Conflict of a Nation, and Repatriation in Collapsed States: The Case of South Sudan

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Abstract:

The purpose of this paper is to intervene in the discourse about South Sudan’s civil war to express and provide insights into the broader reality of South Sudan’s civil war. This is to highlight challenges for democracy, possible interface in the peace process, and repatriation of refugees and resettlement of internally displaced persons (IDPs). The aim of this paper is, therefore, to transcend the current literature that lacks critical analysis in capturing the true nature of the civil war. South Sudan’s civil war has been portrayed as a conflict of two tribes, Dinka and Nuer. This is the imprecise politics of political elites between two casts of characters who have dominated the politics of Sudan’s People’s Liberation Movements (SPLM) for decades, Salva Kiir and Riek Marcher.

To reflect contextually about South Sudan, this paper will attempt to stipulate arguments from a structural level on how South Sudan as a nation emerged and in what ways institutional systems adopted by South Sudan have been subverted to undermined progress for development in a diverse ethnic country. The analysis of this paper will critique and contend that the residual colonial violence that was inherited and adopted is now being employed by the state to oppress and exploit its people. The structurally designed and embedded violence within modern nation-states’ political, economic, and legal order has created the idea of nationhood and national identity of peoplehood based on a singular ethnic identity or superiority. Therefore, in this paper I will base my argument for South Sudan’s sustained brutal civil war on three primary factors: 1) Structural order of society to emulate a “Modern Nation-State,” 2) Adoption of national ethnos/ethnocide as a tool for nation-building, 3) Ominous ethnic organization within state structures that emulate state functions.
Despite international and regional pressure on the regime to reach cessation of hostilities, the international and regional economic dimension of the conflict continued to fuel ethnic hostilities and diffidence. Since the geopolitics and the economics of war demand a permanent state of war, it is an understanding among elites that maintaining the state of the permanent civil war itself in South Sudan is an investment that has produced a profit in maintaining the status quo of the regime at the expense of the suffering civilian population. The analytical literature review for this thesis will be based on the work of Arjun Appadurai, who theorized the Fear of Small Numbers; Carlos Berger, who proposed the use of ethnocide as a tool for nation-building in South Sudan; Benedict Anderson, who critiqued the idea of a nation as an imagined community; Max Weber, who wrote about the conception of the state; as well as Frantz Fanon’s perspective on colonialism in his work, *The Wretched of the Earth*.

**Methodology:**

The methodology employed in this research paper is based on factual documents that provided the basis for the legal qualification of human rights violations and, where appropriate, international crimes such as war crimes and crimes against humanity were established to have occurred. This paper also used leaked documents that are in the public domain and the works of other scholars in the field to establish evidence. It is worth mentioning that initially I had hoped my hypothesis would best be supported by conducting field ethnographic research. However, due to active ongoing conflict in South Sudan, accessibility to conduct such research was not feasible. Therefore, for alternative data collection, I interviewed South Sudanese who are in the diaspora. I
chose to interview this group of South Sudanese because understanding the views of those in the diaspora is important since they have been at the forefront of the following:

- South Sudanese in the diaspora have been proactive in lobbying for congressional support for peace talks.
- Some volunteered personally on the ground for peace talks. Others are physically in the field on both sides of the warring parties.
- Some individuals are serving as civil society to bridge gaps between warring parties.
- Some help in humanitarian efforts to help the sick and others in the education sector.
- Some individuals are helping with trauma healing for women and children.
- Others are involved in community leadership and economic self-reliance training.

However, data collected from those who participated in this research was unable to answer critical questions about why the alleged ethnic group is committing ethnic cleansing. In this, I have encountered a pattern of silence when it came to sensitive questions along the lines of ethnic violence. I have come to realize that being a South Sudanese in this research has undermined the confidence of my participants. I was viewed as an informant, an insider. This became clear during the Bay Area South Sudanese for Unity Association event that I have organized when person “B” replied to person “A” belonging to the Dinka ethnic group, “Tell me why I should attend an event where you will be present when your people are the ones killing my people?” At that moment I realized South Sudan’s civil war is greatly affecting the lives of those living in the diaspora, too.
Background:

South Sudan is in the East African region also known as Equatoria that covers 6,644,329 square kilometers of land with an estimated population of 12 million people. South Sudan gained its independence from Sudan in 2011 through a referendum after decades of protracted armed struggle between North and South Sudan. The capital city of South Sudan is Juba and the official languages spoken in the country are English and Arabic. South Sudan is one of the most diverse ethnic countries in the world with 64 recognized ethnic tribes and 80 more petitioning to be recognized, according to the 2012 census. The two largest tribes in South Sudan are the pastoral nomadic tribes of Dinka and Nuer. Dinka make up 35% of the population while Nuer make up 27%.

The political armed struggle for South Sudanese independence began with the Juba conference of 1947 when Sudan, like any other colonized country, asked for its independence. In 1953, the Anglo-Egyptian treaty was signed, which granted Sudan a path for independence. However, Southern representatives were excluded from participating in the conference. The exclusion of Southerners led to the purge of popular political leaders such as Saturnino Ohure, Joseph Oduho, and Emilio Tafeng, who were exiled. This in effect led to the formation of the first political armed movement organized by southerners against Arab domination, the Anya-nya Movement, also known as the South Sudan Liberation Movement (SSLM). This movement was founded in 1955 and led by Joseph Lagu (a member of the Madi ethnic group) from 1956 to 1972. The Anya-nya Movement began as a rebellion in 1955 after the defection of paramilitary and police officers from Torit province led by Emilio Tafeng. The sentiment at the time was that the great contribution and sacrifices of the Southerners who fought on behalf of the British Empire in World war II had initiated dialogue for an independent Sudan in the first place. But the colonizers reciprocated by
instituting a pernicious policy to deliberately leave political powers in the hands of yet other foreigners, the Arab slave traders and settlers imposing their Arab values on Africans.

Nonetheless, the grievances of the Southerners were adopted by the Sudan’s Liberal Party, tasked for the complete independence of Sudan. The Southerners proposed for federalism to solve the ethnic and religious divide of the country. However, in 1958 Ibrahim Abboud suspended parliamentary debate about federalism, causing more alienation of the Southerners. As a result, the Anya-nya movement began to propose regional autonomy or complete independence if federalism was not possible.

In the wake of intense civil war, the Anya-nya movement gained momentum during the downfall of Abboud’s military government in 1964, which led to a renewal of open party politics on the issues of Southern Sudan. The Southerners once again proposed federalism. In 1969 when President Nimeiri came to power through a military coup, the new government rejected the idea of regional autonomy. This caused Joseph Lagu to renew both military and political campaigns in the fight against a common enemy in the North. The political wing of the SSLM was the Sudan African National Union (SANU), a political party founded in 1962 by Saturnino Ohure, Joseph Oduho, and Joseph Kebulu in Uganda and William Deng Nhial, who joined the party later from the Democratic Republic of Congo (DRC). This political party operated under the ideology of African Nationalism, a Pan-African group of regional leaders in the continent at the time. They supported a unified political future for all Africans, as opposed to colonialism as well as Arabism that was being imposed on Black Africans.

The political weakness of Nimeiri’s administration created an opportunity for dialogue to address the political and economic concerns of the Southerners. This led to the signing of a 1972
peace agreement between President Nimeiri and Joseph Lagu. Although peace was relatively enjoyed by Southerners for some years, elements within the senior leadership of the South Sudan Liberation Movement (Anya-nya I) such as Samuel Gai Tut (a member of the Nuer group) rejected the agreement and defected to form another faction. This group, the Anya-Any II, demanded separation as a united, secular South Sudan. This proposition was met with resistance by the government of Khartoum after signing the 1972 peace agreement.

As a solution to the problem posed by the Southerners, President Jaafar Nimeiri instituted Shari’a law as the Sudanese legal system (imposing Islamic law as the legal system) and adopted a policy of decentralization. This divided Sudan into two provinces in 1978. This resulted in a major rift between the government of Khartoum and Southerners, who are largely Christian. Thus, in 1980, relations were framed around regionalism (North versus South, Arabs versus Africans) and religion (Muslim versus Christian). In the 1980s after the discovery of oil fields in the Sudan, which was largely in the south, this framing eliminated and obscured to the international community the core idea why Southerners took up arms in the first place. These reasons were equal rights, economic development, and freedom to self-determine and to cherish cultural values of their own in their land.

As a new rebellion was rising after the signing of the 1972 peace agreement, John Garang, a young officer who had demonstrated a talent for leadership within the ranks of the South Sudan Liberation Movement previously, was sent from Khartoum to put an end to the rebellion in the South. However, in 1983, Garang (a Dinka) would defect and meet Samuel Gai Tut (a Nuer) at Marol Center, Anya-Any headquarters in Nasir. Both military commanders would later attend a conference in Ethiopia to form the Sudan People’s Liberation Movement (SPLM/A) under the
chairsmanship of a veteran politician, Akuot Atem de Mayen. The initiative to start a new movement in the South was achieved, although some initially opposed the idea. Nonetheless, some officers advocated for John Garang while others advocated for Akuot Atem to lead the new movement. This led to a split between two factions, SPLM/A led by Garang, and Anya-nya II led by Akuot Atem and Samuel Gai Tut. In 1984, Garang orchestrated a massacre on Samuel Gai Tut’s forces and assassinated Gai Tut along with Joseph Oduho at Adura near Sudan and Ethiopia’s border, dissolving the remnant forces of Anya-nya II. This incident marked the origins of differences and political diffidence among prominent figures in the SPLM/A in South Sudan. This event also marked the first perceived ethnically motivated confrontation beyond frequent minor cattle-raiding incidents between Dinka and Nuer, as Anya-Anyaa II forces were made up predominantly of Nuer.

During this period, Riek Macher (Nuer) was commanding forces and operating in the western Upper Nile region of South Sudan while Salva Kiir (Dinka) was working as a military intelligence officer for Khartoum’s government in the South before his defection to the SPLA led by John Garang.

