(Re)appraising the role of civil society in the IGAD-led peace process for South Sudan

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Abstract

This article (re)appraises the role of civil society in South Sudan's peace process. Situated at the confluence of civil society inclusion/exclusion, the significance of civil society participation and its contribution to peace processes, the article contributes to literature on inclusive and sustainable peace. The article employs a qualitative case analysis to illuminate the dynamics of civil society participation in the Intergovernmental Authority on Development (IGAD)-led peace process for South Sudan. The article engages with factors that compromise the efficacy of civic action in South Sudan and issues that are injurious to the sector's legitimacy. The article neither downplays the complexity and precarity of the environment in which the South Sudanese civil society finds itself nor overplays the importance and contributions of civil society to the peace process. More importantly, it reveals that civil society in South Sudan is severely fragmentated and suggests that this fragmentation needs to be addressed as it simultaneously compromises civil society's peacemaking efficacy and undermines the sector's legitimacy. In the end, the article adds to the view that civil society is not always a force for peace and the sector's inclusion; participation does not necessarily contribute to legitimising or sustaining peace processes and their outcomes.

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1. Introduction

Departing from the assumption that the inclusion of civil society in peace processes do not necessarily contribute to legitimising or sustaining peace, this research set out to assess the role of South Sudan's civil society in the Intergovernmental Authority on Development (IGAD)-led peace process for South Sudan. In so doing, this study engages in a qualitative case analysis to make broader considerations about the role of civil society in peacemaking particularly in conflict or post-conflict contexts.

As there are many similar concepts, there are definitional issues as to what civil society means. Indeed, it "includes an ever wider and more vibrant range of organised and unorganised groups" (Jezard, 2018). This article employs the concept of civil society to refer to a broad range of actors, including but not limited to nongovernmental organisations (NGOs), activists, lobbyists, academics, trade unions, faith-based groups, community-based organisations (CBOs) and women and youth movements.

This article's argument is predicated on three major findings. The first is a view that civil society had a relatively higher representation during the 2017 High-Level Revitalization Forum (HLRF) (Verjee, 2017) than in both the first phase of the peace process between 2013 and 2015 and the last leg of the process, referred to as the Khartoum process, that took place towards the end of 2018. We (re)appraise these claims and push our analysis beyond narratives of civil society inclusion/exclusion and controversies of representative participation. We also highlight continuity across the entire spectrum of the peace process with particular attention to issues of civil society's efficacy and legitimacy.

Second, we revisit and interrogate the issue of civil society as representing the public good or the will of the people against the evidence of intra-civil society fragmentations that significantly undercut the sector's efficacy and legitimacy. Noticeably, South Sudan's civil society does not represent a broad social movement, but rather individual NGOs that are often organised around loose coalitions. Furthermore, key individuals at the helm of South Sudan's civil society are mostly based in the diaspora or holders of dual citizenships, including a sizeable number who are USA-

trained and, to a large extent, grew up there. This has led to claims of an emerging clique from an elitist civil society juxtaposed with local actors from mainly grassroots or CBOs.

Third, we problematise the theme of civil society action through the identifiable dichotomy between traditional peacebuilding approaches (dialogue, negotiation and mediation) and nonviolent action tactics, such as mass protests in South Sudan's intertwined peace process and political transition.

Ultimately, this article not only illuminates the dynamics and controversies of the peacemaking role of South Sudan's civil society organisations (CSOs) but also casts doubt on the efficacy and legitimising effect of civil society's participation in the IGAD-led peace process. By so doing, the article (re)appraises the idea that illegitimacy of peace processes and their outcomes mostly arise from the lack of civil society's inclusion or participation. We contend that this view not only risks overstating civil society's peacemaking role but also obscures the negative effects of intra-civil society fragmentations. This is particularly the case in situations such as South Sudan where CSOs are driven by narrow interests, some of which are foreign. We conclude by urging caution over the potentially damaging effects of civil society inclusion in peace processes and the need for scholars and practitioners to be as bold as to assert that civil society participation, especially in fragile situations such as South Sudan, may not always be a force for peace.

In terms of structure, this article opens with a contextual overview of the conflict and the peace process in South Sudan before situating civil society within South Sudan's intricate dynamics. The article then illuminates the dynamics underpinning civil society inclusion in the IGAD-led peace process, including the ways through which sector representatives claim to have contributed to the process. Through the concept of fragmentation, we proceed to shed light on some of the key factors undercutting the efficacy of civil society and compromising its efficacy and legitimacy before ending with a conclusion.

