

Ottawa

## Article 57 on South Sudan

Monday, November-10-14

### **Developments in South Sudan Conflict: Updates on Addis talks, IGAD exceeding own established authority of their own Founding Agreement of March 1996 and highlights from the ground**

Our Articles 1 to 56 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 57 is our endless critique of the IGAD Summits bullying and lack of commonsense. Our next article #58 will address the SPLM/A-IO own internal regulations and manifesto-like legal frameworks.

#### **Issue of mandate and credibility of the IGAD**

1. It seems that the heads of state of the IGAD body when they meet, they forget who they really are and what their powers are as enshrined in their own self-coined founding agreement.
2. Article 6-A of the Founding agreement of IGAD of March 1996 states” The Member States solemnly reaffirm their commitment to the following principles: The sovereign equality of all Member States; Non-interference in the internal affairs of Member States; **The peaceful settlement of inter- and intra-State conflicts through dialogue;** Maintenance of regional peace, stability and security; Mutual and equitable sharing of benefits accruing from cooperation under this Agreement; Recognition, promotion and protection of human and people's rights in accordance with the provisions of the African Charter on Human and People's Rights.
3. Article 7 states: The Aims and Objectives of the Authority shall be to: Promote joint development strategies and gradually harmonize macro-economic policies and programmes in the social, technological and scientific fields; Harmonize policies with regard to trade, customs, transport, communications, agriculture, and natural resources, and promote free movement of goods, services, and people and the establishment of residence; Create an enabling environment for foreign, cross-border and domestic trade and investment; Achieve regional food security and encourage and assist efforts of Member States to collectively combat drought and other natural and man-made disasters and their consequences; Initiate and promote programmes and projects for sustainable development of natural resources and environment protection; Develop and improve a coordinated and complementary infrastructure, particularly in the areas of transport and energy; **Promote peace and stability in the sub-region and create mechanisms within the sub-region for the prevention, management and resolution of inter and intra-State conflicts through dialogue;** Mobilize resources for the implementation of emergency, short-term, medium-term and long-term programmes within the framework of sub-regional cooperation;
4. Article 9 deals with the Assembly of Heads of State and Government and it states: The Assembly of Heads of State and Government is the supreme organ of the Authority. The functions of the Assembly shall be to: Make policy, direct and control the functioning of the Organisation; Determine the main guidelines and programmes of cooperation; **Give guidelines and monitor political issues especially on conflict prevention,**

**management and resolution:** Appoint the Executive Secretary upon the recommendation of the Council of Ministers; Approve the scale of assessment of contributions of Member States to the budget the Authority upon the recommendation of the Council of Ministers.

5. Article 18A on Conflict Resolution states: a) take effective collective measures to eliminate threats to regional co-operation peace and stability; **establish an effective mechanism of consultation and cooperation for the pacific settlement of differences and disputes; accept to deal with disputes between Member States within this sub-regional mechanism before they are referred to other regional or international organisations.**

### **That is it!**

Do you see, anywhere, the right for military intervention? To go in and fight and kill South Sudanese who are already killing themselves?

But the same way their 3 envoys are working, until last night, without a “mandate”, the Heads of State have trespassed into areas of assumed authority that is not even in their charter.

The threat of Military Intervention is a hollow threat and they, individually or collectively, do not have the power, legitimacy, will or funds to undertake. Uganda is already in with military power-what have they achieved? Several of them are in Somalia, what have they achieved?

Article 18A gives both the GRSS and the SPLM/A-IO the right to opt out and take the file elsewhere which may be more competent to deal with it. Unless they see that the status quo is an option.

### **What happened in Addis Ababa Friday Nov 7<sup>th</sup>, Saturday Nov 8<sup>th</sup> and Sunday Nov 9<sup>th</sup>?**

Semantics aside? Not much in spite of the rhetoric and noise.

1. Bullying and more bullying that, regrettably, both President Kiir and Dr. Riek collapsed to its perceived danger.
2. No new agreement of any substance was signed. What was agreed on or presumably agreed upon in the 10 hours meeting was changed in an hour in both President Kiir’s and Dr. Riek’s rooms. Now SPLM/A-IO and GRSS have two different documents and concepts that are not reconcilable.
3. Through some magic and sudden soberness of IGAD, the Civil Society, the Opposition Parties and the Church and Community Leaders have all of sudden evaporated into thin air. Did anyone hear about the “Inclusive Stakeholders”? Or “Multi-stakeholders”? Eh! As the Canadians say.
4. Whatever came out of the 28<sup>th</sup> summit, as miserable as it is, came from Kiir, Machar and 2 heads of state. Any apology by the three envoys to the people of South Sudan that they got it wrong for 10 months?

5. Then comes the matrix and details of the cessation of hostilities with a 3<sup>rd</sup> (or is it a 4<sup>th</sup>) recommitment! It is the first time in 40 years we see such a term inserted in an agreement without a shred of shame from IGAD. If they need to “recommit” it means they were “not” committed in the first place and the agreement was not durable. Anyone with dignity would resign.
6. But the big question is: Is it implementable? Will the field commanders and the strong militias agree to and abide by it? Has any: ” Re-entry” been done for it? The MVM are just starting to be trained. The MVM cannot even protect themselves and need UNMISS protection.
7. 48 hours later, fighting breaks out in Upper Nile.