In 1986, a group of officers, led by Prime Minister Sadiq al-Mahdi, disturbed by the chaotic condition of the country, took over the government through a military coup. However, in 1989, Umar Hassan Ahmad al Bashir disposed of Sadiq, also through a coup d’état. Umar Bashir quickly established Shari’a law and military victory over the SPLM/A. Bashir’s government also adopted the language of federalism to describe its policy of decentralization as a strategy to isolate the SPLM/A for peace. This caused a major rift between North and South. South Sudanese began to adopt the principle of self-determination and complete independence from the North and the idea
of federalism was dropped altogether, leading to bitter hostility between the two regions for decades. Several peace talks were attempted in the 1990s, but none produced any meaningful dialogue.

In 1991, entangled in ideological differences with SPLM/A leader John Garang (Dinka), Riek Macher (Nuer) was believed by the Dinka to have orchestrated a massacre of Dinkas under the guise of common cattle raiding, which left bitter relations between the two tribes. This came to be known as the Bor Massacre. Macher defected from the SPLM/A and formed the SPLM/A-Nassir while Garang and Kiir led the SPLM/A-Torit. In 2002, both Garang and Macher put their differences aside and rejoined the factions together for possible peace negotiations. In 2005, a comprehensive peace agreement was achieved, putting an end to the long civil war between North and South in Sudan. This agreement also provided for a referendum in 2011 should unity be not attractive, in which South Sudanese voted overwhelmingly for separation. On July 9th South Sudan became a new nation, Salva Kiir being the assumed president and Riek Macher his deputy vice president following the understood military rank of the two individuals within the movement after the death of Garang.

On December 15, 2013, disagreements among political elites of the ruling Sudan People’s Liberation Movement/Army (SPLM/A) escalated and led to violent confrontations between presidential guards loyal to President Salva Kiir (Dinka) and former Vice President Riek Macher (Nuer). The violence began when the SPLM National Liberation Council was holding its meeting in the capital city, Juba, to discuss transitioning the military government to a civilian government. This transition was scheduled to take place in 2015 through a democratic popular vote. Before this
violent incident (five months prior, July 2013), President Salva Kiir issued a presidential decree purging the entire cabinet and Vice President Riek Macher for a reshuffle.

The purge was aimed at political rivals within the government, thereby reviving the factionalism of 1991 and reigniting the conflict between Dinka and Nuer, which caused widespread violence. The reshuffle was also believed by Riek Macher and other ministers of the cabinet to be unconstitutional and dictatorial because it lacked parliamentary consensus. This confrontation led to widespread violence, drowning the young nation in another wave of civil war. The widespread violence carried crimes of ethnic cleansing. Salva Kiir’s regime assumed the confrontation between presidential guards along ethnic lines, and past grievances, for example the Bor massacre, were recited to ignite tribal allegiance and support from a wider Dinka tribe for ethnic hostilities. This ethnic cleansing led to the formation of the armed opposition group in 2014 led by Riek Macher, with the Sudan People's Liberation Movement/army in opposition (SPLM/A-IO). The tribal nature of this war also produced other factions, such as the South Sudan Opposition Alliance and National Salvation Front and others. The cruel strain of South Sudan's civil war displaced 4.5 million people, leaving over 400,000 people dead, and 7.2 million people in need of humanitarian assistance. Two and a half million people became refugees while 1.83 million people were internally displaced, with 182,000 in protected civilian sites.
A) Part I

1) Introduction:

The scale of untold human suffering in South Sudan needs to be given international attention, because of human rights violations and a complete disregard for international humanitarian law. South Sudan is not only a weak state that disintegrated along unrecognized ethnic lines, but is also in a state of anarchy. Although recent efforts for resolution of the civil war of South Sudan have been attempted through peace negotiation to mitigate civilian suffering, respect for civilians has remained on paper. But, why did South Sudan disintegrate after three years of independence? And in what ways can people be repatriated? This paper will explore these questions.

In this paper, I will attempt to transcend the narrative of the current literature. Its framing emphasizes the politics of the elites and imprecise narratives of the ethnic dimension of the conflict that lack critical analysis. (In current literature South Sudan’s civil war has been portrayed as a conflict of two tribes, Dinka and Nuer. In truth, over sixty-two other ethnic minority groups are involved.) Such counterfactual narratives and inaccurate images about South Sudan’s civil war left the international and regional community ambivalent and without sympathy in the face of ethnic cleansing. South Sudan is a diverse country with over sixty different ethnic groups and eighty registered linguistic partitions, according to a 2012 population census of 12 million people. Ethnic groups historically have organized themselves in tribal nations. There, economic activities that are tied to land were held by the community and elders acted as adjudicators on social issues, including land disputes. From a social point of view, such orders of society are still the backbones of many ethnic groups under modern nation-states. Due to the persistent conflict, such values in ethnic bonds have continuously been reinforced in tribes. People have always sought and found refuge and safety from state aggression and persecution in their own tribal community.

[Note: The terms Dinka and Nuer are not names of tribes but rather derogative sectarian terms that have been used throughout the North-South Sudan conflict to describe two nomadic ethnic groups. The actual name of the Dinka tribe is Jieng and the actual name for the Nuer tribe is Naath. However, to understand the familiar accepted term in the popular literature that describes these two tribes as Dinka and Nuer, I will use these terms Dinka and Nuer to not further confuse readers.]

As I contend my argument for the occurrence of ethnic cleansing on the ethnic minority in South Sudan by Dinka and Nuer, I would like to also ask my audience to recognize the enormous
suffering and difficulties a good number of Dinka communities are also going through, given that not all Dinka belong to the cast of JCE or ruling elite groups.]

The purpose of this paper is to intervene in the discourse of the current literature about South Sudan’s civil war and to express and provide insights into the broader reality of the civil war. This is to highlight the challenges for democracy, possible emancipation for an interface in the peace process, and repatriation of refugees and IDPs. It is therefore imperative to understand these elements for any meaningful and constructive reform to take place at a structural level.

The intervention of this paper will be based on the assertion of three arguments that have been the fundamental driving force in the perpetual civil war of South Sudan. This is a civil war in a country that claims that for decades it had fought against Arab domination for its independence to be free, while at the same time imposing the same cruelty on its population three years after achieving that independence.

I will argue that the brutal civil war that is going on in South Sudan stems from the structural order of societies, which has evolved into identity crises based on the ideological construct of ethnic supremacy and power competition. Although, the two elements are not exclusive prior to the genesis of the civil war or in fueling and fermenting the ongoing civil war.

Secondly, I will argue that the contention for ethnic supremacy is not only based on the ethnic nemeses of past grievances but also a battle for the soul of South Sudan’s sovereignty as a nation trying to forge a new identity. It adopted a stringent idea of national ethnos, that its national sovereignty will be built on some ethnic brilliancy (should I say ethnic cruelty) where the ideas of nation and peoplehood will rely on some ethnic purity or singularity. This attempt to forge a new
identity has allowed the state to license rape as a state policy for its military as a gift to increase their salaries. This idea, in the attempt to suppress ethnic plurality, was also developed and intensified by the discovery of natural resources and a lack of inclusive economic plans for post-referendum South Sudan. Who would control the economic architecture of the oil-based economy of the country since the national treasure was not nationalized?

My third argument rests on the establishment of an ominous ethnic organization within a state structure that emulates state functions. I, therefore, claim that the establishment of an organized self-proclaimed Dinka Council of Elders (JCE) with a formal committee within state structures during the formation of South Sudan as a sovereign state has allowed the Dinka elite to infiltrate institutional structures of power in order to subvert the democratic process of good governance.

This subversion of state institutions by JCE allowed the Dinka elites to consolidate political power and purge opposition leaders in key government positions. This was witnessed in July 2013, when the president issued a unilateral decree to reshuffle the entire cabinet of the parliament and his deputy vice president Riek Macher. The weaponization of institutional mechanisms against the people of South Sudan and the unilateral dictatorial actions taken by Salva Kiir led to a covert orchestration of a policy strategy of ethnocide as a tool for nation-building. This forced 4.5 million South Sudanese to become refugees and IDPs and left over 500,000 dead.

It is within this premise to pursue singular national identity and peoplehood based on ethnicity that caused the Dinka elite to institute ethnocide as a tool for nation-building to alter the ethnic composition of South Sudan. This was not only to redefine the national identity of South Sudan but also to place the Dinka in an advantageous position within the state structure politically, militarily, and economically. In effect, this also caused the Nuer to adopt a similar ambition,
causing ethnic cleansing and crimes beyond malignant wickedness. This nefarious ambition created a situation of uncertainty for both the Dinka and Nuer to secure dominance, resulting in a sentiment where other ethnic groups, whose population could no longer be repressed marginalized or absorbed, were perceived to be a threat to that ambition. This led to a genocidal ethnic cleansing in the greater Equatoria region and inter-communal violence in other regions of South Sudan. These crimes have been perpetrated from the beginning by a subversion of a state apparatus created to facilitate democracy: the national army. Thus, the employment of the national army, tribal militias, and aligned forces were situated to act as mercenaries whose purpose was to commit crimes of ethnic annihilation to change and tilt the ethnic composition of South Sudan in favor of their ambition.

2) Structural order of society:

The problems of the structural order of society, as well as ethnic conflict in South Sudan, stem from South Sudan’s emphasis to develop a formal institutional government to emulate modern nation-states. This is a mere replica of Sudan’s government structures. Instead of focusing on unveiling the critique of such political structures and inter-ethnic challenges created by such a system, South Sudan embraced the “modern nation-state” as a model of governance, which is rather an emulation of a colonial institution that existed as a British imperial power. This model of governance is the very system under which South Sudan had a bitter armed struggle against the hostile political subjugation of the government of Khartoum. It is therefore in this principle that the modern nation-state model South Sudan embraced with its attendant drive toward a unifying ethnic identity was not compatible with the multi-ethnic population of South Sudan. This is
because a modern nation-state is not about changing or transforming a colonial institution for governance, but rather replacing it with national power. This ignores the social underpinning of societies, i.e. the world view, and knowledge of how people understand democracy and self-determination in a diverse communal society.

