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RESEARCH FOR A PEACEFUL, JUST AND PROSPEROUS SOUTH SUDAN

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Policy Brief

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National Reconciliation in South Sudan: How to Translate Political Settlements into Peace in the Country

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Summary

As South Sudanese leaders, IGAD mediators and the rest of the international community, meet in Addis Ababa, Ethiopia, to seek a political settlement for the on-going conflict, there is need for a reminder that a peace agreement that they might reach on the basis of power-sharing alone will most likely not translate into genuine peace within South Sudan, especially if it does not have a conception about how to repair the social, ethnic and regional fractures that have been caused by nearly 30 years of conflict among and between communities.

If histories and experiences from other peace agreements such as the CPA are any guide, a peace process that is confined to the politico-military elite and to the major warring parties, to the exclusion of all other voices, might silence the guns for the short-term but will not eliminate the frustrations, grievances and memories of past wars that drew so many people into the conflict in the first place. These experiences have to be kept in mind and a mechanism to address them built into the peace agreement, including how it might be tackled in the next constitution. These are the issues that keep violence raging, even in times of “peace.”

South Sudan needs a robust and comprehensive program of communal reconciliation, a project that confronts head-on the history of violence, its drivers, issues of justice and accountability, all politically and financially supported by the state but not singularly driven by them. This would be a long road, a project of nation-building, but one that the country cannot move ahead without.

South Sudan does not really have a successful record of national level reconciliation, as the country’s institutions for peace and reconciliation, have all shown weakness, if not utter failure to carry out their functions. It is thus necessary to seek the help of civil society, independent research centers, and individual experts who have had first hand involvement with such programs in other countries, and to consult with the affected communities so that they are part of the reconciliation and healing design and implementation.

I The Problem

It has been more than a year since the civil war started in South Sudan and many people are still in shock that the violence in the young state was so quickly able to drown the euphoria, the aspirations, the expectations and the sense of promise that the country's political transition to independence was hinged upon. The cost of the war in terms of its horrors, the unnecessary death that it has caused, the damage it has done to the socio-cultural fabric of the country's communities, the resources it has wasted and the international good will the country has squandered, are all self-evident. Contemplating a day when and how all this will come to an end is quite daunting at the moment. Many people talk of why such a day has to come, while others cannot fathom it. Some say that South Sudan has been in this situation before and was still able to emerge from it, so no reason it should not overcome the current tragedy. Yet others have underscored what a difficult and torturous journey it will be to return the country to stability¹.

But despite all of this, there is no mistaking the sense of hope that it will end one day, most likely in a negotiated political settlement. The question is what kind of peace such a settlement will produce, a peace agreement between the politico-military elites that focuses on power sharing and the return of the country to the old status quo, or one that commits everyone to a program that translates the peace agreement into an actual peace in the everyday lives of citizens? How much will the ongoing peace negotiations and other consultations between the local leaders and within the region say about repairing the damage described above? Will this peace agreement commit and specify the role of the political class, civil society, faith-based groups, students, youth groups, traditional authorities, cattle camp leaders, professional associations, donor countries, the United Nations and other multilateral agencies in the post-war effort to restore stability, rebuild relations of coexistence and the entrenchment of the culture of justice? What is the form that this commitment will take, a paragraph in the agreement that no one will return to, as the fate of such previous commitments has shown, or a real program with time lines, resource allocation, designated responsibilities and benchmarks for evaluation? What will the political, resource and personnel commitment to a post-war reconciliation look like? What, if any, form of transitional justice will it be built on, for justice and accountability for past crimes are the foundation of any successful reconciliation? If it is a genuine one, the peace agreement has to spell all of this out, complete with how it will be treated in the constitution.

South Sudan, however, does not really have a strong history of successful reconciliation programs, at least not at the national level, so where will the guidance come from? Programs of peace-making, reconciliation, justice and accountability between various opposing communities with histories of violent confrontations have surely been

¹ The Sudd Institute gratefully acknowledges the UNDP's financial support through its South Sudan's Democracy and Participation Programme.

successfully conducted. Some of these have been referred to as people-to-people peace initiatives, especially among cattle herding communities in Greater Bahr al-Ghazal, Greater Upper Nile and in Eastern Equatoria. The 1998 Wunlit peace accord between Nuer and Dinka of Unity and Warrap states respectively, Bishop Paride Taban's Peace Villages in Eastern Equatoria and many peace conferences between various Dinka communities within Warrap and Lakes and between Lou Nuer and Murle communities in Jonglei and among Nuer sections in Unity, are all good examples of a history of relatively successful attempts at communal reconciliation, sometimes mediated by outsiders and other times through home-grown and established local practices. Degrees of success of these efforts have greatly varied, with some entirely failing to produce peace and others heightening the level of acrimony. South Sudanese communities have also engaged in peace and reconciliation efforts with northern Sudanese communities whom they share borders, including the Malwal Dinka of Northern Bahr el-Ghazal and Baggara Rezeiqat of South Darfur or Ngok Dinka of Abyei and Misseriya of Kordofan. These have also been compromised by the states' geopolitical and security interests on both sides of the borders, as these initiatives start as entirely communal projects, aimed at peace and resource sharing, but often end up being infused with motives that go beyond the mundane everyday interests of the people at the border, and instead become part of the game that states play in their claims to sovereignty.

