explain the factors that will lead to the success of the unity government, arguing that establishing peace and stability, uniting the country, and forming a power-sharing government will require leaders to rebuild trust, equally share natural resources and economic opportunities amongst various ethnic groups, reform the police, disarm the militias, promote an active and vibrant civil society, and establish a reconciliation framework to deal with the past.

Peacemaking Initiatives

The August 2015 Agreement on the Resolution of the Crisis in South Sudan peace agreement, mediated by the Inter-Governmental Authority on Development (IGAD), was intended to resolve the political dispute between President Kiir and his former Vice President, Machar. On many occasions throughout the negotiations, Kiir and Machar violated a string of previous agreements due to power-sharing disagreements. Under pressure from the United Nations Security Council (UNSC) and the sanctions imposed by the United States, as well as an arms embargo to end the violence, both parties signed a power-sharing agreement that brought a temporary end to the violence.

The provisions of the August 2015 peace deal created 30 ministerial posts divided between Kiir, Machar, and other opposition parties. President Kiir had control of the cabinet and the majority opposition membership in the national parliament while Vice President Machar had control of both opposition members in the cabinet (Okiech, 2016). The 2015 peace agreement was lauded for addressing the diverse concerns of all stakeholders, but it lacked a peacekeeping

mechanism to prevent violence during transitional periods. Also, the peace deal was short-lived because of renewed fighting in July of 2016 between government forces and Vice President Machar loyalists, which forced Machar to flee the country. One of the contentious issues between president Kiir and the opposition was his plan to divide the country's 10 states into 28. According to the opposition, the new boundaries ensure President Kiir's Dinka tribe of powerful parliamentary majorities and change the country's ethnic equilibrium (Sperber, 2016). Together, these factors led to the collapse of the Transitional Government of National Unity (TGNU).

The August 2015 peace agreement and the September 2018 power-sharing arrangement was built more on the desire for the socio-political re-engineering of institutions than on creating long-term political structures and mechanisms for peacebuilding. For instance, the Revitalized Agreement on the Resolution of the Conflict in South Sudan crafted a framework for the new transitional government that included inclusivity requirements for the selection of ministers. The Revitalized Agreement on the Resolution of the Conflict in South Sudan also created five political parties and allocated four vice presidents, and the first Vice President, Riek Machar, would lead the governance sector. Apart from the first vice president, there would be no hierarchy amongst the vice presidents. This September 2018 power-sharing arrangement stipulated how the Transitional National Legislature (TNL) would function, how the Transitional National Legislative Assembly (TNLA) and Council of States would be constituted, and how the Council of Ministers and Deputy Ministers between the various parties would operate (Wuol, 2019). The power-sharing agreements lacked instruments to support state institutions and assure that the transitional arrangement would hold firm. Further, since the agreements were signed in the context of an ongoing civil war, none included all of the parties to the conflict, which provoked the emergence of spoilers and prolonged the state of war.

Nonetheless, on February 22, 2020, Riek Machar and other opposition leaders were sworn in as Vice Presidents in a new South Sudan unity government. This peace deal granted amnesty to rebels in South Sudan's civil war, including Vice President Machar. Also, President Kiir affirmed the original ten states, which was an important concession. Another point of contention was Machar's personal security in Juba; however, as part of Kiir's 10-state boundary concession, Machar returned to Juba without his security forces. With those two contentious problems ironed out, the parties sealed a peace deal, even though they left major important points—including how to speed the lingering unification of security forces loyal to Kiir or to Machar into one national army—to be addressed after the new government began moving into action (International Crisis Group, 2019; British Broadcasting Corporation, 2020; United Nations Security Council, 2020).

Literature Review

Several academics have advanced the theory of consociational democracy, including Hans Daalder, Jorg Steiner, and Gerhard Lehmbruch. The theoretical proposition of consociational democracy is that power-sharing arrangements have many significant dynamics. Proponents of power-sharing arrangements have centered their arguments about the fundamental guiding principles of conflict resolution or peacebuilding mechanisms in divided societies on the academic work of Arend Lijphart, whose groundbreaking research on “consociational democracy and consensus democracy” established a breakthrough in understanding the mechanisms of democracy in divided societies. Lijphart (2008) argued that democracy in divided societies is attainable, even when the citizens are divided, if leaders form a coalition. In a consociational democracy, a

coalition is formed by stakeholders who represent all of that society's main social groups and are proportionally allocated offices and resources (Lijphart 1996 & 2008; O'Flynn & Russell, 2005; Spears, 2000).

