

THE POLITICAL ANALYSIS OF THE R-ARCSS 2018, ON POWER SHARINGS

Acwanyo Adam Thabo, *Upper Nile University, Juba, South Sudan.*

Abstract

The paper investigates and analyses the Revitalized Agreement for the Resolution of the Conflict in South Sudan(R-ARCSS) which was signed on September, 12th 2018, Addis Ababa, Ethiopia. The agreement contains eight chapters and four annex, the paper focuses in analyzing the powers sharing chapter, which emphasizes a lot on power-sharing of different partners and signatories of the agreement including governmental, political parties among others, sharing of powers in percentage which SPLM/A (ITGONU) 55%, SPLM/A (IO)27%, SSOA= 10%, OPP= 8%, FDs= (0%), and participation of women's should not be less than 35% in all governance level. It approximately (4,505) positions, headlined by president and five vice president, National Council of Ministers, National legislation Assembly and states governments, some was formed as government of transitional" period from all signatories, based on inclusivity. The parties also recognizes that Federal system of government is popular demand of people of South Sudan and democratic system of government within the permanent constitution-making process, and all this percentages will be dissolve after the interim period of three years started in 2018 and election should be done in 2021 . The chapter two is facing key tasks prior to the government's formation would be training and unifying a new national army from among the armed groups and resolving the disputes over the number and boundaries of states to pave the way for local power sharing.

In addition, the paper illustrates, observations, challenges and recommendation which may contribute on efforts of other scholars in the same filed of political analyses and issues related to power sharing in the region.

The below table show figures of political positions of R-ARCSS.

S/N	INSTITUTIONS	FIGURES	IG	IO	SSOA	OPP	FDs	IGAD	COS	W	Y
1	Presidency	0,006	3	1	1	0	1	---	---	-	-
2	Presidential Advisers	0,003	--	--	--	--	--	----	---	-	-
3	National Ministers	0,035	20	9	3	1	2	----	---	-	-
4	Deputy Ministers	0,010	5	3	1	1	---	----	---	-	-
5	TNL	0,550	332	128	50	30	10	---	---	-	-
6	Judiciary	0,012	5	2	1	1	1	2	---	-	-
7	NCAC	0,015	5	2	1	1	1	2	1	1	1
8	National Commissions	0,020	---	---	---	---	---	---	---	-	-
9	States Governors	0,010	6	3	1	---	---	----	---	-	-
10	Deputy States Governors	0,010	3	3	1	3	---	---	---	-	-
11	States Councils of Ministers	0,170	90	50	20	10	---	---	---	-	-
12	States Advisers	0,050	30	10	10	---	---	---	---	-	-
13	SLA	0,710	390	190	70	60	---	----	---	-	-
14	Counties Commissioners	0,079	42	22	9	6	---	---	---	-	-
15	Counties Councils	2,765	1501	711	316	237	---	----	---	-	-
16	States Chair Commissions	0,060	30	20	10	---	---	---	---	-	-
Total	16 Institutions	4,505	2462	1154	494	350	15	4	1	1	1

Introduction:

On 7 July, Bashir, Kiir and Machar flew to Entebbe, Uganda to meet with Museveni, hoping to agree on the final terms of the power-sharing deal. The deal initially had a first vice president (Machar) and three vice presidents, two from the incumbent government (which would allow Taban and the other current vice president, James Wani Igga, to stay in office) and a woman from the South Sudan Opposition Alliance, an assembly of smaller groups which formed after the collapse of the first peace deal in 2016.¹ Machar reportedly demanded that Taban be barred from serving in a future government and that the agreement resolve the contentious issue of state boundaries in South Sudan.

At times during the talks, Bashir, Kiir, Machar and Museveni reportedly were the only people in the room, prompting protests from the Opposition Alliance and other groups.² After returning to Khartoum, the mediators eventually settled on appointing Machar as first vice president and designating four other vice presidents, with the government nominating two and the Opposition Alliance a third. An SPLM splinter called the Former Detainees would name the fourth vice president, who is to be a woman. The tacit understanding in the government was that Rebecca Garang, the widow of SPLM/A founder John Garang, would serve in that role.³

¹ - Crisis Group interviews, Sudanese and South Sudanese officials, July 2018

² - "SSOA Press Release on the Entebbe Proposal on Governance", South Sudan Opposition Alliance, 8 July 2018 (hard copy on file with Crisis Group).

³ - The SPLM-Leaders/Formers Detainees group are senior South Sudanese politicians and security officials imprisoned at the beginning of the civil war. They include Pagan Amum Okech, General Oyay Deng, General Gier Choung Aloung, Dr Majak D'Agoot, John Luk Jok, Dr Cirino Hiteng, Deng Alor Kuol, General Madut Biar and Kosti Manibe. Previous members include Ambassador Ezekiel Lul Gatkouth (now petroleum minister), who joined the SPLM/A-IO in 2014 and is part of Taban's faction, and Chol Tong Mayay, who rejoined the ruling SPLM in 2016 and is now ambassador to Russia. For more on the dismissal of most Former Detainees from their official positions, their subsequent arrest and eventual release, as well as their role in the IGAD talks, see Crisis Group Africa Report N°217, *South Sudan: A Civil War by Any Other Name*, 10 April 2014. For more on their current disunity, see Crisis Group Report, *South Sudan: Rearranging the Chessboard*, op. cit.

IGAD had initially agreed that the talks to finalise the accords would move to Nairobi, but Bashir decided to keep them in the Sudanese capital. (His success in doing so frustrated the Kenyan government, though some diplomats privately questioned whether it was prepared to take up the mediation role.^{38⁴}) The Sudanese negotiators moved to graft the newly brokered understandings onto the 2015 peace deal: the result is known as the Revitalised – Agreement for the Resolution of the Conflict in South Sudan, or R-ARCSS.

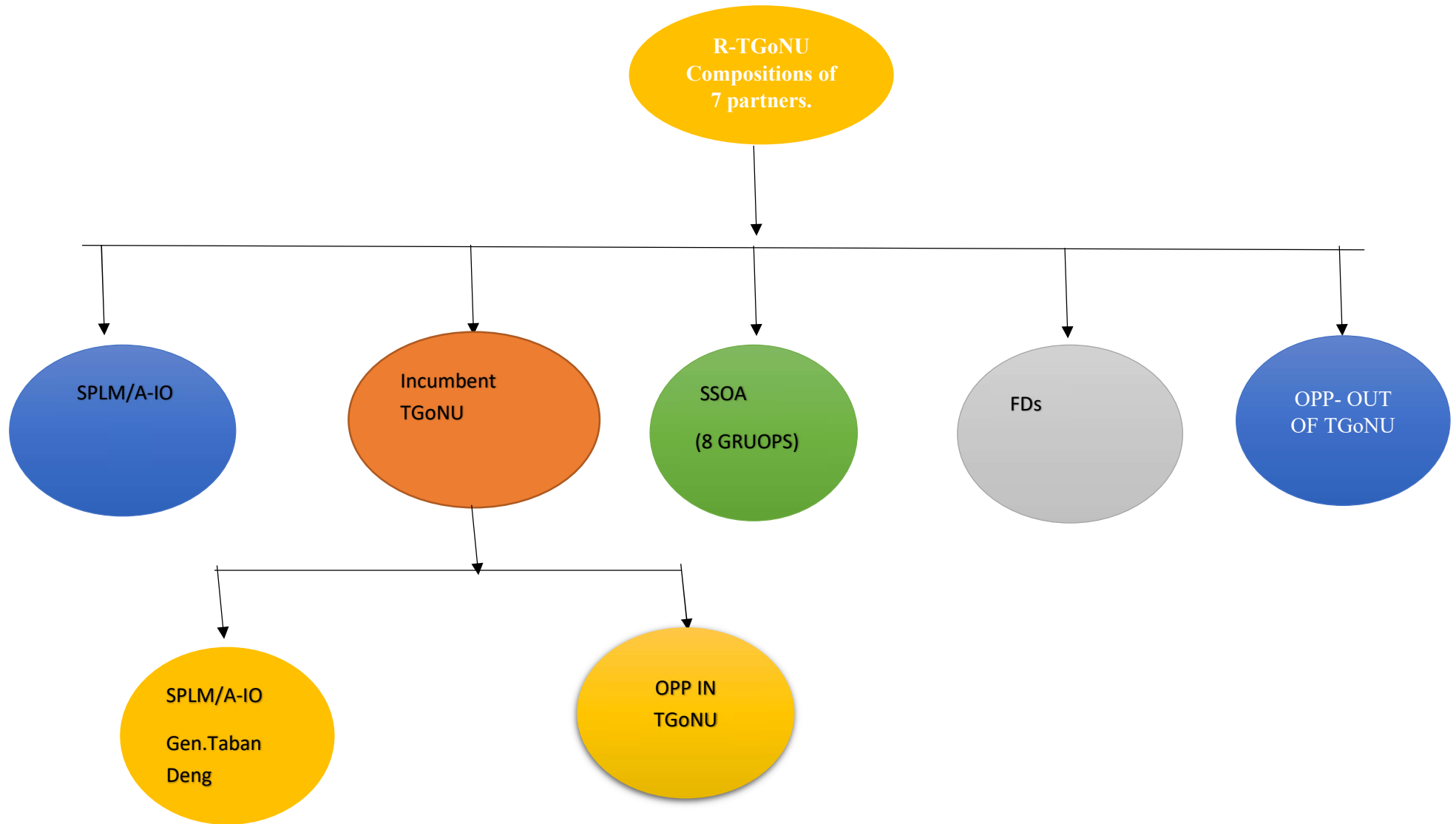
Goal:

- 1- Analyzing the powers sharing between signatories of R-ARCSS.
- 2- Dissemination the contents of chapter one in the R-ARCSS.
- 3- Fine-out the challenges the R-ARCSS.

Objective:

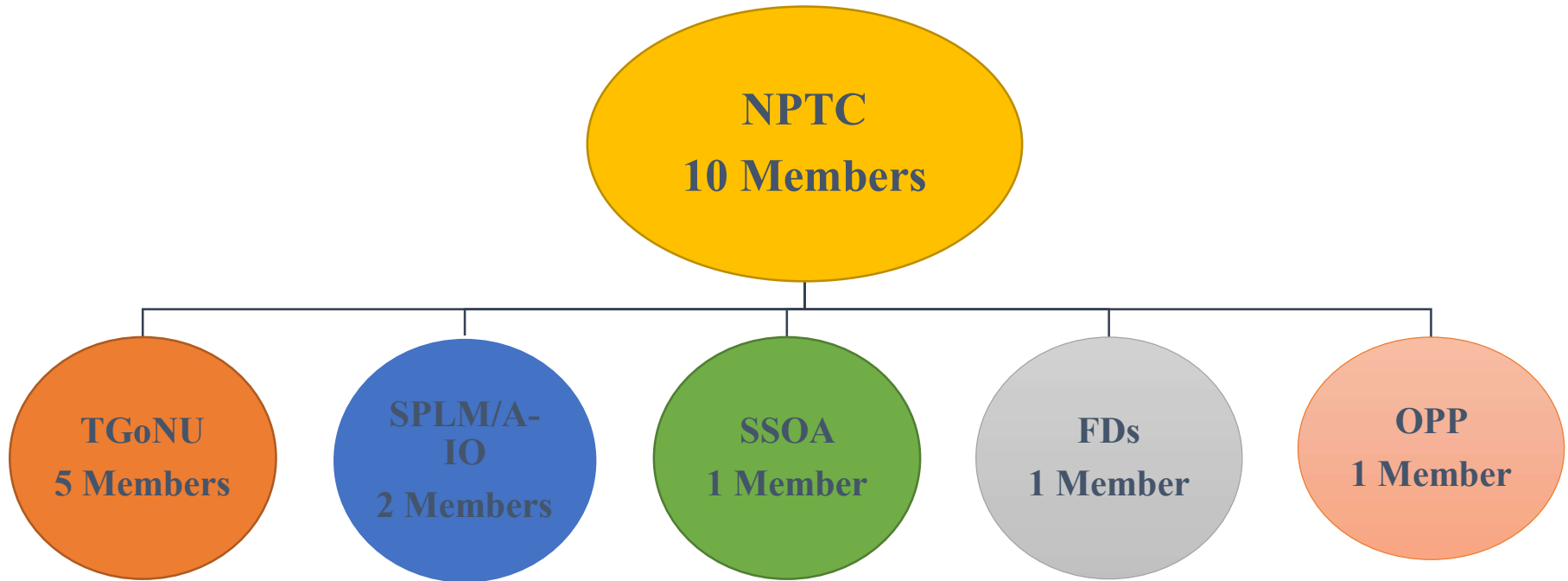
Dissemination of R-ARCSS Chapter one.

⁴- Crisis Group analyst's interviews in a previous capacity, senior Western officials, 2018.



⁵ - RJMEC Secretariat, 2018, Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, chapter one, Art-1.3.1, page 4.

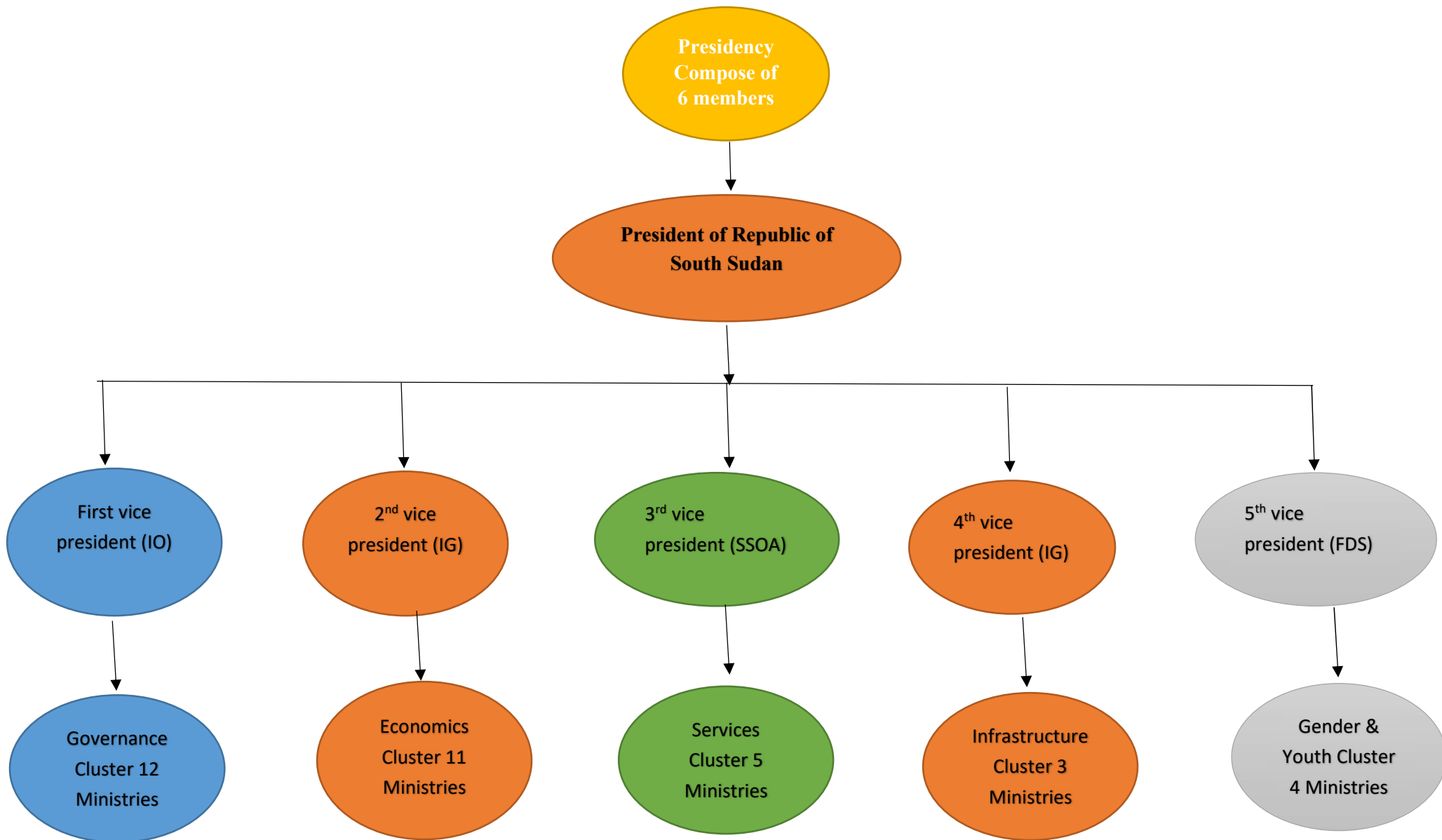
2-National Pre-transitional committees (NPTC)⁶



The September 2018 signing ceremony in Addis Ababa started the clock on an eight-month “pre-transitional” period before the unity government’s formation, was formed in 2019, and their time was extended for another 8 month till 2020.