Had any critical analysis been applied in the context of how South Sudan as a nation has emerged, and how the meaning of the institutional system adopted as a model for governance in the process of nation-building, the problem of the structural order of society would have been apparent. To assess critically and understand the current civil war in South Sudan from a structural level, we need to look past the violent incident that occurred on December 15, 2013 to develop a better analysis. That event triggered nationwide violence. In the process of developing such a critique, it demands us to recognize how South Sudan as a nation has emerged and how the meaning of the institutional system adopted by South Sudan as a model of governance for nation-building has changed, or rather, was assumed to have changed.

The generational armed struggle and suffering in South Sudan is an inherited structural problem now employed by the state to oppress its own citizens. The replacement of a colonial institution by South Sudan to emulate a “modern nation-state” that was established to subjugate and exploit people was once a familiar specter to all Sudanese in the hands of the British and Egyptian governments. Sudan similarly suffered the same hangover after the independence of 1956, but its national trauma was only passed on to the South Sudanese when it was ruled as a colony under a joint authority (Condominium). Even though Sudan had long been the Southern Province of Egypt, before the British partition of this region, Sudan adopted the principle of self-determination due to colonial institutions that were oppressing people. However, after
independence, what Sudan inherited from the direct British rule of the region is an undemocratic and authoritarian political order, which was forcefully imposed from above. To put it differently, the political elite made decisions on behalf of the indigenous people without considering their ideas or consulting them. This system has failed to recognize the cultural realities as well as the cultural plurality of a diverse country. Thus, leaders have always ruled people like a predatory state, which emulated characteristics of imperial overreached.

What the British planted in Sudan, as in many other colonized countries, is a cruel political order that is used to exploit and subjugate people and their resources. The direct British administration of Sudan has greatly impacted the purpose of political administrators, which is highly autocratic. The brutality of the British imperial administration in Sudan was consequently inculcated in the minds of leaders who have continued to perpetuate the tradition of autocratic rule. Culturally, the notion of ethnicity or race in politics left behind by the British also has gravely affected the political trajectory Sudan took after leaving political power in the hands of predominantly Arab Sudanese in 1956.

Ethnic divisions left a persistent rivalry and conflict in Sudan. Thus, for a long time South Sudan was considered the source of Sudan’s problem by the government of Khartoum. This paved the way to an official, weaponized strategy of identity politics in the political discourse of Sudan. Like many other colonized countries in the continent of Africa asking for independence, the genesis of the long history of armed struggle and turmoil for South Sudanese began with the Juba conference of 1947. This is when the Sudanese asked for political independence from the British and territorial secession from Egypt.
The political landscape of Sudan as a sovereign state abruptly changed with the agreement of all parties in 1953, when Egypt stated conditions on which it would agree to a so-called new Anglo Egyptian treaty, which established terms for self-government in Sudan and the exercise of self-determination or a complete union with Egypt.

In 1953, the liquidation of the joint authority paved a path to self-proclaimed independence from both Britain and Egypt in 1956. South Sudanese were dismayed because they were excluded from the talks and had no special protection in the new sovereign government in Khartoum. “The exclusion of the Southern representative from these talks repudiated the constitutional formula agreed with the Southern representative.”  

Nonetheless, the South Sudanese proposed for federalism and the Liberal Party, which was founded in 1952 and was tasked to work for the complete independence of Sudan, took part in a motion to press for federalism. “Thus, federalism was presented as the only viable path to the unity of Sudan, and self-determination for the South by itself was raised as the only acceptable alternative.” This idea was quickly phased out when Ibrahim Abboud took control of the government through a coup that caused an internal political rift among the members of parliament in 1958. “Abboud’s regime put an end to parliamentary politics and any public discussions of federalism as a constitutional solution for Sudan,” which drove many Southern leaders into exile to organize armed opposition to Khartoum.

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3 Ibid.

4 Ibid.
The first organized political armed group established by the Southerners against the oppression of the Arab dominated government in Khartoum was Anya-nya, also known as the South Sudan Liberation Movement, founded in 1955. The term Anya-nya in the Madi language means “viper,” a phrase which is also used to describe guerilla warfare. This phrase is often confused by scholars with the word inye-nya, which means poison. Anya-nya derived its name from mastery of guerilla warfare, which operated as covertly as a viper’s strike (vipers of the jungle). These armed groups were mainly former paramilitary officers, World War II veterans, and police officers from Torit province who defected. The Anya-Anyanya movement promptly gained momentum, especially during the downfall of Abboud’s military government in 1964, which led to a renewal of open party politics and commitment to a public forum. This strengthened civil society and conferences on the issue of Southern Sudan.

In 1965 when open discussion of politics, public forums, and parliamentary conferences was reinstated to resolve issues of citizenship and economic development of the Southern region, the outcome was a disappointment for most South Sudanese. Consequently, the Southerners started to adopt the principle of self-determination and the ideas of regional autonomy and complete independence from Arab domination began to be proposed within the movement. This led to a major civil war between the Southerners and the government of Khartoum, also known as Anya-nya I in 1966. Although the Anya-nya were relatively strong, they did not achieve victory over the government because the momentum was weakened by the internal wrangling among the leading politicians of the liberation movement.

In 1969 when a second military government of President Jaafar Nimeiri came to power, again by coup d'etat, the new government rejected the idea of regional autonomy that was being proposed
by the South Sudanese. This caused the Anya-nya movement, led by Joseph Lagu (Madi), to react and renew both the military and political campaigns of the South Sudan Liberation Movement (SSLM) in the fight against a common enemy in the North. In 1971, the subsequent strength of the movement and internal weakening of the military government of Nimeiri made negotiations possible to address the political concerns of Southerners and institutional reforms in the government.

Federalism once again was proposed as an alternative for solving the problem of a fragmented state along regional, ethnic, and religious lines. The government refuted the South Sudan Liberation Movement (SSLM) demand for federalism by citing the newly adopted People’s Local Government Act of 1971, which stipulated that “all decentralization needed for the proposed Southern regional government needs to run for office effectively,” but the SSLM delegation objected that the power of the central government should first be clearly defined and all other powers reserved for the regions, a formula adapted from the U.S constitution. Nevertheless, due to the internal political weakening of Nimeiri’s administration, the government offered the South Sudan Liberation Movement a “federation” in 1972, an agreement signed in Addis Ababa between President Nimeiri and SSLM leader Joseph Lagu. However, elements within the senior leadership of the South Sudan Liberation Movement (Anya-Anyi), such as Samuel Gai Tut (Nuer), rejected the agreement and defected to form another faction of Anya-nya II, demanding a separate united secular South Sudan. This idea was met with resistance by the government of Khartoum. As a solution to federate Southerners, President Nimeiri instituted Shari’a law as the Sudanese legal system (imposing Islamic law as the legal system) and adopted a policy of decentralization dividing Sudan into two provinces in 1978. This resulted in a major rift between the government
of Khartoum and Southerners, who are Christian. Thus in 1980 relations were framed around regionalist ideology (North versus South, Arabs versus Africans) and religion (Muslim versus Christian).

As a new rebellion was rising, John Garang, who demonstrated a talent for leadership within the ranks of the South Sudan Liberation Movement was sent from Khartoum to put an end to the rebellion in the South. However, in 1983 John Garang (Dinka) would meet Samuel Gai Tut (Nuer) at Marol Center, Anya-ANYa headquarters in Nasir, and both military commanders would later attend a conference in Ethiopia to form the Sudan People’s Liberation Movement (SPLM/A) under the chairmanship of a veteran politician, Akuot Atem de Mayen. The initiative to start a new movement was criticized but nonetheless achieved with some officers advocating for John Garang while others advocated for Akuot Atem. This led to a split between two factions, the SPLM/A led by Colonel John Garang, and the Anya-ANYa II, led by Akuot Atem and Samuel Gai Tut.

In 1984, John Garang orchestrated a massacre of Samuel Gai Tut’s forces and assassinated Samuel Gai Tut with Joseph Oduho in Adura, near the Sudanese border with Ethiopia absorbing the remnant forces of Anya-ANYa II into the SPLM. During this period, Riek Macher (Nuer) was commanding forces and operating in the western Upper Nile region of South Sudan while Salva Kiir worked as a military intelligence officer for Sudan’s Army.

The massacre of Gai Tut’s forces marked the origins of differences and political diffidence among prominent figures in SPLM/A in South Sudan. This event also marked the first perceived ethnically motivated confrontation beyond frequent cattle raiding incidents that occur between Dinka and Nuer as Anya-ANYa II was made up predominantly of Nuer.
[Note: The name Sudan People’s Liberation Movement/Army (SPLM/A) was adopted by John Garang from the 1976 Sahara Polisario Liberation Movement (SPLM), a popular front for the liberation of Saguia el-Hamra and Río de Oro of Mauritania against the Spanish control of western Sahara in Morocco.]

In 1986, a group of officers led by Prime Minister Sadiq al-Mahdi, disturbed by the chaotic condition of the country, took over the government through a military coup. This was rather a military setback for the SPLM/A, which caused internal bickering and contention among senior officers of the movement on the question of SPLM vision and leadership under John Garang. This internal fighting became continuous as some officers pressed for complete independence of South Sudan from Arab domination. In 1989, SPLM/A was again outmaneuvered by Umar Hassan Ahmad al Bashir who disposed of Sadiq through military coup under the leadership of John Garang.

