

Sanctions Against Peace Spoilers: Lessons International Community and South Sudanese Actors Can Learn

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On 15th December 2013, South Sudan descended into political ignominy fitting President Salva Kiir against erstwhile Vice President Dr. Riek Machar and their ethnic supporters and overlords. The political violence that emanated from Sudan People Liberation Movement (SPLM)'s contest over power and wealth has led to thousands of deaths and millions displaced internally and externally. The Inter-Governmental Authority for Development (IGAD) halted the skirmishes through the brokerage of August 2015 Compromised Peace Agreement (CPA), known as Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS). The ARCSS led to the formation of Transitional Government of National Unity (TGNou) that made Dr. Riek Machar the First Vice President. Three months later ARCSS collapsed with the presidential fight on July 8th 2016, sending Dr. Riek Machar back to exile where he is locked up in Pretoria, South Africa. However, the ARCSS is currently being revitalized in Addis Ababa with new belligerents and strange groups being accommodated. So far, Cessation of Hostilities Agreement (COHA) was inked on 21st December 2017. The Declaration of Principles (DOPS), Chapter One: Transitional Government of National Unity and Chapter Two: Permanent Ceasefire & Transitional Security Agreements have been discussed and yet to be finalized in the third rounds of HLRF comes mid March 2018.

In the entire processes of implementation of ARCSS, United States Government, Canada and European Union have propelled sanctions to both leaders in the government and in the opposition. However, the imposition of sanctions has never been analyzed whether it has an impact on the peace spoilers in South Sudan or not. Given the deficit understanding of the imposition of sanctions in South Sudan, this commentary seeks to fill this gap of knowledge. The analysis is organized as follows: understanding the

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concept of sanctions, definition of the concept of peace spoiler and analysis of the imposition of sanctions on real peace spoilers in South Sudan. The commentary concludes with juxtaposition and pointers of lessons government, oppositions, IGAD and International Community can learn.

Understanding the Concept of Sanctions

According to Barry Kolodin in his seminal book “Sanctions Regime and Their Implications in International Relations” 2017, sanctions are defined as tools used by countries or international organizations to persuade a particular government, a group of governments or individuals to change their policy by restricting trade, investments, travelling or other commercial activity (Kolodin, 2017: 5). Sanctions are conceptualized legally, politically and economically or trade wise. Trade sanctions are the most common kind and are least onerous. They could be revocation of preferential treatment such as most favored nation status or import quotas against a country not abiding by agreed international rules of trade. On the other hand, economic sanctions are punitive in nature and meant to isolate the target. They may include trade embargoes or boycotts, freezing of assets, bans on cash transfers, bans on technology transfer and restrictions on travel.

The problem with sanctions whether economic or political is that it is the poor, the innocent civilians and not the intended government officials who often feel the impact of sanctions. A trade embargo is most likely to affect a subsistence farmer who cannot sell his crops for export or a worker in a factory that is unable to receive raw materials. In most cases, sanctions will exclude humanitarian items such as medicines and food.

Conceptualizing Peace Spoiler

Peace making is a risky environment. Stephen John Stedman in his groundbreaking work “Negotiations and Mediation in Internal Conflicts” 1996 argues that the greatest source of risk in peace negotiations comes from spoilers – leaders and parties who believe that peace that emerge from negotiations threatens their power, worldview, and interests and use violence to undermine attempts to achieve it (Stedman, 1996: 5). By signing a peace agreement, leaders put themselves at risk from adversaries who may take advantage of a settlement, from disgruntled followers who see peace as a betrayer of key values, and from excluded parties who seek either to alter the process or to destroy it. By implementing a peace agreement, peacemakers are vulnerable to attack from those who oppose their efforts. And most important, the risks of peacemaking increase the insecurity and uncertainty of average citizens who have the most to lose if war is renewed.

It is critical to argue that peace creates spoilers because it is rare in civil wars or ethnic conflict for all leaders and factions to see peace as beneficial. Even if all parties come to value peace, they rarely do so simultaneously, and they often disagree over terms of an acceptable peace. A negotiated peace agreement has losers: leaders and factions who don't achieve their war aims. Nor can every war find a compromise solution that addresses the demands of all the warring parties. For example, the most perfectly created power-sharing institutions in the world are useless if one of the parties does not want to share power (Sisk, 1999: 18). Custodians of peace processes confront several different spoiler problems that

differ on the dimensions of the position of the spoiler such as being inside or outside of the agreement; number of spoilers; type of spoiler such as limited, greedy or total spoiler and locus of the spoiler problem such as on a leader, followers or both.

