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The project to end genocide and crimes against humanity

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COVER: Aerial photo of an unknown burned village near Pibor in Jonglei state, South Sudan.

Introduction

The Republic of South Sudan's declaration of independence in July of last year gave rise to serious questions regarding the country's security, economic viability, and capacity to address its numerous development challenges. In the last six months, the government of the Republic of South Sudan, or RSS, has successfully addressed a number of critical issues, such as issuing a new currency despite fears that confidence in the new nation's banking and financial systems would plummet following independence. However, not surprisingly, along with these successes have come setbacks and challenges, many of which are the result of decades of war and neglect.

Most recently, inter-communal violence in Jonglei state has underscored, among other things, the weaknesses in South Sudan's security and policing sectors. It has also brought to the fore underlying issues of a lack of accountability and political inclusion, as well as the breakdown of traditional authority structures, which collectively threaten to erode the fragile social and political stability of the new nation. The potential for internal violence in South Sudan is, sadly, not new. During Sudan's second civil war, south-on-south violence, perpetrated largely along ethnic and communal lines and fueled primarily by the Khartoum government and its proxies in the South as well as the rebel Sudan People's Liberation Army, cost a great many lives. The tip of the iceberg is the resurgence of conflict between the Lou-Nuer and Murle communities of Jonglei state, but below the surface, other potential inter-communal crises exist throughout South Sudan.

Inter-communal violence in Jonglei and throughout South Sudan, while traditionally cyclical in nature, is not inevitable. The causes of this violence go beyond the retaliatory nature of cattle raiding and touch upon broader issues of accountability, reconciliation, political inclusion, state effectiveness, development, and the proliferation of arms among the civilian population. Actors outside of the immediate conflict, including, for decades, the government of Sudan, and now politicians in South Sudan and militia groups with linkages to Khartoum, have also exacerbated the violence. The effort to build the new nation's political, legal, and social systems and the recently initiated process to draft a

permanent constitution offer a unique opportunity for the RSS, supported by the international community, to find solutions to the more systemic causes of this and other such instances of inter-communal violence throughout the new nation.

Urgent and intensified efforts are needed to deescalate the crisis in Jonglei and address the immediate needs of local populations. As well, robust action on the part of the government in Juba, supported by the international community, to address the systemic causes of the violence could foster a sustainable peace between Jonglei's communities and prevent further attacks on civilians. In addition, leaders and politicians from the Lou-Nuer and Murle communities, as well as other RSS officials, have a responsibility to actively deter future violence and not to exploit the current chaos for political gains.

Background on the Most Recent Escalation of Violence in Jonglei State

The people of Jonglei state have experienced a long history of inter-communal violence. The most recent escalation began with a Murle attack on the Lou-Nuer community in August 2011, which resulted in the deaths of over 700 people. Following this attack, there was a widely held expectation in South Sudan that the Lou-Nuer would launch a retaliatory attack on the Murle. This was borne out in December 2011, as reports emerged of a mobilization of Lou-Nuer youth with the aim of seeking revenge for prior Murle attacks, rescuing kidnapped women and children and regaining stolen cattle.

Despite these early warnings, steps taken by a range of actors to prevent the current upsurge in violence were inadequate. In particular, the RSS's failure to respond effectively to the violence in August 2011 led to reactive and insufficient military and political interventions that were unable to head off, or mitigate the effects of, the December attacks. The RSS made no systematic sustained effort to facilitate negotiations to return the people abducted and livestock stolen in the August attack. The government did not reinforce and bolster its security forces deployed between and among the communities to serve as a buffer and protect civilians. Nothing was done about the general disempowerment and deprivation felt by the youth of both the Lou-Nuer and Murle communities. All of these factors helped foster among both groups a sense of urgency for community self-defense, leading to militia formation and support for ethnic-based mobilization. Alarming, Lou-Nuer youth issued messages of ethnic cleansing, which also accompanied this latest round of violence.

The church-led reconciliation process, mandated by the government in the wake of the August 2011 violence and designed to bring the Lou-Nuer and Murle communities into dialogue, did not instill enough confidence in the communities to prevent a return to arms. The process suffered from insufficient engagement with the perpetrators of violence. It required a more robust response to the violence from the RSS and increased

capacity within the Sudan Council of Churches to handle the complexities of the two communities' dynamics. In particular, the widening divide between youth and politicians and traditional leaders was not addressed.

