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## **Article 32 (A) on South Sudan**

### **Developments in South Sudan Conflict: More in-depth Analyses (with various lenses) of the possible ramifications of the Statement of Ato Seyoum Mesfin at the Informal Consultations with the UN Security Council in New York on June 27<sup>th</sup>, 2014**

Our Articles 1 to 3 and 5 to 31 were situation analyses of the conflict in South Sudan. Our articles 4 (A), 4 (B) and 4 (C) were the first of our series on “Who is Who”. This article 32 (A) is the first part and background introduction dedicated to further analysing and critically evaluating the cons and pros of the Statement of Ato Mesfin to the UNSC. The detailed analysis of the statement shall come in Article 32 (B). We have also added some suggestion for the evaluation and way forward of the Process.

#### **Introduction:**

Going through our 31 articles, one can easily see the sinusoidal pattern of the recess and in session of the Peace Talks Process in Addis Ababa. One may be able to see as well some structural fractures in the “Process” leading to demands and terms such as “Re-Commit” which indicates lack of commitment in the first place.

In Negotiation and Mediation “Commitment” can either be “Item by item” which is preferred in the case of deep-rooted conflict or “as package” which has so far been the module for the IGAD Sponsored Process and it is not working.

One can also see the lack of clear, well defined and pre-agreed “Declaration of Principles” or “Issues Agenda” for the talks. We found that the various thematic documents released by IGAD on April 28<sup>th</sup> 2014 outlining various issues in 4 pages were a good start for a DOP needing more work on the mainframe.

The regional and international communities and regardless of their level of support see no other alternative than the IGAD Addis Process. That is both good news and bad news. Good news for IGAD Mediators that they have full and total backing. Bad news for the two parties as they are stuck with the IGAD process come hell or high water.

But we wish to draw attention to the Communiqué of Anne Richard, The US Assistance Secretary, Bureau of Population, Refugees and Migration of July 15<sup>th</sup> 2014. She did not only further urge the two parties to resume “stalled talks” (Although it is not entirely the fault of the two parties that the talks are not resuming) but she also said” As much as Americans have funds for South Sudan, there is a limit I think into how much aid can be provided in a year with so

many crises around the world”. That is a very worrying sign of both frustration and fatigue. Other Western Countries are already outside the loop.

The initial set up of having “Envoys” of nations from only 3 of the 8 countries of the IGAD was a recipe for trouble. A 4<sup>th</sup> country is part of the problem (Uganda) but sits in the Heads of States summits. Ethiopia is chairing IGAD and hence has own leverage at the level of the Prime Minister and it is not healthy that the Chief Mediator who is an ex-powerful politician is heading mediation. Politics and mediation in this Process are, regrettably, intertwined. Three countries (Djibouti, Somalia and Eritrea) are on the fringe of events and interest. The latest visit of Dr. Machar brought Djibouti to the limelight with a bang! Possible pipeline for South Sudan’s Upper Nile oil exports running to Djibouti. Sudan holds so many “triumph cards” they do not care if they have an envoy in the trio or not except for “intelligence”. Most if not all of the oil and the swaps water of 30 billion Cubic Meters lie in Nuer land.

Funding for the Peace Process is coming mainly from the IGAD Partners Forum (IPF) established during the Sudan/South Sudan mediation and is “assumed” to be still active. This is a support group made up of 16 countries: Austria, Belgium, Canada, Denmark, France, Greece, Germany, Ireland, Italy,, Japan, Netherlands, Norway, Sweden, Switzerland, United Kingdom, United States of America. The European Commission, International Organization for Migration, United Nations Development Programme and the World Bank are also members. But not all of them are currently actively supporting the process. So far \$17.5 million have been donated and all spent with no results to write home about.

It is interesting that China, Russia and India are not in the radar screen. When Dr. Barnaba Marial went to Russia last May 25<sup>th</sup>-28<sup>th</sup> 2014 handing in an invitation to Vladimir Putin to visit South Sudan, it was diplomatic naivety more than a serious attempt. When sitting in during a press conference with Sergei Lavrov the Russian Foreign Affairs Minister, the BBC was asking about the Ukraine and not South Sudan. One wonders what was on the mind of the GRSS and if they truly believed that Putin would visit South Sudan during its turmoil so that they “Give him a warm welcome”. Marial was not allowed to meet with Putin.