2. Contextual Overview and Methodology

IGAD[1] has been leading peace efforts in South Sudan since the country

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[1]   Headquartered in Djibouti, IGAD is a Regional Economic Community (REC) in the Horn of Africa comprised of eight countries (Ethiopia, Eritrea, Djibouti, Kenya, Somalia, Sudan, South Sudan, and Uganda). Other than Eritrea, which protested following its war with Ethiopia, all member states have been active over the years.

plunged into a civil war in 2013. These efforts culminated in the signing of the Revitalised Agreement on the Resolution of Conflict in South Sudan (R-ARCSS) in 2018. The need for inclusivity, legitimacy and sustainability bring South Sudan's CSOs into the centre of interlocutions on the IGAD-led peace process and its outcomes.

Civil society is primed to play an important role in achieving its meaningful inclusion and constructive participation in peace processes (Paffenholz, 2014:70; Peace Direct, 2019). Some researchers argue that a lack of civil society participation in peacemaking results in narrow, illegitimate, and unsustainable peace processes (Kew and John, 2008:11). Furthermore, extant literature suggests that including civil society contributes to legitimising and sustaining peace processes and their outcomes (Singh, 2020; Pospisil, 2018; Virk and Nganje, 2016; Paffenholz, 2014; Fornof, 2014; Nilsson, 2012; Belloni, 2008; Kew and John, 2008).

In South Sudan, civil society is deeply fragmented and largely ineffective in its peacemaking role. The sector's role in the IGAD-led peace talks was largely tokenistic, including the second phase in which some civil society actors claimed to have played a relatively bigger role. Civil society participation started as part of the so-called "multi-stakeholders symposium meant to initiate an inclusive phase of IGAD-led peace talks in Addis Ababa" (Tubiana, 2014). This forum included 28 members drawn from "civil-society organisations, religious groups, political parties and formerly detained political leaders (seven for each group) to represent wider South Sudanese interests at the peace talks" (Tubiana, 2014). These were "notionally independent South Sudanese actors"(Tubiana, 2014) who did not embody a coherent civic body capable of championing public interest. Most importantly, the South Sudanese civic space is a contested terrain characterised by fragmentations, including ethno-regional, political and religious divides. Mohandis (2018) acknowledges as much by stating that there was "government-friendly civil society and opposition-friendly civil society."

Methodologically, the article draws on a qualitative case analysis with empirical data obtained from 29 interviews with representatives of a diverse group of CSOs and the sector's watchers both in and outside South Sudan. The interviews were conducted between August and October 2021.[2] Using a semi-structured interview guide, we sought the views and

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[2]   Given the COVID-19 pandemic, most of the interviews were conducted virtually (mainly using digitally aided video platforms of Zoom, Skype and WhatsApp) with a few in-person interviews. The relevant ethical approval for this research was obtained under HPSC Ref No: R19-P116. To protect the safety of the interviewees, all quotations are anonymised.

perceptions of the respondents on civil society inclusion in the IGAD-led peace process for South Sudan between 2013 (the start of the civil war) and 2018 (the signing of the R-ARCSS). We specifically queried the criteria used to choose representatives for the IGAD-led talks, who were involved, and when, how, why and what role they played during the talks. We also sought to understand the contributions of civil society to the peace process and the challenges they faced. Finally, we probed the source and dynamics of the mandate of civil society held by representatives in the IGAD-led peace talks to determine connections between the group that was in Addis Ababa (the venue of the IGAD talks) and the South Sudanese public whose interest CSOs (should) champion. The major thrust of the study was to (re)appraise the role of South Sudan's civil society in the IGAD-led peace process by illuminating two interrelated aspects: the efficacy and legitimacy of South Sudan's civil society in the country's protracted peace process and how it intersects with overlapping processes of state formation and state building. We recorded most of the interviews with the consent of respondents and these were transcribed later. We also took notes and diarised our interactions with informants. We then subjected the obtained data to a combination of thematic and narrative analyses. The aim was to identify key relevant narratives beneath the various themes – both a-priori and emergent – to be able to form an empirically supported opinion on the efficacy and legitimacy of the role of civil society in South Sudan's peace process.

As such, this article's findings are based on views, ideas, and perceptions as well as personal experiences of civil society actors. This was deliberately intended to contribute to shaping a critical narrative on the role of civil society in South Sudan's peacemaking based on self-reflections, experiences and thoughts of individuals drawn from the very sector. The major limitation of this approach is that it entails self-reporting. We undertook measures to mitigate this by (i) including South Sudan's watchers from the region in the list of our informants (ii) carrying out a literature review that included academic, policy and journalistic sources as evidenced in the bibliography and (iii) we critically assessed the emerging issues and narratives that benefited from our knowledge of the case study.[3]

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[3] The first co-author worked in NGOs for over ten years part of which was in South Sudan between 2016–2018 and went on (from 2018) to carry out PhD research on the IGAD-led peace process for South Sudan. The second co-author works for an international think-tank with a focus on peace research and peace policy advice, including in South Sudan.