Umar Bashir quickly established Shari’a law and military victory over the SPLM/A. The government of Bashir also adopted the language of federalism to describe its policy of decentralization as a strategy to isolate the SPLM/A for peace. This called into question the leadership of John Garang among the contending senior officers within the movement. Nonetheless, it forced the SPLM/A to adopt the principle of self-determination and complete independence from the North and the idea of federalism was dropped altogether, leading to bitter hostility between the two regions (North and South) for decades. Several reconciliation attempts were made in the 1990s, but the most significant agreement that was accomplished was the
Comprehensive Peace Agreement (CPA) of 2005. This accord had five principles that were agreed upon:

1. Establish a democratic system of governance by election.
2. Find a comprehensive solution to the economic and social deterioration of Sudan.
3. Find a solution that replaces war with peace, but also with social-economic justice, fundamental freedoms, and human rights.
4. Formulate a reconstruction and development plans for the areas affected by the war.
5. Make the unity of Sudan an attractive option.

The Comprehensive Peace Agreement of 2005 also established a process to determine borders between North and South, a semi-autonomous government in the South, and provided for a referendum in 2011 for the South to separate if unity was not attractive. In January 2011, South Sudan voted overwhelmingly (98.83%) for an independent state. On July 9, 2011 South Sudan became a new sovereign state on the global map. Between 2011 and 2012, although social issues related to land, forced displacement, and economic hardship were happening, social issues that were affecting ethnic minorities’ lives were overlooked and swept under the rug by the military government of Salva Kiir to save the image of the young nation.

As a result, leaders found themselves on two different political spectra to address challenges the young nation was already facing: those who wanted to employ progressive ideas of good governance, human rights, and institutional reforms to show the world they had arrived after a long struggle and suffering, and those who wanted to supersede ethnic dominance in the state structures of power. It was these two ideological clashes and fear of relinquishing power by ethnic Dinka
elites to the people of South Sudan that led to the orchestration of violent incidents on the night of December 15, 2013 among senior military officers in the presidential palace.

On December 15, 2013, disagreements among political elites of the ruling party, Sudan People’s Liberation Movement/Army (SPLM/A), escalated and led to violent confrontations between presidential guards loyal to President Salva Kiir (Dinka) and Former Vice President Riek Macher (Nuer). The violence began at 10:00 p.m. inside the presidential palace compound. It was a day when the SPLM National Liberation Council was holding its meeting in the capital city, Juba, deliberating about transitioning the military government that had assumed power after the referendum of 2011 to a civilian government. This transition was scheduled to take place in 2015 through a democratic popular vote. Prior to this violent incident (five months earlier, July 2013), President Salva Kiir issued a presidential decree purging the entire Cabinet and his Vice President Riek Macher for a reshuffle. The purge was aimed at political rivals within the government thereby reviving the factionalism of 1991 and reigniting the conflict between Dinka and Nuer.

During South Sudan’s struggle against the government of Khartoum, Machar led a faction from the SPLM/A to form the SPLM/A-Nasir after defecting with two senior commanders (Dr. Lam Akol Ajawin and Dr. Gordon Koang Chol) in the 1990s. For a decade SPLM/A operated as two entities: SPLM/A-Torit led by John Garang and SPLM/A-Nasir led by Riek Macher before both rejoined the party in 2002 to put their differences aside and return to one party movement, the SPLM/A. This factionalism created a rift and political diffidence within the top leadership of the SPLM/A and a dispute around the parameters of SPLM/A’s vision. Riek Macher, entangled in ideological differences with SPLM/A leader John Garang (Dinka), was believed by Dinka to have orchestrated a massacre of Dinka under the guise of common cattle raiding incidents in 1991,
which left bitter relations between the two tribes. This massacre came to be known as the Bor Massacre. The Bor Massacre perhaps came to be described by some senior officers of SPLM/A and analysts as an act of revenge on John Garang for taking over the SPLM/A leadership in 1983 as well as the massacre of Gai Tut’s forces, who were predominately Nuer militia of Anya-Anyaa II.

Within twenty-four hours, the violent incident between the presidential guard loyal to President Salva Kiir (Dinka) and Vice President Riek Macher (Nuer) assumed an ethnic dimension as Dinka soldiers targeted Nuer soldiers and civilians across Juba, leaving 300 Nuer civilian fatalities according to United Nation Mission in South Sudan (UNIMISS). Some reports stated that the altercation between the presidential guard began when Dinka soldiers tried to disarm predominately Nuer soldiers during a tense climate of political deliberation on the SPLM Liberation Council. However, the official report issued by the government as to what took place inside the presidential palace was that this was an unsuccessful coup attempt and those targeted were those who took part in the mutiny. Whether it was an attempted coup or not, UNMISS fact-finding reports documented ethnically targeted killings and extra-judicial killings in the capital a day after the violent incident to a point where all foreign nationals were evacuated by their respective countries. The government didn’t make any effort nor did it implement any effective contingency plan to contain the deteriorating security concerns, as the rebellion continued to concentrate in the first month within three predominately Dinka/Nuer states (Unity State, Upper Nile, and Jonglei) and the targeting of ethnic groups continued. In this spectacle the truth about what motive led to the confrontation inside the presidential palace was lost. For ordinary civilians,
this was a willful intent to carryout genocide by the president and his tribal officers to stay in power.

The nationwide ethnic cleansing and genocide led to the formation of the Sudan People Liberation Movement in Opposition (SPLM/IO). For the SPLM/IO, the main reason for taking up arms again in 2014 was to institute radical reforms, to bring about a fundamental change in the country to deliver the promise of the liberation struggle that gave South Sudan a flag. They wanted a promise of equality and not a promise to supersede ethnic dominance they fought against in Sudan’s civil war.

In South Sudan’s civil war, although other factions such as South Sudan Opposition Alliance (SSOA) or National Salvation Front (NAS) were formed in opposition to the Dinka-led interim government of South Sudan, which many now refer to as a tribal clan and family enterprise to loot the country and its future generations, what remained true is that past grievances were propagated to not only evoke tribal support from the wider Dinka but also to isolate Riek Macher from the SPLM/IO movement. On one hand, this was done to deliberately create disunity within the ranks of SPLM/IO. This was done to find a narrative to discredit Macher’s competence in leadership and legitimize the regime’s punitive measures of ethnic cleansing to the international and regional community. In effect, this was to label SPLM/IO as lawless rebels led by someone who had a "criminal record" of committing ethnic cleansing (the case of Bor Massacre).

On the other hand, from a military point of operation, this was done to create disobedience within senior ranking officers of the SPLM/IO. The object was to weaken all forms of opposition to the interim government from achieving their common goals, i.e. delivering that promise of
radical transformation and institutional reforms for good governance to all South Sudan regardless of creed, or ethnicity.

To an extent this did create division and departure within the SPLM/IO movement when Major General Lawrence Amitayo Legge announced his resignation on November 25, 2017 from the SPLM/IO to join the National Salvation Front (NAS) led by Thomas Cirillo in Central Equatoria. Today, ethnic cleansing is concentrated on the ethnic minorities in the Equatoria region while civilians are targeted by the state because:

1) They are perceived as those who have aligned themselves with the SPLM/IO led by Riek Macher, the archenemy believed by the Dinka to have massacred their fellow members in 1991.

2) They are perceived as a threat to Dinka ambitions of creating national identity and peoplehood.

3) They are perceived as not South Sudanese, but rather "Wewe," a Swahili word used out of context to cast ethnic Equatorians as Ugandan or Kenyans and to question their citizenship—another fallacy derived from lack of knowledge on ethnic roots and origins to justify genocide.

For the Dinka elite, propagation of the Bor Massacre and the weaponization of past grievance has evidently and successfully been used to summon and organize wider Dinka to fuel ethnic hostilities and to elevate Dinka elites and to that end. This is to justify ethnic cleansing in creating a national identity based on the Dinka, who would then keep power in South Sudan politically, economically, and militarily.
It must be realized and kept in view that the arbitrariness of western human rights organizations to recognize the Darfur genocide of 2006 over decades of persecution, scorched-earth practices, and human rights abuses carried out by the government of Khartoum on the South Sudanese triggered something pathological among South Sudanese. Decades of their atrocities and genocide is summed up and credited to Darfurians. This crafted ominous sentiment among different ethnic groups. Many South Sudanese felt left out by the international community when it chose to recognize the Darfur genocide over the South Sudanese genocide carried out by Umar Bashir. Because of geographical location, in the civil war between North and South the Equatoria region was targeted because it was considered as the source of social ills. This is either in terms of raising the consciousness of the country for revolutionary armed struggle against the Arab subjugation or being the economic base that sustained the liberation of the armed forces of South Sudan for food supply and other things.

To the contrary, Dinka elites also wanted their atrocities to be recorded in the history books and began promoting the 1991 Bor Massacre as an issue, claiming that they had suffered the most during the British colonial rule and North-South Sudan’s civil war. Subsequently, on August 31, 2007, Dinka within South Sudan and in the diaspora alike declared every year August 28 would be a day of remembrance for the Bor Massacre. These unfounded claims were an attempt to craft Dinka regions as areas affected the most by the war in the period leading to the implementation of a comprehensive peace agreement article, which stipulated that Sudan must formulate a reconstruction and development plan for the areas affected by the war. The aim of these claims was to also make sure any compensation received would go to the Dinka region. To assert that Dinka have suffered the most during British colonization, as well as during the civil war, is to
repudiate the Dinka way of life as nomads. To accept these unfounded claims is to distort the historical battlefield of South Sudan’s armed struggle, whose bloodiest wars were mainly fought in eastern and central Equatoria, especially when John Garang led SPLA-Torit. During the civil war, the Dinka and Nuer community suddenly began experiencing severe instability and displacement after oil came into the picture.

After August 28 was declared for the Dinka community, many began lashing out against other ethnic groups, and high-ranking Dinka military officers began installing sleeper cells across Equatoria and Upper Nile. These communities quickly began experiencing instability even before South Sudan gained independence. In the Madi community, for example, local officials such as police chiefs and judges and border agencies were Dinka. For the Madi people this posed a great challenge to the freedom of movement on the border between Uganda and South Sudan. To provoke the Madi community, the Dinka claiming to be IDPs, began asserting sovereignty over Madi land, and demanding that a Dinka chief as well as representatives preside over community affairs, neglecting customary Madi law and a 2009 local authority agreement. As more Dinka cattle keepers were brought to graze in the community's agricultural farmland, the Madi began to witness daily injustice with dual courts and police instituted to favor Dinka. Upon formal complaints to the higher authorities, more retaliation on the community persisted as Dinka flooded Madi land disguised as IDPs. For example, the border town of Nimule was forcefully occupied by the Dinka and some Nuer.

