
# IS THE REVITALISED AGREEMENT ON THE RESOLUTION OF THE CONFLICT IN THE REPUBLIC OF SOUTH SUDAN (R-ARCSS) OLD WINE IN NEW BOTTLES?

by

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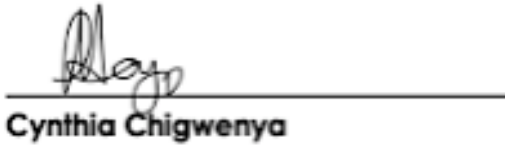
## DECLARATION

I, CYNTHIA CHIGWENYA, declare that this dissertation is my own work. It is being submitted for the degree of Master of Arts (MA) in Development Studies at Witwatersrand University. It has not been submitted before for any other degree or examination in any other university. All secondary material that I used, whether from print of electronic sources, are duly acknowledged and referred to. I further declare that all quotations that are used are accurate quotations taken from the source that was used and that instances of paraphrasing are done with due acknowledgement of the original authors' ideas.

Signed: 

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## ABSTRACT

South Sudan has been a chronically violent state with series of conflicts reported as early as two years after its independence in 2011. Regional and international organisations have brokered several peace agreements, hoping to restore peace in South Sudan, albeit with limited success. This qualitative study explored the Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS), focussing on peculiarities enabling its efficacy in delivering outputs, compared to previous agreements. Variables including the contents of the R-ARCSS, political will to implement provisions and changing dynamics within opposing political parties proved determinant to the reduction of nation-wide violence, while sporadic conflicts remain present in areas such as Jonglei. Despite positive development in governance, military and security arrangements that align with the adoption of the R-ARCSS, the agreement is found wanting in the establishment of socio-economic justice institutions, subsequently reducing its local buy-in.

## List of Acronyms and Abbreviations

| | |
|---|---|
| ACLED | Armed Conflict Location and Event Data |
| AfDB | African Development Bank |
| ARCSS | Agreement on the Resolution of the Conflict in the Republic of South Sudan |
| AU | African Union |
| CNLG | National Commission for the Fight Against Genocide |
| CoHA. | Cessation of Hostilities Agreement |
| CPA | Comprehensive Peace Agreement |
| CRA | Compensation and Reparation Authority |
| CSO | Civil Society Organisation |
| CTRH | Commission for Truth Reconciliation and Healing |
| CTSAMM | Ceasefire and Transitional Security Arrangement Monitoring Mechanism |
| CTSAMV | Ceasefire and Transitional Security Arrangements Monitoring and Verification |
| DDRC | Disarmament Demobilisation and Reintegration Commission |
| DRC | Democratic Republic of Congo |
| EFMA | Economic and Financial Management Authority |
| FBO | Faith-Based Organisation |
| GDP | Gross Domestic Product |
| GoSS | Government of South Sudan |
| HLRF | High-Level Revitalisation Forum |
| HRMIS | Human Resource Management Information System |
| IDPs | Internally Displaced Persons |
| IGAD | Intergovernmental Authority on Development |
| IGOs | Intergovernmental Organisations |
| IISS | International Institute for Strategic Studies |
| ISPR | Institute of Social Policy and Research |
| JMCC | Joint Military Ceasefire Commission |
| JMEC | Joint Monitoring and Evaluation Commission |
| MHS | Mutually Hurting Stalemate |
| NAS | National Salvation Front |
| NCAC | National Constitutional Amendment Committee |
| NPTC | National Pre-Transitional Commission |
| NSS | National Security Service |

| | |
|---|---|
| OPPs | Other Political Parties |
| PA-X | Peace Agreement Database |
| PCTSA | Permanent Ceasefire and Transitional Security Arrangements |
| R-ARCSS | Revitalised Agreement on the Resolution of the Conflict in the Republic of |
| RJMEC | Reconstituted Joint Monitoring and Evaluation Commission |
| RTGoNU | Revitalised Transitional Government of National Unity |
| | South Sudan |
| SPLM/A | Sudan's People Liberation Movement and Army |
| SPLM/A-IG | Sudan People's Liberation Movement and Army in Government |
| SPLM/A-IO | Sudan People's Liberation Movement and Army in Government in Opposition |
| SRF | Special Reconstruction Fund |
| SSDM/A | South Sudan Democratic Movement/ Army |
| SSEPS | South Sudan Electronic Payroll System |
| SSLA | South Sudan Liberation Army |
| SSOA | South Sudan Opposition Alliance |
| SSUF/A | South Sudan United Front/Army |
| TGoNU | Transitional Government of National Unity |
| TNLA | Transitional National Legislative Assembly |
| UCDP | Uppsala Conflict Data Program |
| UN | United Nations |
| UNHCR | United Nations High Commission on Refugees |
| UNMISS | United Nations Mission in South Sudan |
| UNOCHA | United Nations Office for the Coordination of Humanitarian Affairs |
| UNSC | United Nations Security Council |
| USAF | United Sudan African Party |
| USIP | United States Institute of Peace |

# CHAPTER 1: INTRODUCTION

## 1.1 Introduction to the Study

Peace agreements are a widely applied mechanism of reintegrating societies after violent and protracted conflicts. This method is also used to prevent wars through engaging conflicting parties, for example, the 1987 Unity Accord was signed to resolve conflicts between the two main nationalist parties that had waged Zimbabwe's liberation war (Doran, 2017: 438). The Kumanovo Agreement was signed in 1999 effectuating the end of the Kosovo war (Sherifi, 2014: 359), while in Mali, the Bamako Peace Agreement was signed in 2015, seeking to bring a new era of stability (Boutellis, 2015: 1). More recently, the Sudanese Peace Agreement was signed on 31 August 2020 between the Transitional Government and the Sudanese Revolutionary Front, comprising of the five main rebel groups (European Commission, 2020). These examples are among many peace agreements in existence.

In relation, the United Nations (UN) guidelines; recommendations of the Secretary-General; and the Security Council resolutions, have all normatively addressed peace agreements: 'both the processes by which they are negotiated and their substance…' (Bell, 2008: 374). Bell's statement shows that there are international standards that guide peace negotiation processes. Peace agreements fall under political solutions that ensue series of violent conflict; these solutions are often aimed at peacebuilding (Westendorf, 2015: 38). Drange (2018: 12) explains that political solutions entail pursuing a negotiated way out of war, which can either reach a turning point with a peace agreement or 'materialise through a variety of diplomatic, developmental and peacebuilding efforts over years and decades.'

According to the UN Security Council (UNSC) (2018), the "primacy of politics should be the hallmark of the United Nations' approach to conflict resolution." The UNSC (2018) emphasises that political solutions should guide the design and deployment of the UN peacekeeping operations. Moreover, political solutions hold prospects for durable peacebuilding given the schools of thought that present conflicts and political violence as a.) a function of nation-building, b.) an archaic political choice c.) an atypical process of state-making. Therefore, political solutions are both a core aspect of the UN's approach and a relevant approach to conflict resolution in general, as well as in South Sudan.

Since independence, South Sudan has been a chronically violent state (Huser, Cunningham, Kamau & Obara, 2019: 7) and its long history of violence dates to before becoming a nation-state. Regional and international organisations have brokered several peace agreements such as the Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS) with the hope of restoring peace in South Sudan, albeit with limited success. This qualitative study seeks to explore the Revitalised-ARCSS, signed in Addis Ababa, Ethiopia on 5 August 2018. With peace agreements being a commonly used method, especially by the international community, this research examines how the R-ARCSS is different from its precursor, the ARCSS and other agreements that have been adopted thus far, to resolve this conflict.

To comprehensively understand the South Sudanese war, which necessitates the effective implementation of the R-ARCSS, among other peacebuilding measures, it is essential to refer to the historical events that have shaped the country's path.

### 1.2 Context of the South Sudanese Conflict

The birth of South Sudan as the world's newest nation in July 2011, was widely celebrated as a national and international milestone, especially by organisations that had mediated in resolving the conflict in Sudan. However, only two years after achieving independence from Sudan, South Sudan collapsed into civil war. Jok (2011: 2) argues that South Sudan came into existence "...inheriting poor infrastructure, a volatile political climate, limited capacity for governance, weak state institutions, a financial crisis, violent ethnic divisions, and an uncertain regional and international political atmosphere." Jok's argument suggests that the foundation for the establishment of an independent South Sudan was unfirm.

Although exploring colonial histories of former Southern parts of Sudan, now the independent state of South Sudan is out of the remit of this study, there is a consensus among scholars such as Johnson (2011; 2013), Sharkey (2008) and Holt and Daly (2019) that the North (Khartoum) and the South (Juba) developed independently of each other. The North of Sudan was the centre of the Anglo-Egyptian Condominium, and the colonial administration was also situated resulting in northern Sudanese receiving more benefits and opportunities (Johnson, 2011: 89) hence Northerners held more positions of power. The South, however, stood in stark contrast with little attention given to its education, advancement, and development (Jok, 2011: 7). These varied developments make ethnolinguistic fractionalisation (ELF) relevant to this study.

Nyaba (2019: 28) explains that after Sudan's independence in 1956, there was an emerging political system in the North but, the Southerners were "discouraged from engagement in politics, political debate and action." For Jok (2011: 8), this laid the basis for a profound disintegration and limited governance capacities in present-day South Sudan. By 15 December 2013, about 2 years after independence, hostilities began in Africa's newest capital, Juba and the fighting spread to Bilpam, the military headquarters (Rolandsen, 2015: 163-165).

The hostilities between South Sudanese soldiers had far-reaching ramifications on the establishment of peace. Howden (2013: para 9) comments that the fight between Dinka and Nuer soldiers in the presidential guard on 15 December, ignited a "simmering political power struggle in South Sudan's ruling party and sparked widespread ethnic killings." In the days that followed the 15 December conflict, opposition leaders within the ruling Sudan's People Liberation Movement and Army (SPLM/A) were gathered by state forces. However, the bodyguards of then Vice-President Riek Machar resisted, allowing him to escape South Sudan and he later returned in the "bush" as a rebel leader (Rolandsen, 2015: 164).

Before Riek Machar's escape, he alongside his chief political rival, the SPLM's secretary-general and the country's senior negotiator in oil and security talks with Sudan, as well as the entire cabinet had been dismissed by President Salva Kiir (BBC News, 2013). The collapse of the government raised prospect of violence in South Sudan. President Salva Kiir's proponents declared that the opposition handed out weapons to the youth in Juba and planned a coup; while the opposition argued that the president had recruited and armed youth militia in Juba then used military clashes as a pretext to get rid of the opposition (Guardian News, 2013: n.p).

By the end of December 2013, armed civilians in Greater Upper Nile (three states of Unity, Upper Nile and Jonglei) joined the war in support of Riek Machar, vice president turned rebel leader (Guardian News, 2013b). In the weeks and months that followed, the state capitals in Greater Upper Nile engaged in pitched battles between, government forces and Darfuri rebels, on the one side, and the defected SPLA soldiers and armed civilians, on the other (Rolandsen, 2015: 164). Since 2013, the deadly conflict continued, although with brief periods of non-violence. In 2014, South Sudan was the most fragile state in the world (Fragile States Index, 2014). By 2015, thousands of people had been killed, more than 1 500 000 had been displaced, with significant humanitarian consequences (Human Rights Watch, 2015: 6). Thus far, the country's journey towards peace has been marred by various challenges.

While Nyaba (2019); Johnson (2011) and Jok (2011) argue that before independence, the South (Juba) suffered from pre-existing profound disintegration and limited governance capacities, it is unfair to limit the source of South Sudan's conflict to its pre-independence history. The rationale is the interplay of several factors that have contributed to the upsurge of violence. Since 2016, South Sudan's conflict has become multifaceted, and Vhumbunu (2018: 4) argues that several armed groups have emerged thus, complicating further the search for a political settlement, peace and stability in South Sudan. Internally, continuous instability is attributed to the fragmentation of the ruling SPLM, and counter-defections of different generals and politicians in the government and opposition groups (Joshi, 2020: 5).

Joshi (2020: 6) states that the prolonged stalemate between the president and vice president divided the SPLM into different hostile camps, and raised tensions between the affiliated tribal groups, causing further instability. Johnson (2011; 2014) traces the history of divisions within the SPLM to the 1990s, when armed groups multiplied. Johnson (2014: 302) explains that present clashes "have their origins in unresolved tensions following the split in the SPLA in the 1990s, and the incomplete reintegration of anti-SPLA forces into the SPLA after 2005." The Comprehensive Peace Agreement (CPA) that paved the way for the splitting of Sudan was signed in 2005 (Deng, 2005: 244); hence the significance.

Furthermore, before the escalation of violence, President Salva Kiir was accused of failing to address high poverty rates, lack of infrastructure and rampant corruption (Guardian News, 2013). Many of those dismissed from government, including Riek Machar, had condemned the president's inaction regarding alleged official corruption (BBC News, 2013). This public censure by then members of the SPLM signalled existing grievances in domestic affairs. Therefore, South Sudan's challenges are not limited to its pre-independence history.

In addition, at the regional level, Uganda and Sudan have been involved in the conflict, appearing to advance securing their own interests first. Sudan, for instance, supported rebel leader Riek Machar whereas Ugandan President, Yoweri Museveni endorsed President Salva Kiir (International Crisis Group, 2019: 2). Maphasa (2020: 12) comments that since Uganda is a major trading partner of South Sudan, the former used the peace process to protect both its workers and profitable business operations. In addition, the International Crisis Group (2016: 7) explains that Uganda's involvement in the conflict is shaped by economic interests, geopolitics, and President's Museveni's 'dislike of Riek Machar.'

In Sudan's case, reasons for active involvement include keeping South Sudan under its lenses against any potential threat that might emanate from insurgent groups (Tombe, 2019: 6); endorsing Riek Machar (International Crisis Group, 2019: 2) and secretly supplying weapons to opposition groups (Maphasa, 2020: 13). The height of disagreements among Intergovernmental Authority on Development (IGAD) countries was shown by Uganda's discordant deployment of forces to South Sudan to protect Salva Kiir's government from rebel attacks (Gebru, 2020: 68). Regardless of motivations, the International Crisis Group (2019: 2), argues that lack of coherence short-circuits mediation efforts to restore peace. It is against this backdrop that stakeholders hope for durable peace through the R-ARCSS.

The R-ARCSS was ratified following the breaching of the Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS). The ARCSS was signed by the Sudan People's Liberation Movement and Army in Government (SPLM/A-IG) and SPLM/A in Opposition (SPLM/A-IO), in September 2015, temporarily ending the first civil war that had broken in December 2013 (Government of South Sudan, 2014: n.p). However, the agreement was soon nullified by resumed conflict. The Institute of Social Policy and Research's (ISPR) special report on South Sudan presents that the ARCSS had short-lived implementation due to its focussing more on power-sharing and wealth control (ISPR, 2018: 5).

According ISPR, insufficient provisions for military integration posed great threats to the ARCSS longevity, while the opposite could have paved the way for robust security and governance reforms (ISPR, 2018: 6), Nonetheless, ARCSS signatories disagreed over the number of soldiers and permissible military weaponry, giving signs of possible non-observance and eventual collapse of the agreement. Conflict re-emerged in July 2016 (IGAD, 2017: 1), and this was followed by various efforts to restore peace in South Sudan.

The above stated efforts include the establishment of the High-Level Revitalisation Forum (HLRF), comprising of Djibouti, Ethiopia, Kenya, Somalia, South Sudan, Sudan, and Uganda, to facilitate South Sudan's peacebuilding process (IGAD, 2017: 3). The HLRF has managed to facilitate several negotiations between President Salva Kiir's of the SPLM/A-IG; Riek Machar's of the SPLM/A-IO and other opposition political parties since December 2017 (Tombe, 2019: 3). The summits and fora accumulatively resulted in the decision to revitalise the ARCSS as possible method of resolving the conflict. The revitalised ARCSS (R-ARCSS), is the agreement that this research seeks to explore in detail.

### 1.3 The Puzzling Research Problem

In reference to the context of this coflict, peace is urgently needed in South Sudan yet several efforts for its mediation have ended in political impasse. In 2016, for instance, less than a year after the SPLMA/A-IG and the SPLM/A-IO signed the ARCSS, peace implementation suddenly stopped, and fighting resumed between the government and rebel forces that had been brought into Juba under the post-agreement security deal (International Crisis Group 2016: 1). Subsequently, the first vice president and SPLM/A-IO leader, Riek Machar, escaped and returned to the bush, waging a guerrilla conflict (Daily Maverick, 2016). This resumed bush fighting meant that the restoration of peace and stability would face yet another hurdle.

There are several reasons why the ARCSS failed including, that provisions to instal an external force to demilitarise Juba were not honoured by Ugandan President Yoweri Museveni (Maphasa, 2020: 6). The consequence was that Riek Machar returned to Juba with his own security forces, placing the SPLA-IG and SPLA-IO forces in proximity (Maphasa, 2020: 6), eventually resulting in the outbreak of violence. In addition to the failure of security arrangements contained in the ARCSS, Vhumbunu (2016: 5) notes that there was a deadlock on the formation of the Transitional National Legislative Assembly (TNLA) – as provided for under Chapter I (11) of the ARCSS (2015).

Further disagreements among political actors in South Sudan were on the 28 states that were unilaterally created by President Kiir under Order 6/2015 (Vhumbunu, 2016: 5). The expansion of states was criticised mainly by the SPLA-IO and viewed as a government attempt "to grab other communities'' (Vhumbunu, 2016: 5) and gerrymander "power into the hands of the Dinka ethnic group" (Maphasa, 2020: 6). Due to increasing hostilities and distrust, mobilisation of new forces surged, and the negotiated peace started to frail.

In 2017 the Agreement on the Cessation of Hostilities, Protection of Civilians and Humanitarian Access (CoHA), was signed between warring parties including the SPLM/A-IG and SPLM/A-IO in Ethiopia (IGAD, 2017: 3). However, South Sudan's war in entered its fourth year in 2017, spreading to areas in the Greater Upper Nile and Equatoria (Human Rights Watch, 2018: para 1). The sustained fighting evidences the voiding of the accord. In 2018, the Khartoum Declaration of Agreement between Parties of Conflict in South Sudan, postulating disengagement of all warring parties, separating armed forces in proximity and withdrawal of allied troops, was signed by parties (IGAD, 2018: 1). However, Campbell (2018: para 2) comments that violence resumed merely hours after this agreement went into effect.

Based on the breaching of the ARCSS' provisions and of agreements explored above, violation of peace agreements is common in South Sudan. Despite shortfalls of other agreements, the R-ARCSS since ratification in 2018, has brought longer periods of non-violence hence the optimism for potential peace restoration. Achievements aligning with the R-ARCSS are Riek Machar's official inauguration as the first Vice President in February 2020 (Dumo, 2020: para 1), effectuating the Revitalised Transitional Government of National Unity (RTGoNU). For Quarcoo (2020: para 3), the RTGoNU is the most progressive step towards peacebuilding since 2013. For Kumalo and Roddy-Mullineaux (2019: 5) the R-ARCSS' provisions for 35% women representation in transitional justice processes show inclusivity.

Adding to gender responsive provisions, the RTGoNU was followed by President Kiir reversal of Order 6/2015 and re-establishment of the ten states he unilaterally expanded into 28 states (Vhumbunu, 2016: 5). In this light, significant milestones were attained after R-ARCSS' ratification. Given that many peace deals brokered in South Sudan have failed, what is puzzling is that the R-ARCSS, though grounded in the provisions of the ARCSS, has brought significant progress to peacebuilding in South Sudan. The uniqueness of this agreement, as well as conditions enabling its efficacy are of key interest to this research.