Not even the 2005 Comprehensive Peace Agreement (CPA), which ended the prolonged north-south conflict in the old Sudan, was able to promote peace and reconciliation between the border communities whose relations had been shattered by state-backed violence. One of the provisions of the accord was to engage northerners and southerners in programs of reconciliation in order to recreate and promote national unity within a united Sudan. This was not to see the light of day, as the two sides became overwhelmed by a host of other CPA issues like South Sudan's oil passage, border security, nationality, contest over a number of border zones and the built up mistrust, all ending with the split of the country over these issues and leading to South Sudan's secession. The CPA provisions on reconciliation were ignored or given far less than its due weight and the result was that the agreement fell short of its main commitment, to rebuild trust between communities.

Also following the CPA, South Sudanese leadership had equally acknowledged the havoc that the inter-communal violence had wreaked within South Sudan over the years of the war, most of which was often swept under the carpet in order to keep the region rallied together for the big cause, the liberation efforts. To this effect, programs of reconciliation were announced by the then Government of Southern Sudan (GOSS) and institutions were set up for this purpose, including a cabinet level "National Peace and Reconciliation Commission" and a number of other agencies with mandates to investigate past conflicts, create an environment for different communities to seek justice and recompense, and help the whole nation come to terms with the burden of over five

decades of violence.² Unfortunately, this too was not sufficiently followed through, not between the SPLA and the civilians and not between opposed communities. All that the state has attempted to do in order to restore peace and security in areas such as Jonglei, Unity, Lakes and Warrap states, was to embark on an attempt to disarm the militias and to end the cycle of raids and counter-raids using military solutions to problems that are essentially social and political.³ Many of these attempted solutions have long backfired, and these regions remained wrecked by violence, even as the country was supposedly in peace. This history does not offer the war-affected communities in South Sudan much confidence that there is a link between a peace agreement reached by politicians at the top and the necessary peace-driven reconciliation that touches their everyday lives. Many people now argue that the impact of these failed programs, together with the lack of reconciliation and lack of justice for past crimes, are directly linked to the spread of violence in the country since December 2013. Why should another elite-focused peace agreement be trusted to yield peace in ordinary people's lives this time around?

This is part of the reason so many communities and individual citizens are currently skeptical about the ongoing peace talks, how soon the negotiations might bear fruits and what sort of peace they will bring. This paper explores these questions, reviewing the peace process, with a view to alerting the negotiating party delegations, the mediators and the civil society groups that are participating in the peace talks, to keep their eyes on the two possible scenarios: an elite-driven peace process that simply focuses on ending the violence, sharing power and restoring these elite to public office, or a peace agreement that sets a precedent by ending the violence and attaching to it a genuine post-war program that makes this peace durable into the future.

South Sudanese have surely been engaged in heated discussions about the violent direction the country has taken, how this violence threatens the viability of the state and what it will need in order to get back on the right track. At the center of these debates are the dynamics of war itself, its legitimacy, how it has damaged the chances of social cohesion, the capacity of IGAD to successfully mediate a settlement and what mechanisms of reconciliation should be built into the political settlement in order to save the country from total ruin. This paper appraises the South Sudan peace processes as conducted by IGAD and probes what the mediators and negotiating parties think this process would be able to offer in terms of peace, dialogue and reconciliation between the war-affected communities. South Sudanese non-state actors who have been attending or monitoring the IGAD-lead process and numerous citizens of various

² For more detailed descriptions of what the war has left behind, both between north and south and within each of the two countries, refer to James Copnall, *A Poisonous Thorn in Our Hearts: Sudan and South Sudan's Bitter and Incomplete Divorce*. London: Hurst.

³ See Douglas H. Johnson, "South Sudan's Experience at Peace Making." A paper presented as part of lecture series organized by the Rift Valley Institute at the University of Juba in October 2014.

political persuasions and strata were interviewed at length over the summer of 2014 in order to create a picture of how ordinary South Sudanese situate the Ethiopia-based talks vis-à-vis their own political and military experiences; how they imagine a political agreement, potentially achieved under duress, is able to bring them peace that touches their lives positively.

This work also reviews published policy positions of the donor countries that pay for the talks and exert diplomatic pressures on the warring parties, mainly the United States, United Kingdom and Norway (TROIKA), to see what they all think about this seemingly obvious disconnect between peace agreements and the return of peace to local communities. The positions of the United Nations, the European Union and the African Union, as can be gleaned from press releases, updates and reports, particularly on atrocities and human rights violations, are also reviewed here in order to respond to the same questions.

Interviews with a cross section of citizens, review of online discussions, review of reports written by civil society activists and local and international NGOs, all show that the majority of South Sudanese see reconciliation, the return of ethnic coexistence and trust between communities as a project that a negotiated political settlement alone cannot address. There seems to be popular demand for reconciliation but serious disagreements on what reconciliation means, what it should look like and who leads it. It is also evident that these discussions have become part of the problem. With so many young people having access to mobile phone networks and computers, the country has become a place where anyone with rudimentary knowledge of the English language and owns a mobile phone can become a self-appointed journalist and a commentator. Fact, fiction, half-truths, libel, total misrepresentation in what passes as news, incitement and outright threats of violence have all mixed on the internet to produce a double edged sword of confusion as well as opportunity to gauge public sentiment. Overall, the paper is based on reviews of online discussions, monitoring of the social media, interviews with political leaders, soldiers, civil servants and other South Sudanese from a cross section of the population, and on two focus groups conducted in Juba and Wau in August 2014.