This made it hard for the people who voluntarily repatriated from refugee camps in neighboring countries to settle. Others found Dinka and Nuer living in their plots, and some had already illegally built houses on their land. The chief of the Madi community wrote numerous letters to
state officials to put an end to this disruption and to prevent community antagonism, which was already provoking hostility, but these letters fell on deaf ears. The chief of the Madi community (Lopirigo) continued writing letters appealing to the office of the presidency to issue at least a memorandum requesting government officials to refrain from the following illegal practices:

1. Illegal land appropriation
2. Misconduct on young girls in the community
3. Removal of cattle from community farmland
4. Arbitrary arrests, detention, and disappearances on the hands of state officials
5. The chief also appealed to the president to ask government officials to adhere to the local government authority agreement of 2009 that was signed between local government and the state.

The acute state of many communities such as, Bari, Kakua, Pojulu, Lotugo, Kuku, Zande, Acholi and communities around Juba or in Upper Nile facing similar forceful displacement pressured President Salva Kiir to pass a decree, but this was lip service. For the case of the Madi community, what followed was increased retaliatory arbitrary arrests, detention, disappearances, and assassination of community leaders. Since 2010, six Madi chiefs have been assassinated due to their vocal activism on behalf of their community members. The grievances of the Madi community have been met with more retaliation and disappearances with impunity. These actions emboldened the Dinka, who claim they are IDPs in Nimule or Magwi County, to press for their own representative in the interim government of Salva Kiir, separate from the Madi community. These actions made the Madi community realize these are state-sponsored projects, deliberately instituted to forcefully displace and evict them from their land. Following the incident of December
15, 2013, faced with ethnic cleansing from the state, the Madi community knew that the aim of this policy was indeed to advance Dinka ambition to create a national identity for South Sudan based on the peoplehood of the Dinka. It is these pressures exacted on ethnic minorities, with crimes of ethnic cleansing, that dragged Equatorians into war. At a deeper level what appeared to be a contest for power between two casts of political characters (Salva Kiir (Dinka) and Riek Macher (Nuer)) was in fact a Eurocentric ideology of creating a homogenous nation whose identity would be based on one ethnic identity. These issues persist and if they continue, would be the downfall of the implementation of the security arrangements within the Revitalized Transitional Government of National Unity (R-TGNU).

The current literature about South Sudan’s civil war has focused on the imprecise narrative of an ethnic dimension of the civil war between Dinka and Nuer and the politics of the political elite centered around Salva Kiir and Riek Macher. Contextualizing a broader scope of the civil war, such as to postulate substantive issues between communities that command legal and emotional legitimacy in addressing the fragility of any peace accord or institutional reforms that may arise from this conflict would be a better narrative. The sovereign state of South Sudan will remain futile if governmental positions for civic duties are treated and arranged as a transaction. As long as this persists, corruption will permanently be instituted. The nation's wealth continues to be divided and arranged in percentages under a 2018 peace agreement, which has now licensed political and military elites to use their position to loot the country of its future. They enrich themselves as they fund tribal militia to keep South Sudanese citizens distracted from ethnic hostilities.
Until leaders realize that civic duties entail service to the people, positions, titles, and entitlement will continue to remain the pursuit of any individual seeking a governmental position. This is because what unfolded on December 15, 2013, appeared to be:

1. The adoption of ethnic expansionism by the Dinka and Nuer in order to acquire land of other ethnic groups, not only in the vicinity of their traditional borders but also in the greater Equatoria region to pursue national identity based on the Dinka as well as to assert dominance over state instruments of power
2. The adoption of ethnocide as a tool for nation-building to pursue ethno-nationalism, which translates into lack of tolerance, multiculturalism, and inclusion of collective strangers in the new sovereign state of South Sudan
3. Adoption of a weak colonial model of an institution for governance from the onset to emulate modern nation-states
4. The maintenance of a rigid party structure based on pre-CPA politics rather than harnessing the power of the referendum for building a vision for all South Sudanese and not just one ethnic group
5. The politicization of past grievances to harness political support that had the far-reaching effect of retribution that brought the country’s vision of progress to its knees
6. Adoption of ethnic organizations to emulate state functions that subvert institutional mechanisms for good governance
7. Power competition where leaders were repositioning themselves within the SPLM Liberation Council to be the likely candidate for election in the process of transitioning the military government to a civilian one that was scheduled to take place in 2015
8. Allocation of inadequate resources for a truth and reconciliation commission post referendum to initiate proper dialogue on social issues

9. Deliberate grazing of cattle in agricultural land by the ethnic Dinka and Nuer cattle keepers, whose actions were validated by arbitrary arrest, detention, and disappearance of community leaders upon formal complaints submitted to authorities, especially in Madi land

10. The indifference to national as well as localize reconciliation and reconstruction for community healing

11. Lack of inclusive economic plans for national treasure and forceful displacement of people from their land where a natural resource was discovered or assumed to exist through the arbitrary establishment of a military buffer zone

12. The creation of tribal militias and mobile forces whose purpose was to sow disorder to justify state military intervention to evict and displace ethnic minorities from their land.

To understand these dynamics of South Sudan’s civil war is to grasp elements that have continued to shift and ferment. It is imperative to understand these elements as consistent structural failures as the people of South Sudan committed themselves to the unwavering principles of self-determination, freedom, justice, and human rights. Therefore, it is also intrinsic to recognize the problem of the structural order of society as a conflict of institutional structure, as well as narratives that do not have a corresponding principle on how societies have organized themselves, such as establishing sovereignty or statehood with the principle model of foreign laws that mirrors the European structure, which does not reflect the people’s way of life in a state. The emergence of
South Sudan as a new sovereign state on the global map has not only created a new challenge to the structural order of societies for a people that have organized themselves into tribal group but also power competition and identity crises based on the ideological construct of ethnic supremacy where the idea of nationhood was misplaced to reside in ethnic singularity.

3) Ominous ethnic organization within state structures that emulate state functions:

The establishment of the self-proclaimed Dinka Council of Elders or the Jieng Council of Elders (JCE) with a formal committee within state structures during the formation of South Sudan as a sovereign state in 2011 has allowed the Dinka elite to subvert the state apparatus of government. It also substitutes state structures with an ethnic organization that emulates state functions. This realization made the opposition call the interim government of South Sudan a Dinka-led government. The JCE managed to penetrate institutional structures and consolidate political power by constant unilateral dismissal and reshuffling of cabinet members by President Salva Kiir. The purge was aimed at opposition leaders in key government positions.

The subversion to substitute state functions with an ethnic organization was deliberately done to weaponize institutional mechanisms that facilitate democracy against the people of South Sudan. This, in effect, is to implement a policy strategy of ethnocide as a tool for nation-building. The first scholar to propose the theory of ethnocide as a tool for nation-building in South Sudan is a United Nations analyst, Dr. Carlos Berger. According to Berger, this nefarious policy was instituted to ensure JCE and Dinka elites remain in control of the economic, political, and military structure of the federal government. I, therefore, claim that ethnocide as a tool for nation-building is also a strategy to pursue a national identity where history will remember the contribution of the
Dinka elites as the coauthors of national sovereignty in South Sudan. The JCE or Dinka Council of Elder is a tribal organization founded in 2012 and is funded by the government. The purpose of the JCE was ostensibly to counsel and advise Dinka elites who are in the position of power to champion the interest of the Dinka people on how to augment and influence policies that will be favorable to them.

This nefarious idea that has posed a menace to the citizens in South Sudan is not new. The roots of this organization within the SPLA/M goes as far back as 1983 when the Kokora Rebellion of 1978 was ended to form a South Sudan that was already divided into three regions, Bahr el Ghazal, Equatoria, and greater Upper Nile. Throughout John Garang’s leadership of the Sudan People Liberation Movement, attempts to form an ominous ethnic organization by the Dinka elites within the assumed government of the autonomous region of South Sudan was proposed by the self-appointed JCE. However, this idea did not materialize because the federation South Sudan had enjoyed since the signing of the 1972 peace agreement, had already collapsed. The leadership in the government of Khartoum had also changed. Omar Bashir’s administration adopted a policy of “decentralization” to politically isolate the SPLM.

The rejection of regional autonomy for the Southerners by Bashir’s government also demanded a united front for the Southerners to make any meaningful gains in the struggle. Therefore, all internal squabbles within the SPLA movement among regional ethnic groups were overlooked to appear formidable in the process of voicing for the right to demand territorial regional autonomy for the Southerners from the government of Khartoum in the years leading to the 2005 Comprehensive Peace Agreement.
No one predicted the resurgence of this idea although those ambitions were held by ex-politicians, advisors, and military officers that had parted ways in ideology with SPLM/A. However, what could be stated accurately in this circumstance is that it was only a matter of time until such resurgence came into full force considering the complete lack of economic plans for post-independence South Sudan, especially areas regarding newly discovered natural resources. Within the SPLM, leaders became not only power-hungry but also defensive in tribal extra-territorial borders where natural resources were discovered or assumed. Instead of nationalizing natural resources to prevent mismanagement and tribal disputes over land, leaders began employing the same exploitation Arabs employed on South Sudanese as they repositioned themselves with an attitude of “it’s our time to eat”.

To draw ethnic support for a rightful inheritance of the land, leaders started to prey on ethnic grievances. This resulted in the adoption of a national ethnos, ethnic cleansing, and formation of tribal militias such as the JCE Tiger militia, Mathiang Anyoor, Amiatnon by the Dinka and the White Army by the Nuer. The trap to destabilize South Sudan was set as leaders intensified unfounded tribal hostilities over land disputes to enrich themselves.