### 1.4 Research Question

Following the problem of the violation of several peace agreements that have been brokered in South Sudan before, the specific question this study explores is:

*Which variables enhance the R-ARCSS' potential to resolve the South Sudanese conflict, compared to other peace agreements that have been signed by conflicting parties?*

The main research question is linked to the following sub-questions:

1. What are the conditions that make the R-ARCSS more progressive than other peace agreements that have been signed in South Sudan?
2. Are there any barriers to the R-ARCSS' progress in bringing sustainable peace?
3. What measures within the R-ARCSS guard against regression to violence?

### 1.5 Aims and Objectives of the Study

The aim of the study is to analyse factors that distinguish the R-ARCSS from other peace agreements that have been brokered in South Sudan. In the broader perspective, the research

can provide comprehensive insights into South Sudan's peacebuilding thereby advancing the existing knowledge on the topic. The objectives are:

- To examine enabling factors of the ongoing R-ARCSS-related progress.
- To outline and examine the factors that militate against the implementation of the R-ARCSS to capacities articulated within agreement.
- To explore the roles of various actors involved in negotiating the R-ARCSS and those supporting its implementation.
- To examine how the greed versus grievance hypothesis and the ripeness approach to conflict mediation apply to the South Sudanese conflict.

### 1.6 Rationale: Why South Sudan?

This study finds South Sudan an interesting case, worth exploring because it is the youngest country in the world and the newest member of the IGAD bloc and the African Union (AU). Despite being new, South Sudan's short history is marred with recurrent violence and subsequent humanitarian crises. As early as 2013, the country had experienced violent conflict (Rolandsen, 2015: 163-165), demanding of not only the AU and IGAD to intervene, but also the United Nations and the Troika, comprising of the United States (US), United Kingdom (UK), and Norway (Refugees International, 2019) among other external players.

Beyond my interest in political complexities, the situation in South Sudan threatens livelihoods and basic human rights with potential implications on development in North-East Africa. Based on a 2018 report, an estimated 383 000 people have died since the onset of war in 2013 (Specia, 2018: para 1). According to the United Nations High Commission on Refugees (UNHCR) January 2020 report, there are 2.239 365 million refugees from South Sudan, 1.66 million internally displaced persons (IDPs) in South Sudan with only 13% of the IDP population residing in six United Nations Mission in South Sudan (UNMISS) Protection of Civilians sites (UNHCR, 2020). Other refugees are hosted in countries including Uganda, Ethiopia, Sudan, and Kenya making the South Sudanese conflict a regional impediment to stability.

Moreover, the country has been devasted by the 2017 drought and in 2019, floods affected nearly one million people and destroyed 73,000 metric tons of potential harvests (WFP, 2019). Thousands of livestock were killed, threatening the livelihoods of those who depend on agriculture and cattle rearing for survival. Over 55% of people in South Sudan "face acute

food insecurity" since warring factions deliberately prevent humanitarian aid from reaching civilians (UN Human Rights Council, 2020: para 7). The conflict and environmental disasters have left many at the brink of starvation. Therefore, political mediation holds prospects for redressing domestic issues, human rights concerns, and the regional refugee crisis.

### 1.7 Significance of the Study

The research is relevant as it analyses how different the R-ARCSS is from other peace agreements to provide comprehensive insights into conflict mediation processes. Examining the pitfalls of previous agreements could be significant in providing lessons for peacebuilding in South Sudan and other conflict societies. In addition, political systems evolve. Thus, the study's objective to examine the applicability of the greed versus grievance hypothesis and the ripeness approach to South Sudan highlights how the changing dynamics support theory. This study; therefore, advances existing knowledge by applying it to recent cases of conflict.

Further, the conflict in South Sudan has had regional implications especially because of millions of people that are in host countries and several other IDPs within the country. As such, resources in South Sudan, from UNMISS, IGAD and host countries have since 2013 been directed at conflict resolution rather than this young nation's development. My study is significant because the sub-question probe into actual and possible barriers to the R-ARCSS' progress, seeking to contribute to the range of recommendations to guard against regression to violent conflict in South Sudan.

### 1.8 Chapter Outline

Chapter one provided the context of the South Sudanese conflict and outlined the aims, rationale, and significance of the study. After highlighting the puzzling problem, the research question was presented alongside sub-questions. The following chapters will be structured to respond to the main question and fulfil the study's objectives. Chapter two reviews the existing literature on political mediation, under which peace agreements fall. In this chapter, a conceptual framework for the analysis of peacebuilding processes in South Sudan will be provided by drawing from secondary data sources, which enables the study to explore defining characteristics. Chapter two also examines whether the greed versus grievance hypothesis, and the ripeness approach to conflict mediation apply to South Sudan's case.

Chapter three focusses on the methodology; thus, it includes the research approach, methods of data collection, the research process, data analysis and ethical considerations. Chapter four will present South Sudan's conflict trends from 2011 to 2020 and account provisions of preceding peace agreements to facilitate the assessment of how distinguished the terms of the R-ARCSS are. In line with the aims of this research, chapter five will present the R-ARCSS' accomplishments that make it more progressive than other peace agreements. Thereafter, the study critically analyses variables that enable the R-ARCSS efficacy. In chapter six, inferences will be drawn from findings to respond to the research question. Moreover, scholarly debates will be recapped, and the limitations of this study will be indicated. Lastly, a conclusion will be drawn, and suggestions for further research will be provided.

## CHAPTER 2: LITERATURE REVIEW and THEORETICAL FRAMEWORK

### 2.1 Introduction

Augsburger (1992: 5), in *Conflict Mediation Across Cultures* argues that 'conflict is essential to, ineradicable from and inevitable in human life;' and conflicts can be turned from destructive (negative) to constructive (positive) ends. This argument portrays conflict as a natural occurrence in human interactions; and it further highlights the need for its sufficient management and resolution so that positive outcomes can be harnessed. The methods through which conflicts have been resolved or handled include conflict management: mediation and negotiation, peace agreements, judiciary approaches and institutional reforms (Babbit, 1997: Katz Jameson, 1999; Hopmann, 2001; Bercovitch, 2005; 2011). These methods guide key debates and analyses on intervention and mediation in the existing literature.

The purpose of this chapter is to present a conceptual framework that will lay the foundation for a thematic analysis in the ensuing chapters. Chapter two will, first, define concepts that are central to the study such as, peacebuilding, political solutions to conflict resolution, mediation, and peace agreements. Second, this chapter will draw from works by Collier (2004); Zartmen (2000); Ballentine and Nitzschke (2005) to explain why intrastate violent conflicts occur. The study uses the greed versus grievance hypothesis to understand variables in South Sudan's war. Zartman's ripeness approach will be used to assess whether its provisions explain the R-ARCSS' relative progressiveness. Chapter two concludes with an outlook of independent variables and their impact on conflict.

### 2.2 Peacebuilding

Uvin (2002: 5) observes that the shift of focus from peacekeeping to peacebuilding occurred in international conflict management after the Cold War. Bellamy (2010: 193) substantiates that nowadays 'the international community has a responsibility to help states and societies to rebuild after war…' This remark, however, is not without contestation in existing literature on global governance. Martin (2001: 182) for instance, commends Rita Abrahamsen's work (2000) for challenging the orthodoxy that powerful states should intervene in conflict-prone countries. However, one cannot dismiss the benefits of collective effort towards peacebuilding. In line with advantages, Ylönen (2016: 214) explains that peacebuilding was regarded as a method that encompasses a holistic approach in resolving humanitarian and conflict crises.

The differences between the above concepts are that peacekeeping prevents the recurrence of fighting after a conflict, whereas peacebuilding facilitates societal change through addressing the root causes of the conflict (Uvin, 2002: 5-7). To foster non-violence and stability, Westendorf (2015: 38) explains that peacebuilding should create an environment that allows for conflicting parties to engage with one another, adding to its longevity. In South Sudan, both peacekeeping through the deployment of UNMISS forces and peacebuilding through negotiations between the government: SPLA-IG, the opposition: SPLM/A-IO and other rebel groups waging war have been used. This section focusses mostly on peacebuilding because it holds prospects for addressing the root causes of the conflict; thus, it is sustainable.

International peacebuilding is defined by Chandler (2017: 3) as 'a field of external policy intervention with the intention of assisting post-conflict or conflict-prone states to building a sustainable peace,' based on constitutionalism, the rule of law and democracy. Chandler's definition provides the bases upon which external plays can intervene in conflict countries, which are unconstitutionality, misuse and abuse of political or military power and despotism. South Sudan passes muster as a conflict-prone country with violence re-emerging since 2013, threatening the inchoate democracy and basic human rights mainly due to the militia's deliberate blockades of humanitarian aid from civilians (UNHRC, 2020: para 7).

There are two categories of peace in the existing literature namely, positive peace, and negative peace. Grewal (2003: 23) and Galtung and Fischer (2013: 175) concur that negative peace exists when there is no direct violence or physical fighting thus, negative peace is secured by stopping the immediate source of violence. Negative peace, therefore, offers immediate relief by using external actors dissuade conflicting parties from violent clashes (Grewal, 2003: 23); however, it is limited in providing long term solutions to prevent further conflict.

In contrast, positive peace involves processes that enable conflicting parties to develop a desirable relationship that allows them to resolve their disputes through non-violent means (Galtung & Fischer, 2013: 173- 178). Brounéus (2008: 291) notes that positive peace offers long-term relief to conflict because it instils practices and processes that transform negative attitudes, behaviours, and perceptions, which harbour conflict. It also includes psychosocial attributes such as fostering relations so that the opposing parties can reconcile and live harmoniously, over time (Brounéus, 2010: 408).

In reference to the above definitions, one can argue that the ARCSS of 2015, which ended the violence that had erupted in December 2013 can be classified as a negative peace since it did not provide durable solutions to prevent further conflict in South Sudan. This assertion is corroborated by the clashing of combatants in 2016, negating the provisions of the ARCSS (Maphasa, 2020: 5-6); the deadlock on the formation of the TNLA (Vhumbunu, 2016: 5) and continued disagreements between Riek Machar and President Salva Kiir. The continued conflicts evidenced deficiencies in addressing the key variables causing the conflict.

In sum, the ARCSS of 2015, the CoHAs of 2014 and 2017 and the Khartoum Declaration of Agreement between Parties of Conflict in South Sudan of 2018, provided short-term solutions. Therefore, these agreements fall under negative peace in this study. The term peacebuilding, herein, shall refer to a range of diverse efforts by the government, intergovernmental organisations (IGOs) and the civil society to redress mainly underlying causes of disagreements. In line with Brounéus' (2008) definition, these efforts should offer long-term relief to conflict, including fostering relations so that conflicting parties can reconcile, and citizens live without recurrent violent conflicts.

### 2.2.1 Political Solutions: Conflict Mediation

Mediate, as a verb refers to the act of stepping in, intervening, or getting involved. Therefore, mediation generally entails involving external parties between disputants. Nathan's (1999: 1-26) principles of mediation highlight the importance of mediator's role since the common trust of conflicting parties in the mediator 'offsets their mutual distrust and raises their confidence in negotiations.' This statement shows how crucial the mediator's role is in initiating engagement between opposing parties, aiming to resolve disagreements.

For Moore (2014: 8) mediation is 'a process in which a mutually able third party, who has no authority to make binding decisions for disputants intervenes in a conflict or dispute to assist involved parties.' Moore highlights capacities and characteristics required of a mediator, which will be explored below. Following the definition of mediation and its effectiveness, negotiation as political solution to conflict will be conceptualised. In fact, Moore argues that these concepts are interrelated. Mediation often plays a preceding role because negotiations are difficult to initiate and characterised by deadlocks hence the need for external assistance to kickstart the process through mediation (Moore, 2014: 9).

Bercovitch and Gartner (2008: 5) commend that mediation is a peaceful method of intervening in conflicts thus, it is an attractive option for enhancing diplomatic relations between states. For these scholars, mediation involves joint decision-making to resolve conflicts with the mediator (an external player) controlling parts of the process and likely influencing the outcome, yet the final decision is the disputants' (Bercovitch & Gartner, 2008: 5). There is a consensus between Moore (2004) and Bercovitch and Gartner's (2008) definitions that while mediators can facilitate conflict resolution, and influence the results in line with their abilities, the ultimate decision rests with the disputants so the latter retains autonomy.

In reference to Firmeza's (2011) work, Gaspodini, da Rosa Alves and de Oliveira (2016: 195) argue that mediation develops negotiation strategies because it is coordinated by an external party, who highlights common interests for disputants to assess and have dialogues to reach an agreement. From this viewpoint, mediation focusses on enhancing communication processes, explaining, in part, why mediation is regarded a peaceful method. For Crocker, Hampson and Aall (2004: 21), mediation is a "foreign policy tool," bringing in the external party's motives and interests into the process, a case that is also argued by Hopman (2001: 453).

Following these various definitions of mediation, the researcher synthesized key aspects to create a functional definition for this study. Conflict mediation, herein, is a process that involves using an impartial third party, known as the mediator, to manage, prevent or resolve conflicts between disputants with, the aim of reaching an agreement. The mediator holds some influence over the process but gives autonomy to the disputants for final decision making. Moreover, mediators involve diverse parties to the conflict for mutually acceptance of the agreement. This definition shows the responsibilities and limitations of a mediator, mainly that they cannot impose the final decision. By so doing, the responsibility of peacebuilding remains intrastate as internal initiatives towards peacebuilding are likely more durable.

*Effectiveness of Mediation*

Mediation is a very complex process (Hopman, 2001: 456) and measuring the efficacy of multiple organisations and role players is challenging. However, there are common outcomes that are suggestive of effective mediation. For, Babbit (1997, cited in USIP, 2010: 23), the absence of physical fighting and violence is the most tangible evidence of successful mediation. The challenge of this index is that complete non-violence may take years or decades.

Regardless of the challenges, Lanz and Gasser (2013: 3) argue that successful coordination between mediators shows and enhances effectiveness in resolving conflicts. This point is substantiated by the former Secretary-General, Ban Ki-moon who stated that fragmented responses from mediators and international actors "reinforce fragmentation in the conflict and complicates resolution" (UN Secretary-General report, 2009: 6). This study regards effective mediation as aligned with the provided definition of positive peace. According to Brounéus (2008: 291) positive peace instils practices and processes that transform negative attitudes, behaviours, and perceptions, which harbour conflict. Effective mediation, therefore, should make provisions for peacebuilding mechanisms, including institution building, political and institutional reforms and reconciliation (De la Rey, 2001: 252-260).

While Brounéus (2008) proposes changed attitudes, behaviours, and perceptions, Sandu (2013: 33) argues that 'a transformation in attitudes and behavio[u]r will not occur overnight or even in the course of a few years.' As a result, characteristics such as fairness during mediation and fair outcomes (Bercovitch, 2011: 94-97); parity through using a neutral environment outside the conflict territory (Sandu, 2013: 34); and a genuine commitment to mediation by the disputants, reflect on effectiveness of mediation processes. Katz Jameson (1999: 272) sums that the indices of successful mediation are efficiency (cost analysis); fairness (neutrality or equitability); and satisfaction (stability and durability).

### 2.2.2. Political Solutions: Negotiating

Political solutions to peacebuilding also encompass negotiating with conflicting parties to end violence (Drange, 2018: 12). Negotiation in conflict resolution is defined by James (1991: 313) as 'an exchange of information, ideas, and promises by two or more parties… with the aims of, first, developing a mutually acceptable resolution of their differences that is stable over time and, second, improving their ongoing relationship.' However, the United States Institute of Peace (USIP) (2010: 13) contends that conflicting parties do not initially prioritise long-term relationships as they negotiate. Instead, party interests inform positions during negotiations while forming relationships might occur at a later stage (USIP, 2010: 13). In this light, negotiations also depend on the negotiator's capabilities to assess specific circumstances around the conflict. In relation to this study's objectives, analysing the roles and interests of various actors that were involved in negotiating for the R-ARCSS and overseeing its implementation could explain, in part, the R-ARCSS' successes.

*Competitive Bargaining*

Bargaining is one of the general methods of negotiating. While negotiations in conflict mediation involve exchanging information, ideas and promises as presented by James (1991), approaches and strategies to negotiation are methods through which power relations are managed during this exchange (Goodpaster, 1996: 325). The competitive bargaining strategy is likened to haggling when making a purchase, for instance. Hopmann (2001: 451) explained this approach to conflict resolution by annotating the two-party bargaining model. The diagram below (Diagram 1) illustrates competitive bargaining.

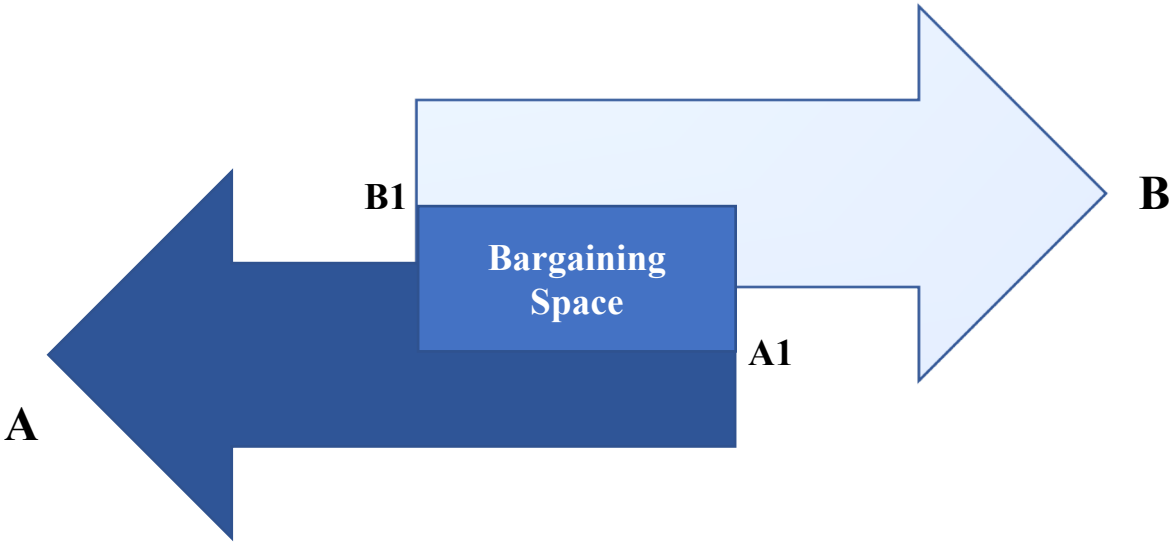


Diagram 1, designed by Cynthia Chigwenya (2021), adapted from Hopmann (2001: 451).

In a similar diagram, Hopmann states that points A and B represent ideal results from the best-case scenario for each conflicting party, hence the points diverge because of incompatibility; points A1 and B1 are the best alternatives or points where parties would withdraw from negotiating (2001: 452). The bargaining space is the midpoint placed in between the best alternatives (A1 and B1), and parties negotiate for best terms here. Negotiations made within the bargaining space are likely to be accepted compared to one-sided positions A or B.

According to Hopman two principles apply: the reciprocity principle, entails expectations of the other party to reciprocate the move towards the bargaining space, while the second, contrast principle, parties emphasize the shifts they made from their initial position. (Hopman, 2001: 453). In South Sudan perhaps parties reached the best alternative points before signing the R-ARCSS thus, the agreement attracted many signatories. However, this model of negotiating is criticised by Druckman (2020: 135) for its linearity and simplifying conflict negotiations.

*Collaborative Problem Solving*

The second negotiating paradigm this study will explore is collaborative problem solving. USIP (2010: 19) accredits Susan Collin Marks (who negotiated during South Africa's transition from apartheid to democracy) for advancing knowledge on this approach with the aim to reach mutual benefits for conflicting parties. Hopmann (2001: 256) explains that unlike two-party negotiations, in collaborative problem solving, "the issue under negotiation is best defined not as a conflict between parties that must be resolved but rather as a common problem confronting all parties that must be solved." Despite some dissimilarities, fundamentals of bargaining such as best alternative outcomes, bargaining space and reciprocity apply here as well.

