Examining the Prospects of Consociational Power-Sharing as a Conflict Resolution Strategy in South Sudan

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ABSTRACT

South Sudan has not escaped the world's attention even after the signing of the infamous Revitalized Peace Agreement in September 2018 that, for the 12th time, brought the two antagonists –Kiir and Dr. Machar, to the negotiation table since the conflict began in 2013. Even with the aura of a shaky peace, the main question is whether the new Agreement will stand the test of time, going on the history of the failed implementation of peace agreements. This paper recognises the essential nature of the prevailing peace and questions whether consociational democracy can be propped up during this period of relative stability. Discussions are hinged on the consociationalism theory that contains a broad array of principles, including power-sharing, requisite for consociational democracy. It argues that although South Sudan's context could favour consociational democracy, several barriers characterising Sudan's social and political spheres should be alleviated. We elucidate on the obstacles and suggest in broad strokes the need for solid independent institutions and vibrant civil society, amongst others. We also recognise that overreliance on individuals in resolving the conflict is detrimental to the young nation. Hence, there is a need for a citizen-centred approach that entrenches consociational principles in South Sudan's political sphere.

Introduction

The past decades have witnessed an exponential increase in violent conflicts in a contest over central governments in divided societies worldwide, especially in postindependence Africa and Latin America (Montalvo & Reynal-Querol, 2005, p. 797; Coatsworth & Williamson, 2007, p. 919). In particular, these conflicts, in which groups organised themselves around a shared identity, have become more rampant in Africa (Deng, 1996, pp. 46-50; Colier, 2000; Osinubi & Osinubi, 2006). Their brutal nature fronts severe local and regional threats to human security, local development, and the ability of the state to provide essential services to its citizens (Raleigh, 2010). Bringing the conflicts to an amicable end has proved difficult for mediators and other policymakers due to various complexities entrenched in such disputes and countries where they have occurred. As a result, the mediators have often settled on power-sharing as a strategy to resolve the conflicts.

Indeed, power-sharing and eventual decentralisation of states' institutions have become popular strategies in mitigating the effects of conflicts since the centralisation of government has proved to have insidious effects in countries divided along the ethnic and religious lines due to the propensity

of political leaders to personalise power for self-aggrandisement purposes. In ordinary times the corollary is often utter mendacity, impunity, and corruption, and in extraordinary times dictatorship and conflicts ensue (Brancati, 2006, pp. 653-8; Brown, 2008). Power-sharing is a principle of a political theory known as consociationalism, which has three more principles – minority veto, autonomy, and proportionality. According to Horowitz (2014), consociationalism power-sharing as a peace strategy has been experimented with in many countries (Horowitz, 2014, p. 2). Its accommodative nature brings the conflicting interests of antagonistic groups under consideration by increasing shared institutions to foster peace. Countries like Switzerland, Belgium, the Netherlands, and Northern Ireland fall into the list of countries that have successfully implemented consociationalism to accommodate the different cleavages in their societies (Flynn & Russel, 2005).

The underlying argument favouring consociationalism is that it can guarantee minority rights by providing them with veto powers entrenched in the constitutions if implemented wisely. This approach also addresses a fundamental problem, taking it all brand of politics prevalent in divided societies like those in Africa. This strategy works by facilitating the establishment of institutions that promote inclusion such that fears of repression and marginalisation are moderated (Lijphart, 1977). However, there are also dissenting opinions on consociationalism power-sharing (Berg, (2007; Harbom, Högbladh & Wallensteen, 2006). Horowitz (2014, pp. 7-12) opines that consociationalism power-sharing can only be successfully adopted in situations where the majority group is temporarily fragile after periods of prolonged violence and are ready to compromise for peace as they seek peace new strategies. Spear (2002) echoes his criticism of the ability of the approach to provide long term solutions to conflicts. He argues that the system only offers a short term panacea while disregarding serious underlying grievances, which have the potential of sparking new disputes.

