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Peacebuilding in post-conflict Africa: A case study of South Sudan

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Contents

Declaration

I hereby declare that this project is my original work and has not been presented to any other examination body and has never been presented for any award in any institution.

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Student: Akur Foiver Thon   Date

This project proposal has been submitted for external examination with our approval as the university supervisors.

Signature: _____   _18 NOV 2011_

Supervisor: Prof. Maria Nzomo   Date

Signature: _____   _18th NOV. 2011_

Co-supervisor: Mr. Martin Nguru   Date

Dedication

I dedicate this work to my parents; Philip Thon Leek and Anne Yom Dau for their unending support in all my educational pursuits. This dedication also goes to my supervisors for their endless support, suggestions and positive criticism throughout the research period.

Abstract

This study looks at the peacebuilding process in South Sudan. The research discusses comprehensively the conflict in South Sudan and the various peacebuilding initiatives that have been put forth to sustain peace in South Sudan. The research has also analyzed the various actors that have been involved in the South Sudan peacebuilding process and categorized them as national actors, regional and international actors. The mechanisms for peacebuilding have also been discussed in this research and the various challenges facing their implementation have also been discussed. The research has also identified the various challenges that have continued to derail the peacebuilding process in South Sudan and what needs to be done to ensure that peace is sustained in the new republic. For peace to prevail in South Sudan, the research has provided policy makers and stake holders in the peacebuilding process with recommendations under various themes.

List of acronyms

DRC-Democratic Republic of Congo

CAR-Central Africa Republic

CPA-Comprehensive Peace Agreement

SPLM/A-Sudan People's Liberation Movement/Army

IGAD-Inter-governmental Authority on Development

NCP-National Congress Party

LRA-Lord Resistance Army

UN-United Nations

NGOs-Non-governmental Organizations

NATO-North Atlantic Treaty Organization

IMF-International Monetary Fund

CANS-Civil Authority of New Sudan

SRRC-Sudan Relief and Rehabilitation Commission

SRRA-Sudan Relief and Rehabilitation Association

CDCs-County Development Committees

UNHCR-United Nations High Commission for Refugees

SSLM/A-South Sudan Liberation Movement /Army

DUP-Democratic Unionist Party

NIF-National Islamic Front

NANS-National Alliance of National Salvation

GoS-Government of Sudan

OAU-Organization of African Union

IGADD-Intergovernmental Authority on Drought and Development

IGAD-Intergovernmental Authority on Development

DoP-Declaration of Principles

EPRDF-Ethiopian People's Revolutionary Democratic Front

NDA-National Democratic Alliance

US-United States

SSIM-South Sudan Independent Movement

JLEI-Joint Libyan and Egyptian initiative

AEC-Assessment and Evaluation Committee

CHAPTER ONE: BACKGROUND OF THE RESEARCH PROBLEM

1.0 INTRODUCTION

The conflict in Sudan has been rated the world's longest civil war in terms of the time it has taken. The long periods of conflict in the Sudan create the opportunity for the Sudanese people to take charge of their own future, break the circle of violence, and embark on a journey of peace-building. As South Sudan comes out of a prolonged negative conflict, it has the opportunity to lay a strong foundation for redressing the root causes of violence and conflict. Having one of the longest civil war in the world, the points of friction in Sudan are deep. One of the major challenges that stand out therefore is how to reconcile the many parties that are involved. The root causes of the Sudan conflict can be traced back to the colonization period. In the colonial days, South Sudan suffered multiple-colonialism in that people were oppressed by the Arabs, the Egyptians and the British.

Since the independence in 1956 appeared to be for the Arabs and not for the Africans, Sudan was plunged into prolonged violent rebellions against the official government and it happened in two waves. First, was the wave that was led by the Southern Sudan Liberation Movement, SSLM and its military wing, the Southern Sudan Liberation Army, SSLA. This rebellion was known as the Anya nya 1 and it ended with the signing of the Addis Ababa agreement in 1972. The second wave came in 1983 and was led by the Sudan People's Liberation Movement /Army. It rose after the Addis Ababa agreement was abrogated by Sudan. Sudan has for years experienced conflicts as a result of rebellious groups fighting the government in Khartoum, pronounced marginalization and discrimination of the non-Arab communities in Sudan, Southern Sudan included.

1.1 Background to the research problem

Sudan is the largest country in the African continent with a population consisting of both Arab and African elements inhabiting widely separate areas which had little or no contact until brought together under alien rule in the 19th century. From the Turko-Egyptian conquests in the 1820's until after World War 2, the policy pursued in the Sudan created two distinct and separate cultural areas. While the North adapted to the Arabic and Islam culture of Egypt, the South remained a "last frontier" area inhabited by an assortment of tribe's characteristic of the areas of black Africa rather than the Moslem north.[1] And, although the conquests, first by the Turko-Egyptians, then by the Mahdi, followed by the British, established a centralized administration, very little was accomplished towards integrating the South with the North.

While the north achieved a certain degree of unity and development based on a common cultural base, the south continued to fight the invaders never completely succumbing while resisting cultural assimilation. The indifference between the north and the south is what ignited the longest civil war between the two regions immediately after the country's independence in 1956.[2]

South Sudan; an area comprised of the country's ten southernmost states borders Ethiopia, Kenya, Uganda, the Democratic Republic of Congo and the Central African Republic. The region whose population is mostly African fought for independence from the northern-dominated central government from the time that Sudan gained independence in 1956, until it was granted regional autonomy in 1972. When that autonomy was revoked in 1983, war was re-ignited in the south.

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[1] Deng, F.M. 'Sudan: A nation in Turbulent Search of Itself,' *Annals of the American Society of Political and Social Science*, Vol. 603. Law, Society and Democracy: Comparative Perspective. (2006). pp. 155-162

[2] Alexander, L. and Smith, D. '*Evidence and Analysis: Tackling the Structural Causes of Conflict in Africa & Strengthening Preventive Responses,*' Commission for Africa. 2004. pp. 1-7

So many attempts have been put forth to transform this conflict between the south and the north. The Comprehensive Peace Agreement, CPA, settled the twenty-one-year war waged by the SPLM/A against the Sudanese government from 1983, after almost three years of peace negotiations.The Comprehensive Peace Agreement was signed on January 9, 2005 under the patronage of the IGAD member countries.[3]

The study will look into the role of the various peace building institutions in transforming conflict. The study will also determine whether there is a conducive environment for peace building institutions in South Sudan to effectively perform and ensure stability. The study argues that the presence of a favorable peace building environment is the only way to transform conflicts in Africa and, in South Sudan in particular.

1.2 Statement of the Research problem

The Comprehensive Peace Agreement signed in January, 2005 ended long years of civil war between North and South Sudan. However, the agreement faces new challenges in the conflict resolution process because of the many unresolved issues surrounding the actual implementation. In South Sudan, the region's government and the other actors in the peace building process have been dealing with a number of challenges in the efforts to bring stable peace to this war-torn region. Like any other African country, Sudan and particularly South Sudan has been and is always divided on tribal lines. Numerous clashes among neighboring communities in southern Sudan have overtime disrupted peace building initiatives. The Dinka and Nuer communities for instance, are known for their historical ethnic divide which has

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[3] Hardallo, A. 'Possible challenges and impediments to the Naivasha Peace Agreement,' in: H.A. Ati and G.D. Tayeb (eds), *Peace in Sudan So near .. So far..?*, Proceedings of the Sudan ese National Civic Forum, Dialogue Sessions 2007-2008, (2009), pp. 35-37

extended even to the leadership level where the Nuer community has over and again talked about the Government of southern Sudan as being dominated by just one tribe; the Dinka . Such feelings of marginalization are what has stirred up conflicts and made it almost impossible for communities to be reconciled in South Sudan.

The other challenge towards peace building in South Sudan is as a result of the tensions that exist between north and south Sudan on border demarcation and the sharing of the oil revenue. The oil rich Abyei region which both the north and the south claim as within their territories has been a major cause of tension between the two partners to the CPA; the NCP and the SPLM. Unless a lasting solution is provided over the Abyei issue, it may lead to a renewed civil war. Often, the two communities in Abyei; the Messiriya which is linked to the north and the Ng'ok Dinka which is linked to the south have clashed leading to the parties trading accusations of providing support to either community.

The SPLM on several occasions has accused the NCP of giving military support to the Messiriya with an intension of carrying out an ethnic cleansing on the Ng'ok Dinka Community. Recently , after Abyei was included in the South's interim constitution as within the territory of the south, president Bashir warned the SPLM that he may not recognize the region's upcoming independence if the SPLM did not drop claims over Abyei. This is an indication that Abyei issue is critical to both the north and south Sudan and requires immediate solution for peace to prevail in the whole of Sudan and particularly in the new Republic of South Sudan.

The CPA provided no settlement to the western region of Sudan. The Darfur region was not part of this agreement. At the time the south crisis was being settled, war broke out in this western part of Sudan between the region's rebel groups and the government in Khartoum for an alleged marginalization of the people of Darfur by the ruling NCP. Just like the south, the Darfur

has also called for independence to end these impunities. At some point, the NCP has accused the South of harboring the Darfur antigovernment groups in Juba leading president Bashir and other leading figures in the north to warn the SPLM of a renewed war between the north and the south if the latter does not stay away.

Led by Joseph Kony, the LRA is another great threat to the peace building process in South Sudan. Despite joint efforts to end LRA activities by the Governments of Southern Sudan, Uganda, DRC Congo and the Central African Republic, fighters from the Lord's Resistance Army continue to attack civilians in parts of the CAR, DRC and southern Sudan. Fears remain that the NCP led Government in Khartoum might be using this group to destabilize South Sudan.

The above mentioned are severe threats to peace and stability of the south but, it is the growing challenge from the rebel groups that most threatens political stability and disrupt every effort aimed at restoring peace. Several rebel groups have clashed with the troops of the ruling Sudan People's Liberation Movement/Army. A number of leading figures from the SPLA; among them General George Athor, Peter Gatdet, Gabriel Tanginye, the late Gatluak Gai and Onyoti Adigo Nyikwech have all taken arms against the government they once served making it very hard for the government and other actors in the peace building process to reach out to the communities across South Sudan in order to reconcile them.

The defection of General George Athor Deng in 2010 has proven to be a serious headache for the SPLM, Athor; a former Lieutenant General within the SPLA took to the bush after losing the gubernatorial seat to his main competitor in April, 2010. Athor's defection has led to serious security challenges in Jonglei state and the neighboring Upper Nile state. It is evident that unless all these issues are settled, it may not be possible to bring lasting peace to South Sudan.

1.3 Justification

The persistence of violence in South Sudan has an impact on perpetuation of poverty and hence the need to look for peaceful solution to this problem. This study aims at bridging the gap by providing more information on peace building mechanisms. Such information will assist the relevant government ministries to develop policies that promote peaceful coexistence among different ethnic communities in South Sudan and also initiate development programmes as well as enhancing national security for all citizens. Non-governmental organizations based in the area can use the information from this study to implement their projects especially, those which are aimed at addressing insecurity. The study findings will be useful to other scholars who may use them as a reference point for future related studies. The people of South Sudan are the ultimate beneficiaries when the findings of this study are used to develop policies and programmes that promote their social and economic welfare.

1.4 Study objectives

The overall objective of this study is to investigate the actors and their roles in post conflict peace building in South Sudan. This study's specific objectives include;

1. To examine the mechanisms used in post conflict peace building and their effectiveness.

2. To examine the challenges facing post conflict peace building in South Sudan.

3. To determine the impact of peace building on the socio-political and economic fabric of South Sudan.

1.5 Literature review

This part of the study will discuss the evolution of post-conflict peacebuilding, the peacebuilding goals, the various phases in post-conflict peacebuilding, and the pillars for effective post-conflict peacebuilding.

1.5.1 The Evolution of Post-Conflict Peacebuilding

The emergence of post conflict peacebuilding efforts by both state and non-state actors first became part of the official discourse at the UN in 1992 when former UN Secretary-General Boutros Boutros-Ghali utilized the term in his paper "An Agenda for Peace." For Boutros-Ghali, peacebuilding was an activity to be undertaken immediately after the cessation of violence. In his own words, peacebuilding was "an action to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict"[4]

Through world efforts for improving the quality of lives in post-conflict areas from the peacekeeping initiatives, the process whereby the international community, namely the United Nations, sought to keep warring parties at bay, peacebuilding gained its foundation. Peacekeeping was mandated by UN Security Council, through UN Charter Chapter seven only to maintain peace between warring states, but it evolved to also include civil conflicts.[5] However, as the complexities and social repercussions of civil conflicts became apparent, peacekeeping took on a wider range of tasks. These more comprehensive missions to install peace and forestall a return to violence became commonly referred to as 'peacebuilding.'[6]

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[4] Boutros-Ghali, Op. Cit. p.11
[5] Keating, T. and Abiew, F. K. 'Outside Agents and the Politics of Peacebuilding and Reconciliation,' *International Journal*, Vol. 55, Iss.1 (Winter 1999/2000), p. 3
[6] Ibid

In the post-cold war period of the 1990s peacebuilding missions gained prevalence as numerous civil wars raged around the globe accounting for 94 per cent of all armed conflictsduring this period.[7] Regarding the civilian loss of life during this period, Roland Paris notes "...an estimated 90 percent of those killed in armed conflicts were civilians.[8] During this period fourteen peacebuilding missions were deployed by the United Nations to a variety of war-shattered countries, including three in Latin America: Nicaragua in 1989, El Salvador in 1991, and Guatemala in 1997 to mention but a few.[9]

The peacebuilding field experienced extensive growth and development with these early trial missions with the establishment of implementation frameworks, peacebuilding centers, and the involvement of non-governmental organizations (NGOs). Despite the fact that it has been almost two decades since peacebuilding missions were first inaugurated, current missions are still considered experimental because they are prone to breakdowns and seldom proceed as planned.

Paris offers a discussion of the origins of peacebuilding and states that prior to the end of the Cold War the United Nations had opted for a lesser role in the domestic politics of countries. However, as conditions changed with the end of the Cold War, the United Nations became more inclined to respond to the 'demand' for new multilateral peace operations.' While some operations still resembled traditional peacekeeping missions (with tasks that included verifying cease-fires and troop movements), other missions were "more complex" and comprised of "less familiar tasks." For example, the United Nations' first post-conflict peacebuilding mission in Namibia in 1989 consisted of monitoring the conduct of local police, disarming former fighters, and preparing the country for its first democratic election – tasks not traditionally performed by

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[7] Paris, R. '*At War's End: Building Peace After Civil Conflict.*' Colorado: Cambridge University Press, (2004), p. 1
[8] Ibid, p.1
[9] Ibid, p. 3

the United Nations. New to the United Nations included supervising democratic elections, assisting in the preparation of new national constitutions, providing human rights training and in one case of Cambodia temporarily taking over the administration of an entire country.[10]

Paris further notes that the complexities of these peacebuilding missions required that the United Nations partner with other international actors to help countries rebuild post-conflict situations. These organizations include, but are not limited to, the North Atlantic Treaty Organization, (NATO) the United Nations Development Program, the Organization of American States, the European Union, the Organization for Security and Cooperation in Europe, the International Monetary Fund, the World Bank, and various international nongovernmental organizations.[11]

Generally, the United Nation's peacebuilding missions to date were deployed after the signing of formal peace accords or agreements that have warring factions laying down their arms and agreeing to some form of a truce and a strategy for future power sharing, usually the formation of political parties and the contesting of elections. These peace agreements typically mark the formal end of an armed struggle and symbolize the participation of belligerents in a political process.[12]

However, Ho-Won Jeong warns that peace agreements do not always satisfy all parties, "peace agreements do not simply mark the end of an old conflict, and sometimes they contain the seeds of their own destruction."[13] Therefore, depending on the particular context, there have been occasions when peacebuilding missions have been allowed to operate before and during peace

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[10]Paris, R. 'At *War's End: Building Peace After Civil Conflict,*' Colorado: Cambridge University Press, (2004), pp. 16-17
[11]Ibid, pp. 18-19
[12]Jeong, H. W. '*Peacebuilding in Postconflict Societies: Strategy and Process,*' Boulder, Colorado: Lynne Rienner Publishers Inc., (2005), p. 21
[13] Ibid, p. 6

accord processes. Peacebuilding therefore does not replace ongoing humanitarian and development activities in countries emerging from crisis. It aims rather to build on, add to, or reorient such activities in ways designed to reduce the risk of a resumption of conflict and contribute to creating the conditions most conducive to reconciliation, reconstruction and recovery.

1.5.2 Peace-building goals

De Coning elucidates that the goal of peacebuilding or post-conflict reconstruction interventions is to assist the internal actors with consolidating the peace process and preventing a relapse into conflict, but its ultimate aim is to support them in transforming the causes of the conflict and laying the foundations for social justice and sustainable peace and development.[14]

1.5.3 Phases of peacebuilding

The peacebuilding or post-conflict intervention normally start when a cease-fire agreement or peace agreement, which calls upon both the local and the international community to support the peace process, and its implementation. The peacebuilding intervention would be considered to have come to an end when the host society (state) has developed the capacity to manage and sustain its own peace process without external support. Thus the participation of the host country is very important as much as there could be the high level presence of many third-party to the perceived peace building process. Normally, peacebuilding progresses through three stages, namely a stabilization phase, a transitional phase, and a consolidation phase.[15]

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[14]De Coning, C. H. 'The Coherence Dilemma in Peacebuilding and Post-Conflict Reconstruction Systems,' *African Journal on Conflict Resolution, Vol.* 8, Number 3, (2008), p. 89
[15]De Coning, C. H. 'The Coherence Dilemma in Peacebuilding and Post-Conflict Reconstruction Systems,' *African Journal on Conflict Resolution* Vol. 8, Number 3, (2008), p. 88

1.5.3.1 Stabilization phase

The initial response comes immediately after the end of widespread violence and is characterized by the provision of emergency humanitarian services, stability and military interventions to provide basic security. Internationally such responses also include the deployment of peacekeepers.[16]

1.5.3.2 Transitional phase

Conflicts are part and parcel of all processes of transition.[17] If governmental or other formal or informal mechanisms for their peaceful resolution do not exist, there is a danger that these conflicts may directly or indirectly take on a more violent form. While the danger that a conflict may turn into an armed conflict is often recognized at an early stage, in many cases resolute action is not taken until the crisis has already crossed the threshold into violence and comes to the attention of the mass media.

The transformation or transition phase therefore is a period in which legitimate local capacities emerge and should be supported, with particular attention needed for restarting the economy, including physical reconstruction, ensuring functional structures for governance and judicial processes and laying the foundations for the provision of basic social welfare such as education and health care.

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[16]Ibid
[17]Bundesregierung, D. 'Action Plan : Civilian Crisis Prevention, Conflict Resolution and Post-Conflict Peace-Building,' Berlin, Crisis Prevention Unit, (2004), p. 7

1.5.3.3 Consolidation phase

The final phase or the period for fostering sustainability is a time when recovery efforts should be consolidated to help prevent the resurgence of conflict. Military actors-particularly international peacekeepers-withdraw and society begins to "normalise" during this phase.

1.5.4 Pillars for effective Post conflict peacebuilding

Many scholars would conclude that peacebuilding basically includes post-conflict initiatives to rebuild societies and forestall a return to violence and conflict situations but, Lederach[18] however reinforces the concept and comments that the process of peacebuilding is rife with complexities and as a comprehensive concept it encompasses, generates, and sustains the full array of processes, approaches, and stages needed to transform conflict towards more sustainable, peaceful relationships. It simultaneously seeks to enhance relationships between parties and to change the structural conditions that generate conflict. The term thus involves a wide range of activities and functions that both precede and follow formal peace accords.

The complexities inherent in peacebuilding are reflected in the various concerns which these missions must incorporate in their design. In general, peacebuilding missions focus on four main interrelated pillars: security, governance, relief and development, and reconciliation.[19] A discussion of the four central areas of concern will therefore reveal the superlative of each interrelated process and the inherent challenges within the broader peacebuilding framework.

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[18] Lederach, J. P. and Jenner, J. M. (eds). '*A Handbook of International Peacebuilding: Into the Eye of the Storm,*' San Francisco: Jossey-Bass, (2002), p 28
[19] Last, G. E. 'Peacebuilding: Six Golden Rules for Policy Makers.' Nairobi, *International Crisis Group,* (2005), p. 18

1.5.4.1 Security

The first area of importance in the peacebuilding framework is security. Security addresses all aspects of public safety, in particular, creating a safe and secure environment and developing legitimate and effective security institutions. Security encompasses collective as well as individual security and is the precondition for achieving successful outcomes in the other pillars. In the most pressing sense, providing security involves securing the lives of civilians in the aftermath of immediate and large-scale violence as well as restoring the territorial integrity of the post conflict state.

Security entails ending violence, protecting those affected by violence, and enforcing human rights. Violence is the single most dangerous spoiler that poses fundamental challenges for peace. Therefore, it is essential to disarm, demobilize and reintegrate (DDR) warring factions into civil society. Thus, security measures and DDR initiatives are usually included within peace agreements in the form of military and police reforms.

Demobilizing soldiers and reintegrating them into civilian life is one of the single most important goals of the larger project of peace implementation. Call and Stanley argue that reconfiguration of military and police forces after civil wars is central to the stability of any negotiated settlement, as well as to the prospects for long term consolidation of a democratic framework.[20] Because ongoing violence will continue to devastate economies, exacerbate underdevelopment, and increase desperation and frustration among populations, ensuring that there is an effective police force that has the trust of the civilians and is accepted by former combatants is an early priority.[21]

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[20] Call, C. T. and Stanley, W. 'Military and Police Reform after Civil Wars,' in: John Darby and Roger MacGinty (eds), *Contemporary Peacemaking: Conflict, Violence and Peace Processes.* New York: Palgrave Macmillan, (2003), p. 221
[21] Stedman, Stephen J. 'Spoiler Problems in Peace Processes,' *International Security.* Vol. 22. No. 2 (1997), pp. 5-23

Promoting security involves convincing competing armies to lay down their weapons, demobilize their soldiers, and reconstruct their lives in a more peaceful manner. Usually members of opposing factions are integrated to form a national military merger in an effort to establish a legitimate state monopoly over the use of force in society. This may require rewarding ex-combatants with economic and material benefits for abstaining from violence and their re-entry into society.[22] Demobilization steps are important militarily and symbolically and should be accompanied by monitoring and verification mechanisms to ensure that these initial steps towards stabilization occur.

In addition to military reforms, a strong civilian police force is required to protect the institutions of democracy and act as a counterweight to military strength in areas where atrocities have previously occurred at the hands of the military. Such a force must be provided with appropriate training, educated about their mandate, and have the relevant mechanisms for internal oversight in order that it can operate in such a way that it respects the rule of law and individual rights, and selectively employ the use of force.[23] Within peacekeeping missions, civilian police forces are often initially assisted by international civilian police and peacekeeping forces that monitor the peace and provide the necessary training.

1.5.4.2 Governance and participation

Governance and participation is another area that has to be addressed within peacebuilding initiatives. Governance and participation addresses the need to create legitimate, effective political and administrative institutions and participatory processes, in particular, establishing a representative constitutional structure, strengthening public-sector management

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[22] Jeong, H. W. '*Peacebuilding in Post-conflict Societies: Strategy and Process*,' Boulder, Colorado: Lynne Rienner Publishers Inc.,(2005), p. 49
[23] Call, C. T. and Cook, S. E. 'On Democratization and Peacebuilding,' *Global Governance*, Vol. 9 (2003), p. 213

and administration, and ensuring the active and open participation of civil society in the formulation of the country's government and its policies. Governance involves setting rules and procedures for political decision making and for delivering public services in an efficient and transparent manner. Participation encompasses the process for giving the population a voice in government by developing a civil-society structure that generates and exchanges ideas through advocacy groups, civic associations, and the media.