Collaborative problem solving, however, includes more concepts such as reframing, which entails using new perspectives to view the conflict so that a resolution can be designed to navigate impasses (Marks, 2000: 17). In cognitive works, reframing refers to changing the viewpoint by placing the situation in a different frame to get different interpretations (Robson & Troutman-Jordan, 2014: 56). Therefore, this multiparty approach relies on external actors to present a new viewpoint or encourage parties to view the problem differently. Through using different viewpoints, alternative ways of perceiving ideas and resolutions are generated.

In line with tenets of collaborative problem solving, IGAD's role in negotiating peace in South Sudan brings in a different perspective and/or encourages conflicting parties to consider violence as a problem for all, although the parties suffer to varying extents. While mutual gains represent the best-case scenario, which is when all parties benefit by making minimal compromises on their initial standpoints; this seldom happens hence the challenge of 'enlightened self-interest' is anticipated (Marks, 2000: 18). Babbit (1997, cited in USIP, 2010: 20) clarifies that self-interests are considered by both conflicting parties and external players thus the collaborative problem solving is rarely accepted out of generosity.

In relation to South Sudan's case, the International Crisis Group (2019: 2) argues that clashes between Sudan and Uganda during resolution processes stemmed from both external parties advancing their own interests first. Internally, rebel leader Athor negotiated for amnesty for his soldiers, when this failed, he reverted to bush fighting (Rands & LeRiche, 2012: 8). Although self-interests limit the collaborative method, interests in prioritising peace restoration could be a catalyst as the peacebuilding agenda will subsequently be advanced during negotiations.

### 2.2.3 Peace Agreements

Peace agreements widely presented as results of successful mediation are relevant to South Sudan's conflict resolution. However, for Lanz, Nathan and Raffoul (2019: 11), peace agreements are not the terminus instead, they are 'the beginning of protracted negotiated war-to-peace transitions,' suggesting continuity. Although DeRouen and Bercovitch (2008: 57) assert that intrastate conflicts ending with negotiated settlements often recur, this method seems preferrable. The University of Edinburgh's Peace Agreement Database (PA-X) (2021) contains over 1868 local and international peace agreements, signed between 1990 and mid-2020. Thus, peace agreements are a widely used method in conflict resolution processes.

Relating to their pre-eminence, Drange (2018: 12) defines peace agreements as 'the symbol of political solutions' to resolving conflicts. Peace agreements are tangible outcomes, often a document produced after negotiations in which parties mutually agreed to some or all terms of ending violence (Högbladh, 2011: 42),. PA-X (2018: 1) states that peace agreements should be accessible to the public. In line with inclusiveness, peace agreements are often characterised by power-sharing arrangements (2001: 106), which is the case with transitional governments such as the Transitional Government of National Unity in South Sudan. For Kumalo and Roddy-Mullineaux (2019: 5) argue peace agreements should involve state actors, non-state actors and women for gender responsiveness. Further, USIP (2010: 57) emphasises that implementation mechanisms are crucial to peace agreements hence it should be practical.

In this study, the R-ARCSS will be analysed in reference to the above characteristics of peace agreements, including mutual agreements between conflict parties to avoid further clashes. This characteristic relates to Hopmann's (2001) concept of best alternatives, mutually agreed upon during negotiations. The ownership of the R-ARCSS among the South Sudanese and involvement of the civil society will be of interest to this study. Finally, stability and the durability of peace, argued by Katz Jameson (1999) to be indices of effective mediation, will be assessed to evaluate the R-ARCSS provisions against its deliverables.

In line with deliverables, successes of peace agreements in bringing peace depend on various factors, including the nature of mediation and content negotiated. Schneider (2005: 320) argues that including all main conflict parties in the peace negotiation process to minimise spoilers is a determining variable for stability and durability. Spoilers are "leaders and factions who view

a particular peace as opposed to their interests and are willing to use violence to undermine it" Aggestam (2006: 23). A peace agreement is likely successful if it a) addresses the underlying causes of the conflict; b) explicitly spells out the terms of agreement; c) incorporates implementation mechanisms (Schneider, 2005: 320). Further, USIP (2010: 58) emphasizes that capacity building for implementation is requisite. Therefore, reforms in governance structures would enable parties to collaborate in implementing the terms of the agreement.

## THEORETICAL FRAMEWORK

This study uses two theories to explain first, internal, and external variables influencing the South Sudanese conflict using the 'Greed' versus 'Grievance' hypothesis. Second, the study will explore efforts towards resolving this conflict using Zartman's Ripeness theory.

### 2.3 The 'Greed' versus 'Grievance' Hypothesis

Regan (2015:3) describes civil wars as "the most destabilizing force in world politics," because since World War II, civil wars are singlehandedly the dominant source of modern-day large-scale conflict. In this context, various scholars, practitioners alike, have researched why violent intrastate conflicts occur. Hoeffler (2011: 274) explains that understanding causes of civil wars is important for conflict prevention. In this light, while grieve and grievance was presented herein as a theory that explains causes of violence in South Sudan, it may be relevant for this conflict's resolution. Paul Collier is accredited for conceptualising the greed versus grievance hypothesis, which has now been critically assessed and reformulated.

In his works, Collier (2004: 564) states that there are two lines of thought in explaining greed and grievance, one of the political scientists, the other, economists'. Both schools of thought identify with two variables: motive and opportunity; however, the difference is in the correlation of these variables. For political scientists', conflict emerges when "grievances are sufficiently acute that people want to engage in violent protest" while economists argue that some rebellions with opportunities for violent conflict, can be seen as "an industry that generates profit by looting" (Collier, 2004: 564). Series of armed rebellions have emerged and re-emerged since South Sudan's independence, leaving room to consider the applicability of the greed versus grievance hypothesis to this conflict.

*'Greed' in Greed versus Grievance*

Yanacopulos and Hanlon (2006: 32) comment that the greed hypothesis has its fundamentals in neoclassical economics thus, it views conflict as a product of rebellion for private gains. The existing literature presents rebellion as a key component of civil war, which can either be motivated by greed or grievance. Collier and Hoeffler (2000: 3) explain greed by referring to the collective action theory of rebellion, and the rational choice theory in economics. Under economic theories, rebellion is regarded a 'public good,' which is non-rivalry, meaning that the use of this good by one individual does not deplete it for others, and non-excludable, meaning that no one can be excluded from using civil war (Hoeffler, 2011: 275).

In relation to collective action, common interests (grievances) are inadequate to motivate participation in war (a public good) (Hoeffler, 2011: 275). Therefore, individuals will engage in conflicts if benefits outweigh common interests and the risk of participating in war. The cost-benefit analysis is expanded by Tullock (2005) who argues that people join rebel groups because of the private benefit aspect of rebellion. He adds that the challenge, however, is that the public good argumentation (common interests) dominates conflict mediation and over private rewards, although the latter is a determining factor in engaging in civil war (Tullock 2005: 174, cited in Rowley, 2005: 1-3). However, scholars such as Ylönen (2005: 104) refute this assertion, arguing that dominant greed explanations trivialise the role of grievances.

Following debates in the existing literature, greed, in this hypothesis focusses on private gains as an influencing variable to engage in civil conflict. Factors affecting the participating in civil conflicts include the likelihood of success of the rebellion. Rowley (2005: 4) explains that smaller groups have prospects for higher profits due to lower organisational costs and rewards are divided among fewer participants while participants in larger groups may have fewer dividends. In addition, the rational choice viewpoint suggests that the distance between the leader and recruits in rebel groups create supervision problems creating the need for private gains, which are also used to attracted potential recruits (Hoeffler, 2011: 277).

*'Grievance' in the Greed versus Grievance Hypothesis*

Collier and Hoeffler (2000: 11) explain that "in grievance-rebellion, the objective is not predation, but rather to assuage grievance." Further, they liken this rebellion to smaller protests as people usually demonstrate out of disapproval and shared suffrage within their communities.

Inter-religious and ethnic hatreds are classified by Collier and Hoeffler (2000: 12) as more dominant sources of grievance, eventually turning into catalysts for civil wars. This assertion was perceptible in Rwanda where ethnic conflicts between the Hutu and the Tutsi ethnic group morphed into the 1994 genocide, designed to annihilate the Tutsi minority, and resulted in over 800 000 deaths (Straus, 2007: 610). Other examples of ethnic or religion-related civil wars include the Holocaust, the Palestinian war, and Nigeria's Biafran War, among others.

Grievances also stem from political exclusion (Hoeffler, 2011: 278). Exclusion relates to unfair access to economic and/or political rights. According to Hirshleifer (1995: 172) high income gaps and inequality are an indication of the marginalisation of the poor for whom rebellion becomes an alternative means of expression. In comparison to greed, Collier and Hoeffler (2000: 17) state that the grievance narrative is dominant because disclosure of greed-based motivations reduces public support. Therefore, the two aspects of this hypothesis interrelate. Hoeffler (2011: 276) comments that to motivate individuals to join rebel groups, rebel leaders may appeal to shared grievances, incentivised with promises of private benefits. The increased number of participants may increase the likelihood of success wagging war.

### 2.3.1 Greed versus Grievance in South Sudan

In relation to greed-motivation, BBC News (2011) observed that rebel groups, including South Sudan Liberation Army (SSLA) have heightened activities in regions such as Unity state, which produces a third of South Sudan's total oil production. It follows that economic rebellion corroborates the link between greed and conflict in the South Sudan. Conflict in oil producing regions will likely occur when the looting of primary commodities (resource wealth) generates enough profit to risk the consequences of fighting against government forces.

Further, Collier and Hoeffler (2004: 579) identify oil as a resource that likely poses additional risks of conflict when its share of the Gross Domestic Product (GDP) is high. According to the World Bank (2018: n.p), oil accounts for almost the totality of exports, and more than 40% of South Sudan's GDP and approximately 182 000 barrels of oil, per day (b/d) were exported in 2014. Due to South Sudan's high oil-dependency, this primary commodity becomes a target for causing political and economic instability, either by spoilers, factions viewing peace as contradictory to their interests and benefits (Aggestam, 2006: 23) or participants seeking to assuage their grievances from ethnic discrimination, political or economic exclusion.

While greed may cause rebellion, Rolandsen (2015: 164) notes that many rebel group leaders are former senior officials or ex-militia leaders of the SPLA suggesting internal grievances within party. President Salva Kiir's dismissal of the entire cabinet (BBC News, 2013) for example, created more political rivals, who aggrieved of not exercising their political power and constitutional rights, may resort to rebellion. Vice President Riek Machar's repeated returned to the "bush" to fight as a rebel leader after disagreements within transitional government (International Crisis Group 2019: 3) also reflect dissatisfactions.

Although factions are not an anomaly, occurring in various political systems, aggravated grievances are sufficient to mobilise rebellion. As argued by Collier and Hoeffler (2000: 12) and presented using Rwanda's case, exclusions along ethnic lines are dominant in civil conflicts and South Sudan is no exception. South Sudan is an ethnically diverse country consisting of the Dinkas, the largest ethnic group, followed by the Nuer and Shilluk. The Dinka dominate the ruling SPLM party, which is accused of concentrating resources and opportunities within this group, disadvantaging mostly, the competitive Nuer (Nyaba, 2019: 10).

In South Sudan, military and oil interests are dictated by the Dinka, resulting in ethnic belonging transcending being a source of identity to a source of livelihood and social capital (Jennings & Sanchez-Pages, 2017: 161). Although Collier and Hoeffler (2004: 567) argued that presence of ethnic diversity can also mitigate civil conflict, in South Sudan's case, the dominance of one ethnic group over others aggravates conflict. Kuich (2011: n.p) argues that the exclusion of other groups, which has a nexus of effects such as unemployment, begets grievance from whence the outcome is conflict.

### 2.4 Limitations of the Greed and Grievance Hypothesis

The greed and grievance theory has shortcomings in explaining why conflicts occur. Cramer (2006: 164-170) argues that the hypothesis bases on quantitative studies thus, it lacks an interdisciplinary and in-depth analysis of individual wars. In relation, Ylönen (2005: 105) criticises that the hypothesis advances an economic framework, which traps conflict explanations in two dichotomies: greed or grievance. By so doing, causes of conflict are minimised and trivialised to the identified subgroups yet in South Sudan's case, factors such as the country volatile political history, weak state institutions play another role. Violence, therefore, could stem from an accumulation of various factors.

Further, the hypothesis is deficient in providing tools to assess 'underlying conditions' leading increased insurgencies (Ylönen, 2005: 101) neither do its proponents provide specific methods of measuring variables nor motives for civil war (Yanacopulos & Hanlon, 2006: 168). Collier and Hoeffler (2000: 12) for instance, argued that high inequality is an indication of political exclusion, a source of 'rebellion of the poor.' However, inequalities exist worldwide, especially in the global South; thus, the hypothesis' proxy indicators do not explain discrepancies in the absence of conflict regardless of inequalities. The emphasis on rational choice in joining rebel groups is negated by forced conscriptions in conflict-prone countries. Cramer (2006: 8) argues that when coercion is used, a cost and benefit analysis is impracticable. Mindful of shortfalls, Ylönen (2005: 130) proposes linking political and economic facets instead of dichotomising.

### 2.5 The Ripeness Theory

A theory that is more relevant in responding to the key research question, seeking to explore differences between the R-ARCSS and other peace agreements that have been signed by conflicting parties in South Sudan, is Zartman's Ripeness theory of conflict mediation. Zartman (2000: 225) refers to two approaches to conflict mediation, the first, "holds that the key to a successful resolution of conflict lies in the substance of the proposals for a solution… the other holds that the key to successful conflict resolutions lies in the timing of efforts for resolution." The second approach is more applicable to this study thus it is of primary interest. Considering the longevity of violent conflicts with South Sudan's dating back to 2013, while some conflicts are ongoing, the "timing of efforts for resolution," as proposed by the theorist is not a clear-cut case thus the subjectiveness of best timing may be illusive (Nathan, 2006: 9).

Given potential biases, Zartman (2000: 226) provides indices known as components of ripeness, which include perceptions of a mutually hurting stalemate (MHS), a recent or impending catastrophe and the perception of a way out of the conflict. MHS is premised on the concept that when there is an impasse from which parties cannot escalate to victory, and there is mutual suffrage, even though it is to varying extents, conflicting parties seek a way out (Touval & Zartman, l985: 30). Therefore, an MHS can influence a non-violent resolution, which is the way out of conflict. In relation, Aggestam (2005), observes that MHS has its roots in cost-benefit calculations. She argues that post-MHS, conflicting parties disregard fighting because of increased costs, pain, and loss of lives, making mediation and negotiation efforts viable options that are more likely to succeed (Aggestam, 2005: 272).

The second component, an impeding catastrophe, "provides a deadline or lesson indicating that pain can be sharply increased," if the conflict is not resolved (Touval & Zartman l985: 31). Therefore, an impending catastrophe interlinks with MHS. Zartman (2000: 238) likens the impending catastrophe to a cliff, the heightened point where circumstances are the worst and continuing conflict becomes intolerable. The last of three indices is the perception of the way out. Aggestam (2005: 273) states that parties will accept mediation when they believe that negotiations are a viable option. Zartman (2000: 239) elucidates by clarifying that parties do not need to have a definite solution to end the conflict, this component requires perception and willingness to search an alternative way out, that is not as costly as conflict. In the presence of these indices, Zartman argues that peace negotiations will most likely succeed.

*Ripeness Approach, Mediation and Negotiation*

The ripeness approach in better understood in line with conflict mediation and negotiation processes. Zartman's main argument is that parties resolve conflicts only when they are ready to do so thus, mediators, policymakers, negotiators, and peace brokers alike must be aware of the time and stage of a conflict. Within this perspective, Stein (1996: 95-97) recommends that mediators should intervene when conflicting parties are no longer content with fighting and parties desire conflict resolution because the absence of these variables compromises the durability of peace. Components of Zartman's ripeness theory relate to Moore (2004) and Bercovitch and Gartner's (2008) characteristics of mediation under which the conflicting parties (not the mediator) make the ultimate decision towards peace.

## 2.6 Ripeness Theory in Practice

Zartman (2000: 236) accredits the effectiveness of the ripeness approach to negotiations that led to a consensus in the 1975 Sinai Agreement, which was signed by Egypt and Israel; and in agreements brokered in Angola by Chester Crocker, an American diplomat. These two examples are among others, including El Salvador (1988) and Mozambique (1992). In contrast, Zartman (2000: 237) argues that the lack of ripeness led to the failure of negotiation attempts between Eritrea and Ethiopia in the late 1980s. In accordance with the perception of MHS, stalemate can influence the outcome variable, which is conflict thus, conflicting parties can opt to continue fighting in its absence, while its presence can influence resorting to alternatives such as peace accords to minimise the costs of conflict.

Kuich (2011: n.p) notes that although one faction of the SSLA rebel group consented a ceasefire agreement with the Government of South Sudan (GoSS) in 2014, another faction of the party rejected the deal, arguing that the ceasefire decision was made without their consultation. This example substantiates Zartman's thesis that perception of conflict resolution should be mutual. If not, peace efforts are at risk of regression to violence thereby becoming annulled like the ARCSS and the Khartoum Declaration, among other agreements that have been violated in South Sudan. Kuich's example also highlights the importance of involving as many conflicting factions during the mediation process to minimise peace spoilers, as proposed by Sandu (2013: 35). Overall, the ripeness approach provides a useful guideline for negotiators, mediators, and conflict management processes.

### 2.7 Limitations of the Ripeness Theory

The main shortfall of the ripeness theory is that it provides descriptions of the most ideal time to intervene in conflict, however, it is neither prescriptive nor definitive (Aggestam, 2005: 272). The theory indicates factors that make negotiations likely more successful, but Zartman does not explain mediation failures despite the presence of indices. Apart from a guiding framework, ripeness is no guarantor of successful mediation or negotiation. Further, the presupposition that conflicting parties will resort to the perception of a peace-oriented way out after reaching the MHS cannot be universally argued. Nathan (2006: 10) argues that MHS is challenged first, by the trivialisation of 'hurt' as conflicting parties do not want to appear too vulnerable during negotiations. These perceived vulnerabilities could limit their bargaining power hence the exact extent of hurt may be difficult to determine.

Second, an alternative way out of the MHS could be an agreement with an external party to enhance capacities of winning the war (Sandu, 2013: 38). Thus, the adverse effect of a MHS is broadening the context of the conflict when external violent parties join. Regarding advancing literature, Aggestam (2005: 274) criticises that the scholarship attempting to refine the ripeness theory focusses on variables that likely favour successful negotiations rather than specifying what constitutes ripeness. As a result, there is reinforcement of descriptive and indicative aspects of the theory rather than addressing shortcomings. Ripeness, therefore, remains a perceptual moment, largely dependent on the negotiators' discretion and analysis of circumstances that align with Zartman's indices of ripeness, which is subjective.

## 2.8 Chapter Two: Conclusion

Chapter two presented that conflict is ineradicable hence the need for its management and resolution through mediation and negotiations. In reference to the theoretical framework, Collier presented two factors affecting the outcome variable – conflict. In 'grievance-rebellion,' dissatisfactions from political exclusion beget violence and increase conflict behaviour. Grievances are also used to motivate individuals to join rebel groups, extending the scope of violence. In 'greed-rebellion,' economic motivations, entailing a cost-benefit analysis of the rewards versus risks influences conflict. When the rewards are higher, and the risk of participation is lower, individuals and groups will likely participate in war.

