Peace Leadership Conference's Paper:
Peacebuilding and Reconciliation in Divided Societies
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Abstract

South Sudan is the world's youngest nation built out of conflict between North and South. Once united in a common cause to form a state, however, the South Sudanese communities have become divided, and entered into a renewed conflict. This paper will discuss the cause of the current conflict and the role of leaders both in fueling and solving the current war, and what is being done to return this nation to peace.

Sudan's civil wars took place in two separate epochs namely from 1955-1972 that claimed the lives of about 500,000 people, and in 1983-2005 which claimed the lives of 2.5 million, and displaced 4.5 million people around the world. The first peace accord of 1955-1972 was not implemented, which resulted in the 1983-2005 civil wars and culminated in the Comprehensive Peace Agreement (CPA) that was signed in Naivasha Kenya. The CPA was mediated by the Intergovernmental Authority on Development (IGAD) with help of the international community, and was signed on January 9, 2005. This peace paved the way for South Sudanese people to vote on a referendum, in order to choose between "unity" and "separation". The outcome of referendum was separation from Sudan, and South Sudan was thereby declared as a sovereign nation on July 9, 2011.

However, in 2013, South Sudanese leaders had begun an ethnic war, the fighting being between the Nuer and the Dinka. Countless atrocities were committed through targeted killings and sexual violence. The IGAD and international community had joined hands again and launched a peace initiative that culminated in the Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCRSS) in 2015. In 2014, *the African Union (AU) also established a Commission of Inquiry on South Sudan* headed by former Nigerian President Olusegun Obasanjo, to investigate human right violations. This paper, will highlight some of the main concerns in the renewed conflict in South Sudan, and present some recommendations for policy and practice that may be of interest to the current government of national unity formed in April 2016.

Introduction:

Even in the most conflict-filled countries peace is achievable if all people strive to achieve it. How is it done has been eluding many divided societies as evidenced by the state of affairs in Syria, Iraque, Afghanistan, Somalia, Lybia, United States of America; African American & Latinos vs. Trump's white, Canada; indigenous, immigrants & refugees vs. white and so on. My contention is that successful peacebuilding is done when approached both from the top-down and bottom-up. The people of South Sudan have already demonstrated that working together in common cause nationhood can be borne from the bottom up. The current challenge is to show that nationhood be maintained from the top down.

History:

To understand the issues confronting South Sudan's struggle for peace, and to get an insight as to the cause of the current conflict, we have to review its recent history. By looking at it in some detail, we shall see that while there was a significant amount of arbitrariness resulting in damaging this fragile country, there is hope that peace and reconciliation may be achieved.

South Sudan's current civil war that broke out in December 2013, between two opposing forces, one led by the current President of South Sudan, Mr. Salva Kiir and the other by recently ousted First Vice-President Dr. Riek Machar. This young country has experienced terrible atrocities committed against innocent people in particular children, women and the elderly. A guerrilla movement turned into a political party that has lost it fundamental objectives of struggle as leaders introduced violence pitting communities against one and other as a means to achieve their political ambitions. The current institutions are skeletons lacking necessary capacities to perform administrational functions that ensure service deliveries. The role of the government which is, *inter alia*, protecting, creating and developing programs has been replaced with open corruption, tribalism, cronyism and nepotism to consolidate and maintain powers for two warring factions. Having such system is a threat to survivability and viability of statehood since there are no proper channels that deploy or recruit qualified personnel to run national institutions. These state institutions function like private enterprises whereby one ethnic group occupies departmental positions because their associate or family member is in the position of authority. This is a potential source of divisions in a country that was forged on the basis of multiple ethnic entities.

The current peace agreement is on the verge of collapse even though it is the best option for the leaders to build confidence and return the country to normalcy: peace and development. The positive elements of the agreement are a reform agenda to create a national army loyal to the country instead of to the leaders, the building of infrastructure to accelerate development, elimination of corruption through the rule of law, embarking on economic development, and ensuring security for all.

The South Sudanese had gone through a series of protracted civil wars between the north and the south from 1955 to 2005 that claimed over 3 million lives and displaced 4.5 million around the world. The struggle has culminated in the signing of the Comprehensive Peace Agreement (CPA) in 2005 which later paved the way for the referendum ultimately giving birth to an independent country. However, over 50 years of struggle had brought social, cultural, economic and political challenges as the political class has exploited social changes to advance its tribal leadership along the ethnic lines.