Esman (2004) defined power-sharing as "an inherently accommodative set of attitudes, processes, and institutions, in which the art of governance becomes a matter of bargaining, conciliating, and compromising the aspirations and grievances of its ethnic communities" (p. 178). As such, consociational democracy is a kind of democracy with a distinctive set of power-sharing arrangements, practices, and standards. For the purpose of this research, the term "power-sharing" will replace "consociational democracy" as power-sharing is at the heart of the consociational theoretical framework.

In conflict resolution and peace studies, power-sharing is perceived as a conflict resolution or peacebuilding mechanism that can settle complex, inter-communal conflicts, multi-party disputes, and most importantly, mitigate the promotion of peaceful and democratic institutional structures, inclusiveness, and consensus-building (Cheeseman, 2011; Aeby, 2018; Hartzell & Hoddie, 2019). In the past decades, implementing power-sharing arrangements has been a centerpiece in the settlement of inter-communal conflict in Africa. For instance, previous power-sharing frameworks were designed in 1994 in South Africa; 1999 in Sierra Leone; 1994, 2000, and 2004 in Burundi; 1993 in Rwanda; 2008 in Kenya; and 2009 in Zimbabwe. In South Sudan, a multifaceted power-sharing arrangement was central to conflict resolution mechanisms of both the 2005 Comprehensive Peace Agreement (CPA), the 2015 Agreement on the Resolution of the Crisis in South Sudan (ARCSS) peace agreement, and the September 2018 Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS) peace agreement. In theory, the concept of power-sharing encompasses a comprehensive arrangement of political system or coalitions that can potentially bridge sharp divisions in war-torn societies. For example, in Kenya, power-sharing arrangements between Mwai Kibaki and Raila Odinga served as an instrument to address political violence and were successful, in part, due to the implementation of institutional structures that included civil society organizations and reduced political meddling by a grand coalition (Cheeseman & Tendi, 2010; Kingsley, 2008). In South Africa, power-sharing was used as a transitional institutional set-up to bring different parties together following the end of apartheid (Lijphart, 2004).

Opponents of power-sharing arrangement such as Finkeldey (2011) have contended that power-sharing has "a huge gap between the generalizing theory and the political practice" (p. 12). Tull and Mehler (2005), meanwhile, warned about the "hidden cost of power-sharing," one of which is the inclusion of illegitimate violent groups on a quest for resources and political power. Further, critics of power-sharing have suggested that "where power is allocated to ethnically defined elites, power-sharing may entrench ethnic divisions in society" (Aeby, 2018, p. 857).

Critics have further argued that it reinforces dormant ethnic identities and offers only short-term peace and stability, thus failing to enable democratic consolidation. In the context of South Sudan, consociational power-sharing has been acclaimed as providing an archetype for resolving conflict, but this top-down approach of power-sharing arrangement have not dispensed sustainable peace. Besides, the degree to which power-sharing agreements can promote peace and stability depends, in part, on the part of the parties to the conflict, including the potential role of 'spoilers'. As Stedman (1997) pointed out, the greatest risk to peacebuilding in post-conflict situations comes from "spoilers": those leaders and parties with the capacity and will to resort to violence to disrupt peace processes through the use of force. Due to the proliferation of numerous

splinter groups throughout South Sudan, armed groups that were not party to the August 2015 peace agreement contributed to the derailment of the power-sharing arrangement.

It is clear that for power-sharing arrangements to succeed, they should be expanded to the members of other groups besides the primary signatories. In South Sudan, the central focus on President Kiir and Machar's rivalry overshadowed the grievances of the common citizens, which perpetuated fighting amongst armed groups. Essentially, the lesson from such experiences is that power-sharing arrangements must be balanced by realistic, but unorthodox means for guaranteeing political equality between groups if they are to have the chance of thriving. In the case of South Sudan, ethnic division is at the center of the conflict and is a major driver of violence, and it continues to be a wild card in South Sudan's politics. The politics of ethnicity based on historical competition and intergenerational connections have configured the composition of warring parties in South Sudan.

Roeder and Rothchild (2005) argued that power-sharing arrangements may have beneficial effects during the beginning period of a transition from war to peace, but more problematic effects in the consolidation period. The previous power-sharing arrangement in South Sudan, for example, focused on the procedure for consolidating shared power, but it paid less attention to the multifaceted players within South Sudan. At the conceptual level, scholars and policymakers have argued that the lack of dialogue between research and analytical agendas has been responsible for the blind spots in the literature, which has tended to neglect potentially influential actors and dynamics.

