

The Impact of Covid-19 Pandemic with Delayed Peace Process: Double Jeopardy against the People of South Sudan

James Okuk, PhD

INTRODUCTION

“Peace is not an absence of war, it is a virtue, a state of mind, a disposition for benevolence, confidence, justice.”~ Spinoza. “Health is not valued till sickness comes.” ~ Fuller

Senior Research Fellow
of South Sudan Center
for Strategic and Policy
Studies, CSPS, Juba

The accumulated and deferred pre-transitional tasks meant to pave the way for the implementation of the 2018 Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) have created fears that this ambitious peace pact may collapse before achieving the lofty African Union objectives of silencing the guns, cementing peace and conducting genuine multi-party elections in South Sudan. Such a failure would mimic the colossal collapse that paralyzed the 2015 Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS). Ominously, the current delay in the implementation of the peace agreement, which has resulted only in the partial formation of Revitalized Government of National Unity (RTGoNU) at the level of Presidency and National Council of Ministers, came late in the first quarter of 2020, just as the previous crisis also occurred in the first quarter of 2016.

However, the sudden spread of the novel coronavirus has injected a new equation into the calculus of the sparring South Sudanese parties, including the Incumbent Transitional Government of National Unity (ITGoNU), Sudan People’s Liberation Movement/Army in Opposition (SPLM/A-IO), South Sudan Opposition Alliance (SSOA), Former Detainees (FDs) and Other Political Parties (OPP). The rapid spread of the pandemic in South Sudan seemed to create some semblance of unity and cooperation among the rivaling parties as they join forces to fight the deadly disease that has already claimed hundreds of lives in the country. Although the RTGoNU had to adopt unavoidable stringent measures to curb the spread of the pandemic, unfortunately, the measures have unwittingly produced economic, social, cultural, religious and psychological side-effects that have compounded the suffering of the various segments of the South Sudanese population who have been waiting resiliently for sustainable development and peace dividends.

Although the RTGoNU had to adopt unavoidable stringent measures to curb the spread of the pandemic, unfortunately, the measures have unwittingly produced economic, social, cultural, religious and psychological side-effects that have compounded the suffering of the various segments of the South Sudanese population who have been waiting resiliently for sustainable development and peace dividends.

Neither the upward trajectory of the spread of COVID19 nor the snail pace with which the long-awaited peace crawls into the lives of the millions of South Sudanese seems ready to change gears. The curve of the spread of the pandemic is far from flattening. On the contrary, the numbers of COVID19 infections and death continues to rise whereas people's expectations for sustainable peace in South Sudan continues to dip precipitously. While it is imperatively existential to immediately stop the situation from deteriorating any further, it is useful to highlight on the effects of the COVID19 on the lives of the people of South Sudan. It is also important to ask some questions, including this precarious situation, caused by the seemingly uncontrollable spread of the pandemic and the delayed arrival of sustainable peace. The situation should be brought under control soon enough, especially that the RTGoNU seems to be overwhelmed by a double jeopardy, one as a global disaster while the other as mainly government's own making.

I – HISTORICAL CONTEXT AND LESSONS

Comparatively, the history of peace processes in South Sudan has been marred by bad omens, including emergence of tragedian pandemics. Though the 1972 Addis Ababa Agreement (AAA) kicked off with amazing speed, which created a quick peaceful environment of relative eleven years of stability, yet the integration of Anyanya forces into conventional Sudanese military system was accompanied by some flaws in security arrangements, humanitarian outreach, economic management and democratic processes. The Relief and Resettlement Commission (RRC) was only able to operate with external assistance from United Nations High Commission for Refugees (UNHCR) and no contribution from Sudanese Government in Khartoum. The Joint Ceasefire Commission did a commendable work together with the Joint Military Commission but failed to integrate fully and professionally the allocated 12,000 troops for Southern Sudan with 6,000 drawn and recruited equally from Equatoria, Bahr el Ghazal and Upper Nile for regional balance. Many uneducated Anyanya soldiers got high ranks and were not disciplined in observing conventional standards of the army.

The regional government in Juba was not autonomous totally from national government in Khartoum. The elections of President of High Executive Council (HEC), though conducted inside the People's Regional Assembly (PRA) in Juba, was often imposed by President Jaafar Mohamed Nimeiry and Sudanese Socialist Union (SSU). There was no independence for management of natural resources or wealth sharing advantage for Southern Sudan. The HEC and the PRA were only accorded limited budgets to run the bureaucratic regional public service, including health services to prevent epidemic disease like Ebola virus in 1976 where half of 284 victims died in Western Equatoria within three months where the World Health Organization had to intervene in October with enforcement of isolation measures for evading the endangerment. The HEC and PRA operated without developed infrastructure, sufficient work facilities, conducive service environment and enough human resource capitals except for the help offered by external partners and agencies.

Juba-based regional government scored some admirable successes in enforcement of rule of law and periodic competitive elections under one-party system of SSU until President Nimeiry decided to dishonour the terms of AAA peace accord intentionally.

