



# THE SUDD INSTITUTE

RESEARCH FOR A PEACEFUL, JUST AND PROSPEROUS SOUTH SUDAN

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## POLICY BRIEF

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### South Sudan and the Prospects for Peace Amidst Violent Political Wrangling

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#### Summary

- The current conflict in South Sudan has now boiled down to a contest over public office, pitting the former Vice President, Riek Machar Teny against President, Salva Kiir Mayardit. Whether it was triggered by a coup or not makes for a moot point at this stage.
- What started as a political confrontation between power contenders within the SPLM has now evolved into a military revenge and counter-revenge along Dinka-Nuer ethnic line, and is threatening to become a civil war, should the IGAD-led initiative for a dialogue fail to produce a quick deal. Getting such a deal as quickly as the people of South Sudan aspire and deserve is very important.
- Whatever the trigger point of this conflict was, the reality is that the brokers from the (IGAD) countries should push for an immediate cessation of hostilities before discussions on political settlements can begin.
- Regardless of who started the fight, why it was done and what is the endgame now, it is important to acknowledge and analyze some of the state fragilities that allowed it to escalate to the level it has reached now, including fragile security systems, corruption, constitutional crisis, and the absence of the rule of law and exclusion of the youth from the benefits of independence.
- This conflict escalated so fast partly due to the history of the liberation wars, in which South Sudanese committed atrocities against one another and no accountability for these atrocities was established when those wars ended, leaving gaping wounds in the hearts and minds of so many citizens.
- It may have surprised so many people that South Sudan went so quickly from one day of relative calm and so much hope for a better future to the next day when it blew up. But for those who have followed the developments since the liberation wartime will notice that there was one particular development that could have helped people to predict what is happening now. That development was the transformation of the Sudan People's Liberation Army (SPLA), the nation's defense force, from an amalgamation of previously warring militias that were absorbed haphazardly in order to buy stability, producing an institution that does not have a shared ethos among its members. An institution this weak was likely to fall apart eventually.

- There have already been really heinous acts of killing in the course of this conflict. These should be addressed as part of the negotiated settlements, so as to build into the final deal a mechanism of accountability for these atrocities.
- To end this conflict, it will be important for both sides to exercise a measure of compromise. Any temptation the government delegation might have to want to punish Riek Machar would prolong the conflict.

## Introduction

The unfolding unrest in South Sudan, beginning with the events of December 15<sup>th</sup>, 2013 in Juba when fighting broke out within the presidential guard and had spread to Greater Upper Nile within two days, may not have been exactly predictable, but it was not entirely surprising. Surely, the abrupt nature of it, the scale of violence within a single military unit, the rapid spread to other branches of the armed forces in other states, the speed at which it begun to take on ethnic overtones and the death toll of over 1,000 people, many of them civilians, has shocked the population. How South Sudan seemed to have gone from one day of confidence that it will weather the political disagreements within the Sudan People's Liberation Movement (SPLM), the country's ruling party, to the next day of near total unraveling was definitely terrifying for Juba residents. It has also caught the international community within the country – represented by the United Nations, European Union, African Union and various diplomatic missions – totally off guard.

Most alarmed by these developments were neighboring countries in East Africa and the Horn. Uganda scrambled to intervene and the Prime Minister of Ethiopia Haile Mariam Deslaigne and the Kenyan President Uhuru Kenyatta descended on Juba on December 26 to explore any possibilities of mediating a dialogue between President Salva Kiir Mayardit and his wayward Vice President, Riek Machar Teny, who is now heading what is increasingly referred to as a rebellion, which the government says followed a failed coup attempt. The Inter-Governmental Agency on Development (IGAD), a regional grouping that has been central to peace negotiations of Sudanese conflicts before South Sudan's Independence and understands the complexities of the conflicts more than few other bodies do, convened a summit in Nairobi on December 27, 2013 in order to explore how to end the mayhem that has already caused huge casualties in revenge attacks by the Nuer on the Dinka in Unity, Jonglei and Upper Nile states for the attacks against the Nuer that were orchestrated in Juba by government soldiers. President Kiir attended the Nairobi summit but Mr. Machar is still difficult to reach, somewhere deep in the swamps of the Upper Nile's Sudd.

