

Talk of Truth, Reconciliation and Justice in South Sudan

LSE's Naomi Pendle paints an informative and insightful portrait of the challenges of reconciliation in South Sudan.

Sitting beneath the iron-sheet roof of the small shop stuffed with clothes, adjacent to the phone-charging shop, we sipped sweet tea. It was mid 2013. Koang and I listened on the radio to discussions of national reconciliation in Juba. Despite decades of war and peace agreements until then there had been little talk of truth, justice or reconciliation in South Sudan. This was despite transitional justice being well established on the international agenda. It was only in January 2012 that the first explicit agenda for a national reconciliation emerged across South Sudan. Koang had been asked in early 2013 to mobilise local leaders for a reconciliation conference. Yet, those first reconciliation plans had changed due to accusations of their use as a political instrument. As Koang and I sat through the early evening, the pervading apathy in the market changed. We heard the whistle to call the youth to war. A raid across the Nuer-Dinka border had apparently taken cattle and killed a handful of people further south. Guns quickly appeared over the shoulders of the young men. They ran to defend their property and community, and to seek a just revenge against these aggressors.



A reconciliation conference could take place in a typical court in South Sudan (see above) if a local form of justice was chosen

From December 2013, a new national fight engulfed South Sudan. Many people were drawn into this war between government elites to defend their property and their community. People of South Sudan have long known that governmental wars have an impact on life in their home communities. Fighting initially erupted on the 15 December among the Presidential Guard in Juba. The conflict quickly ignited across the city, consuming the capital in battles for days. Large numbers of the SPLA defected to form the opposition. Reports of security force targeting of Nuer in the city spread further panic and division. Within ten days, fighting had spread across the eastern regions of South Sudan including Jonglei, Unity and Upper Nile states. In less than a month, a reported 10,000 people had already been killed, making it comparable to average rates of death during the North–South war. Over the last few years, telephone masts have been constructed in even remote villages. News rapidly reached Koang of the deaths of relatives in Juba. In one area an estimated 20,000 Nuer youth mobilised to seek revenge against the Dinka-dominated government for lost relatives in Juba in December 2013. They joined a politico-military opposition to defend their property and community, and to seek a violent justice. Opposition

forces, led by Riek Machar and Peter Gadet, utilised the growing Nuer homogeneity in opposition to the government.

The conflict was not surprising[1]. For years people had predicted a regional split in South Sudan driven by perceptions of dominance of certain groups in politico-military leadership. Plus, after decades of war and large-scale injustices, the relationships between many communities had never been restored. The predictability of events fueled the speed with which the conflict spread.

On the 23 January 2014, a first cessation of hostilities was signed between the main warring parties. In anticipation of this, people have started to talk about justice and reconciliation as a necessary part of the response. The negotiations that led to the Comprehensive Peace Agreement in 2005 had quickly excluded any discussion of accountability and justice, creating impunity for the SPLA (as well as the Sudan government). Some observers hope that constructed transitional justice can be part of the panacea that transforms South Sudan.

While there has previously been little discussion of transitional justice in South Sudan until now, attempts at reconciliation highlight the perception of a pervading politico-military influence in such processes. People perceive their potential to be utilised to construct politically salient groups and create a platform for politico-military competition. In this highly militarised and politicised environment, justice and attempts at reconciliation have become methods to entrench power. Debates will likely focus on the form that justice and reconciliation should take, but questions of politics might be more salient.

The history of national reconciliation and justice in South Sudan justify its perception as political. Apart from the nominal mention of reconciliation in the CPA, until independence in 2011 there was no discussion of national reconciliation. This is indicative of the presumption of the potentially divisive nature of this process at a time when there was a consensus that South Sudan needed to be united in order to facilitate its independence.