Even with such criticisms, consociationalism power-sharing has registered many successes in different cases. This paper seeks to examine whether the approach can be helpful in the South Sudan crisis. Noteworthy, South Sudan has had several power-sharing agreements, all of which have not only been founded on shaky grounds but also have avoided fundamental aspects of consociationalism. South Sudan has been ravaged by both civil war and protracted conflict, and the country is in dire need of sustainable peace after a mass failure of previous peace agreements (Alier, 1990). Power-sharing is an essential aspect of peacebuilding as it allows for the cessation of hostilities but only temporarily. Therefore, it is essential for stakeholders and actors to further broaden the efforts by implementing other concepts associated with consociation. It is on this ground that this paper investigates whether consociational power-sharing can be part of the ongoing peace efforts in South Sudan? And if so, under which conditions can make the strategy work? The paper argues that the context in South Sudan is favourable for adopting consociationalism but cautions that such a framework should be accompanied by the elimination of what it terms 'complexities' to pave the way for consociational democracy to thrive.

South Sudan's Context

South Sudan has not escaped the attention of commentators and policymakers, even as the country is currently experiencing an aura of tremulous peace, thanks to the revitalised peace agreement signed in September of 2018. However, the country is still haunted by the previous conflicts that have left a dark cloud on the political and social spheres of the government. After attaining independence from Sudan through the popular referendum of 2011, South Sudan soon plunged into another turbulent period of conflict in 2013 (Johnson, 2014; Pinaud, 2014; Nyadera, 2018, p. 60). Until September 2018, when the competition came to a halt due to the revitalised peace agreement, the country was characterised by simmering ethnic tensions and violence, which earned South Sudan a place in the list of 10 most fragile states in 2018.

Countries	R..													
Yemen	1st	113.5	10.0	10.0	9.6	9.7	8.1	7.3	9.8	9.8	9.9	9.7	9.6	10.0
Somalia	2nd	112.3	9.6	10.0	8.9	8.8	9.4	9.2	9.0	9.4	9.3	10.0	9.4	9.2
South Sudan	3rd	112.2	9.7	9.7	9.4	9.8	8.9	6.5	10.0	9.8	9.3	9.7	10.0	9.4
Syria	4th	111.5	9.8	9.9	10.0	8.8	7.5	8.4	9.9	9.4	10.0	7.9	10.0	10.0
Congo, D.R.	5th	110.2	8.8	9.8	10.0	8.3	8.6	7.0	9.4	9.2	9.6	9.8	10.0	9.7
Central African Republic	6th	108.9	8.6	9.4	8.3	8.7	9.9	7.1	9.1	10.0	9.5	9.1	10.0	9.2
Chad	7th	108.5	9.5	9.8	8.2	9.0	9.0	8.5	9.6	9.1	8.8	9.5	9.5	8.0
Sudan	8th	108.0	8.4	9.7	10.0	8.1	7.7	8.3	9.8	8.6	9.4	9.4	9.6	8.9
Afghanistan	9th	105.0	10.0	8.6	7.8	8.6	7.5	7.8	9.0	9.8	7.9	9.3	9.6	9.1
Zimbabwe	10th	99.5	8.8	10.0	6.7	8.1	7.9	7.3	9.4	8.6	8.2	9.0	8.2	7.3

Source: Fragile States Index, 2019

Even though the general quiescence has slightly shifted the debate from the strategies to mitigate the conflict to a question as to whether the relatively peaceful atmosphere would stand the test of time (Mednick, 2019) there are still manifest fears that conflicts could erupt again, and this explains its inclusion in the list of most fragile countries in the world. Conflicts have the propensity to damage any country's crucial social, political and economic fabrics (Madut & Hutchinson, 1999; Young et al., 2016, p. 198). In the case of South Sudan, the conflict had serious ramifications that damaged the country's social, political and economic contours rendering the country almost socially, politically, and economically amorphous (Okiech, 2016, pp. 8–9). Socially the conflict eroded the needed social trust between the state and the citizens and between the citizens themselves. This situation has widened the rift between ethnic groups leading to simmering ethnic tensions that often result in violence (Radon & Logan, 2014, p. 150).

Politically, the government has lost legitimacy and going to the divisions in the ruling party; the government has the support of a fraction of the South Sudanese, putting the country on a dangerous trajectory. Moreover, its monopoly over legitimate violence has also been eroded by the availability of organised groups both within and outside the government, which possess arms and other arsenals for perpetrating violence (Okiech, 2016, p. 11). The net effect of this ferocious environment is manifested in the human cost the country has accrued over the last years. It is estimated that about 400,000 people have lost their lives, and another over 2 million people have been displaced, placing the country in a dire humanitarian and development crisis (Mercy Corps, 2018).