Pearce argues that one major source of conflict is the exclusion of people from decision-making, be it at a high political level or at the lowest local level.[24] Therefore, including the right people into the decision-making process can constitute a significant contribution to building peace. It is therefore important in all kinds of interventions in conflict-prone societies like South Sudan that the relevant actors should always be involved in planning and decision-making.

Long-term security extends beyond reforming military and police forces and is also contingent upon the conversion of warring factions into political parties that can work to manage conflicts in a manner that is conducive of positive change. Kirsti opines that peacebuilding operations are susceptible to breakdown when societies have a poor governance framework that exacerbates social fault lines, aggravates divisions and tensions, entrenches conflict, or provides a basis to contest the government.[25] Governance in peacebuilding designs requires the development of institutional capacities such as the judiciary, the electoral system, and other agencies that work to advance policy reforms, enhance transparency, and increase representation and accountability. For example, in many peacebuilding contexts, plans for elections are often outlined, agreed upon and signed into the peace agreements between opposing factions. In Sudan

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[24]Jenny, P. '*Assessing Civil Society Participation: War and Post War Contexts,*' University of Bradford, United Kingdom ICPS/Peace Studies, (2004), pp.1-24
[25]Kirsti, S. 'Sustainability and Peacebuilding: A Key Challenge,' *Development in Practice*, Vol.15, No. 6 (November 2005), p. 733

for example, time and duration for the general elections were clearly stipulated in the Comprehensive Peace Agreement (CPA) signed between SPLM/A- (a South Sudan faction) and National Congress Part (NCP) – (a northern Sudan faction).

Democratic electoral systems are favored by the international institutions that orchestrate peacebuilding missions because they have the potential to affect positive changes in societies where political transitions have been fraught with military coups, revolutions and destructive patterns of violence. The role of an election during peacebuilding is significant for numerous reasons. Non-violent and successful political transitions become a critical test to determine whether new relationships can develop among former adversaries – the party that loses needs tangible, symbolic and even material benefits from their participation in the new governance system in order for it to be embraced by those who do not gain full political power.[26] In addition, successful elections can contribute to national unity and reconciliation by fortifying a renewed political process and reinforcing the termination of armed conflict.[27]

The first elections in south Sudan in January 2010 became symbolic of the first steps toward establishing a functioning political system and a multiparty democracy where power sharing models are negotiated among former adversaries. However, even though the elections marked the first important step toward democracy in South Sudan, there were widespread allegations of rigging favoring the Sudan People Liberation Movement (SPLM) party, something that had caused political fractionalization among the rebel movements.

The role of judiciary is also critical to effective governance. This includes incorporating honest courts with uncorrupted judges and promoting respect for the rule of law. Failure to respond to past and continued violence through a fair judicial system will only impede progress

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[26]Jeong, H. W. '*Peacebuilding in Post-conflict Societies: Strategy and Process*,' Boulder, Colorado: Lynne Rienner Publishers Inc., (2005), p. 115
[27]Ibid. p. 103

towards justice, accountability and reconciliation.[28] The stability of these systems, however, cannot be achieved without the participation of former adversaries in the democratic political processes and socio-economic reforms.[29] Strengthening the institutions of governance is critical to ensuring the establishment of democracy which in turn is essential if future conflicts are to be avoided.

1.5.4.3 Relief and Development

Relief and Development comes about through social and economic well-being which addresses fundamental social and economic needs, in particular, providing emergency relief, restoring essential services to the population in areas such as health and education, laying the foundation for a viable economy, and initiating an inclusive and sustainable development program. Often accompanying the establishment of security, well-being entails protecting the population from starvation, disease, and their elements. As the situation stabilizes, attention shifts from humanitarian relief to long-term social and economic development.

Relief and development policies are considered an integral part of the broader peacebuilding process because where poverty and inequality endure after internal conflict, they serve to undermine peace by breeding further discontent and anger.[30] Civil war devastates livelihoods through the destruction of production capital and displacement of peoples and loss of skilled labour. The relief and development process can be viewed as a two stage process — the immediate (the relief component) and the longer term (the development aspect).

Immediate humanitarian assistance during peacebuilding is necessary to alleviate the human suffering that accompanies war and violent conflict. Significant portions of populations

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[28] Ibid, p. 69
[29] Ibid, p. 1
[30] Jeong, H. W. *'Peacebuilding in Post-conflict Societies: Strategy and Process,'* Boulder, Colorado: Lynne Rienner Publishers Inc., (2005), p. 123

become uprooted and services that are otherwise used to address their suffering are either destroyed or did not previously exist. Staggering statistics verify the numbers of people killed, injured, displaced and affected by violent conflict in warring societies. The increased needs of these populations are compounded by the reduced capacity of health services which further devastates those disproportionately affected, namely women and children. They frequently fall victim to preventable infections and diseases, develop HIV and AIDS, experience mental health problems, suffer from substance abuse or die in childbirth.[31]

The longer term strategy involves promoting economic growth and development. Reforming and redesigning economic programs and policies is paramount for bringing about stability and equity because social tension is often created by perceived and real imbalances in income and wealth.[32] Violent conflict during civil war effectively halts development by destroying infrastructure and institutions such as the systems of transport, education, agriculture, and communication. It also leaves societies with massive human resource deficits in terms of general education and professional skills as farmers, artisans, and skilled workers are among those conscripted into war and often die as soldiers or flee the country.[33]

Even though civil wars may come to an end, Stedman warns that if former combatants lack jobs and skills and if weapons are easily available, then violence and crime may increase and rob citizens of their security and their hopes for a robust peace dividend.[34] Jonglei State among other South Sudan's states is currently being affected by the ex-combatants that had not been fully integrated into the official military wing of South Sudan, due to easily available and

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[31]Deely, Sean. 'War, Health and Recovery.' Cited in Barakat, *After the Conflict: Reconstruction and Development in the Aftermath of War*, New York: Palgrave Macmillan, (2005), pp. 124-129
[32]Jeong, Op. Cit. p. 17
[33] Barakat, S. 'Seven Pillars for Post-War Reconstruction,' cited in Sultan Barakat, *After the Conflict: Reconstruction and Development in the Aftermath of War*, New York: Palgrave Macmillan, (2005), p. 266
[34]Stedman, in Darby and MacGinty, *Contemporary Peacemaking...*, 103.

accessible weapons. Peacebuilding efforts therefore should stress that the effective development strategies must incorporate the participation of local communities taking into account local capacities and solutions. This will increase the likelihood of more satisfactory developmental outcomes and at the same time empower communities.

1.5.4.4 Reconciliation

The final dimension of peacebuilding is reconciliation. Where deep social inequalities are common and populations are divided, impoverished, and devastated by war, institutional and policy reforms aimed at repairing and rebuilding corrosive justice systems cannot alone bring about healing. Policies and programs aimed at reconciliation are vital. These generally involve policies which stress compassion, forgiveness, restitution, psychological and social healing, all of which are designed to help communities live and work together.[35]

Mechanisms for pursuing reconciliation include dialogue between former adversaries, experience sharing, compiling records of human rights violations and Truth Commissions depending on the nature and level at which the conflict had advanced. These actions also serve to deter former abusers and provide a lasting legacy and reminder of the atrocities that have occurred. Barakat comments that healing of bitter memories and restoration of trust is a delicate, highly complex process that cannot be rushed and which may take generations to achieve.[36] When reconciliation is rushed before the ripe moment is due, sustainable peace may not be achieved.

Justice and reconciliation address the need to deal with past abuses through formal and informal mechanisms for resolving grievances arising from conflict and to create an impartial

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[35] Last, Op. Cit, p. 84
[36] Barakat, S. (ed). *'After the Conflict: Reconstruction and Development in the Aftermath of War,'* New York: Palgrave Macmillan, (2005), p. 255

and accountable legal system for the future, in particular, creating an effective law enforcement apparatus, an open judicial system, fair laws, and a humane correction system. These tasks include exacting appropriate penalties for previous acts and building the state's capacity to promulgate and enforce the rule of law. Incorporating the concept of restorative justice, justice and reconciliation efforts include both extraordinary and traditional attempts to reconcile ex-combatants, victims, and perpetrators.

1.5.5 Challenges facing peacebuilding

Peacebuilding or post-conflict reconstruction system is complex and cannot be single handled. It requires a wide range of internaland externalactors,[37] including governments, civil society, the private sector and international agencies, to work together in a coherent and coordinated effort. These peacebuilding agents undertake a broad range of activities that span the security, political, development, human rights, humanitarian and rule of law dimensions. Collectively and cumulatively, these activities address both the causes and consequences of the conflict system, and build momentum over time that facilitates the transformation of the system and increases its resilience to deal with potential outbreaks of violent conflict and its ability to sustain peace.

Smith[38] has identified a lack of coherence at the strategic level, what it terms a 'strategic deficit', as the most significant obstacle to sustainable peacebuilding. Peacebuilding interventions undertaken to date around the world, South Sudan included, have lacked coherence and that this has undermined their sustainability and ability to achieve their strategic objectives.

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[37] Bundesregierung, D. Op. Cit. p. 10
[38] Smith, D. '*Towards a Strategic Framework for Peacebuilding: The Synthesis Report of the Joint Utstein Study on Peacebuilding*,' Oslo: PRIO, (2003), p. 16

For the peacebuilding intervention to be positive beneficial and sustainable to the host community /state, four elements of coherence according to De Coning[39] need to be adhered to; agency coherence, i.e. consistencyamong the policies and actions of an individual agency, including the internal consistency of a specific policy or programme; whole-of-government coherence, i.e. consistency among the policies and actions of the different government agencies of a country); external coherence, i.e. consistency among the policies pursued by the various external actors in a given country context (harmonization); and internal/external coherence, i.e. consistency between the policies of the internal and external actors in a given country context (alignment).

The degree to which a specific peacebuilding system can be assessed to be more, or less, coherent will be a factor of all four elements of coherence as stipulated by De Coning. However, as much as coherence would determine the positive outcome of the peacebuilding agenda, what counts most is the willingness and ability of the internal actors to maintain sustainable peace even in the absence of the external actors. Coherence also needs to be understood in the context of the natural tensions, and therefore trade-offs, between the four elements of coherence. In the real world, peacebuilding agents, more often than not, have to settle for 'second best' or 'partially coherent' solutions in order to establish a workable foundation for cooperation.[40]

Peacebuilding is complex due to the involvement of many actors with diverse goals and interest. Consequently, for its success and sustainability, first, there is the need to generate a clearly articulated overall peacebuilding strategy[41] that can provide the various peacebuilding agents with a common frame of reference which it can use as a benchmark for coherence, i.e. the framework with which it should be coherent. It is impossible to achieve coherence if the

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[39] De Coning, C. H. Op. Cit. pp. 90- 91
[40] Ibid, p. 91
[41] Paris, R. Op. Cit. p. 26

framework, with which individual agents have to be coherent, has not been developed and shared with all the agents in the system.

Secondly, there is need to operationalize the principle of local ownership.[42] The inability of the external actors to give meaning to their stated policies and principles of alignment is one of the most significant shortcomings in the context of peacebuilding coherence. It is also one of the most challenging, with few obvious solutions and extensive entrenched practices and established relationships. It would thus require considerable political will and focused attention to adjust.

The low success rate reflects the inherent complexities that face the process of peacebuilding – a process that is said to be diverse beyond comparison.[43] Moreover, the presence of leaders, neighboring countries, and factions opposed to peace are often willing to use violence to undermine the rebuilding process.[44] These 'defectors', also known as 'spoilers' will require specific attention to mitigate the chances that these factors will contribute to the breakdown of such an extremely fragile process.[45] Given the inability to control these destabilizing spoilers there are numerous breakdowns in the peace process that effectively contribute to the low success rate of peacebuilding operations.

Not only is peacebuilding complex, but each dimension (security, governance, relief and development, and reconciliation) within the peacebuilding framework is comprised of its own complexities. Nonetheless, each is important and essential for the successful rebuilding of war-torn societies. To complicate things further, these dimensions are intertwined; breakdowns in one

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[42]Rome Declaration on Harmonization 2003. Available at <www.aidharmonization.org>. Accessed on 25 May 2011.
[43]Sampson, C. (ed). *et al*. '*Positive Approaches to Peacebuilding: A Resource for Innovators,*' Washington: Pact Publishers, (2003), p. 381
[44]Darby, J. and MacGinty, R. (ed). '*Contemporary Peacemaking: Conflict, Violence and Peace Processes,*' New York: Palgrave Macmillan, (2003), pp. 103-104
[45]Woodhouse, T. and Ramsbotham, O. '*Peacekeeping and Conflict Resolution,*' Oregon, Frank Cass Publishers, (2000), p. 80

jeopardize advances in the others. Each aspect within the framework can only be successful when supported by actions to improve and rebuild individual dimensions of the others. For example, security, often a top priority for peacebuilding, is susceptible to breakdown from an impaired governance framework and poor policy decisions. If development issues are not addressed, socioeconomic inequalities can result in a relapse to violence and a breakdown of security; if groups are not reconciled, tensions will unravel the social fabric required to sustain peace. Hence, each is part of the broader peacebuilding process and cannot be disentangled from the others.

1.6 Hypotheses

1. Multiplicity of actors and their roles affect the post-conflict peacebuilding initiatives.

2. Post-conflict peacebuilding mechanisms used inspire peaceful political transition.

3. Political instability poses the greatest challenge to the post-conflict peacebuilding initiatives.

1.7 Theoretical framework

This study will be based on Conflict resolution theory as advanced by Azar. Conflict resolution theory is predicated on the idea that conflict has psychological, as well as behavioural and structural dimensions. Burton.[46] suggest that certain basic human needs lie behind every conflict, and that if people's psychological responses to these needs can be understood and addressed, the surface issues that seem to preoccupy conflict lose their significance. Examination of the way in which group attitudes and perspectives feed, escalate and perpetuate intergroup

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[46]Burton, John W. '*Violence Explained: The Sources of Conflict, Violence and Crime and their Prevention,*' Manchester: Manchester University Press, (1997), p. 45

conflict can provide conceptual tools to overcome psychological barriers to peacefully resolving conflict.

Sandole suggests that there is something generic about the psychological processes of conflict, and that an understanding of these processes - the ability to 'map' conflict in general - is key to any intervention.[47] As the language, taxonomy, theory and practice of conflict resolution continue to seep into the mainstream of conflict intervention, it becomes increasingly necessary to thoroughly investigate and critique this notion of 'conflict mapping', theoretically and empirically. It is important to consider whether or not the particular social-psychological perspective on conflict that is advocated is as informative and constructive as is assumed, or whether alternative perspectives might have as much, or more to offer.

Conflict Resolution theorists cite specific bodies of identity theory - largely in the fields of cognitive social-psychology and psychodynamics - as providing conflict mapping with its theoretical frame of reference. This is not to say that other theories do not exist that can usefully inform practical peacebuilding, and indeed such theory will be cited later in the article. Rather it will be suggested that, because conflict resolution theory often serves as a theoretical source for practical peacebuilding, it is imperative that these discourses are put to a critical test.

According to the conflict dynamic approaches, conflict is perceived as a social phenomenon that in an action-reaction pattern moves by itself in cycles. The idea is that one action triggers a reaction from the other party, a reaction which in turn causes a new reaction from the first party and so on, and so forth. Conflict resolution according to this approach needs to invent theories not developed for social movements, but do apply and develop for the parties

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[47] Sandole, Dennis J. 'Developing Conflict Resolution in Transcaucasia; A University Based Approached,' *Annals of the American Academy of Political and Social Science*, Vol. 552, *Strengthening Transitional Democracies Through Conflict Resolution* (Jul., 1997), pp. 125-138

mutually acceptable procedures for coping with and/or changing the conflict dynamics. The focus is on the procedure of conflict resolution, and instruments such as dialogue, confidence-building measures and the creation of conflict resolution mechanisms.

Looking at the social conflict theory which focuses on the basic needs and grievances of the conflicting parties would be of importance to reinforce understanding of conflict resolution theory. Social conflict theorist argues that the origin of conflict is to be found in the deprivation and denial of the needs of the individual parties. Such hardship can for example be ethnic suppression[48] or inadequate or non-existing human rights,[49] and the deprivation and denial of needs can range from relative inequality to a lack of resources for personal subsistence.[50]

Conflict resolution has in this theory a problem-solving focus on the underlying needs and grievances from where the conflict originates, and the procedures and instruments are here largely the same as in the conflict dynamic approach above though with different content. Coser has also emphasized the importance of access to the political system as one of the major reasons of conflict, but also as one of the solutions to conflicts. This is because it will limit the level of general grievances, as well as the acceptance of not fulfilled needs.[51] This is an argument in line with democratic theory emphasizing the beneficial aspects of participation.[52]

However, the rational calculation approach sees conflict as a result of strategic and tactical decisions made by rational actors in their pursuit to fulfill their own interests, decisions that in turn initiate the chain of event that leads to conflict.[53] Here conflict is not per definition

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[48] Gurr, T. R. 'Minorities at Risk,' Washington: United States Institute of Peace Press, (1993), pp. 1-45

[49] Donnelly, J. 'Universal Human Rights in Theory and Practice,'Ithaca, NY: Cornell University Press (1989), pp. 1-295

[50] Renner, M. *'Fighting for Survival: Environmental Decline, Social Conflict, and the New Age of Insecurity,'* London: W.W. Norton (1996), p.37

[51] Coser, L. A. *'Continuities in the Study of Social Conflict,'* New York: Free Press (1967), p. 23

[52] Held, D. *'2nd Models of Democracy,'* Cambridge: Polity Press (1996), pp. 1-392

[53] Wallensteen, P. 'Understanding Conflict Resolution War, Peace and the Global System,' London: Sage Publishing (2002), p. 44

seen as irrational; conflict can very well be in the interests of the actor(s) of different reasons, as we can see in the example of Sudan or in the case of the first World War where conflict were considered rational among extremists on both sides.

When attempting to resolve a conflict the same fundamental rational logic applies. To resolve a conflict one needs to create a situation where the parties at least perceive de-escalation, and resolution of conflict as being more rational than a continuing of the same. This is of course easier said than done, and numerous approaches have been proposed about how to succeed. Scholars focusing on international negotiation and mediation have emphasized the importance of looking beyond the stated position of the parties of a conflict to understand their real interests.[54] Other scholars have focused on the importance of the "ripe moment" with Zartman substantiating that conflict offers nothing but a "flat, unpleasant terrain stretching into the future."[55] The idea is that such a situation may lead the parties to reconsider their positions and to rethink their strategies, and it is therefore possible to use this opportunity to move toward a resolution of the conflict.[56]

The war between the northern and southern Sudanese has indeed caused a situation that remains unbearable to both parties and as a result resolved to the signing of the peace agreement. To do so is however not at all simple, especially not since it is often not possible to base the work on the goodwill of the parties because there will always be spoilers which will do anything in their power to destroy any agreement what so ever.[57] This has been evident among the

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[54] Fisher, R. 'Beyond Yes,' in: *Negotiation Theory and Practice,* eds. J. William Breslin and Jeffrey Z. Rubin. Cambridge, Mass.: Program on Negotiation at Harvard Law School, (1995), pp. 123-126
[55] Zartman, W. *Ripe for Resolution: Conflict and Intervention in Africa,'* Oxford: Oxford University Press (1989), p. 268
[56] Zartman, W. 'Dynamics and Constraints in Negotiations in International conflict,' in: *Elusive Peace: Negotiating an end to Civil Wars,* ed. William I. Zartman. Washington: Brookings (1995), pp. 1-364
[57] Stedman, S. J. 'Spoiler problems in Peace Processes,' *International Security,* Vol. 22. No. 2 (1997), pp. 5-53

extremists from the National Congress Party (NCP) who believe that the south Sudan through their leadership cannot manage their own government, and instead should not secede.

1.8 Methodology of the study

This study will use both primary and secondary data. The primary data will be obtained through interviews. The interview process will take the form of direct interview which involves the presentation of an oral stimulus in from of a question and a verbal response from the respondent.

This instrument of data collection has the following advantages: The researcher can control the setting; it is a flexible instrument as one can probe and in the process get in depth information; it is not restricted to literate people; it has a large response rate; one can adopt the language to the ability of the respondents; one can also control the environment and the question order; lastly, the respondents alone is the one who answers with no assistance from the researcher or any other person.

Despite the above advantages, the instrument has also its disadvantages in the sense that it is expensive in terms of time and money, interview assistants must be trained, biases and distortions may occur due to interaction i.e. depending on how questions are asked and recorded, the data quality may be low as there may be interviewer biases, there is lack of anonymity, it may be inconvenient to administer due to time, fatigue and other reasons, one cannot consult other documents or references, probing may make it difficult to standardize and lastly, it may be difficult to access the respondents.

For the effectiveness of this study, non- probability sampling method will be used. Under this non- probability sampling method both purposive and snowball sampling will be used. The researcher will employ these methods mainly because on the purposive sampling, the researcher

will rely on her experience, ingenuity and the previous research findings to deliberately obtain unit of analysis in such a manner that the sample obtained may be regarded as being representative of the relevant population.

The researcher will also reinforce the purposive sampling method with snowball sampling in that a few individuals from the relevant population will be approached so that they will act as informants and help the researcher in identifying other members from the same population for inclusion in the sample.

The respondents will be drawn from the Sudanese nationals in south Sudan and also those working and living in Kenya, the UN personnel who are currently or who have previously worked in Sudan (south Sudan) at various levels, non-governmental organizations working in the Horn of Africa and the Greater Lakes region especially in Sudan, and scholars with enthusiastic interest in south Sudan.

The study will also rely on secondary data such as text books, journals, theses and dissertations, seminar papers among others. The conflict that had devastated the infrastructures in most part of south Sudan would make physical access quite challenging hence the use of secondary data for analysis would be advantageous.

Chapter outline

The study will be organized into 5 chapters. The structure is listed below:

Chapter 1: Background of the research problem-introduces the research topic by providing a brief overview of the background; statement of the research problem; justification; objectives; the literature review; the methodology; hypotheses and the theoretical framework.

Chapter two: Background of the South Sudan conflict-discusses comprehensively the conflict in South Sudan and the various peacebuilding initiatives that had been put forth to sustain peace in South Sudan; it also identifies the various actors that have been involved in the South Sudan peacebuilding process

Chapter three: Mechanisms for post-conflict peacebuilding in South Sudan-revolves around the mechanisms that have been put in place to ensure that there is sustainable peace in South Sudan and the challenges facing their implementation.

Chapter four: A critical analysis of the post-conflict peacebuilding in South Sudan-will present a detailed description of the dataset used in this study; introduces various debates in the post-conflict peacebuilding in South Sudan; looks critically at the post-conflict peacebuilding mechanisms in place; the actors' motives and interests, effects of the post-conflict peacebuilding on the socio-economic and political fabric of South Sudan and the challenges facing post-conflict peacebuilding in South Sudan.

Chapter five: Conclusions and Recommendations-provides the conclusions and recommendations to the study, present the empirical results and make a discussion based on them.

CHAPTER TWO

Background of the South Sudan conflict

Introduction

The deadly conflict that has been in existence in Sudan since 1820s is a clear indication that something must have gone wrong without either being noticed or ignored by those responsible. Sudan has been in war since the colonial periods to date. These wars have drawn in various actors that have diverse dynamics in terms of interest, allies and constituents. The management of these conflicts has been challenging and complicated due to the diverse network of actors. For in-depth understanding of the genesis of Sudan conflict, it is necessary to look deep into what went wrong in order to find viable solutions to the Sudanese conflict. This chapter will identify the history of some major peace initiatives that have been put in place and the main actors involved in the management of the Sudanese conflict from the first Anyanya War of 1956-1972 to date.