Over the years of the civil war, these acts of treason were instituted at the highest level to displace ethnic minorities in the Equatoria, as well as in the greater Upper Nile, from their land, casting them as Kenyans, Ugandans, Congolese or Ethiopians. The lack of leadership and complicity from Salva Kiir, who had always painted a picture of indifference or willful intent, resulted in mass atrocities, ethnic cleansing, and genocide. Instead of placing communities who were engaged in ethnic conflict in the same administration to easily resolve ethnic hostilities, Salva Kiir, in the “attempt” to solve the tribal hostilities among inter-ethnic groups, adopted tribal
separatism. This was done by annexing other ethnic minority lands to institute twenty-two new states in addition to the ten states South Sudan inherited at independence. According to Douglas, “There is no particular reason to believe that these new state boundaries and provincial state government will make it easier to resolve internal conflicts, such as that between the Apuk and Aguok in their newly separate state of Gogrial East or between the feuding sections in the Western and Eastern Lakes states or resolve the cross border raids between Southern Liech and Western and Eastern Lakes.”

This is because the division of South Sudan’s old provinces into smaller states as a principle of separate-but-equal under one flag has not made conflict resolution of ethnic hostilities across county boundaries easier, but made disputes difficult to resolve. Therefore, “the former greater Upper Nile, an area that was affected the most by this policy, has been divided into three states, Western Upper Nile, largely Shilluk; Latjoor, largely Nuer; and Eastern upper Nile, largely Dinka. Malakal, which has the largest Shilluk population, is now part of Eastern Upper Nile rather than Western Upper Nile, which has already provoked protests from the Shilluk. Jonglei is also divided into four provinces, each defined by ethnicity. Former Unity State, Pariang, and Abiemhom have been linked up and their oil field separated from the two largely Nuer Liech states. This division is bound to exacerbate border tension considering the long-standing disputes between ethnic groups.”

The imposition of these state boundaries has implicated the current government of South Sudan in defining tribal territories and annexing land to not only form these smaller states that are

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largely defined by ethnicity but also legitimize the Dinka illegal occupation of these ethnic minority communities and their ancestral land.

It should be noted that the disruption of the state mechanism of power in 2013 with unilateral decree without parliamentary discussion were the last stages of consolidating dominance over the state structure of power to implement policy strategy of ethnocide as a tool for nation-building. According to Berger, upon South Sudan’s independence in 2011, “Salva Kiir began to militarize his wider ambition. To do this he relied on a core group of long-serving officers in the SPLA and South Sudan police service. These men were put in command of mobile forces that were used to sow disorder in territories bordering Dinka land.”7 The adoption of ethnocide as a tool for nation-building, for Berger, is a “strategy, years in the making, began with the destabilization of regions bordering traditional Dinka land and was followed by the forced displacement of the non-Dinka population.”8 This destabilization extended beyond areas in the vicinity of traditional Dinka land as the conflict spread nationwide.

It was revealed in the leaked documents entitled *The Jieng Council of Elders (JCE) 2015 master plan: Dinka development plan for 200 years!* that, indeed, the intent to carry out genocide in South Sudan has been clear. This document states that “After studying the different regions and people of South Sudan to find out what the different tribes think and do, here is the feedback from fellow Jieng who work in different regions of South Sudan on how ready they are to advise on how best the Jieng can rule South Sudan as per the Dinka culture.

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8 ibid
“First, the Jieng were mistreated by the British colonialists and after the departure of the British, upon South Sudan attaining independence, all the tribes of South Sudan despised us. We had very few educated Jieng, which led to all government posts being filled by other tribes. This caused Jieng to envy other tribes. We are now totally convinced that should we follow to the letter what is stipulated in this document, known as The Dinka Development Plan (DDP), Dinka shall rise and shine and we shall be able to rule South Sudan for at least 200 years!”

This document outlined fundamental action to be taken by the Jieng (Dinka):

1. Increase the number of schools in Dinka states and post in them highly educated teachers. We shall take it upon ourselves to fill the schools with pupils and students every year.
2. We must ensure that Jieng are made military officers to equate the number of non-Dinka to boast that they are clever.
3. With immediate effect, send Jieng students abroad on scholarships. We must ensure that vacancies are reserved for them in key government positions to deter people from other tribes from being employed in such positions. Such that our sons and daughters get immediately employed upon their return. In the unlikely event, should a non-Dinka be employed in a key position, then he should not be superior to a Jieng.
4. Increase the number of industries and factories in Dinka states to boost our economic power. We understand this will cause the other districts to become jealous of any development in Dinka, but this shall force the other regions to federate with us. The only serious opposition we might face from non-Dinka, especially should the number of industries increase in the region is our strong purchasing power.
5. We are aware that there is a considerable number of non-Dinka in the army, police, and prison forces more than the Jieng. We should increase the number of Jieng to supersede the non-Dinka, and we request that this be implemented as soon as possible. We foresee our danger and forces to topple the government. We [the Dinka] therefore, recommend that the following non-Dinka army officers Clement Wani Konga, Johnson Okot, and Rizik Hassan Zachariah relieve immediately to promote Jieng army officers to head the armed forces and govern the state. We do not trust other tribes; we need General Paul Malong to maintain his position of Chief of Staff. With respect to police and General Pieng Deng should be removed from his position of inspector general of police and General Manyok should be made the commission for prisons. Should these recommendations delay to be implemented, we shall suffer heavily.”

Indeed, these recommendations can only be concluded to have been taken to heart by Salva Kiir for implementation in what followed. In an article published in January 2020, entitled “Government of South Sudan and its democratic structure” a blunt list of ministerial positions showed how far the regime has subverted the government of South Sudan to be a tribal, clan, and family enterprise. This research article found that:

- 90% of the undersecretaries and directors general are Dinka;
- 80% of the ambassadors are Dinka;
- 80% of the head of the independent commissions and institutions are Dinka;
- 99% of the scholarships are awarded to Dinka;
- 75% of the civil servants are Dinka;
- 95% of the business tycoons are Dinka;
- The three oil companies: DPOC, GPOC and SPOC are controlled by Dinka;
- National security, military intelligence and police services are controlled by 90% Dinka;
- 80% of private companies are controlled by Dinka;
- The employees of customs and immigration are mostly Dinka;
- 80% of the employees of South Sudan Broadcasting Corporation are Dinka.

This research article also found that all developmental programs are channeled to Dinka territories. The article exposed the interim government of Salva Kiir and led the Dinka to ask themselves if such a government represents the sixty-four ethnic groups that make up the country.
Today the use of the national army and proxy aligned tribal militias to evict natives from their land poses a greater threat in eastern Equatoria as ethnic cleansing continues despite ceasefire peace agreements and the formation of R-TGNU without security arrangements.

In April 2020, the chief of the Madi community submitted a letter of grave concern on the state of his community to the United Nation Human Rights Commission as well as the office of the presidency, Salva Kiir. “The plight of Madi people existed before the current conflict being solved by the R-ARCSS. There are leftover SPLA soldiers after the Comprehensive Peace Agreement in 2005 (CPA) who currently are occupying lands of indigenous Madi people of Pageri County and turned it into a grazing land for their cattle supported by SPLA government soldiers; which is actually the main reason for conflict in our county that led to the fleeing of our people to Uganda for refuge. Currently the inhabitants of Pageri County are only few Madi people in Nimule, Mugali and Opari who did not seek refuge (and are living in fear). The other people who are now staying in Pageri County are the military and their families, there are eleven military garrison in Pageri county alone”

Although these instigation and ethnic hostilities are being propagated for the most part by the Dinka elite, many Dinka refusing to leave communities not of their own are also culpable. This is because they perpetuate ethnic hostilities of which the intent is to keep ordinary South Sudanese distracted to produce profit for the ruling elites.

Recently the United Kingdom’s National Crime Agency (NCA) issued serious recommendations on behalf of the National Economic Crime Centre (NECC) and the Foreign and

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Commonwealth Office (FCO) on illicit activities of organized economic crimes related to corruption and money laundering. The NCA issued these recommendations to complement their existing knowledge and support their business processes and procedures with South Sudan. “The conflict in South Sudan has claimed the lives of over 380,000 since 2013. It has been characterized by terrible human rights abuses, including the deliberate targeting of civilians, the use of rape as a weapon of war, and forced recruitment of child soldiers. Over four million people, a third of the population, have been displaced. The conflict has been fueled by corruption. Many political and military elites have used their position to loot the country’s natural resources, including revenues from oil and gas, to enrich themselves and fund continued fighting; in some instances, this has funded militia and armed purchases, despite the 2018 UN armed embargo.”

Some Dinka who have previously worked in an official capacity are admitting this. For example, Dr. Luka Biong (Dinka from Abeyi), a former minister for cabinet affairs before the independence of South Sudan, following the Comprehensive Peace Agreement (CPA) of 2005, stated, “it is not only dominating the government but also grabbing the land of Equatorians and I know many cases in Juba. Some of the senior officers, they started taking the land of Equatorians and as for me, the way we projected ourselves as SPLM, as Dinka, as Nuer, it wasn’t acceptable at all…by the way let me tell you, we [(the Dinka)] are the most unwanted community in South Sudan today…I agree, not all acts of land appropriation and crimes being perpetrated are by Dinka alone. Some people are being mistaken for Dinka, but the fundamental wrongs Dinka have done

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is instituting policies and treasonous practices of what happened in Somalia in the 1990s which SPLM had fought against [in the North-South Sudan civil war].”

