



THE SUDD INSTITUTE

RESEARCH FOR A PEACEFUL, JUST AND PROSPEROUS SOUTH SUDAN

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WEEKLY REVIEW

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The Fundamental Problem of South Sudan

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1 Introduction

This weekly review investigates what underpins the ongoing conflict in South Sudan, which is barely understood. The ongoing peace processes, namely IGAD led mediation efforts, National Dialogue and SPLM reunification efforts, may not bring a durable peace if the origin of the conflict is not well understood. Many people claim these processes to be complementary to one another, but none has been able to point exactly to where such complementarity arises. This paper attempts to discuss the fundamental cause of the conflict and how the ongoing peace processes can be used to resolve it.

Following an evaluation of the High-level Revitalization Forum and the National Dialogue processes, the paper concludes that neither of the two processes alone has all it takes to resolve the grievances. It proposes a four staged-framework that starts with the *High-Level Revitalization Forum* and the current *National Dialogue* grassroots consultations as the first stage, after which the two processes could be merged in a second stage we call the *Comprehensive Dialogue* stage, which is then transformed into a *Constitutional Conference* as a third stage and ending with *Elections* as the fourth and last stage of the peace process. Analytically satisfying these stages, however, demands investigating what the fundamental problem is and how the proposed solutions resolve it.

2 The Fundamental Problem of South Sudan

What is the fundamental problem of South Sudan? There are, of course, many, but we instead take a radical view of this matter. This radical perspective is that the

fundamental problem of South Sudan is that the South Sudanese political class has failed to answer the ultimate questions of the liberation struggle. The questions are simple, yet fundamental. First, what was so wrong with the Sudanese state that the South Sudanese people opposed to the point of resorting to a serious armed revolution, creating their own state? Second, what was the end goal of the liberation struggle and could the sacrifice of millions of lives and materials be justified as a means for achieving this goal? In light of the current state of affairs in South Sudan, could any South Sudanese liberator be proud of how things have turned out, given the price that has thus been paid?

It is important that these questions be answered frankly and honestly in order to begin the process of national soul searching and to take necessary corrective measures to get to what was envisioned as the end-state as articulated in the liberation agendum. For many, who participated in the liberation struggle, they fought the war of liberation to rectify an injustice exacted by the Sudanese state upon the people of South Sudan, who were relegated to inferior social and political status, and treated as second or third-class citizens in their own country. They were not allowed to participate in far-reaching decisions affecting them, their posterity, and the nation. On top of this was the imposition of Arab and Islamic identity on the people of South Sudan, who intimately identify as Africans and have a set of known cultures that are neither Arabic nor Islamic. This situation needed to be confronted and changed. The challenge was that a minority clique who did not listen to the voices of reason had captured the Sudanese state and so the marginalized people had no option but to undertake a protracted, revolutionary armed struggle as a recourse, culminating in the South Sudanese state.

In the words of Dr. John Garang, the Sudanese state was “too deformed to be reformed” and therefore it needed a complete replacement. The New Sudan philosophy was an attempt to articulate and promote an alternative view of the state and its priorities, values, and ideology. In essence, it was an expression of what the Sudanese state, ideally, should look like as an answer to the fundamental historical injustices inflicted by the then Sudanese state in the people of South Sudan and all the other marginalized peoples. The vision was not simply about replacing the Sudanese regime and its unjust and dysfunctional system with more of the same, as the current experience of an independent South Sudan indicates. It was about a complete departure from it and creating an alternative system that completely broke with the past and denounced injustice. What was envisioned was a state that was not oppressive, a state that does not use its power to the benefit of a privileged few, chosen and favored by the state. Fundamentally, it was about creating a state that was the complete opposite of the then Sudanese state. This dream, if achieved, was to be a gift of the liberators to the oppressed and the neglected masses.

This understanding follows from the fact that the liberators must be different, better, just, and more caring than the oppressors who apportioned and appropriated state power and national wealth for themselves. The liberators, who by their name, are opposed to such an unjust system under the Arab chauvinists, ought to be morally different because they presented themselves as selfless heroes and heroines, who fought

to set all their people free. They were to stand in contrast to the self-appointed rulers whose endgame was essentially that of themselves at the expense of masses.

According to the liberation manifesto, liberators did not embark on a liberation course to enjoy its fruits; instead, they envisioned a state which was to be enjoyed by their children and posterity. Otherwise, while facing death, it would have been difficult for them to make sacrifices if their end goal was to enjoy the fruits of their own labor. This understanding is fundamental because it clears the conscience of the living liberators to continue to sacrifice both power and wealth in order to complete the process of the liberation, which remains embryonic. The living liberators should see their role as guiding the country towards a future beyond their own exploits, setting it on a course of greatness, not despair, suffering, and shame.