The discovery of oil in Southern Sudan in 1974; the initial digging of Jonglei Cana (360 km) in 1978 as studied by Egyptian Government in 1946 to increase the flow of Nile water northwards; the utilization of large commercial agricultural lands in Southern Sudan regardless of effects of arbitrary displacement of indigenous population; forced transfers of the integrated Anyanya forces to Northern Sudan to replace them with Non-Southern Sudanese; and causing divisions rift among Southern Sudanese politicians and their supporters on regional basis, all were decided in Khartoum without consulting the regional government in Juba. These caused defections and rebellions by the discontented former Anyanya soldiers, students and civil servants who merged at the border of Ethiopia to resume full-fledged second civil war under leadership of Dr. John Garang of the Sudan People's Liberation Movement/Army (SPLM/A). The spoilt peace was never revived until after twenty one years later when the 2005 Comprehensive Peace Agreement (CPA) was negotiated by the National Congress Party (NCP) and SPLM/A under IGAD/Kenyan auspices and signed for implementation under international pressure and funding, especially by the Troika (US, UK & Norway) and their allies.

The CPA gave full autonomy to the Sudan People's Liberation Movement/Army (SPLM/A) to control the Government of Southern Sudan (GoSS), enabling it to get hold of 50% of oil revenues though it misused this to enrich the elites and prepared the eligible people of Southern Sudan to vote overwhelmingly for the SPLM in the mid-term general elections in 2010 and in the referendum for self-determination in favour of separation in 2011. The humanitarian repatriation of the refugees and internally displaced South Sudanese was not conducted successfully despite massive Multi Donor Trust Fund being poured to Juba in response to recommendations by the Joint Assessment Mission (JAM). The Protocol on Security Arrangements in the CPA provided for equal numbers of Sudan Armed Forces (SAF) and Sudan People's Liberation Army (SPLA) and for Joint Integrated Units (JIUs) of 39,000 soldiers intended to serve as a nucleus of future national army had South Sudanese voted for unity of the Sudan. Though Joint Defence Board (JDB) under Chiefs of Staff of the SAF and the SPLA was established under the Presidency, the coordination between the SAF and the SPLA and for command of the JIUs was not successful as disagreements and clashes occurred in many instances. Neither the old Sudan nor the separated South Sudan managed to maintain peace from the CPA beyond the 6-year transitional period and separation result of the referendum for self-determination. The situation of South Sudan got worsened by the SPLM/A-ignited abhorring civil war of 2013 with tribal confrontational overtone.

Though the Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS)—8 chapters and matrixes/annexes—was signed in August 2015, its implementation was delayed by the incumbent government and opposition as they dragged their feet to form the Transitional Government of National Unity (TGoNU) with reconstituted legislature and reformed judiciary. The Republican Executive Order No 362015/ for unconstitutional establishment of 28 states messed up and complicated the formation of states/local coalition governments of peace partners. The deviation resulted into nothing positive but regressive felling apart of ARCSS and crisscrossing defections. The unintegrated armed forces that were guarding President Salva Kiir and First Vice President Dr. Riek Machar on partisan and tribal allegiance clashed again in Juba in July 2016 as they did in December 2013. Thereafter, renewed armed violence engulfed all three historical regions of South Sudan—Equatoria, Upper Nile and Bahr El Ghazal. Nearly half of the population (5 million) got displaced internally as well as externally with unbearable humanitarian catastrophe.

The HEC and the PRA were only accorded limited budgets to run the bureaucratic regional public service, including health services to prevent epidemic disease like Ebola virus in 1976 where half of 284 victims died in Western Equatoria within three months where the World Health Organization had to intervene in October with enforcement of isolation measures for evading the endangerment.

South Sudan became like Republic of NGOs and philanthropists. Responsibility for providing basic services, especially in health and education sectors as well as food aid, was abandoned by government as it concentrated on war business.

The international community and persons of good will had no option but to intervene with maximum pressure to save lives and maintain some dignity of the affected communities and individuals. South Sudan became like Republic of NGOs and philanthropists. Responsibility for providing basic services, especially in health and education sectors as well as food aid, was abandoned by government as it concentrated on war business. But as no viable alternative option was seen worth grabbing around the corner to replace the paralyzed ARCSS in the Intensive Care Unit (ICU), the same peace agreement was tabled again for limited re-negotiations by the parties to the HLRF under facilitated mediation by IGAD. The peace talks were witnessed by South Sudanese stakeholders and international partners who acted as observing pressure group. The objective was to cease the hostilities, end the war, implement the peace agreement and prepare the country for democratic elections.

The September 2018 R-ARCSS legitimized the parties to form RTGoNU with mandate to restore security, facilitate humanitarian assistance, address displacement of the civilians, reconcile the torn apart people, improve the volatile economy, enforce the transitional justice, reform the public institutions standardly, write people-centred federal constitution, empower the least advantaged citizens, transform the state structures with lean government, build a cohesive hard-working nation, augment the diplomatic international relations, and organize multiparty elections at the end of transitional period. However, since commencement of first D-Day of peace, a lot has remained to be desired for R-ARCSS beyond the ceasefire in most parts of the country and convergence of top political leaders in Juba to embrace non-violence politicking. This has been exacerbated by the tragedy of the Covid-19 and its flabbergasting effects.