### **What is next in the paper tiger organization’s kitty?**

1. Peace talks adjourned for fortnight and should resume on 25/11/2014.
2. Security and Resources, Economic and Finances committee will resume on the 17/11/2014
3. Governance Committee shall resume on the 25/11/2014 with the resumption of the VIII session.
4. Security officers of the MVM shall start training within the coming two days to prepare for the operationalization of matrix implementation
5. Signing of the matrix of COH was at 10 am 9/11/2014 at Elilly Hotel.
6. Envoys will be conducting shuttle diplomacy between Juba and Pagaak to carry out wider consultations with the principals on the contentious issues.

### **Our comments:**

1. When no conclusive agreement on the ill-managed issue of Power sharing was reached, why adjourn the talks?
2. How can a transitional government, of any shape or form, operate without security arrangements?
3. All this fuss and the security officers of the MVM will only now start training.
4. Envoys will be conducting shuttle diplomacy between Juba and Pagaak. As if all of Juba was not just in Addis. But if Juba will or may yield some input, what will Pagaak yield? Pagaak is a very small town close to the border with Ethiopia and connected to it by tarmac road. Is it the ease of travel to an IO held town? Will the heavy weights be flown there?
5. We would see the need to travel and consult as a job for the two primary stakeholders and not the Envoys.
6. 15 days “ultimatum”. Agree or we will move and kill the bastards who obstruct! Yes sir! The Spanish Inquisition. What on earth can the two parties do in 15 days when the talks have been adjourned?

### **Why do we keep hammering on the file of security arrangements?**

### **Let us take you on a path of some thoughts and some logic:**

- 1- How will a PM move, work and conduct business in Juba in the absence of a robust and detailed security arrangements? Does he and his ministers want to move with a brigade of tanks?
- 2- At the first hint to Kiir and Co to pay the IO's army salaries, Juba refused to pay other than the ex SPLA defectors. While they will keep and pay their Dinka dominated guys. How will IO pay those who came to their help and died in their thousands and their homes looted and destroyed?
- 3- Did IO do any "reality check" that their followers and constituency and people on your side (Nuers, Dinkas, Equatorians) will accept any deal keeping General Kiir as president?
- 4- Will they accept other old guard people like Kuol Manyang, Tilar Deng, Paul Malong, and others in a government in which IO participates?
- 5- Instead of a transitional government, may it not be of value for the IO to think of remaining only in their 3 states of power base and rule there until national elections? Problematic? Yes. But not as much as TGNU.
- 6- Look at the model of the CPA: It is the security arrangements that made it work. SAF had to pull out and SPLA had to take over South Sudan's territories. Two armies will mean two governments.
- 7- Do the field commanders of both the GRSS and the IO agree to what their leadership is doing in Addis?
- 8- What will happen to the oil revenues during the interim period and TGNU? Who will have oversight over the production and protection?
- 9- Can any state anywhere in the world stand on its feet without a harmonized national army? Look at what happened on Dec 15<sup>th</sup> and beyond as the SPLA was not harmonized.
- 10- Is the SPLM, now, a viable political party? How do the two fighting parties rate their and the SPLM's popular acceptance by the masses? Is it time to call a spade a spade and move on to establish new national political parties? Will the SPLM soon, become the "Escape Goat" for what happened?
- 11- The proposed power sharing project drafted by IO did not go one step. Both Kiir and Makuei objected to it before its ink dried out.
- 12- What can really happen in 15 days? IGAD Summit tied the two parties up, threw you in the deep end and then asked them to swim. Why on earth do both parties take such insulting of intelligence?
- 13- A total of 6 summits in 10 ½ months and nothing happens. Is IGAD really capable of dealing with this file?
- 14- IGAD has no teeth. Read their Founding agreement of March 1996 to find that out. There is no mandate there in to send in forces into South Sudan. No one in the international community is willing to support such a stupid idea.
- 15- The process of IGAD lacks "process design". They lack seasoned experts. The two parties need to have your own in house experts in "Process", "Development of Options" and Identifying "Common Interests". The polling we did to 40 persons and entities rated IGAD's capacity as one out of ten.

**Before we conclude let us look at some of the new developments on the ground**

1. The GRSS confiscates 4 loaded trucks destined to the UNISFA. BBC

2. East Equatoria Authorities “discover” a military training centre in the Toposa land. Who is training there? What are the numbers? Since when? ST
3. Jiye of Jonglei agree to join Yau Yau’s CPAA. ST. There are less than 10 Jiye who completed grade 8 and not one Jiye who completed secondary school. They are part of the Boma Group called “Ngalam” which in Murle means the ones without cattle. The Jiye are originally part of East Equatoria, but they were killed and pushed north by the Toposa. Now they are split into two states by part of them joining the new CPAA. The frame of identity in South Sudan (until tomorrow) is the tribe. This is a small tribe (70,000) split into two.
4. As part of their simplicity and lack of education, they say they have “Nothing” in Boma. ST. That is not correct. There is proven gold, mercury and cement among other riches in Boma. Why the hurry to split them and split Jonglei?

Stay well

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