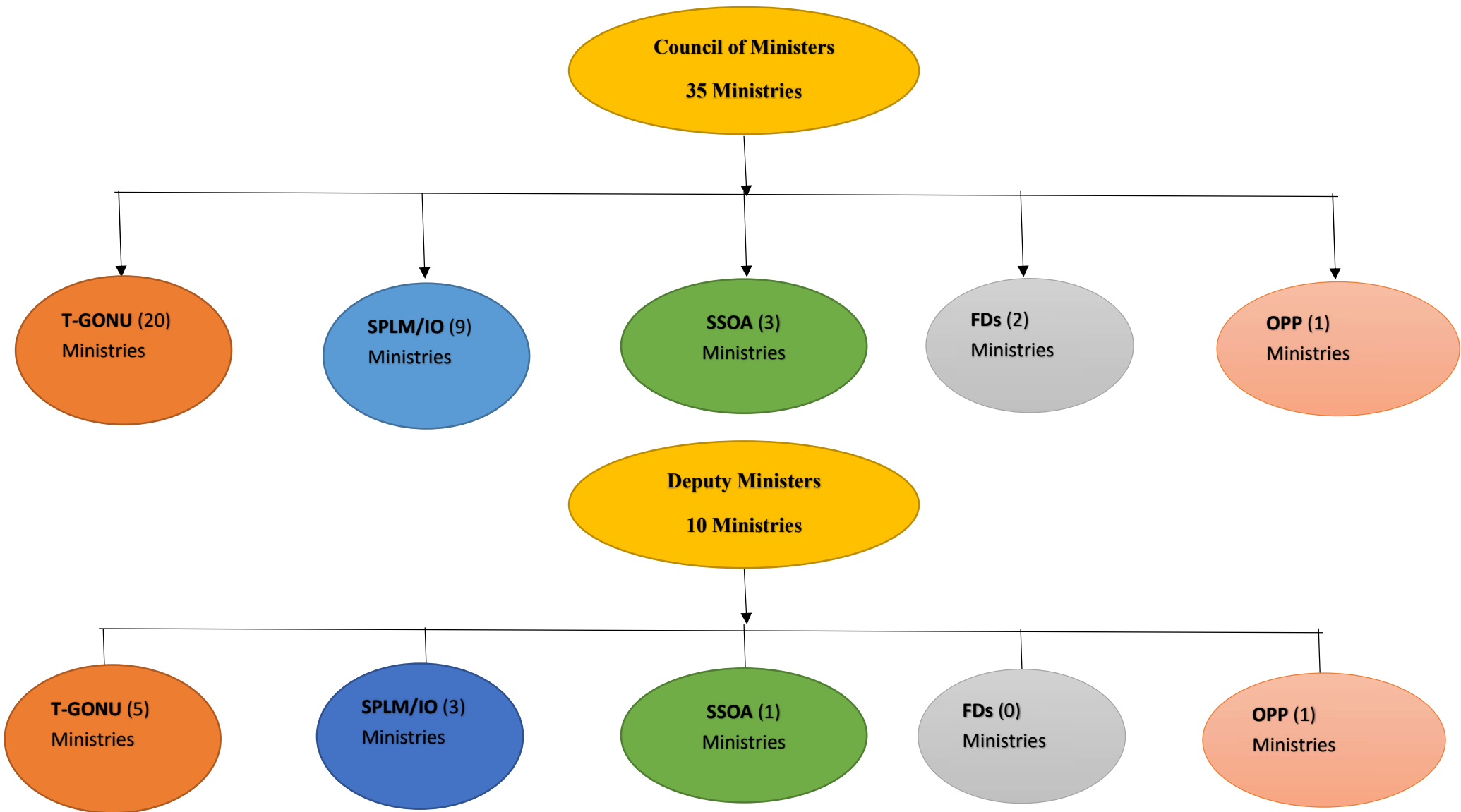
⁶- RJMEC Secretariat, 2018, Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, chapter one, Art-1.4.7., page 4.

3-Structure of the Executive of the R-TGONU Presidency⁷



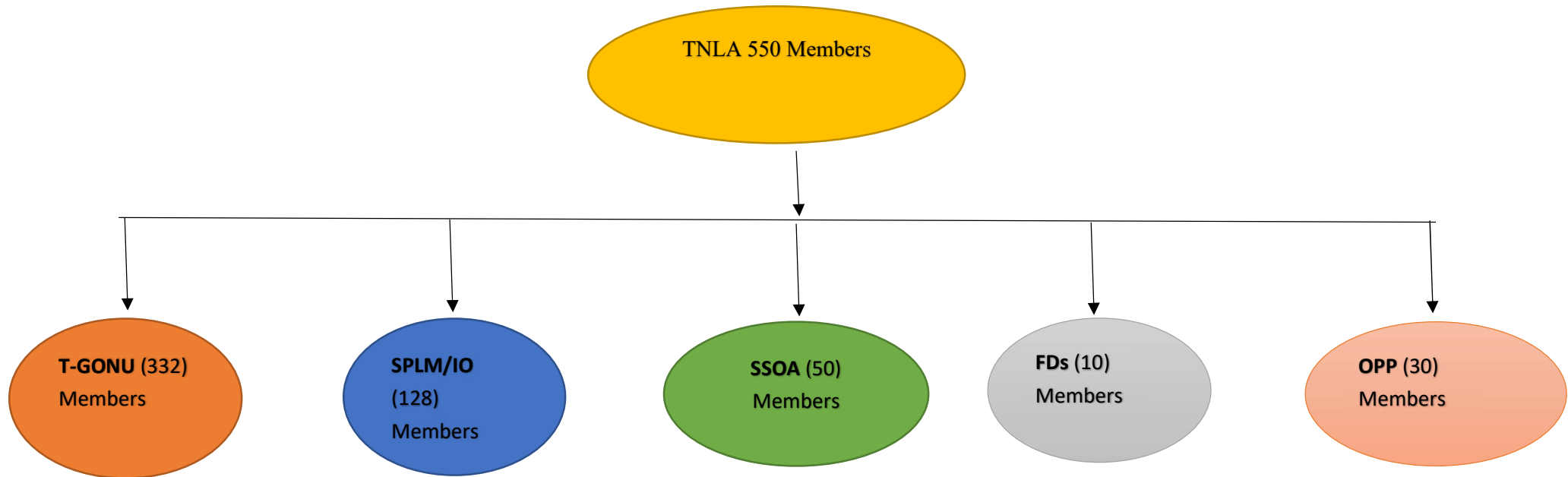
⁷- RJMEC Secretariat, 2018, Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, chapter one, Art-1.5., page 7.

4-Structure of the Executive of the Council of Ministers⁸



⁸- RJMEC Secretariat, 2018, Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, chapter one, Art-1.10.7, page 16-17.

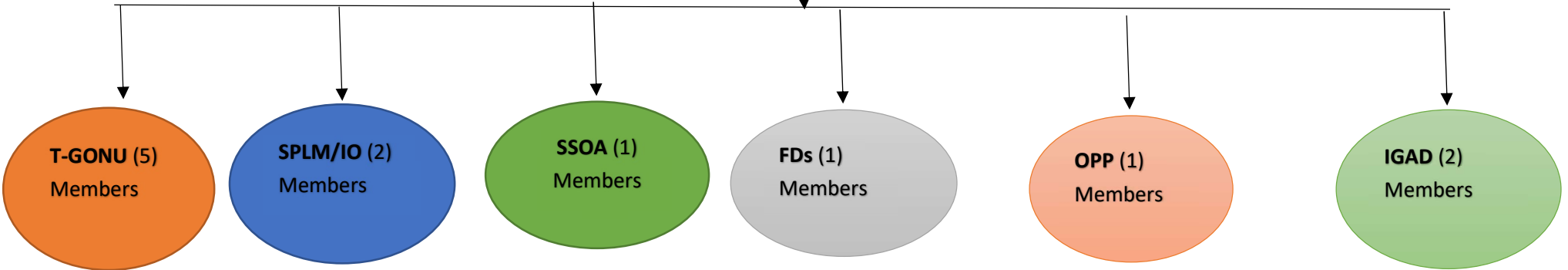
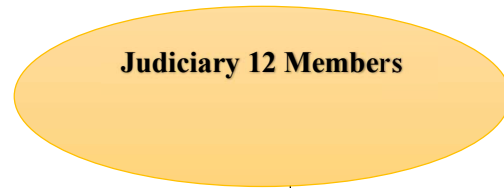
5- Structure of the TNLA and Council of States⁹



in the Agreement on the Resolution of the Conflict in the Republic of South Sudan 17 August 2015, the Transitional National Legislative Assembly (TNLA), comprising of four hundred (400) members, including the prior three hundred and thirty two (332) members elected 2010, and an additional sixty-eight (68) representatives appointed according to the following criteria: (South Sudan Armed Opposition: fifty (50) members; Former Detainees: one (1) member; Other Political Parties: seventeen (17) members.