An economic catalyst that applies to South Sudan is oil, a high primary commodity used to disrupt peace and economic activities through targeted fighting in oil-producing areas. In relation, variables such as changes in government policies affect conflict. Inclusive polities likely minimise economic pressure, address spoilers in the conflict mediation process and reduce grievances from political exclusion. When conflict mediation relies on external negotiators, their ability to present viable and equitable solutions in the contents of peace agreements may determine whether conflicting parties opt for continued violence or peace. Finally, this chapter referred to the MHS, another factor. The will and commitment from armed groups to either escalate or deescalate violence affect the outcome variable, conflict.

## CHAPTER 3: RESEARCH METHODOLOGY

### 3.1 Introduction

This study aims to examine the enabling factors of the R-ARCSS's successes and respond to a question that explores factors that make the R-ARCSS different from other peace agreements that have been signed by conflicting parties in South Sudan. Chapter three will outline the specific research approach, methods, techniques, and procedures used to select, interpret, and analyse the existing information relevant to answering this research question.

In addition to the objectives above, this section of the study will present the strengths and shortcomings of secondary data analysis, which is the primary data collection method. Chapter three also accounts for the trustworthiness of the study and shows scholarly rigour in line with concepts of confirmability, dependability, transferability and credibility (Shenton, 2004: 62-75; Babbie & Mouton, 2014: 276-278). These concepts of trustworthiness align with the three quality criteria for social science research, namely: replicability, validity, and reliability (Panke, 2018: 23-24). Since social research is value-laden, meaning that my biases and values can co-shape how questions are framed, methodologies are devised, and data is selected, interpreted, or rejected (Berkovich, 2018: 2069), this chapter will include reflexivity. Moreover, information on adherence to ethical principles of conducting human and social research will be provided. Finally, this section will end with a chapter conclusion.

### 3.2 Research Approach

In reference to the research's aims, ascertaining what distinguishes the R-ARCSS from other peace agreements requires the researcher to understand socio-economic, geographical, and political dynamics that shape the South Sudanese conflict. Geo-political dynamics such as external actors, for example, can either enhance or regress mediation efforts. As such, the qualitative research approach is the most appropriate in understanding various dynamics. Qualitative research is essential in gathering information and understanding contextual perceptions that individuals and groups experience (Babbie & Mouton, 2014: 54). Despite that Babbie and Mouton (2014) cite interviews and discussions as common techniques of gathering qualitative data, Creswell and Creswell (2018: 8) state that qualitative research relies on textual or image data and draws on diverse designs. This study grounded in secondary data analysis relies on existing textual data; thus, it passes muster as a qualitative study.

Further, this approach is advantageous in 'the correlation of logic inferences' (Panke, 2018: 123), meaning that the researcher can examine the relationship between dependant and independent variables. For example, in this study, economic factors such as oil (a high-GDP primary commodity), political and ethnic divisions seem to influence the outcome variable, which is conflict. Moreover, the advantages of qualitative research transcend correlations between variables; it also allows an in-depth analysis of causal factors. Panke (2018: 123) defines 'causal reasoning' as a method of understanding how parameter values of an independent variable effect or trigger changes in the dependent variable.

In line with the study's aims, this approach is the most suitable in understanding causal factors of the R-ARCSS's successes compared to other peace agreements. However, qualitative research has shortcomings, including a limited scope for generalising findings because of smaller samples (Babbie & Mouton, 2014: 127). Furthermore, since information is gathered from a smaller sample, data is less representative; hence, findings cannot be generalised to the entire population. Nonetheless, the aims herein are not to generalise but to understand factors enabling the R-ARCSS's successes; thus, the qualitative approach is suitable.

### 3.3 Research Design

This research was designed to respond to the main question, exploring the R-ARCSS. The study will employ the inductive research design by analysing independent variables such as government policies, the economy and ethnicity, and how these variables influence engagement in conflict activities. The inductive methodological strategy evolves since it entails working back and forth between themes, databases, and the existing literature (Creswell & Creswell, 2018: 92). Panke (2018: 3) explains that inductive studies use the main research question to guide the inquiry, which is the case in this study.

In addition, the study will use explorative and descriptive research designs. Explorative designs are well-suited for under-researched phenomena or inquiring into a recent event (Panke, 2018: 4). For example, the R-ARCSS was signed in 2018, and at the time of writing, its lifespan had not reached three years; hence this research explores a relatively new agreement. Further, a descriptive design will enable me to provide a nuanced analysis of the R-ARCSS, considering various socio-economic and political factors, hence using descriptive questions such as: How is the R-ARCSS distinguished from other peace agreements?

### 3.4 Data Collection Method

The primary source of data was secondary data analysis. Pioneering researchers such as Glaser (1963: 11) define secondary data analysis as 'the study of specific problems through analysis of existing data which were originally collected for another purpose.' However, Smith (2008: 324) criticised Glaser's definition for undermining the potential that the reanalysis of data has in responding to the original research question in an improved manner. For Johnston (2017: 619), secondary data analysis involves scrutinising, evaluating, and assessing existing information that another researcher collected for similar or different but related purposes. This study uses a general definition of secondary data analysis offered by Jary and Jary (2000: 504), which is: "an inquiry-based on the reanalysis of previously analysed research data," regardless of the outputs, objectives, and purpose.

The rationale for selecting this method is that it allows access to rich data at very low costs compared to focus group meetings, for instance. Glaser (1963: 12) commends that secondary analysis is advantageous as 'it enables the researcher to access data that is usually of the highest quality;' it also allows the researcher to uncover shortcomings of the original research (Smith, 2008: 333). Also, due to the COVID-19 pandemic and related travelling restrictions, this data collection method was the most suitable to access in-depth information with limited time and resources. Two datasets, namely Armed Conflict Location & Event Data Project (ACLED) and Uppsala Conflict Data Program (UCDP) informed several secondary studies referred herein and findings for this study are anchored on ACLED and UCDP data.

#### *3.4.1 Secondary Data Analysis as a Data Collection Process*

Although secondary data analysis does not involve conducting fieldwork research, it is 'a systematic method with procedural and evaluative steps' (Johnston, 2017: 620); thus, there are recommended processes within the existing literature that this study adopted. O'Leary (2019: 286 -292) recommends a five-step process of secondary data analysis involving determining the guiding question, locating data, data evaluation, data credibility assessment and analysis. O'Leary's five-step model is similar to Johnston's (2017) seven-step model of secondary data analysis, with the main difference being that the latter provides more specific steps in analysis such as the purpose of the original study; data quality; and consistency with other sources. Johnston's additional steps fall broadly under data evaluation and credibility; hence the researcher used O'Leary's five-step analysis model as it is all-encompassing.

### 3.4.2 Five-Step Secondary Data Analysis Model

*a. The research question*

O'Leary (2019: 287) and Johnston (2017: 620) concur that the first step in secondary data analysis is developing a research question, which guides the study. The question guiding this research is: Which variables enhance the R-ARCSS' potential to resolve the South Sudanese conflict, compared to other peace agreements that have been signed by conflicting parties? The objectives are also set to address this question. Further, data identified as relevant for this study is linked to the R-ARCSS, conflict mediation and South Sudan's peace agreements.

*b. Identifying the relevant datasets*

After the first step, existing information that is relevant to answering the question was identified. Creswell (2009: 84) argues research begins by inquiring into what is known; thus, an in-depth literature review was conducted incorporating past and current research on conflict mediation in South Sudan. . Although peace agreements signed in Sudan would bring a comparative aspect, they are out of the remit of the study. Thus, past studies by Maphasa (2020), Drange (2018), and Vhumbunu (2016; 2018) are more relevant. Maphasa (2020) explores the R-ARCSS's strengths, and shortcomings; Drange (2018) explores mediation in South Sudan more broadly, while Vhumbunu's (2018) research analyses the shortcomings of the ARCSS. These existing studies also relate closely to the aims of this research

*c. Data evaluation*

O'Leary (2019: 289) comments that once viable sources of data have been identified, the appropriateness of the data must be ensured through evaluation. Stewart and Kamins (1993: 62) state that, unlike fieldwork research where vast amounts of data are collected, second data analysis allows the researcher to evaluate data quality in advance of use. This ensures that irrelevant information is sieved out from the beginning. Studies that were deemed relatable and appropriate herein aimed to analyse mediation norms in general to their applicability in South Sudan. Maphasa (2020) and Drange's (2018) research specifically evaluates the R-ARCSS and the ARCSS, respectively.

In addition, the quality of the information was evaluated by assessing whether protocols of conducting research were considered. Therefore, any existing research that did not exhibit scholarly rigour through citing and providing evidence to support claims was not considered.

The time frame of data collection was another evaluation criterion. Research from 2010, for instance, may be important in setting the context of the South Sudanese conflict, but it would be limited in explaining trends in the independent state of South Sudan or recent development following the signing of the R-ARCSS in 2018. The study referred to annexures of original works to cross check possible discrepancies between questionnaires, coded data, and results. This final process enabled me to gain detailed information before reusing the data.

*d. Data credibility assessment*

Although data evaluation primarily addresses the appropriateness of the information, this procedure relates to data credibility. Credibility assessment entails analysing the credentials of original researchers, assessing methodologies, and analysing consistency with other sources (O'Leary, 2019: 181). In this study, websites including Research Gate and publishing journals were used to access information on the original researchers' profiles. Further, I assessed credibility by cross-checked information with other data sources. Johnston (2017: 264) states that cross-checking ensures data consistency and bolsters confidence in research findings.

*e. Data analysis*

The final step in O'Leary's (2019) five-step model is data analysis. Data analysis relates to credibility since the overall assessment should identify the study's strengths, shortcomings, and biases (O'Leary, 2019: 186). In secondary data analysis, working back and forth between themes and databases aligns with identifying shortcomings of the research and consistently updating research as provisioned by the inductive research design selected for this study. More detailed information on data analysis procedures is provided under analysis methods.

## 3.5 Research Philosophy and Paradigm

This research adopted an interpretive epistemology, accepting that new knowledge on the lived realities between social actors (parties engaging in South Sudan's conflict mediation) can be understood from an empathetic position (Denscombe, 2008: 272). This was achieved through reassessing existing textual data to gain insights. Also, the constructivist ontology was employed. According to Lincoln and Guba (1998: 201), constructivism complements the interpretive approach, as it entails 'constructing meaning through learning and reflecting on experiences.' In relation, this study will include reflexivity to assess how my perspectives shape the meaning and interpretation of information used in this research.

### 3.6 Methods of Analysis

Panke (2018: 64) states that data analysis, similar to data collection, requires time, skills and resources for purchasing data analysis software, for example. Therefore, it is important to consider the methods of analysis from the beginning. Although qualitative data analysis software such as NVivo is popular for enhancing thematic analysis and coding of textual data (Sotiriadou, Brouwers & Le, 2014: 220), this study relied on the researcher's analytical skills. This method of analysis was appropriate because of limited financial resources. Furthermore, there were no large volumes of raw data that were collected for this study; thus, the researcher did not gravely require software for textual data analysis.

In light of using secondary data analysis as the primary source, the analysis process for this study started in data collection procedures. As accounted in the data collection section, a five-step data analysis model was adopted (O'Leary, 2019: 287). After gathering the appropriate data for this study, a descriptive, interpretive analysis of the data was used in relation to the selected inductive research design. Next, I reviewed and analysed the secondary data to retain information that is relevant to answering the research question. The data was also analysed according to themes through identifying domestic factors, variables in the region and international factors that enable or regress conflict mediation efforts in South Sudan. Finally, aspects of the between-study literature analysis were employed since the information was cross-checked against other sources to ensure credibility.

### 3.7 Trustworthiness of the Study

In relation to data credibility, the trustworthiness of the study was regarded as an important part of the research methodology. Lincoln and Guba argue that the principle of good qualitative data is trustworthiness, meaning that the researcher maintains a neutral view to ensure the research conducted is credible (1985, as cited in Babbie & Mouton, 2014: 278). The concepts of transferability, dependability and confirmability were considered during the data collection and analysis process.

1. *Transferability* is how the researcher ensures that the data could apply to another environment (Shenton, 2004: 63-75). First, the research report was written in a clear and detailed manner to avoid uncertainties. Also, the study includes the detailed data collection method, adopted model of secondary data analysis and references to the

secondary sources of data. Therefore, these methodological descriptions enable a step-by-step guide for individuals wanting to conduct further studies on this research topic.

2. *Dependability*, defined as whether a researcher can prove that the study can be repeated with similar findings with the same respondents and in the same context (Shenton, 2004: 75), was ensured by having an audit trail of the whole research process. This was achieved by clearly describing the purpose of the study and how the data was collected, analysed, and presented to respond to the research question.

3. *Confirmability*, the final concept of data trustworthiness, refers to measures adopted to ensure that the findings are based on the responses of the participants (Shenton, 2004: 67). Even though this study does not involve any human participants, there is a risk of research fraud: fabrication and falsification of information. Data confirmability herein was ensured by duly acknowledging all secondary materials used from print and electronic sources. Quotations are accurately presented, and where paraphrasing was used, the original author's ideas are acknowledged.

### *3.7.1 Reflexivity*

Qualitative researchers reflect should how their role in the study, personal background, culture, and experiences potentially shape their interpretations (Berkovich, 2018). In relation, themes researchers advance and meanings they ascribe to the data may be influenced by existing knowledge. Therefore, data trustworthiness, clarity and ethical concerns can emanate from my presence as a human instrument in the study. To address this, I kept a reflective journal to record my assumptions, thoughts, and experiences throughout the research process.

The reflexive journal referred to above describes the relationship between the researcher (I) and the study. By so doing, the confirmability of the study is enhanced. Furthermore, the researcher minimised biases through reflecting on my own values, opinions, and experiences in conflict studies and how these aspects influence my interpretation of data, and as a result, I used diverse and additional sources when research seemed one-sided. Other advantages of keeping a reflexivity journal include having a track of my personal growth as a researcher.

### 3.8 Limitations of the Methodology

This study uses secondary data analysis as the primary data collection method. While this method, enhanced by advanced technology, enabled me to access vast existing data at minimal costs (Johnston, 2014: 619), secondary data analysis has its shortcomings. Smith (2008: 335) argues that the first limitation is inherent because data would have been collected for a different purpose. In reference to the original study's aims and objectives, secondary data may not be sufficient in responding to the specific research question (Smith, 2008: 335-337). In this study, research by Drange (2018), Vhumbunu (2016; 2018) and Maphasa (2020) was appropriate for data collection, but only Maphasa's study focusses specifically on the R-ARCSS. Nonetheless, these studies highlight socio-political dynamics that are relevant to this research.

Johnston (2014: 619) comments that another disadvantage of secondary data analysis is that the researcher did not participate in the data collection of the original study. Therefore, their knowledge of the data is limited to what is presented in reports. In line with Johnston's observations, I did not participate in any of the original studies from whence secondary data was collected. However, this methodological shortcoming was addressed by referring to additional documentation of the studies in annexures. These supporting documents include invitation letters, consent forms, participant information sheets, coding sheets, and interview questions, all providing more insight. The critical evaluation of data through the five-step data analysis model also allowed me to minimise the limitations of the data collection method. Overall, despite shortcomings, this method was more suitable, considering the limited financial resources, time and articulated aims of the study.

### 3.9 Ethical Considerations

This study is classified as a low-risk study by the Witwatersrand University's Human Research Ethics Committee because it does not involve human participants. Regardless of the study's status, ethical procedures were followed to eliminate data fraud. All secondary materials that were used from print and electronic sources were cited in the text and included in the reference list. The original author's ideas were acknowledged and not presented herein as my own. While more and more research on the efficacy of secondary data analysis is being conducted (Johnston, 2014: 622), using unlicensed access to research is a concern. The Witwatersrand University Library provided access to databases for this study.

### 3.10 Chapter Three: Conclusion

Chapter three provided the rationale for selecting the qualitative research approach, which is advantageous in gathering textual information and understanding contextual perceptions. This study adopted an inductive research design to continuously assess the impact of variables such as ethnicity, grievance, economic rewards, military arrangements, and government policies on the South Sudanese conflict. Furthermore, an interpretive epistemology was used as it allows the researcher to analyse and interpret changes in the outcome variable that may be linked to the altering of independent variables. In addition, the study draws primarily from the existing literature to answer the key question; thus, chapter three provided a step-by-step procedure of the five-step secondary data analysis method. This chapter also presented the limitations of the selected methodology alongside adopted measures to minimise shortfalls. These measures enhance the study's trustworthiness and reflect on the researcher's scholarly rigour.

## CHAPTER 4: PRESENTATION OF RESEARCH FINDINGS

### 4.1 Introduction

This section of the study presents findings from the existing literature. Chapter four focusses first, on the timelines of political violence and armed clashes to outline conflict trends exhibited in South Sudan's immediate post-independence phase, between 2011 and 2012. Thereafter, conflict events recorded between 2013 and 2014 will be presented and their intensity will be analysed. Furthermore, chapter four will present findings on conflicts that occurred between 2015 and 2017, a period which was also characterised by several peace talks that resulted in the signing of agreements which preceded the R-ARCSS.

Further, chapter four will explore the CoHAs, among other agreements signed to respond to emerging and recurrent violence. Through analysing conflict trends beside signed peace agreements, this study can highlight the extent to which violence has either escalated or deescalated after ratifying peace accords. In line with assessing the effect of the R-ARCSS, conflict trends between 2018 and early 2021 will be presented against the progress made in minimising conflict that aligns with the implementation of the R-ARCSS. This progress may be linked to the R-ARCSS' successes whose enabling factors will be analysed in the following chapter. Finally, chapter four concludes with a summary of conflict driving variables.

### 4.2 Conflict Trends in South Sudan

*The Immediate Post-Independence Period (2011 - 2012)*

South Sudan's independence was attained in 2011, after years of war between the Sudanese Government and rebel groups in areas that were former southern parts of Sudan (Huser et al, 2019: 7). Although the acquisition of independence from the Khartoum-led government was a remarkable achievement in ending decades of the North-South conflict in Sudan, the inception of the new government in Juba, was marred by legacies of violence, conflict continuities and dynamics that can be traced to the pre-independence period. The Uppsala Conflict Data Program (UCDP) argues that the new government of South Sudan was challenged by the South Sudan Democratic Movement/Army (SSDM/A) and the South Sudan Liberation Movement (SSLM), these two rebel groups were supported by Sudan to wage intrastate conflict (UCDP, 2021: n.p). As a result, South Sudan's infancy, as an independent state was conflictual.

In reference to intrastate conflict waged between 2011 and 2012, the GoSS fought against the SSDM/A mainly within the Jonglei state in eastern South Sudan and neighbouring Upper Nile (Wassara, 2015: 634). The war in Jonglei during this period was exacerbated by the war against Sudan, which had 'ended' in 2011 but left a 'flood of weapons… resulting in the widespread availability of small arms' (Gordon, 2014: 14). These leftover weapons made the efforts to reduce violence in Jonglei more complicated.

In August 2011, a Murle ethnic-dominated group waged violent attacks in Uror County and the Upper Nile, resulting in approximately 810 deaths and by December 2011, the fighting had intensified with an estimated 1 000 people killed within the Likuangole and Pibor Counties (Gordon, 2014: 14). By January 2012, the GoSS declared a state of disaster in Jonglei after the displacement of over 100 000 people who had fled ethnic conflicts (BBC News, 2018: n.p). The fighting spread to Bentiu in the Western Upper Nile regions where rebel groups repulsed the national troops that had been dispatched to Heglig, a town along the border of Sudan and South Sudan (Moore, 2012: para 2).