II - MAGNITUDE OF THE DOUBLE JEOPARDY

The arrival of peace to South Sudan has been rumored as imminent. Peace, they say, is around the corner. Nearly two years late, only sparse clouds of light dust, hopefully from the wheels of dilapidated trucks ferrying former combatants to cantonment sites, linger reluctantly over the grey horizon. The proverbial corner seems as remote and as barren as the wilderness of the fabled Empty Quarter in the belly of the Arabian Desert where mirage masquerade as oasis of scarce water. The 2018 peace accord that ended the five-year long civil war cannot come soon enough to the people of South Sudan.

Perennial food insecurity, total lack of health infrastructure, paralysis in public institutions, delayed payment of salaries of civil servants, runaway inflation, rampant insecurity and a myriad of other maladies, have made the population grasp for air and cry desperately for international assistance. According to the projections of the consortium of humanitarian agencies, 7.5 million South Sudanese citizens out of the total estimated population of 12.5 will only be able to survive on foreign aids in 2020, including basic food rations and health services as well as educational assistances. But these projections were arrived at before the arrival of extremely aggressive army worm locusts and destructive flash floods that have already killed and displaced civilians in Jonglei, Upper Nile, Unity and other regions, including the first rains that washed away the 395-km Juba-Yirol-Terekeka-Rumbek Road being shoddily built by Chinese Shandong Hi-Speed Nile Investment and Development Company Ltd at a cost of 711,125,700.00 USD from oil money. These disasters will exacerbate food

security further.

More importantly, the dire projections were made before the arrival of the Covid-19 pandemic that has already infected closer to two thousand and killed a dozen people in South Sudan. The gloomy situation is made even more ominous by the complicated political scene in the country. The drastic drop of oil prices in international markets has now made the future of South Sudan to appear bleak. The government has recklessly calculated its annual budgets, expenditures and deficit-financing on this volatile non-renewable resource. Furthermore, after ending the devastating senseless civil war, the government must now shift from its oil-for-peace slogan to oil-for-health as it engages in a fierce battle against the Coronavirus. This is happening at a time when only 30% of the idle 3.5 billion barrels of total oil reserve remains under the ground, and with prices of the crude shrinking in the markets.

The 2012 oil cooperation agreement between Juba with Khartoum, which was mediated by the African Union High-Level Implementation Panel (AUHIP), made South Sudan to pay 2.4 billion USD in 42 months as Transitional Financial Arrangement (TFA) for compensating Sudan for allowing the cession of South Sudan. Up to the date of writing, South Sudan is obliged by the agreement to pay the remaining balance of 1.08 billion USD in addition to the payment of 24.5 USD per barrel of oil produced (i.e., 60 bpd of light Nile Blend in Unity State and 120 bpd of heavy Dar Blend) that passes to the international oil markets through pipelines across the Sudan. More production from block 5A was expected by December 2019 to make the total of 200,000 bpd with significant income to RTGONU. However, this expectation has been thwarted and no additional much oil revenue flowed into government coffers. Covid-19 has dashed any hope of good news to emerge from that sector. South Sudan's oil is currently being operated at a loss and with debts, including the profits by pre-sale vendors and the hired petroleum production companies. Shutting down this key economic sector for the purpose of mitigating the sharp government losses is not a pragmatic guarantee because hoarding the reserve indefinitely will damage the existing pipelines and the drilling rigs, causing corrosive clogging. Should this situation occur, as it did when Juba shut down the flow of its crude oil because of political conflict with Khartoum in 2012, it will be costlier to repair the damage and resume the follow of crude oil from the old oil fields.

In fact, the National Pre-Transitional Committee (NPTC) was dissolved without being audited for misusing of accounts and for not prioritizing the disbursed 100 million USD grant by ITGoNU. It spent 104,328 million USD with only 21.6 million USD given to Permanent Ceasefire and Transitional Security Arrangement (PCTSA) mechanisms, in addition to monetary and in-kind donations by indigenous business tycoons and external partners. The newly-formed National Transitional Committee to Coordinate the Implementation of Security Arrangements (NTCCISA) has not registered any progress so far since March 2020 regarding the completion of joint training and deployment of the 83 Necessary Unified Forces (NUF), including 3000 for Special VIP Protection. It has to be noted that the types and size of forces agreed in PCTSA Workshop in Khartoum on September 27, 2018 for the overall unification process were 11 divisions for Military Forces (6 in Phase I & 5 in Phase II); 3 Divisions for National Security Service (2 in Phase I & 1 in Phase II); 25,000 for National Police Service (13,000 in Phase I & 12,000 in Phase II); 87,000 for States Police (45,000 in Phase I & 42,000 in Phase II); 5,000 Wildlife Service (2,500 in Phase I & 2,500 in Phase II); 31,500 Prisons Service (16,500 in Phase I & 15,000 in Phase II); and 13,000 Fire

However, since commencement of first D-Day of peace, a lot has remained to be desired for R-ARCSS beyond the ceasefire in most parts of the country and convergence of top political leaders in Juba to embrace non-violence politicking.