There is not ONE African (Other than IGAD’s) or Arab Country in the group. There is no Asian Country other than Japan! There are not many African Countries in the HOA Region in the process that do not have own agenda.

**We also wish to draw the attention of our colleagues in IGAD and the recipients in the mailing list to the following issues:**

- 1- President Kiir has addressed Dinkas in Rumbek during his July 12<sup>th</sup> visit to the state. Regrettably, he advised them “You, the Dinka of Rumbek, why are you fighting yourselves and not your enemies? The Nuers are coming to fight you. You should wait for your enemies the Nuer to fight you”. Regardless of the context or reasons, this kind of intimidation and encouragement is not on. Cessation of Hostilities” is not only of armed violence, but encouraging it is a violation.

- 2- Out of 6.9 million Sudanese (North) people needing relief assistance this year, 500,000 are South Sudanese Refugees that will suffer most. The lack of food in Sudan shall mean lack of food in the border areas as well. This will add to the “Humanitarian Pressure” to resolve the conflict. When this article goes out for distribution, \$1 billion out of the humanitarian needs call of \$1.8 Billion for South Sudan remains in shortfall. In Sudan, \$500 million out of \$995 million remain in shortfall.
- 3- The SPLM/A-IO is going ahead with Governance Plans and administrative arrangements. No one can blame them! They have even decided to more than double the number of states if they come to power and may even expand their in-exile government to match the new 22 states scenario (our own guess). They (SPLM/A-IO) however, did not tell us what form, shape and size the new states entities shall take. Will it follow the British system of three main regions and 22 counties? Or will it emulate the current distorted Federal 10 states system? Will we have 22 Governors, regional assemblies and capitals? Will they keep the current 86 counties (Before Yau Yau’s agreement) or increase them or reduce them? If South Sudan’s last budget allocated 2/3 of its funds to salaries (Government employees salaries) how much will a new government with 22 states allocate for salaries and admin expenses? How can equalization of revenues be managed if it is lopsided now with only 10 states and tomorrow we have 22 states?
- 4- Two countries only have officially accepted Representatives of the SPLM/A-IO openly and those are Djibouti and Sudan. We do not expect much opposition to accepting representatives in Africa, but there may be issues in the West. One more senior member of the mediation team of the SPLM/A-IO has been pulled out and sent to Khartoum to represent the Opposition in Sudan. The team now has only 6 of the original 16. Why do they sit in or stand in line for mediation in Addis?
- 5- Fighting especially in Unity goes on and defections to the Opposition go on. Equatoria seems to be bracing for Federalism targeting “More autonomy” and not “better governance”. The Opposition’s new expansion of the states to 22 will auger very well with Equatorians and now Yau Yau can have his own State!
- 6- We are rather baffled by the repeated calls by the Western Powers and International Governmental Organization for the “two parties” to start negotiating! Have they refused? Both Kiir’s and Machar’s camps have expressed, time and again, that they are ready to resume talks. It is the IGAD and Mediation that are dead silent! After the less than credible performance between Dec 2013 and June 2014, we do not expect them to restart “Business as usual”. There has to be a major and paradigm shift in the process and tools. While we guess that they may be working on that, we feel that they need to open up and tell the parties and observers what they are up to.

### **Where is the “Process” going and where is it at?**

Looking at the experience of Mandela and Burundi may be IGAD can start coalescing other African Countries rather than Regional. It does not have to be Gabon again and may or may not be Nigeria. South Africa, Morocco, Namibia (Good one-they sold all their guerilla weapons to the SPLA for little money when they gained independence. Tiny Roland and President Rawlings paid the \$5 million for the \$25 million cache of arms).

There are too many stark “own agenda” of the regional neighbors of South Sudan. IGAD’s own Countries regional support and collective will is lopsided against the process as there are really only 2 countries giving positive support. Where is a country such as Ghana? “Kofi Annan Centre” has good resources. Kofi Anan himself would have been a better candidate than any of the three envoys or Gen Obasanjo.