Historical Background of Sudan

In about 450 AD, Christianity entered northern Sudan and the Christian Kingdoms of Nubia, Merowe, Mekuria, Soba and Alwa flourished for about 1,000 years. The Arab and Islamic invasion of the Sudan started in about 700 AD, and this was resisted by the Sudanese Christian Kingdoms up to 1505 AD, when the last Kingdoms were superseded by Sudanese Islamic Kingdom such as the Funj Sultanate in the East and the Islamic Sultanate of Darfur in the West.

The second wave of Islamic expansion in the Sudan was the Turko-Egyptian invasion mainly in the form of military slave expeditions from 1820.[58] This was a cruel period of inhumanity, slavery and slave trade,[59] when the Turko-Egyptian forces combined with northern Sudanese Arab slave traders joined hands to conduct raids in southern Sudan for what they called "black gold" (slaves), "white gold" (ivory) and "yellow gold" (real gold).[60]

The slave trade continued under Turko-Egyptian rule up to 1881, when an indigenous uprising led by Mohammed Ahmed, who called himself the "*Mahdi*" (Messiah) defeated and killed General Gordon and overran Khartoum. The Mahdist State (1881-1897) was established and slave hunting was greatly intensified with devastating consequences to the civil population, especially in southern Sudan where all the tribes were completely decimated.[61]

The rampant slave trade in the Sudan and the humiliation of the defeat and death of General Gordon compelled the British and Egyptians to send a combined force, under Lord Kitchner, to re-conquer the Sudan.[62] The Mahdist forces were defeated at the end of 1897, and thus was established the so called condominium rule, known as the Anglo-Egyptian Sudan (1898-1956) which in reality was British colonial rule.[63] During the 58 years of Anglo-Egyptian administration, both Northern Sudan and Southern Sudan were administered separately as two different entities under the Governor General. This experience ushered in political stability in

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[58] Deng, F.M. 'Sudan: A nation in Turbulent Search of Itself,' *Annals of the American Society of Political and Social Science*, Vol. 603. Law, Society and Democracy: Comparative Perspective. (2006), pp. 155-162
[59] Fluehr-Lobban, Carolyn. 'Islamization in Sudan: A Critical Assessment,' *Middle East Journal*, Vol. 44, No. 4 (Autumn, 1990), pp. 610-612
[60] Idris, A. H. *'Sudan's Civil War: Slavery, Race and Formational Identities,'* Lewiston, New York, The Edwin Mellon Press (2001), pp. 36-37
[61] Deng, F.M. *'Tradition and Modernization: A Challenge for Law Among the Dinka of the Sudan,'* New Haven, London: Yale University Press (1971), p. 48
[62] Fluehr-Lobban, Carolyn. 'Islamization in Sudan: A Critical Assessment,' *Middle East Journal*, Vol. 44, No. 4 (Autumn, 1990), p. 615
[63] Warburg, Gabriel. *'Islam, Nationalism and Communism in a Traditional Society: The Case of the Sudan,'* London: Frank Cass (1978), p. 8

this region. In fact, the emerging political and economic realities indicated a movement towards a better unity, that is, unity in diversity.

In addition, the British introduced the concept of the *"Closed Districts"*[64] which included southern Sudan, Nuba Mountains of southern Kordofan and the Funj areas of southern Blue Nile. The intention of British rule was to close off these areas from the North to protect the indigenous African populations of these areas from the vagaries of the Arab slave traders and from Islamization and Arabisation.[65]

Northern Sudan was therefore ruled as a colonial territory along Islamic/Arab lines with its future and cultural orientation towards Egypt and the Arab world, while Southern Sudan was ruled as an African colonial territory where African culture, language and Christianity were all encouraged to flourish in exclusion of anything Arab or Islamic, and with its future and cultural orientation towards Africa. Indeed pass permits were required for travel between the North and South and other Closed Districts.[66]

However in 1947, the British abruptly reversed their policy of *"Closed Districts"* and separate futures for north and south Sudan, and instead decided that the South and North would become independent as one country.[67] The failure of the colonial authorities to allow the people of the *"Closed Districts"* to exercise their right to self-determination is one of the main factors that contributed to the first civil war in the Sudan (1955-1972). Indeed when Southern units in the (colonial) Sudan Defence Force learned of the impending independence of the Sudan as one

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[64]Fluehr-Lobban, Carolyn. 'Islamization in Sudan: A Critical Assessment,' *Middle East Journal,* Vol. 44, No. 4 (Autumn, 1990), pp. 610-623
[65] Abdin, H. '*Early Sudanese Nationalism: 1919-1925: Sudanese Literary Series, no. 14,'* Khartoum University Press (1985), p. 49.
[66] Woodward, Peter. 'In the Footsteps of Gordon: The Sudan Government and the Rise of Sayyid Sir Abd al-Rahman al-Mahdi, 1915-1935,' *African Affairs,* Vol. 84, No. 334 (Jan., 1985), pp. 39-51
[67] Abdin, H. '*Early Sudanese Nationalism: 1919-1925: Sudanese Literary Series, no. 14.'* Khartoum University Press (1985), pp. 245-249

country under Northern domination, these units rebelled in August 1955 in Torit, four months before independence (January 1, 1956) and that was the beginning of the first war.

The avowed aim of first civil war was 'independence of Southern Sudan' and it was led by the Southern Sudan Liberation Movement (SSLM) and its military wing the *'Anyanya'* guerrilla army.[68] Generally, southerners felt that what happened at independence was a mere replacement of one set of colonial masters for another and of a worst type, and thus the *Anyanya* called for full independence of Southern Sudan. This war was successfully resolved by the Addis Ababa Peace Agreement of 1972, which was mediated by Emperor Haille Selassie of Ethiopia, the All African Council of Churches and six African countries. It is estimated that between 750,000 and 1,500,000 Southern Sudanese died in the Anyanya war.[69]

Historical background of Peace Initiatives

Trust Sudan through international, regional, national state actors among other non state actors since the struggle immediately after independence of Sudan in 1956 have been in forefront working for positive peace, something that had faced much more difficulties coupled with mistrust and internal division among the parties. The formation and inception of SPLM/SPLA has also adopted a principled position to seek a peaceful resolution of the conflict through dialogue and peace talks with the government in Khartoum and as a result there have been many initiatives and peace talks to find a peaceful solution to the Sudanese conflict over the last ten years.[70] SPLM/A joined other crusaders in 1985 two years after its formation in search of peaceful means of ending conflict in Sudan. The most remarkable initiative by SPLM/SPLA

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[68] Beshir, Mohamed Omer. *'The Southern Sudan: From Conflict to Peace,'* London: C. Hurst and Co. (1975), p. 100
[69] Stevens, Richard P. 'The 1972 Addis Ababa Agreement and the Sudan's Afro-Arab Policy,' *The Journal of Modern African Studies*, Vol. 14, No. 2 (Jun., 1976), pp. 247-274
[70] Fluehr-Lobban, Carolyn. 'Islamization in Sudan: A Critical Assessment,' *Middle East Journal*, Vol. 44, No. 4 (Autumn, 1990), pp. 610-623

happened when the Movement called for an all-party National Constitutional Conference aimed at reaching a comprehensive peace.

The Addis Ababa Agreement

The Addis Ababa Agreement settlement was made between representatives of the Sudanese government and of the South Sudanese Liberation Movement (SSLM), itself representing an amalgamation of smaller secessionist and guerrilla movements from the southernmost three provinces of that country.[71]

The Agreement brought to a halt complicated, sporadic, but increasingly bitter civil war between "Arab" northerners and "African" southerners (although many southerners had remained part of the northern dominated political regime in Khartoum). The agreement established a considerable degree of regional autonomy for the south,[72] made arrangements for southerners to have continued representation in central government institutions in Khartoum, and established terms for economic assistance from the north to the traditionally impoverished and underdeveloped south.[73]

The Agreement also made arrangements for a ceasefire and a subsequent integration of the military wing of the SSLM (the Anya Nya) into the Peoples' Armed Forces (PAF) of the Sudan. It proved to be one of the main foundations of Sudanese President Ja'afar al Numeiri's regime during the following decade and of that decade's peace and stability between the northern and southern regions of the Sudan. This stability lasted until the terms and the spirit of the

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[71] Mitchell, Christopher R. *'Conflict Resolution and Civil War: Reflections on the Sudanese Settlement of 1972,'* George Mason University, George Mason University Press (1989), pp. 1-45
[72] Wai, D. M. 'The Sudan: Domestic Politics and Foreign Relations under Nimiery,' *African Affairs*, Vol. 78, No. 312; Oxford University Press (Jul., 1979), pp. 297-317
[73] Stevens, Richard P. 'The 1972 Addis Ababa Agreement and the Sudan's Afro-Arab Policy,' *The Journal of Modern African Studies*, Vol. 14, No. 2 (Jun., 1976), pp. 247-274

agreement were unilaterally undermined by Numeiri, one of its main architects, and war broke out again in the mid-1980s.

The Addis Ababa Agreement granted Southern Sudan regional autonomy; however, relative peace lasted for 10 years, although this was punctuated by instances of isolated mutinies by disgruntled former Anyanya soldiers and a growing realization by most Southerners that the peace would not last.[74] Thus, while north worked to undermine the Addis Ababa agreement, southerners prepared for war.

The Addis Ababa Agreement therefore failed to satisfy the aspirations of the peoples of the 'Closed Districts' as the agreement neither put them in the centre of power in parity with the north nor did it allow them the right of self-determination.[75] At the same time, the north continued with its project of Islamization and Arabization of the country, and thus President Nimeiri started a process of eroding whatever gains southerners achieved in the Addis Ababa agreement, and finally abrogated the agreement altogether in June 1983 when he divided the South into three separate mini-regions. Worst still, president Numeiri attempted to annex the newly discovered oil fields in the South to the North, and proceeded in September 1983 to establish Islamic Sharia as the supreme law of the land.[76]

Numeiri's abrogation of the Addis Ababa agreement and Southern frustration and dissatisfaction with it, coupled with the increased pace of Islamization and Arabization of the South, led to the outbreak of hostilities.[77] On May 16th 1983, the Sudanese Army attacked one of its own units of the former Anyanya guerrillas absorbed in the national army, Battalions 105

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[74] Wai, D. M. 'The Sudan: Domestic Politics and Foreign Relations under Nimiery,' *African Affairs*, Vol. 78, No. 312; Oxford University Press (Jul., 1979), pp. 297-317
[75] Stevens, R. P. 'The 1972 Addis Ababa Agreement and the Sudan's Afro-Arab Policy.' *The Journal of Modern African Studies*, Vol. 14, No. 2 (Jun., 1976), pp. 247-274
[76] Bechtold, Peter K. 'More Turbulence in Sudan: A New Politics This Time?' *Middle East Journal*, Vol. 44, No. 4 (Autumn, 1990), pp. 579-595
[77] Al-Affendi, Abdelwahab. 'The Impasse in the IGAD Peace Process for Sudan: The Limits of Regional Peacemaking?' *African Affairs*, Vol. 100, No. 401 (2001), pp. 581-599

and 104 that were stationed in Bor and Ayod respectively on the accusation that these units had rebelled or were about to rebel. This incident led to the formation of the Sudan People's Liberation Movement and Sudan People's Liberation Army (SPLM/SPLA), as these units took to the bush and were subsequently joined by students, intellectuals, government officials and the peasantry. The SPLM/SPLA has been leading the struggle since then to the present.

Koka Dam Declaration

On the 24th of March 1986, the SPLA met with the National Alliance for National Salvation, representing 14 political parties, including the Umma Party, and 22 trade unions. The resultant was the Koka Dam Declaration[78] in which participants made a commitment to hold a constitutional conference to discuss the basic problems of the south – not just the problem of southern Sudan- and to order a cease fire on condition that the government agreed to: repeal of the 1983 *Sharia* laws and all other laws which restrict freedom; abrogation of military pacts which compromised national sovereignty; lifting the state of emergency; and replacement of the 1985 constitution with the 1956 constitution as amended in 1965.[79]

Consequently, a Joint Liaison Committee was set up to pursue the implementation of the agreement passed during the Koka Dam Declaration. However, following the meeting between Prime Minister Sadiq al Mahdi and Chairman John Garang in Addis Ababa, the future of Koka Dam Declaration became dim as both parties could not agree. The SPLA wanted to take the Koka Dam Declaration as a fixed agreement to be elaborated and implemented, arguing that Sadiq, as head of the Umma Party, was already a signatory.

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[78] Bechtold, Peter K. 'More Turbulence in Sudan: A New Politics This Time?' *Middle East Journal,* Vol. 44, No. 4 (Autumn, 1990), pp. 579-595
[79] Alier, Abel. 'Southern *Sudan: Too Many Agreements Dishonored.*' Khartoum, Abel Alier (20030, pp. 310-330

However, Sadiq argued that Koka Dam was not completely valid: the apparent Umma endorsement lacked true authority; the DUP and NIF were not included; some circumstances had changed. The SPLM/A later claimed that Sadiq had wanted to make a new Umma-SPLM/A agreement (perhaps suggesting that Sadiq wanted to divide the SPLA from the other progressive political forces in NANS or at least to use the peace process to strengthen his own political position in Khartoum) but SPLM/A had refused to do this.[80]

The effectiveness of the Koka Dam Declaration was further eroded when the national elections of 1986 did not give any single party a majority and Umma- 101seats and the Democratic Unionist Party (DUP) with 63 seats had formed a coalition government, with the National Islamic Front (NIF) with 51 seats in the opposition. The CP with 3 seats and the National Alliance for National Salvation (NANS) without representation in the assembly which according to Alier was virtually irrelevant in the power struggle of the time.[81]

Following the collapse of the Koka dam Declaration due to failure of Sudan government to honour the agreement, the planned conference could not be convened. The SPLM/A was accused by the Sudan government of being responsible for the shooting down passage plane in Malakal in August, 1986 killing about 63 passengers on board. This led to Khartoum government cutting links with SPLM/A.

The collapsed Koka Dam Declaration brought on board other new actors. Despite Khartoum government cutting links with SPLM/A, SPLM/A maintained its contacts with other political actors in Sudan. NIF met SPLM/A representative in London, Addis Ababa and Harare between 1986 and 1987, a clear indication of how more actors were coming in contact with the Sudan conflict. Due to panic that prevailed as a result by Sadiq and Garang failure to agree on

[80] Young, John. 'Sudan IGAD Peace Process and Sign Posts for the Way Forward,' *African Studies Programme. Institute of Security Studies. Occasional Paper 86. Pretoria, Institute of Security Studies Pretoria* (2004), pp. 3-10
[81] Alier, Abel. 'Southern *Sudan: Too Many Agreements Dishonored,*' Khartoum, Abel Alier (2003), p. 310

resolutions passed during Koka Dam Declaration, between the 2rd – 5th December, 1986, a meeting was convened between Sudanese Churches and SPLM/A in Addis Ababa, Ethiopia. The meeting served to allow the Church leaders to urge the SPLM/A to resume dialogue and conduct the war more humanely. The SPLM/A was able to explain its methods and beliefs more clearly to a constituency that was sympathetic in many ways.

The meeting probably led to the quest for peace meetings supported by the Sudan Council of Churches in the following year. In the same year, other regional actors like Kenya and Uganda under the auspices of their respective governments and the Sudan Council of Churches among other actors notably were; former Kenyan president, Moi , pesident Museveni of Uganda, and former president of Nigeria among other dignitaries intervened to bring the parties to the negotiation table. The dialogue moved several steps towards the constitutional conference when the SPLM/A and DUP peace initiative was signed on 16th November 1988 by the leaders of the two parties.

Since Koka Dam Declaration, Sudan Council of Churches took the front line to ensure that the gains that were passed during the Koka Dam Declaration are not watered down by the parties involved. These efforts therefore led to the Quest for Peace 1 that was convened in Addis Ababa between 19th - 24th August, 1987 with the main objective being to affirm support for Koka Dam, the principle of continuing dialogue, and relief efforts in the South. The meeting was very instrumental and led to the establishment of a principle of solidarity between the SPLM/A and southerners in GOS areas; keeping alive the Koka Dam agenda; and marking the reconciliation that had taken place between the SPLM/A and Anya Nya 2.[82]

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[82] Young, John. 'Sudan: A Flawed Peace Process Leading to a Flawed Peace,' *Review of African Political Economy*. No. 103. Vol. 32 (2005), pp. 7-11

As a result of fruitful quest for peace, another similar meeting, Quest for Peace 2 was convened between 7ᵗʰ - 8ᵗʰ September-1987- Kampala Quest for Peace through the help of president Museveni with participants drawn from both SPLM/A and SAP with the aim to deplore GOS policy of military confrontation, affirm support for Koka Dam, and the principle of continuing dialogue. The meeting was equally significant in confirming the support of the Ugandan President behind the broad stance of the SPLM/A and the southern opposition in GoS areas.[83] This position of Kampala through President Museveni clearly shows the level of biasness by Uganda as an actor to this conflict.

On the same year between 19ᵗʰ - 22nd September-1987, another meeting for Quest for Peace was facilitated by Kenya (Nairobi Search for Peace) in Nairobi with the participants drawn from both SPLM/A and SAP. The meeting aimed at appealing to the international community to put pressure for peace on GOS; appeal for humanitarian relief in the South, and the minimization of hostile attitudes against the people of South Sudan. This meeting equally was significant since it led in confirming Kenya's recognition of the SPLM/A and southern opinion in Sudan, therefore, giving the SPLM/A motivation to continue pushing for their grievances.

Ethiopia consequently convened a similar meeting between 5th – 8ᵗʰ July, 1988 (The Addis Ababa Peace Forum) that led to the push for The National Constitutional Conference to be held before the end of 1988 and an appeal for preliminary meeting in the spirit of the 1985 uprising and the Koka Dam Agreement among the parties involved.[84]

[83] Young, John. 'John Garang's Legacy to the Peace Process, the SPLM/A and the South,' *Review of African Political Economy*. No. 106. Vol. 32. (2005), pp. 6-9
[84] Young, John. *'Sudan's Peace Process: Laying the Basis for Future Conflict.'* Conference on Peace and Security in the Horn of Africa. Inter-Africa Group and the Center of Policy Research & Dialogue. Addis Ababa. 12-13 March 2007, pp. 1-23

The Abuja 1 Sudanese Peace Conference

The parties to the Sudanese conflict, the government of Sudan and the Sudanese People' s Liberation Movement / Sudanese People' s Liberation Army SPLM/A met in Abuja Nigeria from May 26-June 4 under the good offices of President Ibrahim Babangida.[85]

During this Conference all parties to the dispute agreed that the current conflict can be resolved through peaceful negotiation. They therefore agree to continue their discussions, under the good offices of President Babangida even after he has left office as the chairman of the OAU. The parties to dispute also acknowledged that Sudan is a multi-ethnic, multilingual, multi-cultural and multi-religious country. They recognized the diversities of Sudan and the need to work towards an institutional/political arrangement to cope with and encourage such diversities as is the case in Nigeria.

The parties agreed to work towards an interim arrangement aimed principally at allaying the fears of the component parts of Sudan, building confidence and ensuring devolution of powers to enable the component parts to develop in an atmosphere of relative peace and security. The parties, however, agreed to consult their Principals with a view to determining the structures and character of the interim arrangement as well as ascertain the wishes of the people concerned thereafter. All the parties to the dispute recognized the need for equitable sharing of national wealth. Towards this goal, it was agreed that the interim arrangement shall include a Revenue Allocation Commission to deal with the equitable sharing of wealth among the component parts of the country.[86]

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[85] Wöndu, Steven and Lesch, Ann Mosely. 'Battle for peace in Sudan: an analysis of the Abuja conferences, 1992-1993,' (2000), pp. 1-21
[86] Young, John. 'South Sudan's Blue Nile Territory and the Struggle against Marginalization,' in: Kingston, Paul and Spears, Ian. *(ed) States within States: Incipient Political Entities in the Post- War Era.* New York. Palgrave Macmillan. (2004), pp. 23-36

The parties to the dispute recognized that the war has caused dislocation of families and the destruction of the infra-structure in Sudan. The government of Sudan and the interim administration will use the interim period, with the assistance of the international community, to embark on a deliberate process of reconstruction of war affected areas, and the rehabilitation and resettlement of refugees displaced by war and famine.[87] Parties to the dispute agreed to support efforts aimed at creating a conducive atmosphere towards arriving at a more amicable settlement which is being worked out to create a conducive atmosphere for continued negotiations. All parties to the dispute agreed to meet again at a time to be fixed by Nigeria, to discuss mainly the question of political interim arrangement for the transitional period.

Like any other previous peace initiatives, The Abuja 1 Peace Conference as well had its challenges; The Abuja peace talks were marred by continued schisms within the opposition ranks. William Nyuon, John Garang's deputy within the Torit faction, had represented SPLA-Torit at the talks. At a subsequent press conference in Kampala, Garang claimed that Nyuon had exceeded his authority during the Abuja talks. This disagreement resulted in another split within the SPLA, with Nyuon leading a third faction. In the aftermath of Abuja 1, John Garang contradicted the resolutions agreed at Abuja 1, insisting on a nonfederal model of two nations with separate constitutional arrangements and political institutions, with separate sovereignty in the fields of defence and foreign affairs. [88]

The Nigerian-mediated peace process stalled for several months. This deadlock was broken during a meeting at Entebbe in Uganda in February 1993 sponsored by the Ugandan president, Yoweri Museveni. Garang assured President Museveni that he did accept the Abuja 1

[87] Srinivasan, Sharath. *'Minority Rights, Early Warning and Conflict Prevention: Lessons from Darfur,'* London, Minority Rights Group International, (2006), p. 45
[88] Ryle, John. *'Disaster in Darfur,'* New York Review of Books. Vol. 51. No. 13. (2004), pp.11-13

resolutions and that he would also accept whatever was agreed by his faction's negotiators at the forthcoming Abuja 2 peace talks. These obstacles therefore led to The Second Abuja Peace Conference.

The Abuja II Sudanese Peace Conference

Preliminary discussions between the government of Sudan and the John Garang faction of the SPLA preceded the Abuja 2 negotiations. The official talks took place between 1-17 May, 1993. A wide number of constitutional, political and social issues were discussed. The peace-talks focused on several themes: power sharing between central authority and federated states, the powers of a central authority, the use of referendum as a means of judging the wishes of people in southern Sudan.

It was agreed that any future dispensation would involve a distinct separation of powers within Sudan. A number of interim measures were discussed, including security and military considerations, the resettlement and rehabilitation of those affected by the civil war and the status of the south during any future interim period. A considerable amount of common ground was covered and agreed, and the Nigerian hosts of the talks began drafting the final communiqué. [89]

However, John Garang arrived in Abuja one day before the end of the talks and demanded the redrafting of what had previously been agreed upon to include that any residual powers not specifically vested with central government would devolve to the states, a reversal of

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[89] Mohamed, A.A and El Amin, K. *'Conflict Prevention, Management and Resolution: Capacity Assessment Study for The IGAD Sub-Region,'* Nairobi, IGAD, (2001), pp. 1-10

accepted federal models whereby those powers not vested with the states are reserved to the federal government.[90]

These demands effectively derailed the Abuja 2 peace-talks. The Nigerian government issued a statement outlining the course of the talks, the agreements and disagreements, and calling upon the two sides to continue their dialogue. Nigeria also declared its willingness to continue its mediation efforts. The split in the SPLA meant that for any meaningful attempt to negotiate a peaceful settlement of the conflict, the government of Sudan had to engage in meetings with the various factions. At the same time as it was engaged in the Abuja 2 talks with that faction which then came to style itself SPLA Mainstream, previously known as the Torit faction, the Khartoum administration was also involved in negotiations in Nairobi with that faction which came to be known as SPLA-United.[91]

The Nairobi talks were held from 10-25 May 1993. Both sides in these talks agreed that interim arrangements regarding the distribution of political power and wealth, religious issues, security arrangements and the referendum issue would be brought into being within a united, federal Sudan. There was also mutual agreement on power-sharing issues, the political and constitutional involvement of southern Sudan at a national level, human rights guarantees, and the need for a referendum to resolve key issues.