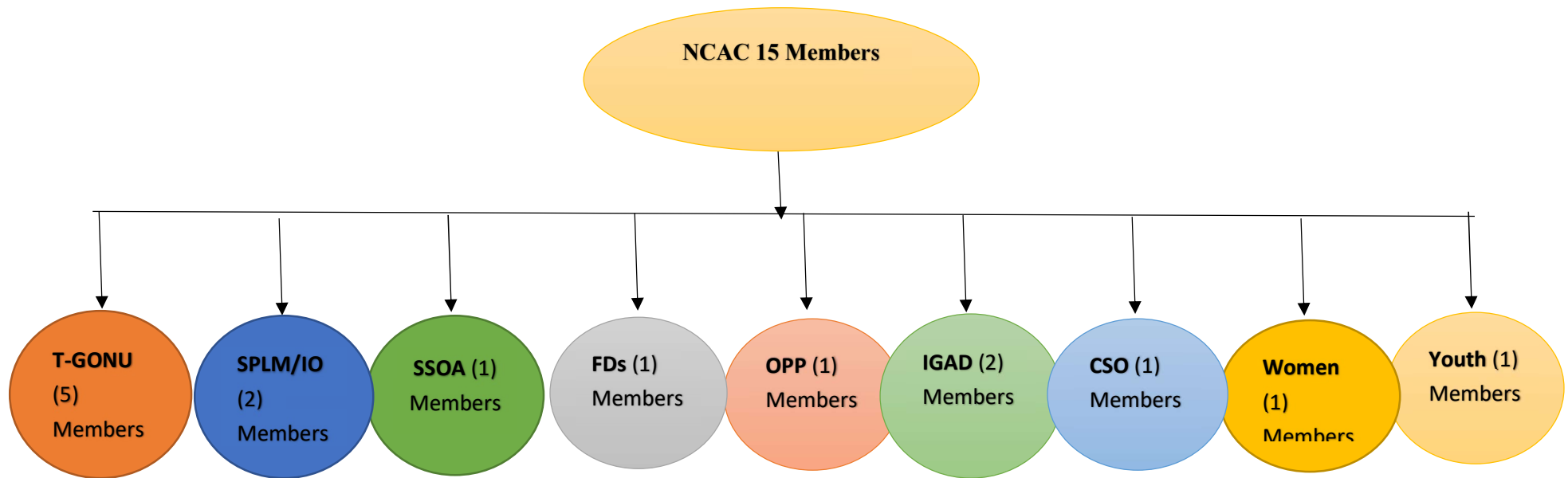
But in Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS), The TNLA is composed of 550 members, there is addition of 150 members.

⁹- RJMEC Secretariat, 2018, Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, chapter one, Art-1.14., page 20.



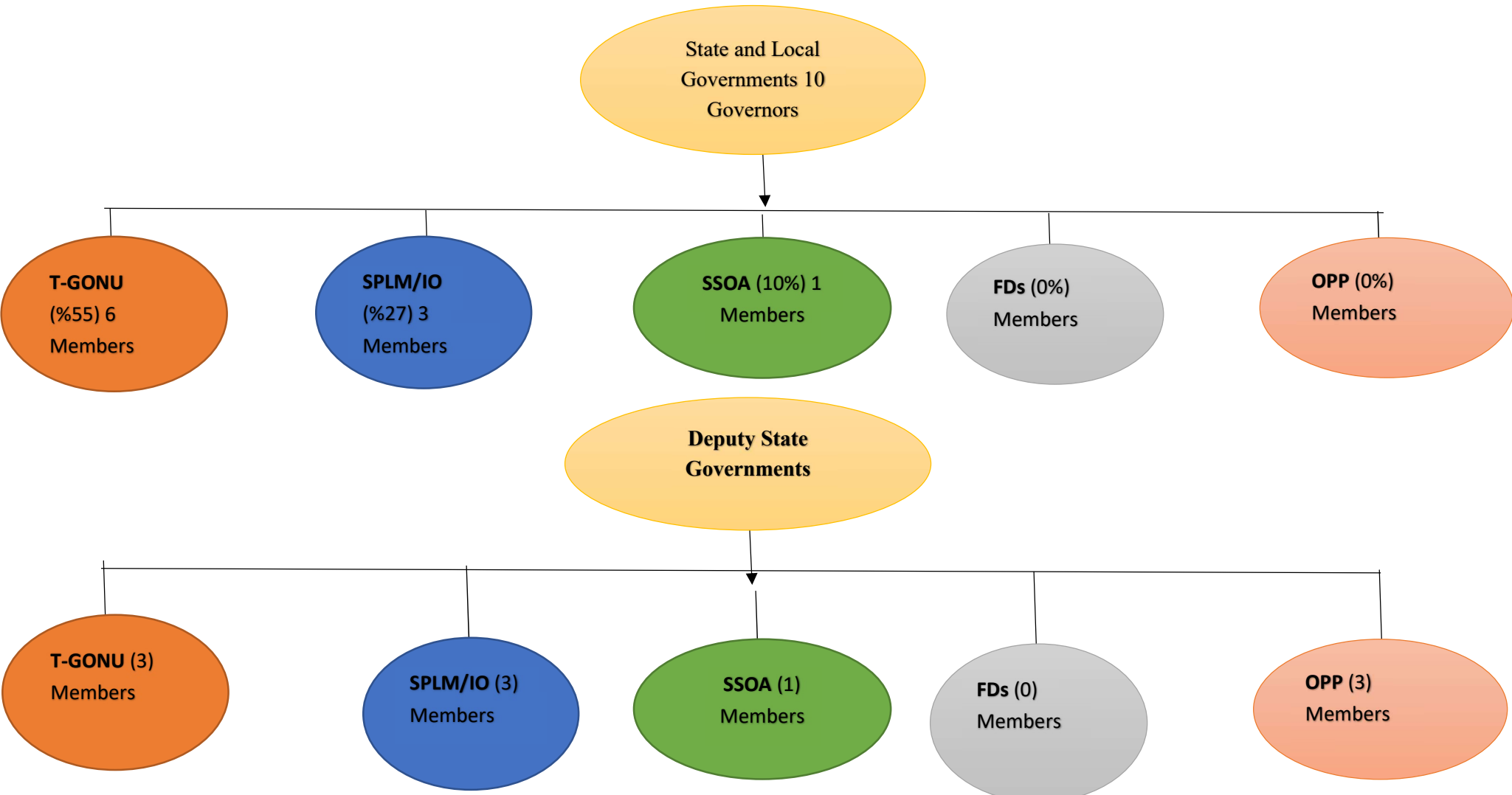
¹⁰- RJMEC Secretariat, 2018, Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, chapter one, Art-1.17., page 25.

7- National Constitutional Amendment Committee¹¹



There is disagreement among the members of the committee, concerning the power of the president, in the interim constitution of the Republic of South Sudan 2011, article (101) Put most the powers on hand of President of the Republic, but these time the some members have different opinion that the power of the president should be review, some members especially from the ruling party SPLM rejected the proposal.