Notably, one of the interesting observations was that some of the civil society representatives that we contacted for interviews were very critical of the role of civil society in South Sudan's peace process and were able to articulate some of the issues afflicting civil society, such as the ethno-political divide and the implications of this on the efficacy and legitimacy of the sector.

3. South Sudan's long road to peace

South Sudan obtained its independence in 2011 and became the world's youngest nation. Its independence was the culmination of a protracted armed struggle that lasted over two decades. Hardly two years into South Sudan's much-celebrated independence (Vertin, 2018a), the country plunged into a civil war in 2013. The war caused approximately 400 000 deaths and triggered one of the world's worst humanitarian crises (LSHTM, 2018).

The civil war was sparked by a fallout within the Sudanese People's Liberation Movement/Army (SPLM/A) that was exemplified by the bitter rivalry between President Salva Kiir and first Vice President Riek Machar (Nyaba, 2011). This occurred against the backdrop of historical factors, colonial legacies and the divide and rule policies pursued by Sudanese regimes, part of which were already at play during the liberation struggle (Johnson, 2016; Koos and Gutschke, 2014). For instance, Machar's famous revolt against John Garang during the liberation struggle, culminating in the 1991 Bor massacre, exacerbated the Dinka-Nuer rivalry (Koos and Gutschke, 2014:4; Magara, 2023:43). This was characterised by mutual suspicion between him and Kiir. Thus, historical events, including those that took place during the liberation days, played an important role in what transpired from 2013. The situation was further compounded by intricacies of the overlapping processes of state formation and state building (De Simone, 2022), and intricate regional and transnational political dynamics (De Waal, 2016).

Immediately after the civil war broke out, IGAD's Council of Ministers convened in Juba[4] and was followed by an extraordinary summit of heads

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[4]   See IGAD Communiqué of the Foreign Ministers of Inter-Governmental Authority on Development (IGAD) held on 21December 2013. Available from: <https://igad.int/attachments/727_jubacommunique%20Doc.pdf>

of state and government in Nairobi[5] that resolved to commence a mediation process. IGAD's mediation was to evolve into a lengthy process largely divided into two phases. The first phase started in 2013 and ended in August 2015 with the signing of the Agreement on the Resolution of the Conflict in South Sudan (ARCSS), while the second commenced in 2017 and culminated in the signing of the R-ARCSS in September 2018.

The first phase, which was mediated by Ethiopia's Mesfin Seyoum, Kenya's Lazaro Sumbeiywo and Sudan's Mohammed El Dhabi (Verjee, 2020:292–293), was less inclusive as warring parties were reported to have been weary of involving more actors whom they saw as "unnecessary interruption" threatening their interests and reducing their share of power (Akol, 2014). IGAD's (2019) evaluation report identifies a lack of inclusivity as a factor contributing to the collapse of the ARCSS in July 2016. Following the collapse of the ARCSS, IGAD launched a second phase through the High-Level Revitalisation Forum (HLRF), which was convened amid growing tensions in the government's inner circles (Verjee, 2017). Pre-forum consultations were held between August and October 2017 followed by official commencement in December 2017 (Higashi, 2022). After a few days of talks, the parties recommitted to the terms of the cessation of hostilities agreement, only to violate it hours later (Sudan Tribune, 2017). They subsequently signed and violated numerous ceasefire agreements, including the Agreement on the Cessation of Hostilities (ACoH) of 21 December 2017 and the Permanent Ceasefire Declaration of 27 June 2018 (Verjee, 2019:11).

Despite the ceasefire violations, IGAD's peace efforts proceeded with the subsequent meetings of the HLRF in Addis Ababa in February and May 2018. However, the HLRF failed to reach a peace agreement. Subsequently, Presidents Omar Al-Bashir and Yoweri Museveni, who had direct stakes in South Sudan and leverage over Machar and Kiir, respectively (Mamdani, 2018), stepped onto the scene. The two leaders convened face-to-face meetings between Kiir and Machar to resolve outstanding issues during a largely private Khartoum process held in September 2018 (Eli and De Coning, n.d). The Khartoum process was to

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[5] See IGAD Communiqué of the 23rd Extra-Ordinary Session of the IGAD Assembly of Heads of State and Government on the Situation in South Sudan, held on 27 December 2013. Available from: <https://www.usip.org/sites/default/files/12-27-2013_communique_of_the_23rd_igad_extraordinary_summit.pdf>

culminate in the signing of the R-ARCSS.[6] This formerly marked the end of South Sudan's civil war and established the framework for the Revitalized Transitional Government of National Unity (R-TGoNU), which was tardily established in early 2020. The R-ARCSS "covers a vast array of issues including power-sharing arrangements, constitutional reform, security sector reform, economic management, and transitional justice" (Bazugba et al., n.d.).