With regard to sharia law, it was agreed that generally-agreed basic laws would be applied at national level, with the provision that the states reserved the right to enact locally-specific legislation, such as traditional laws, in addition to federal laws. Areas of disagreement between the government and the SPLA-United grouping included whether or not Sudan should

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[90] IGAD. *'IGAD Secretariat on Peace in the Sudan Machakos Protocol.'* Nairobi, IGAD (2002), p.3
[91] Cliffe, L. 'Regional dimensions of conflict in the Horn of Africa,' *Third World Quarterly* Vol. 20' No. 1 (1999), p.12

be administered as one or more units, the length of the transitional period and security arrangements during projected interim period.[92]

Further meetings were held between the government and SPLA-United in August 1993, significantly inside Sudan itself, at Fashoda in the Upper Nile state. In both meetings; in Fashoda and before, the government and the SPLA United reached several agreements with respect to the logistics of humanitarian assistance, the opening up, for example, of land and river corridors for such aid, and non-hindrance of refugee and development projects in areas of conflict. There were several subsequent rounds of peace negotiations between the government and the various rebel factions.

Four rounds of peace-talks were held in Nairobi in 1994 under the auspices of the then Inter-Governmental Authority on Drought and Development.[93] IGADD drew up a declaration of principles which it hoped would constitute the basis for resolving the Sudanese conflict. The government also convened a conference in Juba, in May 1994 for southern Sudanese leaders and groupings to discuss a peaceful resolution of the political and social problems facing Sudan. The convention called for peace within Sudan, following the process of "peace from within" and saw the establishment of a body dedicated to securing peace in Sudan, the Supreme Council for Peace.[94]

IGAD Peace Initiatives

The Intergovernmental Authority on Development (IGAD) Peace Initiative on Sudan appeared to have achieved what other efforts and processes have failed to do in more than twenty

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[92] Adar, Korwa. 'Conflict resolution in a turbulent region: The case of The Inter-Governmental Authority on Development (IGAD) in Sudan,' *Africa Journal in Conflict Resolution* 2, (2000), pp. 1-17
[93] IGAD. *'IGAD Secretariat on Peace in the Sudan: Machakos Protocol,'* Nairobi, IGAD (20 July, 2002), p. 8
[94] Nathan, Laurie. *'No Ownership, No Peace: The Darfur Peace Agreement,'* London, Crisis States Research Centre. London School of Economics (2006), p.47

years, namely reaching a signed peace agreement between the Sudan People's Liberation Movement/Army (SPLM/A) and the Government of Sudan (GoS).[95]

IGAD's engagement in the Sudan peace process began on 7 September 1993 when it established a Standing Committee on Peace to assist negotiations and end Sudan's civil war. A Declaration of Principles (DoP) was proposed and quickly accepted by the SPLM/A as a basis for negotiations, but was not endorsed by the GoS until 1998.[96] By this time, the peace process was floundering and in an effort to re-activate it the mandate was renewed by the IGAD Sub-Ministerial Committee on the Conflict in Sudan (IGAD, Nairobi, 23 July 1999).[97] This Committee established a 'Secretariat for the IGAD Peace Process on the Sudan' based in Nairobi with the mandate 'to carry out continuous and sustained mediation efforts with a view to arriving at a peaceful resolution of the conflict.[98]

The signing of the Comprehensive Peace Agreement on 9 January 2005 in Nairobi, the culmination of more than a decade of intervention by the IGAD, is a milestone in the history of Sudan and a major impact on the country, the region, and beyond. Its achievement was greeted with joy in most parts of the South, muted optimism in the north, and hopes in the international community that it would bring peace to the south and provide the model for peace agreements in Darfur and elsewhere in the country.[99]

This phase of the peace process led by Special Envoy Ambassador Daniel Mboya also floundered and the next and final phase – which is the subject of this evaluation - began under

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[95] Institute for Security Studies. 'The Sudan–IGAD Peace Process Signposts for the way forward.' *African Security Analysis Programme,* No. 86, Pretoria, ISS (2004), pp. 1-16
[96] IGAD. 'Peace Initiative. '*Declaration of Principles.*' Nairobi, IGAD, 20 July 1994
[97] IGAD. *'Communiqué Issued by the 26th Session of IGAD Council of Ministers,'* Nairobi. 13 April 2007, p. 23
[98] IGAD. *'Structure and Terms of Reference for the Secretariat of the IGAD Peace Process on Sudan,'* Nairobi. 21 July 1999, p. 18
[99] El-Affindi, Abdelwhab. 'The Impasse in the IGAD Peace Process for Sudan: The Limits of Regional Peacemaking?' *African Affairs.* Issue No. 100 (2001), pp. 581-599

Special Envoy retired Lt. General Lazaro Sumbeiywo in May 2002. On 20 July 2002 the GoS and the SPLM/A signed the Machakos Protocol as a framework for the conduct of the negotiations and after two and one half years of negotiations endorsed the CPA.

The First Sudan IGAD Peace Initiative: September 1993 to May 2002

The continuous flawed agreement that marred Sudan Peace Agreements led to the formation of the Inter-Governmental Authority on Drought and Development (IGADD), the fore-runner to IGAD, was largely due to pressure from aid agencies and international donors, while its subsequent assumption of responsibilities in the fields of peace and security followed new thinking on the role of regionalism and regional co-operation in safeguarding the international order.[100]

In the wake of the failed Nigerian efforts, IGADD launched a peace initiative at its Addis Ababa summit of 7 September 1993 and a Peace Committee made up of the heads of state of Ethiopia, Eritrea, Uganda, and Kenya was established with the former Kenyan president Daniel Arap Moi as the chairman.[101] The mediation process was handled by a Standing Committee made up of the foreign ministers from the same countries and chaired by Kenya.[102] In addition, the Friends of IGADD was formed by leading Western countries and it promised support for IGADD's peace keeping role.

The first IGAD Peace Initiative brought about various actors with diverse interest and issues. Sudan's President Omar Hassan el Bashir proposed that IGADD take up the peace

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[100] El-Affindi, Abdelwhab. 'The Impasse in the IGAD Peace Process for Sudan: The Limits of Regional Peacemaking?' *African Affairs*. No. 100 (2001), pp. 581-599
[101]Young, John. '*Sudan IGAD Peace Process and Sign Posts for the Way Forward.' African Studies Programme. Institute of Security Studies. Occasional Paper 86.'* Pretoria, Institute of Security Studies. Pretoria. March 2004, pp. 1-18
[102] IGAD. '*Communiqué Issued by the 26th Session of IGAD Council of Ministers,'* Nairobi. 13 April 2007, p. 23

process. The reasons for Bashir's proposal included the desire to pre-empt any UN initiative, fear that in the absence of a viable peace process that US military engagement under way in Somalia could spread to Sudan, and because his government had provided support to the Ethiopian and Eritrean rebel groups in the period immediately prior to their capture of state power, he anticipated it would receive a fair hearing from them.

The GoS considered the SPLM/A largely a proxy of Ethiopia's then leader Haile Mengistu Mariam and Uganda's President Museveni, but with the overthrow of the Ethiopian military regime Khartoum hoped for better relations with the new governments that came to power, President Bashir therefore found it comfortable in the team of both Prime Minister Meles Zenawi and President Isias Aferworki.

However, the incoming Ethiopian People's Revolutionary Democratic Front (EPRDF) strongly supported good neighbourly relations and oversaw the expulsion of the SPLM/A from its territory as part of that commitment. But if Bashir concluded that the leaders of Ethiopia and Eritrea would be sympathetic to Khartoum, he was soon to be badly disillusioned.

Counter-balancing the Eritreans and Ethiopians, the GoS assumed that Uganda was completely on the side of the SPLM/A, and while Djibouti as a fellow member of the Arab League would probably support Khartoum, it was not a member of the conflict committee. Kenya thus became the obvious regional candidate to lead the process. [103]

Nevertheless, Kenya having been seen as a neutral actor to jump-start the peace process, it was also viewed negatively by Khartoum government; Kenya was seen as a proxy to Western, and particularly British and American. Khartoum government critiques also viewed Kenyan officials in the peace process to be of less knowledge of the conflict in Sudan than their

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[103] Mohamed, Adam Azzain and El Amin, Khalid. 'Conflict Prevention, Management & Resolution: Capacity Assessment Study for the IGAD Sub-region,' Nairobi, IGAD, (October 2001), pp. 3-8

counterparts in Ethiopia and Eritrea. According to a GoS official, although IGAD was not the best forum and in any case was viewed as 'a platform', it was the only group that could convince the SPLM/A to accept peace. The GoS also could not say no to an African initiative and it was assumed that IGAD would provide some protection against the partisan US which was the 'number one player'.[104]

A Standing Committee on Peace in Sudan was established with then Kenyan Foreign Minister Kalonzo Musyoka as chairman, and in March 1994 peace negotiations were officially launched in Nairobi.[105] To the surprise of the parties, IGADD proposed a Declaration of Principles (DoP) that acknowledged the right of the south to self-determination, but made this contingent upon the failure of the GoS to introduce democracy and secularism. It also stipulated that Sudan must respond to the needs of diverse population for social and political equality.[106]

Politically, this was expressed in the Asmara Declaration of June 1995 which included acceptance of self-determination for the south and other disputed areas and separation of state and religion. The NDA also gained considerable international support, particularly from the US, which at the least saw it as an important means to divide the forces of the GoS and take the war to the north, and at most as the instrument to overthrow the government. And in response to what was held to be an Islamist threat to their sovereignty, Ethiopia, Eritrea and Uganda stepped up their military assistance to the SPLM/A, and by late 1995 were sending their armed forces deep into Sudan.

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[104] De Waal, Alex. '*In Search of a Peace and Security Framework for the Horn of Africa.*' *Conference on Peace and Security in the Horn of Africa.*' Inter-Africa Group and the Center of Policy Research & Dialogue. Addis Ababa. 12-13 March 2007, pp. 1-23

[105] Mohamed, Adam Azzain and El Amin, Khalid. '*Conflict Prevention, Management & Resolution: Capacity Assessment Study for the IGAD Sub-region.*' Nairobi, IGAD, (October 2001), pp. 3-8

[106] Mohammed, Abdul and de Waal, Alex. '*Africa's New Multilateralism: Towards a Framework for Regional Peace and Security in the Horn.*' Conference to launch an IGAD Strategy for Peace and Security in the Sub-region. Khartoum, IGAD (August 2005), pp. 1-15

Meanwhile, the Khartoum government pursued a strategy of 'peace from within' that led to the signing of the Khartoum Peace Agreement in 1997 with the South Sudan Independence Movement (SSIM) of Dr. Riek Machar and a handful of smaller liberation groups and the Fashoda Agreement with Dr. Lam Akol of SPLM-United.[107] Critically these agreements acknowledged the right of the south to self-determination and the principle was then enshrined in the country's 1998 constitution. Although the Khartoum Peace Agreement in many ways served as the model for the CPA, it did not gain regional or international legitimacy and that made clear to the government that such efforts would never prove effective.

Regional isolation, the military engagement of the neighbouring countries in Sudan, SPLM/A military victories, the acceptance of self determination in the Khartoum and Fashoda Peace Agreements of 1997, its enshrinement in Article 113 of the 1998 Constitution and later its appearance in the Djibouti Call between Sadig Al-Mahdi's Umma Party and the GoS in 2002 suggested a new pragmatism in Khartoum that was due to military defeats and the isolation of Hassan Al-Turabi and his supporters. As a result, the NIF returned to the IGAD bargaining table in October 1997, but it was not until May 1998 the GoS accepted the DoP as a basis for negotiations.

In response to the perceived weaknesses of the IGAD process a number of other peace efforts were launched. Foremost was the Joint Libyan and Egyptian Initiative (JLEI), which was concerned with the absence of the northern opposition participation, African domination of the peace process, and the lack of a formal role for Egypt, given its considerable interest in Sudan. This initiative also reflected opposition by Libya and Egypt to self-determination for southern Sudan, which was seen as a threat to Cairo's access to the waters of the Nile, which flow through

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[107] Young, John. 'Eastern Sudan: Caught in a Web of External Interests.' *Review of African Political Economy.* No. 109. Vol. 33 (2006), p. 12

southern Sudan. Khartoum and the SPLM/A both agreed to the JLEI principles, but the latter made clear it wanted the document revised to include self-determination, secularism, and coordination of the JLEI with the IGAD peace process.

The first Sudan IGAD peace initiative nonetheless had some genuine accomplishments – a well thought out DoP, workable relations with the belligerents, an institutional focus in the Sudan Secretariat, development of the system of ambassador envoys, political and financial support from the IPF, and international legitimacy. It also carried out considerable work on a wealth-sharing agreement and on resolution of the problem of the marginalized territories that would figure in the subsequent CPA.

The Second IGAD Peace Initiative: May 2002 to January 2005

Frustration with the lack of progress in the peace process, growing US interest in Sudan as a result of the increasing profile of Sudan's civil war in domestic politics and its perceived link to American security, and the rejuvenation of the peace process are linked and provided the stimulus for the second and successful IGAD peace initiative.[108]

The rejuvenation of the peace process in its final phase was therefore a response to growing US interest in Sudan's conflict and the assumption that it would support IGAD's efforts.[109] The mandate was further strengthened by the Sudan IGAD Secretariat being legalized under Kenyan law and that gave its members diplomatic status and conferred on General Sumbeiywo the dual status of Special Envoy and Kenyan Ambassador for Peace. The increasing engagement of these officials in the peace process reinforced the growing sense of Kenyan

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[108] Young, John. 'Sudan: A Flawed Peace Process Leading to a Flawed Peace.' *Review of African Political Economy*. No. 103. Vol. 32. (2005), pp.1-13
[109] Danforth, John. (Special Envoy for Peace), 'Report to the President of the United States on the Outlook for Peace in Sudan,' *Report to the President*, 26 April 2002, p. 33

Government ownership of the process, but at the same time weakened the link with the IGAD Secretariat. While the IGAD link weakened, that between Nairobi and Washington strengthened.

The first session of what would prove to be the last phase of the Sudan peace process began at Karen on the outskirts of Nairobi in May 2002. The GoS negotiating team was led by Idris Mohammed, a State Minister in the Office of the Presidency, and the SPLM team was headed by Elijah Malok, an uncle of Garang. The first concern was gaining acceptance of a framework agreement, but the Karen meetings ended with only minimal progress.

The next round began in Machakos on 17 June 2002 with Idris still leading the government delegation, but in the SPLM camp Elijah was replaced by another Garang loyalist, Nhial Deng Nhial. Attempting to speed up the slow pace, Sumbeiywo and the mediators drafted a Single Negotiating Text, but crucially it did not stipulate the right of south Sudan to self-determination, which suggested their limited knowledge of the conflict, and the advice of some observers like the British who did not think it was realizable.

The US attempt to dominate the peace process was rejected by Sumbeiywo who was supported by the observers from the other three Western countries and the GoS. Within a few weeks, however, the US endorsed and even praised the Machakos Protocol and Sumbeiywo's role in reaching it.[110]

However, while both the Communiqué of the IGAD Ministerial Sub-Committee on Sudan of 19-23 July 1999 and the Joint Communiqué of the First Session of the Political Committee Task Force of 20 July 2002 emphasized their commitment to the Declaration of Principles (DoP), the Machakos Protocol provided the framework.

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[110] Waihenya, Waithaka. *'The Mediator: Gen. Lazaro Sumbeiywo and the Southern Sudan Peace Process.* 'Nairobi. Kenway Publications (2006), pp. 1-23

Indeed, the DoP calls for; a secular and democratic state that must be established in the Sudan. Freedom of belief and worship and religious practice to be guaranteed in full to all Sudanese citizens. State and religion to be separated. The basis of personal and family laws to be religion and customs; Appropriate and fair sharing of wealth among the various people of the Sudan to be realized.

Moreover, while the DoP made the right of the south to self-determination subject to the failure of the national government to introduce democracy, secularism, and the fair distribution of resources, Machakos granted the south the right to self-determination after a transitional period, irrespective of any changes within the central state. Therefore, despite IGAD's stipulation that the DoP form the basis of the Sudan peace progress, the widespread view at the time that it was a break-through, and the assertion above by General Sumbeiywo that Machakos was the distilled political essence of the DoP, in reality it entered very different political waters.[111]

Moreover, given the fact that much of the later period of the IGAD peace process took place in the shadow of the humanitarian disaster in Darfur, which made clear that Sudan's problems could not be reduced to a north-south conceptualization, much less a Moslem-Christian conflict, the analysis that underpinned the DoP looks more convincing than the reductionism of the Machakos Protocol.[112]

Meanwhile, the GoS negotiating team managed to successfully present self-determination as a great compromise and convince themselves that with Garang committed to unity. The status of 'marginalized territories' of Abyei, Nuba Mountains, and South Blue Nile became a major issue at the IGAD sponsored peace talks at Lake Bogoria, Kenya 21 September – 4 October 2000

[111] Ibid
[112] Young, John. 'Sudan: A Flawed Peace Process Leading to a Flawed Peace,' *Review of African Political Economy*. No. 103. Vol. 32 (2005), pp. 1-16

the positions of the mediating Sudan Secretariat, GoS, and the SPLM/A could not have been at greater variance in their approaches.[113]

However, the problem of the border territories remained divisive and it would be three years before they would again be addressed, this time in the final phase of the SPLM/A-GoS negotiations would eventually bring the SPLM/A and southerners around to his view.

Another issue generating considerable controversy in the southern camp during negotiations was over the status of Abyei, Nuba Mountains, and South Blue Nile. As a strong proponent of Pan-Africanism, Garang insisted on pressing for the inclusion of these territories in the Protocol. The fact that some of his closest colleagues in the SPLM/A were from Abyei, as was Sudan's best known son, Francis Deng, another Garang loyalist, made it difficult to leave these territories outside the negotiations. But many southerners contended that the Abyei chiefs who decided to link their territory to the north had to take the lead in resolving the problem and the other areas were constitutionally part of the north, and thus the inclusion of these three territories in the peace process would be opposed by the GoS and unduly complicate the negotiations. In the face of considerable opposition Garang had to relent and there was no mention of them in the Machakos Protocol.

Apart from the issue of self-determination for the south, probably the key condition in the Machakos Protocol is the commitment 'to make unity attractive',[114] a provision that was widely held to place the onus on the national government to convince southern Sudanese that their rights and culture would be protected in Sudan and they would be treated as valued citizens. As a result, this provision is effectively held as a 'get out of Sudan' card since the SPLM leadership

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[113] Young, John. 'Sudan IGAD Peace Process and Sign Posts for the Way Forward,' *African Studies Programme. Institute of Security Studies. Occasional Paper 86. Pretoria, Institute of Security Studies* (March 2004), pp. 4-9
[114] Brickhills, Jeremy. '*Resource Person for DDR and the Cease-fire,*' Nairobi, Sudan IGAD Peace Secretariat. (2007), p. 8

remains convinced that the NCP will not, indeed cannot, create the democratic conditions under which southerners would find unity attractive.

An innovative principle agreed to in the Machakos Protocol was the establishment of an Assessment and Evaluation Commission (AEC) to assess and evaluate the implementation of the peace agreement. But as will be seen, the eventual formation of the AEC did not meet the expectations of those who initially proposed it.

The Machakos Protocol is forthright in its commitment to Sudan's democratic transformation. More than at any other stage of the peace process, the mediators and belligerents made clear the peace process could only achieve legitimacy and be sustained if Sudan underwent a democratic transformation. The Protocol is replete with reference to democratic governance, accountability, equality, respect, and justice for all citizens of Sudan, the right to control and govern affairs in their region, the right to self-determination, and that Sudan 'establish a democratic system of governance.

CHAPTER THREE

3.0 Mechanism for Post Conflict Peace Building in South Sudan

3.1 Introduction

In the previous chapter, the actors in post conflict South Sudan were discussed detailing their interest and what drives them to participate in the peacebuilding inventiveness in post conflict South Sudan. This chapter consequently shall discuss the post conflict mechanisms that have been put in place in South Sudan to ensure sustainable peace and security. When war has come to an end, post conflict peacebuilding is important. Successful peacebuilding therefore requires the deployment of peacekeepers with right mandate and sufficient capacity to deter would be spoilers, funds for demobilization and reintegration of combatants, as well as other early reconstruction tasks, and a focus on building state institutions and capacity in the rule of law sector.[115]

Peacebuilding mechanism simply includes post-conflict initiatives to rebuild societies and forestall a return to violence and conflict situations. However, the process of peacebuilding is endemic with complexities and as a comprehensive concept it. Lederach opines that peacebuilding encompasses, generates, and sustains the full array of processes, approaches, and stages needed to transform conflict towards more sustainable, peaceful relationships. It simultaneously seeks to enhance relationships between parties and to change the structural conditions that generate conflict. The term therefore involves a wide range of activities and functions that both precede and follow formal peace accords.[116]

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[115] United Nations. '*United Nations High Level Panel on Threats, Challenges and Change –A More Secure World: Our Shared Responsibility*' New York, United Nations. (2004), p. 10

[116] Lederach, J. P. '*Building Peace: Sustainable Reconciliation in Divided Societies*,' Washington, DC: United States Institute of Peace Press. (1997), p. 20

3.2 Full Implementation of the Comprehensive Peace Agreement

Steadman et al opine that full implementation of peace accords proves important because it provides reassurances to wartime opponents that their partners in the settlement process value stability over conflict and remain committed to the process of establishing a self-enforcing peace.[117] Hoddie and Hartzell share the same opinion and argue that full implementation of peace agreement process is important because it serves to convince adversaries that the commitments they made to peace in the bargaining stage of the settlement process are credible.[118]

The road to the implementation of Comprehensive Peace Accord (CPA) that was signed by both the National Congress Party (NCP) and the SPLM/A that facilitated the end of the longest civil war[119] in Africa has been moving on bumpy road. At the initial stages of its implementation, there have been signals and signs of mistrust between the warring parties. However, despite these difficulties, South Sudan government has been very influential in the implementation of the CPA.