These talks will now be held, as the delegations have begun to travel to the Ethiopian capital, Addis Ababa, but their success to produce anything will remain in question, given Riek Machar's pre-conditions. Whether the countries of East Africa have any capacity to pressure the two parties into some kind of a deal is also in question. It is unclear what buttons the IGAD countries will push against South Sudanese in order to pressure them into first agreeing to an immediate ceasefire and then into an agreement to end the conflict. President Salva Kiir, representing the state, might be threatened with regional isolation if he shows any intransigence, but little can be done to pressure Mr. Machar, someone whose endgame is undeclared and a non-state actor with very little to lose. Perhaps threats to use force against him might be the only way to pressure him into peace talks, but that also depends on whether he thinks he can engage the Juba government in a civil war and what the source of his strength might be. Topics for the peace talks also

depend on his explanation of the origins of this conflict. Whether or not this situation was triggered by a failed coup attempt is now a moot point. The priority now is how to get the country out of this mess and back onto its path to stability and development. Peaceful dialogue is the only viable approach, but what is to be discussed at such talks, what could possibly end the violence immediately and what the role of the international community beyond east Africa should be are some of the questions that remain unclear at this stage.

### **What Caused this Crisis?**

Many former politicians turned analysts and critics in Juba were quick to deny that this was a coup attempt. Peter Adwok Nyaba, former Minister of Higher Education, who was sacked when President Kiir replaced his entire cabinet in July 2013, has offered his version of “root causes,” of the Juba incident, saying that it was the President who had become suspicious of his critics and decided to disarm the Nuer within his presidential guard, the Tiger Battalion, which the Nuer officers resisted and the whole affair got out of hand. This explanation is entirely implausible in view of the recent political activity that had seen many SPLM heavyweights, including Mr. Machar, the SPLM deputy chairman who was also the country’s Vice President until that July wholesale sacking, criticizing the president for his “dictatorial tendencies.” They had recently seen their party positions dissolved by the chairman on account that they had mismanaged the party. In view of this growing opposition to Salva Kiir from a cross-section of politicians who had lost power, an opposition the president had seemed to respect and tolerate as their constitutional right, and was never hindered in any fashion, there was no reason for the president to then suddenly accuse them falsely of a coup, not least in the midst of the congress of the National Liberation Council, the ruling party’s legislative body. Nor is it logical that these groups should also suddenly opt for a coup after having been granted a political platform to use for a more civil competition for the reins of power. In short, there are signs that a change of government was planned and yet it would have been a very sloppy coup, making it questionable that these people had actually planned a coup.

It is perhaps important to explore the above-mentioned squabbles within the ruling party as part of the genesis of the current crisis, especially the reaction of Kiir’s government to the calls for reforms that were made by the party leaders he had fired from both the party leadership and the SPLM-led government. These party officials, many of whom had been members of the party’s highest organ, the Political Bureau, and had been demanding that President Kiir, himself the chairman of the party, convene a meeting of the Political Bureau to sort out the differences between the chairman and over two-thirds of its members. These leaders held a press conference on December 6<sup>th</sup>, 2013 in which they accused the president of running the party in ways that violated the party constitution. The press conference called for convening the Political Bureau in order to organize the agenda for the meeting of the National Liberation Council, the party’s legislature. But instead of responding to what seems like a legitimate constitutional right of the people who held the press conference, the president instructed his deputy, Vice President James Wani Igga, to issue a very crude response in which he dismissed outright their claims and accused them of being “disgruntled” for their loss of power. When the current crisis began, the president did not help the situation and the image of his government when he appeared in military fatigues to deliver his statement in the wake of the revolt, signaling his readiness for a military confrontation. So it is fair to say that the demand for reforms within the party and the president’s frustration of these demands was a clear factor in this crisis.