On the economic front, the conflict had insidious on the sources of livelihood of the South Sudanese. The decrease in agricultural activities coupled with the prolonged droughts weakened the farmers and the pastoralists, leading to the loss of their livelihoods. Moreover, the country was in a state of paralysis in which the government, economically weakened by the conflict, was unable to provide essential services to its citizens (Okiech, 2016). As a result, the revenues from oil became few and far between, and the earned income was redirected to the purchase of arms and self-aggrandisement by the political elite. The corollary was the loss of lives due to hunger and starvation and plummeting of the country's currency, which lost 90% of its value (World Bank, 2018).

The conflict has left South Sudan weak, fractured, and the verge of becoming a failed state. The increase in actors involved in the competition makes the conflict even more difficult to solve due to changing demands and interests (Nyadera, 2018, p. 60). The country's social, political, and economic position further worsens the whole scenario. It could be a recipe for another prolonged violence if the revitalised peace agreement collapses, as has been the case with previous peace agreements. As it stands now, a renewed peace agreement, although not well received by the international community, provides a window for bringing together all the parties involved in the conflict for serious dialogue.

Previous Peace Agreements and Power-Sharing Deals in South Sudan

Several peace agreements anchored on consociationalism power-sharing have been crafted, negotiated, executed, and terminated to build and consolidate long-lasting peace (De Waal, 2014). The comprehensive peace agreement (CPA)-which is broad, recognised-and the High-Level Revitalization Peace forum orchestrated by the Inter-Governmental Authority on Development (IGAD), stands as the main Agreement that has gained traction in the recent past (Onditi et al., 2018). Others like the Agreement on the Conflict Resolution in South Sudan (ARCSS), signed in 2015, and the most recent Revitalised Agreement on the Resolution of Conflict in South Sudan, signed in September of 2018. However, the latter has received lukewarm acknowledgement by the United States, the European Union and a section of South Sudanese who regarded it as an endeavour by Uganda and Sudan to further their interests to the detriment of South Sudan (United States Institute of Peace, 2018).

However, the CPA is still a widely recognised document and one that aimed at conclusively ending both the civil war and the conflict. Signed in Naivasha on January 9 2005, the CPA ushered in a new political dispensation and an avenue for political independence for the South Sudanese, which came to fruition through a referendum in 2011 (Shaka, 2011). Subsequently, South Sudan gained recognition as a new state and was admitted to the community of nations as the 193rd Member (Onditi et al., 2018, p. 43).

Within its proposals, the CPA had several significant aspects in fostering peace and stability. The first one was the proposal for disarmament, demobilisation, and reintegration that required parties to the CPA to institute a National Disarmament, Demobilisation and Reintegration Commission (NDDC) with the primary mandate disarming civilians (African Development Bank, 2016). Unfortunately, even though the commission was formed, its activities never materialised due to the ever-present simmering tensions and suspicions engulfed the country and the political elite. The result, which hampered the peace process, was that more arms remained in the hands of civilians, further diminishing the state's legitimacy as a bearer of legitimate violence (Ruey, 2017; Munive, 2013; Phayal, 2015).

Another aspect of the CPA which came to fruition was the proposal for a referendum. However, as it has been argued by Zamabakari (2012), the referendum was only successful on paper as the South Sudanese voted overwhelmingly for separation. The actual fruits of the referendum have not matured, and South Sudan continues to be enjoined in the hip with Khartoum, although with scepticism and sometimes with belligerence (Zamabakari, 2012, pp. 515-8). The complexities involved in unravelling the border row in Abyie and Blue Nile point to a case of hostility between the two countries. However, there have also been instances of cooperation, especially regarding oil revenues (Johnson, 2014). Attempts to resolve the border row with Khartoum and internal conflict have been futile and come with serious ramifications that have worked in collaboration with other factors to hamper the peace process leading to the collapse of peace agreements. Some scholars have argued that the border raw has propped up and created newly organised groups whose existence excites exclusionary politics (Roque & Miamingi, 2017, pp. 1–5). This, in turn, has led to the increase of state and non-state actors who further complicate conflict resolution efforts due to their diverse interests and continued distrust.