The paper concludes that peace will not return to South Sudan if the people are not collectively given a chance to face the history of violence head on, to engage in dialogue about the communal conflicts that have wrecked ethnic relations and about the relationship between state and the citizens. The set up and the structure of this dialogue, as well as the political and resource commitment to it, can only be meaningful and trustworthy if it is built into the ongoing peace process. Otherwise, the random debate that is currently underway would continue to widen the divides and harden the positions, especially between the biggest ethnic groups that are now in loggerheads with each other, the Nuer and the Dinka. Furthermore, the country does not have to reinvent the wheel regarding reconciliation, as lessons of what works and what does not could be gleaned from the efforts that have been made over the past several years, including a decision about the role of the government in these efforts. Since the state in itself is seen

as party to the conflicts and many people are aggrieved by the actions of certain state actors, such as the army and other security forces, a meaningful reconciliation project needs to be supported by the government but cannot be run by it. Even the selection of private parties to lead this effort also needs careful scrutiny and reflection, as not all those who have been very vocal about the need for reconciliation, from faith-based organizations, civil society and other networks, for example, are unbiased or possess the appearance of impartiality.

Additionally, experiences from other countries show that there is never a shortcut to reconciliation and restoration of social cohesion. It is not possible to reconcile people by merely calling upon them to forget the past and start a new page, which seems to be a major point of contention among South Sudanese right now, where some people suggest it should be done that way and others say that the wounds of conflict and violence cannot be simply massaged away by an appeal to forget. Difficult histories have to be unearthed, facts of who did what to whom have to be considered, even if that does not result in punitive justice, as some communities might in fact be willing to come to terms with their loss, if someone admitted culpability and expressed remorse. For example, there are very difficult questions about the start of the current conflict, which is estimated to have killed 10,000 people, and no one has offered any answers, and it might be just that answering these questions could sever the cycle of violence.

There are many hard questions about the nature of conflict that have to be confronted on the way to reconciliation. Some of these questions concern the current conflict and others relate to past wars going back forty years. How did the struggle for power within the top leadership of the ruling party or a minor disagreement within an army unit (the presidential guards) on December 15 translate into ethnic-based killings in Juba, where a lot of Nuer people were killed? One Nuer young man told the author that, “even an apology to my family and information about where my brother and uncle were buried after the Juba massacre, would lessen the pain in our hearts.” How did Riek Machar, a man who claims to have been fleeing from Juba for his life, end up announcing in the media that he was now leading a rebellion to take power in Juba, all within a couple of days and carrying out ghastly revenge attack after another? Many people have mixed emotions about the importance of revisiting and confronting these questions head on. Doing so could help us see or understand individual and collective responsibility for the start of the war and crimes associated with it, to help everyone move on thereafter, but this also has potential risk of being seen as opening the old wounds and might refuel anger and revenge. Still, these are some of the dilemmas that a genuine reconciliation project has to grapple with at the outset.

II Peace and Reconciliation: Theory and Practice

It has nearly become a tradition in Africa that when a conflict erupts, it is often followed by a scramble by regional and international powers to immediately find a peace broker, someone or some group that could mediate between the warring sides and get them to

sign a peace deal. The accords that have resulted from these negotiation endeavors, from the Congo's experience to Sudan's on-going wars in Darfur and its new southern border, to the conflict in Central African Republic, have invariably focused on power-sharing arrangements between the main parties, and usually ignoring the multi-stakeholder and multi-layered nature of the conflict. Despite the recognition that the competition for power may have triggered the conflict, struggle for power alone does not explain why these conflicts spread so quickly and why they persist for so long, even after peace agreements have been signed. Part of the explanation for this dire situation is the pressure to end the conflict on terms that merely serve the political interest of the main parties and the exclusion or downplaying of the grievances of the rest of country's population. The concerns of the former are often confined to political gains that each party wishes to achieve on the back of the negotiations, while the concerns of the latter are more related to long term stability, how to repair the communal relations, how to restore coexistence, security, prosperity and how to translate the peace agreements into tangible programs of everyday welfare. For the politicians, peace means no war but for the ordinary citizen, peace equals security and safety of property, service provision, law and order, and good relations between communities.

When the South Sudan's on-going conflict started in December 2013, further splitting the ruling Sudan People's Liberation Movement (SPLM) into more factions than already existed and pitting the government of President Salva Kiir Mayardit against the rebels led by the former Vice President, Riek Machar Teny Dhurgon, the immediate reaction from different corners of the world was to call for dialogue, cessation of hostilities and a negotiated settlement to end the violence. The East African regional organization, Intergovernmental Authority on Development (IGAD), was almost instantly put up as the most fitting group to mediate a negotiated settlement and end the ghastly and shocking violence that has since engulfed the country. Heads of state from IGAD member countries descended on Juba, South Sudan's capital, on numerous occasions to assert an immediate role for the regional grouping in the search for an end to this conflict. Many donor countries, bilateral and multilateral agencies, put their diplomatic and financial weight behind the IGAD efforts to bring about a speedy cessation of hostilities pact between the two main parties to the conflict. The warring parties, political parties, vast numbers of South Sudanese citizens, and civil society groups all rallied behind IGAD as the mediator with a long history of peace deals under its belt. After all, it was IGAD that had successfully negotiated the end to the north-south war in the old Sudan, Africa's longest civil war, which had paved the way to South Sudan's secession through the 2011 referendum.