The Sudan Council of Churches underscored this latter point in a January 18, 2012 statement on the situation in Jonglei state:

There is a clear disconnect between the youth and both the traditional and political leaders. The tradition of youth respecting and listening to their elders has been lost. Without the youth's involvement, and their sense of ownership of the peace process, any attempt at peace will fail.

The reconciliation process was also delayed by a lack of access to military helicopters necessary for the movement of church and community leaders in and out of Jonglei state, where overland access is difficult, particularly during the rainy seasons. Despite their wealth of conflict resolution experience that reaped significant benefits for southern populations in the 1990s, the South Sudan churches were not able to replicate earlier successes in this case.

The RSS left to the last minute preparations to stop the violence and protect civilian populations under threat. The military and policing responses of both the RSS and the United Nations Mission in South Sudan, or UNMISS, were aimed primarily at alerting Murle civilians to the imminent Lou-Nuer attack and protecting the main Murle town of Pibor. In early December, UNMISS successfully deployed 500 combat-ready peacekeepers into densely-populated Murle areas in response to the Lou-Nuer mobilization, a deployment that also required the dedication of an additional 300 supporting peacekeepers. Significantly, the peacekeepers were limited by a lack of necessary military equipment (in particular, military helicopters), inadequate troop strength, and poor to nonexistent roads, which limited access to affected communities and hindered the peacekeepers' mobility.

The bulk of Sudan People's Liberation Army, or SPLA, reinforcements were deployed only after the attack took place. Assessing whether the SPLA who were stationed in Likuonole and Pibor fulfilled their civilian protection responsibility is a mixed picture. Reports of members of the SPLA facilitating the attack of the Lou-Nuer youth's White Army have emerged alongside the fact that other SPLA soldiers shot at Lou-Nuer youth attempting to breach UNMISS and SPLA defensive positions in Pibor and attack civilians. The latter action is credited with prompting the youth to retreat back to Lou-Nuer territory.

The U.N., from the mission on the ground in South Sudan to the Secretariat in New York and the Security Council, should have more aggressively worked to prevent Russia's grounding of its helicopters. This resulted in the loss of the mission's entire

fleet of military helicopters and logistically hindered both the mission's support to the reconciliation process and the deployment of peacekeepers and equipment to areas where civilians were under threat. A series of incidents in which Russian pilots were harassed, threatened, detained, and shot at by the SPLA and the SSPS occurred prior to Russia's decision to ground the helicopters; more robust actions could have been taken in response to these security incidents. The Security Council and Secretary General also will have to be more proactive in the future in ascertaining needs on the ground and working to prevent further escalation of the Jonglei crisis.

Recommendations

In the immediate term, the RSS and the international community must work rapidly to address the humanitarian situation in Jonglei state and ensure that those affected by the initial attacks and the most recent counterattacks are provided with necessary aid. The RSS and the international community must also work in earnest to redouble their support for inter-communal reconciliation efforts and provide security to civilian populations in Jonglei state and throughout South Sudan. These short-term initiatives alone, however, are not enough to end inter-communal violence permanently. It is critical that the RSS, with the support and partnership of the international community, also initiate efforts to address the systemic causes of violence in Jonglei so as to help ensure that a sustainable peace within the state takes hold.

The Enough Project recommends that the RSS, along with the international community, focus its efforts on the following short- and long-term initiatives.

Short-Term Initiatives:

Strengthen Inter-Communal Reconciliation Efforts: A concerted inter-communal reconciliation process is needed 1) to bring the two communities into dialogue on accountability, compensation, and similar mechanisms necessary to address grievances on both sides, and 2) to compel actors in both communities to refrain from using or promoting violence as a means of addressing long-standing grievances. The process will require the active involvement of the RSS, civil society, the Sudan Council of Churches, and traditional community leaders, as well as more robust support from UNMISS and donor nations.

The RSS's decision to assume leadership over the reconciliation process is critical for bringing about sustained peace between the Lou-Nuer and Murle communities. Actual grassroots mediation between, and engagement with, the two communities, though,

should remain under the leadership of the Sudan Council of Churches, given the churches' relatively neutral and trusted position among both communities, as well as its long history of peacemaking in the region.