Negotiating and implementing peace agreements, consequently generates costs for the parties who participate in the settlement process. Therefore, enduring these costs, separation of north from south groups send credible signals to their competitors that serve to emphasize the integrity of the commitment they have made to the peace. Fearon supports this argument and opines that the principal way parties to a negotiated settlement can effectively overcome this

[117] Stedman, S. J., Rothchild, D. and Cousens, E. M., (eds,). *'Ending Civil Wars: The Implementation of Peace Agreements.'* Boulder, CO: Lynne Rienner &International Peace Academy. (2002), pp. 1-27
[118] Hoddie, M. and Hartzell, C. 'Civil War Settlements and the Implementation of Military Power-Sharing Arrangements.' *Journal of Peace Research,* Vol. 40, No. 3. (2003), pp. 303-320
[119] Haysom, N. and Kane, S. *'Negotiating Natural Resources for Peace. Ownership, Control and Wealth Sharing.'* Briefing Paper, (Centre for Human Dialogue. 2009), p.31

distrust is by making their commitment to peace apparent and credible to all by sending signals that have unavoidable costs attached to them.[120]

Constant participation of the both Khartoum and Juba administrations in the implementation of CPA serves as a powerful indication of conciliatory intent in large measure because of the costs that they are willing to endure separation. The costs therefore remain the same as those associated with signing a settlement - setting limits on access to state power and accepting the possibility of becoming a target of militant interests within one's own coalition of actors. What sets this stage of the peace process apart from the initial negotiations was the real costs of the settlement become readily apparent to all parties. Any ambiguity regarding the price to be paid for stability becomes quickly clarified, and those costs may prove unacceptable.[121]

3.3 Transformation of Power Relations

A successful peace process transforms group power relations from the dynamics of domination and resistance, or 'power over', towards cooperation and mutual empowerment, or 'power to'. A skewed distribution of group power results in unequal life chances that create latent if not open conflict.[122] Ross confirms this verdict and confirms that successful peace processes must offer significant opportunities for all participants to increase their ability to achieve key objectives through cooperation with other participants.[123] Maney et al also share the same thought and notes that the zero-sum logic of win/lose that accompanies domination must be replaced by the problem-solving logic of win/win that accompanies cooperation. By creating a

[120] Fearon, J. D. 'Signaling Foreign Policy Interests: Tying Hands versus Sinking Costs,' *Journal of Conflict Resolution.* Vol. 4. No. 2 (1997). pp. 68-90
[121] Stedman, S. J. and Rothchild, D. 'Peace Operations: From Short-Term to Long-Term Commitment.' *International Peacekeeping* (2): (1996), pp. 17-35
[122] Galtung, J. 'Violence, Peace, and Peace Research,' *Journal of Peace Research.* Vol. 6. No. 3. (1969), pp. 167-191
[123] Ross, M. H. 'Creating the Conditions for Peacemaking: Theories of Practice in Ethnic Conflict Resolution.' *Ethnic and Racial Studies.* Vol. 3. No. 6. 2000. pp. 1002-1034

structural context of interdependence, balancing group power is a necessary condition for mutual empowerment among participants. [124]

Since the signing of the CPA, the leadership of both the NCP and the SPLM, especially that of the SPLM/A political leadership has been actively consulting with their constituent and mobilize support for the south Sudan initiative, towards a peaceful transition. This has promoted peace since the cease fire. The political leadership of SPLM has equally been actively involved in transforming the perception of south Sudanese from the uncertainty to certainty. War crimes memories are still fresh and haunting among the south Sudanese and to some extent it has been very difficult to convince the general public that separation would be a reality.

The spoiler for peace in south Sudan had been spelling doom. This was evident when there were rumors that the referendum would not be peaceful causing panic and forcing people to seek asylum in the neighbouring countries for fear of renewed conflict. President Salva Kirr among other top SPLM leadership took the center stage to challenge this negative perception by promising to the southern Sudanese to stay and participate in referendum promising peace and security during the exercise.

3.4 Security

Violence is the single most dangerous threat to peacebuilding. Therefore, it is important that any peacebuilding efforts bring an end to violence and protect vulnerable populations. Having brought war to an end, the next crucial task becomes to prevent a relapse into violence to secure a self sustaining peace. This involves demobilization of the warring parties' and

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[124] Maney, G. M. et al. 'The Past's Promise: Lessons from Peace Processes in Northern Ireland and the Middle East,' *Journal of Peace Research*, Vol. 43, No. 2 (Mar., 2006), pp. 181-200

decommissioning of their weapons, the establishment of a functional political system, restoration of essential services and return of the refugees among other priority areas.

The first area of importance in the peacebuilding framework is security. Security entails ending violence, protecting those affected by violence, and enforcing human rights. Violence is the single most dangerous spoiler that poses fundamental challenges for peace, therefore, it is essential to disarm, demobilize and reintegrate (DDR) warring factions into civil society. Security measures and DDR initiatives are therefore usually included within peace agreements in the form of military and police reforms.

Demobilizing soldiers and reintegrating them into civilian life is one of the single most important goals of the larger project of peace implementation. As Call and Stanley argue, "reconfiguration of military and police forces after civil wars is central to the stability of any negotiated settlement, as well as to the prospects for long-term consolidation of a democratic framework."[125] Because ongoing violence will continue to devastate economies, exacerbate underdevelopment, and increase desperation and frustration among an emaciated population, ensuring that there is an effective police force that has the trust of the civilians and is accepted by former combatants is an early priority.[126]

Promoting security involves convincing competing armies to lay down their weapons, as it has been done between the military factions within the SPLA, demobilize their soldiers, and reconstruct their lives in a more peaceful manner. Usually members of opposing factions are integrated to form a national military merger in an effort to establish a legitimate state monopoly over the use of force in society. This may require rewarding ex-combatants with economic and

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[125] Call, C. T. and Stanley, W. 'Military and Police Reform after Civil Wars.' in John Darby and Roger MacGinty (eds), *Contemporary Peacemaking: Conflict, Violence and Peace Processes*, (New York: Palgrave Macmillan, 2003), p. 221
[126] Stedman, S. J., Rothchild, D. and Cousens, E. M. (eds). '*Ending Civil Wars: The Implementation of Peace Agreements.*' Colorado: Lynne Rienner Publishers, (2002), p. 109

material benefits for abstaining from violence and their re-entry into society.[127] Demobilization steps are important militarily and symbolically and should be accompanied by monitoring and verification mechanisms to ensure these initial steps towards stabilization occur.

In addition to military reforms, a strong civilian police force is required to protect the institutions of democracy and act as a counterweight to military strength in areas where atrocities have previously occurred at the hands of the military. Such a force must be provided with appropriate training, educated about their mandate, and have the relevant mechanisms for internal oversight in order that it can operate in such a way that it respects the rule of law and individual rights, and selectively employ the use of force.[128] Within peacekeeping missions, civilian police forces are often initially assisted by international civilian police and peacekeeping forces that monitor the peace and provide the necessary training.

3.5 Governance

Governance is another area that has to be addressed within peacebuilding. Long-term security extends beyond reforming military and police forces and is also contingent upon the conversion of warring factions into political parties that can work to manage conflicts in a manner that is conducive to positive change. Peacebuilding operations are susceptible to breakdown when societies have a poor governance framework that exacerbates social fault lines, aggravates divisions and tensions, entrenches conflict, or provides a basis to contest the government.[129]

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[127] Jeong, H. W. '*Peacebuilding in Postconflict Societies: Strategy and Process,*' Boulder, Colorado: Lynne Rienner Publishers Inc., (2005), p. 49
[128] Call, C. T. and Stanley, W. '*Military and Police Reform after Civil Wars. In John Darby and Roger MacGinty (eds), Contemporary Peacemaking: Conflict, Violence and Peace Processes,*' New York: Palgrave Macmillan, (2003), p. 213
[129] Kirsti, S. 'Sustainability and Peacebuilding: A Key Challenge,' *Development in Practice,* Vol.15, No.6 (November 2005), p. 733

Governance in peacebuilding designs requires the development of institutional capacities such as the judiciary, the electoral system, and other agencies that work to advance policy reforms, enhance transparency, and increase representation and accountability. For example, in many peacebuilding contexts, plans for elections are often outlined, agreed upon and signed into the peace agreements between opposing factions, as it was included in the CPA.

Democratic electoral systems are favored by the international institutions that orchestrate peacebuilding missions because they have the potential to affect positive changes in societies where political transitions have been fraught with military coups, revolutions and destructive patterns of violence. The role of an election during peacebuilding is significant for numerous reasons. Non-violent and successful political transitions become a critical test to determine whether new relationships can develop among former adversaries – the party that loses needs tangible, symbolic and even material benefits from their participation in the new governance system in order for it to be embraced by those who do not gain full political power.[130]

Furthermore, successful elections can contribute to national unity and reconciliation by fortifying a renewed political process and reinforcing the termination of armed conflict.[131] Elections become symbolic of the first steps toward establishing a functioning political system and a multiparty democracy where power sharing models are negotiated among former adversaries.

The first general elections that were planned and conducted by South Sudan in April, 2010 were the main stride towards positive peace for the post conflict peacebuilding initiative. As much as many critiques came immediately after the election terming it as flawed according to

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[130] Jeong, H. W. *'Peacebuilding in Postconflict Societies: Strategy and Process,'* Boulder, Colorado: Lynne Rienner Publishers Inc., (2005), p. 115
[131] Ibid, p. 103

the international standards, it had given the best foundation for the democratic electoral systems and space in south Sudan thus stable peace.

The role of the judiciary is critical to effective governance .The literature repeatedly cites the importance of strengthening judicial systems as a necessity for developing democratic institutions. This includes incorporating honest courts with uncorrupted judges and promoting respect for the rule of law. Failure to respond to past and continued violence through a fair judicial system will only impede progress towards justice, accountability and reconciliation.[132]

The stability of these systems, however, cannot be achieved without the participation of former adversaries in the democratic political processes and socio-economic reforms.[133] Strengthening the institutions of governance then is critical to ensuring the establishment of democracy which in turn is essential if future conflicts are to be avoided. The effort that were made by the Juba administration to allow candidates to contest on independent party tickets also became critical in expanding democratic space for South Sudan political parties and other interested individual in political democracy.

The SPLA has constantly been making a significant effort to demilitarize the local government, and this has seen substantive changes in this direction in recent years. Local government in Equatoria region is at present undergoing a difficult transition to a demilitarized civil authority.[134] The question of political equality has been imbued with the question of economic and social equality since the beginning of the conflict. Decentralization of local government is as much intended to promote inclusive economic development by decentralizing service provision and development activities to local levels as it is intended to promote political

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[132] Ibid, p. 69
[133] Ibid, p. 1
[134] Branch, A. and Mampilly, Z. C. 'Winning the War, but Losing the Peace? The Dilemma of SPLM/A Civil Administration and the Tasks Ahead,' *The Journal of Modern African Studies*, Vol. 43, No. 1 (Mar., 2005), pp. 1-20

inclusion. In the context of political and economic marginalization, the SPLA intended Civil Authority of New Sudan (CANS) to respond to political and economic grievances of the southern populations.[135]

The autonomy of CANS in service provision and development activities has proceeded in step with the devolution of genuine political authority to CANS from the SPLA military structure; thus, CANS represents not only an evolution of local government, but an evolution of the SPLA service provision structure.

Service provision had first been formalized in 1989 with the Sudan Relief and Rehabilitation Association (SRRA), designed to provide services to populations under SPLA control. Since 1999, the SRRA (renamed the Sudan Relief and Rehabilitation Commission, or SRRC) has undergone significant reform in preparation for the flows of refugees expected to return to southern Sudan. The SRRC has handed over some of the many responsibilities it had accrued over the last decade - education, health, agriculture, communications, economic development - to CANS, and has refocused its efforts on humanitarian relief

The basic objective of decentralization has been to devolve power to a hierarchy of local authorities, beginning at the village, or "boma", level. The "boma" is to have a bifurcated command, split between a traditional chief and the "boma" administrator. The traditional chief is chosen by the local village community, is advised by a council of elders, and primarily serves to resolve disputes between community members. The Boma administrator is appointed by the SPLM to serve as the SPLM's liaison to the village.

The "payam" is next, comprising four to six "bomas". This has a more elaborate structure: a "payam" administrator is the highest authority figure and liaison to the SPLM, and

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[135] Jok, J. M. and Hutchinson S. E. 'Sudan's Prolonged Second Civil War and the Militarization of Nuer and Dinka Ethnic Identities,' *African Studies Review*, Vol. 2, No. 42 (1999), pp. 125-45

oversees legislative, executive and judicial bodies. Each "payam" has a legislature composed mostly of elected members and some appointed members. The executive branch comprises the executive administrator, who is appointed by the SPLM with an eye towards selecting someone acceptable to the local population, often an indigene. This branch is responsible for the administration of the "payam". The judiciary is dual, comprising a set of criminal courts operated by the SPLM and also customary or 'tribal' courts to deal with the enforcement of customary law.

Certain cases can be brought to the SPLM courts through appeal, but importantly for our paper, land disputes go to a body of elders or 'traditional leaders' on appeal. The SPLA's formalization of customary law is solidly in the context of Southern Sudanese legal history.[136] Entrenching the position of customary law was one of the reforms enacted at the SPLA's first national convention at Chukudum in April 1994. A new hierarchy of customary courts from village to county level was recognized, strengthening the role of the chiefs in matters of appeal. This recognition of customary law as the basis of local law is in keeping with the legal history of the southern Sudan and conforms to established practice.[137]

3.6 Relief and Development

Relief and development policies are considered an integral part of the broader peacebuilding process because where poverty and inequality endure after internal conflict they serve to undermine peace by breeding further discontent and anger.[138] Civil war devastates livelihoods through the destruction of production capital and displacement of peoples and loss of

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[136] Johnson, D. H. *'The Root Causes of Sudan's Civil Wars.'* Bloomington, in: Indiana University Press. (2003), pp.1-23
[137] Johnson, D. H. *'The Sudan People's Liberation Army and the Problem of Factionalism.'* in C. Clapham, (ed). African Guerrilla Oxford: James Cur (1998), pp.53-72
[138] Jeong. Op. Cit. p, 123

skilled labour. The relief and development process can be viewed in two stages — the immediate (the relief component) and the longer term (the development aspect).

Immediate humanitarian assistance during peacebuilding is necessary to alleviate the human suffering that accompanies war and violent conflict. Significant portions of populations become uprooted and services that are otherwise used to tend to their suffering are either destroyed or did not previously exist. Staggering statistics verify the numbers of people killed, injured, displaced and affected by violent conflict in warring societies. The increased needs of these populations are compounded by the reduced capacity of health services which further devastates those disproportionately affected, namely women and children. They frequently fall victim to preventable infections and diseases, develop HIV and AIDS, experience mental health problems, suffer from substance abuse or die in childbirth.[139]

For the long term development aspects towards peacebuilding initiatives in South Sudan, the leadership of SPLM/A has to strengthen the county agency within the regional governments by establishing County Development Committees (CDCs). The CDC's purpose is to plan, coordinate, and evaluate development programmes in the county, and it serves as the mechanism through which the development activities of the SRRC are being transferred to the local authority.[140] This initiative has been instrumental in participatory democracy where both the centre and periphery feel part and parcel of the decision making organ leading to peaceful cohesion.

The CDC is currently functioning as a liaison between various NGOs and the local population. Although not particularly powerful at the moment, CDC's role will increase

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[139] Deely, S. 'War, Health and Recovery.' Cited in: Sultan Barakat, *After the Conflict: Reconstruction and Development in the Aftermath of War*. New York: Palgrave Macmillan, (2005), pp. 124-129
[140] Jok, J. M. and Hutchinson S. E. 'Sudan's Prolonged Second Civil War and the Militarization of Nuer and Dinka Ethnic Identities,' *African Studies Review*. Vol. 42, No. 2. (1999), pp. 125-145

exponentially when long lasting positive peace comes to both the centre and periphery of South Sudan. CDC works closely with the SPLM Development Assistance Technical Office (SDAT), a national body based in Nairobi that receives funding from USAID to develop a viable model for promoting development with extremely limited funds in south Sudan territory.

To ensure peace and security prevails in South Sudan, SRRC remains the key body coordinating the activities of the UNHCR and the NGOs assisting with repatriation and absorption of the initial impact of the returnees, dealing with the technical problems of providing incentives to returnees and providing transitional relief - food, shelter, medicines - until they are re-settled and the first crop harvested. Thus, the ability of the SRRC to respond effectively to the needs of the returning populations becomes the first test of the SPLM/A's political order in the south in terms of its commitment in post conflict peacebuilding.

The longer term strategy therefore involves promoting economic growth and development. Reforming and redesigning economic programs and policies is paramount for bringing about stability and equity because social tension is often created by perceived and real imbalances in income and wealth.[141] Violent conflict during South Sudan civil war effectively halted development by destroying infrastructure and institutions such as the systems of transport, education, agriculture, and communication in South Sudan. It also left societies with massive human resource deficits in terms of general education and professional skills as farmers, artisans, and skilled workers are among those conscripted into war and often die as soldiers or flee the country.[142]

Even although civil wars may come to an end, Stedman warns that if former combatants lack jobs and skills and if weapons are easily available, then violence and crime may increase

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[141] Jeong. Op. Cit. p. 17
[142] Barakat, S. 'Seven Pillars for Post-War Reconstruction.' Cited In: Sultan Barakat, *After the Conflict: Reconstruction and Development in the Aftermath of War.* New York: Palgrave Macmillan, (2005), p. 266

and rob citizens of their security and their hopes for a robust peace dividend.[143] Peacebuilding efforts stress that effective development strategies must incorporate the participation of local communities taking into account local capacities and solutions. This will increase the likelihood of more satisfactory developmental outcomes and at the same time empowers communities. South Sudan works closely with both regional and international organizations to ensure availability of job opportunities and that southern Sudanese are given first priority to ensure that they do not go back to their former lifestyles as refugees or combatants.

3.7 Reconciliation

Kaufman argues that effective conflict resolution requires addressing the emotional and symbolic processes that influence how tangible issues are perceived and how they play out politically. [144] For one to address both emotional and symbolic issues like the case that had made both Khartoum and Juba administrations to go to war there is need to promote not just peace but also reconciliation addressing the emotional foundations of hostile political attitudes, and their symbolic expression to help stabilize peace. Kaufman further argues that peacebuilding approaches that exclude reconciliation as a component have been unsuccessful.[145]

The other critical dimension of peacebuilding discussed in this thesis is reconciliation. Where deep social inequalities are common and populations are divided, impoverished, and devastated by war, institutional and policy reforms aimed at repairing and rebuilding corrosive justice systems cannot alone bring about healing. Policies and programs aimed at reconciliation are vital. These generally involve policies which stress compassion, forgiveness, restitution,

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[143] Stedman, Op. Cit. p. 103
[144] Kaufman, S. J. 'Escaping the Symbolic Politics Trap: Reconciliation Initiatives and Conflict Resolution in Ethnic Wars,' *Journal of Peace Research,* Vol. 43, No. 2 (Mar., 2006), pp. 201-218
[145] Ibid. p. 207

psychological and social healing, all of which are designed to help communities live and work together.[146]

Mechanisms for pursuing reconciliation include dialogue between former adversaries, story sharing, compiling records of human rights violations and Truth Commissions. These actions also serve to deter former abusers and provide a lasting legacy and reminder of the atrocities that have occurred. Barakat observes that the healing of bitter memories and restoration of trust is a delicate, highly complex process that cannot be rushed and which may take generations to achieve.[147] It is therefore good news that South Sudanese attained their independence, thus one major aspect that the people of both South Sudan and Sudan must embrace is that lasting peace is a process and cannot therefore be achieved within the strictly stipulated time frame.

South Sudan post conflict peacebuilding initiatives have been threatened by the internal conflict among the south Sudan ethnic groups, especially between the Dinka and the Nuer ethnic groups. As part of reconciliation for sustainable peace in post conflict south Sudan, a national conference of SPLM members met to discuss the establishment of a civil authority, at which the Civil Authority of New Sudan (CANS) was initiated to rectify a situation characterized by one SPLA official as 'jungle law'.[148]

Branch and Mampilly comment that recognizing the explosive potential of the situation, the SPLA in the last few years as part of nationwide reconciliation has made attempts to address the conflict between Dinka and Equatorians, particularly through an ongoing South-South

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[146] Last, Op. Cit., p. 84
[147] Barakat, Sultan, (ed). 'After the Conflict: Reconstruction and Development in the Aftermath of War.' New York: Palgrave Macmillan, (2005), pp. 103-104
[148] Branch, A. and Mampilly, Z. C. 'Winning the War, but Losing the Peace? The Dilemma of SPLM/A Civil Administration and the Tasks Ahead.' The Journal of Modern African Studies, Vol. 43, No. 1 (Mar., 2005), pp. 1-20

dialogue, culminating in the Equatorian Conference and the Equatorian Convention.[149] These proceedings led to a call by Equatorian political and civil society leaders for the decentralization of government in the South, and constitutional and legal reforms that would guarantee the self rule of Equatoria free from Dinka dominance.

3.8 Major challenges facing peacebuilding process in South Sudan

The term peacebuilding entered the international lexicon in 1992 when the UN Secretary-General Boutros Boutros-Ghali defined it in An Agenda for Peace as post-conflict "action to identify and support structures which tend to strengthen and solidify peace to avoid a relapse in to conflict.[150]" Since then, peacebuilding has become a catchall concept, encompassing multiple and at times contradictory prospects and agendas. It is indiscriminately used to refer to preventive diplomacy, preventive development, conflict prevention, and conflict resolution and post conflict reconstruction.

Peacebuilding is a multidimensional enterprise with several pillars. While various actors define pillars differently, there is a consensus that peacebuilding has political, social and economic, security and legal dimensions each of which requires attention. Establishing security is considered the pre-requisite for post conflict peacebuilding. While peacebuilding is a multifaceted process requiring holistic approaches, it needs to be guided by a hierarchy of priorities established in response to the specific needs and political dynamics in a given context. Ownership of the peacebuilding process is crucial. The people of the war torn society must own the reconstruction process. They must be actively involved in setting the agenda and leading the process which is a highly political process complicated by the deep wounds of the conflict. As

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[149] Ibid p. 5
[150] Boutros-Ghali, B. 'An Agenda for Peace. 'Preventative Diplomacy, Peacemaking and Peacekeeping New York: United Nations, (1992), p. 32

mentioned before, the conflict in Sudan has been recurrent; a fact that indicates that the peacebuilding process in Sudan has been dealing with numerous challenges that have often derailed the successful peacebuilding process that would restore peace to this war-torn country. Post conflict recovery and development encompasses a process of long range political transformation, social, economic and cultural that will be desirable to the people of the war-torn region or country. The post conflict era of Sudan faces numerous challenges that are identified as issues of reconstruction and development, security problems, economy, governance, among others.

3.8.1 The presence of the rebel groups

The presence of groups, factions or leaders ("spoilers") who feel their own grievances have not been sufficiently addressed has been a major challenge to the peacebuilding process in southern Sudan. Several rebel groups formed in the south have clashed with the troops of the ruling Sudan People's Liberation Movement/Army.[151] Leading SPLA figures among them General George Athor Deng, General Gabriel Tanginye, Peter Gatdet, and the late Gatluak Gai proved to be a threat to south Sudan even before the region attained independence.[152] The defection of these rebel leaders has caused serious security threats to most states in southern Sudan hence derailing the peacebuilding initiatives that were ongoing at the time. These individuals formed a new rebel coalition which confirmed fears that the spreading patchwork of miniature insurgencies would coalesce under a single coordinated campaign against the southern military, posing an existential threat to the world's newest nation before it even officially comes

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[151]Mkandawire, T. 'The Terrible Toll of Post-Colonial Rebel Movements In Africa: Towards an Explanation of the Violence Against the Peasantry,' *Journal of Modern African Studies.* Vol. 40, (2002), p. 2
[152] Young, J. 'Sudan: Liberation Movements, Regional Armies, Ethnic Militias and Peace.' *Review of African Political Economy.* Vol. 30, No. 9. The Horn Of Conflict (Sep,2003), pp. 423-434

on the scene. The rise of these groups has led to serious insecurity conditions in Upper Nile, and Jonglei states therefore disrupting peacebuilding operations in these states and the neighboring states.

3.8.2 Lack of commitment by the actors involved

Post conflict peacebuilding process depends principally on the commitment and efforts of the primary actors in the dispute. With the internal effort having failed, serious attempt at peace making took a regional angle as Sudan's neighbours took interest in resolving the conflict. And, during the summit of the Inter-Governmental Authority on Development (IGAD), the African leaders present decided to form a four country committee headed by Kenya to mediate Sudanese conflict.[153] This laid the foundation for real peace negotiations that later brought about the Comprehensive Peace Agreement (CPA) which is the agreement that ended decades of civil war in Sudan.