The R-ARCSS has, however, come under intense critique for its perceived weaknesses and structural failures (Awolich, 2020:2; Boswell, 2018; Craze and Marko, 2022; ICG, 2021:8–9; Madut, 2019). Citizens are equally losing confidence in the agreement amid slow implementation and renewed conflicts across the country. This has been further compounded by "political insecurity, economic ruin, and natural calamities" (France24, 2021). Implementation of the R-ARCSS is contested (Madut, 2019) and its potential to offer a final settlement to South Sudan's protracted crisis remains uncertain. The country has been in a prolonged political transition that is expected to end with an election. While elections, slated for the end of 2024, are expected to be a watershed moment in South Sudan's political transition, at the time of this writing, it was unclear whether elections would be held because key milestones in preparation for the elections were yet to be achieved (Cheeseman et al., 2023).

4. Civil society in South Sudan's peace process

Representatives of CSOs have been part of South Sudan's violent conflicts and tumultuous peace processes, playing multiple and varied roles with mixed outcomes. Civil society has, among other activities, engaged in the delivery of humanitarian aid and basic services. They have also elevated local security concerns to international attention (Virk and Nganje, 2016:9–13). The sector has also engaged in multi-pronged peacebuilding efforts straddling local and regional spheres. Thus, the nature, character and evolution of civil society in South Sudan intersect with the country's conflicts and political dynamics (Virk and Nganje, 2016:9–10).

We sought to examine ways in which civil society is both influenced by and influences South Sudan's conflict and political landscape without underplaying or romanticising the sector's role. We found that civil

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6   For the full text of the R-ARCSS see <https://docs.pca-cpa.org/2016/02/South-Sudan-Peace-Agreement-September-2018.pdf>

society representatives who participated in the IGAD-led talks comprised a diverse group of organisations and individuals who cut across ethnic, political and religious affiliations, age and gender. They were thematically organised around coalitions. The general view, among interviewees, was that the participation of civil society in the peace talks came after concerted advocacy and lobbying. Similar dynamics characterised the inclusion of women (Bazugba et al., n.d.). Some of our interviews (Non-attributable comment, 26 August 2021; Non-attributable comment, 10 September 2021) articulated their journey through IGAD's mediation processes, highlighting how civil society actors demanded and pushed for greater inclusion and a better quality of participation on behalf of the people of South Sudan. Civil society actors employed multi-pronged tactics, including caucusing with negotiators and parties to the conflict, issuing memoranda, lobbying national and regional leaders, and passing their messages through international actors, such as the Troika (Norway, UK, USA). Civil society actors coalesced and established working bases in Addis Ababa and recruited communication experts and other support teams to offer technical support during the process. Civil society made concerted efforts over many years to build lobbying and negotiating capacities at every stage of the peace process (Non-attributable comment, 13 September 2021; Non-attributable comment, 25 September 2021).

To underscore civil society's role in advancing public interest, our interlocutors argued that civil society was connected to the broader public in South Sudan. For instance, one of the CSO representatives working on community empowerment opined that, "we had our groups on the ground and those who went to negotiate ... we consulted them on the issues to address ... we were always connected" (Non-attributable comment, 26 August 2021).

We established that, during the first phase of the peace process, parties to the conflict did not seem to view civil society as much of a threat. They viewed them as an unnecessary disturbance with no potential to make any significant impact (Akol, 2014). However, as the process unfolded, parties to the conflict started to notice the disruptive potential of civil society. They devised measures to tackle civil society and sought to clamp down on citizen-led initiatives through intimidation and co-optation, among other tactics. Subsequently, civil society representatives were allowed to take part in only some formal negotiation sessions. For example, Mohandis (2018) admits having been among the civil society

representatives that took part in IGAD's processes, namely the 2013–2015 and the HLRF in 2017. Apparently, these shifts in dynamics were beneficial to civil society as CSO representatives were able to engage directly with conflict parties and international partners in agenda-setting during the talks.