However, since commencement of first D-Day of peace, a lot has remained to be desired for R-ARCSS beyond the ceasefire in most parts of the country and convergence of top political leaders in Juba to embrace non-violence politicking. Now the Covid-19 has emerged with flabbergasting effects.

Brigade (6,500 in Phase I & 6,500 in Phase II). The aforementioned facts have not yet been considered for the joint training and deployment. Out of 25 cantonment sites and numerous barracks that have been identified, the parties managed to operationalize 23 cantonment areas but the process became stagnant due to lack of logistics and basic support. The situation has been complicated further by restrictive measures announced by Covid-19 High Level Task Force.

The first phase of R-ARCSS implementation was to commence for 8 months of pre-transitional period, focusing on security stabilization and unification of jointly trained forces for deployment in Juba and other key locations in South Sudan. The second phase was to continue for 36 months. Efforts would have been concentrated on a comprehensive restoration of peace through full implementation of eight chapters and annexes of R-ARCSS, which address institutional reforms in all public entities. Since the pre-transitional tasks were not completed on time, the parties had to extend the period first by six (6) more months (from May 22 to November 12, 2019) and again by additional hundred (100) days (up to 22 February 2020) as endorsed by the IGAD's guarantors. Hence, the start of the formation of RTGoNU was delayed by 17 months, resulting in more delay in the full restructuring of government at both national and sub-national levels. This was due to parties' failure to fulfill the deployment of the Necessary Unified Forces (NUF) and settlement of issue of number of states and local boundaries in a timely fashion.

As the parties were being urged to expedite the full formation of RTGoNU, the Coronavirus and Covid-19 entered into the equation. The Presidency and National Council of Ministers had to shelve the implementation of R-ARCSS in order to maximize government's efforts to curb the spread of the pandemic, which has not by that time spread beyond the limited infections of a handful of persons, including non-South Sudanese and South Sudanese whose health condition remained stable. Funds earmarked for the implementation of the peace process were diverted to the task of combating Covid-19, which involved only one manual testing and diagnosing machine with maximum testing capacity of one hundred (100) patients per a day. Regrettably, the situation went out of control as more South Sudanese began to test positive for Covid-19 in large numbers day by day, including the three Vice Presidents and a number of ministers who were in the national taskforce. Suddenly, nothing much in the peace process seemed urgent enough anymore for the political elite except the haphazardly uncoordinated regular meetings of clusters of the Council of Ministers presided over by the 5 Vice Presidents. Top members the Presidency were not seen meeting regularly and jointly on any meaningful agenda of peace or Covid-19. Their self-quarantine at homes became the priority with government business getting deferred for further notice.

The process of screening the forces in the cantonment sites came to a standstill too, as they were instructed to respect the Presidential Order for 'social distancing' and staying at homes to avoid wider spread of Covid-19. Sending food items and other basic necessities from Juba to cantonment sites became a logistical nightmare, leave alone the poor conditions in the barracks where a number of soldiers resorted to the environmentally unfriendly practice of charcoal burning in order to fend for themselves and their families. Receiving salaries on time and getting the necessary military logistics became a mere dream for the soldiers all over the country. Airports were closed and flights restricted to emergency situations only. Juba and states of South

Sudan were locked down to avoid or minimize interactions of the citizens physically. Many government employees were advised to work from home or do shifting with their colleagues. Universities and schools were closed. Many shops and tea places were locked down while restaurants were allowed to offer only take-away foods and drinks. The capacity of commercial buses in Juba was reduced to half, forcing bus operators to raise fares beyond the reach of the majority of the citizens. Commercial motorbikes, known as bodaboda, were banned except for delivery of items. Churches and Mosques were ordered to close their doors to worshippers. Funeral and wedding gatherings were banned or limited to immediate family members. Sports activities were stopped too, including hiking on mountains or gathering in clubs. Citizens were advised to respect the curfew from 7:00 p.m. to 6:00 a.m. Police were instructed to enforce the new law and order.

To add more gloom to this already dire political and socioeconomic predicament, more drivers of political mechanization and sociopolitical instability increased in strength, including lack of political will to finance peace implementation processes and mechanisms; misappropriation of public grants and humanitarian aids, desertion of cantonment and barrack sites by the assembled forces; switching sides by the discontented politicians and their armed militias, low morale within the army, unmet demands of holdout groups under the umbrella of South Sudan Opposition Movement/Army (SSOMA); reluctance of the international community to entrust the RTGoNU with direct funds; among others. The meteoric rise in the cases of infection by the coronavirus pandemic in the country at this time of political and economic hardship makes for the worse possible scenario in a country with weak or nonexistent political, economic, health or road infrastructure, let alone a social safety net to rescue the citizenry from falling further into the precipice of poverty and unnecessary death. Surprisingly, in May 2020 the Presidency decided to ease most of the previous preventive measures against the spread of Covid-19 except late curfew and mandatory testing for certificate of negativity before travelling out of Juba or coming in.

