

# Defense & Foreign Affairs Special Analysis

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## Special Report

### South Sudan: A Case of Misunderstanding Juba

**Analysis. By GIS/Defense & Foreign Affairs Staff in Juba.** On April 15, 2013, South Sudan President Salva Kiir issued a decree which removed some of the executive powers delegated to Vice-President Riek Machar. The Presidential directive decreed “the withdrawal of all duly delegated powers assigned to the Vice-President” and restricted him to “discharg[ing] only his powers as stipulated” under the draft constitution.

Vice-Pres. Machar was to continue acting for the President when the President was out of the country, and, under the new decree, remained a member of the Cabinet and National Security Council. Hence, Machar was still the Vice President; albeit with significantly less power and authority. As well, Pres. Kiir issued a decree dissolving the National Reconciliation Committee which was to be chaired by Vice-Pres. Machar, and cancelled the entire process which was to have been overseen by Machar.

The US Barack Obama Administration immediately urged the human-rights NGO community in the US and Western Europe to condemn and denounce the move as “undemocratic”. It did not take long for South Sudanese organizations such as the South Sudan Human Rights Society For Advocacy (SSHURSA) to join the criticizing choir.

The reality of the situation, however, was exactly the opposite of what was being portrayed. In clipping Vice-Pres. Machar’s wings, Pres. Kiir furthered the democratic process in view of growing manipulation by the Machar camp. Significantly, Vice-Pres. Machar planned on capitalizing on the reconciliation committee as his springboard for disrupting the political process in Juba.

The complex relationship between the two individuals – Pres. Salva Kiir and Vice-Pres. Riek Machar – and their respective positions is rooted in South Sudan’s population tapestry and decades-long (1983-2005) fierce war for independence. The population of South Sudan is comprised of a multitude of tribes and nations. The main ethnic groups in South Sudan are the Dinka, who constitute slightly more than 15 percent of the population, followed by the Nuer, who constitute approximately 10 percent. Pres. Kiir is a Dinka and Vice-Pres. Machar is a Dok Nuer.

During the war, the Dinka constituted the hard core of the Sudan People’s Liberation Army (SPLA) which spearheaded the war against the Khartoum Government. Kiir was one of the leading SPLA commanders. In contrast, Machar’s predominantly Nuer forces fought on both sides – for and against the SPLA – at times directly fighting SPLA troops under Kiir’s command on behalf of Khartoum. The main reason for the frequent switching of sides was the historic enmity and struggle for power between the Dinka and the Nuer which at times could get very bitter. For example, Machar’s Nuer troops were responsible for the 1991 brutal massacre in the ethnic Dinka town of Bor.

Toward the end of the war, Machar was instrumental in bringing key Nuer militia forces back to the SPLA. The Nuer changed sides during the war in order to enhance their power, first within the local authorities in the unified Sudan, and subsequently in South Sudan during the autonomy era (2005-2011) and since independence. Nevertheless, the majority of the Dinka people still distrust Machar given the fierce fighting and carnage committed by his troops as Khartoum was pitting local militia forces against the SPLA’s core forces.

Once South Sudan became a self-governing autonomous authority on the way toward independence, it made ample sense to reconcile and integrate the entire population into building the new state. With the Nuer being the second largest population group, their leader, Machar, was granted the second power position. Hence, during the autonomy period, he was entrusted with executive powers particularly as Kiir was frequently traveling to Khartoum to negotiate the path to independence.

However, starting early 2012, as the Juba administration was being consolidated, Vice-Pres. Machar felt marginalized. After South Sudan halted crude production in early 2012 (because of Khartoum's embezzlement of export fees and revenues), Machar was also under pressure from his home constituency in the key oil producing Unity State to restore the revenue-producing oil production (which was ultimately restored in April 2013). Moreover, the reconciliation process was becoming a two-edged sword for the Nuer. On the one hand, this is a major source of power and prestige. On the other hand, the process serves as a reminder of the chequered record of the Nuer compared to the Dinka's stellar record.

Hence, Vice-Pres. Machar started converting the crux of the reconciliation process from atoning and erasing the painful legacy of the past to a process aimed to dominate the country's future development. This transformation also amounted to politicizing the national reconciliation process. Machar's objective was to rely on the reconciliation process in order to challenge Kiir for the leadership and chairmanship of the ruling party – the Sudan People's Liberation Movement (SPLM) – and run for the presidency in the 2015 presidential elections. In the process, Machar reached out to, and gained support from, the West-supported liberal and human-rights NGO communities and their overseas sponsors, patrons and handlers.

The common interest has nothing to do with human-rights and everything to do with oil production and export. The US and several West European states want to see the South Sudanese oil shipped northwards via Sudan, thus giving Khartoum the dominant hand on the spigot to the detriment of Juba's vital interests and true independence. Machar and his home constituency in Unity State simply want to see oil production and export under any condition in order to maximize their profits and power.

Meanwhile, the integrity of the reconciliation process – so crucial for South Sudan tormented and fragmented population – was being sacrificed on the altar of Vice-Pres. Machar's personal political ambitions.

The straw was the decision in late-March 2013 to postpone the first convening of the National Reconciliation Committee from April 18, 2013, to June 2013 at the earliest. The official excuse was that more time was needed to prepare for the convention. In reality, Machar's people were not sure they could manipulate the process in his favor. Then came Machar's dealings with the United Nations Assistant Secretary General Dmitry Titov (in charge of the rule of law and security institutions in the UN's department of peacekeeping operations) who was visiting Juba. Titov met with Machar to discuss a wide-range of issues including relations between South Sudan and Sudan and the fate of Abyei. In the meetings with Titov, Machar committed Juba to compromises and positions beyond the red lines set by Pres. Kiir.

Hence, by mid-April, 2013 Pres. Kiir and his confidants were increasingly suspicious of Machar's true objectives and felt undermined by him. A leading journalist in Juba observed that "Vice-Pres. Machar appears to overplay his hands at times and some of his moves border on insubordination, expressed consciously or not". Hence, Pres. Kiir had no alternative but to limit the powers of Vice-Pres. Machar in order to secure the integrity of the national governance and core policies. Pres. Kiir also abolished the National Reconciliation Committee because, in its current structure, it had been subverted and twisted beyond recovery. The President had the legal powers to issue such decrees since, by the Interim Constitution, the Vice-President serves at the pleasure of the President. Significantly, this decree only deprived the Vice President of some of his delegated powers, but did NOT deprive him of any of his party and political positions. Hence, legally, Machar could still challenge Kiir for the leadership of the SPLM and, if elected, run for President in 2015.

Not surprisingly, the liberal and human-rights NGO communities immediately cried foul. The Obama Administration and several West European governments echoed the accusations and criticized Pres. Kiir's "undemocratic move".

In reality however, Pres. Kiir protected the South Sudanese democracy by insisting on good governance and preventing the manipulation and abuse of the crucial institution that the National Reconciliation

Committee is. Pres. Kiir is cognizant of the importance of a genuine reconciliation process and the reconvening of a reformed and modified committee is a matter of time.

Throughout, South Sudan's fledgling democracy has successfully withstood yet another challenge.

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