Cause of conflict:

The cause of current conflict was a political struggle for the leadership within the ruling party, the Sudan People Liberation Movement (SPLM). It began in March of 2013 in the political bureau's meeting which is the highest organ of the SPLM when some members of the bureau expressed their interests in leadership contests. That movement had angered President Kiir, the incumbent

leader. As a result, in July 2013, he dissolved the entire elected government; a move that was done to eliminate the voices calling out for a change within the SPLM party. According to African Union Report, "on 23 July 2013, the Vice President along with the entire Cabinet (with the exception of 4 ministers) suspended SPLM Secretary General, Pagan Amum for alleged corruption. The President also removed 3 elected state governors (Jonglei, Unity and Lakes), promoting the Jonglei governor to the position of Minister of Defence while the other two were dropped" (AU Commission of Inquiry on South Sudan, 2015). After the dissolution of the entire government, SPLM leadership was divided into two camps; President and former vice-president. This was so because they were running mates in the first South Sudan election in 2010 and in the SPLM party they maintained a similar hierarchy. President Kiir has a constitutional prerogative to appoint and removes his cabinet but not the elected governors; Kiir had tampered with democratic core values and confirmed a dictatorial tendency. The two leaders dominated the SPLM hierarchy: number one was Kiir, a Dinka and number two was Riek, a Nuer. These camps had begun mobilizing support among SPLM leaders that brewed the tension in the capital, Juba and across South Sudan. In the evening of December 15, 2013 their respective bodyguards had begun shooting at each other and from there the fighting escalated to the whole city of Juba and the former greater Upper Nile regions.

> **According to UN report, "the fighting in Greater Upper Nile continues to result in gross human rights violations and abuses, as well as serious violations of international humanitarian law. The use of armed militias and the systematic failure to distinguish between civilians and fighters create conditions for unprecedented levels of abuse. In Unity State especially, the upsurge in fighting that began in April has not only been marked by allegations of rampant killing, rape, abduction, looting, arson and displacement, but by a new brutality and intensity, including burning people inside their homes. Upper Nile State has likewise seen cases of killings, abduction, raped and forced displacement that have become routine" (United Nations Human Right, p. 11, 2015).**

In the process, both sides went to war resorting to targeted ethnic killings. Eventually, former vice-president, Dr. Riek Machar had to escape a political witch-hunt from the capital city of Juba to the border with Ethiopia to a place called Pagak, where he declared a war on the government of President Kiir. On the night of fighting within Juba, the government alleged that the presidential guard was fighting a coup attempt and begun arresting most of the former ministers who were relieved of their duties when the government was dissolved in July 2013. President Kiir's government imprisoned 11 SPLM leaders and one house-arrest. At the same time, (IGAD) was reacting to the political unrest by convening; adopting and appointing mediators in order to begin mediation to restore peace in South Sudan. Through this window of opportunity, Dr. Riek Machar put forth the condition that the SPLM leaders be released and transported to Addis Ababa for peace talks else he could not negotiate with the government. Among the political detainees, he had appointed the former Secretary General of the SPLM, Mr. Pagan Amum as a Chief Negotiator on his side; this resulted in increased pressure on Kiir from the regions and the international community.

In trying to justify its move, the Republic of South Sudan (RSS) released 7 out of 11 arrestees and handed them over to the President of Kenya, Uhuru Kenyatta, something that many analysts referred to as "forced exile" but the remaining four were accused of treason and distortion, and they were thereby taken to the high court of South Sudan. In months of testimonies and deliberations, they were acquitted by the court of law and released to President of Kenya to join their colleagues.

> For example, "after several months in detention, the government of South Sudan has decided to stay the charges of treason that were brought against four prominent South Sudanese politicians in relation to the government's allegation that they had been part of a plot to overthrow the government of President Salva Kiir Mayardit. A total of seven politicians were accused and arrested in December 2013. Of these, 7 were released on bail late January, with the remaining 4 set free on April 27, 2014, a hundred and forty five days since they were arrested in December 2013" (Jok et al, 2014, p.2).

Since they were senior members of the SPLM, they were requested to play a role in peace negotiation. However, unsurprisingly, upon reaching Addis Ababa, they had created a third block called "Former Political Detainees" (FPD). "On December 15 and 16, security forces detained 11 politically prominent individuals accused by the government of working with former vice president Riek Machar to carry out an alleged coup. At year's end, the detainees remained in custody, and the government had not presented any charges or evidence to support the allegation" (SOUTH SUDAN 2013 HUMAN RIGHTS REPORT, p: 13). Their rationale was that they did not want to join the two warring parties that have since been engaged in killing South Sudanese. In the IGAD-plus peace agreement, FPD ended up becoming a neutral party as peace partners with the government and opposition. In the view of author, former political detainees' middle ground has yielded nothing than prolonging a crisis. Solving this systemic problem required ceasing psychological warfare, especially when symptoms are awaiting real diagnoses, rather a 'deliberate perception'.