By August 2012, a little over a year since South Sudan attained independence, an estimated 200 000 refugees escaped the border states where fighting had resumed between the GoSS, rebel groups and the Sudanese army (BBC News, 2018). Wassara (2015: 638) explains that conflicts that occurred in the immediate post-independence phase were mainly fuelled by unresolved border disputes and oil trade arrangements with Sudan. In relation to the above explanation, BBC News (2018) reported that governments in Juba and Khartoum agreed to resume oil pumping in March 2013. Subsequently, troops were removed from border states, and demilitarisation marked the end of conflicts. However, war broke out again in 2013.

*South Sudan's Intensified Civil War (2013 - 2014)*

Although various armed groups collaborated in fighting for South Sudan's independence in the period leading to July 2011, Ottaway and El-Sadany (2012: 14) argue that these groups were not well-unified. The above scholars further assert that South Sudan's dispersed and diverse population within a large territory makes it more difficult 'to develop a truly common identity except in opposition to the North' (Ottaway & El-Sadany, 2012: 15). Considering these circumstances, the task of uniting South Sudan required, among other requisites, political will, strong leadership, and local support from the people (Gordon, 2014: 18).

However, within months of signing the CPA (an agreement that effectuated South Sudan's independence), there were destabilisations within the SPLM/A after the death of John Garang, SPLM's first leader (Johnson, 2014: 302). The immediate implications of Garang's death would have included a gap in the SPLM/A's leadership, however he was soon succeeded by Salva Kiir, whom for Wassara (2015: 638), neither earned nor commanded respect like Garang. In line with Wassara's argument, it follows that uniting South Sudan under a common identity became more complicated in the absence of a capable leader.

In relation to the lack of unity among armed groups, UCDP (2021: n.p) notes that while violence between GoSS, SSDM/A and SSLM/A subsided between 2013 and 2014, this relatively peaceful period ushered in more parties to the conflict such as the SPLM/A-IO and the SSDM/A – Cobra faction. The split within the ruling SPLMA and factionalism within the SSDM/A referred to by UCDP, intensified the 2013 – 2014 violence. The SSDM/A – Cobra faction led by David Yauyau, for instance, engaged in violent fighting in the Jonglei state in 2013, and this is estimated to have caused at least 130 deaths (UCDP, 2021: n.p).

The civil war during this period was also worsened by the clashes between the GoSS and the SPLM/A-IO in December 2013. Violent conflicts were reported among armed soldiers in the presidential guard in Juba on the 15th of December 2013, and the fighting eventually spread to other areas including Bilpam, where the military headquarters are located (Rolandsen, 2015: 164). Howden (2013: para 9) explains further that the fighting between Dinka and Nuer soldiers sparked political and tribal divisions that resulted in widespread ethnic killings. The UCDP (2021: n.p) accounts that more than 800 people were killed from the onset of violence around mid-December to the end of December 2013.

Before the December mass killings, an estimated 78 members of the Dinka ethnic group were killed by the Murle around the Twic East area (Gordon, 2014: 14), while BBC News (2013: para 4) estimates that about 1500 people were killed in Jonglei alone between 2011 and 2013. In 2014, clashes between Riek Machar's loyalists under the SPLM/A-IO and the GoSS led by Salva Kiir continued and spread across all regions with higher intensity of violence in oil producing states (UCDP, 2021: n.p). Data from the Armed Conflict Location & Event Data (ACLED, 2014) shows that violent conflicts broke out between 16 and 26 September 2014 near the Renk town in the Upper Nile state where several oil fields are situated.

Even though ACLED (2014) does not provide the exact number of fatalities, the UCDP (2021) cautions that there are significant uncertainties in estimating the number of deaths in South Sudan since "the widespread dire security situation in the country resulted in a lack of body counts and few possibilities to verify the information from the start." Therefore, the number of deaths possibly exceeds those that were reported. Overall, neither the UCDP or the ACLED ascertains the total number of deaths in South Sudan between 2013 and 2014, thus figures referenced within this period represent the baseline.

*Peacemaking Efforts Amid Continued Fighting (2015 - 2017)*

In 2015, negotiations to resolve the South Sudanese conflict were underway, led by external players such as IGAD. Onapa (2019: 75) commends that the signing of the ARCSS, which will be explored in detail below, was the significant milestone towards peace restoration within the 2015 – 2017 period. However, this agreement barely lasted one year before violence was recorded again in 2016. In comparison to the violent clashes of December 2013 and early 2014, the UCDP (2021) substantiates that there were periods of peace in South Sudan as levels of violence dropped following the signing of the ARCSS in 2015, but these periods were brief. Fatalities during the 2016 – 2017 period were recorded in hundreds and the violence spread to more regions, including the Greater Equatoria areas (UCDP, 2021: n.p).

Figure 1 exhibits higher conflict intensities in South Sudan between late 2014 and 2015. The figure below shows an increased number of reported conflict incidents in 2015, reaching nearly 160 conflict events, whereas reported fatalities ranged between 1000 and 1200 deaths. Figure 1 also shows increased violent conflicts with at least 120 recorded violent clashes recorded in 2017. In terms of proportions, Pinaud (2017: n.p) argues that the heightened violence in 2017 represented 1.7 times increase from South Sudan's monthly average of conflict events during the 2015 – 2017 period.

In reference to figure 1, battles between conflicting parties, such as the GoSS, SPLA-IO and other rebels groups prove to be a continual primary source of violent conflicts. Figure 1 also shows that in 2014 (a year before the signing of the ARCSS), about 40 conflict events were violence against civilians, less than 10 conflict events were apportioned to remote violence, while at least 90 conflict events were battles among conflicting parties. This data further substantiates that battles between armed parties are the main source of violence.

Figure 1: Conflict Trends in South Sudan (2014 - 2017)

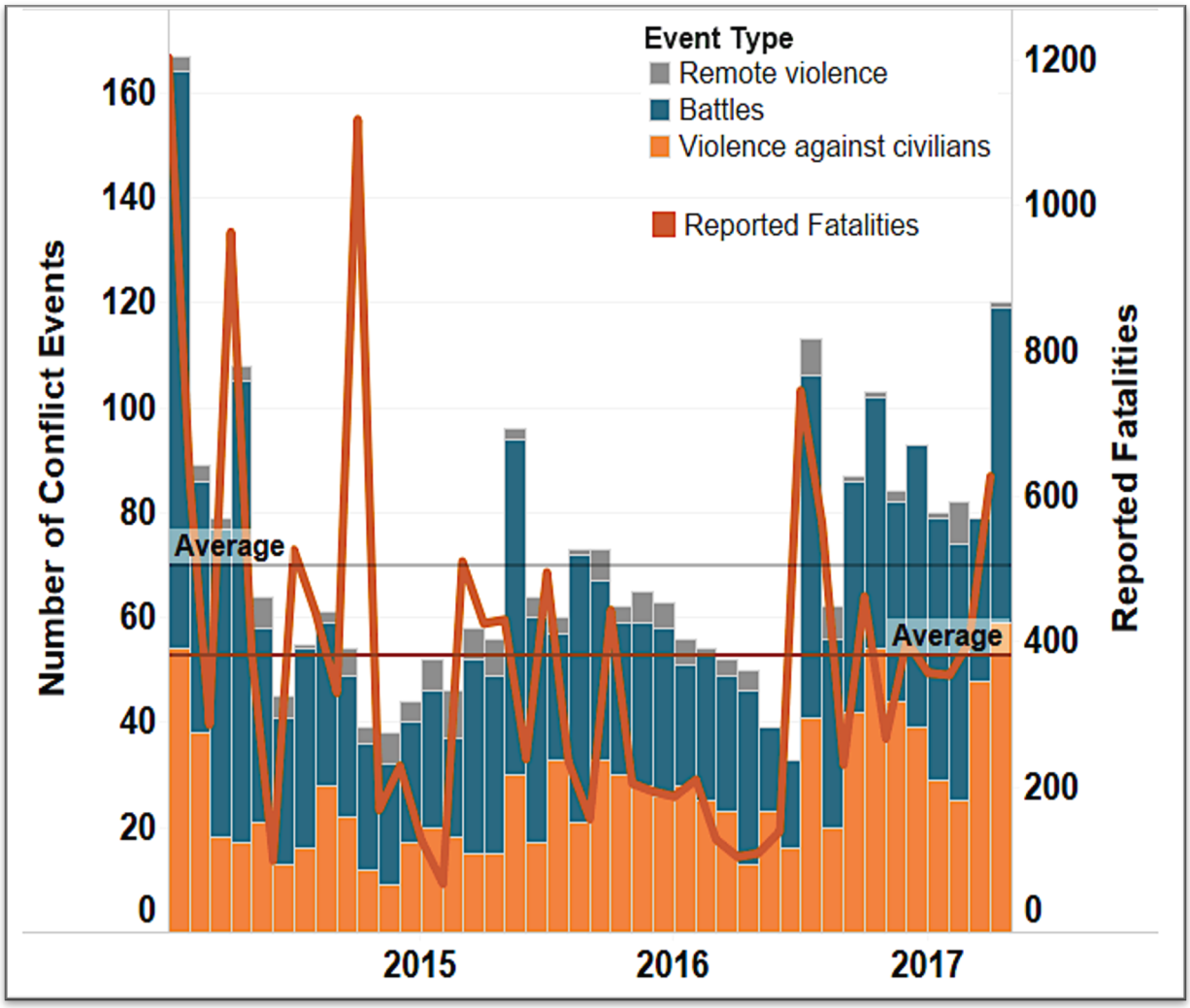


Figure 1, extracted from ACLED Data (2017) shows the recorded number and type of conflict events, and fatalities that were reported between 2014 and 2017.

Although conflict trends show increased battles between armed forces, violence against civilians also accounts for a significant number of conflicts, reaching 60 clashes, at peak and effectuating an average of at least 400 reported fatalities, as shown above. In line with conflict trends between 2015 and 2017, the UCDP (2021: para 16) comments that conflict mediation, mainly through negotiations with conflicting parties continued despite the increased conflict. The following agreements were signed during the same period namely the ARCSS (2015); CoHA (2017); and the Khartoum Declaration of Agreement between Parties of the Conflict in South Sudan (2017). However, the terms of these agreements were annulled by resumed conflict hence the resolve to revitalise the ARCSS after the 31st Extra-Ordinary Summit of IGAD Assembly of Heads of State and Government in June 2017 (IGAD: 2017: 3).

### 4.3 Peace Agreements Signed in Response to Conflict Events

*Resolving Internal Conflict in the New State (2011 - 2012)*

Following the 2011 – 2012 conflicts, Gordon (2014: 7- 9) states that a ceasefire accord was signed by the GoSS and George Athor, a former lieutenant of the SPLA and founder of the SSDM/A, which had assimilated various rebel groups from Gatluak Gai and the Yau Yau regions in Jonglei. The treaty with General Athor was signed in January 2011, and in addition, the GoSS aiming to resolve the conflicts between armed parties, reached another agreement with SSDM/A which was now led by Kuol Chol Awan in 2012 (Gordon, 2014: 7). However, terms of these initial agreements were violated by resumed conflict.

The United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) (2011: para 6) states that the first agreement with George Athor aimed to reconcile parties in preparation for the voting for South Sudan's self-determination. Terms of the agreement stipulated that forces under General Athor should be disarmed before integration into the SPLA, and SSDM/A's territories were to be used as transitory assembly points (UNOCHA, 2011). Rands and LeRiche (2012: 8) state that these terms were a source of contention as Athor was dissatisfied with limited amnesty for his soldiers; thus, he negotiated for adjustments.

The ensuing contentions halted further peace talks and General Athor returned to the bush to wage war and supply arms to rebel groups in Pibor (UNOCHA, 2011; Rands & LeRiche, 2012: 8). The UNOCHA (2011) notes that fatalities reported immediately after the resumed fighting with Athor included 211 militias that died in Fangak County, while the majority were civilians, thereby prompting the GoSS to use military intervention to end the rebellion. Thereafter, Kuol Chol Awan assumed leadership of the SSDM/A in 2012, and forces that had not been integrated into the SPLA disregarded the accord and fighting resumed (Gordon, 2014: 9).

*The Cessation of Hostilities Agreement (CoHA) of 2014*

The violence, which necessitated the need for the 2011 – 2012 peace talks shows that South Sudan had a conflictual beginning. By December 2013 hostilities had intensified across the country (Rolandsen, 2015: 164). The CoHA was signed on 23 January 2014, between the GoSS and the SPLM/A-IO, in Addis Ababa, Ethiopia (IGAD, 2014: n.p). The CoHA of 2014 aimed to address the 2013 conflict hence the main terms were that conflicting parties should:

> Commit to immediately cease all military operations and freeze their forces at places they are in; refrain from taking any actions that could lead to military confrontations including all movement of forces or ammunition resupply... disengage forces or armed groups under their control. (CoHA of 2014: Article I)

In addition to the stipulations of Article l of the CoHA, this agreement makes provisions that disallow media campaigns and propaganda promoting ethnic hatred (CoHA of 2014: 2). Article III (CoHA, 2014) stipulates the protection of civilians against military attacks and human rights abuses, including sexual abuse and torture. Moreover, Article IV declares the prioritisation of access to humanitarian aid, in line with the UNSC Resolution 2132, which was signed December 2013 to address the South Sudan's humanitarian crisis (UN, 2013: 1). Despite the ratification of this agreement in January 2014, ACLED data (2017) showed an average of 70 conflict events between July and December 2014, meaning that violence continued.

*The Signing of the Initial ARCSS in 2015*

The ARCSS was signed on 17 August 2015, mandated to end the on-going conflict since December 2013, which had "disastrous economic, political and social consequences for the people of South Sudan" (IGAD, 2015: 3). While the CoHA of 2014 primarily made provisions for a ceasefire among conflicting parties, the ARCSS is a more detailed agreement. Its preamble incorporated stakeholders such as civil society organisations (CSOs), faith-based organisations (FBOs), women's organisations and the youth (ARCSS, 2015: 2). The provisions of the ARCSS suggest that this agreement is centred on state building, for example, Chapter I of the ARCSS makes provisions for the establishment of a TGoNU. Further, the ARCSS stipulated that elections would be held 60 days before the end of the transitional period, and these provisions are linked to democratic governance (ARCSS, 2015: Chapter I. Furthermore, the ARCSS explicitly states that:

> The power sharing ratio in the Executive of the TGoNU shall be applied as follows: Executive body as 53%, 33%, 7%, and 7 % for the GRSS, the South Sudan Armed Opposition, Former Detainees, and other political parties respectively. Whereas power- sharing ratios in the conflict affected States of Jonglei, Unity and Upper Nile as well as in the remaining seven (7) states shall be as reflected in Chapter I, Articles 15.2 and 15.3 of this Agreement. (ARCSS, 2015: Chapter 1.5.)

The inclusive power sharing provisions increased the ARCSS' bargaining power, making it highly likely to be accepted by warring parties as suggested by Goodpaster (1996: 325) under competitive bargaining in conflict mediation. The rest of Chapter I focuses on power sharing arrangements, for example Article III addresses the composition of the TGoNU, while Article IV articulates the structure of the executive and Article VIII gives a framework of the functions and responsibilities to be exercised by the executive (ARCSS, 2015: Chapter I). Chapter II of the ARCSS (2015) reinstates the ceasefire arrangements under the CoHA of 2014 and restates the unification of armed forces under the TGoNU. Although the ARCSS seemed inclusive, it had shortfalls hence the return to conflict.

*The Cessation of Hostilities Agreement (CoHA) of 2017*

The Agreement on the Cessation of Hostilities, Protection of Civilians and Humanitarian Access (CoHA) was signed in December 2017, following the violation of accords including the CoHA of 2014 and the ARCSS of 2015. Mayai, Jok and Tiitmater (2018: 1) argue that the CoHA of 2017 was signed to pave the way for the revival of the ARCSS in the following year. They add that the HLRF had, since 2016 debated the viability of restoring the ARCSS, which had not been effectively implemented (Mayai et al., 2018: 1).

The CoHA is a three-part agreement, part I stipulating, first that all signatories should cease belligerent military operations, effective from 72 hours of signing the agreement (CoHA, 2017: Article I). More conditions under part I were conveying the terms of the agreement to affiliate parties and ensuring accountability and commitment (CoHA, 2017: Article I – VI). Part II, Article V of the CoHA (2017) declares the importance of human dignity and obligates parties to protect lives and 'respect human rights at all times.'

Part II further declares the elderly, women and persons with disabilities as vulnerable groups requiring more protection, while abductions, sexual violence and inhumane treatment are prohibited under Article V (CoHA, 2017: Part II). Finally, Part III of the CoHA (2017) refers to international laws, mandating parties to: allow access to aid from international organisations, ensure the safety of humanitarian workers, permit free movement of people and relief packages. Article IX prohibits the recruitment of child soldiers, looting of relief packages and media harassment (CoHA, 2017: Part III). Despite the comprehensiveness of these terms, conflicts persisted in 2017 (UCDP, 2021).

*The Khartoum Declaration of 2018*

0n 27 June 2018, the Khartoum Declaration was signed after series of talks between Riek Machar and Salva Kiir to address security and governance matters that had not been fully addressed by the CoHA of 2017 (IGAD, 2018: 1). The agreement, witnessed by IGAD envoys and the Troika (the United Kingdom (UK), United States of America (USA) and Norway), was also signed by representatives of the SSOA, OPPs and the Former Detainees party (Khartoum Declaration, 2018: 4). The declaration had five main provisos, namely, an effective ceasefire within 72 hours from ratification; establishment of the national police and army, among other key security organs; re-establishment of peace in the oil fields for resumption of oil exportation and investment in basic infrastructure (Khartoum Declaration, 2018: Articles 1-3).

The fifth proviso referred to the 'Revised Bridging Proposal' on power sharing arrangements, which were to be applied over 120 days of the pre-transitional period, in preparation for coalition governance for 36 months, which would be followed by democratic elections (Khartoum Declaration, 2018: 3). IGAD (2018: 8) commended that under this proposal, Salva Kiir would retain his presidency while Riek Machar's vice presidency would be reinstated, which presented a viable possible solution. Provisions for humanitarian assistance, nation-building and monitoring mechanisms were embedded under the five key stipulations. Although Cole (2018: para 3) describes the solutions as 'lacklustre' since the Declaration was hurriedly signed to avoid the of UN's sanctioning of South Sudan, the agreement restated the terms of the ARCSS; thus, it paved the way for the R-ARCSS to be ratified within the same year.

### 4.4 Lessons Learnt: The Revitalisation of the ARCSS (2018)

The Communique issued in Ethiopia on 12 June 2017 after the 31st Extra-Ordinary Summit of IGAD Assembly of Heads of State and Government declaring to revitalise the ARCSS articulates the objectives to:

> *... urgently convene a High-level Revitalization Forum of the parties to the ARCSS including estranged groups to discuss concrete measures, to restore permanent ceasefire, to full implementation of the Peace Agreement and to develop a revised and realistic timeline and implementation schedule towards a democratic election at the end of the transition period; mandates the IGAD Council of Ministers to urgently convene and facilitate this forum in collaboration with relevant stakeholders; and*

> *directs the Chairperson of JMEC and the Executive Secretary of IGAD to provide the necessary secretariat and logistical arrangements.* (IGAD, 2017: 3)

From the above statement, Awolich et al. (2017: 2) argue that the R-ARCSS had three aims, namely, restoring a permanent ceasefire; ensuring full implementation of the agreement; and ushering in democracy following the end of the transitional period. Mindful of these objectives, which are also stated in the agreement, the R-ARCSS was signed on 12 September 2018 by the SPLM/A-IO, SSOA, OPPs and the Former Detainees party (IGAD, 2018: 1). Although the Troika was not a guarantor of the R-ARCSS, IGAD heads of states, representatives of the AU and the UN were among the guarantors at the initial signing of the agreement. Other stakeholders were women's coalitions, academics, CSOs and FBOs, and this diversity is commended by scholars such as Kumalo and Ruddy-Mullineaux (2019: 3).