South Sudan is in a precarious state and if indeed its government is to survive as a sovereign state, it must be realized the danger of ethnic organizations such as the JCE with its organized Tiger/JCE militia, (Mathiang Anyoor, Amiatnon) whose ideology of “Thok beny” (save the president) pose in achieving possible emancipation and democracy for all in the country. It must also be realized that creating a national identity of peoplehood based on the conceptual Eurocentric ideology of a homogenous society like Denmark is not possible in South Sudan. The sovereignty of a diverse nation like South Sudan can never be constructed by any one ethnic group. This ideology will never materialize and will only bring destruction. Therefore, leaders must realize that the principle of statesmanship does not reside in these fallacies. Those evoke emotional sentiment or tribal bonds they may be affiliated to, but to perform civic duties required of them, leaders must put the people above all, or to lead in a manner that will be beneficial for all citizens.

Today, as ethnic cleansing persists, the most contentious issue for many South Sudanese, especially in the Equatoria region, is not security of the country but the state of their ancestral land. The issue of land will perhaps be the test and downfall of the Revitalized Transitional Government of National Unity (R-TGONU) formed on February 20th, 2020 should it hesitate to put a comprehensive plan to address community rights to self-determination on its own land. It is therefore in the best interest of the government to honor, at the very least, the local government authority act of 2009 signed between local authorities and the state. This is perhaps the minimum required to restore confidence in the office of the presidency.

12 Interview 2018.
Leaders must begin distancing themselves from ethnic interests that may bend national interest toward a particular ethnic group. For South Sudan to go forward, these are rudimentary to safeguard institutional stability to maintain a sustainable peace in rebuilding the country. Although South Sudan is in conjunction of denying its diversity to allow ethnic dominance and nepotism in the state instrument of power, it is a fallacy to overlook the contribution of other ethnic groups in South Sudan’s independence. These communities whose population can no longer be marginalized or repressed, oppressed, or absorbed will not stand by to be spectators to their own annihilation. When South Sudan gained independence in 2011, there was a sense of euphoria. However, since the civil war began in 2013, many people today feel that they have not enjoyed their country’s independence. On the contrary, they have faced ethnic cleansing, genocide, and peril not envisioned within the SPLA movement, who fought against the very nature they now employ for possibilities of a democratic and inclusive government.

4) Adoption of a national ethnos:

The contention for ethnic supremacy and ethnic violence between Dinka and Nuer is not only based on manipulated and propagated ethnic nemeses of past grievances that carry a long history of bloodshed, but also a battle for the soul of South Sudan’s sovereignty. As a nation, South Sudan adopted a stringent idea of national ethnos, that its national sovereignty will be built on some ethnic brilliancy (or should I say ethnic cruelty) where the ideas of nation and peoplehood will rely on some ethnic purity or singularity. This idea, in the attempt to suppress ethnic plurality, was developed and driven by the discovery of natural resources and lack of inclusive economic plans and representation for post-independence South Sudan.
In the period leading to independence, South Sudanese government officials did not adhere to the crucial term of the Comprehensive Peace Agreement of 2005, which was to formulate a reconstruction and economic development plan. These plans included the architecture of economic development of the country regarding national resources. Since this precaution of the agreement was ignored, who will control national resources remains a mystery. This caused power competition and intolerance within the senior figures of the SPLM Liberation Council, which created contention for superiority with institutional power structures along ethnic lines. This intolerance was also attributed to classification (which is the beginning of exclusion) of majority and minority ethnic groups in South Sudan, although the large number of the Nuer population has always been seen by Dinka elites as a long-term threat to Dinka domination of the state apparatus of South Sudan.

It can be argued that the adoption of a national ethnus is a fabricated value just as is the system of governance South Sudan embraced to emulate a modern nation-state. This was rather a residual impact of foreign interest met with a lack of strategic economic plans for the development of South Sudan. This element in the dimension of the civil war was driven primarily by the natural resources as to who will control it and what to do with those displaced from their land because of it. The appearance of foreign interest and investors at lightning speed on the young nation, which was met with a lack of economic plans in the developmental architecture of South Sudan, crafted a circumstance of power competition between Salva Kiir and Riek Marcher. Each wanted to gain an ethnic economic advantage over the other. This led them to be defensive, not just politically, but also in tribal extra-territorial borders where natural resources were being discovered and assumed.
To appear powerful with a messiah complex to the people, these leaders started to play cards of victimism, preying on ethnic crimes that went beyond repair. To summon a wider ethnic support, in some instances, leaders began evoking the rightful inheritance of lands based on legends and stories, which escalated into land disputes and inter-community hostilities. It was during this period that South Sudan saw the rise in organized armed tribal militias, such as JCE tiger militia, Mathiang Anyoor, Amiatnon by the Dinka, the White army by the Nuer, and other irregular mobile armed forces funded by the government to sow disorder for state military intervention to establish military buffer zones. This was done to permanently evict, displace, and deny non-Dinka communities access to their land. As a result, inter-ethnic community violence became frequent, where clashes often carried crimes of ethnic cleansing and genocide. This caused diffidence and fractures in the interim government under Salva Kiir, which led to the disintegration of the state apparatus.

Although power competition for political dominance exists between Salva Kiir and Riek Macher, we need also to differentiate the political contention of two leaders from a “shared history of extreme ethnic violence in every story of past killings which carry currency to be used and power to be deployed through the claims of collective memories of past grievances.” This is because the intent to promote the idea that South Sudan’s civil war is simply due to two leaders competing for power is to dismiss and undermine ethnic enmity among the people of South Sudan that command a profound emotional sentiment for vengeance. According to Berger, “these histories of violence have been revisited and reframed to fuel and legitimize the targeting of

13 Berger, Carlos. Ethnocide as a tool of State-building South Sudan and Never-ending war. Independent Researcher 2018
civilian and militarized groups. Similarly, efforts by South Sudanese in the diaspora and sympathetic westerners who want to document atrocities in South Sudan committed by northern Sudanese during the long North-South civil war are feeding into the ruling elite’s unfounded claims that the Dinka were the main victims of the war and also the ones who fought and won the independence of South Sudan.”\textsuperscript{14}

This unfounded claim fails to recognize that every community in South Sudan suffered from the long sustained, pernicious undocumented enterprise of atrocities and genocide that the government of Khartoum employed under Umar Bashir, especially on the agrarian ethnic communities of South Sudan as opposed to the nomadic ethnic groups of the Dinka or Nuer. Again, as previously mentioned, it must be realized that the arbitrariness of western human-rights organizations to also recognize the 2006 Darfur genocide over decades of persecution, scorched earth practices, and human rights abuses carried out by the government of Khartoum on South Sudanese, triggered something ominous in different regions of South Sudan. For the Dinka, this presented them an opportunity to propagate colonial crimes as well as the 1991 Bor massacre. In the Equatorian region, this left anger and sentiment of abandonment by the international community for not recognizing their genocide that depleted the population of the Equatorian region. For Equatorians, it was well understood that the Darfur genocide was retribution and fury of Omar al Bashir conceding defeat in South Sudan. The Darfur genocide was the consequence of the 2005 Comprehensive Peace Agreement that granted semi-autonomous territory in the South.

As stated above, for South Sudanese in recognizing the Darfur genocide over the one in the Equatoria, it was self-evident that the international community would not pursue war crimes cases

\textsuperscript{14} ibid
for the South for justice. As a result, many communities in South Sudan felt angry and left out. Dinka elites desperate to be recognized in South Sudan's history also plundered and propagated their atrocities.

Today, the ethnic population disparity between agrarian communities and nomadic communities in South Sudan is the reminder of Umar al Bashir’s genocidal legacy. Many agrarian communities in the Equatoria region, especially the Madi community, for decades have been targeted by every administration that came to power in Sudan and other ethnic tribes. The Madi people have walked with targets on their back simply because of starting a political armed movement against Arab domination that raised the national consciousness of the Southerners in Sudan. For every atrocity committed by Bashir in the South, other ethnic tribes took their retribution on the Madi. These are things the Madi do not talk about. Geographically, had the territory of the Madi community not extended beyond the borders of South Sudan into Uganda, perhaps today they would have been an extinct ethnic group in South Sudan.

In the scope of all things, if degrees of suffering can be quantitatively measured, there is no ethnic tribe in South Sudan other than the Madi that carried the burden of the country and paid a heavy price for it to this day. From the start of South Sudan's armed struggle in 1955, it is the agricultural ingenuity of the Madi that sustained SSLA and SPLA forces’ food supply. Without the agricultural ingenuity of Equatorians to mobilize supply for example, food and other resources for the SPLA, perhaps there would have been no armed movement, or a country called South Sudan. It is the blood and resources of Equatorians that began and sustained the SPLA movement for independence.
Today many are envious for what they have been able to achieve in South Sudan's history. Because of this, throughout the history of South Sudan’s civil war, Eastern and Central Equatoria were targeted by Bashir’s government. Eastern Equatoria as a headquarter for the political armed movement of the Anya-Anyaa and SPLM/A-Torit was targeted because it was perceived by every administration that came to power in Sudan including Bashir’s administration, as the source of Sudan’s social ills. When John Garang led SPLM/A-Torit, it was revealed in Bashir’s war plans that to annihilate the Equatoria region is to break the spirit and dissolve the armed movement of the South.

The employment of Muammar Gadhafi’s ideology by Bashir to dissolve colonial boundaries to redraw the Southern borders of Sudan with Uganda was the first unprecedented genocide Equatorians faced after Anya-Anyaa II. This was done to annex tribal territory that fell on both sides of colonial borders between Uganda and Sudan. For example, the Madi territory, whose community has been divided by colonial borders to fall on both sides, created a dilemma for Bashir to deal with Madi and Equatorians once and for all. This region was considered the cause of social ills of the country because it was discovered that this area is the economic backbone that sustains the SPLM/A movement. We need to be mindful that just because these genocides are not documented in history books, does not mean it does not carry a collective memory for the people. Today Salva Kiir’s administration is using the same playbook Bashir did to annex if not evict Equatorians, especially Madi, Acholi, Kuku, Kakua Bari and Pojulu communities or the Balanda Fartit in Bahr el Ghazal, casting them as Ugandans or Congolese.