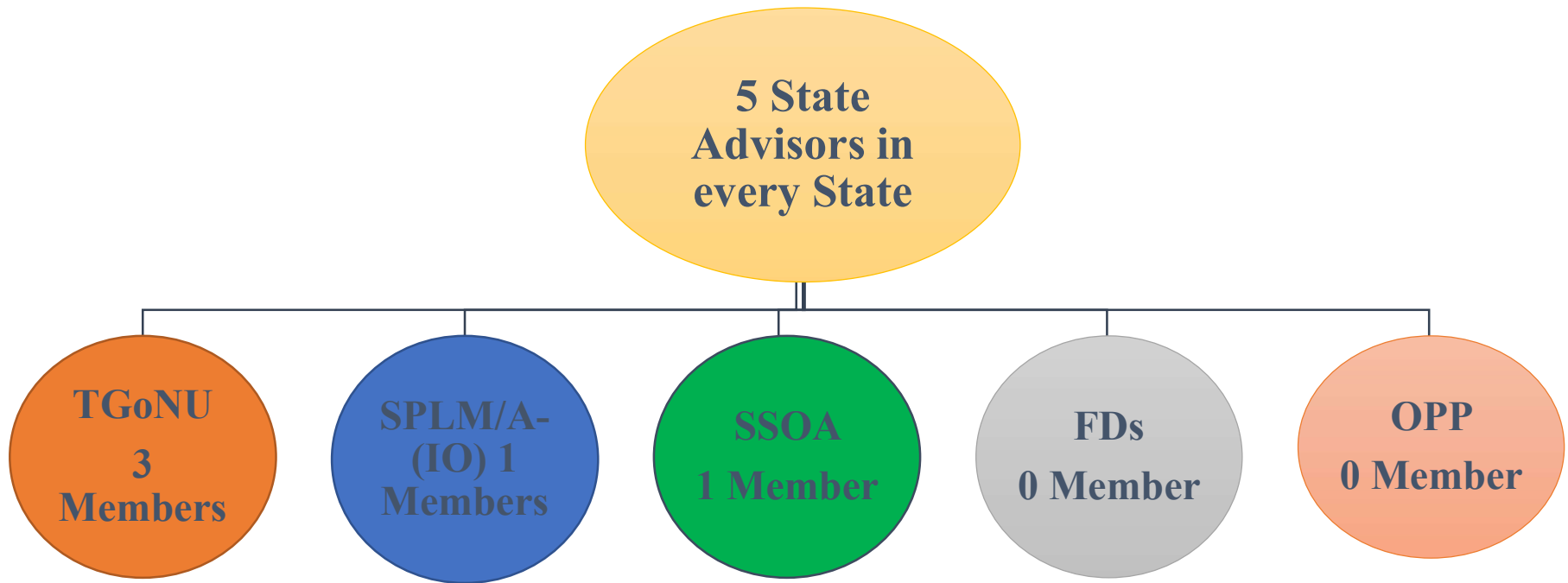
¹¹- - RJMEC Secretariat, 2018, Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, chapter one, Art-1.18.4, page 27.



¹²- High-Level Committee for the Establishment of State and Local Government Structures and Responsibility Sharing, oct 27,2020, Juba, South Sudan.page 5.

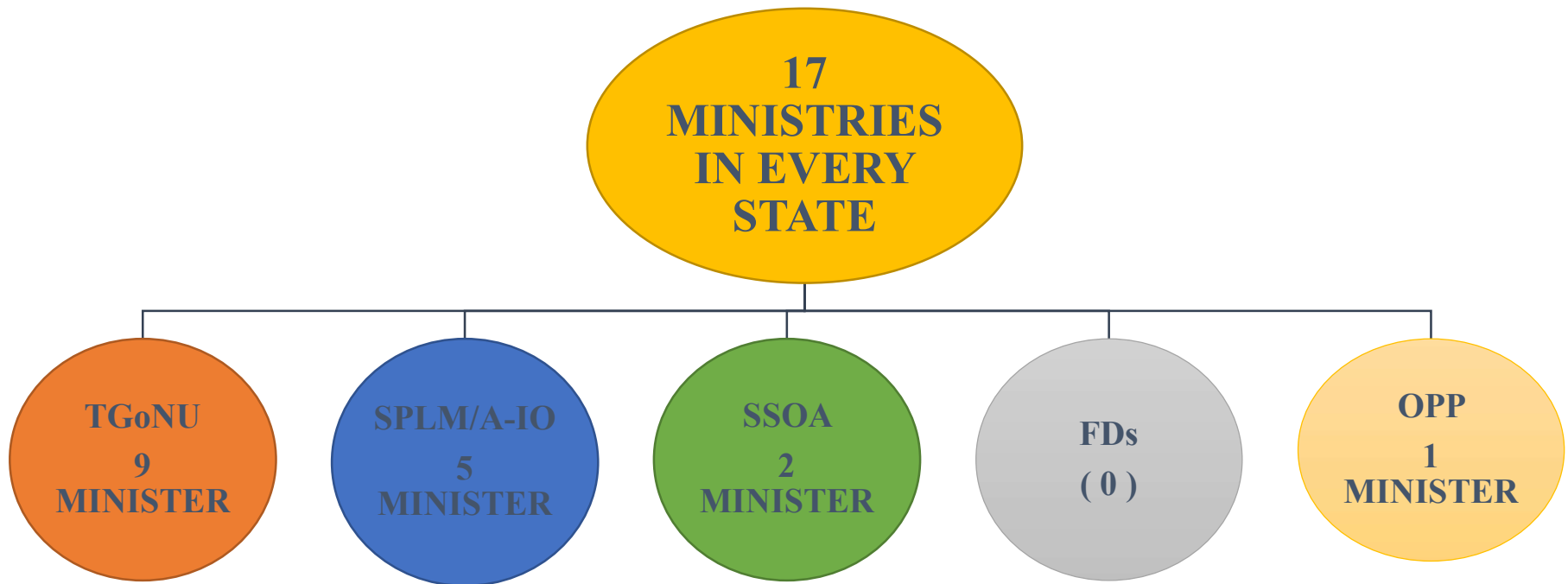
In the governors positions the incumbent SPLM (TGUN) should have five governors, SPLM/A-IO three, South Sudan Opposition Alliance (SSOA) one, Other Political Parties (OPP) should have one governor seat, but OPP give their governor seat to SPLM-Incumbent, because of their agreement with SPLM-incumbent, they accept to be given three deputy governors instead of tow deputy with (0% in governor position).

8- STATE ADVISORS¹³



¹³- High-Level Committee for the Establishment of State and Local Government Structures and Responsibility Sharing, oct 27,2020, Juba, South Sudan.page 5.

10-STATE COUNCIL OF MINISTERS¹⁴



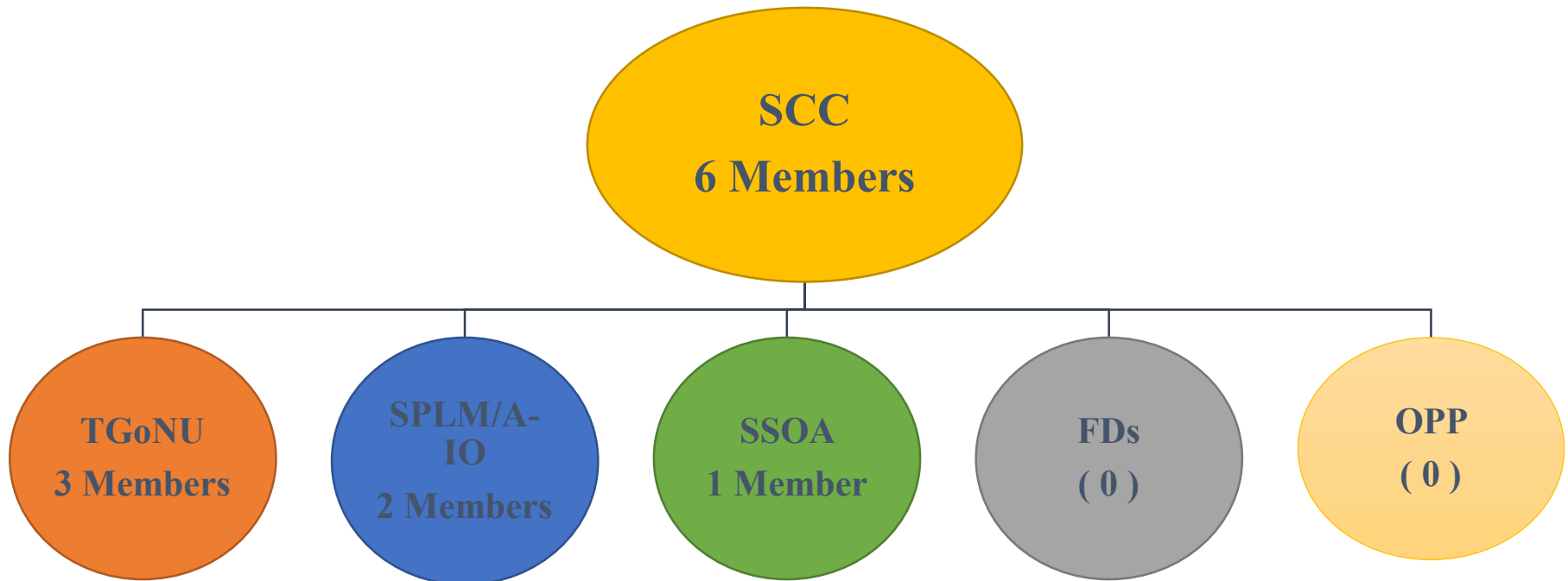
The observation is that the States Council of Ministers is composed of TGoNU, SPLM/A-IO, SSOA, OPP, but FDs don't have minister in the state based on the above picture, but according to the R-ARCSS 2018, article 1.16.5 (the FDs shall have three state ministers in states of their choice that shall be deducted from the opposition ratio).