The problem, however, is that the efforts to broker a peace deal and to end the violence have been frustratingly stop-and-go since January 2014 and have not yielded any hopeful results, nearly quashing the confidence that the whole world had put into IGAD. Many people in South Sudan are just as flabbergasted that this war has continued this long as they were shocked that it should have started at all. There is near consensus all across South Sudan that the longer the current conflict continues the more difficult it

will be for any peace agreement, whether it will be through the IGAD process or any other venue, to mend the rifts that the conflict has already created between communities, ethnic and political. There also seems to be a widespread disappointment among the citizens of this country, and the people of good will the world over, that South Sudanese leaders in the main warring parties and in other political forces have not exhibited genuine desire to reach a political settlement; and how weak or compromised IGAD has become. For example, in a recent public address at the Atlantic Council, the United States Special Envoy to South Sudan and Sudan, Donald Booth, had sobering remarks about this sense of disappointment, in light of the continued scale of violence despite the promises presented in the independence of this young country. On this tragedy currently facing South Sudan, Booth blames the current conflict on the failure of leadership and the void in the political processes created by the leaders who failed to build on the common denominator that had united South Sudanese in their long struggle, in the determination to be free.⁴

There is growing suspicion that some IGAD member states have become too partisan in the conflict, the result of which is that the regional body's ability to continue to muster the respect of all South Sudanese negotiating parties is compromised. Dhieu Mathok Diing, head of foreign relations committee in the break away Sudan People's Liberation Movement-in Opposition (SPLM-IO), recently made this point when he wrote a scathing commentary on the IGAD-lead process, saying that the regional body has been having it both ways, a mediator and a party to the conflict. He was referring to the fact of Uganda's military backing of Kiir's government as well as the mediation process itself. Diing also referenced the last protocol agreement, which the two principal parties were supposed to sign, but instead was surprisingly signed by the heads of state and governments of the IGAD countries, an irregularity that reflected either the incoherence of the mediation or the desire to influence the process in favor of the geopolitics of IGAD member countries.⁵

Furthermore, there is an increasing concern that IGAD is not technically equipped well enough to be able to manage not just the competing interests of the parties to the conflict but also the need to reconcile the political processes required to end the war, with the technical problems of translating any peace deal that may be signed in a foreign country into real peace on the ground in South Sudan. Institute for Security Studies (ISS), a South African think tank with an office in Addis Ababa, succinctly stated this concern: "The mediation process has...raised questions about IGAD's viability in

⁴ See "U.S. Policy on Sudan and South Sudan: The Way Forward." Donald Booth, US Special Envoy for Sudan and South Sudan. The Atlantic Council –Washington, DC. 9 October 2014

⁵ See Dhieu Mathok Diing, "South Sudan Conflict: IGAD fights, mediates and negotiates," *Sudan Tribune*, September 11, 2014.

promoting lasting peace in South Sudan.”⁶ If IGAD’s Comprehensive Peace Agreement (CPA) has any lessons to offer the current South Sudanese process, it is that these two, political settlements and technical consolidation of peace, may be intrinsically linked but must be created with a clear view that they are conceptually and pragmatically separate processes. A peace agreement that might emerge from Ethiopia, where IGAD-sponsored talks have been taking place for the past twelve months, has clearly run the risk of becoming a platform for a mere political settlement between elites and could bring an end to the fighting between the armies but would be unable to reduce the fighting between opposed ethnic communities whose relations have already been shattered by the last three decades of conflict.

The insistence of regional and international organizations that all conflicts should be settled through peace agreements has given rise to a determination of the warring groups to turn these peace settlements into mere power-sharing deals and very little else by way of genuine peace or social or political reforms. It gives the warring parties an incentive for brinkmanship to fight and achieve some military victories to supposedly strengthen one’s negotiating position. In turn, the escalation of violence as a negotiating tool, a bargaining chip, leaves the international community limited options, ranging from imposition of sanctions on the parties or on a select number of their leaders, interventions in favor of one of the parties, or all together withdrawal from the whole process due to the frustration about the continued violence that goes on ravaging the country while the peace talks are underway. This has now presented South Sudan as a laboratory for testing the old theoretical debates about whether prioritizing and pushing for peaceful negotiations is the best way to end conflicts; or whether perhaps allowing war to run its course might be an equally viable option.⁷ At the heart of this question is the sustainability of the resulting peace: victory of one side to the conflict can end the war, but what kind of peace can such a method build? And if a negotiated process ends the war, what compromises and guarantees can be put in place to ensure not just the silencing of guns but a comprehensive program of reconstruction and reconciliation?

Neither of the two propositions can offer a clear-cut and sustainable peace. A victory at war, apart from the reality that it is impossible in the context of civil conflicts, would allow for a winner takes all situation, creating much greater problems ahead. A negotiated settlement on the other hand allows for compromises, including sweeping amnesties for war crimes and rewarding of culprits with power in order to buy their consent to a settlement. For example, the numerous agreements the South Sudanese parties have signed in Addis Ababa to cease hostilities have all been flagrantly violated, the consequences of which are disastrous for the millions of civilians caught up in this debacle, but the process has no clear guidelines for enforcement such that violators of agreed principles know that it would cost them if they breach these principles.⁸ By the

⁶ “South Sudan: Cutting Corners in the Peace Process.” *Institute for Security Studies*, September 15, 2014.

