

SOUTH SUDAN

Recommendations to address immediate challenges and long-term efforts to end the cycle of violence

Many may have thought that South Sudan, against all odds, could become a democratic, stable and prosperous country without dealing with the past. However, the recent escalation of violence indicates otherwise.

As has been voiced by UNDP¹, among others², one of the critical failures since 2005 has been the focus on technical state- and institution-building, without sufficient attention to true democratization, security sector reform and bottom-up nation-building. This has left the South Sudanese society fractured, with crimes unaccounted for, and wounds unhealed.

In the second round of Intergovernmental Authority on Development (IGAD)-led negotiations in Addis Ababa, it is critical to address the root causes of the conflict. This can only be done if the participation of all parties – including churches and civil society as independent actors – is ensured. We call upon the negotiators and international actors to aim for the following outcomes of the negotiations, and to provide the required long-term support to achieve them:

1. Protection of Civilians and Security Sector Reform

A major reform of the Sudan People's Liberation Army (SPLA) is a necessary starting point for building trust and confidence between and among communities and security forces, a process that will be complicated by the fact that the suffering of the people of South Sudan has been enormous. Reports of atrocities committed by both the SPLA and opposition forces are numerous. Therefore, the African Union (AU), the United Nations Mission in South Sudan (UNMISS), and other relevant actors must begin as soon as possible to independently investigate human rights abuses. Additionally, the Government of the Republic of South Sudan (GoRSS) must ensure strict accountability of the security forces to address misconduct in their interactions with communities. In order to better align Protection of Civilian (PoC) actions with civilian needs, both the GoRSS and UNMISS should redefine PoC strategies based on direct consultations with the people that require protection. This can inform which priorities can and should be addressed, what civilians can and should expect from the GoRSS and UNMISS, and how civilians can contribute to security promotion.

Recommendations and actions:

- a) Ensure that the next Addis agreement recognizes that the views and insights of civilians themselves are indispensable to effectively protect civilians. Civil society initiatives that

¹ Tran, Mark. (2014/01/22). *South Sudan failed by misjudgment of international community, says UN chief*. The Guardian. <http://www.theguardian.com/global-development/2014/jan/22/south-sudan-failed-international-community>

² Jok, Madut Jok. (2014/01/04). *South Sudan and the Prospects for Peace Amidst Violent Political Wrangling*. The Sudd Institute. <http://www.suddinstitute.org/publications/show/south-sudan-and-the-prospects-for-peace-amidst-violent-political-wrangling/>

foster dialogue between communities and protection actors, like the community security meetings being held by the South Sudan Action Network on Small Arms (SSANSA) under the theme “Security is everyone’s business”, can all be used to gather information on protection needs and capacities at the local level in order for UNMISS and the South Sudan Police to provide meaningful protection within their capacity.

- b) Ensure agreement on the start of a political process to restructure the SPLA to become a unified National Army composed of men and women from the 10 states in South Sudan, including in senior ranks. Reform of police, national security and other organized forces also needs to be included. Long-term issues on reform of the security sector should further be discussed in the constitution making process.
- c) Develop processes that facilitate political engagement with current commanders of different factions under and outside of the control of SPLA throughout South Sudan, to understand their agendas, motivations and ambitions in order to see how these issues can be addressed to increase chances for peaceful resolutions in South Sudan.

Recommendation on UNMISS:

- Maximize current limited patrol capacity by assessing the needs and capabilities to peacefully resolve local conflicts and support local “champions of change” like church actors, trusted governance actors, chiefs, and other change agents for peace, and facilitate their work by providing transportation and communication support, allowing access to necessary areas, and assisting with other actions that may be identified.
- Communicate in clear terms what UNMISS can do practically in the near future for each location. This should also include how civilians outside UN bases can access the protection services of UNMISS when in need, and how civilians can report human rights cases as they happen.
- Gather information necessary for truth finding and report this publically.
- Regularly gather and analyze information regarding the security and safety of civilians outside UN bases in order to prepare and advise on the displaced civilians returning to their homes.
- Assure the gradual safe return of IDPs and take measures to protect them when they have returned to their local communities.