It is argued that civil society played a relatively more prominent role during the HLRF than in the first phase (2013–2015). This is because, in part, a section of civil society was reported to have been engaging in attempts to revitalise the talks following the collapse of the ARCSS. One of our interviewees, a CSO representative working on good governance, narrated how they formed a task force that first started with "monitoring the status of the implementation and putting out reports and when it became clear that the ARCSS was not holding, we raised this strongly and eventually decided that the agreement should be revitalised" (Non-attributable comment, 10 September 2021). Civil society may have equally benefited from the fact that IGAD had identified a lack of broader inclusion as one of the reasons for the collapse of the ARCSS (IGAD, 2019). In our observation, the argument for higher civil society inclusion during the HLRF – which nevertheless was the norm rather than an exception to the entire process – largely benefited from demands by international actors, mostly the Troika. Certainly, the Troika had leverage since its members were also the leading financiers of the peace process. This is exemplified by observations that "the Americans proposed a multi-stakeholder format for the second phase of talks" (Vertin, 2018b:10). Nevertheless, civil society inclusion also came with its set of challenges. Key among these was susceptibility to co-optation by the conflict parties, which contributed to deepening civil society fragmentation. This is discussed below but first we examine the contributions that members of the CSOs claim to have made to the peace process.

5. Contributions of civil society

Beyond civil society's inclusion-exclusion dichotomy, there is much more on how the sector engages and contributes to peace processes (Paffenholz, 2014). In the case of South Sudan, civil society's participation at the negotiation table among conflict parties and international actors comes across as one of the sector's greatest achievements. During the talks, civil society representatives engaged in consultative forums, lobbied conflict parties and mediators and developed petitions and memoranda, arguably to amplify issues of public interest. Our informants suggested that civil

society contributed to setting the agenda and shaping ideas on transitional justice (TJ) and affirmative action. More broadly, one of them claimed that the inclusion of TJ mechanisms "was the demand from the civil society … the parties had wanted to avoid this" (Non-attributable comment, 10 September 2021).

TJ mechanisms – the Hybrid Court for South Sudan (HCSS), the Commission for Truth, Reconciliation and Healing (CTRH) and the Compensation and Reparation Authority (CRA) – are contained in Chapter 5 of the R-ARCSS. Closely working with international counterparts, civil society's demand for accountability is more specifically credited for the inclusion of the HCSS in the agreement. Given their awareness of crimes and human rights violations, this is plausible since political and military elites are largely opposed to and are said to be undermining accountability mechanisms (Magara, 2021:22–26).

Political and military elites that dominated the talks equally were not keen on issues of reconciliation, an issue that a section of civil society, especially faith-based organisations, holds in high regard. For instance, one religious leader recounted how religion was key to "changing the narrative from that of violence to that of peace" (Non-attributable comment, 03 September 2021). In his view, religious groups played a key role in shaping the healing and reconciliation agenda as provided for under the CTRH. Indeed, controversies notwithstanding, religious leaders under the South Sudan Council of Churches (SSCC) played a visible role during the HLRF (Wilson, 2019:24). Besides pushing for the CTRH, religious leaders have all along engaged in other faith-based peacebuilding efforts at the grassroots level, which emphasised forgiveness, healing, and reconciliation. For example, "in November 2015, church leaders mediated three agreements between the government and local communities: two in Western Equatoria state, and one in Central Equatoria state" (Virk and Nganje, November 2016:9–13). However, we note that the theme of religion and peacebuilding in South Sudan is overstated. Its intricacies remain largely unexplored as "the church has limited capacity and its peacebuilding efforts, too, have been constrained by the ethnic nature of the South Sudanese conflict" (Virk and Nganje, November 2016:9–13). Furthermore, the contributions made by religious actors are problematic due to the role they play in society more broadly. We cannot agree more with the observation that transforming religious leaders' "legitimacy into influence" may require "tremendous (physical) risk and also presents the

possibility that the religious sector will lose its legitimacy if its efforts are labelled as political rather than focused on societal peace" (Wilson, 2019). These are open issues for further exploration.