The Sudan Council of Churches, in collaboration with civil society and traditional community leaders, is uniquely positioned to build the grassroots relationships necessary to re-engage in substantive dialogue with the communities and to ensure local buy-in to the reconciliation process. The church's prior initiative in Jonglei must, however, be substantially augmented or it will fail. Moving forward, the structure of the process must be based on community input.

One key lesson learned from the reconciliation efforts between August and December is that the Sudan Council of Churches must strengthen its relationship with Murle and Lou-Nuer youth leaders, whose disaffection with government at all levels and traditional leaders appears to have grown. Substantive engagement with, and increased influence over the youth in the White Army, in particular, will depend on a deeper understanding of their organizational structure, as well as their relationship to community leaders, religious leaders, politicians at all levels of government, members of the Diaspora, militia groups, and the SPLA. A deeper understanding of the dynamics and hierarchical structure of both the Lou-Nuer and Murle communities, in general, is also needed for the church-led effort to engage strategically and comprehensively the appropriate stakeholders.

All of this requires the Sudan Council of Churches to sustain a full-time presence on the ground to build trust and credibility in the eyes of the two communities. International NGOs and UNMISS can play a role in increasing the capacity of those involved in the reconciliation efforts, providing technical and analytical support for the reconciliation process, and advising on the process's short- and long-term strategies when needed. During reconciliation efforts between August and December, UNMISS provided the Sudan Council of Churches with the logistical support it needed to access the two communities—albeit limited by the number of available helicopters—capacity support in the form of information-sharing, and dedicated staff who were present throughout the various stages and meetings of the process. Moving forward, such efforts must continue in an enhanced form and with the necessary financial and technical support of the international community.

The RSS must provide high-level officials and resources to oversee and coordinate with the Council of Churches, while immediately taking steps to build the credibility of both the government and the reconciliation process on the ground. Security forces must regularly patrol likely locations of attacks to create a secure environment in which inter-communal reconciliation efforts may occur. The President and Vice President can play an important role in ensuring that politicians with a stake in the two communities and in Jonglei state do not undermine or exploit the reconciliation effort. The government,

with the support of the international community, must also be ready to intervene with tangible peace dividends, particularly when such dividends could consolidate the gains made in the process. Peace dividends should include the delivery of basic services and the initiation of longer-term development initiatives. Finally, the RSS must be prepared to support the implementation of the agreements reached between the two communities at the conclusion of the process.

Strengthen Civilian Protection Efforts: To ensure that civilians are more effectively protected, immediate steps must be taken to increase the capacity of UNMISS, the SPLA, and the SSPS. For UNMISS to be able to fulfill the civilian protection aspect of its mandate, it must be better equipped and its force strength must be increased. The U.N. and the international community should take steps to outfit UNMISS with better surveillance capabilities (including the ability to observe and detect movements at night), military grade helicopters (which will allow the mission to better move in a timely manner troops, military hardware, and supplies to remote areas when violence is imminent), and communications equipment, as well as the technical expertise and training to utilize the same. Given Russia's recent announcement that it will pull all of its military grade helicopters and crew out of South Sudan, it is imperative that the U.N. and the international community immediately take steps to replace this vital mode of transportation for UNMISS personnel. As well, the force strength of UNMISS must be increased to ensure that the mission has a wider presence throughout South Sudan and the ability to deploy adequate numbers of peacekeepers in response to emergency situations.

The RSS, with the support of UNMISS and the international community, must deploy an increased number of troops and police to Jonglei state and other conflict prone areas. The ethnic composition of the SPLA division stationed in Jonglei, as well as any reinforcements sent to the state during times of instability, is an important factor behind the two communities' sense of security and the willingness of SPLA soldiers to engage in the protection of civilians. The reshuffling of SPLA divisions across South Sudan, in an attempt to introduce more neutral security forces to sensitive areas, should be considered. As well, internationally supported efforts to reform and build capacity within the SPLA and the SSPS should continue in earnest and be focused, in part, on civilian protection. While the ultimate responsibility for civilian protection lies with the RSS, international assistance to the government's efforts to reform its security and policing sectors are critical and must continue both in the short- and long-term.