When leaders are not at peace, their followers are not at peace either. Moreover, South Sudan has not come to grips with its poverty and economy. In the above scenario, attempts at peacebuilding and reconciliation in the divided society of South Sudan reflect the country's dire socio-economic situation. Pankhurst notes that "reconciliation between communities, or sides in the conflict, can also be strongly affected by the political and economic conditions of the country, once a negative peace is established" (Pankhurst, 1999:247). Essentially, this is what has been going in South Sudan where the economy is in shambles and the political machinery is moribund.

South Sudan judges that tried four political detainees have set an excellent example by standing their ground of legality, impartiality and integrity in a toxic political environment where the rule of law is manipulated or ignored by the ruling class. They took the risk of telling the truth and defending the constitution through a thorough and open investigation that defused a fabricated political witch-hunt in an attempt to eliminate political opponents. The government of President Kiir was confronted with the lack of credible evident to convict political detainees resulting in dropped charges. Jok et al argues that "the government has been losing traction in attempts to sustain the burden of proving an act of coup plot. This proved especially cumbersome in the face

of key witnesses either withdrawing to appear before the court or declaring the absence of a coup" (Jok et al, 2014, p.2)

Role of the Leaders in Fueling the Conflict:

The leaders (Kiir and Riek) had directly and indirectly fueled the conflict throughout their leadership roles, especially in their "us" versus "them" attitude; this has divided and enforced the strong loyalty of their tribal constituencies of Dinka and Nuer. Since then, the country has been run on presidential decrees instead of the national constitution that stipulates the duties of national institutions and those empowered to hold up the constitution. The primary role of a sovereign state is to uphold and honor the principles of their constitution by providing security to the people and their properties instead of killing and displacing citizens that make up the nation. The importance of peacebuilding and reconciliation was acknowledged in the CPA that concluded Africa's longest civil war in 2005. Peace brokers of 2005 were aware of post-conflict issues surrounding atrocities committed during the war which required communities to reconcile by coming together and forgiving each other in order to move forward cohesively this independent country. Thus, before the current conflict started, former Vice President, now ousted First Vice President Dr. Machar was tasked to organize a peace conference in April 2013 that was later on politicized, polarized and eventually cancelled under a presidential decree.

Many international organizations have expressed grave concern about the humanitarian crises and crimes against humanity committed by both sides in the war. The lack of proactive leadership has compromised peacebuilding and reconciliation in the divided communities of South Sudan. Arguably, it will take generations to overcome the division due to the culture of 'tribal constituencys' among the leaders that represent those divided communities. Lerche (2000) maintains that:

> **"In our world of unprecedented levels of destructive weaponry and increased geographic and social proximity, competition between groups has become extremely dangerous. In the century to come, human survival may well depend on our ability to learn a new form of adaptation, one in which intergroup competition is largely replaced by mutual understanding and human cooperation" (Lerche, 2000:72).**

Currently, leaders; Kiir and Riek are still fueling the conflict by mobilizing their "tribal constituencies" (Dinka and Nuer) who are hell-bent on destabilizing the current peace agreement that formed the basis of the Government of National Unity (GNU):

> **"Sexual violence continued after the initial fighting subsided and over 100 women and girls are reported to have been raped or gang-raped on the road leading out of Juba towards Yei. On 18 July, for example, 35 women and girls were reportedly raped in two separate incidents: firstly, 28 women, including 12 minors, were allegedly assaulted at an SPLA checkpoint at the Jebel Junction on the Yei Road; and in the second incident that day, seven other women were reportedly raped on the road between two Protection of Civilians sites, where people – mostly Nuer — displaced by earlier rounds of fighting are protected by UNMISS peacekeepers" (UN High Commissioner for Human Rights, 2016).**

Solving the current war:

In 2013, when war broke out between the two camps, the regional Intergovernmental Authority on Development (IGAD) bloc had wasted no time in trying to get the situation under control. It initiated peace talks between the SPLM-in government and SPLM-in opposition in Ethiopia's capital. It took two years and a half to ink the Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCRSS). However, by then hundreds of thousands of innocent lives had already been lost and millions displaced into neighboring countries:

> **According to UN, "before violence that broke out in July 2016, some 6.1 million people – half of the population – were estimated to be in need of urgent humanitarian assistance. More than 2.3 million people have been forced to flee their homes due to conflict, including more than 1.6 million people displaced internally. More than 900,000 have fled to neighboring countries and 4.8 million people across the country are reportedly facing severe food insecurity and 250,000 children severely malnourished as war-hit" (UN Secretary-General, 2016).**

The IGAD and other organizations had pressured the warring parties to prioritize peace for the interest of innocent people. On August 17, 2015, a deal was reached and signed partly only as President Kiir refused citing certain reservations in the accord. Through mounting pressure, however, President Kiir eventually did sign the IGAD-plus accord (IGAD, AU, Troika; international community). This began the process of transporting 1,300 opposition forces as per ARCRSS, as a security measure, to South Sudan's capital, Juba. On April 26, Dr. Riek Machar, now leader of the SPLM – In Opposition (IO) went to Juba and took an oath of the office as the First Vice President who would appoint ministers into the Government of National Unity (GNU). On April 28, 2016, the peace partners with hopes of restoring peace and stability formed the South Sudan Government of National Unity (GNU). However, the GNU was symbolic in nature only because the leaders were disagreeing on many outstanding issues such as the 28 states not part of peace deal, cantonment of IO forces in areas agreed to and the demilitarization of Juba as per the security agreement, and more. Mistrust developed and tensions arose once more. It reported that:

> **On July 7, 2016, that "President Kiir's military intelligence and national security personnel killed Opposition's Lt. Colonel George Alex Gismala, and took his body to their military barracks. Opposition's soldiers were fired at, resulting to the initial clash that saw the death of five soldiers on Gudele road. On Friday, July 8, 2016 the First Vice President, Dr. Machar and President Kiir met in Presidential Palace where deadly incidences took place between their bodyguards. On July 9-10 fighting continued to July 11 and Dr. Machar and his forces were dislodged from their base; and he relocated outside Juba" (Dak, 2016).**

Dr. Riek Machar demanded that a third party of forces be deployed in Juba in order to create a buffer zone. The IGAD, the AU, the UN Security Council all supported and adopted this during the African Union summit in Kigali, Rwanda. Despite that, the government has refused to allow the deployment of more troops. The government blamed the SPLM in opposition for starting a war in Juba according to its letter addressed to the IGAD-plus nations that brokered the peace. According to Lerche, "reconciliation must be proactive in seeking to create an encounter where people can focus on their relationship and share their perceptions,

feelings, and experiences with one another, with the goal of creating new perceptions and a new shared experienced" (Lerche, 2000, p.62). Currently, there is neither a focus on relationships nor a sharing of perception between the warring factions in South Sudan. On August 5, the IGAD countries met in Ethiopia and agreed that protection forces will be sent to South Sudan to protect civilians, foreign diplomats and government institutions. That agreement was echoed by the US and UN Security Council that approved 4000 protection forces to deploy in South Sudan capital to protect civilians and save the peace agreement. The UN Security Council, AU & IGAD maintain that:

> "**Adopting resolution 2304 (2016) by 11 votes in favour to none against, with 4 abstentions (China, Egypt, Russian Federatioin, Venezuela), the 15-member Council demanded that all parties immediately put an end to fighting and that the leaders implement the permanent ceasefire declared in the Agreement on the Resolution of the Conflict in South Sudan. Condemning in the strongest terms the recent fighting in Juba, the Council further demanded that the Transitional Government of National Unity comply with its international obligations and immediately cease obstructing UNMISS and other humanitarian actors in performing their mandates. It requested that the Secretary-General identify options to enhance the safety and security of Mission personnel" (UN Security Council Resolution: 2304, 2016).**

South Sudan's Return to Peace:

Returning to an atmosphere of peace is a confidence builder for peace partners to implement peace agreements in letter and in spirit. This is the only way forward for maintaining peace and security. Thereafter, other measures such as the development of essential services such as healthcare, education, food security and infrastructures can follow. It requires peace partners to reopen a new page of unity, and would be strong enough to confront political and economic challenges facing the peace agreement. Cooperation will allow the Joint Monitoring Evaluation Commission (JMEC), which reports to IGAD, the AU, Troika countries and the UN Security Council, to approach donors to speed up the process of securing funds to accelerate implementation. Positive engagement will prevent full-scale returning to war and reduce suffering for innocent civilians. John Prendergast maintains that:

> "**A return to deadly conflict is likely unless the economic and atrocity crimes at the root of the country's violent kleptocratic system are addressed. To address root causes, effectively, accountable institutions in South Sudan have to be built and a safe space has to be ensured for civil society and the media to perform their critical functions" (Prendergast, 2016).**

It is obvious that the leaders are not committed to peace, and communities remain divided along tribal lines. Therefore, returning to war is imminent although it is an opportunity for peace partners to unite and show leadership. Additionally, civic education should be introduced to open up lines of communication, which will create room for working together to help return the country to peace. Embarking on the journey of peace will guaranteed security and safety. Moreover, it will create an atmosphere of engagement on national policies and programs aimed at changing the citizen's perception and open a new chapter in the history of the world's newest nation.

The return to peace means implementing the peace agreement in action. It means addressing compounded issues that fueled the conflict. Prendergast (Ibid) maintains that "unchecked greed is the main conflict driver in South Sudan although politicians have mobilized armed elements on the basis of ethnicity, leading to horrific war crimes which make peace and reconciliation all the more difficult" (p.1). In returning to peace within the country, the ruling party must revisit its core values it held during the liberation struggle. A nation wrested and founded on strong values of progresses, equality, dignity, freedom of expression, rule of law, human rights, freedom of association, of religion, doctrines of liberalism and pluralism. Currently, all these values have been eroded and the state has stumbled down the wrong path due to its own leadership crises.

South Sudan as a nation was built on the unity, equality, equity and the resolve of the 64 ethnicities with over 300 dialectic languages. During Africa's longest civil war, these communities united and fought together to overcome the Khartoum oppression by defending their unity and oneness in defeating what they considered to be their common enemy, the regime in Khartoum.

Recommendations and Conclusions:

A). Peacebuilding and reconciliation in divided societies is a rebuilding process of repairing the damaged relations in the years of struggle aimed at gaining independence and nationhood. Furthermore, it is a process of acknowledging the wrongs or atrocities committed individually and communally. In January 2013, the author wrote an open letter to recently ousted First Vice-President, Dr. Riek Machar titled "*Start Peace and Reconciliation at the Grassroots levels"* for the peace and reconciliation conference that was scheduled to take place on **April 18-21, 2013** in South Sudan capital, Juba. In that letter, three stages were envisioned.

1. *Peace and reconciliation in divided communities should take place in rural areas where the problems are occurring. It would allow participants' discussions to be more engaging and inspiring, which will ultimately allow them to reconcile with each other at a grassroots level. This will enable them to express their feelings in near proximity where message of peace will be articulated and contextualized. Having conferences at the county level will reenergize and regenerate feelings of forgiveness from affected individuals and communities to accept realities and begin new lives within a new nation. If peace and reconciliation was to begin at grassroots levels, questions can be posed, such as; what can be done to let warring communities abandon their past and begin the future? What can be done to prevent future atrocities from being committed against innocent people? The affected communities can answer these questions and many more others reciprocally, which can give peace and reconciliation a vital meaning. Convening peace and reconciliation at national level will make us miss the target or opportunity of engaging the right audiences. It would be more appropriate to let the affected communities take ownership of their peace and reconciliation. A meaningful peace and reconciliation will come when involved parties are dialoguing, communicating and engaging one-on-one discussions with language flexibility. Dr. Machar should realize that peace and reconciliation in our country is most needed and should know that healing those wounds will not be achieved in days, weeks, months but years.*
2. *Peace and reconciliation could take place at state level where Counties' (rural areas) resolutions will be studied and scrutinized before they are made into laws or practical policies. It can help*

each state government to proactively utilize Counties' recommendations to prioritize service deliveries. This approach can task each level of government to shoulder meaningful responsibilities as preventative measures of restoring peace at grassroots communities where the problems are occurring daily, weekly, monthly and yearly. State government can take ownership of identifying the challenges and turn those challenges into opportunities such as health care, education, creating an employment through private enterprises, address insecurity and encourage subsistence agriculture etc., to address the disparities.