⁷ See Edward N Luttwak “Give War a Chance.” *Foreign Affairs*; Jul/Aug 1999; 78.

same token, the negotiations for a settlement must continue because of the single-mindedness of the regional and international peace-making philosophy that the parties must continue to negotiate, and so a violator of the agreed principles cannot be punished, lest they boycott the whole process.

There is no question that a peace agreement signed between the principal parties to the conflict will not automatically bring peace to the country's population who now live with violence nearly on a daily basis. But the last round of South Sudan's IGAD-led peace talks in Ethiopia held in November, the Intra-SPLM discussions recently organized by Tanzania's ruling party, Chama Cha Mapinduzi and the recent meetings between President Salva Kiir Mayardit and some of the former political detainees mediated by President Yoweri Kaguta Museveni of Uganda, have recently presented more promise of the return of peace to the country than any other moments in the last eleven months.⁹ Since the war itself was sparked in December 2013 by a struggle for power within the ruling Sudan Peoples' Liberation Movement (SPLM), it is unsurprising that every time these leaders sit down to try to hammer out their differences there is often cautious optimism among the populace, that perhaps these individuals would, for once, compromise in the name of peace. In the words of one commentator:

“These people have done so much already to make our independence possible...We just expected them to go the last mile to make South Sudan the country we all yearned for, but they disappoint us every single time since 2005, with their selfishness, greed for power, looting of public property and with putting their individual egos ahead of national interests...Let us hope that the Arusha meetings and the pronouncement they made to the effect that they collectively take responsibility for the mayhem in the country is genuine and will lead to something positive this time around.”¹⁰

Despite the frustrations with the country's political leadership, the online discussions, the interactions on the social media and other kinds of group discussions that were monitored and reviewed for this study, have shown that many South Sudanese are willing to look past the misdeeds of the political class, if the latter could just prioritize peace and the return of stability to the country over their own individual or group political aspirations. Many people would undoubtedly, though begrudgingly, be willing to let these politicians get away with past mistakes “if they could just start thinking about

⁸ “South Sudan Hangs on Rebel Chief's Next Move: Peace Talks Sputter as Fighting Leaves Millions Hungry.” NICHOLAS BARIYO The Wall Street Journal Sept. 26, 2014

⁹ As other promising moments such as the cessation of hostilities agreements signed in January, May and August 2014 were all quickly and flagrantly violated, to the dismay of all.

¹⁰ Interview with a civil society activist who has attended some of the peace negotiations in Ethiopia. As there is widespread fear of reprisals in South Sudan, especially since this war begun, many interviewees often prefer to stay anonymous.

all of us and the dignity of our country,” in the words of another interviewee. These discussions show that there is no question that the above events, especially the Ethiopia-based ongoing peace process, have provided a glimpse of hope that the country’s violent conflict may be edging toward a political settlement. But this sense of hope has also been traversed with questions among many South Sudanese about the issue of durability, how and whether any resulting peace agreement would sustainably endure. In other words, this sense of hope is accompanied by both skepticism and fear, that a peace agreement reached in the same manner as has been historically the case would simply be a fragile commodity, one that is subject to the whims of political groups or individual political leaders, and one that does not address the factors that caused the conflict in the first place.

The facts about the root causes of the current violent confrontations, though related to struggle for power within the SPLM, are still largely contested between the SPLM leaders who are now in control of the government in Juba, often referred to as SPLM-in Government and the breakaway SPLM-in Opposition (SPLM-IO) and between President Kiir’s base and his former colleagues in the Political Bureau (former detainees). The president and his team in SPLM-IG claim that the former vice president, Riek Machar and the political detainees, were both involved in an attempt to take over government by force, but the latter are crying victimization by Kiir’s government.¹¹ Many ordinary citizens, even non-partisan ones, are also divided on the causes of the conflict. It is therefore, no surprise that the peace process was stuck for close to eight months on whether the negotiations are aimed at simply ending the violence and all return home, or should get to the bottom of the root causes, including assigning of blame for the start of the war and human rights violations that accompanied it.

The principal parties to this conflict, the SPLM-IG and SPLM-IO, as well as IGAD’s mediating team, have come to appreciate the complexity of the root causes and seem willing to look past the question of the root causes, and instead agree to a generic collective responsibility for the war, and reach an agreement to restore the old status quo under the guise of some cosmetic institutional reforms. The peace talks are currently focused on the creation of the Transitional Government of National Unity as the basis for ending the war, with its structure, mandates, functions, duration and programs being currently debated. There is quite a lot of evidence suggesting that the question of a comprehensive peace agreement, inclusivity in terms of representation as well as in terms of substance, has been largely given lip service by both sides. Even the SPLM-IO, which had initially appeared as the champion of a holistic peace, has lately been more intensely focused on power-sharing and seems willing to forgo its original

¹¹ Many prominent leaders in the SPLM-IO, including Peter Adwok Nyaba, have written at length about how Kiir and his advisors have total responsibility for sparking the war, for attacking and almost killing some of them, pushing them into the rebellion and causing many Nuer civilians to join the war in vengeance for the killing of their ethnic kin in Juba when the conflict started.

demands for investigation of and the December 15-18 juba killings and accountability for the victims as a crucial part of the solution to the conflict.