III - IMPACT OF COVID-19 CRISIS ON R-ARCSS

Although the impact of the COVID19 on the citizens of South Sudan is more visible, the pandemic is more likely to cause long-lasting effects on the government's ability to function adequately in months and years to come. More importantly, the immediate impact of the pandemic on the implementation of crucial aspects of the R-ARCSS, including the proper interpretation of some of the vague articles in the agreement, cannot be exaggerated. Therefore, it is imperative to surgically and insightfully assess the impact of Covid-19 on the peace process in South Sudan. The benchmarks for assessing the critical impact of Covid-19 on the eight chapters of the peace agreement are categorized as follows:

Impact on RTGoNU (Chapter I, Articles 1 – 20):

- The emergence of Covid-19 has delayed the full establishment of the revitalized executive branch of the transitional government at the national level, including the reconstitution of independent transitional institutions and mechanisms. The reconstituted Presidency, comprising the President, First Vice President and Four Vice Presidents; and the National Council of Ministers—35 full Ministers and 10 Deputies—with Five Clusters on Governance, Economy, Services, Infrastructure,

Perennial food insecurity, total lack of health infrastructure, paralysis in public institutions, delayed payment of salaries of civil servants, runaway inflation, rampant insecurity and a myriad of other maladies, have made the population grasp for air and cry desperately for international assistance.

Furthermore, after ending the devastating senseless civil war, the government must now shift from its oil-for-peace slogan to oil-for-health as it engages in a fierce battle against the Coronavirus.

and Gender and Youth have not been operating in an environment of collegial spirit and understanding. Furthermore, the executive has not met the 35% quota for women representation in it.

- Expansion and reconstitution of TNLA of 550 MPs—332 ITGoNU, 128 SPLM/A-IO, 50 SSOA, 30 OPP and 10 FDs—and the National Council of States (10 States with 50 MPs) have remained pending, with no lists presented by the parties to the National Constitutional Amendment Committee (NCAC) so that it could submit them to President of the Republic for announcement. Critical security and defence legislations that were reviewed by NCAC and submitted to the Minister of Justice and Constitutional Affairs have not been tabled in TNLA for endorsement. Old MPs have not ceased operating and summoning ministers despite the fact that they are no longer legitimate lawmakers as per the amended transitional constitution and R-ARCSS.

- Allocations of states and appointments of governors, ministers, commissioners and subnational members of Parliament (MPs) as well as county councillors have not been effected due to disagreement and lack of consensus over the percentages and relative weight of each party on the ground—55% ITGoNU, 27% SPLM/A-IO, 10% SSOA and 08% OPP with FDs selecting 3 ministers in states of their choice as deducted from OPP’s share. This has created a vacuum of legitimate government of the resuscitated 10 states.

- The organs of the judiciary of South Sudan have remained un-reconstituted and un-restructured, including the establishment of Judicial Reform Committee and the Constitutional Court as well as the pending reconstitution of Judicial Service Commission. The old situation of the Judiciary has not been effective and is waiting reforms, especially for settling the conflicts and disagreements by the parties on R-ARCSS implementation and interpretation of the amended constitution and related laws.

- Political Parties Council (PPC) and National Elections Commission (NEC) have not been reconstituted to embark on multi-party legalization and electoral management□preparedness for capacity-building, civic education, voter outreach programs, design of procedures for voter registration, publishing of voter registry, procurement of electoral materials, accreditation of elections monitors, admission of national and international observers, transportation, polling, tallying, counting and announcement of elections results, and settlement of electoral disputes□in accordance with the law so that the outcome of the elections reflects the true will of the people at the end of the transitional period.

Impact on PCTSA (Chapter II, Articles 1 – 5):

- Setbacks from the unaccomplished tasks of pre-transitional period have been exacerbated by Covid-19 at the start of transitional period where PCTSA mechanisms— Joint Technical Security Committee (JTSC); Joint Defense Board (JDB); Joint Military Ceasefire Commission (JMCC); Area Joint Military Ceasefire Commission (AJMCC); Joint Military Ceasefire Teams (JMCTs); Sector 1/Equatorial Area Committee, Sector 2/Upper Nile Area Committee, Sector 3/Bahr El Ghazal Area Committee with Monitoring and Verification Teams/Sites (MVTs/Sites); Disarmament, Demobilization

and Reintegration Commission (DDRC); Strategic Defense and Security Review Board (SDSRB); and the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism (CTSAMVM)--failed to commence their work in earnest as expected. Residual PCTSA pre-transitional activities have remained unaccomplished by the established mechanisms whose work have been paralyzed by lack of political will and insufficient funding by RTGoNU. The respective Commanders-in-Chief and Commanders of Forces of the parties have not been collaborating as colleagues to enable them operate smoothly for the reform of National Armed Forces, National Security Service, Police Service, Wildlife Service, Prisons Service, and Fire Brigade.