¹⁴- High-Level Committee for the Establishment of State and Local Government Structures and Responsibility Sharing, oct 27,2020, Juba, South Sudan. page 6.

Summary table of 170 States Ministers in South Sudan

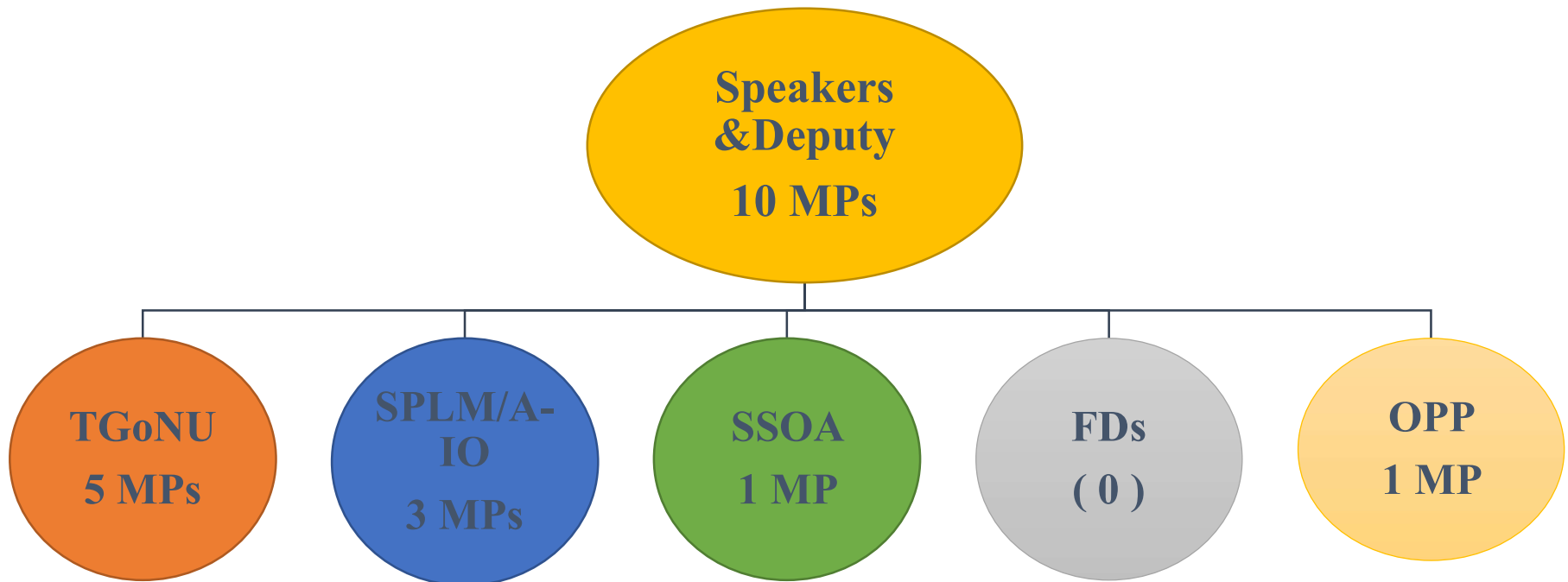
S/N	States	No. Ministers	TGoNU	SPLM/IO	SSOA	OPP	FDs
1	CES	17	9	5	2	1	0
2	EES	17	9	5	2	1	0
3	WES	17	9	5	2	1	0
4	Jonglei S	17	9	5	2	1	0
5	Unity .S.	17	9	5	2	1	0
6	UNS	17	9	5	2	1	0
7	Lakes. S	17	9	5	2	1	0
8	NBS	17	9	5	2	1	0
9	WBS	17	9	5	2	1	0
10	Warrap.S.	17	9	5	2	1	0
Total	10 States	170 Ministers	90	50	20	10	0

11-The State Chairpersons of Commissions¹⁵



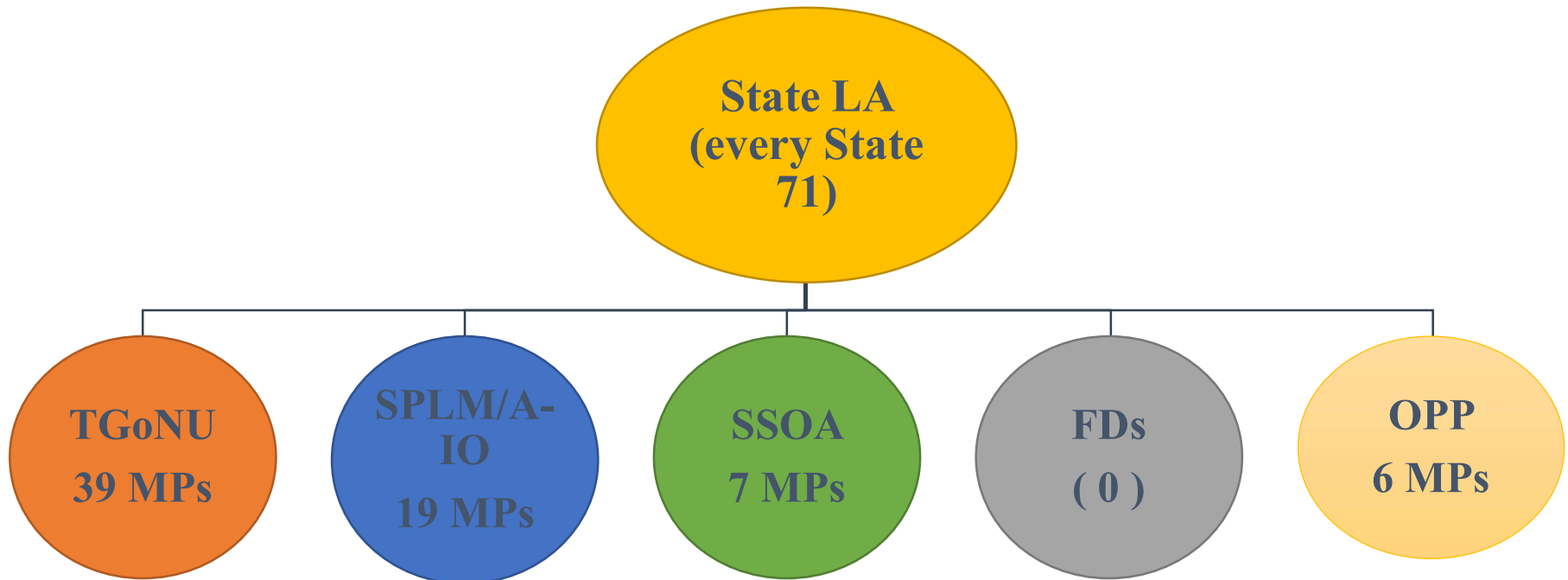
¹⁵- High-Level Committee for the Establishment of State and Local Government Structures and Responsibility Sharing, oct 27,2020, Juba, South Sudan.page7.

12-Speakers and Deputy Speakers of States¹⁶.