Currently, there are for key actors from the SPLM side: the first is the SPLM-In-Government (SPLM-IG), led by Salva Kiir; the second is SPLM-In-Opposition, led by Taban Deng (SPLM-IO-Taban), the third is the SPLM-In-Opposition, led by Riek Machar (SPLM-IO-Riek) and the fourth is the SPLM-Former Detainees (SPLM-FD), led by Pagan Amum. Additionally, ethnic-based militias operate on the periphery, but their actions add up to the sum of the main antagonists' atrocities (Ruey, 2017).

The peace agreement signed in 2018, though unpopular, provides an opportunity for serious dialogue that should restructure the country's social, political and economic path. Even though there are proposals on how to share the power amongst the contesting parties, there are still ambiguities regarding power-sharing, protection of the minority rights and distribution of resources. It is on this basis that consociationalism power-sharing, which has within its framework some fundamental prerequisites that could cultivate sustainable peace South Sudanese context, would bring

Consociationalism Theory

Consociationalism is a democratic design that disperses power in states with diverse societies (religious, ethnic, linguistic or national groups) by apportioning collective rights to various groups (Flynn & Rissel, 2005). The concept is associated with the writings of Arend Lijphart, who posits that social peace and democracy can be protected in profoundly divided societies if political elites engage in accommodative actions and abandon centrifugal contests. Lijphart further established four principles of consociationalism, including power sharing, minority veto, segmental autonomy, proportionality in resource allocation, and public sector employment (Lijphart, 1977). However, it is essential to note that in divided societies, fault lines derive from religion, ethnicity, political preference and language, which often serve as the basis for antagonism leading to episodic violence in ordinary times and in extraordinary times, there is a potential for prolonged conflicts or civil war (Horowitz, 2014). These divisions also limit economic exchange, intercultural communication, and interactions across social, economic, and geographical boundaries, hampering cohesion and integration (Barry, 1975).

In the case of South Sudan, ethnic division is not the sole cause of the conflict (Johnson, 2016). Other divisions arise from tapered cleavages of social, economic, and ethnicity. These are palpable in the split between those who took part in the liberation war and those who collaborated with the Khartoum government. In other words, the phenomena of heroes vs Traitors between the herders and the farmers and significantly between the South Sudanese living abroad, regarded as cowards against those who remained behind to fight in the bush (Onditi et al., 2018, p. 43). In short, these dichotomies work best to exclude other groups considered outsiders from the centre of power. Moreover, as such divisions become deeply entrenched, the salience of the consociational framework to resolve the conflict would lie in its ability to contain such complex divisions through institutional reengineering.

Consociational theorists suggest that the threats posed by such divisions-including state paralysis or immobilism- can be alleviated at the elite level through the resolute efforts of leaders who are willing to compromise for peace and stability (Lijphart, 1997). The challenge, however, is always the inability to explore all contentious issues at one go during negotiations, and there's always the propensity that new problems will arise during the implementation of the peace agreements, which, if not well handled, would lead to the collapse of the Agreement (Flynn & Russel, 2005). Nevertheless, for South Sudan, most of the contentious issues are already known, and tackling them would mean success for the consociational approach.

Principles of Consociationalism

Consociationalism is anchored on four mutually reinforcing principles: executive power-sharing, proportionality, autonomy/self a government, and veto rights. The principle of executive power-sharing dictates a significant section of the society should have representatives in the grand-coalition government. Like in Switzerland, where the approach is hailed to have had considerable success, the executive power is distributed among the seven members of the executive through a 2-2-2-1 formula that gives all the linguistic groups a representation relative to their size (Flynn &

Russel, 2005). In South Sudan, the warring factions can share power that includes all the aggrieved ethnic groups other than the Nuer and Dinka. These two ethnic groups have dominated the political scene for a long time, and their rivalry has often resulted in conflict and massacres.

The principle of proportionality aims to enable all the groups to be part of the decision-making organs and have proportional access to the state's social, political, economic, and natural resources (Lijphart, 1981). Scholars have underscored this principle as essential in post-conflict states. For example, Cammett and Malesky (2012) assert that it is not only a prerequisite of good governance but also a precondition of peace and stability. However, checking the excesses of the majority remains a challenge in consolidating an effective democracy, even where the principle of proportionality is upheld. In the South Sudanese case, the regional balance should be adhered to in distributing state resources and allocating development projects. This will aim to develop other regions previously neglected by the Khartoum government and consequently abandoned by Kiir's regime.