- Covid-19 has complicated the already delayed and deferred initial undertakings on PCTSA, including disengagement, separation, withdrawals, assembly, cantonment, screening, joint training and deployment of the necessary unified forces across South Sudan and its international borders. Cessation of hostilities and permanent comprehensive ceasefire have not been upheld fully across the country as members of some local communities continue to fight among themselves and loot vulnerable civilians. About 19 civilians' centers (8 in Torit, 5 in Yei, 3 in Yambio and 3 in Malakal) are still occupied by armed forces who should be in cantonment areas and barracks or in stations where 78,500 soldiers have been registered and 45,000, including 3,600 women some of whom are pregnant and or lactating, were moved to training centers without proper screening, only 13,850 ex-combatants were registered for DDR programs, which is still lacking resources and logistics. Some armed forces have been defecting and switching affiliation in violation of R-ARCSS. There have been pockets of clashes by government forces and holdout opposition groups in Equatoria. Raping of women and torturing of civilians have continued unabated despite the recommitment by the warring parties to Cessation of Hostilities Agreement (CoHA) in Rome under mediation of Sant'Egidio Community.

- The commencement of the Four Stages of Strategic Defense and Security Review (SDSR) got stalled due to Covid-19, lack of political will and the absence of funding. The paralysis includes the deferred first stage of 120 days for the strategic security assessment of formal and informal military actors and, among others, for the revision of the defense policy and identifying specific roles of army, security service and organized forces with outlined vision on conventional modernization. It also includes the deferral of the second stage of 150 days allocated to the analysis of trained and operational capabilities of all defense and security forces with the support of the needed systems, structures, resources, equipment and strategic models. It encompasses the other deferred third stage of 180 days set aside for evaluation of the first and second stages by the principals with decision on the best strategic model or combination that is worth adopting for publishable Defense and Security White Paper as well as Security Sector Transformation Roadmap after approval by Council of Ministers and endorsement by TNLA. All the above delayed three stages will lead to more delays in reaching the final Stage Four of the DDR and Security Sector Review (SSR) processes. Annual work plans and programmatic costing for realizing the conventional defense and security vision with pragmatic outcomes has been adversely affected by the delays in peace processes and the intrusion of Covid-19.

In fact, the National Pre-Transitional Committee (NPTC) was dissolved without being audited for misusing of accounts and for not prioritizing the disbursed 100 million USD grant by ITGoNU. It spent 104.328 million USD with only 21.6 million USD given to Permanent Ceasefire and Transitional Security Arrangement (PCTSA) mechanisms,

Regrettably, the situation went out of control as more South Sudanese began to test positive for Covid-19 in large numbers day by day, including the three Vice Presidents and a number of ministers who were in the national taskforce.

Impact on Humanitarian Service (Chapter III, Articles 1 – 2):

- Measures taken by RTGoNU for combating Covid-19 have hindered the required enabling political, administrative, operational and legal environment for quick delivery of humanitarian assistance—fast-tracking customs clearances for relief items, timely issuance of visas and permits for staff of international NGOs and humanitarian agencies, and securing the access to civilian populations via safe humanitarian corridors. NGOs and humanitarian workers have to wait for clearance from the High-Level Taskforce, resulting in delays in obtaining test results for Covid-19. Even with permission granted, the numerous checkpoints and humanitarian corridors have created more delays as a result of unrealistic demands before allowing access to humanitarian deliveries. Some of the NGOs closed down their offices until they see the situation getting improved.

- Old independent humanitarian institutions have not been reconstituted and new ones have not been established to meet the required technical and professional standards for assisting RTGoNU in specific areas. The Special Reconstruction Fund (SRF) and its Board (BRSF) have not been established within the first month of Transitional Period with clear principles and Terms of Reference (TORs), including drawn plans and support by international partners at national as well as subnational levels. RTGoNU has not yet provided the mandatory initial funding of not less than \$100 million USD per annum, to be supplemented by external donations and supported by experts in humanitarian field. UN, AU, IGAD, RTGoNU and humanitarian agencies have not organized the conference for international funding pledges to assist in the post-war reconstruction of South Sudan.

- Covid-19 has made it difficult for parties, as represented in RTGoNU, and humanitarian partners to start implementing joint programs of relief, repatriation of refugees, resettlement, reintegration, and rehabilitation (5Rs) with dignified protection of returning IDPs and refugees voluntarily. The few voluntary returnees have been harassed at the borders and treated unfavorably and inhumanely at times when they arrive in places of their origins or new place of their choice to reunite with their respective families. More seriously, RTGoNU and the parties have not been able to accord special humanitarian consideration to children, orphans, widows, wounded and disabled persons. Destroyed or looted properties of war-affected citizens have not been identified, registered and documented accurately for recovery. Host communities have not received assistance in appreciation for their hospitable solidarity with the IDPs and returnees. Reconstruction and infrastructure have not been taken urgently as priority for the conflict-affected areas.

Impact on Peace Economy (Chapter IV, Articles 1 – 16):

- Covid-19 has hit the already war-torn economy of South Sudan very hard. Significant principles of legality, professionalism, institutionalism, technicality, commitment, coordination, efficiency, effectiveness, planning, budgeting, allocation, payroll systems, banking, sharing, devolution, equity, expenditure, services, procurement, checks, consent, integrity, transparency, auditing, cooperation, recovery, reconstruction, transformation, resilience, service, oversight, accountability, leadership and sustainability have not been seen yet guiding the economy or being respected

strictly as required by R-ARCSS. RTGONU has not embark on proper resource management strategies of oil, land, water, among others, including environmental safety. RTGoNU has not improved on public financial management of revenues, allocations, expenditures, sharing, borrowing and loans through the Ministry of Finance and Planning (MoFP) and the Bank of South Sudan (BSS) with authorized audits and parliamentary oversight.