3. *Peace and reconciliation at the federal level in a similar way as to what was scheduled on April 18-21, 2013 where special invited guests were drawn nationally, regionally and internationally, which will deliberate on grassroots' recommendations gained from stage one and two at the counties (rural areas) and states' levels. Undertaking bottom up approach theory would allow engagement and shared responsibilities across the board. Affected communities will take custody of agreed upon resolutions, rather than viewed as being passed down by the central government.*

B). The South Sudan Truth & Reconciliation Commission (SSTRC) is called upon to be an independent body established to address mistrusts by reinitiating a path to peacebuilding, reconciliation and healing. This required establishing a rational and peaceful environment. There should be a branch at all levels of governments ranging from County, State and Central government. Lerche maintains that:

> **"Rather than requiring forgiveness, at the collective level reconciliation should create cultural "space" where legitimacy is accorded to all these reactions, where people are encouraged to forgive but also allowed to find other ways of dealing with their sorrow, anger and resentment if they are not willing to forgive. Also, though the government may wish to move the society away from "ethnicism" or "racialism" to "national unity" this cannot be imposed. People may first need to reaffirm their sense of communal identity when this identity has been threatened and denied, and reconciliation should accommodate this as well" (Lerche, 2000,:68).**

C). The two leaders are still fueling the conflict as their strategy to gain or cling to power. The peace agreement that was signed in August 2015 through regional and international pressure of targeted sanctions has brought no change. There is a lack of commitment among peace partners. It is apparent that one of the leaders is resisting a change of status quo for his political survival. For South Sudan to move forward, the two protagonists must be removed or made to abandon their politics of division and destruction that has no regard for humanity whatsoever.

D). South Sudan's should address the following socio-economics and political challenges facing divided communities:

1. **Crippled economy:** South Sudanese are now struggling on a daily basis to make ends meet due to war and global recession that caused the fall in oil prices and increased essential commodities as the value of dollar has tremendously increased compared to the value of South Sudanese Pound (SSP). For example, $100 US dollar is closer to 5,000 SSP in the bank while in the black market is closer to 7,000 SSP. Owing to the above

scenarios, the economic circumstances shall be treated as equal priorities as peacebuilding and reconciliation. This is because the current economic turbulence has already fueled hunger accompanied by hate and mistrust among the divided communities of South Sudan. Therefore, rebuilding peace and reconciliation should encompass economic progress to eliminate extreme poverty to promote dignity and unity of living not dying with hunger.

2. **Insecurity:** Insecurity affects economic stability and social mobility. It prevents local economic activities such as substance farming, hunting and gathering, from lawful communities. Right now, South Sudan's economy has suffered severely because of reduced oil production and scared potential investors to invest in various economic sectors that would recreate missing opportunities. Securing an environment of engaging communities on mutual interests of peacebuilding and reconciliation will achieve unshaken relationship as a way to sustain peace and development.

3. **Spiraling corruption:** Robbing public resources and investing them outside South Sudan is a crime. Having a nation means strengthening institutions in order to promote and safeguard citizens' interest not only that of the leaders. South Sudan's corruption is known globally: the young nation has lost 4 billion dollar through corrupt officials. Being an oil rich country has not been converted to the benefit of the people; and in practice essential services (food, health & education etc.) are undeliverable. Having a nation engaged in looting of their resources means nothing but the absence of peacebuilding and reconciliation among civilians who are now trapped in extreme and absolute poverty. Please Watch *"War Crimes Shouldn't Pay"*: https://www.youtube.com/watch?v=HVYhs8mIbjU&feature=youtu.be

4. **Displaced civilians:** the displacement of civilians internally (UNMISS) and externally to neighboring countries, has defeated the hard-won sovereign state. Displacing and keeping vulnerable people especially children in the UNMISS compound for up to 3 years without schooling is a human right abuse. Chowdhury et al maintain "education is a fundamental human right and essential for the exercise of all other human rights. It promotes individual freedom and empowerment and yields important development benefits. Yet millions of children and adults remain deprived of educational opportunities, many as a result of poverty" (p.128).

5. **Lack of good governance:** South Sudan is floating like an object on water following the waves if not the winds**.** There are no checks and balances. It is very difficult to know what is in the national interest and what is not. Crises are everywhere; in the banks, security sectors, social services if there are any. Border and other unfinished issues of national interests are all but forgotten.

6. **Food Security:** A nation solely dependent on importing food from neighboring countries will not meet the standards of the UN world food summit. The World **Food** Summit (1996) defined "food security as existing when all people, at all times, have physical,

social and economic access to sufficient, safe and nutritious **food** to meet dietary needs for a productive and healthy life" (World Food Summit, 1996, p.1). Addressing food security will reduce insecurity, particularly to the communities that prioritize cattle rustling as sources of food and wealth accumulation. Above all, it will foster peaceful coexistence among communities, which is the sine qua non of peacebuilding and reconciliation in the divided communities of South Sudan. Moreover, access to adequate nourishment is a human right.

