

Article 39 on South Sudan

Developments in South Sudan Conflict: The Positive Change in Addis and Update on positions

Our Articles 1 to 3 and 5 to 38 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 39 is dedicated to the positive change in Addis Ababa and challenges facing it and the positions of the various actors on the political settlement.

Pleasantly surprising change in Addis Ababa Talks

1. The general comments we heard from the members of the clusters of the 7 stakeholders in Addis Ababa are that Ato Seyoum Mesfin has switched from an “Authoritative Mode” to a “Consultative Mode”. There seems to be a marked change from an “Arbitration” Mindset to a “Mediation” Mindset. We hope this will continue (see the challenges we see below)
2. A series of very useful workshops on guiding principles on constitutional process, transitional security arrangements, transitional justice and political framework have been successfully conducted and seem to have galvanised the cluster of 7 stakeholders around defined issues. It seems to have impacted on capacity building in spite of the only one day allocated to each theme. Great switch.
3. All the heavy weights from all sides were there for the workshops and the ensuing talks.
4. Federal Governance seems to be gaining traction in Addis and in South Sudan. Western Bahr El Ghazal has now opened the doors for popular discussion around Federalism and the Equatorians and the SPLM/A-IO are already decided.
5. There are two sides to Federalism: Political Federalism and Fiscal Federalism (The money and the equalization). In the Fiscal Federalism, “Oil” is going to come in. Almost ALL the oil in Unity is in Nuer Land except Abyei. But then all the oil in Upper Nile Melut Belt (Adar, Poloch, Gumry and Muleeta-See detailed map below) is mainly in areas inhabited by Dinka and Shuluk with Burun and some Nuers. The total current production from UN is 5K to 10K BPD and from Unity State is about 150K BPD. Mr. Saboni’s dreams (Minister of Finance in South Sudan) to raise Unity’s to 40K BPD and UN’s to 220,000 BPD by 2015 may not materialise (read Richard Nield article). This is where the devil of the details will be in the talks. Has sharing of revenues as part of federalism surfaced on the radar screen in Addis?
6. The one downside we heard is that IGAD Mediation seems to be in a hurry to reach an agreement. The new deadline of August 28th will not be enough to come to agreement even on the Protocol Component of the Transitional Government of National Unity. Before December 15th 2013 *there was in place* a “Government of National Unity” represented by Kiir, Machar and Wani Iga and the checks and balances between the Three Greater Regions at both the Federal and the States levels were observed. What will be new now needs identification.

7. There seems to be agreement (If a political settlement is reached) to have a “Pre-transitional Period” of 2-3 months for setting up the “Transitional Period” of 2-3 years before new elections.
8. It was not clear-at this stage- how the transitional governments will be set up at the “States Level” especially in the three states of Greater UN (read what we see as challenges below).
9. It was agreed that the name “SPLA” shall be suppressed and the name “South Sudan National Army” or close to that will be used. There is talk of limiting its size to 100,000 from the pre December 15th of 210,000.
10. It was not clear though what exact “Transitional Security Arrangements” will be agreed. How will the new “National Army” be formed and how it will function. What will happen to the various “White Armies” and new recruits? The massive defection of Nuers from the SPLA?
11. Security Arrangements and putting them trailing the “Power Sharing” can torpedo any progress made in other files. This is a skewed sequence.
12. Borrowing the principle of “Substantial Consensus” from Burundi Peace Process is credible (See our article # 31). But Burundi termed it “Sufficient Consensus” which may be more appropriate especially when it comes to Security Arrangements. We cannot see what business the 5 secondary stakeholders in Addis have to do with that issue.
13. By last Friday 7 position papers prepared by each of the stakeholders in the cluster of 7 were tendered to IGAD Mediation. They are supposed to study them and try to come out with some middle grounds. Miraculously, media has been kept off.
14. The best news we heard was the postponement of the Summit of the Heads of IGAD. It would have been better news if the summit was “cancelled” and not “postponed”.
15. Summits, UN, AU, Samantha Powell, John Kerry, EU, IGAD Foreign Ministers and every other Tom Dick and Harry have been shouting, threatening and damning, making sure they are “Politically Correct”. It has become like a mom yelling at her kids all the time until the yelling becomes only “Background Noise” for them. In the middle of this noise, the fearless Peter Gadet goes into Bentiu and Rubkona, takes all the food, fuel, tanks, tucks and moves back to his camps. He now learned better than to take the liability for towns’ populations.
16. Besides the official talks, there were important side talks between Taban Deng and Michael Makwei. Those were the real ice-breakers. That needs to be encouraged.