The two partners to the CPA, that is the NCP and the SPLM agreed to work together to establish a democratic system of governance taking into account cultural, ethnic, racial, religious and linguistic diversity and gender equality of the people of Sudan. They further agreed to wealth sharing and to find a comprehensive solution that addresses the economic and social deterioration of Sudan.[154] However, six years down the line, the agreement has faced challenges in bringing sustainable peace to the various parts of Sudan including the south due to lack of commitment by the two parties.[155]

[153] IGAD, 'Somalia: The Sudan-IGAD Peace Process, Signposts for the way Forward.' *African Security Analysis Programme Occasional Paper* 86.(2004), p. 4
[154] Loko, W.T. 'In-built Weaknesses Hampering the Implementation of the Comprehensive Peace Agreement (CPA),' in: Ati, H.A. and Tayeb, G. E. (eds). *Peace in Sudan, So near ....So far...? Proceedings of the Sudanese National Civic Forum Dialogue Sessions 2007-2008.* (2009), pp. 4-7
[155] Hottinger, J.T. '*Darfur Peace Agreement: Expectations unfulfilled,*' Sweden, Swiss Department of Foreign Affairs, (2006), P. 3

First and foremost, the CPA laid broad principles of power and wealth sharing, the security arrangements in the interim period of six years but it failed to establish mechanism for handling issues of reconciliation and national healing. The agreement further calls for the two parties to agree to initiate a comprehensive process of national reconciliation and healing throughout the country as part of the peace building process.

The reconciliation was left to the Government of National Unity (GNU) to work out the mechanisms that will suit the interests of the two parties. The GNU established advisory directorates to deal with issues of national reconciliation and healing that lacked mandatory powers.[156] Without institutions to deal with reconciliation and national healing, redressing the root causes of the conflict will be difficult. There was not even an attempt by the Government of National Unity to create a truth and reconciliation commission (TRC) as a possible instrument of healing. The Government of National Unity therefore did not appear to be committed about reconciliation hence failed in the peacebuilding process.

Lack of commitment from the two parties of the CPA is seen in their unwillingness to settle the outstanding CPA issues. The CPA provided the people of Abyei; an area at the north south border with the chance to choose in a referendum whether to be part of the north or south.[157] The Abyei referendum was to take place simultaneously with the southern one on the 9th of January, 2011. This was not the case since both parties never agreed on who was eligible to vote in the Abyei referendum. And up to date, no particular date has been agreed upon by the two partners to conduct the Abyei referendum that will end the rising tension in Abyei. Although

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[156] IGAD. '*CPA: The Implementation Modalities of the Machakos and Power Sharing Protocols, December, 2004, Naivasha Kenya*,' Nairobi, IGAD. (2004), pp. 138-172
[157] Hussein, M. E. 'Negotiating Peace: The Road to Naivasha.' In: Simmons, M. and Dixon, P. (eds). *Peace by piece: Addressing Sudan's Conflicts*. Accord, Conciliation Resources. *An International Review of Peace Initiatives*, Issue No. 18. (2006), p.30

both parties signed the agreement regarding the Abyei referendum, the ruling NCP failed to commit to what it had accorded to by denying Abyei citizens the chance to conduct their referendum that would have become an end to the atrocities taking place there.

The Abyei area has since become a theatre for skirmishes between both south and north Sudan which has eventually impacted negatively on the security condition of the new republic of south Sudan hence derailing the peacebuilding initiatives there. Though the two parties have constantly held meetings on the Abyei issue, none of them seems ready to let go.

The Blue Nile and southern Kordofan states were to hold popular consultations that would to determine whether the 2005 CPA had delivered to the two regions or not. This process like the Abyei referendum was also postponed. This has also seen rebellions from the two states; particularly in southern Kordofan. Southern Kordofan is at the border of north and south Sudan.[158] The region has had conflicts since the conduct of the gubernatorial elections in May this year which saw the NCP candidate Ahmed Muhammad Harun wins. The results were rejected by the SPLM in the state whose candidate, Abdel Aziz Adam el Hilu lost. And, with an unstable border like southern Kordofan, it is almost impossible for the people of southern Sudan to realize and enjoy the true meaning of lasting peace. For peace to prevail, in the entire Sudan, the two CPA partners should be seen to be committed to the stability of the border areas like southern Kordofan state and particularly the oil rich Abyei area.[159]

It is evident that the ruling NCP is not ready to bring a peaceful settlement to the happenings in southern Kordofan state. It is these rising tensions along the borders of north and south Sudan that have been permitted by the lack of commitment to restore peace by the two

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[158] Lathrop, C.G. and Bederman, D. J. 'Government of Sudan Verses Sudan People's Liberation Movement/Army-Abyei Arbitration.' *The American Journal of International Law.* Vol. 104, No.1(January,2010), pp. 66-73
[159] IGAD. '*CPA: The Implementation Modalities of the Machakos and Power Sharing Protocols.*' Naivasha Kenya , IGAD (*December*, 2004), pp. 90-172

partners that will eventually prohibit peacebuilders from working freely and effectively to restore peace in the war-torn region of southern Sudan.

There has also been a lack of commitment from the international community. Donors have not honored all the pledges they have made to support the Sudan peace process. Although the Oslo donor conference in April 2005 generated very large pledges of financial support (USD 4.5bn), such gatherings have a long track record of disbursing smaller sums than promised, over a far longer time period than recipients initially hoped. There is a risk that this could occur on this occasion, not least because donors have made clear their discomfort at releasing funds while violence persists in Darfur. Already, there have been problems in securing funds for humanitarian needs in southern Sudan. The rudimentary capabilities of the government in the south will also make it difficult to meet donor requirements on the transparent and effective use of funds. At best, these factors look likely to result in a slow take-off for the new post-war era – a dangerous situation given the far-reaching political challenges to be faced and the high expectations that the government and the SPLM have built up since the CPA was signed.

3.8.3 Multiplicity of actors in the peacebuilding process

There are so many actors in the Sudan peacebuilding process that can be identified as national, regional and international. The multiplicity of these actors brings about multiple and conflicting interests. It is very important to note that not all the actors that have engaged in the Sudan peace building process were genuine. This can be exemplified in the case of the rising tensions between the national actors. For instance, the tension between the ruling SPLM and the NCP is as a result of their conflicting interests.

Important individuals that would have supported the peacebuilding process have been forced to quit the process simply because they could not agree with the other actors on particular issues. This is well seen in southern Sudan where leading individuals of the region's army have turned against the same government they once served, simply because they feel neglected .For almost all the six years of the CPA, the government of southern Sudan has been battling with the rising rebel attacks from rebels like, George Athor, Gatluak Gai, Peter Gatdet, among others. In this case, most actors that would have enhanced peace in southern Sudan have withdrawn from the main goal of restoring peace due to their conflicting ideas.

The international community which has been seen to be working so hard to restore peace in Sudan has not been doing this entirely because it wants to see peace come to Sudan but simply because each country had a particular interest that could be economic or political. Powerful nations like the USA, Russia and China have been seen in support of either the South or north in line with where their interests. A country such as Russia, contributed to the continuity of the Sudan conflict when it provided arms and ammunition to the northern army. The US on the other hand has been seen to be so close to the south and it worked so hard to ensure the successful conduct of the self-determination referendum for southern Sudan. These countries have made their contributions in accordance to their interests at that time and when their interests are not met, they have been seen diverting from the positive goal of bringing peace to the Sudan.

3.8.4 Lack of coordination among the multiple peacebuilding actors

The process of rebuilding the political, security, social and economic dimensions of war for the affected community requires several programmes functioning simultaneously. However,

if multiple actors are conducting their affairs without any sense of coordination, then a duplication of functions can occur. This can lead to a waste of human and financial resources.

In a situation like South Sudan where we have actors like the US , China working together, it has happened that each of them has taken the same roles and doing it at the same time leading to duplication of roles and loss of financial and human resources. Having multiple actors in the south Sudan peacebuilding process is what has led to delay in the entire process. Actors, both national and international have often dwelt on the same things for a very long time ; a fact that proves the continuing tensions in southern Sudan six years after the peace deal was signed in 2005.

3.8.5 Inadequate capacity and ineffective reconciliation and peacebuilding mechanism

The other problem is lack of capacity and mechanism for handling issues of reconciliation and peacebuilding.[160] There is a great challenge in the south-south reconciliation process that would enhance peacebuilding across the ten states of south Sudan. In 2006, in Juba, the region's capital city, there was an initiative by the SPLM and the south Sudan defense forces, SSDF.

Having been aware of the provisions of the CPA, the two wanted to build trust and confidence among themselves and to avoid past mistakes that divide people in the south. In order to achieve this very important goal, the government of southern Sudan established independent commissions and set up a peace commission as provided for by the CPA to handle local issues. Commissions were established to reconcile and enhance peaceful coexistence among the various southern communities.

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[160] Emeric, R. 'Designing an Integrated Strategy for Peace, Security and Development in Post-Agreement Sudan.' Netherlands Institute of International Relations, (2005), p.12

These Commissions included civil society organizations; faith based groups as well as traditional leaders. However, the problem they have been facing is that they lack capacity and mechanisms for handling issues of reconciliation and peacebuilding. For these Committees to be effective, they need a lot of financial and political assistance.

3.8.6 Poor infrastructure

The 21 years of civil conflict in Sudan have led to the destruction of the social and economic structures and generated political tension. Just like other war torn countries across the world, south Sudan's infrastructure has been damaged and education and health services have suffered, not to mention the environmental damage caused by the conflict. Such destruction has caused challenges in the peacebuilding process in southern Sudan in that peacebuilders have not been able to reach out to various warring communities to reconcile them. Such destruction has retarded social economic development as well.

3.8.7 Security Sector Reform, Public Administration and Public Finance Management

The other challenge facing peacebuilding in southern Sudan is how to deal with broader governance issues including security sector reform, public administration and public finance management. There has been a poor record of delivery of social services and provision of employment by the governments in Khartoum and Juba which is exposing the fault lines in the presumed social contract between the two governments and the Sudanese people.[161] If the growing 'democratic deficit' is not addressed in a timely manner it would weaken the social contract, significantly increasing the likelihood of more conflicts in the south. Added to this, the

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[161] Bell, C. and O'Rourke, C. 'The People's Peace? Peace Agreements, Civil Society, and Participatory Democracy,' *International Political Science Review / Revue internationale de science politique*, Vol.28, No. 3 (Jun., 2007), pp. 293-324

UN and all other actors involved should recognize that reforming national security institutions is a political and not a technical process. Local ownership and buy-in is therefore critical if these processes are to yield the desired outcomes. Here again, the UN needs to work very closely with the AU and other regional organizations to ensure sustainable peace.

3.8.8 Transitional Justice

The other major challenge in the southern Sudan peacebuilding process is dealing with transitional justice especially in an era of internationalized justice through the International Criminal Court (ICC).[162] If not properly coordinated, the activities of the ICC could complicate peacemaking and peacebuilding efforts in Sudan. The ICC's indictment of president Omar Bashir of Sudan is a clear case in point. Not only has the move complicated peacemaking efforts in Darfur, it has also divided the AU's Peace and Security Council and the UN Security Council, seriously testing their emerging relationship.[163] Growing tensions between the two Councils could divert attention away from the core peacebuilding efforts as both institutions adopt grandstanding positions to make their point.

Unlike the 1990s when countries like South Africa had the choice on the appropriate forms of justice that they wished to pursue, current post-conflict countries, southern Sudan included are not entirely in control of how those processes unfold. Thus, the Sudan, Uganda, the Democratic Republic of Congo (DRC), and the Central African Republic (CAR) cases demonstrate that the untimely intervention of the ICC could distract peacemaking and peace consolidation efforts. However, the unanswered question is, what is the appropriate time for the

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[162] Walter, B. 'Designing Transitions from Civil War.' In: Barbara Walter and Jack Snyder (eds). *'Civil Wars, Insecurity and Intervention,'* New York : Columbia University press (1999), pp. 38-69
[163] Akhavan, P. 'Beyond Impunity: Can International Criminal Justice Prevent Future Atrocities?' *The American Journal of International Law,* Vol. 95, No.1 (January, 2001), pp. 7-31

ICC to intervene and more importantly, who makes that decision? The leadership of south Sudan should therefore take bold step and ensure that they support the ICC process so that they can build trust among those that faced human rights abuses.

3.9 Conclusion

While agreements are most often negotiated by military elites, they require some level of popular purchase in order to be successful.[164] Consequently, the involvement of nonmilitary groups and individuals beyond those who negotiated the agreement in the implementation phase is seen as a way of building popular support for an agreement. Civil society organizations sometimes perform a mediator or observer role in the negotiation process itself, and are then acknowledged in the resulting peace agreement as signatories with an ongoing role. Peace agreements sometimes also give civil society responsibility for the "legwork" of ensuring popular awareness and support for a peace agreement.[165]

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[164] Lederach, J. P. *'Building Peace: Sustainable Reconciliation in Divided Societies.'* Washington, DC: United States Institute of Peace Press., (1997) p. 28

[165] Bell, C. and O'Rourke, C. 'The People's Peace? Peace Agreements, Civil Society, and Participatory Democracy.' *International Political Science Review / Revue internationale de science politique,* Vol. 28, No. 3 (Jun., 2007), pp. 293-324

Chapter Four

Critical Analysis of the post-conflict peacebuilding in South Sudan

4.0 Introduction

The previous chapter discussed the mechanisms that have been deployed in post conflict peacebuilding and the challenges facing their implementation. This chapter introduces the various debates in the post-conflict peacebuilding in South Sudan. It will critically look at the post conflict peacebuilding mechanisms in place, the actors' motives and interests, effects of post-conflict peacebuilding on socio-economic and political fabric of South Sudan and the challenges facing the post-conflict peacebuilding in South Sudan especially on the unresolved issues in CPA.

Apart from the interviews that were conducted both in Nairobi and South Sudan, secondary data was equally used to obtain more data for the purpose of the analysis. The verbal open ended questions were asked to various target groups; South Sudan citizens residing in Kenya, Embassy officials, government officials of South Sudan, Leaders of political parties in South Sudan, Ex-combatants, UN officials, Non-governmental and Governmental organizations that are currently working or had previously worked in South Sudan and lastly, the scholars that have established interest in South Sudan. This categorization of respondents is helpful because it captures various clusters of persons that have diverse knowledge and experience in South Sudan conflict and post-conflict peacebuilding initiatives.

4.1 Gender disparity

In terms of gender disparity, the ratio of male to female was 2:1.5 respectively. This was a well balanced research that ensured that both male and female respondents were given equal

opportunity to share their views as far as post-conflict peacebuilding in South Sudan is concerned. Male respondents constituted 57.14% against the female respondents that were 42.86%. See also below table 4.1 for gender disparity information.

Table 4.1: gender disparity

Gender	Frequency	Percentage
Male	20	57.14%
Female	15	42.86%
TOTAL	**35**	**100%**

Source: Researcher's Compilation

4.2 Actors' interest and roles in the South Sudan post conflict peacebuilding

All the respondents were in agreement that post-conflict peacebuilding in South Sudan has drawn diverse actors into it. This includes national, regional and international actors with both state and non state features. The respondents applauded the roles that have been played mainly by the regional governments especially Kenya, Uganda, Ethiopia and Eritrea since the second Sudanese conflict began in 1983. There is much more evidence that respondents have acknowledged; the entry of new players in South Sudan post-conflict peacebuilding.

The entry of China in South Sudan was acknowledged by the majority of the interviewees and they observed that China's entry in South Sudan is mainly for benefit of the Beijing economic progress and not for true support of peacebuilding agenda. Chinese involvement in the post conflict reconstruction of South Sudan is seen as driven by business interest as its economic foreign policy has very little to support the peacebuilding mechanisms.

Research findings also revealed the entry of Israel into the post-conflict peacebuilding in South Sudan. The entry of Israel and the establishment of its embassy in South Sudan immediately the South became independent on 9th July 2011 has been perceived with mixed reactions among the people of South Sudan. The respondents interviewed indicated that the entry of Israel and the establishment of their embassy in Juba according to the respondents will help to deter the military threats that Khartoum has used all along to threaten peace and stability in the South. However, some respondents see the entry of Israel in terms of economic and political gain for both countries.

Among the regional state actors like Kenya, Uganda, Ethiopia and Eritrea, security and economic agenda are common issues. According to the reactions of the interviewees, Kenya is believed to have been genuinely working for a peaceful South Sudan following the involvement of its top leadership team including former President Daniel Moi, Vice President Kalonzo Musyoka, and former Kenyan Army Commander (Rtd) General Lazarus Sumbeiywo among others that have been keen in the South Sudan peace process. The findings pointed out that peaceful South Sudan comes first in Kenya's foreign policy agenda rather than economic issues.

The planned expansion of infrastructures in Kenya, for example, the planned expansion of Lamu Port and the extension of railway line to connect South Sudan and the rest of the East African Community's trading block was explained by respondents as a clear indication of both economic and political influence of Kenya's administration towards its involvement in South Sudan post-conflict peacebuilding.

Uganda and Ethiopia share common issues in their involvement in the South Sudan post-conflict peacebuilding. The Lord Resistance Army (LRA) is the greatest nightmare for President

Museveni.[166] Uganda believes that the LRA has been staging attacks from its common border with South Sudan,[167] and for effective management of the LRA activities that are threatening peace and security to Museveni's administration, a peaceful South Sudan is mandatory. This according to the findings has made Uganda ensure that it supports South Sudan for a peaceful transition to ensure that the hide outs of the LRA are dismantled.[168]

Apart from the security within Ugandan territory, it is believed that Uganda is also eyeing the massive oil wealth in South Sudan. The Kampala administration wants to ensure that there is peaceful transition in South Sudan so that it can boost its diplomatic ties with the Juba administration for close political and economic gains.

Ethiopia is believed to have faced the secessionist politics from Eritrea, and this has left it with wider security gaps especially along its borders with Eritrea. Security dilemma is the main agenda for fronting for a peaceful South Sudan. Ethiopia is known to have enemies within and among its neighbors; therefore, Addis counts on South Sudan as one of its true neighbor. [169] Ethiopia believes that if peace and security would prevail in South Sudan, then it would be helpful to address its domestic security issues. Ethiopia is known for both its economic and political ties with South Sudan. Her involvement in the South Sudan's post-conflict peacebuilding is therefore mainly to achieve its economic and political grievances.

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[166] Prunier, G. 'Rebel Movement and proxy Warfare: Uganda, Sudan and Congo (1986-99).' *African Affairs*, Vol. 103, No. 412 (Jul., 2004), pp. 359-383
[167] Singh K. et al. 'Forced Migration and Under- Five Mortality: Comparison of Refugees and Hosts in North-Western Uganda and South Sudan.' *European Journal of Population / Revue Européenne de Démographie*, Vol. 21, No. 2/3, *The Demography of Conflict and Violence / La démographie du conflit et de la violence* (Jun., 2005), pp. 247-270
[168] Mkutu, K.A. 'Small Arms and Light Weapons among Pastoral Groups in Kenya- Uganda Border Area.' *African Affairs*, Vol. 106, No. 422 (Jan., 2007), pp. 47-70
[169] Starr, H. and Thomas, G.D. 'The Nature of Border and International Conflict: Revisiting Hypotheses on Territory.' *International Studies Quarterly*, Vol. 49, No. 1 (Mar., 2005), pp. 123-139

The international community has been heavily involved in the post-conflict peacebuilding in South Sudan. Britain, USA, Canada and Norway among others actively participated in brokering the North-South peace deal. These major power involvements according to the respondents are mainly in terms of economic and security grievances. Britain and USA have constantly been working for the peaceful transition of South Sudan mainly to dismantle the terrorist network that both Washington and London believe to have their breeding space within Khartoum. Having close relationship with Juba will therefore enable them to closely monitor any security threat that may be posed by such terror networks.

Among all the other actors in the South Sudan post-conflict peacebuilding, starting from national, regional and international, both state and non-state actors, the common things are economic, political and security interests.

The respondents as well recognized the non state actors that are equally playing a crucial role in the post conflict peacebuilding process in South Sudan. They recognized the civil-society actors in peacebuilding due to their closeness, representative of, and in touch with, 'the people'. The Multi-track diplomacy role played by non state actors in South Sudan makes peace process more likely to succeed, and the popular involvement renders the final 'peace' more likely to be sustainable.[170]

Among the non-state actors, the civil society in South Sudan has been recognized by the respondents to have been responsible for preventing violent conflict; working in war zone areas like Jonglei, supporting negotiations and settlements among the communities, and endorsing reconstruction and reconciliation. The civil society according to the interview findings revealed that they are equally responsible for creating social capital, that is, trust, and cooperation over

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[170]Miall, H., Ramsbotham, O. and Woodhouse, T, '*Contemporary Conflict Resolution*,' Cambridge: Polity, (1999), p. 18

ethnic, religious, and other divisions, inclusiveness, and open debate, which in turn is conducive to peace and harmony between sections of society in South Sudan. [171]

Civil society actors, religious institutions included, can be crucial in long-term 'prevention' of conflicts by attending to basic needs, as well as in early warning and preventive diplomacy.[172] During armed conflicts or post-conflict situations like the case of South Sudan, intervening non-state actors involved in humanitarian assistance can serve to lay the foundation for peaceful relations and trust between parties by promoting cooperation, contributing to normalization of living conditions, providing security to civilians, and monitoring human rights.[173]

4.3 Mechanisms for post-conflict peacebuilding in South Sudan

A number of approaches have been used in South Sudan to address post-conflict peacebuilding. This section will critically analyze the post-conflict peacebuilding mechanisms, success stories, challenges and the way forward for the peaceful transition of the newly established Republic of South Sudan. These include;

4.3.1 Reconciliation

Since the general elections that were held in April, 2010, the interviewees confirmed that both the GoSS and the SPLM have been committed in reconciliation of the entire political and military leadership. The GoSS and SPLM convened a five-day all-parties' conference in October 2010 to seek political consensus ahead of the referendum, with the theme of "Southern Sudan United for Free, Fair, and Transparent Referendum."

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[171] Putnam, R. D. *'Making Democracy Work: Civic Traditions in Modern Italy,'* Princeton, NJ: Princeton University Press (1992), pp. 315-324
[172] Burton, J. *'Conflict Resolution and Prevention,'* New York, St Martin's (1990), p. 125
[173] Rotberg, R. I. *'Vigilance and Vengeance NGOs Preventing Ethnic Conflict in Divided Societies,'* Washington, D C: Brookings Institution Press. (1996), p. 247

The respondents were in agreement that the conference was basically a politically adept move by the SPLM to patch things up ahead of the referendum vote. The conference was a good sign for the lasting peacebuilding initiative since it gave an audience to the opposition voices angered by the April elections and were feeling left out of the broader CPA process. The conference therefore became the platform for those that felt left out from the entire process to express themselves on the referendum and, more importantly, the way forward in the likely event of secession.