### **But did these Political Differences have to Turn Violent?**

Our investigation shows that there were two streams of thinking in this quickly forming opposition body, with multiple aspiring leaders. The first stream is the one involving Rebecca Nyandeng de Mabior (the widow of the SPLA/M former leader, the late John Garang de Mabior), Pagan Amum Okiech, the sacked Secretary General of the SPLM, Deng Alor Kuol, the former Minister of Cabinet Affairs and few others, all of whom seem to be committed to a civil political battle to replace the president, whether through some sort of a deal within the party or through the 2015 general elections. The second stream involves the former Vice President Riek Machar Teny, Taban Deng Gai, the former elected governor of Unity State, who was fired by the president in May 2013 and who is extremely angry for the unconstitutional presidential decree that removed him, and a number of senior military officers commanding divisions in Bor, Bentiu, and Malakal. While Taban Deng Gai, an ardent loyalist to President Kiir then, was a recent recruit to this group, Riek had been planning to depose the president by force for quite some time, and was ready to take action if his political alliances with the other group did not bear fruit. Each of the two groups participated in the alliance without revealing what each had in mind, as they were both joined together by a common goal, the removal of President Kiir, but with varying approaches. They were bound to fail given multiple competing leadership aspirations, however.

In the hours leading up to the night of the revolt, these personalities were all still together, deciding to boycott the last day of proceedings of the NLC, with the political action to depose the president looking rather unlikely. So Riek Machar made his move without telling the others, as he was unsure all along if the rest would support him to become the head of the pack. One of the officers who was in on the uprising within Tiger Battalion lined up a number of his immediate officers and executed them by himself and the fighting broke out inside the main military command center, known to locals as al-Qayada, located to the southwest of Juba town. By 11 PM, hell broke loose and Juba residents could not hear anything else but gun and artillery sound for the rest of the night, all day and all night Monday and all the way until about 3:30 pm on Tuesday when the government forces finally neutralized the revolting forces. Meanwhile Riek Machar had slipped out of the town on Monday morning around 4 AM, leading to speculations that he had taken refuge in the United States Embassy, then it was the United Kingdom High Commission, or perhaps the United Nations Mission in South Sudan. By evening time, word had trickled back to Juba that he had trekked north together with Taban Deng Gai and Alfred Lado Gore, former minister of environment, with the plan to join up with military officers in Jonglei who had already planned to echo the actions of their Juba-based leadership. On Tuesday Riek Machar went from denying knowledge or any involvement in any coup to being the leader of the rebellion, almost overnight, which would have been quite an about-face if he had indeed been truthful about being unaware of a coup plan.

Many local analysts and people in the media have been reflecting on these events and have been able to tease out some of the signs that the intense competition for political power within the ruling SPLM was bound to spark violence, as it was likely to touch the wounds of the last three decades of liberation wars during which South Sudanese had turned guns against one another over leadership of the movement. Those moments of violence during the liberation period, though often extremely destructive, particularly to ethnic relations, were often patched up or swept under the rug in the interest of keeping the eyes on the common goal, but they were never sufficiently resolved and far too many communities were left wanting for justice. One of such moments was the 1991 split in the SPLA, in which Riek Machar and Lam Akol Ajawin, then senior deputies to John Garang, attempted to depose the latter and sparked massacres in Jonglei state. This revolt happened in the midst of war against the government in Khartoum, and led to a prolonged and destructive conflict. It saw Machar ordering massacres against the Dinka of Jonglei

state, which gave rise to a protracted Dinka-Nuer conflict for the subsequent seven years. In the end and despite the reunification of the SPLA, no one was held accountable to this incident, and many others similar to it, and there was no recompense to the affected citizens. This set the precedent for the kind of politics whereby the political ambition of the individual or small groups of individuals translates into efforts to gain power by force. It is this history that has the whole country standing on edge, as the risks of a repeat of 1991 are written all over the current row and are all too scary to fathom.

When the current mayhem started, many people were reminded of these historical incidents, and some individuals, especially soldiers who had escaped or survived them, reacted with the pain of those memories in mind and heart as their moral compass. The revolt and subsequent clashes resulted in hundreds of deaths of both soldiers and civilians, partly due to avenging of past actions, as some of these soldiers read the situation as being yet another chapter in Riek Machar's ethnic-based struggle for power. As a matter of fact, many soldiers fought nearly completely without commanding officers to direct them or to prevent them from going overboard, as many of them were caught off-guard by the fighting and simply ran into the fight in a random manner. That is what led to the excesses that are now being reported as state-sponsored killings.

