

## South Sudan: The Limits of Human Rights



Gumuruk village, Pibor County. Taken on January 26, 2013. Photo ©Tomasz Woźny / PAH. European Commission DG ECHO.



In September 2013, Human Rights Watch published a report entitled *“They Are Killing Us”: Abuses Against Civilians in South Sudan’s Pibor County*. Pibor County is in Jonglei state, lying in an inaccessible part of South Sudan’s flood plains, near the Ethiopian border.

Pibor people are different from their neighbours – most of them are Murle, and speak a language related to those of south-west Ethiopia. Its remoteness and its difference make it a promising place for insurgencies.

South Sudan’s 1983-2005 civil war began here, and the warring parties – the Sudan People’s Liberation Movement/Army (SPLM/SPLA) and the Khartoum government – fought for control of the area in a war that often used language and other social differences as a basis for manufacturing factions, proxies and militias. Since the peace agreement that ended the civil war, the area has a problem which the report terms ‘inter-ethnic violence.’

**But the report is about state, not inter-ethnic, violence.** Its main sections deal with unlawful killings, forced displacement and pillage by government forces. This violence is targeted ethnically – at Murle people.



The 2005 peace deal that ended the SPLA's war with Khartoum pitched Murle people and their neighbours into years of apparently incomprehensible raiding, massacres and abductions that thoroughly undermined Jonglei's cattle economies. Raiders from the Murle and Lou Nuer groups could mount spectacular operations involving thousands of fighters capturing tens of thousands of cattle.

**Outsiders sought to downplay the violence because the peace deal was the prelude for South Sudan's secession**, a process that required six years of diplomacy and brinkmanship. Remote places like Pibor county could only signal discontent with post-peace-agreement politics through mutinies and outrages, and they would only come to attention when they were drawn into the proxy wars that were a feature of diplomacy between Sudan and South Sudan.

**So governments ignored the raiding and massacres in Jonglei to concentrate on diplomacy.** After South Sudan achieved independence in 2011 (a particularly bloody year in Jonglei), the government deployed its army in a campaign that began with the intention of disarming raiders and ended up as a fight with what the report describes as 'ethnic Murle rebels from the South Sudan Democratic Movement/Army'. The SSDM/A is a rebel group formed last year by a youngish Pibor teacher with a career of insurgencies, ceasefires and defections that he owed to his capacity to mobilize the young male elements of Murle society most militarized by decades of war.

**The report sets out to explain this complicated story.** A national army is abusing civilians who are defined by their Murle ethnicity. Murle and other people in Jonglei have come up with many strategies to deal with the violence and economic crises afflicting them over the past three decades, and one strategy is raiding.

The SSDM has drawn some of these raiders into what the report describes as a non-international armed conflict, one where the laws of war apply. The report gives a powerful account of the sufferings that this kind of conflict engenders – the mentally-ill people shot by soldiers because they don't understand their orders, the alleged executions of Murle officers, the displacement of tens of thousands of families.

Human Rights Watch gives a credible and creditable account of this faraway crisis. But fitting this complicated story into the language of the international system is a real challenge.

The laws of war apply to the 'non-international armed conflict' in Jonglei – the conflict between the army and the SSDM/A. The thousands of Lou Nuer raiders who pillaged Pibor in July 2013 did not have ranks, uniforms and territorial control.

**Whether and how the laws of war apply to temporarily- and informally-organized, violent civilians is an open question for lawyers.** Could human rights law help the state to deal with the conflict between these raiders and their communities? Not right now: the South Sudanese state (the newest in Africa) cannot capture these raiders, who field the biggest armies in Jonglei. The state does not have the kind of institutions that could deal with citizens in the peripheries as individual victims or perpetrators or bystanders. Instead, the state is building its institutions in another way, defeating Murle people as a group, in order to construct its monopoly on violence.

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The entire Human Rights Watch report is available [here](#).



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