To make the next peace agreement a meaningful solution to the country's political woes, a plethora of observations and suggestions have been put forth by many analysts, citizen and foreigner alike. One key observation is that peace agreements by their very nature are political processes that aim at ending the violence, distributing state power in order to persuade the warring parties that they have a stake in a quick political settlement. The result of this approach to peace is that they focus almost singularly on the main warring parties, to the exclusion of everyone else and by extension make the peace process an affair that has very little buy-in from the rest of the country's stakeholders. This seems obvious on the surface, but making peace processes more inclusive is a very complex endeavor indeed, one with very few precedents anywhere in the world. There is often the temptation for some to see it as a simple question of representing all the constituencies at the table and not so much a matter of substance, of building into the process mechanisms that would ensure the success and sustainability of the outcome beyond ending the on-going violence. So even the push for inclusivity has proven to be a serious stumbling block to peace, as the principal parties find it as another game about who represents these constituencies and what qualification measures are used to select them.¹² Another key observation is that most of the effort to rebuild the South Sudan since 2005, whether bilateral donor, national or multilateral programs have focused on vertical state-building activities, to the neglect of the other side of the coin, the question of a more horizontal program of nation-building. The result is that previous peace agreements, including the CPA, which gave more focus to state building, neglected the many nation-building programs that would have entrenched peace in the communities and preventing a return to war.

What these types of political agreements lack, if the lessons of such agreements like the CPA are any guide, is the commitment of the parties to the technical aspects of translating the agreement into actual peace on the ground, in the lives of everyday people, so that the citizens feel they have a stake in the agreement, for them to quickly realize that peace pays. One of these technical and practical issues that can make a peaceful transition possible in South Sudan is a commitment to a dual state and nation-building project. Without such a commitment from the parties to the peace agreement, without built-in mechanisms to ensure their respect for this project and without a strong national, regional and international instruments to ensure political, financial and technical commitment to nation-building, a peace agreement that is squarely focused merely on ending the violence would be just a little more than an agreement to defer the conflict for a short while before it erupts again.

¹² Refer to Zachariah Diing Akol's piece on "Inclusivity: A Challenge to the IGAD-Lead South Sudanese Peace Process." The Sudd Institute, November 2014.

So it is safe to say that South Sudanese are desperate for peace; they demand it everyday; their impoverished existence in displaced persons camps and in their remote and isolated village communities that do not benefit from state goods and services, all show the desperation for a quick peace. It seems that they would applaud anything that ends the current violence, regardless of how good or bad the process and outcome are. But this leaves one wondering if this binary view is false, that perhaps there is a middle option between a quick and sloppy peace that currently seems imminent and a broad-based peace that might take sometime to accrue. The answer is that these two extremes should be seen in a continuum, and not as an-either-or situation, where the first is ushered in but quickly followed, before the parties leave the table and rush home to take up their newly assigned powers, by a commitment to the more painstaking peace-building that pays off for the long term.

III Memory of Conflict and the Prospects for Peace

When the new conflict erupted, much like all the other conflicts in the country since 2005, it may have been possible to pinpoint its triggers; a possible coup attempt, a clash between members of an army unit, a struggle for power within the top leadership of the ruling party, ethnic competition over resources, a regional rebellion protesting exclusion from power and resources, rigged elections or any number of similar triggers of violence. What such pinpointing cannot do is to explain the multitudes of reasons that allow the conflict to spread and to drag on for so long as the current conflict in South Sudan has shown. There have been many attempts to come up with single explanations to the ongoing war and to the many other more localized episodes of violence but many analysts tend to view each episode of violence in a given area in isolation from the other conflicts in the rest of the country, concurrent or historical. Some approaches to conflict analysis have also tried to study localized violence as if it is entirely independent of the overall historical context of the whole country. But it has become plainly evident that popular historical memories of past wars, whether these memories are accurate or not, are often invoked by individuals or groups in order to determine whether to participate in a new conflict or not and to what extent. So it is important in the case of South Sudan to think more broadly about the causes of conflict beyond a single trigger point. Even local fights involving cattle raiding between sections of a single tribe are not always entirely local and historically specific. The war experience, dating back over several decades, may appear unrelated to the immediate triggers to new violence but is actually what draws groups of people into a new conflict, making any new conflict spread quickly and more vicious in its brutality. It is the memories of what a given social category of people holds about its past experiences that draw them more strongly into a new episode of violence, as people do not imagine their political, economic and identity universes as exclusive to their ethnic geography, but are strongly influenced by how other communities imagine of them, how each group sees itself in relation to its neighbors and in relation to the state.