While literature on power-sharing has produced divergent viewpoints on its efficacy, the discourse on the concept has been exclusively analyzed through intra-elite lenses, and there are many gaps between theory and practice. In the aforementioned countries where power-sharing governments were created, emphasis has repeatedly been placed on short-term rather than long-term stability. Arguably, in the case of South Sudan, previous power-sharing arrangements failed because they only prescribed a solution at the elite level, without taking mass-level reconciliation into account. One important caveat is that while power-sharing arrangements are concerned with peacebuilding, the settlement of disputes and prevention of the recurrence of war, it overlooks the concept of state-building.

Factors that will Lead to the Success of the Unity Government

Any power-sharing arrangement, in essence, requires bringing together all major parts of the society and offering them a share of power. Thus, for any power-sharing arrangement to take hold in South Sudan, it must rebuild trust amongst all stakeholders in the conflict, from the disarmament, demobilization, and reintegration (DDR) of different factions to competing security forces, and enforce justice and accountability, revitalize civil society groups, and equally distribute natural resources amongst all groups. Building trust is essential in any peacebuilding initiative. Without a robust relationship of trust between Kiir and Machar in particular, but also, among splinter groups, the power-sharing arrangement will fail and could conceivably even propagate more insecurity, as occurred in the case of the August 2015 power-sharing agreement. The deal broke down because Vice President Machar was removed following President Kiir's announcement that Machar had attempted a coup. This pitted the Dinka ethnic group aligned with Kiir and those from the Nuer ethnic group who supported Machar against each other (Roach, 2016; Sperber, 2016). Another factor that can lead to the success of a power-sharing arrangement is

building trust amongst the new cabinet members. For the power-sharing arrangement to function effectively, both President Kiir and Vice President Machar need to create an atmosphere of trust on both sides during the transitional period. Long-term peace depends upon the intentions and actions of all the parties to the power-sharing agreement, and the main challenge will be to move from well-intended words to effective actions.

Also, peace and security depend on disarming the various rebel groups within the country. Accordingly, security sector reforms should be implemented as a peace-building tool to help with the integration of the various armed groups. The security sector reform must emphasize reorganizing former combatants into a national army, police, and other security forces. Real accountability measures addressing rebels and their use to foment new conflicts are needed so that ex-combatants, newly integrated, no longer impede the country's peace and stability. If done properly, such a disarmament, demobilization, and reintegration (DDR) would reinforce peace by fostering mutual trust between former adversaries and encouraging further disarmament along with many of the combatant's transition to civilian life. Hence, the security sector reform should include depoliticizing South Sudan's security forces. A successful disarmament, demobilization, and reintegration (DDR) program would also pave the way for future stability and development. Conventional wisdom holds that integrating former rebels or combatants into a new force can be used to build a unified national character (Lamb & Stainer, 2018). The unity government, in coordination with the United Nations (UN), the African Union (AU), Inter-Governmental Authority on Development (IGAD), and other agencies, should undertake the task of disarming and reintegrating ex-combatants into civilian life while aiming at community-based security and a top-down approach.

Other research has shown that the judicial system must be equally reformed to credibly assert the rule of law, re-establish trust in government institutions, and strengthen democracy. It has been argued that the use of transitional justice reforms in post-conflict societies, specifically Truth and Reconciliation Commissions (TRC), may derail pending peace agreements. While this may be the case, for the victims, post-conflict transitional justice programs can unearth the truth about past injustices, examine their root causes, prosecute perpetrators, restructure institutions, and support reconciliation (Van Zyl, 2005). In principle, truth and reconciliation would help to rebuild trust in South Sudan and avoid the recurrence of the conflict. Creating a transitional constitutional court, judicial reform, and an *ad hoc* Judicial Reform Committee (JRC) to report and make suggestions during the transitional period, as specified in the Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS) agreement, would provide space for healing deep-rooted social divisions and trauma. Given the liability of some of the parties to the conflict, however, implementing these initiatives will be problematic. A robust Truth and Reconciliation Commission (TRC) can certainly contribute significantly to reconciliation and stability, but it must perceive enacting justice as a process that may take decades or generations. It is crucial to establish and maintain the rule of law and to implement rules and procedures that constrain the powers of all parties and hold them accountable for their actions. This can help to ease tensions, create stability, and reduce the likelihood of further conflict. Nonetheless, if such a commission is created, it must be treated with caution to avoid retaliation.