Chapter I of the R-ARCSS (2018), makes provisions for the establishment of a revitalised TGoNU making it the RTGoNU, which would govern first for 8 months under the pre-transitional period and second for 36 months, and after that, elections should be held at least two months before the latter phase lapses. Chapter I also articulates how power will be shared between the executive, the judiciary, and South Sudan's legislature. The provisions on security arrangement under Chapter II of the R-ARCSS (2018) are familiar since the permanent ceasefire herein is based on the terms of the Khartoum Declaration of 2018, the CoHA of 2017 and the ARCSS of 2015. Again within 72 hours of ratifying the R-ARCSS, ceasefire arrangements, including withdrawal of troops and disarming would apply to parties of the former TGoNU (R-ARCSS, 2018: Chapter I; IGAD, 2018: 2).

The R-ARCSS of 2018, compared to the Khartoum Declaration contains more detailed terms on reconstruction and access to humanitarian assistance, for instance Chapter 3.1.1.2. gives IDPs the right to return to South Sudan. In relation, Oola and Moffett (2019: 17) state that the Special Reconstruction Fund (SRF) holds prospects for nation building, and provisions for establishing this organ are articulated under Chapter III of the R-ARCSS (2018). Chapter IV of the R-ARCSS (2018) contains key features on the management of state resources, and these encompass accountability and transparency. Complimentary to accountability, especially by state officials, Chapter 4.4.1.1. of the R-ARCSS (2018) refers to the Anti-Corruption Act, which mandates the establishment of the Anti-Corruption Commission, a requisite organ that monitors the misuse of public funds and bribe-related unethical conduct.

Adding to the provisions of Chapter VI, it is imperative to account the provisions on oil governance since this resource is argued to be a target for peace destabilisation by Maphasa (2020: 8). Collier and Hoeffler (2004) argue that oil is a high primary commodity in conflict areas. The guiding legal frameworks on primary resource management are the Petroleum Act of 2012 and the Mining Act of 2012 (Oil Gas & Energy Law, 2018) and these Acts are restated in the R-ARCSS. Chapter 4.4.1.14.6 of the R-ARCSS (2018) states that there is the need to amend the Petroleum Act to broaden its mandate. Finally, on Chapter IV, within four months of transition, the RTGoNU was mandated to institute the Economic and Financial Management Agency (EFMA), which would oversee fiscal related matters, including revenue.

In line with nation building, the R-ARCSS declares that institutions on transitional justice must 'observe 35% women representation,' and these institutions include the Commission for Truth Reconciliation and Healing (CTRH) and the Compensation and Reparation Authority (CRA) (R-ARCSS, 2018: Chapter 5.1.1- 5). Furthermore, chapter VI provides for constitution making during the 36 months of transition, under which the supremacy of the people and the rule of law must be embedded (R-ARCSS, 2018: Chapter VI).

Further, the constitution's drafting would have to be in consultation with internal and external experts (R-ARCSS, 2018: Chapter 6.16). Also, a Reconstituted Joint Monitoring and Evaluation Commission (RJMEC) had to be established to monitor the R-ARCSS' implementation (R-ARCSS, 2018: Chapter 7.1). Finally, key features under Chapter VIII of the R-ARCSS (2018) articulate conditions under which it can be amendment such as at least two thirds quorum of the RTGoNU, council of ministers, the RJMEC and the legislature.

### 4.5 Accomplishments After the Ratification of the R-ARCSS

*Conflict Trends in South Sudan (2018 - 2020)*

In reference to the main contents of ARCSS' chapters, Tombe (2019: para 2) observes that the agreement is based on an 'accommodationist approach,' aiming to involve as many stakeholders as possible. While this approach has its benefits and shortcomings, one of the determinants of whether the agreement is a success or not, is the outcome variable, which is conflict. The reoccurrence of violence nullified previous agreements such as the ARCSS. Therefore, conflict trends post-2018 reflect, in part, the R-ARCSS' outputs.

To illustrate conflict trends in South Sudan between 2018 and 2020, figure 2 below shows the frequency of political violence before and after 2018. As shown in figure 2, in 2017, explosions, armed battles and violence against civilians were prevalent around South Sudan's borderline with Uganda and the DRC, where counties such as Pibor and the Central Equatorial are located. The concentration of violence in 2017 is also perceptible around the central and northwest parts of the map where Unity state, Jonglei and the Upper Nile (northern) states are located.

Figure 2: Conflict Trends in South Sudan 2017 - 2020

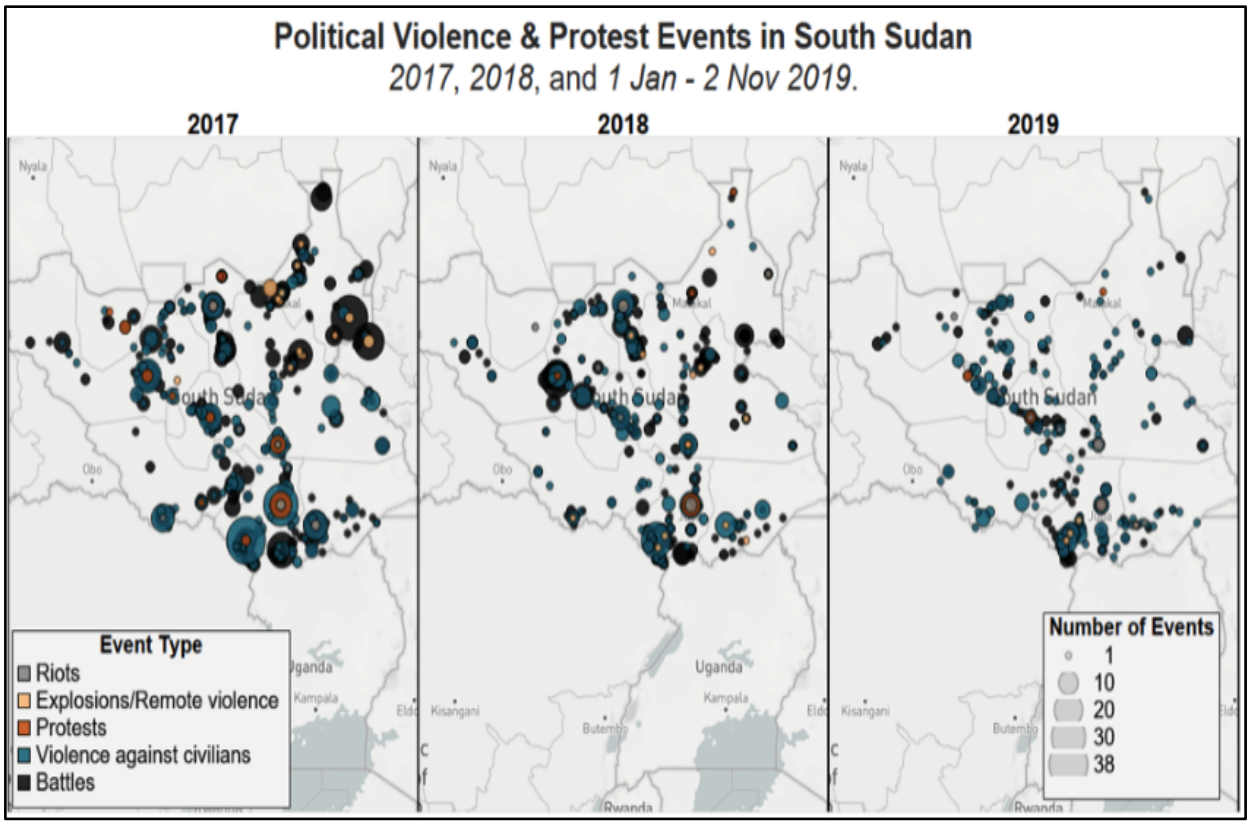


Figure 2, extracted from ACLED Research by Watson (2019), shows the pollical violence and protest event recorded between 2017 and 2019.

UNMISS (2019: 4) attributes the 2017 violence in Greater Bahr al Ghazal (northwest regions) to 'ambushes and hit-and-run attacks carried out by various homegrown armed groups loosely associated with the (pro-Riek Machar) SPLA-IO. In response to these battles and attacks, the government waged counter-offensives, which facilitated a localised war. In reference to figure 2, political violence along the southern borderline ranged between 30 and 38 events in 2017, however the frequency decreased to around 10 to 20 conflict events in 2018. Moreover, significant reductions in conflict events are perceptible in 2019 where, the southwest parts, for example, recorded less than 10 incidents of violent conflict, as shown in figure 2.

The UNMISS (2019: 1) observes that human rights abuses perpetrated by armed groups have reduced since September 2018, and the decrease coincides with the signing of the R-ARCSS. The formation of the RTGoNU after Machar's inauguration in 2020, is widely associated with possible increased state capacity due to collaboration between various political groups. In the light of state capacity, Human Rights Watch (2020: n.p) comments on UNMISS' plans to hand over its protection camps, hosting over 180 000 people, to the RTGoNU police protection rather than UN forces. It follows that while actual violence has been dwindling since 2018, governing capacities, too, have seemingly improved hence on the one hand, the RTGoNU is entrusted with protecting civilians and IDPs among other vulnerable populations.

On the other hand, the is decreasing numbers of conflict events could suggest that the intensity of conflicts occurring between 2018 – 2020 is dissimilar to that of December 2013 and the 2016–2017 period. In 2019, there were violent clashes in Yuai, Pieri, Motot and Waat, in the north of Jonglei state, resulting in the displacement of many civilians into UN protections camps in Bor, and in Ethiopia (UNMISS, 2020: 8). UNMISS' report for July 2019 flagged security in Central Equatorial as "extremely volatile" because of tensions between several armed groups and occasional clashes with Government forces (2019: 3). This shows that while violence may have decreased at the national level, some areas remained high risk and prone to conflict despite the R-ARCSS stipulations on ceasing hostilities.

In line with sporadic violence, occurring after the ratification of the R-ARCSS, Human Rights Watch (2020: para 3) reported that in June 2020, five civilians were injured and at least four people killed during a battle between government forces and rebel groups in Kuernyuong. Two months later, in August 2020, 82 people were killed, 127 civilians were injured, and hundreds were displaced after a battle between soldiers and armed civilians in Tonj town, Warrap state (Human Rights Watch, 2020: para 13). In addition, UNMISS (2019: 3) cautioned that South Sudan is an unsafe country for humanitarian workers, with the toll exceeding 100 killed aid workers by 2018 since the onset of war in December 2013.

Human Rights Watch (2020: para 14) substantiates UNMISS' statement noting that in February 2019, 29 humanitarian personnel were detained in Baggari while in Yei, 10 aid workers were released from abduction after five days. A more recent report on conflict events of 2020 sates that rebel groups from Jonglei disallowed UNMISS aircraft, threatening to shoot planes that flew over the Pibor Area (Human Rights Watch, 2021: n.p). In July 2020, two aid workers were attacked and killed in Western Bar el Ghazal (Humanitarian Response, 2021: 24).

In August 2020, Human Rights Watch (2021) accounts that along the Yei-Lobonok Road in Juba, several aid vehicles such as ambulances were attacked by rebel groups, resulting in UNMISS establishing a temporary base in Central Equatorial, around late October 2020 to deter the ambushes (UN Peacekeeping, 2020: para 2). In 2020 alone, at least 14 humanitarian workers were reported to have been killed in South Sudan (Human Rights Watch report (2021: para 15). The figures show that implementation of the R-ARCSS' provisions on humanitarian access is challenged by continued attacks of aid workers.

Furthermore, violence after the R-ARCSS' ratification in 2018 extended to inter-communal fighting. The Humanitarian Response (2021: 15) states that fighting between the Lou Nuer and Gawaar Nuer, the Dinka Bor and Murle communities in Jonglei intensified in 2020. Aljazeera News (2020) reported that 300 people were injured and 287 killed during the inter-clan fighting in Jonglei in May 2020. Recent cases of conflict were recorded between February and March 2021 in the Pibor Area and Jonglei again, where homes were burnt, women and girls were kidnapped, sexually abused and enslaved, while young boys were forcefully recruited into rebel groups (Schlein, 2021: para 7; UNHRC, 2021: 1).

Despite that South Sudan's presidency formed a committee in June 2020, to resolve inter-community violence (International Crisis Group, 2021: 8), these conflicts highlight the R-ARCSS's limitations in ensuring a permanent ceasefire. Contrary to the committee's efforts, Yasmin Sooka, chairperson of the UNHRC commented that "…the scope and scale of violence we are documenting far exceeds the violence between 2013 and 2019" (UNHRC, 2021: para 3). The above comment signals security concerns and possibility of looming violence.

Even though recent conflicts have been reported by the Human Rights Watch, UNMISS and UNHRC, Ryan (2019: n.p) argues that reports of the Ceasefire Mechanism - CTSAMVM – "do not provide a baseline against which the current level of violence is assessed." A similar argument is presented by the UCDP (2021), which cautions against ascertaining figures due to limited information verification mechanisms from the beginning of the conflict. For the ACLED (2020: n.p) figures often represent the baseline of casualties. Therefore, the assertion that the 2021 scale of violence exceeds the 2013 – 2019 violence cannot go with contestation. In terms of scale, both Human Rights Watch (2020) and UNMISS (2019) concur that violence is sporadic and concentrated within Jonglei, Pibor and the Central Equatorial rather than nationwide as was the case after December 2013 (Howden, 2013: para 9).

## 4.6 Conclusion

Chapter four highlighted conflict trends within the period 2011 – 2021 to note whether conflicts escalated or deescalated after the signing of the R-ARCSS in 2018. Findings showed that within the immediate post-independence phase (2011–2012), violence was primarily driven by unresolved disputes with Sudan, which also sponsored insurgent groups to destabilise the new state of South Sudan. These trends changed between 2013 and 2014 as intrastate conflict intensified between Salva Kiir's and Riek Machar's loyalist. The December 2013 clashes proved to be a catalyst for large scale ethnic fighting, especially between the Dinka and the Nuer, each group supporting a different party of the conflict. This shows that ethnicity, as an identified independent variable affecting the conflict in South Sudan is relevant.

Findings also showed that war tactics such as the abduction of aid workers, violence against civilians, sexual abuse, and child conscription were used since 2013. Despite sporadic violence, the ratification of the R-ARCSS in 2018 aligns with significant reductions of violent conflicts as observed by the UNMISS (2020). From the outlook, government policies such as adopting an inclusive agreement can minimise conflict. However, the R-ARCSS seems deficient in establishing a permanent cessation of hostilities, which is evidenced by the recent cases of violence in Jonglei and Pibor. Regardless of shortcomings, the R-ARCSS has yielded positive outputs which will be analysed in detail in the following chapter.

# CHAPTER FIVE: ANALYSING THE VARIABLES THAT ENABLE THE R-ARCSS' SUCCESSES

## 5.1 Introduction

Following the presentation of conflict trends alongside peace agreements that were signed to respond to emerging and recurrent violence, Chapter five will outline achievements that align with the implementation of the R-ARCSS. These achievements are in addition to the decreasing number of conflict events that was presented in chapter four. After outlining accomplishments, this chapter will analyse variables that have enabled and enhanced the R-ARCSS' efficacy in completing tasks mandated under the agreement.

An overview of the enabling factors allowed the researcher to group identified variables such as ethnicity and grievances under domestic variables that either promote unity or disintegration, resulting in violent activities such as interclan fighting. Another category, external variable, will consist of the impact of non-domestic parties, regional and international organisations, and their impact on the R-ARCSS' outputs. As such, this chapter will analyse the roles of external players in bringing durable peace through negotiations, implementing, and monitoring the progress of the R-ARCSS. Furthermore, despite the R-ARCSS' drawing from previous peace agreements and reinstating the CoHA of 2017, chapter five will present distinct provisions that set the R-ARCSS apart. Finally, this chapter concludes with a summary of variables that enhance the R-ARCSS' successes.

## 5.2 Stocktaking: Tasks Completed According to the R-ARCSS' Provisos

*Accomplishments in Governance*

In line with power-sharing provisions, Riek Machar was officially sworn in as the first Vice President in February 2020 (Dumo, 2020: para 1). In addition, vice presidents namely, Hussein Abdelbagi Akol Agany of the SSOA, Rebecca Nyandeng De Mabior, James Wani Igga of the SPLM and Taban Deng Gai, affiliated with SPLM-IO, were also inaugurated (Vhumbunu, 2020: 1). These governance-related accomplishments and power-sharing effectuated the establishment of the RTGoNU. While Kumalo and Roddy-Mullineaux, (2019: 3) commended the provisions for gender representativeness, the actual implementation of the provision to have a female vice president is a first for the country; thus, it is worth acknowledging.

In addition to establishing the executive, the latest report from the RJMEC, covering 22 February 2020 to 23 February 2021, states that in March 2020, President Kiir appointed ten vice ministers and that the RTGoNU oversaw the swearing-in of the Council of Ministers, totalling 35-members from SPLM/A-IG; SPLM/A-IO; SSOA; and other political parties. Further, the National Constitutional Amendment Committee (NCAC), under the provisions of the R-ARCSS, finalised the 8th Constitutional Amendment Bill of 2020 (RJMEC, 2021: 2). These legislative procedures enhance constitutionalism and add to democratic processes, which is the long-term objective of the R-ARCSS (IGAD, 2017: 3).

Moreover, significant achievements following the R-ARCSS and the RTGoNU are the president's decision to reverse Order 6/2015 and re-establish ten states he unilaterally expanded into 28 states in 2015, then 32 states (Vhumbunu, 2016: 5). These states were a source of tension that contributed to the annulling of the ARCSS, as the SPLM-IO accused the SPLM-IG of gerrymandering and grabbing additional communities (Maphasa, 2020: 6). In addition, by the RTGoNU's first anniversary in February 2021, state governors, administrative officers, assemblies, advisory boards, and independent commissions were appointed (RJMEC, 2021: 3). In the same breath, the establishment of the RJMEC is a commendable output since the commission facilitates accountability through monitoring and evaluation.

*Developments on Military Arrangements and Security*

In reference to conflict dynamics in chapter four, the conflict's scale has decreased since 2018, and this is indicative of security developments after the R-ARCSS. The RJMEC states that:

> …the Parties have largely adhered to the provisions of the Permanent Ceasefire throughout this period, which has ensured no new conflict or outbreak of fighting. In particular, ceasefire arrangements including disengagement and separation of forces in close proximity and opening of humanitarian corridors were observed. (RJMEC, 2021: 2)

Although Ryan (2019: n.p) is sceptical of the SPLM-IO's motivations to comply with cantonment, he notes that parties that are signatory to the R-ARCSS accrued political points for keeping cantons within designated areas. In December 2018, however, Riek Machar commanded his militiamen to form in cantonment sites, but government forces were not given similar directives (Ryan, 2019: para 10), and this quietened the possibility of violence.

In relation, Figure 2, extracted from ACLED Research by Watson (2019), illustrates the decrease of violence, with the use of explosives, violence against civilians and battles decreasing from a magnitude of 30 – 38 events on average in 2017 to between one and ten events in 2019. Mindful of these accomplishments, Ryan (2019: n.p) criticises that efforts towards demilitarisation have been minimal as the government controls the main urban cities, with even fewer incentives to demilitarise. While Ryan's criticism holds on one hand, on the other hand, security is volatile in South Sudan, as evidenced by the annulling of previous agreements and the return to fighting. Demilitarisation, therefore, may lead to resumed rebel activities as the risk of participating in war becomes significantly lower, as presupposed by the cost-benefit analysis component of greed-rebellion (Collier & Hoeffler, 2004: 583).