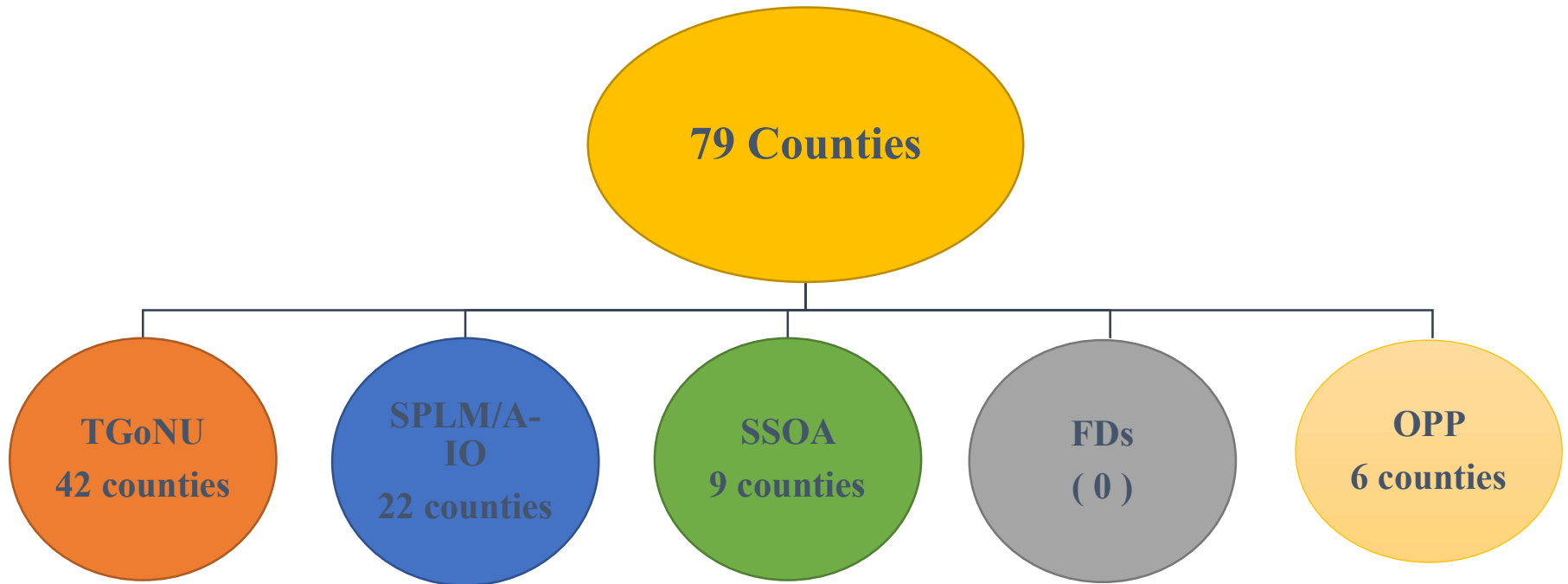
¹⁶ - High-Level Committee for the Establishment of State and Local Government Structures and Responsibility Sharing, oct 27,2020, Juba, South Sudan.page 9

13-Membres of State Legislative Assembly¹⁷



¹⁷- High-Level Committee for the Establishment of State and Local Government Structures and Responsibility Sharing, oct 27,2020, Juba, South Sudan.page 13.

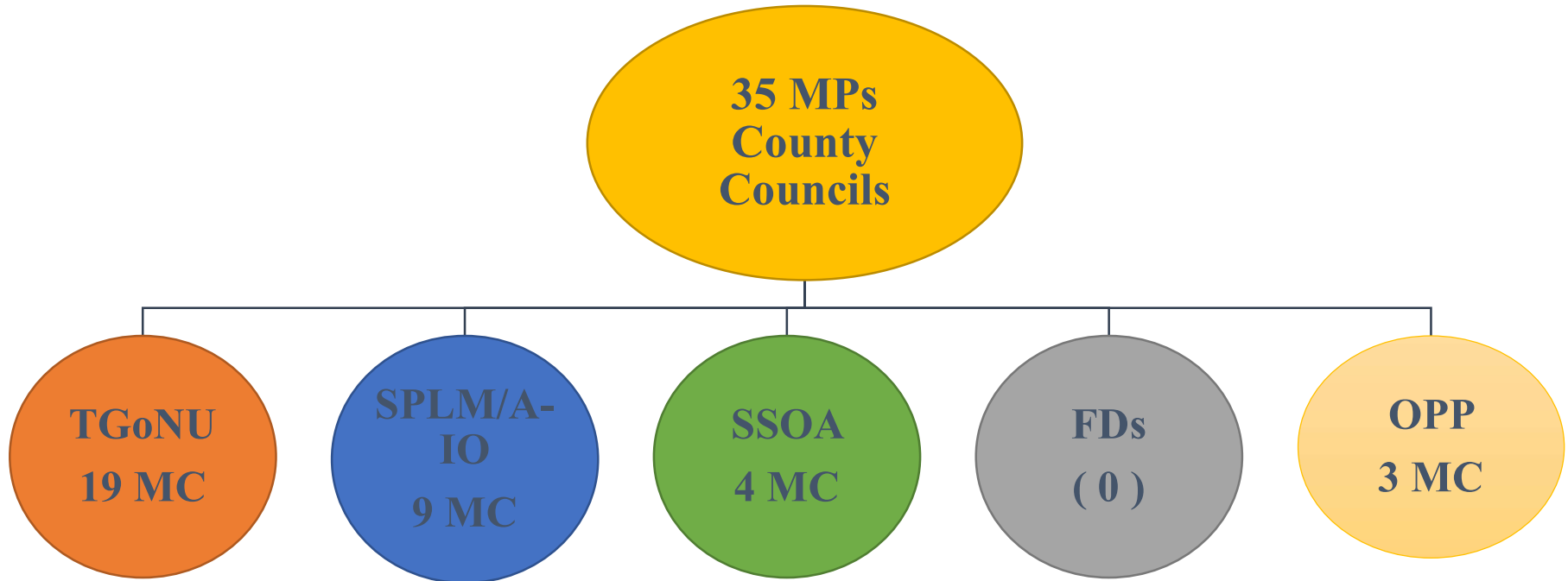
14-The Sharing of Counties in all Ten States of South Sudan



Summary table of 79 Counties in South Sudan

S/N	States	No. Counties	TGoNU	SPLM/IO	SSOA	OPP	FDs
1	CE	6	3	2	1	0	0
2	EE	8	4	2	1	1	0
3	WE	10	5	3	1	1	0
4	Jonglei	11	6	3	1	1	0
5	Unity+R	9	5	2	1	1	0
6	UN	13	7	4	1	1	0
7	Lakes	8	4	2	1	1	0
8	NB	5	3	1	1	0	0
9	WB	3	2	1	0	0	0
10	Warrap	6	3	2	1	0	0
Total	10 States	79 Counties	42	22	9	6	0