When the South Sudanese on-going conflict started, the reactions to Riek Machar's current rebellion were easily accompanied by echoes of past conflicts, his 1991 coup against the then chairman of the SPLM, the late John Garang, and the subsequent massacres of civilians in Bor area. Memories of past confrontations between Nuer and Dinka over the *toc*, the cattle grazing plains of Upper Nile and Bahr el-Ghazal, were also invoked in order for each side to justify its actions, why the other side must be taught a proper lesson in revenge of past actions or preempted in order to stop them from repeating past massacres. Feelings of exclusion from the gains and promises of South Sudan's independence, especially among male youth, were also visibly linked to why so many Lou Nuer flocked to the rebellions in such high numbers as they did in December 2013. So while the conflict immediately at hand at a given moment may have its own dynamics and must be addressed as such, it is foolhardy to not study it in a historical perspective, especially as one thinks of ways to reconcile the parties and cut the cycle of conflict.

Violence in South Sudan has to be seen as cyclical and multi-faceted, to address the merits of each episode but with the big picture in mind, such that a program to end violence is one that aims at breaking the cycle through a reflection on the historical trajectories of the country. For instance, as the current political violence, a war that appears almost entirely inspired by competition between the top political elite for public office, and though it remains confined to only one of the three greater regions of the country, is keeping the whole country on edge, about the uncertainty of whether groups of people from the other two regions will join the war in pursuit of their own agendas or in support of Riek Machar's rebellion. And part of the explanation for this country-wide jitteriness is the historical grievances, especially with regards to the relationship between some groups of citizens in Equatoria, some Fertit groups around Wau in Bahr el-Ghazal and in the Shilluk Kingdom in Upper Nile on the one hand, and the SPLA, the country's national defense force, on the other. Some of these historical grievances date back to the days of liberation struggle where mutual mistrust had developed out of SPLA's suspicion about the loyalty of some of these groups to the national cause and the violence that ensued from this mistrust in which terrible things were done on both sides. Other sources of mistrust are more recent, in the post-CPA era when various militias were either left over from the liberation era or were formed anew in protest of alleged exclusion from the distribution of the post-war cake.¹³ If the current conflict was to be resolved and the country embarks on a program of reconciliation, as it needs to, a comprehensive approach to such reconciliation, complete with a historical reflection on all of these, would be unavoidable, if a durable peace and stability were the goal.

There seems to be consensus that the events of December 2013 that sparked the current conflict, have to be recognized as serious matters that have to be addressed if any peaceful settlement has to be meaningful and durable. But these events alone do not

¹³ Rebellions by David Yau Yau and George Athor Deng in Jonglei or by Gabriel Tanginye and Gatluak Gai in Unity State or Dau Aturjong and Abdel Baqqi Ayii Akol in Northern Bahr el-Ghazal are among such new rebellions that spring to mind.

explain why the conflict spread so fast as to cover a third of the entire country, why it took on ethnic nature and why it is proving so hard to find a settlement for it. A peace process that has a chance of sustainability has to also reflect on the drivers of violence, most of which predate the events of December 2013. A more meaningful peace deal has to have a clear political and resource commitment to reconciliation, not the type of reconciliation that ends with the creation of unfunded institutions, as has been the case with the post-CPA initiatives. It needs to have a clear conception about the linkages between all the conflicts in the country, be they ethnic competitions or political rebellions, how they feed into each other and how each one of them is a manifestation of bigger problems of poverty, exclusion, shattered expectations and possible desperation among the youth regarding their future outlook.

Most people we have interviewed talked of some of the violent confrontations, even when they appear ethnically inspired, as partly rooted in structural experiences, in state systems that demand the respect of citizens to national institutions but disregard the institutional injustices done to the citizens. For example, a peace initiative to reconcile two opposing communities would be useless if there is no recognition of the climate of doubt that the citizen harbors about the ability of the state, especially its security and law enforcement agencies, to enforce the terms of reconciliation; not to say anything about the abuse of power that these agencies practice. A peace building project means very little if the state has no conception of how it will professionalize the military and how, together with the NGOs and civil society, the country's leadership will persuade the armed civilians to give up their guns, to strengthen security, to restore justice for all, to reassure the citizens that peace has returned and to create a suitable atmosphere for dialogue such that the violence-riven communities could come to terms with their interconnected and complicated histories where inter-ethnic violence has been at times tempered by histories of truces and cooperation.

What this study has revealed is that South Sudanese view the current political climate regarding peace in the country with conflicting emotions. For example, while the cry for peace is unmistakable, there is skepticism about the ability of the current political leadership to deliver a meaningful peace, one that touches everyone's life. But without these leaders committing to a political settlement, there is no clarity as to who else would create an environment conducive to peace and reconciliation, since these leaders are currently the ones wielding power, political and military. It is these leaders who also have the capacity to manipulate ethnic relations in order to entice their ethnic kin into their sides of the conflict in the name of tribe. Just as they are the ones who order war, so are they seen as the only ones who can reverse it. It is also evident in this mix that many citizens have lost trust in these politicians but there are no obvious alternatives, as the younger and more critically vocal generation of leaders have not distinguished themselves enough to galvanize potential supporters from across ethnic lines.

So to avoid further hardening of ethnic divides, there are people who argue that even a shoddy peace agreement in the hands of these old politicians would still be better than

no agreement at all. Any peace agreement, no matter how weak, is seen by some as still able to create an environment where communities could then build their own peace at the communal level, as they used to do when the state was less involved in the making of localized war. But this is something they cannot do now while the top political leadership continues to pour fuel on fire. As such, any peace deal that reduces violence is quite desirable, no matter how many problems it leaves unattended, as these problems could be considered the second or third steps in a peace-building process. But the reverse argument is equally powerful, that a bad peace agreement is worse than no peace at all. This is because, the argument goes, such a peace deal raises the stakes, it increases the value of the state that everyone wants to capture, and promises things that it cannot deliver, making the disappointments far graver when or if it collapses, and potentially plunging the country back into a potentially more deadly conflict within a short time.