The reconciliation took the centre stage among the political opposition leaders notably Doctor Lam Akol Ajawin of the SPLM-for Democratic Change and Bona Malwal of the South Sudan Democratic Forum among others.[174] The reconciliation spearheaded by both the GoSS and SPLM led to the adoption of resolutions that defined a post-referendum roadmap. These included a constitutional review process, with a National Constitutional Review Commission to examine the Interim Constitution, and an all-party constitutional conference to agree on a transitional government and prepare elections for a constituent assembly mandated to adopt a permanent constitution. This therefore revealed how the entire South Sudan political leadership was committed to peacebuilding initiatives, but the most important thing to be noted is that peace must be positive, durable and sustainable and not for short term political gain among the political elites. [175] Amnesties should also be linked with forgiveness.[176]

[174]Gibson, J.M. 'The Contribution of Truth to Reconciliation: lessons from south Africa,' *The Journal of Conflict Resolution*, Vol. 50, No. 3, Transitional Justice (Jun., 2006), pp. 409-432
[175]Bar-Tal, D. 'From Intractable Conflict through Conflict Resolution to Reconciliation: Psychological Analysis,' *Political Psychology*, Vol. 21, No. 2 (Jun., 2000), pp. 351-365
[176]McGary, H. 'Achieving Democratic Equality: Forgiveness, Reconciliation and Reparations,'*The Journal of Ethics*, Vol. 7, No. 1, Race, Racism, and Reparations (2003), pp. 93-113

South Sudan therefore needs to learn from the current crisis affecting North -African Arab states, Egypt and Libya included. Stability is critical in the emerging state.[177] The recent events in North -African Arab states suggest that long-term stability is best built on pluralist foundations. Failing to start on the right foot could undermine progress already achieved and contaminate the institutions and institutional values of the nascent government like the government of South Sudan.

True reconciliation should not be based on granting amnesties that would be short lived, but it should be based on institutional framework.[178] The amnesty that was granted by President Salva Kiir to insurrectionists like George Athor, the late Gatluak Gai, Peter Gatdet and other armed actors, most notably controversial military figure Gabriel Tanginye, in exchange for laying down their arms and rejoining the SPLA was a good step towards peacebuilding. However, it bore little fruits since some insurrectionists like Athor went back to the bush and staged new insurrections with more individual unrealistic demands like abolition of the election results claiming that the election was rigged, and they therefore don't recognize it. Secondly, the resolution of the Government of South Sudan to allow all the political parties of South Sudan to come together to discuss how they can form an interim government that will lead South Sudan to the referendum and then elections after the referendum was a positive mover. These demands, if they were to be fulfilled would mean taking South Sudan back to the dark ages.

Addressing the past and promoting peace and reconciliation, South Sudan should consider an option of effective truth-seeking approaches.[179] In South Africa for example, the

[177] Read, P. 'The Truth which will set us all free: National Reconciliation, Oral History and the Conspiracy of Silence,' *Oral History*, Vol. 35, No. 1, War and Masculinities (Spring, 2007), pp. 98-106

[178] Lerner, R.R.P. 'Between Conflict and Reconciliation: The Hard Truth,' *Human Studies*, Vol. 30, No. 2 (Jun., 2007), pp. 115-130

[179] Mendeloff, D. 'Truth-Seeking, Truth-Telling, and Post-conflict Peacebuilding: Curb the Enthusiasm?' *International Studies Review*, Vol. 6, No. 3, Blackwell Publishing (Sep., 2004), pp. 355-380

truth commission was an option for accountability of human rights violations and to put the past behind.[180] In South Sudan, as it was in South Africa, it is difficult to identify the victims and the perpetrators. However, in Sudan, where the state is accused of having committed crimes against its own people, a Sudanese TRC would be essential in reestablishing trust and must encompass a national element and a political transformation.

According to the interview responses, the formation and strengthening of South Sudan TRC would have an important symbolic function to provide accountability for crimes perpetrated that would be overlooked otherwise by GoSS and SPLM. Like the case of South Africa's TRC, South Sudan's key component as suggested by the respondents would be a restorative justice, to restore the dignity to survivors by publicly acknowledging their suffering, and reviving social bonds destroyed during the period of violence.[181] The respondents further suggested that if South Sudan is to reinforce its TRC, it should enjoy independence from the GoSS for these propositions, bearing in mind that in some transitions, the judiciary remains an enclave of the past regime, limiting the ability of the victims to obtain redress.

4.3.2 The rule of law approach

The rule of law refers to a principle of governance in which all persons, institutions and entities, public and private, including the state, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and are consistent with

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[180] Vora, J.A. and Vora, E. 'The Effectiveness of South Africa's Truth and Reconciliation Commission: Perceptions of Xhosa, Afrikaner, and English South Africans.' *Journal of Black Studies, Vol. 34, No. 3 (Jan., 2004), pp. 301-322*
[181] Gibson, J.M. 'The Contribution of Truth to Reconciliation: Lessons from South Africa,' *The Journal of Conflict Resolution,* Vol. 50, No. 3, Transitional Justice (Jun., 2006), pp. 409-432. See also Bassiouni, M. C. '*Accountability for Violations of International Humanitarian Law and Other Serious Violations of Human Rights in Post-Conflict Justice,'* (2001), pp. 3-54, and Scharf, M. P. 'The Case for a Permanent International Truth Commission.' *Duke Journal of Comparative and International L aw.* No. 7. (1997), pp. 375-403

international human rights norms and standards.[182] It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency.[183]

The emphasis on fostering rule of law in the international agenda has increased significantly over the years. Apart from being a paradoxical, vague and inherently complicated concept as well as controversial and an undefined common definition, it has an imperative value and a political statement when it comes to address its core elements on a conflict and post-conflict situation, as a means and an end in itself.[184]

The findings disclosed that the leadership of GoSS and SPLM is working towards strengthening the rule of law in the newly independent South Sudan. Strengthening the importance of a broad/material rather than a narrow/formal concept of rule of law is imperative to address the present conflict at hand in South Sudan, in the sense that it embraces not only the 'law and order' approach but more importantly, the democratic approach, the individuals rights, the right of dignity and justice, and a broader social welfare. Concerning the rule of law, Bergling observes that: "empowered with this knowledge, it will be easier to assess country-specific needs, set up realistic goals, formulate strategic and comprehensive programs, maintain focus in implementation, and determine success and failure."[185]

In an interview with opposition party official of the SPLM-DC, the respondent said that they are happy as a party with the progress that GoSS and SPLM is making towards

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[182]Mendeloff, D. 'Truth-Seeking, Truth-Telling, and Post-conflict Peacebuilding: Curb the Enthusiasm?' *International Studies Review*, Vol. 6, No. 3. Blackwell Publishing (Sep., 2004), pp. 355-380
[183]United Nation. 'Report of the United Nations Secretary General on the Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies 2004,' *UNSG Report S/2004/ 616*
[184]Bergling, P. 'Rule of law in the international agenda: International support to Legal and Judicial Reform in the International Administration, Transition and Development Co-operation.' Intersentia, Oxford. (2006), pp.1 -19
[185] Ibid, p. 19

strengthening the rule of law in South Sudan. However, he added that a move towards sustainable peace in South Sudan must enhance justice, especially viewed not only as a prevention to the denial of the conflict, spreading over the territory but also as a trustful and legitimate approach for civilians and rebel groups towards an inclusive and political settlement for the peace process. Justice is therefore an ideal of accountability and fairness in the protection and vindication of rights and the prevention and punishment of wrongs.[186] Justice implies regard for the rights of the accused, for the interests of victims and for the well-being of society at large.[187]

Furthermore, as much as the GoSS and SPLM are putting in more effort to ensure that the rule of law prevails in South Sudan, some respondents acknowledged that there is need to do more. In the suggestions, they commented that efforts to foster a rule of law approach in a society that lacks the rule of law tradition as seen, South Sudan, might run into problems if not addressed in a comprehensive manner. In this sense, actions towards rebuilding justice, trust and rule of law in a society must concern its ordinary people, to whom those concerted efforts are drawn, including opposition leaders, in order to maintain coherence, and have a counter-effect of undermining the rule of law.

The respondents further mentioned that fostering the rule of law and justice within South Sudan as a path to sustainable peace needs to embrace the culture of commitment together with the institutional and legal structures. It must take into account the community's leadership commitments as well as legitimacy among the broader population, in power-sharing arrangements, between SPLM and other opposition parties within South Sudan. Also, an

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[186] Wilson, R. '*The Politics of Truth and Reconciliation in South Africa: Legitimizing the Post- Apartheid State.*' Cambridge: Cambridge University Press. (2001), p. 247
[187] United Nations. 'Report of the United Nations Secretary General on the Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies 2004,' *UNSG Report S/2004/ 616*

inclusive approach to transitional justice ought to focus on a multi-lingual approach and the role of women.

The effort of rule of law is applauded by the majority of the respondents that were interviewed. However, their concern was if a long-term maintenance of peace is to be achieved, the population must be confident that redress of fundamental rights breaches they had suffered can be reached through legitimate structures for the resolution of the dispute and a fair administration of justice. For this end, fostering the rule of law in the war-torn region must include the pursuit of genuine political will among the parties on the table, bearing in mind not only their immediate human security needs, but also addressing the root cause that is often left for future negotiations. In this sense, the idea of transitional justice plays an important role for building trust among South Sudanese and the government as well as among the rebels, if a sustainable peace is to be achieved.[188]

In an attempt to conquer the South Sudanese past and the emerging realities, a rule of law and justice approach that encompasses a broad and an inclusive spectrum of peace negotiations is needed, a restorative justice.[189] An effective coordination between the multi-level approaches of transitional justice is imperative in order to create sustainable peace in South Sudan. The underlying principle of accountability measures addresses the ending of the process of victimization which implies the cessation of the conflict in itself.[190]

It is indispensable to notice that the peace talks and negotiations, in particular the establishment of transitional justice mechanisms did not have to wait until the cessation of the hostilities are addressed, as the case of South Africa has shown. However, to achieve this goal, it

[188] Crocker, D. 'Truth Commissions, Transitional Justice, and Civil Society,' in: *Robert I. Rotberg and Dennis Thompson* (eds) Truth verses. Justice: *The Morality of Truth Commissions,* Princeton: Princeton University Press. (2000), pp. 1-57
[189] Jones, A. '*Genocide, war crimes and the West: history and complicity,*' Intersentia, Oxford, (2007), p. 35
[190] Van Evera, S. 'Hypotheses on Nationalism and War.' *International Security.* Vol. 18. No. 4 (1994), pp. 5-39

is imperative that the unification of the platforms of the rebel/liberation movements be done, developing a common negotiation position, in order to foster a more inclusive government and better power sharing strategies.

4.3.3 Demobilization, Disarmament and Reintegration

Following the signing of a peace agreement between adversaries, a major preoccupation of peace building operations have been with the disarmament and demilitarization of a situation in order to avoid a potential return to conflict. Reintegration is vital and should be done together with the demilitarization, Disarmament and demobilization since the access to small weapons in the region continues widespread.[191] It is difficult to build trust while ceasefire is still being violated. The UNAMID, working as a neutral third party of the conflict has an important role regarding this matter.

Since the signing of the CPA and particularly during the post election of South Sudan in April, 2010 the GoSS has put more effort to ensure that South Sudanese are united towards the referendum despite their political and personal interests that had been the dividing line since the struggle for independence during the second Sudanese civil war in 1983. The respondents pointed out that for the coherence, in advance of the referendum, the GoSS and SPLM took a series of steps to ensure South-South harmony, some of which also set the stage for the post-referendum period.

After negotiations with the South Sudan rebel groups bore little fruit, president Kiir granted general amnesties to Athor, Gatdet, Gai, and other armed actors, most notably

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[191]Willett, S. 'Demilitarization, Disarmament & Development in Southern Africa,' *Review of African Political Economy*, Vol. 25, No. 77, Britain's African Policy: Ethical, or Ignorant? Taylor & Francis Ltd (Sep., 1998), pp. 409-430. See also Batchelor, P. and Willett, S. '*Disarmament and Defence Industrial Adjustment in South Africa.*' London, Oxford University Press for SIPRI (1998), p. 43; and Hartley, K and Sandler, T. '*The Economics of Defence.*' Cambridge: Cambridge University Press. (1995), pp. 260-283

controversial military figure Gabriel Tang-Ginye, in exchange for laying down their arms and joining the SPLA. The measure was clearly aimed at pre-empting spoilers or internal divisions which could be stoked by Khartoum – from threatening any aspect of the all-important referendum.[192] However, the interviews conducted also gave insight that the 5th January 2011 ceasefire with Athor held through the referendum could not last long due to the lack of a lasting structural mechanism.

As much as the demobilization and reintegration are on course, an interview with ex-combatants revealed that majority of people are tired of war and are willing to lay down their arms for the sake of security. However, their main concern that had made the process not to move with speed as expected is due to insecurity at the periphery and especially along the common North – South border. This has made majority of ex-military and common citizen to continue in possession of arms for self defence in case of an attack from the enemy including the common cattle rustling among the neighbouring communities. The GoSS and SPLA therefore need to give an alternative security arrangement especially after disarming the citizens so that their security is not jeopardized.[193]

The United Nation Regional Coordinator for South Sudan on 4th, June, 2011 equally revealed that the demobilization and reintegration of the army is facing challenges because of lack of alternative livelihood opportunities for the demobilized soldiers.[194] He further revealed that,

[192] Steadman, S.J. 'Spoiler Problems in Peace Processes,' *International Security,* Vol. 22, No. 2. The MIT Press Stable (Autumn, 1997), pp. 5-53
[193]Lake, D. A. and Rothchild, D. 'Containing Fear: Origins and Management of Ethnic Conflict,' *International Security,* Vol. 21, No. 2 (Fall 1996), pp. 41-75
[194]Interview by the researcher with the UN Regional Coordinator for South Sudan on 4th, June, 2011. His views are confirmed by: Kaufmann, C. 'Possible and Impossible Solutions to Ethnic Civil Wars,' *International Security,* Vol. 20, No. 4 (Spring 1996), pp. 136-175

"The demobilization activities that were planned were carried out by the UN mission here, but the reintegration program was slow to get started. And 1 think all of the partners agreed, including the government of southern Sudan and the DDR commission itself that there was a need to sit down and relook at the plan, and try to come up with a reintegration program that will really work. It is important for everybody to understand that reintegration is the most difficult part of that process. It is very straight forward to demobilize and disarm soldiers, but it is another to successfully reintegrate them into society, and I think that is what the government wants to relook at, and I think it is correct to do so. I do believe resources will be made available after this review is completed and a revised program is put into place, and as I mentioned earlier it is planned by the DDR commission, that it could start as early as January next year."

However, an interview with Honorable Pagan Amum Okiech-the SPLM Secretary General and the Minister for Peace and CPA Implementation, GoSS, equally commits that the DDR program is facing a number of challenges. An accusing finger has been pointed at the international community alongside the UN for not availing the needed funds for the effective exercise. During the interview, Honorable Pagan noted that,

"Disarmament, demobilization and reintegration of former combatants is just a small component of the peacebuilding process. We need to look at the challenge of settling the traditional conflicts that are the bases for the conflict that later transforms into civil wars and the spread of small arms in the hands of the civilian population as a major problem. In addition, the society has been destroyed and its conflict resolution mechanisms have also disappeared. The new government or the new state emerges without institutions and structures for building peace; it constitutes a real difficult situation. The most important thing is that we should remove arms in the hands of the civilians; we need to proceed to reconciling and resolving the conflict between and among communities then move to disarm the former combatants."[195]

Despite the prevailing accusation between the GoSS and international community concerning the mandate and funding, the findings also revealed that in some counties within South Sudan, DDR process has been prevailing smoothly. An official of Jonglei state government in Bor expressed confidence and satisfaction with the success of disarmament exercise which began in January, 2010. He further revealed that,

"Disarmament is going on now in the whole state, and in Pibor County, the community leaders and the chiefs and the youths are cooperating with our forces. They are voluntarily giving up their guns. So far, we have been able to collect 6000 weapons, excluding the ones from Pibor County. At the beginning of this week, we collected 1000 guns from Pibor and I believe there will be more collected at the end of this week and next week. Most of the counties have turned in their weapons. There has been no resistance or violence."[196]

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[195] Interview with SPLM/A Secretary General and Minister of CPA Implementation and Security on 20th August, 2011

[196] Telephone interview with Jonglei State Deputy Governor on the process of Disarmament in Jonglei County, 10th June, 2011

Jonglei State Deputy Governor, Hussein Maar also revealed that Murle tribesmen in Pibor County had cooperated with the exercise and SPLA had not encountered any obstacle to the disarmament exercise. Due to the successful disarmament in Jonglei state, President Salva Kiir managed to organize a political rally in Pibor County and in Akobo meeting the people ahead of the referendum. The interview with the Jonglei State Governor also revealed that all the parties and individuals are accorded space in politics; they can campaign and organize their rallies provided that they inform the security so that people know about the event. This is democracy and everybody is free to campaign and the SPLM is just like any other party. He was further optimistic that by the end of March they would have collected more than eight thousand guns from the civilian population in Jonglei state.

All respondents agreed that there was an urgent need to strengthen the policy modalities for implementation to effectively and efficiently guarantee for disarmament of the militias and the voluntary and safe return of refugees and internally displaced persons (IDPs) to their villages. The comprehensive ceasefire and security arrangements require the parties to disarm themselves, a task usually left for peacekeepers, while authorizing AMIS to verify and monitor the processes of their redeployment, assembly and disarmament.

In "Agenda for Peace" Boutros Boutros Ghali argues that peace building seeks 'to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse to conflict.'[197] Despite the broadly positive progress in stabilizing the South Sudan region the early stages of peace building, notably the disarmament and demilitarization stages, have been fraught with adjustment problems and have, in certain circumstances, been linked to the emergence of new forms of violence and political instability. The widespread proliferation of

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[197]Boutros-Ghali, B. 'An Agenda for Peace. 'Preventative Diplomacy, Peacemaking and Peacekeeping,' New York: United Nations. (1992), p. 32

violent crime, banditry, illicit trading in arms and drugs, and the privatization of security functions, particularly in the form of mercenaries and vigilante groups, have accelerated since the outbreak of formal peace within the region.

The variety of militarized actors who either challenge the state's traditional monopoly of SPLA force or offer themselves as an alternative guarantor of security for some in society, suggest that the process of transition from conflict to peace has been fraught with significant shortcomings.[198] Part of the problem has been that the peace-builders have prioritized programmes that have focused on the symptoms of violence, notably militarism, rather than the causes. In other words, attention has centered on the triggering elements rather than the underlying structural factors which precipitated violence in the first place.

4.3.4 Broad-based government and political accommodation

There was an overwhelming agreement among the respondents that both GoSS and SPLM have been positive and working towards the political accommodation. The need for political accommodation is a reality: some is necessary and appropriate for achieving a pluralist government; some may be necessary during the transition to ensure stability, though such practices should gradually begin to reflect democratic ideals.[199]

One of the opposition political leader during an interview commented that political accommodation being fronted by both GoSS and SPLM need not merely be appeasement, which in any event is not a genuine avenue to a pluralistic environment. However, some respondents also suggest that stability and ethnic balance will undoubtedly dictate some forms of

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[198] Willett, S. 'Demilitarization, Disarmament & Development in Southern Africa,' *Review of African Political Economy,* Vol. 25, No. 77, Britain's African Policy: Ethical, or Ignorant? Taylor & Francis Ltd. (Sep., 1998), pp. 409-430
[199] An interview with South Sudan Opposition Party Leader by phone on the 21 July, 2011

accommodation in the immediate term, but the GoSS must gradually wean itself off the all-too familiar practice of awarding government positions and largesse to strongmen who incite or threaten insecurity or spoilers who might otherwise pledge their loyalty to the highest bidder, Khartoum. This gives a clear notion that among other opposition leaders in South Sudan are seen to be working as proxy for the government of Khartoum, something that a majority of South Sudanese are not comfortable with.

The interviews revealed that majority of South Sudanese are happy with the way the new GoSS is stepping forward by initiating political accommodation to all stake holders.[200] However, some of the respondents also recorded their disappointment on how GoSS favour SPLM in key appointments in the transitional government and urged GoSS to also increase its appointments based on competence rather than politics or SPLM loyalty, particularly in the civil service where skilled administrators are few.

4.3.5 Democratization of Institutional reforms

The liberation struggle and CPA periods are now over. As South Sudan enters a new phase, the GoSS and SPLM have wisely initiated an internal review. Committees have been appointed to assess the party's strategic plan, constitution and manifesto and conduct a performance analysis of each directorate. This will naturally include an assessment of party structures and relationships between the state and national levels and between the secretariat and political bureau. Plans are underway to review the role and composition of the National Liberation Council (NLC) – an elected, though largely inactive, quasi parliamentary party structure of 270 members. This therefore would require development of a deeper, more

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[200] Ibid

professional secretariat with dedicated policy and communications units to ensure its acceptance and effectiveness.

4.3.6 Transitional constitution

It has been considered a long journey to liberty but the interim period comes to a close. Respondents said that it was the biggest step forward for peaceful transition following the conclusion of the transitional constitutional framework by the Southern leadership that is necessary to lay the "foundation of the new order". The interviewees agreed that transitional constitution for South Sudan would form the basis for possible peace for a sovereign state of South Sudan. The respondents were all in agreement that new transitional constitutional framework will clearly define the powers and duration of the transitional government and secondly, to represent a break with the past and become another tangible assertion of the reality of Sudan's independence.

However, as much as the process of revising the interim constitution has generated considerable political wrangling in recent past, respondents concurred that it is the clear means through which the transition would be defined without further political division among the political elites in South Sudan, and to some extent, through which political space might be carved out. Well-structured transitional constitution is believed to be able to guide the hopeful republic beyond 9 July until a permanent constitution can be devised and promulgated at the end of the transitional period. Nevertheless, the respondents called upon the stakeholders to embrace broad consultative process that will culminate in that permanent constitution.

The appointment of the twenty-member technical committee to review the interim constitution of South Sudan on 21 January 2011 by president Salva Kiir was a good sign for the

commitment of the GoSS and SPLM for peaceful transition. The committee was mandated to deliver a draft to the president not later than 25 April, which would then be presented to the legislative assembly for deliberation. This timeframe would meet the legislative requirement for constitutional amendments and ideally allow enough time for broader political consultation before adoption and the day of independence on 9th July 2011, when the transitional constitution entered into force. Despite the strict deadlines given to the technical team, the targets were met right on time.

4.3.7 The legislative agenda

The South Sudan Legislative Assembly (SSLA) as the main national institution according to the respondents has given the people of South Sudan hope, and therefore promoting peace and security. Since the signing of the CPA, SSLA has managed to draft and pass major bills into law that was necessary for the transition. SSLA has equally worked significantly to clear the backlogs of legislations, including a host of bills necessary to govern a newly independent state. Some required adoption before 9 July, 2011.

However, the findings also noted that despite the effort that SSLA has put in place, the task ahead is much demanding. With some 130 pieces of legislation identified, prioritization is not an easy task but is best cross-referenced against the GoSS taskforce's list of objectives, with special emphasis on the "urgent" items. Some respondents also claim that SSLA is not yet a mature institution; capacity remains very low, attendance is poor, and its influence kept further in check by reluctance of predominantly SPLM representatives to challenge the party line. The Executive sets the priorities and drives the schedule, often rendering the legislature little more than a rubber stamp.

The SSLA's other challenges noted from the interviews conducted clarified that line ministries have been assigned to work with the legal and Constitutional Affairs Ministry on bills in their respective areas, but legal expertise and drafting skills are in short supply. Efforts are further complicated because many of South Sudan's able legal cadres were trained in Arabic, while laws now need to be drafted in English. Ministry official's report that while the significant amount of drafting assistance from diplomatic and NGO partners has in some instances been critical, not all support offered has been particularly coordinated, and it is sometimes counterproductive due to vested personal interests.

4.4 Socio- economic and political effects of post conflict peacebuilding

Post conflict peacebuilding initiatives in South Sudan have brought much more benefits to social, economic and political fabric of South Sudan. The processes of signing the CPA and ceasefire calls have transformed both socio-economic and political trends in South Sudan. The respondents were in agreement that peacebuilding initiatives in progress in South Sudan have enabled South Sudan to broaden both its economic and political networks. South Sudan has made many friends within the region and internationally due to prevailing peace and security.