Also related to this confrontation is another aspect of the liberation wars that brought the independence of South Sudan in 2011. This aspect concerns the failure of the post-war development programs to meet the dividends that the citizens highly expected going into independence. Poverty and dashed aspirations are linked to this; and so are the security situation, isolation of various communities from one another due to poor infrastructure, denying them the opportunity to interact with one another at market places or travel across ethnic lines with ease. Negative stereotypes that various ethnic nationalities harbor about one another have also created a barrier to social interaction, cross-ethnic marriages and sharing of space. When small disagreements happen between communities that are separated, these stereotypes become the only references upon which to base their reactions.

It is evident that the Juba incident that eventually ushered in what seems to be a Dinka-Nuer killing and counter-killing has exposed the fragility of the new state that many had been pointing out since long before independence. It has also shown serious challenges regarding social cohesion and national unity across ethnic lines, something the stability of the country cannot be ensured without. It has shown fragility of the democratic processes, the result of which is that when some politicians fail to get a path to office, they still have the capacity to resort to violence and attract their tribesmen to their side. This was unsurprising due to the absorption of large militia forces from the many rebellions in Greater Upper Nile into the (SPLA), the liberation army now turned national defense force.

The government of Salva Kiir Mayardit had reasoned, quite convincingly, that absorbing these militias and rewarding their leaders with high ranks in the army was a reasonable price to pay for stability of the country. But this policy of trying to gain peace by accommodating every militia force quickly started to appear much more costly than was anticipated, especially on two accounts. First is the swelling of the army ranks with one ethnic group, the Nuer, who make up over 50% of the total national defense force. Second, it made the SPLA officer corps very unhappy with the placing of former rebel leaders above them in rank. This policy was also criticized for arguably weakening the military professionalism that was already challenged by the SPLA's background as a guerrilla army trying to transform itself into a professional one.

The post-war and post-independence security situation in the country put the government in a serious bind. On the one hand, the multiplicity of militia forces from Unity and Jonglei states particularly meant that the nascent state would not have an opportunity to build peace, reconcile its people and focus on developing its resources for the benefit of its population that had been long affected by war and violence. Striking peace deals with these militias was the only immediately viable way forward. But on the other hand, inviting all of them into the national army meant compromising on the endeavors to professionalize the armed forces, as many members of these militias were hardly ever disciplined enough to be part of a professional national defense force. Instead, they simply saw the army as the quickest way to salaried employment and joined even without proper training as soldiers.

The result was that the army was made up of an amalgamation of previously warring factions, with no institutional culture or common ethos to which all soldiers subscribe. There was no coherent or unified command hierarchy and no respect for a central command. An additional side problem was that many young people who had not even been part of the militias were able to join some of them right on the eve of absorptions, taking advantage of the opportunity to get themselves absorbed into the army without prior background in military discipline.

This policy splits public opinion. Some, in agreement with President Kiir, see it as the most viable solution to what had become a complex security reality of a country emerging from prolonged militarization. They see it as a minor price for stability. Others see it as a liability, both in terms of the price tag of constant increases in the size of the army and in terms of the security consequences of such a mismatched army, where the officers of the original SPLA grumble about having their former foes becoming their commanders.

These issues may not have caused the violence currently underway, but they contributed to its escalation, and have not been given the attention so many people had been calling for over the past two years. The Sudd Institute has been ringing alarm bells since its founding in 2012 about the poor management of the security situation of the country, lack of reckoning with the history of ethnic relations that had been wrecked by long liberation wars, limited attention to the swelling ranks of unemployed youth and the urban bias that had left the swath of rural populations unable to share in peace dividends. Samuel Wassara of Juba University has also recently pointed to an additional issue that may have contributed to the current crisis, and that is the issue of political apathy among political parties, analysts and civil society, to not have spoken louder about the wrong direction the country had been taking. Public political apathy may have been born of the narrow political space prevailing in the country, but it gave the government leaders the opportunity to be complacent about reforms. A case had been made that these were all part of a ticking bomb that could unravel the gains of independence any minute. It was only a matter of time before any incident could set off that bomb. So what was the trigger that sparked the explosion on December 15<sup>th</sup>?