7. **Collapsing of ARCRSS:** Countries collapsed when leaders are not able to protect their own citizens, control their own economy and patrol their borders and airspace etc. In South Sudan, towns are crowded for security reasons as rural communities are forced to abandon their localities and sources of their livelihoods. They become victims of hunger because government is unable to provide for its citizens. Not implementing ARCRSS mean switching off bilateral and multilateral ties with regional and international partners who brokered the peace agreement would be the end of South Sudan as a sovereign state. The way forward is through building trust and peace among the divided communities.

8. **Truth and Reconciliation:** Through an in-depth searching and researching, the author believes that the TRC is suitable to the South Sudan situation. There are many commissions established around the world to address peacebuilding, reconciliation and healing. Each of these TRCs is tailor made to specific circumstances regionally and internationally; there is no one-size-fits all else it becomes a straightjacket. South Sudan's multi-ethnic setting of 64 ethnicities should be persuaded to adopt Rwanda's traditional judicial mechanism for its Truth and Reconciliation Commission (SSTRC).

The Rwanda traditional mechanism was a restorative justice process created to handle the cases between offenders and accusers in the aftermath of the 1994 genocide in that country. The hearings were carried out in an open environment without the backing of their relatives or modern lawyers**.** Wielenga argues "in the *gacaca* process adopted in Rwanda today, the whole community is involved, as in a restorative approach, but offender's standalone before their accusers" (Wielenga, p.43)**.** The intention was to foster a path of reconciliation for the unity of a larger community. In doing so, it had prevented a community from being polarized through an unnecessary discrimination which would fuel divisions along ethnic lines. It was the best way to resolve the internal conflict and embark on community building by consolidating and enhancing permanent peace and reconciliation. The author envisions that the restorative justice mechanism could be emulated in South Sudan to defuse an attitude of defending relatives or community members that have committed offences. However, moving away from tribalism will require civic education and politics to enlighten communities to embrace unity and an identity of nationalism.

A nation is not a tribe; it is sovereignty that is bigger than tribes which requires all sub-ethnicities to live-side-by-side. Thus, implementing a Rwanda model will also reaffirm support and respect to traditional customary practices where each sub-community has its own way of resolving civic cases. Engaging in an open environment will reconcile the past with the future to create access for equal opportunities. Adopting a similar model "*gacaca process*" in South Sudan will be an instrument for promoting peacebuilding and reconciliation, which will strengthen the rule of law across the warring communities. Instituting such a process will serve as a preventive measure and deterrence to communities that are joining a war of power struggle. It will also give communities an understanding that supporting tribal constituency leaders is a clear source of disunity and instability. Furthermore, it will allow permanent peace to take roots among the communities that were lured into a prolonged war of indiscriminate killings against the innocent people of South Sudan.

In Summary, it took over 50 years of cooperation and struggle for 64 different ethnic groups to fight the corrupt Khartoum regime to achieve independence and indeed a new nationhood. Quite an achievement! It would indeed be a sad day to see that all this was in vain; all South Sudanese should be reminded of this. South Sudan is a country and undeniably it will remain a country forever! At the same time it seems that a lot of the average citizens have not improved; as many have died and even more have been displaced. These questions remain: can nationhood be salvaged? Can South Sudan become a prosperous nation for all its citizens given the current crisis? As we have seen, there are some elements in place that could make this happen. Somewhat surprisingly, the judiciary held its ground in a trial of 4 political detainees; the peace partners are in place and even the warring leaders have capitulated on occasion. The people of South Sudan demonstrated once that all obstacles can be overcome; governance crises, insecurity, healthcare, education, infrastructures, peacebuilding and reconciliation etc. It can be done again from the bottom up approach. It is up to the leaders to ensure that all ingredients are put in place from the top down.

References:

AU Commission of Inquiry on South Sudan. (2015). FINAL REPORT OF THE AFRICAN UNION COMMISSION OF INQUIRY ON SOUTH SUDAN. Retrieved on August 15, 2016 from:
http://www.peaceau.org/uploads/auciss.final.report.pdf

Brouneus, K. (2008). 'Truth telling as talking cure? Insecurity and retraumatization in the Rwandan genocide courts', *Security Dialogue*.