Investment partners are looking forward to the establishment as a South Sudan state that would make them maximize the profit at less risk. The constant calls by the GoSS and SPLM officials for tolerance among the people of South Sudan had tremendously opened the door for both local and international investors to initiate their investment projects in South Sudan. Kenya had been mentioned by the respondents as having contributed towards creating confidence in South Sudan's investment program when they took the first step to invest in the banking sector, therefore, motivating other investors to come to South Sudan.

4.5 Effects of the General Elections, Referendum and the Independence on post conflict peacebuilding process

The respondents were in agreement that the first general elections that were held in held April 2010 impacted greatly on the political transition of South Sudan; Elections stimulated some positive democratic activity and discourse at multiple levels in South Sudan. The interviewees shared the same opinion that the successful general election of South Sudan set positive stage that motivated both South Sudanese within South Sudan and the diaspora to actively participate in the referendum that had seen South Sudan becoming the newest state.

The general election of South Sudan according to respondents brought about unity among the political leadership and the entire people of South Sudan. Leaders have been calling upon the people of South Sudan to avoid divisive politics and work as a nation. The President of the Republic of South Sudan, Salva Kiir Mayardit has appealed to the citizens of the new republic to unite and develop the new nation. During his address on the Independence Day in Juba, President Kiir in his speech said,

> "May this day mark a new beginning; a new beginning for tolerance, unity and love for one another. Let our cultural and ethnic diversity be a source of pride and fame, not for favoritism and conflict. Let all citizens of this new nation be equal before law and have equal access to opportunity and equal responsibility to develop our motherland. We are all south Sudanese. You may be a Zande, a Kakwa, a Nuer, a Toposa, a Dinka, a Lotuko, Anyuak, Bari or Shilluk, but just remember that you are a south Sudanese; full stop. We have waited for more than 56 years for this day. This is a dream that has come true. While it is the time to remind ourselves about the true implications of the sacrifices we made, it is also the right time for us to assess what we have done for our loved ones who survived death. My dear brothers, on a happy day like this, we should not dwell on bad memories, but it is important for us to recognize that for many generations, this land has seen untold suffering and death. We have been born, maimed, enslaved and treated worse than refugees in our own country, but of all these, we have to forgive, although we shall not forget!"[201]

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[201] President Salva Kiir Speech during the Independence Day of South Sudan in Juba on 9th July 2011 through Radio Sudan Services.

In his speech, the president also promised that his government shall work with development partners and the international community to develop the region and provide adequate services to the citizens of the new nation.

However, like other perceived politically stable states in the region such as Kenya, South Sudan was either not spared of common election malpractices that have undermined democracy in most part of the world, including electoral irregularities and abuses that made a lasting impact among opposition candidates and minority constituencies, as well as among disenfranchised members of the SPLM.

The respondents also concurred that the elections made South Sudanese register voters in large numbers both in South Sudan and in the diaspora in anticipation of taking part in the referendum that was to determine either unity or separation. The peaceful elections were a good sign for a peaceful referendum that was to follow later on. According to one of the respondents, South Sudan had been perceived by critiques of having a leadership that lacks capacity to manage and govern the affairs of the South; but both peaceful elections and referendum proved the critique wrong. These exercises gave both the South Sudan leadership and the people of South Sudan confidence to move forward towards a historic independence on July 9th 2011 leading to the birth of the newest nation.

The UN representative in Sudan during a press conference in Khartoum shares the same opinion. In his comments he said,

"The coming elections have two inseparable functions – first, they are an important and essential benchmark in the implementation of the CPA. Second, they are intended to usher in a democratic process in Sudan. I believe these two functions are inseparable and essential for long-term stability in the country." [202]

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[202] The new UN Special Representative in Sudan and the head of UNMIS, Haile Menkerios remarks while addressing the a press conference in Khartoum

However, despite good tidings brought about by the general election to the people of South Sudan, the electoral irregularities witnessed by both local and international observers according respondents also led to the armed insurrections of varying intensity in the wake of the elections. Jonglei state gubernatorial candidate George Athor, South Sudan Legislative Assembly (SSLA) candidate from Jonglei's Pibor County, David Yauyau, and Gatluak Gai, who hoped to secure a County Commissioner's appointments in the Unity State, all expressed their displeasure and sought to leverage bargaining power by organizing forces and mounting attacks against the SPLA and government installations in their respective areas. These equally spoiled the tremendous gain that South Sudanese have gained and aspired since the CPA was signed, therefore jeopardizing the peacebuilding arrangement.

4.6 Challenges of the post-conflict Peacebuilding in South Sudan.

4.6.1 Unresolved issues in the CPA

4.6.1.1 Abyei issue

During the CPA negotiations in Kenya, the disputed area of Abyei was among the most contentious topics. In the end, it was granted a special administrative status, with the right of a referendum on whether to remain part of the North or join a potentially independent South. The NCP and SPLM agreed to establish the Abyei Boundary Commission (ABC) to determine the geographic boundaries defined in the Abyei protocol. The international experts on the Commission decided the borders after NCP and SPLM delegations failed to agree.[203] Abyei's status remains undetermined, and no formal administrative structures – temporary or permanent – have been put into place.

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[203] 'Delimitation of the Abyei Area- Government of Sudan and the South Sudan People's Liberation Movement /Army.' *International Legal Materials*, Vol. 48, No. 6 (2009), pp. 1258-1423

While many issues are at play in Abyei, the Abyei became the single largest point of contention. In addition to the concrete element of the deadlock – particularly the renewed clashes and rising tensions between the Ngok Dinka and the Misseriya, there is a symbolic aspect. For the SPLM, the NCP's refusal to abide by the ABC report represents all that is going wrong with the CPA's implementation. Nevertheless, some in the South see Abyei as a "Ngok Dinka issue", important because there are many Ngok Dinka in senior SPLM leadership positions but not worth risking the rest of the CPA. The NCP tried to play to this attitude during the CPA crisis negotiations and to an extent was able to isolate the Abyei issue.

Abyei according to the interview findings needs increased international attention. The respondents were in praise of the considerable role the SPLM has shown especially the flexibility in negotiations. The respondents blamed the NCP and commented that the fundamental problem remains the NCP's refusal to accept the ABC report. The senior SPLM-DC official noted that there are win-win solutions in Abyei for the two parties, as well as for the Ngok Dinka and Misseriya, but must begin with the NCP accepting what was supposed to be a final and binding boundary report.

Respondents were in agreement that negotiations are in top gear between the SPLM and NCP over the formation of a local administration. However, majority were for the opinion of involvement of the international community to play a crucial role. At the same time, it should continue to facilitate local dialogue between Misseriya and Ngok Dinka, and develop and strengthen guarantees for continued Misseriya access to grazing rights beyond 2011.

The respondents strongly supported the local dialogue strategy. They believed that local dialogue can help in finding a solution to the substantive problems on the ground, such as grazing land and access to water. Agreement between communities on these issues would have a

greater chance at sustainability, even beyond 2011. To the maximum degree possible, the local consultations should feed into the political talks between the SPLM and the NCP, a lesson that holds for communities all along the North-South border. Due to the frequent conflict and its possibilities of escalating to the South Sudan, there were calls by the respondents that the UNMIS should negotiate with the parties to redeploy troops to the area to guard against conflict between the SAF and SPLA and, if necessary, between Dinka and Misseriya.

4.6.1.2 North-South Border Demarcation

Demarcation of the North-South border was to be carried out during the pre-interim period, immediately after the CPA was signed in January 2005, but the first reconnaissance survey of the North-South Technical Border Committee took place only in 2007. The lack of demarcation impacts on nearly every other issue, including the national unity government's capacity to calculate a fair share of oil revenues, since the majority of oilfields lie along the border. The findings of the committee will also determine which parts of Sudan will be able to take part in the 2011 referendum.

The demarcation work was also hampered by the insecurity around the military redeployment zones, particularly the escalating violence in Abyei. Because they will have far-reaching impact on wealth and power sharing, the committee's determinations are expected to be hotly contested, nationally and locally. Sensitisation of local tribes on the actual implications of the demarcation is fundamental to prevent unnecessary tensions and deflect hostile propaganda. There are no provisions in the CPA for international observers, although the committee has been conferring with experts and consulting maps in several countries, including the UK and Turkey.

Considering the importance of border demarcation to the implementation of the CPA, adding international observers or experts to the process is necessary. The NCP, however, is unlikely to agree; it has a significant interest in keeping as much oil and other natural resources as possible in the north, irrespective of the historical documentation, and it considers it has already "lost" once, on the Abyei Boundary Commission report, due to international experts. The failure to honour the North-South border demarcation as it was stipulated in the CPA still pose the greatest threat to post-conflict peacebuilding and security in South Sudan. The earlier the border issue is completed the better for South Sudan so that they can embark on nation building.

4.6.1.3 Oil Revenue Allocation

Post-CPA oil cooperation arrangements between North and South have garnered much attention, but far less has been paid to future revenue allocation policy within the newly independent South. Oil is the dominant source of revenue, projected to provide some 98 per cent of total GoSS revenue in 2011.[204]

But for some time at least, oil will remain responsible for the vast majority of state revenue and therefore dominate future discussions over division of the national cake. Oil and oil revenue management will have considerable impact on national stability and the character of the new state; and it will be an integral element of the constitutional review process during the transition. If well administered, oil can become a key instrument in decentralizing authority and empowering state and local politics in the South. If not, it could prompt deeper national division

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[204] International Crisis Group. 'Politics and Transition in the New South Sudan.' *Crisis Group Africa Report No. 172. (April 2011), p. 23*

and societal decay, and the young state could easily become another example of the "resource curse".[205]

The respondents expressed their dissatisfaction concerning the transparency in the oil sector, especially in revenue allocation. As part of the December 2007 agreement, the NCP recommitted to "full and transparent" management in the oil sector, as well as to launch the National Petroleum Commission. The SPLM, while a member of that body, had felt that there was little transparency in the revenue figures it was receiving from the NCP. Because it was blocked from the production and marketing of the oil, it had no way of knowing how much was really sold and at what price, much less what kickbacks the NCP might be receiving. It had to accept on trust, the NCP's accounts, and the shares due to the GoSS as its primary source of income.

The fresh threats were mentioned to be coming from Khartoum government to prevent South Sudan from exporting its oil through the north, if the south doesn't accept the North's deal. President Omar Al- Bashir was reported by the South Sudan Radio Service (SSRS) during his meeting in Port Sudan on the 22rd June, 2011 as saying;

> "They (GoSS) said that they will not give us a single gallon of oil. Who explored this oil? We did, and that was during the war, we explored and protected it. Now I'm saying it here from Port Sudan, that there are only three alternatives for the south; we either continue sharing the oil revenue or we get our fees on every single oil barrel that will pass through our territory. If they want neither of that, we will switch off the oil pipe lines. We will not beg them or accept their conditions; they (GoSS) said they will pay us transit fees, but they will determine the price. There is nothing like that; we either get ours in oil forms, or fees and taxes on each oil barrel, or you (GoSS) look for another way of exporting your oil."[206]

This kind of statement made by president al-Bashir is a threat to make the south comply with the north's demands on the usage of the oil infrastructures. This jeopardizes post-conflict peacebuilding steps made by South Sudan. Khartoum is definitely for the fall of the new state of

[205] Ross, M. L. 'Does Oil Hinder Democracy,' *World Politics*, vol. 53, No. 3 (2001), p. 328
[206] The statement from the President of the Republic of Sudan Omar Hassan Al-Bashir on 22rd June, 2011 addressing the public in Port Sudan City in the Red Sea State.

South Sudan. Khartoum administration was fully against the independence of South Sudan and therefore would like to take the earliest opportunities to ensure that they destabilize the unity and development of South Sudan.

The respondents were concerned with the gains South Sudan has achieved towards post-conflict peacebuilding and suggested that to guard those gains, broader consultations with all relevant stakeholders would ideally ensure buy-in for the petroleum policy and political decisions on the tough questions regarding ownership, allocation and management that should be further detailed in subsequent legislation. The aim was to have legislation enacted before 9th July, 2011 although such questions should ultimately be enshrined in the permanent Constitution as well. The law should also provide considerable details as to the obligations of relevant institutions and companies with regard to transparent management of the sector.

CHAPTER FIVE

CONCLUSIONS AND RECOMMENDATIONS

5.0 Introduction

The principal focus of this study was post-conflict peacebuilding in South Sudan. The study was divided in to five chapters. The study discusses comprehensively the conflict in South Sudan, the various actors that have been involved in restoring peace in the South, the mechanisms that these actors have employed in order to achieve this goal and the various challenges that threaten to derail the peacebuilding process in South Sudan.

Chapter five will provide conclusions on the research undertaken and it will also form the basis for making recommendations. The chapter will provide the way forward to ensuring an effective peacebuilding process in South Sudan so as to ensure two viable states of Sudan and South Sudan as sovereign states. The chapter also gives recommendations and the way forward for the government of South Sudan and other actors in the peacebuilding process to enhance peaceful coexistence among people across the ten states of South Sudan.

The research gives a comprehensive analysis of the conflict in South Sudan and the findings indicate that North and South Sudan have often been drawn apart by their many differences. The difference between these regions has been caused not only by the racial and religious factors that characterize the two regions but also by the former colonizers of the Sudan.

The research has also analyzed the various actors that have been involved in the south Sudan peacebuilding process and categorized them as national actors, regional and international actors. All these actors have since the signing of the Comprehensive Peace Agreement been working tirelessly to restore peace in the entire Sudan and particularly in the war torn region of southern Sudan. It is unfortunate that all these efforts have in most cases been rendered fruitless

by the challenges that face the entire peacebuilding process in South Sudan. The research has identified the various challenges that have continued to derail the peacebuilding process as, the multiplicity of actors, lack of commitment by the actors involved in the peacebuilding process, lack of coordination, inadequate capacity and ineffective reconciliation and peacebuilding mechanism, and the presence of rebel groups among other things.

5.1 Conclusions

Since time immemorial, Sudan has been defined by the recurrent conflicts of militia groups fighting the government in Khartoum. So many regions in the Sudan, south Sudan included have for years felt marginalized and discriminated upon by the succeeding governments in Khartoum. It is these feelings of dissatisfaction by the citizens towards the government that explain why several rebellions broke out in southern Sudan in particular. This is an indication that any attempt by any group to marginalize the other in the new Republic of South Sudan will definitely call for similar rebellions.

5.2 Recommendations

Based on the primary data which to a large extent reflects the opinion of South Sudanese, as well as the secondary sources, the researcher makes the following recommendations to the policy makers of South Sudan and the other stake holders in the peacebuilding process under the following main themes: security, oil revenue, national reconciliation, all inclusive participation in decision making and governance, and ensuring socio-economic wellbeing/relief and development.

5.2.1 Security

The most important thing that the government of South Sudan and any other actor involved in the peace building process should ensure is security. Security entails ending violence, protecting those affected by violence, and enforcing human rights. Violence is the single most dangerous spoiler that poses fundamental challenges for peace. Therefore, it is essential that the government of South Sudan and the other actors in the peacebuilding process disarm, demobilize and reintegrate (DDR) warring factions into civil society.

Demobilizing soldiers and reintegrating them into civilian life is one of the single most important goals of the larger project of peace implementation. Call and Stanley argue that reconfiguration of military and police forces after civil wars is central to the stability of any negotiated settlement, as well as to the prospects for long term consolidation of a democratic framework.[207] Because ongoing violence will continue to devastate economies, exacerbate underdevelopment, and increase desperation and frustration among people, ensuring that there is an effective police force that has the trust of the civilians and is accepted by former combatants is an early priority for South Sudan.

The government should also ensure that the disarmament process is done among all the communities so that feelings of suspicion and insecurity are dealt with. The more than two decades of civil war in the South has left so many small arms in the hands of the civilians. For peace to prevail in all the ten states, disarmament should be all inclusive for all the communities in the ten states.

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[207] Call, C. T. and Stanley, W. 'Military and Police Reform after Civil Wars,' in: John Darby and Roger MacGinty (eds), *Contemporary Peacemaking: Conflict, Violence and Peace Processes*, (New York: Palgrave Macmillan, 2003), pp. 213-221

5.2.2 Oil Revenue

For South Sudan to avoid resource curse that is common to most Sub-Saharan African countries for example Angola, Sierra Leone, Nigeria, DRC among others, there is need for the leadership of South Sudan to devise a model to collect and distribute revenue equitably. First, a model for nationwide allocation of oil revenues must be agreed on. This can be in form of centralized or decentralized systems, assignment of shared tax bases, revenue sharing or some hybrid thereof.

Secondly, a strong technical framework must be constructed to institutionalize effective economic governance, independent and transparent financial management and oversight within that model at both central and county level, and stringent auditing so as to prevent the kind of revenue "leakage" that generated deep mistrust between north and south and has precipitated state failure in other resource-rich countries.

Particular attention should be paid to contracts and licensing, often the most opaque activities of natural resource management and therefore the most vulnerable. Any such system should spread checks and balances around different institutions, so as to create a strong bulwark against corruption. For example, new contracts, major releases of revenue from a government account or other relevant actions with fiscal implications above a specific monetary value could be made subject to legislative approval.

In this context, decisions must be made on the source of authority for regulating the sector, endorsing contracts, setting and reviewing allocation formulas and developing the sector more broadly. Such authority should be enshrined in the constitution. Lastly, whatever model

emerges should also be based on a constitutionally-codified ownership regime that clearly delineates land and subterranean resource rights.[208]

A thorough consultation process that generates broad support for a new oil policy – particularly nationwide allocation formulas – could prevent the kind of painful seesawing experienced in other oil-rich federal states, such as Nigeria. [209] Achieving the right balance now would go a long way toward pre-empting power struggles between local, state and national governments and/or between ethnic groups. In structuring revenue assignment policy, a number of variables must be taken into account. The volatility of global oil prices and their potential effect on economic stability should be considered, given South Sudan's extremely narrow revenue base. It must be determined what level of government and what kind of structure can best absorb inevitable fluctuations in crude prices.

5.2.3 National Reconciliation

The relationship between the various tribes in South Sudan has been that of mistrust a fact that has often brought about the many recurrent tribal clashes in the South. Jonglei state which is the largest state in the South has over and again experienced conflicts among the inhabitant tribes; particularly between Lou Nuer and Dinka, Lou Nuer and Murle, Murle and Dinka. Often, these conflicts have been retaliatory and unless the deep rooted causes of such conflicts are addressed, conflicts among these communities will only stop when one community wipes away the other. National reconciliation is therefore a very crucial pillar for sustainable peace in the South.

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[208] Negotiating Natural Resources for Peace: Ownership, Control and Wealth-Sharing", Centre for Humanitarian Dialogue, October 2009, p. 17
[209] 'Crisis Group. *The Swamps of Insurgency: Nigeria's Delta Unrest*,' International Crisis Group, Africa Reports no. 115, 3 August 2006, p. 23

Where deep social inequalities are common and populations are divided, impoverished, and devastated by war, institutional and policy reforms aimed at repairing and rebuilding corrosive justice systems cannot alone bring about healing. Policies and programs aimed at reconciliation are vital. These generally involve policies which stress compassion, forgiveness, restitution, psychological and social healing, all of which are designed to help communities live and work together.

Mechanisms for pursuing reconciliation include dialogue between former adversaries, experience sharing, compiling records of human rights violations and Truth Commissions depending on the nature and level at which the conflict had advanced. These actions also serve to deter former abusers and provide a lasting legacy and reminder of the atrocities that have occurred. It is important to note that healing of bitter memories and restoration of trust is a delicate, highly complex process that cannot be rushed and which may take generations to achieve. When reconciliation is rushed before the ripe moment is due, sustainable peace may not be achieved.[210]

Justice and reconciliation addresses the need to deal with past abuses through formal and informal mechanisms for resolving grievances arising from conflict and to create an impartial and accountable legal system for the future, in particular, creating an effective law enforcement apparatus, an open judicial system, fair laws, and a humane correction system. These tasks include exacting appropriate penalties for previous acts and building the state's capacity to promulgate and enforce the rule of law. Incorporating the concept of restorative justice, justice and reconciliation efforts include both extraordinary and traditional attempts to reconcile ex-combatants, victims, and perpetrators.

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[210]Zartman, W. '*Ripe for Resolution: Conflict and Intervention in Africa.*' Oxford: Oxford University Press, (1989), p. 268

5.2.4 All inclusive participation in decision making and Governance

Ross argues that one major source of conflict is the exclusion of people from decision-making, be it at a high political level or at the lowest local level.[211] Including the right people into the decision-making process can therefore constitute a significant contribution to building peace. It is therefore important in all kinds of interventions in conflict-prone societies like South Sudan that the relevant actors should always be involved in planning and decision-making.

Governance and participation addresses the need to create legitimate, effective political and administrative institutions and participatory processes, in particular, establishing a representative constitutional structure, strengthening public-sector management and administration, and ensuring the active and open participation of civil society in the formulation of the country's government and its policies.

Governance involves setting rules and procedures for political decision making and for delivering public services in an efficient and transparent manner. Participation encompasses the process for giving the population a voice in government by developing a civil-society structure that generates and exchanges ideas through advocacy groups, civic associations, and the media. Kirsti argues that peacebuilding operations are susceptible to breakdown when societies have a poor governance framework that exacerbates social fault lines, aggravates divisions and tensions, entrenches conflict, or provides a basis to contest the government.[212] Governance in peacebuilding designs requires the development of institutional capacities such as the judiciary,

[211] Ross, Marc Howard. 'Creating the Conditions for Peacemaking: Theories of Practice in Ethnic Conflict Resolution,' *Ethnic and Racial Studies.* Vol. 3. No. 6. 2000, pp. 1002-1034
[212] Kirsti, S. 'Sustainability and Peacebuilding: A Key Challenge.' *Development in Practice*, Vol.15, No.6 (November 2005), p. 733

the electoral system, and other agencies that work to advance policy reforms, enhance transparency, and increase representation and accountability.

5.2.5 Ensuring socio-economic wellbeing/Relief and Development

South Sudan has experienced so much suffering during the long years of civil war. As a result of the more than two decades of war between the government in Khartoum and the SPLM/A in the south, the region has had its entire infrastructure destroyed. After South Sudan was officially declared an independent state, so many South Sudanese in the diaspora, especially those who had gone to neighboring countries and to the north during the war came back to their homes in the South. These returnees together with those who did not make it out to other countries had nothing to start a new livelihood with. This led to their frustration.

In order for peace to prevail in South Sudan, the government must promote the social and economic well-being of its people by addressing their fundamental social and economic needs, in particular, providing emergency relief, restoring essential services to the population in areas such as health and education, laying the foundation for a viable economy, and initiating an inclusive and sustainable development program. Often accompanying the establishment of security, well-being entails protecting the population from starvation, disease, and their elements.

As the situation stabilizes, attention shifts from humanitarian relief to long-term social and economic development. Relief and development policies are considered an integral part of the broader peacebuilding process because where poverty and inequality endure after internal conflict, they serve to undermine peace by breeding further discontent and anger. Civil war devastates livelihoods through the destruction of production capital and displacement of peoples and loss of skilled labour.

116

The conflict between the government in Khartoum and the SPLM/A in the south has been rated the longest civil war in the African continent. Even though the Comprehensive Peace Agreement ended these long years of war in the south, there is need to do much to avoid a relapse to war. Now that the region has attained its independence, the new government and all the stake holders in the South Sudan peacebuilding process have a huge task ahead of them. All the efforts have to be put forth to ensure sustainable peace.

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