In reiteration, civil society claims to have significantly contributed to the affirmative action agenda, with specific focus on inclusion of women and the youth. For instance, one interviewee who works on community empowerment, argued that "CSOs wrote to IGAD and also lobbied with partners and other women groups and youth groups to ensure that, at least, they are put at the table of the talks … at the end, some of them were guarantors of the agreement" (Non-attributable comment, 26 August 2021). It was further noted that "women groups joined hands" to conduct an assessment of women in politics to prove the presence of qualified and experienced South Sudanese women to be "appointed to the respective institutions or coalitions" (Non-attributable comment, 26 August 2021). Some of these assertions are corroborated by published accounts of women who were involved in the process (Bazugba et al., n.d.). Regarding the youth, a South Sudanese peacebuilding practitioner asserted that it was the civil society that "called for 20 per cent youth representation at all levels of government" (Non-attributable comment, 26 August 2021). These efforts are said to have borne fruit as women and youth quotas were included in the peace agreement. Nevertheless, inclusion of these quotas is one thing and its implementation quite another. Yet, assertions such as "to a larger extent we have not gotten what we wanted so we continue fighting for it until we achieve our goal" (Non-attributable comment, 19 August 2021) reveal that a section of South Sudanese civil society is alive to the challenges lying ahead.

Without purporting to demean the very important role that civil society played, we contend that TJ and affirmative action provisions may not be hugely attributable to civil society agency. We further think that the claim that civil society played a role in setting the agenda is an overstatement. Examining the dynamics undergirding the IGAD talks in Addis Ababa, we argue that the TJ mechanisms, as contained in the R-ARCSS, are as much attributable to the role of the Troika (Norway, UK, USA) and flowed from the first phase (2013–2015) of the peace process. Nonetheless, South Sudanese civil society groups, including women and youth groups, exhibited admirable resilience and courage as they relentlessly sought to have their say during the IGAD peace process, which they saw as a very high-level process dominated by political and military elites as well as

international bureaucrats and diplomats. Without a doubt, shreds of contributions attributable to civil society action are to be found in TJ mechanisms, such as demands for accountability, and securing women and youth quotas in the governance architecture of South Sudan. Nevertheless, most of these milestones are yet to be implemented or achieved, which accentuates the need to continue pushing for the implementation of the R-ARCSS, particularly those clauses that serve public interests.

6. South Sudan's civil society: A sector reeking of fragmentation?

Dynamics underpinning civil society inclusion and participation in the IGAD-led peace process were equally laced in intra-civil society intrigues, rivalry and contestations that polarised the sector no less than its political counterparts. Thus, guarding against legitimising and exaggerating the worth of civil society – also bearing in mind that our informants were civil society representatives – we critically delve into civil society fragmentation and its implications for the sector's role in the peace process, as well as its efficacy and legitimacy.

More generally, civil society mobilises people and resources based on their expected adherence to shared values that contribute to the overall well-being of the body politic (Brown and Jagadananda, 2007). Our interlocutors suggested that the sector enjoyed broader legitimacy because CSOs work in the interest of the public. For instance, one of the academics who is also a champion for social justice, asserted that civil society brings "the voice of the people to spaces that are ordinarily dominated by state officials and armed groups" (Non-attributable comment, 26 August 2021). Arguably, the public believes that "their voice can reach the responsible institution or people through the CSOs" (Non-attributable comment, 26 August 2021). It is argued that civil society leverages its relationship with communities to get recalcitrant political elites to act in the interest of the public (Non-attributable comment, 25 September 2021).

Yet, civil society in South Sudan is deeply fragmented, a factor that is injurious to the sector's efficacy and legitimacy. To start with, civil society in South Sudan is divided along political and ethnic lines in the same way that the country's political formations, such as political parties, are. As Virk and Nganje (2016:9) observe "the evolving nature and role of civil

society in South Sudan is intertwined with the history of internal conflict and international engagement in the country". Not only do these political divisions create factions within civil society (Tubiana, 2014), they also heighten contestations over claims to legitimacy. A section of civil society was co-opted by parties to conflict with claims that "there are CSOs under the government; they are controlled by the government, and they are listened to more by the government" (Non-attributable comment, 13 September 2021) and that "there was a section of CSOs aligned to the opposition" (Non-attributable comment, 10 September 2021). As such, "CSOs may be compromised in their core values and principles of independence, impartiality and pursuit of common societal interests" (Mohandis, 2018).

Beyond political differences, the civil society is plagued by intense rivalry. The most pronounced factor causing infighting is unhealthy competition over dwindling donor funding. All our informants agreed that this is a significant problem, with many of them further agreeing that this rivalry not only impacted on the work of civil society but also eroded the credibility of the sector, especially in the eyes of the public. Intra-civil society rivalry compromises the sector's ability to engage collaboratively and enhances political co-optation, which significantly undermines civil society's ability to confer legitimacy on the peace process. This problem is associated with the phenomenon of the so-called "briefcase NGOs" (Non-attributable comment, 26 August 2021) that was highlighted as one of the factors ailing the sector. It was argued that "several well-connected individuals, largely in the capital Juba, have cultivated the habit of establishing NGOs on paper which they use as money-making vehicles" (Non-attributable comment, 26 August 2021). These revelations question the claims discussed in the previous section that civil society was connected to the grassroots level and championed public interest during the peace process. It also shows that civil society is no less corrupt than the political sphere in South Sudan, which deprives the sector of its most-needed moral authority. In the end, it significantly reduces the sector's capacity to push for accountability and transparency in the management of public affairs in South Sudan – recognised as one of the most corrupt countries (Mayen, 2023).