Burnet, J. E. (2008). 'The injustice of local justice: truth, reconciliation, and revenge in Rwanda', *Genocide Studies and Prevention.*

Byrne, Sean, and Cynthia L. Irvin. (2001). "Reconcilable Difference: Turning Points in Ethnopolitical Conflict". The Global Review of Ethnopolitcs 87-109

Chowdhury, Madhurima and Banerjee, Atrayee. (2013). Right to education of Scheduled Tribe: An Indian perspective. *Department of Anthropology, Calcutta University, India*. Retrieved on August 16 from this link: http://www.academicjournals.org/article/article1383221705_Chowdhury%20and%20Banerjee.pdf

Clark, P. (2010). Justice without Lawyers: peace, justice, and reconciliation in Rwanda, Cambridge University Press.

Clooney, George & Prendergast, John. (September 2016). War Crimes Shouldn't Pay. Stopping the looting destruction in South Sudan: An investigative report by *The Sentry*. Retrieved on September 22, 2016 at this link: https://thesentry.org/reports/warcrimesshouldntpay/

Dak J. Gatdet. (2016). President Kiir will not protect FVP Machar's spokesperson. Retrieved from on August 15, 2016 at this link: http://www.sudantribune.com/spip.php?article59651

Edelstein, J. (1994). "Rights, Reparations and Reconciliation: Some Comparative Notes". Paper presented at the Centre for the Study of Violence and Reconciliation, Seminar No. 6, 27 July. http://www.wits.ac.za/csvt/papedel.htm

Galtung, Johan. (1998a). "After Violence: 3R, Reconstruction, Reconciliation, Resolution: Coping with visible and invisible Effects of War and Violence," Transcend: A Peace and Development Network, July. http://www.transcend.org/TRRECBAS.HTM

Hinden, Rita. (1940-1956). Self-Government in Africa: problem of Status in Divided Societies. *Clark Atlanta University.*Lerche, Charles. (2000). Peace Building through Reconciliation. *International Journal of Peace Studies.*

Jok, Madut; Abraham, Awolich & Tiitmamer. (2014). The Release of South Sudan's Political Detainees and the Prospects for Peace. *The Sudd Institute. Weekly Review, South Sudan.*

Lefler, Ashley. (2015). Building Peace in South Sudan: An Assessment of Peacebuilding Efforts and a Strategy for the Realization of the Independence Promise. Retrieved on September 22, 2016 at this link: *http://www.cips-cepi.ca/wp-content/uploads/2015/01/Potentia_2015_Final.pdf*

Pankhurst, Donna. (1999). Issues of Justice and Reconciliation in Complex Political Emergencies: Conceptualizing Reconciliation, Justice and Peace. *Third World Quarterly.*

Prendergast, John. (2016). House Foreign Affairs Committee Subcommittee Africa, Global Health Human Rights, and International Organization. South Sudan's Prospect for Peace and Security: *Testimony of John Prendergast Founding Director, Enough Project.*

Princeton Lyman & Kate Almquist Knopf (2016). Former US envoy: South Sudan should be administered by the UN-AU for 10-15 years: To Save South Sudan put it on life support.

Thomson, Susan. (2011). The Darker side of transitional justice: The power dynamics behind Rwanda's Gacaca court. *International African Institute.*

Policy Brief. (June-2006). Food Security. Retrieved August 16, 2016 from this link: http://www.fao.org/forestry/13128-0e6f36f27e0091055bec28ebe830f46b3.pdf. FAO Issue 2.

Tschirhi, Necla. (2005). Peacebuilding through Global Peace and Justice. *Society for International Development.*

Umutesi, Marie. (2006). Is Reconciliation between Hutus and Tutsis possible? *Journal of International Affairs.*

United Nations. (2013). SOUTH SUDAN 2013 HUMAN RIGHTS REPORT. Retrieved on August 15, 2016 at this link: http://www.state.gov/documents/organization/220374.pdf

UN High Commissioner for Human Rights. (Aug-2016). South Sudan's government forces committed widespread violations in July fighting – UN Retrieved at: http://www.un.org/apps/news/story.asp?NewsID=54623#.V6UL0RI71MQ on August 5, 2016

UN Human Right. (2015). The State of Human Rights in the Protracted Conflict in South Sudan. Retrieved on August 15, 2016 at this link: http://www.ohchr.org/Documents/Countries/SS/UNMISS_HRD4December2015.pdf

United Nations. (2016). Adopting Resolution 2304 (2016), Security Council Extends Mission in South Sudan, Authorizes Expanded Peacekeeping Force to Bolster Civilian Protection Efforts. Retrieved August 16, 2016 from this link: http://www.un.org/press/en/2016/sc12475.doc.htm

Wielenga, Cori. (2011). Comparing Approaches To Reconciliation in South Africa and Rwanda. *Conflict Trends.*