The vision of the liberation struggle was not to achieve territorial freedom and independence, although both are important as a means to something greater. The aim of the liberation struggle was for the people to prosper economically, socially and politically, and to achieve greater and everlasting happiness, which is the ultimate objective of life. The liberation struggle was aimed at setting people free in order to aspire for higher status in the world and to influence and contribute to the making of a better world. The whole point of the liberation struggle was therefore for South Sudanese to achieve freedom and independence and using them as tools to create wealth to achieve higher living standards and to actually pay the debts to the world, which has been feeding them, clothing them, providing them with lifesaving treatments, educating them, and giving them refuge during their dark times. Freedom was now the vehicle that was needed to deliver the state that is just, progressive in its ideology, and developmental in its programs. Delivering on these promises was the only way to justify the means and the immeasurable costs of the liberation struggle.

This uplifting prospect is informed by the belief during the liberation struggle that South Sudanese did not have the state power and they did not have the freedom to make consequential decisions about the future of the people and country. The hope was that once the liberation was successful in achieving freedom and independence, the promises of the liberation would be realized.

Thankfully, as a result of the sheer determination of the people of South Sudan and the support of international friends and allies, South Sudan gained its independence in July 2011, bringing an end to the reign of the old oppressive Sudanese state. The independence ushered in a new political dispensation where the people of South Sudan were now in charge of the state affairs and all decisions about the future of the country and its people. This new political status was precisely what was needed to embark on the liberation vision regarding how the state should meaningfully discharge its responsibility towards the people.

Unfortunately, this project failed spectacularly and what we are witnessing today results from the South Sudanese state renegeing on the liberation covenant/contract with the people. Even before the SPLM leaders opted to return the country to war, for no apparent fundamental cause, other than a naked struggle for power, people were

already losing their patience with the government¹. The leaders gave in too easily to temptations of greed and power without even realizing the monumental responsibility they had towards their war battered citizens and the world. Their compulsion to acquire wealth and to hastily rise to power was so strong that they had no regrets taking the ultimate option of wrecking the infant country. Their judgment was clouded, and it is indeed a very sad irony and a great contradiction for the liberators to become the very thing they so vehemently fought against².

Their actions returned the much-dreaded wanton killings, massive displacements, pervasive insecurity and famine once again to a people so distraught by more than half a century liberation war and postponing yet again the dreams of millions. More regrettably, the war has divided the nation bitterly and planted hatred and distrust among the people, a process that is threatening to erode entirely the social capital that is necessary to move the country forward.

Now, if we were to pause for a moment and reflect on the situation as narrated, it becomes apparent that the problem is between the state and the wider society. This raises a question: can the current conflict actually be resolved, when the people who caused it are asked to resolve it? We must ponder on this question because answering it leads us to the solution framework. This is by no means suggesting that what is narrated is the only problem, we also believe strongly that there are so many layers of conflict in South Sudan. This paper takes the view that the problem in South Sudan is multilayered and so we have constructed a grievance chart to depict different layers of grievances.

3 Evaluating the IGAD-led HLRF and the National Dialogue Processes

How does such a problem get resolved? This paper argues that the country needs a broader framework for peace that recognizes the importance of the National Dialogue process and the on-going High-level Revitalization Forum (HLRF) to partly contribute to the resolution of the above fundamental problem. Not only should they be recognized, they should not run parallel to one another. In fact, they should be merged. The point is simple—that neither the National Dialogue nor the HLRF has all the ingredients to resolve the conflict and grievances comprehensively singlehandedly.

¹ See IRI public opinion surveys 2013.

² See Christopher Clapham (2012)-From Liberation Movement to Government: Past legacies and the challenge of transition in Africa.
<https://www.african.cam.ac.uk/images/files/Brenthurstpaper201208FromLiberationMovementtoGovernment2.pdf>

Merging the two processes creates strong synergies that could produce a lasting peace in the country³.

A combination of the two processes potentially addresses deficiencies inherent in each process for a possible comprehensive peaceful settlement. The sequence is clear, starting with the political settlement and ending with the Dialogue. The rationale for this is evident in the fact that political settlements alone do not address the many local level dynamics that often drive conflict and violence. For example, many peace deals that have been signed thus far have not been able to end or even reduce violence at the local levels.

The main premise of the HLRF is that the ARCSS forms the basis of a political settlement in South Sudan. What ARCSS needs then is revitalization, which simply means putting new impetus into its implementation. This would largely mean a new power sharing deal and a new security arrangement. Achieving an elite consensus is a necessary condition for moving forward because it stands to potentially silence the guns and pave way for a meaningful national dialogue process. However, the weaknesses inherent in the ARCSS will continue to impede a speedy end to conflicts/violence. For example, ARCSS will continue to suffer from lack of a framework that addresses grassroots grievances, possibly garnering limited support and requisite voice of the ordinary citizens. It is inadequate in the sense that it is an elite process, mainly concerned with a political compromise at the top while failing to consider grassroots grievances. Beyond this, the elites are blamed for failing to live up to the liberation promises and for actually inflicting harm on the society as a whole. It therefore follows that an elite agreement is simply a reconfiguration of the status quo, which obviously is not in anyone's interest to be maintained as far as the society is concerned. It simply would not satisfy the ordinary people. This is where creating an intersection between the National Dialogue and the HLRF becomes necessary.