A peace agreement that focuses on a mere silencing of the guns and a power-sharing arrangement is in itself one of the biggest spoilers of peace. The silencing of guns is of course unquestionably a good thing, and so is power-sharing as incentive for the warring parties to lay down their weapons. There is need for an agreement to end active political violence in order for the ethno-political climate to be conducive for a genuine bottom up peace-making. But a peace project that does not address the root causes of the conflict, make a commitment for institutional reforms, promise the provision of a minimum level of economic development and promise to increase the welfare of the citizen would simply be postponing the conflict for a while before it erupts again. But the problem with the South Sudanese peace efforts under the auspices of IGAD has been the attempts by the regional grouping to either do all of this in a single process or to blur the lines between the peace of the negotiating rooms and the subsequent long-term peace as it is developed and experienced by the citizens. For example, when IGAD heads of state and government summit convened in Addis Ababa, Ethiopia on the 25th of August 2014 attempted to impose a peace plan on the parties, this was a result of frustration with South Sudan's parties to the conflict, especially with the rebel movement, but this action quickly proved disastrous for the peace process and revealed both technical incompetence of the mediation team and the interference of heads of state and government with the process.¹⁴

IV Conclusion and Recommendations

The conflict erupted for a number of reasons, including the mismanagement of the political discourse within the ruling party that had led to the dissolution of the government in July 2013. The dissolution of the government saw prominent SPLM leaders losing their positions. The real issue at hand was a power struggle over the leadership of the party, which is essentially the gateway to top political office, including the presidency. But even this was only a trigger, as the real reasons behind the quick

¹⁴ Amir Idris, "The Travesty of the IGAD Peace Process for South Sudan." Sudan Tribune, August 27, 2014

spread of the conflict were more related to the fragile foundation upon which the new country was built, including the failure or absence of the nation-building project. Other factors such as the failure of the government to engender meaningful and quality change in poor citizens' lives following the war of independence were the factors that fueled the fast spread of the conflict, to cover large strategic parts of the country. What is more is that historical ethnic conflicts caused primarily by premeditated counter-insurgent stratagem of Khartoum-based regimes that pitted South Sudanese ethnic groups against each other then, plus other locally inspired resource conflicts, have all contributed to or have fueled the current conflict.¹⁵

Put another way, this conflict, although it started as a political discord within the SPLM, is a result of the cumulative effects of over thirty years of wide-ranging conflicts, which have taken a number of new dimensions including ethnic and regional scopes. The solution to these multilevel conflicts must be far reaching and must be negotiated to the points of conviction to all the parties. The goal of the IGAD-led ongoing negotiations in Ethiopia is to produce a peace agreement, unfortunately experience shows that whatever the result of the negotiations might be, it is probably not going to go beyond merely settling the political conflict between the competing parties, a situation that is likely to be unsustainable, as it leaves the central issues unaddressed. The long history of South Sudan's liberation efforts, plus the new dynamics that the current war has added, have created a serious burden on ethnic relations, on the country's ability for national unity and cohesion, all of which will present a serious challenge to the peace agreement that comes out of the current process. It is now clearly evident that a political settlement is terribly needed, but no peace agreement can translate into a just peace within South Sudan without far more comprehensive programs of truth, justice, reconciliation, and social cohesion that aim at repairing the damage that the above-described history has left on the shoulders of the whole country.

The Ethiopia-based negotiations have become a real disappointment for so many South Sudanese because they have been essentially reduced to a matter of power-sharing between the competing politico-military elite. The negotiations have given less weight to fundamental concerns about democratic reforms and accountability, even as these are essential for sustainable peace. For this peace to endure, the mediators and the parties really need to think hard about reconciliation as a fundamental ingredient to sustainable peace.

If the 2005 CPA is anything to draw from, any agreement that emerges from the current IGAD process needs to go beyond addressing or reconciling the political

¹⁵ The root causes of this conflict have been presented and widely debated elsewhere and it is unnecessary for this paper to elaborate on them any further. See for example Alex De Waal's "When kleptocracy becomes insolvent: Brute causes of the civil war in South Sudan." *African Affairs* (2014) 113 (452): 347-369

interests of the elites and emphasize issues of fundamental democratic reforms favorable to nation building.

A more robust political settlement complete with political, constitutional and financial commitment has to be built into the peace agreement. This would create a climate conducive to reconciliation and social cohesion project, to the repair of the ethnic relations that have been shattered by violence, as political stability and sustainable peace in South Sudan would not be possible without this commitment. This can only be done by addressing not just the root causes of the conflict but also matters of state-citizen relationship in areas of security, services, justice and the rule of law.

About Sudd Institute

The Sudd Institute is an independent research organization that conducts and facilitates policy relevant research and training to inform public policy and practice, to create opportunities for discussion and debate, and to improve analytical capacity in South Sudan. The Sudd Institute's intention is to significantly improve the quality, impact, and accountability of local, national, and international policy- and decision-making in South Sudan in order to promote a more peaceful, just and prosperous society.

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