Long-term Initiatives:

Greater Accountability for Crimes Committed in the Context of Inter-Communal Violence: Individuals responsible for perpetrating significant inter-communal crimes must be held accountable. This includes those who foment such violence, as well as those who participate directly in the violence. Accountability in the context of a long

history of back-and-forth cattle raiding is complex; which individuals should be held accountable and through which mechanisms are issues that the two communities must discuss and ultimately agree upon within the context of the reconciliation process. Mechanisms by which individuals may be held accountable could be judicial or more traditional in nature. Regardless of the mechanism, capacity building efforts within South Sudan's judiciary must be substantially increased now to ensure judicial, as well as police, personnel are able to investigate and prosecute offenders who led and are most responsible for such crimes, in particular, the targeting of women and children in the context of attacks on civilian.

Strengthen Efforts to Bridge the Divide between Local Communities and the State and National Levels of Government: Efforts should be taken to make more substantial the political representation of both the Lou-Nuer and Murle communities at the state and national levels of government. These efforts should recognize that the Murle are particularly marginalized within South Sudan. Greater inclusion of underrepresented communities at all levels of government will, in turn, provide those communities with mechanisms to voice their concerns in a peaceful and constructive manner. In addition, efforts must be made by the state and national levels of government to understand better the needs and grievances of local communities throughout South Sudan, especially if those communities are not well represented in government. Such efforts may, in turn, foster within and among local communities greater understanding of and confidence in the state and national levels of government.

The isolation of the two communities has contributed to the rise of parallel authorities, and leads to violence as one of the few mechanisms for addressing community grievances. The delivery of basic services, provision of security, and establishment of rule of law, along with other efforts on the part of the government to expand state authority into the Lou-Nuer and Murle areas, are critical steps towards ending inter-communal violence in the long term. Expansion of state authority will require, among other things, capacity building within the national, state, and local levels of government and policing forces, as well as development of Jonglei's infrastructure.

Development of Infrastructure, Service Delivery, and Economic Opportunities: Jonglei state's economy is heavily reliant on cattle as a form of currency. A lack of access to basic services and economic opportunities compounds the reliance of Jonglei's communities on this cattle economy, which, in turn, fuels conflict associated with cattle raiding. Therefore, efforts must be increased to provide communities in Jonglei state with basic services, such as access to medical care and education, infrastructure improvements, such as the construction of roads, and diversified economic opportunities. Notably, improvements to infrastructure will allow greater access to Jonglei's communities for national and state level government officials and police and military personnel. Any steps toward the development of the oil reserves in Jonglei

should be carried out with a high degree of transparency and a willingness to use oil-related development as a vehicle to address disparities and inequality, rather than as an instrument to exacerbate existing fault lines.

Non-Violent, Community-Engaged Disarmament: The RSS recently announced that it will again initiate efforts to disarm communities in Jonglei state. This would be a grave mistake in the current highly charged context, and any disarmament campaign should be postponed. Forced disarmament conducted by the SPLA and/or SSPS will likely become a source of insecurity in its own right, and thus exacerbate an already tense situation. As such, a disarmament campaign should wait until greater confidence and goodwill has been cultivated between the two communities and the government, and security improves. In planning and executing future disarmament efforts, the RSS should take into account lessons learned from past efforts to disarm communities across South Sudan. In particular, renewed civilian disarmament must be non-violent. Further, the RSS should engage the affected communities in the planning and execution of disarmament efforts. Non-violent, community-engaged disarmament must be accompanied by the introduction of the army and/or police into disarmed areas, to assure disarmed communities of their security. Efforts, as well, must be made to identify from where – the government of Sudan or internal Southern rebels, for instance – civilians are obtaining arms and to combat civilians’ abilities to access these sources of arms.

Enough is a project of the Center for American Progress to end genocide and crimes against humanity. Founded in 2007, Enough focuses on the crises in Sudan, South Sudan, eastern Congo, and areas affected by the Lord's Resistance Army. Enough conducts intensive field research, develops practical policies to address these crises, and shares sensible tools to empower citizens and groups working for change. To learn more about Enough and what you can do to help, go to www.enoughproject.org.