Delving further into the issue of divisions and rivalry, we identify a dominant claim of the emergence of a clique of elitist civil society in South Sudan. Notably, the civil society that was in Addis Ababa, both groupings

and individual actors, were said to represent a narrow Juba-based elitist civil society of actors with both political connections and external networks. These states of affairs further marginalise grassroots movements and other peripheral voices who, ideally, are "supposed to have their representatives like the chiefs or community leaders" (Non-attributable comment, 03 September 2021). That there is an emergence of an elitist civil society once again casts doubt on earlier assertions that civil society was connected at grassroots levels and acted as an intermediary between citizens and political elites to champion public interests.

The problem of elitist civil society in South Sudan interlinks with wider and more complex global power imbalances. As is the case in other Global South countries, South Sudanese CSOs heavily rely on donor funding, most of which comes from Western countries. Civil society is, therefore, "largely shaped by a Western narrative that equates civil society with NGOs, while tending to ignore existing institutions such as local chiefs and traditional authorities" (Virk and Nganje, 2016:9–13). The international donor community also tends to fund NGOs based in capital cities, prioritising support to organisations with both the awareness and the capacity to keep up with highly technical funding requirements and ever-shifting donor priorities. This entrenches the top-down approach to peacebuilding that excludes voices from below within a context of vicious and entrenched power asymmetries (Liaga, 2019:15–18). Perceptions of civil society's inability to act on behalf of citizens chimes with a view that the entire peace process was simply "up there with the elites" (Non-attributable comment, 28 October 2021). Some civil society members pointed out that the negotiations being held outside South Sudan were indicative of a process that was remote from grassroots groups and ordinary South Sudanese, which exemplified low levels of community awareness of the IGAD-led peace process (Liaga, 2019:16).

The role of CSOs in pushing for accountability has equally been found to goad controversies relating to the said elitist civil society and externalities in South Sudan's peace process. The HCSS is one of the examples in which the line between sovereignty and external intervention, whether framed in the language of responsibility to protect (R2P) or under the principle of non-indifference, gets quite blurred and raises serious concerns. One of the dominant narratives is that inclusion of the HCSS in the peace agreement was an external agenda pushed by international actors, especially from the West. Most importantly, this is an area in which

political elites accuse civil society of propagating an external agenda in South Sudan (Magara, 2021:21–27). This accusation plugs into broader discourses in which African leaders have clashed with the West over international criminal accountability mechanisms. For example, the International Criminal Court (ICC) has been blamed for disproportionately targeting Africa (Chipaike et al., 2019). Thus, South Sudan's proposed HCSS is controversial; there are concerns that a section of civil society could be beholden to foreign interests, which may militate against the country's sovereign interests.

The controversies of the HCSS equally prods divisions between civil society actors who are biased to justice and those who are more inclined to reconciliation (Magara, 2021:21–27). For example, we noted a group of civic actors who prefer to be referred to as stakeholders rather than civil society. They include academics, trade unionists, representatives of chambers of commerce and religious leaders. The perception that CSOs are aggressive agitators influences the so-called stakeholders' reluctance to be associated with the label of civil society. Religious actors, in particular, were found to be sharply opposed to the label of civil society. For instance, a church leader expressed his displeasure with what he termed "violent agitation" by activists further contending that "there is no need to be this confrontational" (Non-attributable comment, 03 September 2021). In his view, South Sudan is a young country not yet at the level where active resistance can take place peacefully. In concurrence, a South Sudanese academic emphasised the need for more consideration regarding the political and security contexts and avoidance of confrontations to prevent unnecessary deaths (Non-attributable comment, 28 October 2021). The rift between a perceived civil society, on the one hand, and other 'stakeholders', on the other, contributes to deepening fragmentation with adverse effects on civil society's peacemaking role.

7. Conclusion

South Sudan's peace process is dominated by political and military elites, much to the exclusion of civil society and, more broadly, the public. This is not uniquely a South Sudanese problem. Indeed, "too often, public debates and negotiations about a peace process give voice only to the belligerents with guns" (Fornof, 2014). Yet, civil society is believed to play a significant role in enhancing the legitimacy of peace processes and their outcomes (Belloni, 2008:185; Paffenholz, 2014:76–7).