15-Counties Councils¹⁸

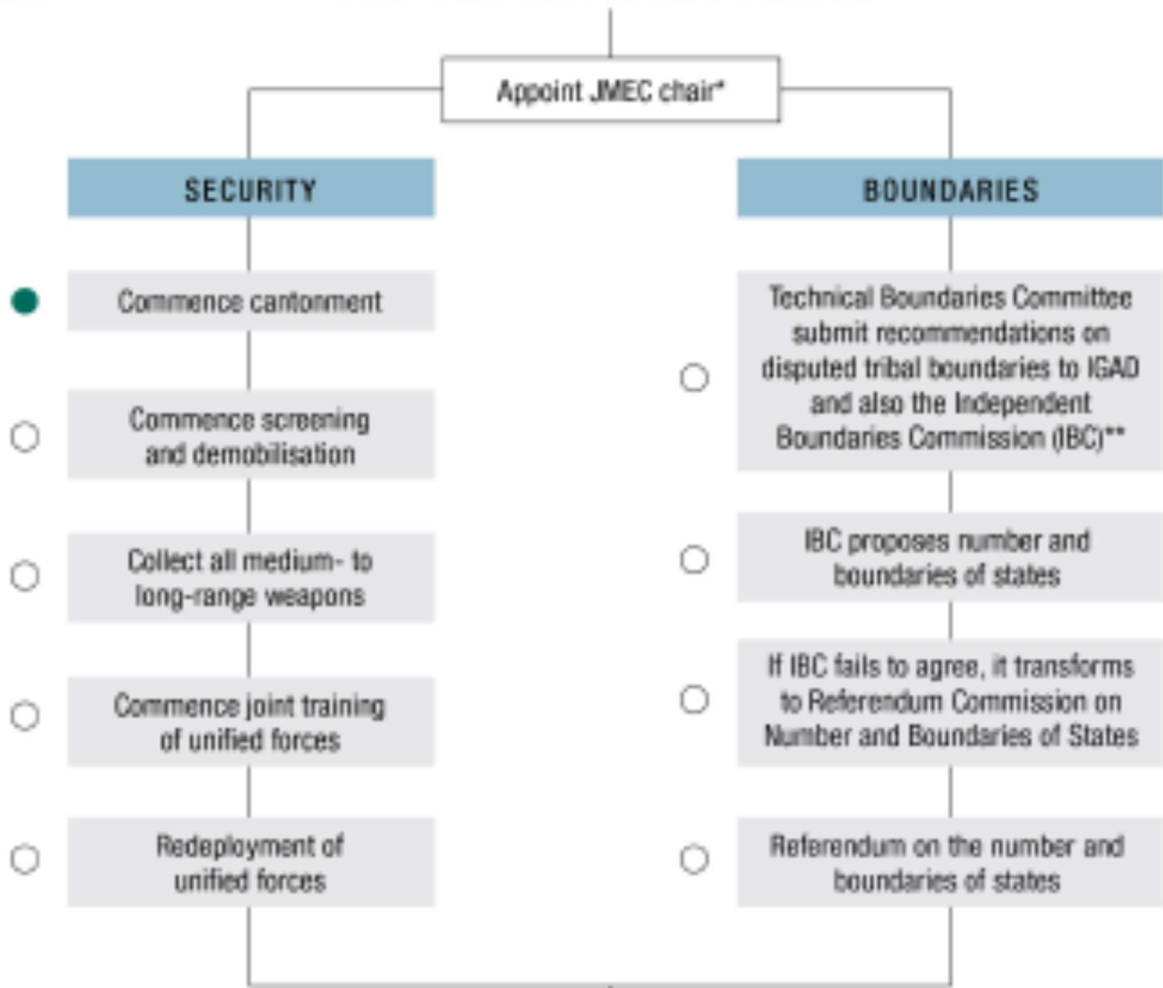


¹⁸- High-Level Committee for the Establishment of State and Local Government Structures and Responsibility Sharing, oct 27,2020, Juba, South Sudan.page 22.

Unity Government

12 September 2018

PRE-TRANSITIONAL PERIOD



END OF PRE-TRANSITIONAL PERIOD

Establish new states and local power-sharing Establish national power-sharing government

12 May 2019

START OF TRANSITIONAL PERIOD

● Some movement to cantonment but sites not officially opened ○ Not commenced

* JMEC chair not yet appointed

** IBC not yet formed

Challenges:

-The failures to build an inclusive democratic state, resulting in face-saving settlements and various power-sharing arrangements between the government and various political and military elites, which have been later dishonored, have always led to another cycle of violence.

-Historically, political agreements have excluded non-violent resistance movements while rewarding armed resistance groups, leading to an inability or unwillingness to disarm, demilitarize and reintegrate armed militias; a national tendency to recycle old guards into the new political dispensation;

-The failure to democratize the political space with national citizenship and an inclusive framework to manage diverse populations within a unified nation.

-Lastly, South Sudan has also suffered from failures of leadership that was capable to deliver socio-economic development to address the fundamental problems of poverty and underdevelopment.

-UNMISS and its predecessor UNMIS have, however, been repeatedly criticized for inaction in the face of successive violent crises over the years to prevent the war before it occurs between warring parties.

Observations:

-While the road ahead offers opportunities, there are also real obstacles that will require political adaptability, patience and the ability to silence the gun-wielding class to give peace a chance to succeed.

-The country's population, simply pressing the parties to form an all political institutions of unity and states government is a strategy that could backfire if that government's foundation is so shaky that it cannot stand.

- The R-ARCSS, it ended the proxy conflict between Sudan and Uganda; and put in place a ceasefire between the GRSS and SPLA-IO which has held (and brought with it other tangible benefits such as increased movement of people and trade and delivery of humanitarian aid).

-R-ARCSS, provided some protected space for political dialogue involving not only the principal parties but smaller parties and civil society and allowed for time to find creative solutions to irresolvable political differences.

-South Sudan's centralized power structure, which requires unity governments that in turn are at constant risk of collapse and infighting. A feasible solution would provide an exit from the "king of the hill" war between Kiir's and Machar's. It would also need to accommodate the many other

groups that have taken up arms to protect themselves from the political center. It is difficult to envision a more stable South Sudanese future that does not include significant devolution of power to subnational units and an end to manipulation of traditional ethnic boundaries.

- Oil revenues, which South Sudanese and their friends hoped would fund the new country's development, have instead become an obstacle to peace. South Sudan's leaders are able to siphon off huge amounts of money even as international actors.
- The Other Political Parties (OPP), they in internal conflicts, because head of delegation take all their seats to his party alone which is South Sudan Party.

Conclusions:

There are many outstanding questions in South Sudan that can be addressed. It is impractical to expect these issues to be settled, but it is possible to minimize the risks of regression (the breakdown of the ceasefire and a return to war) and it is feasible to move forward on crucial chapters, as outlined in the previous section. Insofar as the internationals want to signal their discontent with the parties' lack of good faith and their determination to see a better outcome for the South Sudanese people, they are advised to apply pressure on resolving the key issues, rather than applying pressure on the deadline.

Currently, the single most important concern is maintaining the ceasefire in South Sudan: a slow political process is far preferable to a return to war. A close second is maintaining forward motion in addressing the host of governance issues facing the country; continued discussion is better than a lurch into authoritarianism.

International diplomatic practice in South Sudan has, for the most part, pragmatically adopted operating procedures that take account of the disorderly nature of South Sudanese politics. However, we argue that such practice would be more effective if it were informed by a vocabulary and framework that enables a more structured understanding of the benefits, as well as the downsides of delay.

Recommendations:

- 1) Respect and immediate ceasefire, and unify troops must be graduate to take security of town and demobilization of civilian soldiers deployed by the insurgent army.
- 2) The formation of incomplete Government institutions of National Unity (NLA, commissions) States level and Governor of Upper Nile State.

- 3) The signatories should declaring starting, A Three-years interim period not the period starting in 2018; and through signatories, so the elections to be held in July 2021, South Sudanese would vote for the new president of the Republic of Sudan.
- 4- International and Regional community should put more efforts to South Sudan's peace process should respond creatively to the delay in forming the Transitional Government of National Unity (TGNU).
- 5) Create a new mediation process for Thomas Cirillo while pressuring both the South Sudanese government and Cirillo to recommit to the December 2017 cessation of hostilities agreement. This political dialogue should seek to address the legitimate grievances of Cirillo's main constituents in the Equatoria region. The peace deal is not comprehensive and should be open to amendment in order to bring other actors like Cirillo in.
- 6) Coordinate with an empowered new JMEC chair and intervene with high-level diplomacy to stave off the breakdown of the process at critical junctures. Such sustained, high-level engagement also would help build donor confidence in IGAD's commitment to the peace process.

References:

- 1- - RJMEC Secretariat, (2018), Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, Addis Ababa, Ethiopia.
- 2- - High-Level Committee for the Establishment of State and Local Government Structures and Responsibility Sharing, (oct 27, 2020), Juba, South Sudan.
- 3- JMEC, (17 August 2015), Agreement on the Resolution of the Conflict in the Republic of South Sudan, Addis Ababa, Ethiopia.
- 4- Peter Adwok Nyaba, (2019), South Sudan, Elites, Ethnicity, Endless Wars and the Stunted State.
- 5- Johnson, Douglas H. (2010), When Boundaries Become Borders, The Impact of Boundary-making in Southern Sudan's Frontier Zones. Rift Valley Institute. Pg. 22
- 6- "Sudan: History of a Broken Land."(4 Jan. 2011), AJE - Al Jazeera English. Web. 16July2011.<<http://english.aljazeera.net/programmes/general/2011/01/20111413412821212.html>>.
- 7- Deng, Francis M. (2006), "Sudan: A Nation in Turbulent Search of Itself." The ANNALS of the American Academy of Political and Social Science 603.(1) 155-62. Pg. 156.
- 8- International Crisis Groups, (13 March 2019), Salvaging South Sudan's Fragile Peace Deal, Africa Report N°270.
- 9- James Okuk, (2019). Peace of South Sudan and Revitalization, Nairobi- Kenya, the Catholic University of Eastern Africa.

- 10- Aleyomi, M. B. (2013) Intra-Party Conflicts in South Sudan: The Case Study of Peoples Democratic Party (PDP) *Journal of Sustainable Development in Africa*, 15(4): pp. 281, 296.