2. Dialogue for truth, justice, and the long path to reconciliation

It is clear the absolute priority on the ground – in towns, villages, and IDP camps – is crisis management and prevention of further localized conflicts. Several initiatives by local partners of PAX continue to this date, with efforts around the clock to prevent conflict within and between their communities, and to pave the way for a solid and sustainable democracy.³ These activities contribute to the foundation on which South Sudanese society can be rebuilt, where reconciliation can take place and break the destructive, vicious cycle of the political and military power play. This further increases the legitimacy of local actors currently involved in conflict management initiatives, which

³ These conflict management initiatives include prevention initiatives promoting dialogue, non-violence, alternative dispute resolution processes to resolve disputes and negotiation agreements; monitoring; information sharing, collection and dissemination; enforce compliance with agreements and laws and provisions of justice.

can be used as a platform for the longer-term goals of reconciliation, truth and justice. Reconciliation should not be organized from the top and imposed on citizens, but rather be built from the bottom up, in close collaboration with churches. Without addressing human rights violations, perpetrators will continue to enjoy impunity and the future of South Sudan will be in jeopardy as historical grievances are not dealt with, and twisted narratives for political gain will lead to renewed conflicts in the years to come, which will require endless streams of aid. Therefore, the inclusion of truth-telling and justice to heal the wounds of the past should be a key element of the Addis political agreement. Given the weakness and lack of independence of the South Sudanese judicial system, South Sudanese legal experts⁴ argue this could be achieved through the framework for a hybrid court established in the South Sudanese judiciary and linked to the customary courts which emphasize restorative justice. Such a court will help with fair adjudication, strengthened independent national accountability mechanisms and rule of law in the long term.

Recommendations and actions:

- d) Ensure that the Addis agreement extends and broadens the mandate of the church-led Committee for National Healing, Peace and Reconciliation to include the work of truth-telling and confession in order to come to an independent process of meaningful reconciliation and build a national narrative on the past.
- e) Call upon the international community and UNMISS to facilitate the work of the church-led Committee for National Healing, Peace and Reconciliation and support local and church-led peace initiatives that address historical conflicts between tribes and current conflicts between IDPs and host communities.⁵
- f) Ensure a framework for independent investigations and impartial prosecutions such as a hybrid court. This should be connected to a mechanism of establishing the truth and due justice processes for the perpetrators.
- g) Ensure that an agreement on a process for truth and reconciliation includes a commitment of all parties to improve human rights and justice by ratifying core human rights treaties and adopting new legislation on the penal code.

3. An inclusive national political dialogue and constitutional review process

A nation-building process that addresses the root causes of the conflict in South Sudan must involve a broad range of civil society, state and local actors. The now-stalled Constitutional review process can and should provide an excellent platform to establish a more solid democratic foundation and guarantees for upholding basic rights in South Sudan. Before the fighting started, the EU Commission had announced its support for civil society organizations aiming to participate in this process. Currently consultations by civil society on the constitution have been put on hold due to insecurity in the 10 states. We call upon the EU and other international actors to renew their commitment to this

⁴ David Deng and Elizabeth Deng, *Toward an Integrated Response to Justice and Reconciliation in South Sudan*, 8 January 2014, www.africanarguments.org

⁵ Reconciliation initiatives in many states are currently hindered by insecurity and logistical obstacles. UNMISS could offer its support by providing transport and safe places to meet.

process as soon as possible. Because it has not demonstrated sufficient commitment to Constitution-making, we urge the GoRSS to fulfill its obligations and establish a mechanism to ensure that the process is participatory, inclusive and democratic.

Recommendation and actions:

- h) Ensure that the process in Addis leads to the formation of a broad, inclusive interim coalition government with the mandate to facilitate the above-mentioned inclusive national processes of political dialogue on, but not limited to, protection of civilians, truth and reconciliation, constitution-making and the task of preparing national elections.
- i) Agree upon a process of national political dialogue that includes the restart of the constitution-making process as a key element, and an adjustment to the composition of the National Constitutional Review Commission in order to ensure broad civilian participation.
- j) Support South Sudanese citizens' participation in the Constitution-making process by providing logistical and judicial support and safe places to meet (via UNMISS) for existing civil society initiatives which organize public consultations and feedback sessions.

ABOUT US

PAX is the largest peace organization in the Netherlands. Working with local partners in 15 conflict areas, the organization seeks political solutions to crises and armed conflicts. PAX also works on global disarmament and on the protection of civilians in order to support a secure, peaceful world. For more than 20 years, PAX has been working in Sudan (and now South Sudan). Current programs focus on community security, crisis management, and conflict prevention as well as on political dialogue and the constitutional review process.

The **South Sudan Action Network on Small Arms (SSANSA)** focuses on armed violence reduction, with a concentration on community security and control of small arms and light weapons. Recent examples of SSANSA's programmatic work include fostering dialogue between communities and providers of protection, supporting the review of the security chapter of South Sudan's transitional constitution, and taking a pro-people approach to the removal of arms illegally held by civilians.