The Citizen Newspaper reports that they have evidence that Riek Machar has been planning to take power in Juba since 2005, having always seen himself as being more qualified for the top job than President Kiir. His return to the SPLM after thirteen years since he broke away in 1991 was only made possible by his own self-imagining to rise to the top. It was also made possible by compromises that President Kiir had struck with most of the leaders that had been opposed to late Garang. Riek was accommodated in order to bring him back into the fold, so as to unite South Sudanese ranks for the purpose of working together for the secession referendum and the independence. But as soon as he rejoined the SPLM, becoming the Vice President, he was given responsibility over

many national tasks, building of institutions and a number of foreign policy roles. One of these roles was effort to mediate the conflict between the Lord's Resistance Army (LRA) and the Ugandan government. It was in this context that he started planning for his political ambitions to take power in South Sudan at some point. This is where he forged secret deals with other military personalities within the region and beyond. But perhaps what shocked most people, despite the fact that Machar is no stranger to the use of violence to try to gain power, was that he would continue on this path after spending the last year talking to South Sudanese about national reconciliation and peace-building. It was also particularly disappointing that Machar and some of his colleagues, most of whom were arrested in the wake of the outbreak of violence, began their quest for political changes through peaceful means, holding a rally on December 6, 2013, but still chose the way of violent conflict in the end.

### **Power Politics or Tribal Wars?**

The question that has recently bedeviled the media and various analysts covering the tragically unfolding situation in South Sudan is the question of whether or not this has anything to do with ethnicity or tribal hatreds. My answer to this question is that, while ethnic politics in South Sudan is complex and is undeniably part of everyday socio-political life, there is no doubt that it has sometimes been overplayed in analyzing the recent developments. But the real question is not so much about ethnic identity fueling violence but rather the mechanisms by which ethnic relations get deployed in the contest between politicians that are vying for control of the state and the services it provides. Put another way, is it ethnic identities that get politicized or the political competitions that get ethnicized?

Historically, conflict within South Sudan has taken three forms: the liberation wars in which the south fought the north in the old Sudan; ethnic feuds over resources, especially among cattle herding communities; and rivalries between political leaders. With the independence of South Sudan in 2011, the liberation wars against Khartoum are now over. Ethnic feuds, despite the occasional stamping of politics with an ethnic hue, remain relatively easy to reconcile in the context of traditional cultures, and are often confined to the ethnic groups directly involved and rarely affecting the rest of the country. The most devastating stream is that of political wrangling among various leaders vying for power, whether at the national or state level, as politicians sometimes become desperate, unable or unwilling to make political gains by focusing on ideas, and as a consequence reach for the ethnic card, drawing their kin into conflict by explaining to them that it is the survival of the whole group that is at stake. In this sense, the last two trends, the ethnic composition of the country and the political rivalries, are interlinked, and they are at the root of what happened in Juba on December 15<sup>th</sup>.

The ongoing clashes, the consequence of which are the country's disunity, continued instability and lack of reconciliation, reveal how some individuals are either possessed by misconceived ideas about why the fighting broke out on December 15<sup>th</sup> or engage in deliberate exploitation of these incidents to score political points. These can only further fan the flames of destruction, all because these individuals are seizing on the fragile ethnic relations that were weakened by decades of war. The fact that such individuals can commit such ethnic-based atrocious acts or rally large numbers of people and order them to commit these acts is born of ethnic double standards and hypocrisy among many South Sudanese.