Since peacebuilding initiatives encompass multiple strata of actors and target all aspects of the state structure, they require an across-the-board effort behind their successful implementation. The transitional government must include several groups from both the grassroots and elite levels into its post-conflict reconstruction and peacebuilding efforts in South Sudan. Inclusivity, mainly

that of civil society groups, is imperative to bolstering the national peace processes. An active and vibrant civil society—including faith leaders, women’s leaders, youth leaders, business leaders, academics, and legal networks—can play a crucial role in peacebuilding undertakings while fostering the emergence of a participatory civil society and democratic political system (Quinn, 2009). To halt the further intensification of conflict, the efforts of these various actors must address both the functional and emotional dimensions of present tensions, and both sides must implement a policy that addresses questions of inclusivity during the peace process by ensuring that the selection of representatives is transparent.

Finally, one of the drivers of incessant conflicts in South Sudan is the long-standing competition between the Dinka and Nuer elites for control of political power and the region’s vast oil resources. Grievances regarding inequality, marginalization, corruption, nepotism, and tribal politics are among the many factors that characterize the current conflict. Corruption and competition for political power are synonymous, and webs of kleptocratic exploitation facilitate the exploitation of public resources for personal gain. The revenues from oil production must be aimed, instead, at sustainable economic development, such as investment in social, human, and institutional capital. This can be achieved by establishing an effective oversight mechanism that controls corruption, revenues collection, budgeting, revenue allocation, and expenditures. Additionally, donors must not just assist the unity government to rebuild the country’s economy and infrastructure, but also set a benchmark to avoid extensive corruption. Hence, the direct distribution of wealth, as demanded by some rebel groups, will not help South Sudan to sustainably tackle its poverty. The construction of long-term peace in South Sudan must, instead, address realistic grievances, such as equal representation in all political, social, and economic spheres. While external mediators and donors can facilitate and support peacebuilding, democratic transformation must ultimately be driven by internal forces.

The answers to the research questions lie in how the power-sharing government deals with local grievances, rebuilds trust amongst the parties to the conflict, creates effective disarmament, demobilization, and reintegration (DDR) programs, delivers justice, holds perpetrators liable, encourages a robust civil society that keeps the power-sharing government accountable, and ensures the equal distribution of natural resources amongst all groups. To avoid a recurrence, the new unity government must be depoliticized, reform security sectors and address the inter-ethnic divisions between Kiir and Machar. All of these measures are crucial to the success of power-sharing and peacebuilding in South Sudan. Nevertheless, the success of the new unity government depends on the political willpower, political commitment, and cooperation of all the parties involved in the conflict.

Conclusion

Thus far, this research has shown that the drivers of the conflict in South Sudan are complex and multidimensional. Underlying the conflict between Kiir and Machar are also deep-rooted fundamental issues, such as poor governance, power struggles, corruption, nepotism, and ethnic divisions. The new unity government must adequately address the nature of the ethnic divisions between Kiir and Machar. By leveraging existing ethnic splits and exploiting an atmosphere of fear, both sides have effectively mobilized supporters throughout South Sudan. The task ahead is for the transitional unity government to systematically set up a framework to change the basic apparatuses and processes of an inclusive national dialogue, address ethnic divisions, affect

security sector reform, fight corruption, deliver transitional justice, and aid in the resettlement of displaced people. The unity government must implement both long- and short-term goals that address these destabilizing factors, which are often exploited for political advancement and empowerment by both sides.

The South Sudanese government and its development partners have placed too much emphasis on state-building and not focused enough on peacebuilding. A power-sharing arrangement alone cannot bring sustainable peace and security. Peace and stability may require the additional step of delinking politics from ethnicity. What will help make South Sudan peaceful is dealing with local conflicts and allowing for the expression of multilayered grievances held by different groups and individuals. Historically, the elites have proven that peace is not what they strive for, so attention needs to be paid to those people who desire a peaceful and a more just South Sudan. Only a peace process that considers the different groups, their lived experiences, and their shared grievances can deliver the peace for which South Sudan longs. Lastly, for a comprehensive power-sharing arrangement to succeed in South Sudan, mediators must thoroughly focus on the root causes and grievances of the civil war. If these issues are not properly addressed, the new unity government will likely fail, and South Sudan will remain a country at war with itself.

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