Analysis of Imposition of Sanctions on Perceived Peace Spoilers in South Sudan
In the context of South Sudan, the three conceptualizations of sanctions of economic, political and legal sphere have been applied. Legally, sanctions have been propelled based on the international law on the ground of war crimes and crimes against humanity in the eyes of United States and European Union. Politically and economically, sanctions have been imposed on individuals, viewed as obstruction to peace, development and progress by the Troika. In short, those perceived as peace spoilers were individually sanctioned. In 2015, the United States and European Union propelled sanctions on Peter Gatdet Yak, Gathoth Gatkuoth and Gatwech Dual of the SPLA-IO. On the SPLA-IG, Marial Chanoung, Santino Deng Wol and Jok Gai Riak were equally sanctioned. Later in 2017, Michael Makuei Lueth, Malek Reuben and Paul Malong Awan were added into the list of sanctions as spoilers of peace. Interestingly, these sanctions regime have not changed the roles of these perceived spoilers. Peter Gatdet Yak doesn't have bank account let alone travelling outside South Sudan. If he has any money he might have buried them at his village and hence sanctions have not affected and changed Peter Gatdet's way of life. He is still a rebel marauding between South Sudan and Sudan. Gen. Gathoth is in Juba serving as the Minister of Labour, Public Service and Human Resource Development in the TGoNU and sanctions have not affected anything on his life. Other sanctions on Gatwech Dual, Marial Chanoung, Malek Reuben, Santino Deng Wol, Michael Makuei and Paul Malong Awan have not changed even an iota in the lives of these military and political leaders. While sanctions could not be effective, they could instill fear in imagine or real peace spoilers in South Sudan if they are applied in a holistic manner with scientific mapping out of clear and notorious peace spoilers.

To be sure, spoilers if not curtail could easily reverse the gains of any peace deal. When spoilers succeed, as they did in Angola in 1992, Rwanda in 1994, Somalia in 1991 and South Sudan in 2016, the results are catastrophic. In those cases, the casualties of failed peace were infinitely higher than the casualties of war. When Jonas Savimbi refused to accept the outcome of UN-monitored elections in 1992 and plunged Angola back into civil war, approximately 300,000 people died. When Hutu extremists in Rwanda rejected the Arusha Peace Accord in 1994 and launched a campaign of genocide, over 1 million Rwandans died in less than months. When centripetal clans mismanaged the internal conflicts in Somalia that led to bloody overthrowing of President Maj-General Mohamed Said Barre, thousands of Somali died and millions displaced. Somalia became a country without central authority, famine-infested nation and a successful failed State with multiple civil wars amongst the feuding clans and their militias. When President Salva kiir and former First Vice President Dr. Riek Machar failed to control their bodyguards in July 2016, over 1 thousand South Sudanese were killed in the bloody Presidential Palace (J1) skirmishes in less than five days.

If all spoilers succeed, then the quest for peace in civil wars would be dangerously counterproductive. For example, President Juvenal Habyarimana of Rwanda failed to implement key measures of the Arusha Accord to end his country's internal war; the Khmer Rouge (KR) in Cambodia which signed the Paris Peace Accord refused

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to demobilize its soldiers by then and chose to boycott the elections with civil war as the result; and the Union for Total Independence of Angola (UNITA), which signed the Bicesse Accord in 1991 later returned to war in 1992 when it lost the elections.

However, not all spoilers do succeed always. In Mozambique, the Mozambique National Resistance Movement (RENAMO), a party known as “the Khmer Rouge of Africa”, stalled in meeting its commitments to peace, and threatened to boycott elections and return to war. In the end, however, RENAMO joined parliamentary politics, accepted losing an election, and disarmed, thus ending a civil war that had taken approximately 800,000 lives. In Cambodia, the peace process was able to overcome resistance from real Khmer Rouge, the party with the distinction of providing the sobriquet for fanatic parties elsewhere.

The crucial difference between the success and failure of spoilers is the role played by international actors as custodians of peace. Where international custodians have created and implemented coherent, effective strategies for protecting peace and managing spoilers, damage has been limited and peace has triumphed. However, where international custodians have failed to develop and implement such strategies, spoilers have succeeded at the cost of hundreds of thousands of lives.

In South Sudan, spoilers of peace cannot be induced through sanctions. Sanctions whether travel bans or assets or money freezing has not altered the behavior of the spoilers as discussed elsewhere in this piece. It is important to note that South Sudanese military and political elites just returned from the bushes 13 years ago and thus where they are limited to travel or their banks accounts frozen, these leaders have continued to survive and carried on with their lives. Thus, individual sanctions of the leaders have continued to be counterproductive. However, citizens have always shouldered the impact of country’s sanctions. We have noticed this in Eritrea and Sudan where the UNSC and United States sanctioned the two countries. Nonetheless, the leaders of these countries have continued to get wealthier and travel around the world as citizens buttressed the brute of economic sanctions. So, for South Sudan, this is typically playing out. Hence, as the revitalization enters its third round in March 2018, the mediators, the parties and the International Community should continue to watch out on South Sudanese real peace spoilers.

Once identified, as plethora of them exists, they ought to be managed through inducement by taking positive measures to address their grievance and through socialization to assure the spoiler the brightness of the future. Moreover, the spoilers can be managed through coercion via ‘withdrawal’ as was the case against Bosnian Serbs in 1995 during the onset of Dayton Peace Accord and through ‘departing train strategy’ as was the case 1998 Good Friday Peace Agreement of Northern Ireland.

Subsequently, the TGoNU, SPLM/SPLA-IO, other oppositions groups and members of the International Community should learn a lesson from Rwanda, Angola, Mozambique, Somalia, Bosnia, Cambodia and Sri-Lanka about the lethal role of peace spoilers. Anyone who obstructs peace qualifies as peace spoiler. The spoilers are peace destructors and they have to be pinpointed earlier, particularly on the onset of peace process, engaged, managed and their grievances addressed to ensure the success of peace. Sanctioning real peace spoilers cannot do much as this hardened them. However, engaging and ensuring them that the future can be great whether in peace power sharing or outside power sharing can help minimize the risks of spoiler

problem in peace making and peace consolidation.



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