During the period between 1991 and 1998 vast numbers of Dinka people were killed on the orders of some of the leaders who revolted, on account that these Dinka were defending John Garang's tight and undemocratic control of the SPLA/M. For example,

Riek Machar's war against the Dinka at that time was aimed at John Garang but he thought that all the Dinka were standing in the way. Then the reconciliation and reunification of the SPLM happened in the wake of the Comprehensive Peace Agreement (CPA) that ended the north-south war. The SPLM reunification was done in hope that the historical moments in which South Sudanese had fought each other would be patched up in the interest of future stability. Riek Machar, one of the architects of those south-on-south wars, became the Vice President of South Sudan, in hopes that all can now look past that tragic history and focus on a brighter future. But that was not to be. The wartime memories may have necessitated Juba's recent targeted killings of the ethnic Nuer. When the fighting broke out in Juba on December 15<sup>th</sup>, a mere two years into independence and relative stability, some of the Dinka soldiers who remember 1991 unleashed their misconceptions of what this fighting meant and went on a rampage, killing scores of Nuer people, innocent and culprit alike.

Likewise, when Riek and Taban Deng Gai joined up with Peter Yak Gadet in Jonglei state around December 19<sup>th</sup>, their first order of business, our investigation shows, was to avenge the recent events of Juba. Gadet started his revolt, in support of Riek Machar, by executing his deputy at the Division 8 command, Major General Ajak Alier. Gadet's record of rebelling against the state and then returning through President Kiir's amnesties is as long as the Silk Road. In the wake of his current rebellion from the SPLA, he started his mission by executing scores of the Dinka officers subordinate to him. He may have done this to simply eliminate these officers for pure military calculations, but the act is read all over the country as revenge for what happened in Juba. Whatever Gadet was thinking, his actions have not helped the already cantankerous ethnic mood, and it might only be a matter of time before the Dinka find themselves in the same position of seeking revenge, unless there is a dialogue that ends this vicious cycle.

Notably, attempts have been made to provide detailed reports of mistakes made by some individual soldiers, particularly from the Dinka during the Juba fighting, in which scores of Nuer soldiers and civilians were killed. The government has also started investigation into the allegations of deliberate targeting of Nuer and has already arrested scores of suspects. But these actions have not persuaded a lot of Nuer people to not seek revenge and instead seek justice through other means. Some Nuer have already embarked on shocking revenge attacks on the Dinka in Bor, Bentiu, Akobo, Panriang, and Malakal. These revenge attacks may neutralize the Dinka in Juba not to cooperate with the investigations into the killings of the Nuer, creating cycles of more revenge and counter-revenge. When the very ethnic group whose members were victimized in the course of the fighting in Juba earlier is too angry to wait for investigation, and instead goes on a rampage to avenge the atrocities, any hopes to stop the continuation of the cycle of violence by revealing the truth and calling for calm are dashed. Hypocrisy and ethnic double standards now run wild in South Sudan and the fate of the nation is rendered more uncertain than it already was. No one seems to have the courage to cut the cycle of violence and counter-violence.

Perhaps it takes leadership on the order of what happened in African countries like South Africa, Rwanda, Sierra Leone and Liberia, whose leaders have stood up against the tide of African ethnic double standard and said "enough is enough," and that the cycle of violence must be severed. But there is no evidence of such leadership in South Sudan at the moment and emotions have taken over reason. By the look of things, a combination of this hypocrisy, political promiscuity of the leaders and strong citizenship in ethnic nationalities, instead in the nation, means that South Sudan is still a long way away from cohesion and stability. This is especially true given the absence of investment and commitment to the strengthening of institutions of social cohesion, reconciliation and



peace building through revisiting certain historical moments of discord between ethnic groups.

### **What is the Solution to this Crisis?**

South Sudan is at a crossroads. Either the current efforts by regional powers will persuade Riek Machar and the government of South Sudan to immediately end military confrontations and start dialogue on reaching a peace deal, or they will fail and a civil war might ensue. President Kiir, trying to make good on his usual pronouncements about commitment to peace and avoidance of a return to war, has extended an olive branch to his former deputy. Riek Machar, however, has made mere overtones to do likewise, but on conditions that seem either unworkable or extremely difficult to meet, like the possibility of the president stepping down, the release of political detainees and a power-sharing arrangement. Machar's demands for power-sharing will surely put the government in the same trap as the leaders of armed militias have been doing over the years. To object to it on grounds that politicians should not be rewarded with power after using violence risks pushing Machar toward the civil war route. But to bribe him back with a share in government risks of encouraging the trend whereby failed politicians have to revolt against the state, kill people, destroy property, and then get rewarded with power and resources for their deadly actions.