In talking to some of the stakeholders in IGAD, SPLM/A-IO, Government of South Sudan and the International Community supportive of the Addis Process, a few questions have come out for us to think about:

1. Is IGAD happy with the “process design” if there is one?
2. Are the two main parties happy with that? We know that both the SPLM/A-IO and the GRSS are not. They talked to Ato Mesfin and Mr.Mahboub. We in Sub Sahara Centre doubt if they will go back to the Process” In Good Faith and Will” unless major revamping is done.
3. Do both parties’ teams really have the Technical Capacity in “Principled Negotiations”? Have they done any “Simulation”? Can they do Scenario Building? Have they innovated “Entry Points”? Create doable Options?
4. Do they have the will and modesty to be trained? We are talking “Process” and not “Content”. They both/all know their content better than anyone else.
5. Do the Group 9 (Down from 11 and counting) and “Multi-stakeholders” of the Symposium still occupy seats in the hall?
6. If yes, is that acceptable to both main parties?
7. Above all, is that helpful to the Mediation Process?
8. Can the current Mediators and their technical team really handle such a vast number of multi-stakeholders in a hall if the additional stakeholders stay in?
9. If not, what is the “Process/Mediation” doing about them with minimum damage? We see this as a mistake that must be corrected regardless of the cost.
10. Has the order of prioritization of the themes been agreed and has “Security Arrangements” taken its right order? IGAD/Mediation will be making a grievous mistake if they follow Transitional Government as priority.
11. Is the “Technical Consulting Capacity” within the “Process/Mediation” credible and adequate to keep the energy of the process going without further undue recesses? We mean “Technical Consulting Capacity” in both quality and quantity?
12. Is IGAD willing to hire “own technical advisors” for the SPLM/A-IO to help them out? President Kiir and his GRSS have the money to do that.
13. Is there total clarity within IGAD and total “division of labour” between IGAD’s routine business and the Current Mediation Process? We also feel that some of the actors within the Envoys team are finding it difficult to separate between their political hats and mediation hats.
14. Have any “Scenarios” been built? We find it very difficult that the Envoys will go forward without scenario building. They are a sort of “Beacon” for Mediation.
15. Is Addis (The City) REALLY a conducive venue for such talks?
16. There is usually “Basic Groundwork” to set some clear Terms of Reference (TOR) for Mediation to be developed for the various arms of IGAD. Sometimes “Envoys” feel they

- are above any TOR and that will constitute a problem. TOR are different from the “Political Mandates” that are normally short and lack details and technical inputs.
17. If the Donors have not asked yet, they may soon ask: where did the \$17.5 million go? Sooner or later they will question the “Cost Effectiveness”. The question is: Is there adequate funding still available or firmly pledged to take the talks to a more fruitful stage? This may be as much as \$6-8 Million for the interim (Next 4-5 months). IGAD will need to “rebuild” momentum that seems to have been lost and a big blow dealt to it by the Statement of Ato Mesfin on June 27<sup>th</sup> at the UNSC in NY.
  18. SPLM/A-IO has taken another senior politician from their mediation team and the Process has only 6 original members left with all the heavy weights transferred to the Government in Exile.
  19. “Independent Evaluation” by competent International Experts, to us, is a must. We doubt if any of the two main primary stakeholders will come back to the hall without “AN INDEPENDENT” Evaluation by experts. Not just an “interim” or “summative” evaluation for December 2013 –July 2014, but a “FORMATIVE INDEPENDENT EVALUATION” to define what went wrong and where and how to re-set the course. That needs team work of several international experts who know what they are doing. It will take at least 3-4 weeks of intensive work.
  20. Did the SPLM/A-IO take away their 10 negotiators out of “Fatigue” and/or “Frustration”? An independent evaluation can possibly answer that.

We do encourage our international and regional colleagues to participate in the analysis and share their valuable outputs with IGAD and the major players. We see that as duty to better serve the People of South Sudan

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