- RTGoNU has not started reviewing important national legislations— Investment Promotion Act, 2009; Banking Act, 2010; Telecommunications and Postal Services Act, 2010; The Transport Act, 2008; The National Audit Chamber Act 2011; Anti-Corruption Commission Act 2009; Public Finance Management and Accountability Act 2011; Petroleum Revenue Act 2012; Petroleum Revenue Management Act 2011; Mining Act 2012; National Pensions Fund Act, 2012; and National Revenue Authority Act 2017. This inaction has delayed the implementation of institutional reforms and reconstitution, especially at the Ministry of Finance and Planning and Bank of South Sudan.

- Old institutions like Anti-Corruption Commission; National Audit Chamber; Fiscal, Financial Allocation and Monitoring Commission; Land Commission, Urban Water Corporation, Electricity Corporation, National Petroleum and Gas Commission; Roads Authority, among others, have not been reconstituted or reformed. New independent institutions like Public Procurement and Asset Disposal Authority; Salaries and Remuneration Commission; Environmental Management Authority; Research and Development Centers on Natural Disasters, Strategic Studies and Scientific Research; Health Care Support Fund; Students Support Fund; Social Security Fund; Youth Development Enterprise; Women Development Enterprise; and Economic and Financial Management Authority, have remained as ink on the R-ARCSS paper with no steps taken to initiate their establishment immediately during transitional period.

Impact on Transitional Justice (Chapter V, Articles 1 – 5):

- Covid-19 has added to further delays in translating the principles of transitional justice into reality of the Commission for Truth, Reconciliation and Healing (CTRH); Hybrid Court of South Sudan (HCSS); and Compensation and Reparation Authority (CRA) with supreme jurisdictional mandate and responsibility to conduct criminal investigations, trials, penalties and convicting against humanity crimes, genocide and gender-based sexual abuses, among others, that are prosecutable under international law and in accordance with proven findings, authentic documentation and material evidence with guarantees for protection of the rights of vulnerable victims and witnesses.

- The articulation of the mandate and functions of these institutions has not commenced yet. Furthermore, the Memorandum of Understanding (MoU) between AU and RTGoNU has not been finalized together with procedures of selections and appointments of those who are eligible to serve in these bodies, including participation of civil society and public at large. This means that the ineligibility conditions for participating in RTGoNU or successor governments by individuals who are indicted or convicted by HCSS will remain delayed, enabling many suspects to continue holding key positions in the government and blocking justice during the transitional period as

Sending food items and other basic necessities from Juba to cantonment sites became a logistical nightmare, leave alone the poor conditions in the barracks where a number of soldiers resorted to the environmentally unfriendly practice of charcoal burning in order to fend for themselves and their families.

The meteoric rise in the cases of infection by the coronavirus pandemic in the country at this time of political and economic hardship makes for the worse possible scenario in a country with weak or nonexistent political, economic, health or road infrastructure, let alone a social safety net to rescue the citizenry from falling further into the precipice of poverty and unnecessary death.

required by the R-ARCSS.

Impact on Permanent Constitution-Making (Chapter IV, Articles 1 – 16):

- Covid-19 has hampered the initiation of principles and legislations for federal constitution-making, conditioned on lean government and devolution of more powers and resources to meet the collective aspirations of the people of South Sudan. RJMEC has not been seen prepared the convening of the workshop for the parties to agree on details of people-led and public-owned constitutional making process. That workshop has to be moderated and facilitated by an internationally renowned institute on constitution-making process. So far, the RJMEC has only consulted a Ugandan Constitutional Law expert to study 21 constitutions of some selected countries in different continents whose situations are deemed similar to that of South Sudan. Related to this delay, the NCAC has not started to prepare the ground and good atmosphere for permanent constitutional benchmark for transitional period. Expanded and reconstituted TNLA is not yet in place to enact a law for this purpose.

- RTGoNU is not allocating funds and seeking assistance from the region and abroad (financial, expertise and best practices) or conducting adequate consultations with parties, stakeholders and guarantors for the reconstitution of the National Constitutional Review Commission (NCRC) based on equality and inclusivity. No brainstorming has been carried out in order to discuss modalities of appointing preparatory subcommittee for convening National Constitutional Conference (NCC) as informed by lessons from common law, constitutional history, R-ARCSS, and other comparative experiences.

• Impact on RJMEC and CTSAMVM (Chapter VII, Articles 1 – 14):

- Covid-19 has slowed down the work of the RJMEC and CTSAMVM. The required regular meetings, briefings, reporting and communication by these bodies have been hampered and postponed in most cases. Though the RJMEC has been reporting to RTGoNU, Chairperson of IGAD Assembly of Heads of State and Government, Chairperson of IGAD Council of Ministers, Chairperson of AU Commission, UN Secretary-General, and UN Security Council on the status of R-ARCSS progress or deficiencies in implementation, its recommendations have not been respected as urgent and legitimate matter even when there are pressing remedial actions for enhancing the peace process.