A month after independence, Riek Machar publicly apologised to the Dinka Bor community, seeking a reconciled relationship. Machar has been attributed with responsibility for the 1991 Bor massacre that killed thousands of Bor Dinka (Garang's home community) after the defection of Machar from Garang's SPLA in 1991. Machar's 2011 apology to the Dinka Bor community came in the context of growing private discussion of a Greater Upper Nile alliance in opposition to Kiir's government. The Dinka Bor and the Garanagists associated with them have long been at the heart of the SPLA/M but had been in competition with Kiir's group for over a decade, as explicitly expressed in the 2004 argument between Kiir and Garang. To challenge Kiir's leadership and construct political homogeneity amongst Greater Upper Nile, Machar needed reconciliation with the Dinka Bor community. In August 2011, Rebecca Nyandeng (the wife of the late John Garang) accepted Machar's apology. This created a platform for Rebecca's support of Machar's political opposition in late 2013.

Riek Machar also initiated a broader national reconciliation process. Plans were nurtured through 2012, with budgets for such efforts apparently approved by the Council of Ministers in late 2012[2]. Yet, the process was ended by President Salva Kiir as it was perceived as too political. It is worth noting that Machar had intended on holding his first reconciliation conference in Mayom, in the heartland of the late Paulino Matip. Paulino Matip had died in August 2012, around the time Machar initiated the reconciliation plans. Matip and the Bul Nuer had long been an obstacle to Machar's political aspirations. Matip's disagreement with Machar in the late 1990s split the Nuer and undermined Machar's attempt at politico-military leadership in the south. The integration of the South Sudan Defense Force (SSDF) into the SPLA in 2006 had placed Matip next to Kiir and had secured Kiir's leadership through the dominance of Matip's military might. With the death of Paulino Matip a new opportunity for a constructed Nuer political homogeneity emerged and the national reconciliation process was an instrument to achieve this.

In 2014, Machar continues to remain dependent on the others' forces, including the defected 8th Division under the control of Peter Gadet (Bul Nuer) and the Nuer youth, many who are loosely

under the control of the Nuer Prophet Dak Kueth. The irony is that it was not reconciliation but apparently government-led violence that brought the Nuer together. The perception of Dinka-dominated, security force violence in Juba in December 2013, worked to reconcile Nuer through their shared experience of being victims. This was much more successful than Machar's previous attempt at a reconciliation process.

Whatever the motivation behind this first reconciliation agenda in 2012, its proposition released a common expression of the need for reconciliation. Concepts of transitional justice and truth telling quickly appeared in conversations in Juba in 2013. This borrowed concepts and language directly from an international discourse. With the international debate having long struggled with the problem that justice sometimes appeared to undermine peace through creating instability, new understandings of justice became popular. South Africa's Truth and Reconciliation Commission was based on the assumption that justice was locally understood as restorative, not retributive, meaning that justice and peace making were synonymous at the local level in Africa. In South Sudan this cannot be assumed to be the case, especially after such extreme violence. Even in 2009, some Dinka in a small village in Bahr el Ghazal refused an act of restorative justice with Machar due to their loss in the 1990s at the hands of his forces.

Koang leans back in his chair and sips his tea, as he tells his story. When he was a small boy in the late 1980s, a season of bad weather and growing conflict with the north left his mother without food to feed the family. His brothers were away serving in the early years of the SPLA war, so he was left in charge of the cattle. To seek refuge from hunger, his mum drew on established practice and took her young family the few days walk across to the Dinkalands to seek refuge. Happening upon a cattle camp and the compassion of an elderly Dinka man, they were absorbed into his daily family routine while they were in need of food. After the 1991 split in the SPLA, there were orders for the Nuer among the Dinka communities to be killed. Koang was an obvious target. He learned the language and changed his name to conceal his identity. He was protected by his adopted Dinka family. Now in his late twenties, he is free to give the impression he is a Dinka or Nuer. He trusts and mistrusts people from both communities. His shifting public identities have long watched the national political climate. While his sister is married to a Dinka man with Dinka children living in a Dinka village, in January 2014 he continues to run for his life in fear of a Dinka army. He is ready to seek violent justice against a Dinka government and cannot imagine a lesser justice being adequate.

[1] Hilde Johnson (Head of UNMISS in South Sudan) stated that the events in South Sudan were surprising, on the 27th December 2013.

[2] Angelina Teng, 22nd June 2013.

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