The National Dialogue, on the other hand, serves five very important objectives. First, it serves as a forum to popularize the Agreement and consolidate its acceptance and implementation. Second, it supplements the Agreement and rectifies its inherent weaknesses, making it more acceptable to the country's greater constituency. Third, it goes beyond the Agreement as it addresses grassroots grievances and restoring communal relations. Fourth, the National Dialogue process restores people's sovereignty and unity through a collective decision on the future of their country, as opposed to a few self-appointed politicians doing it on their behalf. Lastly, the National Dialogue creates a culture of dialogue that stands in sharp contrast with the prevailing culture of intransigence and violence in the country.

While the National Dialogue has all these promises, it is facing some challenges. We have already mentioned the fact that the National Dialogue does not address power sharing and permanent ceasefire. Second, the oppositions are not participating in the National Dialogue because they need a political settlement first. Third, the International

³ See Dr. Francis Deng opening statement at <https://www.ssnationaldialogue.org/press-release/statement-dr-francis-mading-deng-revitalization-forum-addis-ababa/>

Community also has a lot of reservations toward the National Dialogue because of the perception that the South Sudanese leadership does not have the political will to restore peace and stability in the country and that it is more interested in achieving military and political victory against its opponents. The National Dialogue, therefore, in their view, is a calculated strategy of the government to forestall the real political process and it is simply a sham or a delaying tactic.

Similarly, there is a great concern within the international community that the current leadership has demonstrated time and again, that it is unwilling to hold people to account both for war and economic crimes. As such, if allowed to conduct a national process, it might try to evade accountability and therefore entrench impunity, which is believed to be at the core of corruption and conflict in South Sudan. From their perspective, the National Dialogue is an attempt to mount a counter measure against the proposed Hybrid Court and a bid to divert attention away from the broader desire for an inclusive and accountable political process.

Lastly, for the opposition and the international partners, the National Dialogue does not provide a clear pathway for achieving a ceasefire. Ceasefire is a critical element in ending armed conflict and as a result, there was a need for an externally mediated settlement so as to convince the armed elements to join the peace deal. These procedures were not properly articulated in the National Dialogue and therefore the need to pursue an alternative mechanism that provides a clear pathway to ceasefire.

4 Way Forward and Conclusion

In light of the limitations inherent in the two processes and having discussed the fundamental problem in the country, we are proposing a new Framework for Comprehensive Peace in South Sudan. The framework is a four-staged process. It starts with the HLRF process limited to ceasefire and power sharing only and the on-going National Dialogue process limited to grassroots consultations, then the two processes merge to form the Comprehensive Dialogue stage. The dialogue stage can morph into a constitutional conference and the process ends with democratic elections.

To merge the two processes means that the parties to the Agreement at the HLRF Forum should formally agree to the conduct of the National Dialogue process as an integral part of the broader peace settlement. In practical terms, the National Dialogue process should be integrated into the Peace Agreement, with its resolutions forming part of the implementation strategy. More specifically, the National Dialogue process should precede the making of a permanent constitution. This would mean that the resolutions of the dialogue process are used to actually form the basis of the constitution making process with the National Dialogue Conference to be transformed into a constitutional conference, culminating in the production of a permanent constitution. It should serve as a forum where fundamental issues, such as the structure of the state, the question of federalism and governance, and reform items, are discussed and decided upon. The provisions for the National Dialogue should therefore be imbedded into Chapter VI of the Agreement on the Resolution of Conflict in South Sudan.

In recognition of the fact that the opposition groups were not part of the initial declaration of the National Dialogue, it may become necessary to reconstitute or expand the National Dialogue Steering Committee to bring the other parties to the conflict on board. However, reconstitution or expansion of the Steering Committee should consider issues of continuity, institutional memory, and recognition of the groundwork that is already laid, including the ongoing grassroots consultations process. The expanded Steering Committee would reach out to the opposition areas to finalize the grassroots consultations, conduct the regional conferences, and prepare the National Conference.

In conclusion, we have argued in this review that the crisis in South Sudan is sometimes simplified as a conflict among the elites over power. While this is true, it should also be recognized that there is also a conflict between the society, ordinary people in this case, and the state, represented by the elites. It is therefore our considered view that the framework for addressing such a messy situation must satisfy both the grievances of the elites and those of ordinary citizens.

This paper argues that the HLRF, even when an agreement is reached, would be grossly insufficient. The National Dialogue in its current set up is also seriously challenged as it cannot adequately address the root causes of the conflict due to non-participation of the opposition forces. Participation of the opposition in the Dialogue is a necessary and an important ingredient in achieving a comprehensive peace. Merging the two processes leading to a Comprehensive Dialogue with its resolutions leading to the constitutional conference, after which democratic elections are held and normalcy is restored in South Sudan, is suggested.

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