A politically mature and stable country may see Machar's actions as crimes punishable by law and pursue him in that regard, but South Sudan is not such a country. The country is in seriously dire straits, with its two biggest nationalities, the Nuer and the Dinka, severely divided and at each other's throats, its oil production (the country's primary source of revenue) currently under threat, foreign reserves depleted, difficulty in honoring its obligations to its citizens, and foreign lenders and the whole economy likely to buckle at the knees, especially if the current situation becomes a civil war. With all of that needing immediate attention, if the country is to be viable, it might be the case that the government will have to swallow its pride and negotiate a deal that will indeed reward Riek Machar's unconstitutional and deadly political actions. Any temptations that the current government leaders might have to punish Mr. Machar could well be the start of unraveling of the gains the country has made since independence. South Sudan is thus held at ransom by an ambitious politico-military personality. The country might have to pay that ransom in order to save its own life.

But what issues will the IGAD-mediated dialogue address and who must be involved? Our reading is that the IGAD might be the best broker in this situation. Despite the unflattering remarks by President Museveni of Uganda, threatening East African military intervention against Riek Machar, which depressed the appearance of neutrality of IGAD, the regional body remains the more fitting mediator. But consultations with and assistance from the US government would still be needed.

### **Conclusion**

We conclude with statements we have heard from various South Sudanese in Juba about the way out of this mess. This situation has also thrown up a lot of questions that we do not have answers for and are presented here. The efforts being made by IGAD heads of states should not just focus on resolving the immediate situation at hand, as if it is a confrontation solely between Riek Machar and Salva Kiir. Clearly the two warring parties and their leaders need to reach a deal that would immediately stop the fighting and contain the continued emotional ethnic retaliations. But when the discussions move into processes of political settlement, the mediators should look at both this fighting and the mediation efforts as an opportunity to take a comprehensive look at all the problems that

made the current situation possible in the first place. There is an opportunity here to include all the stakeholders, especially all the political parties, in the spirit of the 2010 all-party conference that was held in Juba to rally everyone behind the independence referendum. Whatever solutions will be attempted this time around, they should look at the constitution, system of government, gender issues,<sup>1</sup> unity in diversity issues, commitments to a nation-building program, separation of SPLA from SPLM, the structure of the army and other security forces, and above all, a review of the history of acrimony between ethnic groups, with a view to an eventual reconciliation process based on a credible presentation of the historical factors that brought South Sudan to this ugly juncture.

What about all the people who did not have to die, but have died because of the political ambitions of a few? Should this fact be buried again in the expediency of reaching a deal, so that victim communities are once again left without justice? What about the ethnic relations that have been destroyed by these actions? Can the country move past these consequences and build a nation where ethnic affiliations can no longer be appropriated by power-seekers? What will it take for South Sudanese to never be dragged back to war with each other over political ambitions of a few tribesmen? These are all some of the questions that any political solutions must address. Whatever solutions arrived at, they must include some form of justice mechanism built into the final deal so as to ensure that the victims of these atrocities are not just swept aside as collateral damage as they were under the CPA. A peace deal that only focuses on ending the conflict and without exploring complex social, legal, governance, security and historical issues, simply defers the resumption of conflict. This was the mistake that previous agreements had made and it is what has directly led to the crisis of today. Sweeping away the calls for justice for wartime atrocities, as was the case with the CPA, is part of the reason behind the current tragedy, and must not be repeated in the search for a solution to it.

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<sup>1</sup> The composition of the current government delegation to the peace talks in Addis Ababa has already repeated the mistakes of previous negotiations. A large group of males; not a single woman is in the team.

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### **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.

### **About the Author**

**Jok Madut Jok** is a cofounder of the Sudd Institute. He is the author of three books and numerous articles covering gender, sexuality and reproductive health, humanitarian aid, ethnography of political violence, gender based violence, war and slavery, and the politics of identity in Sudan.