However, the danger of stagnating on debates on the dichotomy between civil society inclusion and exclusion has since been highlighted (Paffenholz, 2014). Relatedly, (non)inclusivity and modalities of inclusion are equally problematic. Simply put, there is an element of exclusion in every process of inclusion, since this is essentially based on representation. For instance, at the very onset of IGAD talks, following a push by external actors, especially the Troika, it was some 28 members of civil society that were included in the talks. These members represented the so-called stakeholders, encompassing CSOs, religious groups, political parties and former detainees. The mainstream civil society had only seven participants (Tubiana, 2014) whose connections to the grassroots were found to be wanting.

Furthermore, identifying participants is a highly contested and polarising process. In our observation, lack of known and agreed upon selection criteria may have created space for civil society to be overly represented by organisations and individuals with visibility and connections arising from prior influence and networks at national and transnational levels. This led to further problems, including the emergence of an elitist civil society clique and briefcase NGOs. Relatedly, the selection process was susceptible to political interference as each party was keen to bring on board CSOs perceived to be sympathetic to their respective cause.

This study reveals that civil society participation in the IGAD-led peace talks hugely benefited from coalition building and collaborative frameworks, especially seen in the formation of women and youth coalitions (Bazugba, n.d.). Yet, civil society networks in South Sudan are ad-hoc and often characterised by rivalry, especially as they jostle for dwindling donor funding. In our assessment, coalition building by civil society groupings in South Sudan can further be strengthened by bridging grassroots and national-level groups and activists for a more coordinated and inclusive process of promoting peace at multiple locales.

The South Sudan peace process attracted an array of international actors who brought an interesting dimension to civil society's peacemaking role. The Troika (Norway, UK, USA) and the international donor community were at the forefront of advocating and supporting civil society inclusion (with financing) in the IGAD-led peace process. Yet, a major challenge is that international actors, particularly in the Global North, tend to view civil society in the Global South as "unique, objectifiable and homogenous" (Torrent, 2019:621). This framing of civil society neither

adequately captures nor takes into consideration the diverse nature of the sector's various individuals and organisations (Torrent, 2019:621). In South Sudan, external actors, including the international donor community, disproportionately support civil society actors at the national level, largely Juba-based and well-connected actors, much to the exclusion of grassroots organisations. Thus, external actors, with or without their knowledge, contribute to widening the asymmetrical relations between national and local civil society. Ultimately, this undermines the sector's efficacy and legitimacy.

While we cannot overemphasise the significance of civil society inclusion in peace processes more broadly, nor underplay the struggles of South Sudanese civil society in a hostile environment and severely constrained civic space, the sector's role during the IGAD peace talks is both controversial and contested. In our view, an overplaying of civil society's worth – vocalised by our informants – is better framed and appraised within South Sudan's peculiar positioning and mastery of the 'right language' through which key actors across the country's body politic, including civic actors, attract and sustain donor funding, especially around dubious 'capacity building' programmes. As Sara De Simone (2022) demonstrates, this kind of posture has been longstanding in South Sudan and has ensured that various movements in the country, including the SPLM, have continued to exploit the international donor funding in the name of capacity building, even where capacity is neither in short supply nor necessary. Thus, while the matter of capacity building was constantly highlighted by our informants as a key need area, we caution against rushed programming around the same. Instead, interested actors, including the donor community, may need to focus more attention on and commit more resources to strategies of opening the civic space, and (re)imagining and (re)inventing a coherent civil society sector that truly assumes a public character with the capacity to champion public interest.

Drawing on our engagements with sector players and a critical assessment of the South Sudanese civic environment, we have no reason to doubt that South Sudanese civil society actors recognise the significance of the aforesaid or lack the capacity to do it. The major problem, in our view, is that a small number of individuals have 'captured' the civil society sector and instrumentalised it in pursuit of narrow interests. This makes the sector no less troubling than its political counterpart. Furthermore, South Sudan's civil society is no less divided along political and ethnic lines.

Coming up with strategies to reduce this fragmentation and forge strong collaborative networks between and among multiple civic sectors both at national and grassroots levels is one of the areas that requires keen attention in (re)conceiving the role of civil society in legitimising and sustaining peace processes and their outcomes. In conclusion, we contend that findings contained in this article offer insights into continued theorisation of critical peace scholarship on the role of civil society in enhancing inclusive and sustainable peace in conflict and post-conflict settings in Africa and beyond. ◈

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