- RJMEC has not been receiving the requested reports from ITGoNU. Its attempts to resolve the arising deadlocks or referring them to the IGAD guarantors in case of non-compliance by the parties has not been given urgent prioritization because Covid-19 has become the core excuse for delays. So far RJMEC has been run by an interim Chairperson due to the failure of the IGAD Assembly of Heads of State and Government, in consultation with IGAD-PLUS Partners, to appoint a prominent African personality since September 2018.

Impact on Supremacy of R-ARCSS (Chapter VIII, Articles 1 – 4 & Preamble):

- Covid-19 has preoccupied the focus of the RTGoNU and the Guarantors of R-ARCSS so much so that they do not fully concentrate on the merits of the Transitional Constitution of South Sudan (2011 as amended in 2020 via incorporated R-ARCSS provisions) to take precedent over all national legislations, unless amended by 23/ of members of the Council of Ministers with approval of 23/ of voting members of RJMEC before it is tabled for endorsement by the National Transitional Legislature in accordance with amendment procedures. So far, concerns have been raised on some deviations on the provisions of R-ARCSS and constitutional amendment, in addition to the pushed over 34 pre-transitional tasks from the total of 63 tasks where only 22 are ongoing with difficulties in financing and technical backstopping.

- The parties have not been fully committed to the peace processes due to lack of seriousness to uphold the Transitional Constitution of the Republic of South Sudan (TCRSS, 2011 as amended) in pursuit of peace, justice, unity, equality, human rights and the rule of law based on the will of the people. They have not been seen regretting the untold human suffering caused to the citizens by the senseless civil war, a situation that deserves compensation through sustainable peace and development. They have demonstrated cognizance for sovereignty, territorial integrity, and devolution of more powers and resources to lower levels of government as prelude for adoption of federalism. They have been dodging the implementing of R-ARCSS solemnly, including Khartoum Declaration of Agreements on Security, Governance and Economy.

CONCLUSION AND KEY RECOMMENDATIONS

It is obvious that political brinkmanship has conspired with coronavirus pandemic and the global collapse of oil markets to push South Sudan to the brink of a colossal double tragedy from which the country may not recover adequately in the foreseeable future. With its oil-dependent economy in utter shambles in the aftermath of the sharp drop of crude oil, and with the country's fragile health and physical infrastructure stretching beyond limits, South Sudan has gotten into a state of free-fall as unwittingly accelerated by unscrupulous political brinkmanship that has in turn delayed the realization of long-awaited peace for good.

Although the impact of the rapid spread of the coronavirus cannot be overemphasized, the rescue can only emerge with application of scientific approach aided by proper medical equipment. Conversely, assessing the subtle immediate and long-term impact of Covid-19 pandemic on both the people and the peace process in South Sudan is a more challenging endeavor that requires a searing in-depth analysis. The peace agreement reached by the South Sudanese parties and stakeholders in 2018 is a complex undertaking that must be understood and implemented holistically. It is imperative, therefore, that the components of the ambitious peace agreement are treated as complementary to each other. Its Chapter I is the heart of political life for South Sudan, Chapter II the uncompromising safety of the nation, Chapter III the

Allocations of states and appointments of governors, ministers, commissioners and subnational members of Parliament (MPs) as well as county councillors have not been effected due to disagreement and lack of consensus over the percentages and relative weight of each party on the ground

The respective Commanders-in-Chief and Commanders of Forces of the parties have not been collaborating as colleagues to enable them operate smoothly for the reform of National Armed Forces, National Security Service, Police Service, Wildlife Service, Prisons Service, and Fire Brigade.

conscience of humanity, Chapter IV the hope of dignified future, Chapter V is the rule of law and justice, Chapter VI the social contract, Chapter VII the eagle eye of the processes, and Chapter VIII the public consensus.

Therefore, the parties, stakeholders and partners should start to grasp it well that the delay in the formation of states and local governments has undermined efforts to ‘take the towns to the people.’ Although there is no magical wand to banish the pain and suffering that have gripped the people of South Sudan in recent days, it is, however, important to acknowledge that the implantation of the peace agreement, in letter and spirit, is the saving grace. There is no alternative short-cut. The exit strategy is for the principal leaders of the parties and the guarantors to continue to work diligently and take utmost collective responsibility to avert the double jeopardy of the delayed peace process and impact of Covid-19.



The South Sudan Center for Strategic and Policy Studies (CSPS) was established to build a democratic state and well informed nation. Working towards a stable, prosperous and peaceful South Sudan and the region; characterized by respect for the rule of law, sustainable and equitable development, socio-economic justice, political empowerment, accountability and governmental transparency, collaborative security, and participatory citizenry.

© 2020 CSPS. All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means without permission in writing from CSPS, except in the case of brief quotations in news articles, critical articles, or reviews. Please direct inquiries to: CSPS

P.O.BOX 619, Hai Jeberona next to Sunshine Hospital
Juba, South Sudan
Tel: +211 (0) 920 310 415 | +211 (0) 915 652 847
www.ss-csps.org