The principle of autonomy accords the warring factions some degree of autonomy within territories of the state. In divided societies, where ethnic and cultural identities are more salient relative to national identity, arrangements regarding cultural and ethnic cleavages ought to be put in place to allow for autonomy on such matters (Ganesan, 1997). In South Sudan, ethnic groups have enjoyed significant autonomy regarding maintaining their cultural practices. The conflict has not been a struggle for the expression and practice of ethnic and cultural beliefs.

The last principle is the principle of mutual veto/veto rights, which gives different groups the right to veto specific policies or decisions made by the government. The principle stipulates the need for Agreement amongst all parties represented in the executive whenever critical decisions or policies are formulated (Lijphart, 1975). By advocating for mutual consensus, the principle becomes one the complex principles to implement, especially in environments replete with ethnopolitical antagonism as the one in South Sudan, and it is believed that it is the absence of mutual veto that led to the failure of the CPA (Onditi et al., 2018, p. 48). Therefore, considerations should be made to enable other minority groups – women, youth, and other marginalised ethnic groups to have the right to veto government policies that would be detrimental to the larger society. This should be done through well-established institutions like the parliament, in which representative slots are allocated to the minority groups.

Having elucidated the principles of consociationalism, it will be vital to say something about why the consociationalism power-sharing could not yield many results in the young country despite the colossal political value attached to the approach. In the case of South Sudan, as I will explain in the following subsection, the success of consociationalism as an approach to resolving conflicts can be enhanced by tackling systemic and structural complexities that characterise the country

Structural and Systemic Barriers to Consociationalism in South Sudan

This paper identifies four structural and systemic barriers that should be addressed to enhance the success of consociationalism power-sharing in South Sudan. These include: the prevailing ethnic laden political arena, militarised government and peace process, presence of armed civilians and finally, lack of solid governance institutions and a vibrant civic sphere

The South Sudan political scene is characterised by deeply entrenched ethnic divisions, especially between the Nuer and the Dinka. Such divisions have had an insidious impact on implementing the peace agreements. The intense fighting that erupted in Juba in 2016, in which rival groups accused each other of the attempted assassination of their leaders, attests to the engrained ethnic differences in the political arena since the two leaders are renowned ethnic kingpins. According to Hartzel and

Hoddie (2003) establishment of a consociational model with a broad palate of institutions in an environment replete with ethnicised political rivalry does not serve to the benefits consolidation of peace as simmering ethnic politics serve to erode the salience of established institutions (Hartzel & Hoddie, 2003). Therefore, there is a need to de-ethicise South Sudanese politics as ethnicisation of politics has often reduced the contest between the Nuer and the Dinka. Yet, many ethnic groups should also be included without prejudice in merit and policy-driven political environment.

The second barrier that has detrimental effects on the application of consociationalism power-sharing in South Sudan is the militarisation of the government and the ongoing peace process. To demilitarise the peace process, the peace agreement signed in August 2015 called for the exclusion of military personnel in leadership positions and the maintenance of a proportional number of military personnel from SPLM-IO and SPLM-IG. However, as illustrated by (Onditi et al., 2018, p. 49), both sides reneged on the proposition by appointing military personnel in all arms of the government. The military loaded structures became a catalyst for the violence in Juba, beginning with a heated exchange between the military forces allied to SPLM-IO and SPLM-IG. Their allegiance rested on Dr. Machar and President Kiir respectively. Thus, there should be a distinct role of the military that rests on securing the borders from external attack, and there should be a police force that deals with internal security.

The prevalence of weak institutions is another structural barrier that must be addressed to pave the way for applying consociationalism power-sharing. Weak institutions have devastating outcomes on nations, especially when it comes to accountability, whether regarding violation of human rights or economic crimes (Hartzell & Hoddie, 2003). Moreover, such institutions often provide incentives for the political elites who use them to fuel violence and amass a considerable amount of wealth, thus depriving the nation of much-needed peace and economic resource, not to mention the human cost involved.