Admittedly, security remains volatile in Jonglei, Pibor and the Central Equatorial (UNMISS, 2020), but these are sporadic rather than nationwide cases. In 2019, there were clashes between the National Security Service (NSS) and Thomas Cirillo's National Salvation Front (NAS), a faction that is non-signatory to the R-ARCSS (Ryan, 2019: n.p). However, recent developments show that Cirillo has been engaging with the government, providing hope for joining the coalition and signing the R-ARCSS (Radio Tamazuj, 2020: para 2). Although the NAS remains non-signatory, the party signed the CoHA that was brokered by the Roman Catholic Sant' Egidio peace group, and NAS agreed to further talks (Radio Tamazuj, 2020: para 18; UNOCHA, 2020: para 2). This progress could positively impact collaborative peacebuilding, NAS' possible adoption of the R-ARCSS and restoration of peace.

*Socio-Economic Achievements*

South Sudan has a goods-based economy, and the agricultural and mining sectors contributing significantly; unlike in a service-based system, for example, where services can be offered remotely, goods-based outputs rely on a conducive environment (Danga & Schlein, 2020). The economy, therefore, (oil trading, mining, farming and livestock agricultural) require non-violence as fighting can easily disrupt economic activities, destroy infrastructure or result in the death of both people and livestock or relocation, abandoning farms as people flee conflicts. This context highlights how crucial peace is to South Sudan's economy, society and human livelihoods. In 2015, South Sudan's GDP per capita was $2100; however, this declined sharply to $1700 in 2016 when the ARCSS was violated (World Bank, 2020: n.p), reflecting a 19.2% decline recorded when violent conflict resumed.

Additional to economic challenges in conflict phases are high military expenditure, averaging 7.6% of the GDP between 2015 and 2016, while for 2017 this was 2.8%, and the average expenditure for 2018/19 was 3.6% (African Development Bank (AfDB), 2021: 224). These figures show that heightened conflicts result in higher spending on war, evidenced by a near 50% difference between expenditure in 2015/16 versus 2018/9. For 2019/20, the World Bank (2021: para 5) commended that the country's GDP real growth reached 9.5%. During the 2019/20 financial year, an estimated 62.1 million barrels of oil were produced compared to the 49.1 million barrels reported in the previous year (World Bank, 2021). The difference represents a significant 26.5% increase in production when conflicts decreased.

Aligning with increased oil production is South Sudan's improved risk rating in 2020, owing to factors including paying debts owed to Sudan, restructuring of the commercial debt (AfDB, 2021: 224), and establishing diplomatic relations with Qatar to strengthen economic growth and cooperation (Qatar Ministry of Foreign Affairs, 2020: para 3). Furthermore, inflation rates dropped from '83.5% in 2018 to 24.3% in 2019' (World Bank, 2021), an achievement that also followed the signing of the R-ARCSS. Granted, there are still economic challenges, as is in other countries, the World Bank (2020; 2021) and AfDB (2021: 225) concur that these achievements, described as "dividends of the peace agreement," depend on economic policy reforms, transparency, and conflict resolution to be sustainable.

## 5.3 EXAMINING VARIABLES ENABLING THE ABOVE ACHIEVEMENTS

### 5.3.1 Contents of the R-ARCSS

DeRouen, Ferguson, Norton, Park, Lea and Streat-Bartlett (2010: 334) argue that the content of the peace agreement is a determining factor in its success. The R-ARCSS' strengths are in the inclusion of diverse groups. Globally, only 2% of mediators, 8% of negotiators, and 5% of witnesses in major peace processes, between 1990 and 2017 were women (UN Women, 2021: para 2). In relation, South Sudan's conflict mediation processes seem to have followed this exclusive trend since 2013. However, the R-ARCSS is lauded for allowing 35% representation of women in the transitional justice processes (Kumalo & Roddy-Mullineaux, 2019: 6). The 35% quota holds prospects for boosting women's participation during peace processes; thus, this agreement can be accredited for its gender-responsive provisions.

However, the above variable is more influential when implemented. For example, the RJMEC quarterly report (2020: 3) presented that nine women, about 26% were in the Council of Ministers, and only one out of 10 deputy ministers is female, yet the R-ARCSS provides for 35% women representation. Schlein (2021: para 4) also notes that in 2019, hundreds of women were used as spoils of war, "gang-raped, and sexually enslaved or forcibly married off." Further, the UNHRC (2021: n.p) recently cautioned mass human rights abuse against women and girls in South Sudan. Therefore, women inclusion is a less determining variable since the implementation is marred by shortcomings in bringing positive results.

Power-sharing provisions are another variable that influences the R-ARCSS' successes. The RTGoNU's executive consists of a president from the SPLM/A, the first vice president from the SPLM/A-IO and four other vice presidents from other parties, including the SSOA (Vhumbunu, 2020: 1). Also, a female vice president is a first for South Sudan, setting the R-ARCSS apart from other agreements; but as argued above, this does not translate to the respect of women's rights, a prospect that the inclusion held. Further, the R-ARCSS makes provisions for the inclusion of over 550 parliamentarians from different parties (Boswell & De Waal, 2019: 2). This variable is a likely determinant of reduced clashes between forces.

Although power-sharing minimises violence in the short term by addressing grievance-rebellion from political exclusion, this may be unsustainable. Boswell and De Waal (2019: 2) describe the R-ARCSS as "a classic political marketplace deal: a vast payroll peace." While a 'marketplace deal' incorporates material incentives (in the form of money, political positions, land, or power) for the elites and military personnel to agree to the terms of the peace agreement, 'payroll peace' uses clientelism and patronage networks to gain allegiance (De Waal, Pendle, Kuol & Logan, 2019: 12).

Additional R-ARCSS-related costs are in the extension of the number of MPs from 400 to 550, which means that an additional 150 individuals were placed on the payroll, cabinet ministers were also increased to 35, supported by an additional ten deputy ministers, totalling 45 more ministers (Vhumbunu, 2020: n.p). The R-ARCSS also makes provisions for a six-member executive. As a result, South Sudan 'has the largest parliament in the region and the highest ratio of the cabinet to a population in Africa' Maphasa (2020: 8), meaning that there are more members of parliament than what is required for the country's population. Even though this paper lauded the R-ARCSS for its political inclusivity, this is at high financial costs.

For Ryan (2019: n.p), this political marketplace system will likely breed grievances from the need for resources to fund the large executive and provide salaries, complex collective decision-making processes, accusations of non-compliance and exclusions within the RTGoNU itself. More challenges that emanate from the R-ARCSS' provisions are shortcomings on arrangements for power-sharing after the RTGoNU. The International Crisis Group (2021: 20) argues that the proposed 'winner-takes-all' elections to be held within 90 days before the lapsing RTGoNU will cut off payroll incentives, which may result in resumed bush fighting to access 'similar' benefits; thereby increasing insurgencies.

Nonetheless, the R-ARCSS' power-sharing provisions influence decreasing clashes between armed groups. In relation, Ryan (2019: np) observes that the NSS' offensives against Thomas Cirillo's NAS faction are carried out with the pretext of implementing the R-ARCSS' security provisions to minimise "spoilers," and these attacks have the support of external players. In contrast, the 'R-ARCSS-spoiler' pretext counters democratic principles since the opposition is suppressed and intimidated by the NSS attacks before elections (Ryan, 2019: n.p).

### 5.3.2 The Pitfalls of Preceding Agreements: Security and the Military

The shortcomings of the ARCSS and violations of preceding agreements meant that the drafting and implementation of the R-ARCSS had a comparative advantage to avoid similar pitfalls. Shortfalls include that "there was no territorial separation between the parties… parties were to jointly share militarised control of the capital, Juba," under the ARCSS, resulting in military clashes between parties that were in proximity (Boswell & De Waal, 2019: 4). The R-ARCSS draws from the Khartoum Declaration's transitional security arrangements, and further arrangements refer to the terms of the CoHA of 2017, under which commitments to civilian protection are reiterated. Reference is also made to the withdrawal of troops and separating forces as provided under the ARCSS of 2015 (R-ARCSS, 2018: Chapter II).

In line with the R-ARCSS's security provisions, the RTGoNU reconstituted the Disarmament Demobilisation and Reintegration (DDR) Commission (JMEC, 2020: ii), a mechanism that facilitates the retraining and unification of forces that were previously waging war in different camps. Furthermore, by November 2019, 23 cantonment sites for the opposition were verified, potentially minimising clashes between military forces. Although Ryan (2019: para 10) is sceptical of Riek Machar's compliance with cantonment, arguing that this is to gain political

points and to provide for his underfunded military force, thus far, there have not been reported conflicts over cantonment in the existing literature.

Relating to security arrangements, Maphasa (2020: 6) explains that the ARCSS' provisions to have an external force to demilitarise Juba were not honoured; hence Riek Machar returned with his own security forces. The consequences were that SPLA-IG and SPLA-IO forces were in proximity again, and violence eventually broke out between the military. The challenge with demilitarising cities, identified by the International Institute for Strategic Studies (IISS) (2019: 2), is that removing armed forces will possibly create a gap that either insurgent opportunists may maximise or the opposition utilise should large scale fighting resume.

The likely development regarding demilitarisation for Ryan (2019: n.p) is that forces may join the civilian population so that military presence appears to be reduced to international observers. However, this argument is speculative. To conclude, while variables such as establishing the DDR Commission, creation and verification of cantonment sites and minimal conflicts over demilitarisation of cities enable the R-ARCSS' successes, the R-ARCSS also has the upper hand since it redresses the pitfalls of preceding agreements, thereby enhancing its efficacy. Moreover, the R-ARCSS does not only draw from the shortcomings but also the strengths of preceding agreements.

### 5.3.3 The Domestic Political Landscape

South Sudan's short history is conflictual, as presented under the analysis of conflict trends in chapter four and throughout this study. Ottaway and El-Sadany (2012: 15) argue that it was difficult 'to develop a truly common identity except in opposition to the North.' Ryan (2019: n.p) supports that although Garang, former SPLA leader, was a representative of then Southerners against Khartoum, the South itself was divided, with residents of the Equatoria regarding the Dinka who dominate the SPLM as alienating and opposed to the creation of the Equatoria region. Further, there were longstanding ethnic clashes between the Dinka and the Nuer due to competitions over resources, political and economic positions, and power (Nyaba, 2019: 10). Cognisant of these dynamics, the Khartoum-led government exploited the ethno-political situation and supported factions and proxy wars (Watson, 2019).

In accordance with the context of South Sudan's political landscape, Wassara's (2015: 638) remark that Kiir neither earned nor commanded respect like Garang may be warranted, on one hand. On the other hand, the use of insecurity and conflict as a deliberate choice should not be undermined. Therefore, Kiir's ability to withstand 'successive arrays of military and rebel contenders' reflects on his political capabilities (Watson, 2019: para 13). Adding to Kiir's capabilities, Ryan (2019: n.p) argues that Riek Machar has struggled to amass resources for his military; thus, reasons for complying are driven by the prospect of benefiting 'greed.' Kirr's resources can be attributed to deliberate choices, which can ruefully be conflict.

Further, Watson (2019: n.p) observes that Kiir's leadership wit is exhibited by his concealing of the size of the military under his command since the opposition may use this as the rationale for further recruitment to reach parity. Reports state that about 200 000 – 300 000 combatants are expected to occupy cantonment sites (Ryan, 2019: n.p), and given the magnitude of the military forces, any catalyst could spiral large-scale violence. Thus, the lack of disclosure of military powers by Kiir likely minimises violent clashes. However, this factor only explains, in part, South Sudan's security and military-related accomplishments since 2018.

Intra-party dynamics within the opposition have significantly contributed to reduced violence, although recent instabilities challenge this finding. The UNSC (2015), notes that Peter Gadet, deceased SPLA-IO commander, severely breached the CoHA of 2014 by massively recruiting the youth, engaging in armed battles against the SPLA, capturing counties including, the Upper Nile and Kaka, and destroying a partly built Russian-owned oil refinery. His death in July 2019 had implications on recruitments and commandeering that weakened the South Sudan United Movement (SSUM), an opposing rebel movement (Radio Tamazuj, 2019).

Moreover, the SPLA-IO has suffered defections of commanders such as James Oda, who moved to the SPLA (Watson, 2019: n.p). The SPLA-IO's external funding is gradually declining, resulting in Machar being unable to provide for hundreds of militiamen, while the SSOA's military capacity is the least threatening to the SPLA (Ryan, 2019: n.p). Other parties, such as the South Sudan United Front/Army (SSUF/A), have created rebel group coalitions, albeit with limited military capacities exhibited by the easy countering of their attacks in Bahr el Ghazal by the NSS (Sudan Tribune, 2020). In line with recent offensives, it seems Thomas Cirillo's NAS party remains the one with the capacity to engage in sustained fighting. These intra-party dynamics appear to be the main variables contributing to reduced fighting.

### 5.3.4 Political Will to Implement the R-ARCSS

Though DeRouen et al. (2010) argued that the contents of the peace agreement are crucial in the success or failure of the agreement, the presence or lack of political will to implement the provisions is decisive. A propitious accord can be negated by lack of implementation. The September 2018 progress report from JMEC showed that within 30 days from the ratification of the R-ARCSS, the following tasks had been completed:

> The Khartoum celebration of the signing of the R-ARCSS was convened on September 22 and involved a meeting of the leadership of the Parties to the R-ARCSS and Stakeholders…The Permanent Ceasefire and Transitional Security Arrangements (PCTSA) workshop was convened as per article 2.1.11 of the R-ARCSS on September 24-25. The CTSAMM Board was reconstituted on September 27, as per article 2.4.6 of the R-ARCSS, and the CTSAMV Technical Committee met in Khartoum from October 9 – 11. (JMEC, 2018: 2)

CTSAMM, from the above quotation, refers to the Ceasefire and Transitional Security Arrangement Monitoring Mechanism, an IGAD initiate, while CTSAMV is the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism (Africa – EU Partnership, 2021: para 3). These monitoring mechanisms enforce accountability and efficacy in implementing the R-ARCSS. Despite that both the CTSAMM and the CTSAMV are implemented in collaboration with external players, this requires the will from South Sudan's political leaders and parties to adopt and employ these mechanisms.

On 25 September 2018, within the first 30 days, President Salva Kiir appointed the National Pre-Transitional Commission (NPTC) in line with article 1.4.7 of the R-ARCSS (Vhumbunu, 2018: n.p). In retrospect, during the implementation of the ARCSS in 2015, there was a deadlock on the formation of the TNLA – as provided for under Chapter 1 (11) of the ARCSS (Vhumbunu, 2016: 5), but this is not the case with the R-ARCSS.

To date, the JMEC consistently disseminates progress reports on the implementation of the R-ARCSS; South Sudanese' leadership has continued to engage the AU, IGAD and the Troika, among other stakeholders. President Salva Kiir also re-established the ten he had unilaterally expanded, while the Joint Military Ceasefire Commission (JMCC) was reconstituted (JMEC, 2020); and Riek Machar was inaugurated as the first vice president. These accomplishments indicate significant milestones that require both political will and commitment.

However, Boswell and De Waal's (2019: 2) criticise 'marketplace deals' such as the R-ARCSS for creating opportunities for the conflicting parties to amass support and mobilise resources to continue fighting. Mehler (2009: 453- 473) presents a similar argument on political intentions within power-sharing arrangements. He observes that allocating portions of state power to rebels groups or non-state actors creates a pathway for 'would-be' leaders to devise methods to obtain more power, often through insurgent violence (Mehler, 2009: 455). According to the Institute for Peace and Security Studies (IPSS) (2019: 2), additional contenders for power emerged after the collapse of the ARCSS, hoping to benefit from negotiated settlements.

At present, over five political parties ratified the R-ARCSS (JMEC, 2020: 2). Answers to whether this is genuine alignment or opportunistic will be revealed over time. In line with this argument, Ryan's (2019: n.p) argument that through compliance, Riek Machar is buying political points, targeting international support in cantonment centres, and repositioning strategic areas is not far-fetched. Thus far, splintering factions have already been noticed among signatories to the R-ARCSS and members of the RTGoNU. For example, the SSOA, an alliance that consisted of nine parties, now only has seven political parties (IPSS, 2019: 2). The split means that since the ratification of the R-ARCSS, at least two factions have emerged.

The JMEC evaluation report on the R-ARCSS for December 2018 cautioned that disputes within the SSOA would be detrimental to the implementation of the R-ARCSS. Overall, while the government can mobilise the support of the R-ARCSS through legitimate means or 'marketplace deals,' its control of the opposition's political will and interests is limited, which could threaten the R-ARCSS' progress (Large, 2020: 380). Although a weakening opposition may aid the SPLA's dominance, factionalism threatens both the implementation of the R-ARCSS and the RTGoNU and outputs expected of these negotiated settlements.

### 5.3.5 The R-ARCSS and the People of South Sudan: Local 'Buy-In.'

Schneider (2006: 324) argues that 'local buy-in' is a top determining factor of the successes of a peace agreement. Local buy-in refers to ownership, herein, of the R-ARCSS in South Sudan by the South Sudanese. The R-ARCSS is popular for its representativeness, political inclusivity, and gender responsiveness. It makes provisions for a female vice president (Tombe, 2019: n.p; Maphasa, 2020: 6) and allows 35% representation of women in transitional justice processes (Kumalo & Roddy-Mullineaux, 2019: 5).

These above provisions make the R-ARCSS legitimate and appealing to the South Sudanese, particularly women, who are often excluded in transitional processes. Despite that the 35% inclusion objective was not met in the council of ministers and the executive (RJMEC, 2019: 5), the associated legitimacy mobilises local support for the R-ARCSS' implementation, thereby adding to its successes.

In addition to associated legitimacy, Ngari and Kolok (2019: 11) comment that the R-ARCSS is "the only framework through which South Sudanese citizens can engage in issues of transitional justice." The lack of transitional justice mechanisms and overfocussing on political power drew criticisms to the ARCSS (De Waal, 2017: 182). However, the R-ARCSS, through initiatives such as the CTRH and the CRA, guards against this shortcoming. Transitional justice methods under the CTRH and CRA hold prospects for promoting reconciliation, justice, and unity – all important components of peacebuilding. Moreover, key findings from fieldwork research by Ngari and Kolok showed that "60% of respondents from South Sudan, wanted the CTRH to be established first…" (2019: 2).

Notwithstanding the positive attributes, there are concerns, particularly in local literature. Mayai et al. (2018: 2) critique the extent to which the R-ARCSS' timeframes are realistic against the state's capacity to realise its objectives. There were delays when Machar's inauguration was postponed twice (Dumo, 2020: para 1), totalling an 18-month setback before the RTGoNU came into force. The delayed implementation from what the R-ARCSS had initially provisioned meant that other transitional period processes requiring the RTGoNU's oversight had to be postponed, too, delaying the delivery of tangible outputs for the people.

Further, Chapter 1.17 of the R-ARCSS (2018) mandate judicial reforms. However, JMEC (2021: 4) reported that the Judicial Reforms Committee (JRC) did not complete its activities or submit recommendations within 12 months, as articulated in the R-ARCSS. Also, the Economic and Financial Management Authority (EFMA), which ought to manage public funds and ensure transparency primarily in the oil sector –a crucial institution – has not been established (JMEC, 2021: 4). Considering the greed-rebellion hypothesis, the lack of fiscal transparency could breed dissatisfaction from rebel groups wanting a dividend of the actual or assumed economic benefits and from citizens whose socio-economic development is stymied by corruption. Moreover, the absence of EFMA and JRC reforms facilitates the lack of accountability and enables malpractices to be concealed and crimes to go unpunished.