Challenges facing the Process in Addis

1. Inconsistency and U-Turn and reversal to “authoritarian” practices
2. Another IDAG Summit aimed at more pressure and “background noise”
3. Lack of patience. This is not going to end on August 28th 2014 or 28th or August 2015. The DOP of the original IGAD was developed in 1994. Accepted by both parties (SPLM/A and Government of Sudan) in 1998, agreement was signed in 2005. Let us not dream the impossible dream!
4. Monitoring on the ground is not in place. Money and the fragile security and level of anger in the local population could be an impediment.

5. For the regional powers, country own agenda and politics may be a challenge especially not being mindful that Sudan is the most effective member of the IGAD in improving tranquility and can also be the mega spoiler if they wish.
6. Ignoring “Transitional Security Arrangements” and proceeding with transitional government before wrapping up the Security Arrangements.
7. A new development on Uganda on August 15th from Fitch in London went unnoticed by many observers. Uganda’s Credit Rating by Standard and Poor’s has been B+ (AAA is heist raking of credit worthiness). Fitch on August 15th upgraded Uganda from B to B+. Moody’s, Dagong and China Chengxin do not rate Uganda. If the conflict in South Sudan is prolonged and the strength of Uganda’s economy is reduced, this rating will drop. That will mean less confidence in the Ugandan economy and less investment and development. Uganda has some powerful indicators in the Global Competiveness produced by the World Economic Forum. For 34.6 million people, they have a GDP of \$16.8 billion (not much but that is not all that makes an economy strong). They rank 123 out of 144 in Global Competiveness. But they rank an amazing 23 out of 144 in Labour Market Efficiency and rank 62 out of 144 in Financial Markets Development
8. If Obasanjo resurfaces once more with his hollow rhetoric, he can cause damage. He, the AU and the IGAD need to let “sleeping dog lie” for now. If the backs of the field commanders of the SPLM/A-IO are pressed hard against the wall, they will go on the loose.
9. In spite of the interesting paper by the Group 9 last week, IGAD needs to find a way for phasing out the Group 9, small parties and CSO (Be mindful of Lam Akol: Together with Johnson Olang they have about 5000 well trained and armed small army).
10. Put the SSLM/SSLA in the radar screen. “If Kiir has his redlines, we have our redlines as well”. A leading member of the SSLM/SSLA told us. Bentiu and the entire Unity will fall to IO if they switch loyalty-UPDF or no UPDF. They lost a lot of soldiers in Malakal, Nasir and Unity, but they have recruited and trained supplementary forces. They are a “tipping” force and probably one of the best trained (By Sudan) in South Sudan. Being majority Bul Nuers, you cannot find better and more ruthless fighters. Just look at Gen Peter Gadet. One of the main reasons that IO was not able to retake Nasir and Ayod is that the SPLA and the UPDF have barb wired them and we have information that they mined the periphery; but we do not have third party confirmation on mining.
11. Mediation must give the two primary parties enough break time for **“Re-entry”**. What is re-entry: When an agreement is reached the negotiating team needs to be given time off to report back to their power base and leadership for consultations and make sure they will accept, endorse and respect the agreement. Time and again the negotiators or the top leader assume power, sign an agreement and the power base or the top leadership scarp it.
12. Too much pressure on IO in Addis that their field commanders disengage and do what they want. That will turn South Sudan into another DRC, Sierra Leone, CAR Liberia or even Somalia. Or they sign and throw the agreement in the dust bin.
13. Where will “Transitional Government” stop? As far as Addis is concerned, will it stop in: Juba? The 10 States? All the way down to Counties? What about Yau Yau and Murle special status with 7 counties for 2 small tribes (Murle and Anuak) and the wedge driven by Kiir in Jonglei? This was probably the most “wicked” act of Juba.

14. It is not clear until today what ramifications will be experienced if the fighting in and around Bentiu and Ayod will have on the process.
15. IGAD Mediation is still concerned with, talking about and meddling in humanitarian issues. This can be catastrophic for the mediation process.
16. The unwise strong and rough language of the IGAD Foreign Ministers meeting in Nairobi and South Sudan's Dr. Barnaba Marial's press statements talking as if he is on a different plain and wave length than a party in conflict was not helping. It is normal practice that in such meetings that when the time comes to discuss an issue of contention that can bring about bias, that party's representative in the meeting leaves the hall. It is unfair for Uganda and South Sudan to attend such meeting "Business as usual" while they are part of the problem and indeed, *the problem*.
17. There was really no need for the IGAD Summit that seems to have been wisely postponed / cancelled. It was counterproductive that every time the Mediation fails in managing the process, they reach out to some other body instead of mending their loopholes and getting to grips with the process, as they have done lately.

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