Since consociationalism advocates for creating several institutions to accommodate the interests of warring factions, South Sudan should work on building strong independent institutions like the judiciary, legislature, and police that will accommodate the interests of the warring sections but also be accountable and open to the people. Moreover, special commissions like the anti-corruption commission are necessary. However, establishing these institutions and commissions is a daunting task that takes several years to accomplish. This explains why the presence of a vibrant civil society would be significant in the nascent stages of democratisation. In addition, civil societies are vital in keeping the excesses of governments in check through lobbying, advocating for better practices, and initiating court processes.

The presence of arms amongst civilians is another barrier that works against consociationalism by spawning serious negative effects on the government's legitimacy, thus dispersing illegitimate force. The monopolisation of legitimate forces is fundamental for a state's political and economic stability (Walt, 1998). This is corroborated by Weber's conceptualisation of a state based on its ability to monopolise the use of legitimate force. However, monopolisation of the use of force comes with some responsibilities which are often abused in ordinary times and recklessly abandoned in extraordinary times (Krasner, 1999). In South Sudan, two factors have hindered the state from monopolising legitimate force and, by extension, the peace process. First, the failure to disarm civilians after the end of the liberation struggle and second, the intense mistrust as well as the decline of social trust as a result of a failed social contract between the state and citizens.

The CPA had fronted a proposal for disarmament, demobilisation, and reintegration that required parties to the CPA to institute a National Disarmament, Demobilisation and Reintegration Commission (NDDC) with the primary mandate of disarming civilians (African Development Bank,

2016). However, this was abandoned due to ethnicised politics and the militarisation of government. But as it appears now, there should be a non-partisan that would rid the civilians of their small arms. This should be conducted by the institution proposed by the CPA so that no individuals or ethnic groups will feel targeted in the disarmament process. Furthermore, apart from disarmament, individuals with ambitions to join the police force or the military should be integrated into these forces merit-based.

These systemic and structural complexities have worked in isolation and sometimes in collaboration to produce a complex web that entangles the peace process, making it almost impossible for the country to enjoy democratic peace. Indeed, the same complexities proffer negative impacts to the consociational power-sharing model as they stand in stark contradiction with the fundamental principles of consociationalism, thus upsetting the effect of institutions established by the consociational model.

Conclusions and Recommendations

This paper examines whether consociationalism democracy can be fostered in South Sudan after a mass failure of previous peace agreements. We hinged our discussions on the recognition that the predicament in which South Sudan is entrapped is somewhat due to a lack of vibrant civic sphere and weak institutions, the presence of armed civilians, ethnic laden politics and a failure to transform pseudo militarised political parties- SPLM-IO and SPLM-IG to policy-driven democratic political parties. These compiled together work to create a politically hostile environment where peace agreements cannot thrive.

Even though the consociational framework has worked in other countries, South Sudan's scenario is still complicated with the presence of immobile governance structures militarised and ethicised politics, which are excellent recipes for suspicion and conflicts. Furthermore, the signing and the incomplete implementation of the CPA and the ARCSS point to structural and institutional inadequacies resulting from ethnic suspicions. As McCulloch (2014) suggests, ethnicity should be incorporated into the institutions created by the model as this may provide an incentive for inter-ethnic cooperation. An ethnic representation that goes beyond the Nuer and the Dinka should be adhered to when establishing critical policy-making institutions in South Sudan.

We recommend that establishing strong independent institutions is critical to the consolidation of consociational democracy. Vital institutions such as the judiciary and the legislature should be kept off the machinations of the executive, and unique slots should be established for the minority groups to enhance inclusive decision-making processes. Other commissions, such as the public service commission and anti-corruption commissions, are vital for fairness in recruitment and checking on the overzealous ambitions of civil servants to enrich themselves through the pilferage of public coffers. As it is known, South Sudanese leaders have been accused of high-level corruption in which billions of dollars of oil revenues have been misappropriated.

Civil societies have a special place in young democracies. We recommend that in tandem with establishing independent institutions, a favourable environment that allows civil society groups to thrive is essential. These groups should also be involved in the ongoing peace process as representatives of ordinary citizens are often left out in the signed peace agreements. We conclude by recognising the importance of prevailing peace in the consolidation of consociational democracy. However, we caution in broad strokes that over-reliance on a few individuals in fostering peace is dangerous for South Sudan. It sets a bad precedence and acts as a deterrent and incentive for other hardliners to thrive. A citizen-centred approach, which would be long and convoluted, is essential in ensuring that the country does not go back to its dark past.

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