Therefore, public support, or 'local buy-in,' is the least likely variable enabling the R-ARCSS' accounted achievements. On the contrary, President Kiir's relations align with the elites rather than the ordinary South Sudanese (Mayai et al., 2018: 5). Further, despite reports that over half of South Sudan's population faces "acute food insecurity" (Human Rights Watch, 2019; UNHRC, 2020: para 7), the state spent $16 million on cars for MPs, each of (then) 400 ministers received $40 000, about ZAR598,946 to buy cars (BBC News, 2018: para 1). This spending spree occurred a few weeks after MPs extended the president's tenure (BBC News, 2018), suggesting again reliance on patronage networks instead of the people. Although this occurred in July 2018, before the R-ARCSS, a marketplace system still exists.

For De Waal et al. (2019: 233), the lack of integration between the South Sudan Electronic Payroll System (SSEPS) and the Human Resource Management Information System (HRMIS) creates gaps for corruption, including 'ghost' workers that are unknown but receive salary payments. In reference to the requisite economic reforms, the lack of commitment or will to institutionalise EFMA decelerates efforts towards public expenditure accountability and effective management of public finance. These economic shortcomings strain further the relationship between the people, the state, and its guiding framework – the R-ARCSS.

In addition, while the R-ARCSS makes provisions for transitional justice and peacebuilding through initiatives such as CTRH and the CRA, progress regarding this is stunted. JMEC (2021: 4) reported establishing the three transitional justice mechanisms under 'critical unaccomplished tasks of the RTGoNU.' The implications of under prioritising state-building initiatives are a grieving and fragmented society (Ylönen, 2016: 215), which threatens South Sudan's budding democracy under the R-ARCSS. Thiong (2018: 10) insists that the root causes of the South Sudanese conflict remain largely unaddressed under peace agreements. Therefore, prioritising governance while trivialising nation and peacebuilding needs is counterproductive, given that most recent violence is interclan (Schlein, 202: n.p).

In line with the people, their relations with the state, and the R-ARCSS, Awolich et al. (2017: 3-4) observed that citizens were 'upbeat about the prospect of peace,' doubtful if revitalising a failed ARCSS would work and untrusting of the political parties' new commitment to peace. Therefore, discussions of an R-ARCSS did not generate noticeable excitement among citizens (Awolich et al., 2017: 2-6). Regarding local ownership, Jok Madut, Director of a South Sudanese research centre, the Sudd Institute, said:

> …nowhere did it become more evident than in South Sudan that a society where everyone is armed on the pretext of self-defence is a society where no one can be assured of safety. (Jok Madut, 2017, as cited in Thiong, 2018: 6)

Following this quote, the society, if unassuaged, could be a threat to the peace process that the RTGoNU, Salva Kiir and the NSS are protecting against insurgents. In reference to the greed versus grievance hypothesis, neglecting the people's needs could result in discontentment with the RTGoNU and the R-ARCSS' implementation (common grievances). Rebel recruiters can use these grievances to mobilise support for their cause (greed), thereby extending the cause of fighting. Furthermore, failures stemming from the RTGoNU prioritising governance over the people, inefficiency in redressing ethnic inequalities, widespread starvation, and human insecurity can result in violence stirred by civilians and armed groups.

### 5.4 External Variables and Other Players

Although Awolich et al. (2017: 2-6) argue that plans to revitalise the R-ARCSS were not met with optimism in South Sudan, the agreement is popular among regional and international stakeholders. The UN Secretary-General spokesman on South Sudan, for instance, described it as "a positive and significant development" (UN, 2018: para 1). For the Troika, the agreement is "key in addressing peace and security in South Sudan" (US Embassy in South Sudan, 2018: para 3), reflecting significant external support and affiliated legitimacy.

IGAD's role in proposing the revitalisation of the ARCSS, mediating and negotiating its ratification, as well as monitoring and overseeing the R-ARCSS' implementation, is an indispensable external variable. Scholars such as Vhumbunu (2018: n.p) justifiably argue that IGAD's effectiveness will also determine the overall success of the R-ARCSS IGAD first managed peace spoilers or resisters during negotiations for the R-ARCSS' adoption, evidenced by the eventual ratification. To date, parties such as the SPLM-IG; SPLM-IO; SPLM-Former Detainees (SPLM-FDs); SSOA; the National Alliance of Political Parties; the United Sudan African Party (USAF) have ratified the R-ARCSS (JMEC, 2020: 2). Moreover, IGAD initiated the CTSAMM, a mechanism that is designed to monitor and enforce accountability in implementing the R-ARCSS. Further, IGAD continues to meet with members of RTGoNU to track and enhance progress (JMEC, 2021: 4); thus, its role is indispensable.

In line with external players, the Troika (UK, USA, and Norway) have shaped Western policies in both Sudan and South Sudan for decades (Maphasa, 2020: 13). Müller and Bergmann (2020: 150-164), in their assessment of European interventions in South Sudan's peace processes, note that the Troika was a key contributor in delivering humanitarian and diplomatic assistance since the outbreak of war. The Troika also supported IGAD in establishing the HLRF and revitalising the ceasefire after the outbreak of violence in 2017 (Phillip-Apuuli, 2015: 138). Despite that the Troika is not a guarantor of the R-ARCSS (US Embassy in South Sudan, 2018), its coordinated efforts and commitment to peacebuilding, alongside UNMISS's work, can be credited for laying the foundation for the R-ARCSS' implementation.

However, external intervention, as a variable, is not without its complexities. IGAD member countries, namely, Uganda and Sudan, have a record of supporting different parties to the South Sudanese conflict, with Uganda pro-Kiir and Sudan famed for supporting insurgencies and using proxy warfare (Watson, 2019). International Crisis Group (2019: 3) argues that the lack of coherence between IGAD states short-circuits mediation efforts. Further, Museveni's inability to deliver on security arrangement after the ARCSS in 2015 resulted in Machar's return to South Sudan with his own security forces (Maphasa, 2020: 12). These circumstances created an environment for further military clashes and the violation of the ARCSS.

Adding to cases of IGAD and the AU, the former is implicated in resolving intraparty conflicts of SSOA and Other Political Parties as they could potentially cause deadlocks in the implementation of the R-ARCSS (JMEC, 2021: 4). Although this is necessary, time and resources that could enhance the R-ARCSS and ensure its success are diverted to addressing internal politics. As for the AU, Brosig and Sempijja (2015: 2, 6) argue that disagreements among member states challenge the organisation's response to peace and security crises, lack of sufficient funding and donor-dependency. Therefore, the AU's role in resolving the conflict in South Sudan is short-circuited by pre-existing funding and capacity limitations.

Apart from challenges within regional organisations, the International Crisis Group (2019: 34) observes that the USA's policy towards South Sudan changed to a less engaging approach during Trump's administration. Since 2017, positions of special envoys to South Sudan were annexed; the US–South Sudan policy review, which started in early 2017, had not been completed by late 2019; and the Trump administration withdrew diplomatically, leaving a leadership gap within the Troika (International Crisis Group, 2019: 34-35).

In line with ‘America first’ policies, the Trump administration was in general unenthusiastic about multilateral cooperation, perhaps explaining, in part, why the US is not a guarantor of the R-ACRSS, and its support of the agreement is with reservations (US Embassy in South Sudan, 2018). In the same breath, governance changes from May’s to the Johnson administration in 2019 and Britain’s exit from the European Union (Brexit) created uncertainties (Anderson, Wilson, Forman, Heslop, Ormerod & Maestri, 2020: 257). Like several other governments worldwide, Norway is dealing with the COVID-19 pandemic and challenges emanating from this unpredicted occurrence.

Overall, external mediators played a critical role in setting the foundation for the R-ARCSS’ adoption, but the Troika’s involvement in South Sudan seems to be gradually declining. The US’ new administration holds prospects for restoring more engaged relations with Juba, or other international stakeholders may join (Anderson et al., 2020). While changing global dynamics may have a negative impact, on the converse, successes of the R-ARCSS will have to be driven primarily by role players in South Sudan and the African region, thereby increasing state capacity or accentuating the state’s, the AU and IGAD’s incompetency.

### 5.5 Chapter Five: Synopsis of Variables and Conclusion

Chapter five accounted accomplishments in categories, namely governance, military and security arrangements and the economy. The contents of the R-ARCSS proved one of the determining variables as its bargaining power is anchored on power-sharing, garnering the allegiance of opposition groups. The study found domestic political dynamics such as the opposition’s reduced military capabilities, defections to the SPLM, Peter Gadet’s death, and weak coalitions determinant in violence reductions. The political will to implement the R-ARCSS proved present but insufficient in instituting socio-economic justice reforms. In this light, local-buy in of the R-ARCSS is argued the least likely variable enabling its efficacy. External variables such as the Troika’s role was critical in the early stages, but engagement has declined, leaving IGAD’s role as the key external variable in the R-ARCSS’ longevity.

# CHAPTER SIX: KEY INSIGHTS FROM THE STUDY, RECOMMENDATIONS AND CONCLUSION

## 6.1 Overview of the Study

The main purpose of this study was to analyse factors that distinguish the R-ARCSS from other peace agreements that have been brokered in South Sudan and to outline and examine factors that enable or militate against its successes. In addition, this thesis sought to explore the roles of various actors involved in negotiating the R-ARCSS and those supporting its implementation and examine how the greed versus grievance hypothesis and the ripeness approach to conflict mediation apply to the South Sudanese conflict. This aim and related objectives were achieved first by analysing the history of southern Sudan to tease out circumstances that may have shaped South Sudan's current trajectory.

Second, this dissertation reviewed the existing literature on normative conflict management processes such as conflict mediation, negotiations, and peace agreements and how these processes apply to South Sudan's case. In negotiating for peace, role players, including IGAD, proved to employ competitive and collective bargaining methods to bring conflicting parties to an agreement. This process, as proposed by Aggestam (2006), requires techniques such as 'managing peace spoilers,' practicality and impartiality. In addition to conflict management processes, the study referred to theoretical frameworks to have an outlook of variables and indices that have already been identified to affect conflicts. The 'greed versus grievance' hypothesis and the ripeness approach theory were relevant and applicable.

Third, this study provided the methods through which data on conflict resolution processes in South Sudan would be gathered and analysed using O'Leary's (2019) five-step method of secondary data analysis. This methodology was essential in enhancing data credibility and exhibiting scholarly rigour. Fourth, the study chronologically presented conflict trends from South Sudan's independence in 2011 to 2021. By so doing, the researcher evaluated whether the R-ARCSS' implementation aligns with decreasing violence. Conflict trends were analysed besides peace agreements that have been brokered before, such as the ARCSS of 2015, the CoHA of 2014 and 2017 and the Khartoum Declaration of 2018. However, all these agreements proved limited in bringing durable peace; hence the R-ARCSS and its associated accomplishments were unique and of specific interest to this study.

Fifth, the study outlined accomplishments towards conflict resolution that aligned with the R-ARCSS' implementation and provided an analysis of variables that enable and enhance the R-ARCSS' efficacy in completing tasks mandated under the agreement, in line with the thesis' aims. Variables were presented in broader categories; ethnicity and grievances were placed under domestic variables, while external variables consisted of the impact of regional and international organisations. Finally, this study provided an overview of the research processes and will present key lessons and reap insights from the findings. This research report will also provide recommendations for further studies before the conclusion is drawn.

### 6.2 Limitations of the Study

This study fulfilled the objectives to explore factors that enable or militate against the R-ARCSS' successes. However, it is not practicable to explore all variables within this study's remit, especially considering the word limitations, duration of the study, and resources. Factors such as climate change, desertification and floods may impact the availability of arable land, productivity and livelihoods. These variable were excluded because the study looked broadly on domestic factors, which included competition for resources and opportunity, but in-depth insights may have been accessed by directly analysing these variable.

In light of recent events, the COVID-19 pandemic is another variable that studies conducted after 2020 could look into and its specific impact on the South Sudanese conflict. Moreover, considering elections articulated under the R-ARCSS's provisions, changes in how elections will be conducted during COVID may be of interest to note any altering dynamics. The study referred to implications of more inward-looking policies evidenced during Trump's administration in the US and governments' need to subsidise health sectors. Still, this variable would be better assessed over three or more years in existence.

Similarly, the R-ARCSS was only adopted in September 2018; at the time of writing and submission of this research report, the agreement had not reached its third year in existence, while the RTGoNU had been in effect for only one year. As such, the R-ARCSS' successes are yet to stand the test of time. Further, the methods chapter of this study referred to limitations of using secondary data analysis in academia; however, there is generally a gap between data that exists in literature and what is happening in South Sudan at present, with reports from

JMEC published after three months. Moreover, research on South Sudan remains limited, with only a handful of authors that have explored the R-ARCSS specifically and in detail.

### 6.3 Summary of Research Findings

Preliminary findings showed that South Sudan's history was conflictual, with Jok (2011) arguing that the country inherited poor infrastructure and limited governance capacities from political and economic exclusion by the North in Sudan. These observations suggest that the foundation for establishing an independent South Sudan was unfirm, and the modern-day intrastate conflicts are a testament to this argument. However, the multidimensions of the conflict have prompted scholars such as Vhumbunu (2018) to investigate additional causes of violence, such as grievances from corruption and underdevelopment.

Further findings from the existing literature showed that aspects of South Sudan's conflict fit into the greed versus grievance hypothesis, which presents factors that likely affect the outcome variable – conflict. Dissatisfactions from political exclusion were present, mainly in the varied Dinka-Nuer relations with power and opportunities. These dissatisfactions extend to the Bari and the Shilluk among other ethnic groups. Heightened conflict activity in oil-producing areas substantiated the greed-hypothesis' presupposition that this high primary commodity is used as a point of destabilisation and motivation for economic rewards for rebel groups.

It is against these existing findings that this study explored variables that enhance the R-ARCSS' potential to resolve the South Sudanese conflict. Conflict resolution processes proved complex. In South Sudan, peace accords have been brokered since 2011, but these agreements are characterised by periods of progress then regression to violence. In 2011, for instance, the GoSS reached an agreement with General George Athor, then SSDM/A leader, but when Kuol Chol Awan assumed leadership of the in 2012, this agreement was disregarded, and the resumption of armed battles annulled the agreement's terms (Gordon, 2014).

In a similar fashion, retrogression in conflict negotiations is associated with peace spoiling parties; for example, one faction of the SSLA rebel group consented to a ceasefire agreement with the GoSS in 2014, while another faction of the party rejected the deal, arguing that the decision was reached without their consultation (Kuich, 2011). Challenges in mediation processes also include factionalism within SPLM/A, the SPLMA-IO, and other political

parties; for instance, the emergence of the SSDM/A – Cobra faction in 2013 brought another party to the conflict, which also had to be included in conflict management negotiations.

Despite challenges, this research found that the R-ARCSS has brought significant accomplishments compared to other peace agreements. These achievements include reduced violence at the national scale, despite its sporadic occurrence as observed by Human Rights Watch (2020), the effectuation of the RTGoNU, inauguration of Riek Machar and four other vice presidents, including a female, and cantonment military forces. Further, the R-ARCSS proved to have high signatory rates of conflicting parties, reflecting higher bargaining power and efficacy in negotiating for this agreement. However, existing research critiques political objectives and intentions of complying with the provisions of the agreement.

In line with the above accomplishments, the study found evidence of progressiveness that is associated with the R-ARCSS' adoption and implementation of its provisions in South Sudan. In reference to the study's aims, the R-ARCSS' accommodationist aspects such as a six-member executive, a 35-member council of ministers and 550 MPs from different parties enhance allegiance. At regional and international levels, the R-ARCSS appears to have gained popularity as a viable framework for resolving the South Sudanese conflict, hence clashing opposition groups by the NSS under the pretext of protecting the agreement from spoilers (Ryan, 2019) seem justifiable and attract little criticism.

The study also found domestic political dynamics such as the opposition's reduced military capabilities, defections, and weak coalitions a key factor in reducing violence. However, the R-ARCSS' implementation has main shortcomings in instituting socio-economic justice reforms such as establishing EFMA, CTRH and the CRA, reducing its local buy-in. Results showed that the role of external players is evolving, with the Troika's active engagement gradually declining. UNMISS was reported to have plans to hand over some IDPs to the GoSS, while the US' special envoys to South Sudan were annexed (International Crisis Group, 2019), leaving domestic variables as more determinant of the R-ARCSS' successes.

### 6.4 Key Insights from the Analysis of Findings

In the broader perspective, this research aimed to provide comprehensive insights into South Sudan's peacebuilding and advance the existing knowledge on the topic. Such lessons will be

of assistance to practitioners, policymakers and academics on conflict management. In conducting this qualitative study, there were significant insights on conflict mediation by external role players. The first lesson derived from this study is that the successes of a peace agreement such as the R-ARCSS are determined by a number of variables such as the agreement's contents, which increases or decreases bargaining power.

Further, the study explored the role of the mediator or negotiator, who acts as a facilitator, with influence on negotiating processes but cannot make the final decision for the conflicting parties. It follows that the decision to adopt a peace agreements rests with local rather than international players. Therefore, the R-ARCSS' implementation framework must enhance the capacities of local players for longevity. Another lesson derived from South Sudan's case is that coordinated efforts among external players, especially the IGAD regional bloc, strengthen mediation efforts. In previous instances when Sudan and Uganda were actively involved in the South Sudanese conflict and brought military groups to back different sides of the conflict, mediation efforts retrogressed. Therefore, collaboration between local and international players will likely complement local efforts towards making the R-ARCSS more durable.

South Sudan's case also revealed the potential challenges of the 'winner takes all' election process since other political parties are automatically excluded. The economic and political exclusion was argued herein to beget violence; thus, players in conflict mediation may need to reconsider 'democratic governance' in post-conflict societies, especially when exclusivity threatens to regress efforts made towards establishing durable peace.

In line with the theoretical framework, MHS as an index of conflict mediation proved to be changeable. At the same time, 'ripeness' can occur several times, but its identification does not guarantee positive peace. In South Sudan's case, one could argue that conflicting parties perceived an MHS hence the signing of the CoHA of 2014; however, due to the changeability of this index, parties reverted to conflict when the deadlock subsided. In terms of ripeness, the signing of agreements such as the ARCSS and the CoHAs (2014; 2017) suggests 'ripe moments,' yet this index of Zartman's theory does not guarantee the durability of peace.

Overall, several insights can be derived from the South Sudanese case for improved practice in the country and elsewhere. Analyses that challenge imposing the 'winner takes all' type of elections provide insights that could revolutionise governance in post-conflict societies. Also,

IGAD's sustained role from negotiations for the R-ARCSS to monitoring its implementation could signal a required shift in international conflict mediation, which should, if capacities are evident, be led by regional organisations that are more familiar with the context and in proximity to directly manage peace processes.

### *6.4.1 Recommendations for Further Research*

To advance the purpose and findings of this research, I recommend that prospective researchers employ a multi-method encompassing both secondary research analysis and interviews with key stakeholders such as international experts, personnel from IGAD-member countries, civil society, and the people. This way, the research would be able to gain insights into perspectives of the R-ARCSS from various groups. Considering the identified shortcomings, an examination of this agreement after five or ten years may be useful in evaluating the durability of South Sudan's peacebuilding mechanisms.

## 6.5 Conclusion

This study presented factors that enable the R-ARCSS' successes and those that threaten its durability and potential to restore positive peace in South Sudan. In line with analyses of authors such as Schneider (2006) and Ylönen (2016), peace processes must prioritise local-buy in since over prioritising power-sharing provisions proved deficient in the ARCSS' case. This thesis presented that while economic motivations are key in incentivising conflict behaviours, grievances also beget violence. Yet, several peace processes exclude ordinary citizens, engaging mainly with political and military parties. I conclude that with limited local ownership, coupled with the threat of winner-takes-all elections after the RTGoNU phase, the ARCSS may fall into the pitfalls of preceding agreements. The R-ARCSS, therefore, should serve as a guiding framework that is adaptable to necessary amendments in case the articulated provisos require modifications to guarantee a return to durable peace.

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