The fallacy of the Dinka to cast other ethnic groups who have found their territorial predicament to fall on the colonial borderline of South Sudan and its neighboring country have
caused the Dinka-led interim regime in South Sudan to make unfounded claims to question the citizenship of other ethnic groups. These claims are now used as criteria to justify ethnic cleansing and genocide in the hopes of forcefully evicting and permanently displacing them.

Today, as agricultural communities in South Sudan grapple with the invasion of cattle keepers from Bor and Jongolei, it has posed an existential threat to Eastern and Central Equatoria tribes. The food crisis in the upcoming period will be a man-made famine due to grazing of cattle in farmland. The unnecessary cost to the United Nations’ humanitarian relief effort should motivate the international community if it has lost interest in the regime’s tyranny on its people.

In my research, according to Madi, Acholi, Zande, Bari, Kuku Kakua, and Pojulu ethnic communities, these cattle are brought in by trucks and ferries. They believe these cattle belong to senior Dinka officers of the national army and are brought in to provoke the community for a government response to not only derail the ongoing security arrangements of the Revitalized Transitional Government for National Unity (R-TGNU), but also to ask for the intervention of state power controlled by the Dinka to annex land. According to these communities, these national army officers are using the global pandemic of coronavirus (COVID-19) to inflict maximum pain and starve the communities out by instigating violence in communities and grazing cattle in their farmland. Many people are living in fear due to insecurity in these communities. Should this problem for the farmers not be addressed in the coming period, the international community will be burdened with the humanitarian crisis of extreme famine in South Sudan and the implementation of security arrangements for R-TGNU will collapse.

East Africa has been hit with a series of natural disasters since 2019. In 2019, heavy rain caused flooding which led to a low yield of crops. This event was followed by locusts, which was
followed by the Covid-19 global pandemic that led to the shutdown of international borders. Short of supplies coming from other countries, these chains of events, including the deliberate grazing of cattle in farmland, have put these communities in acute food insecurity. Food shortages could eventually provoke a reaction of hostilities, thus playing into the hands of the regime to undermine security arrangements for peace. This will potentially lead to the intervention and deployment of more national army to wage ethnic hostilities on communities of these regions. The complicity of the regime in Juba to not call for fairness for these communities has already demonstrated whose side the government is on.

Today, the wider Dinka population in South Sudan has intensified ethnic hostilities using the national army by not only waging hostilities against their archenemy the Nuer but also in every region of the greater Equatoria region because they are in power. This should worry any Dinka who cares about the country and ensuring the sovereignty of South Sudan survives. The inter-ethnic tension, communal violence, or the historical ethnic enmity between the country’s two largest ethnic groups, the Dinka and Nuer, for Berger is “a well-organized campaign that can be dated back to the closing years of the 1983 – 2005 North and South civil war. This campaign sought to put one ethnic group in control of [state structures of power]. The [drafting] of 32 States which has now shifted the political power of South Sudan into the hands of the Dinka elites were first initiated in 2012 …and the mobilization of the wider Dinka population in support of a sustained and brutal military offensive has resulted in untold numbers of [deaths] and the wholesale disruption of communities throughout the country. [Therefore], if these leaders succeed
in their stated objectives, the people who have fled in the neighboring countries will never return to their homes because the conditions for their return means acceptance of Dinka rule.”\(^{15}\)

It is in this evidence that the line of thought held by the Dinka people that “Dinka nation” is under attack by other ethnic groups has reaffirmed the logic of the supposedly “defensive”, rather than offensive, nature of the military campaign against civilians in western Bahr el Ghazal (particularly against Fartit, Balanda, and Luo ethnic groups), and in the Equatoria (against Madi, Bari, Acholi, Zande, Kuku, Kakua, Pojulu, and Lotugo) and in the Upper Nile (against Nuer, Murle, Chollo, and Anyuak).

These areas that are greatly affected by the civil war are now referred by the Dinka-led government as SPLA/M in opposition or IO and to be the same as the faction Riek Macher led in the 1990s to commit the Bor Massacre, rather than viewing these areas as targeted by the state. This has reinforced the narrative of the Dinka to justify crimes of ethnic cleansing and genocide to the international and regional community as necessary, a measure taken by the national army for the survival of the Dinka people.

Although on one hand, South Sudan adopted ethnonationalism with a policy of ethnocide as a tool for nation-building, on the other hand as a nation before the 2013 incident, South Sudan had also aspired under the system of governance it adopted “the liberal idea of constitutional rule, good governance and active expansion of human rights.” This has produced ethnic cleansing on one hand and extreme forms of political violence against the civilian population on the other. To understand why such liberal ideas of governance have produced ethnic cleansing for the people of South Sudan, according to Arjun, we need “to recognize that there is a fundamental, and dangerous

\(^{15}\) ibid
idea behind the very idea of the modern nation-state, the idea of a national ethnos.”16 Arjun invites us to consider the terrifying characteristics of modern nation-states to realize that “no modern nation-state, however benign its political systems and however eloquent its public voices may be about the virtues of tolerance, multiculturalism, and inclusion, is free of the idea that its national sovereignty is built on some sort of ethnic genius. [That is to say,] all ideas of nation and peoplehood rely on some idea of ethnic purity or singularity and suppression of the memories of plurality [because] ethnic minorities blur the boundaries of national peoplehood.”17

The destabilization of regions bordering traditional Dinka land, which was followed by the forced displacement of the non-Dinka population, is the result of ethnic minorities blurring the boundaries of national peoplehood, for the Dinka elite in this case. To use Arjun’s language, for the JCE and Dinka elite, the anxiety of incompleteness with a need to expand beyond traditional Dinka land has created such uncertainty, which exacerbated the inability of the Dinka elite to secure national economic sovereignty of South Sudan for themselves in the era of high globalization. This translated it into a lack of tolerance, multiculturalism, and inclusion of collective strangers in the new sovereign state of South Sudan. Today the ethnonationalism and ethnocide in South Sudan have much to do with the strange inner reciprocity of ethnic majorities and ethnic minorities in the framework of liberal social thought adopted by South Sudan. The subsequent result of ethnic plurality and multicultural diversity has not only produced incompleteness for the Dinka elites to procure and secure national wealth for themselves but also

undermined the idea that the national sovereignty of South Sudan can be built on some ethnic brilliance they want to demonstrate.

The emergence of majority and minority ethnic groups in South Sudan as “a process of developing ideas of numbers, representation and electoral franchise” in the transition from the military government to a civilian government by 2015 has caused the JCE and Dinka elite to pursue the idea of a singular national ethnos using the national army to commit crimes of ethnic cleansing as a process of nation-building. Therefore, the adoption of ethnocide as a tool for nation-building and ideocide as a strategy to control narratives of ethnic annihilation is a deliberate policy instituted in the pursuit of national purity where the Dinka elites will be the coauthor of the idea that the national sovereignty of South Sudan is built by the ethnic brilliance (or should I say ethnic cruelty) of the Dinka people.

From a critical analysis, it is unfortunate to see the biases coming from the international political order, which pressure societies to emulate “modern nation-states” whose legitimacy rests on an imagined community. The need to organize people in a polity with western codified sets of rules to be recognized internationally or on the international stage have allowed an ethnic majority, in this case in South Sudan, to exploit the pliability of the constitution and weaponize the system of governance against the civilian population. This is solely to advance an ethnic agenda of expansion and dispossess lands of ethnic minorities while using the state apparatus to a genocide.

But can a nation be built on a genocide? If so, can such an act guarantee the future security of a nation? These are questions leaders must critically think about because ethnic war, unlike a conflict between nations, is a war of endurance. And since we are not the coauthors of what story gets passed down in ethnic communities, the absence of villainy during peacetime does not
guarantee the resurfacing of such acts nor does it prevent a buffoon or charismatic politician from citing past grievances for ethnic loyalty for support in a political campaign. There are many historical precedents for this, including Slobodan Milosevic’s rise to power in Yugoslavia on the back of Serbian ethno-nationalism and ethnic grievance.

In immediate terms, although modern nation-states have assumed the characteristics that they are the sole owners of large-scale decisions to conduct war and make enduring arrangements for peace, ingeniously, the Dinka elite was able to establish the self-proclaimed Dinka Council of Elders within state structures to subvert and those structures of power with an ethnic organization. This is to disguise genocide as inter-ethnic disputes in the eyes of the international community. This was also done to hide evidence of deliberate master plans of the Dinka to carry out genocide for the advancement of their ethnic agenda while leaving the responsibility as to who committed the genocide on the state. They knew that the state cannot be prosecuted or held accountable for such crimes. By shielding their ethnic agenda behind the state apparatus, the Dinka have committed genocide at the same time they have achieved their ethnic goals of dominance and expansion. The punitive measures of deliberate grazing of cattle in farmland being experienced in Eastern and Central Equatorian communities are the success of their genocide. Therefore, the Dinka are comfortable inflicting pain by grazing cattle in these communities’ farmland to starve them because they do not see any threat on the horizon that will challenge the power they were able to wield.

All other factions in opposition to the regime in Juba are weak. The SPLM/IO that looked promising to defend the abandoned people of South Sudan is also now weakened. Its top generals and politicians are being bought and offered suitable governmental positions before implementing
the security arrangements by the regime. The international community (Troika) has passed the responsibility for peace in South Sudan to the Intergovernmental Authority for Development (IGAD), which is also expeditiously pushing the peace process in South Sudan to move on. Today, despite signing the revitalized peace agreement of 2018, there has not been peace in South Sudan. Instead intercommunal violence is widespread while the government has also continued with its genocidal campaign, licensing rape as a state policy for its military, a gift to increase their salaries. It's perhaps an understatement to suggest South Sudan has disintegrated beyond a legitimately recognized sovereign state. This is because the question of citizenship in South Sudan is in peril as each tribal community is left to fend for themselves to protect its community members from state aggression.

Although inter-communal animosity has taken root, unless these communities in the Equatoria region, Upper Nile, and Bahr el Ghazal unite and isolate leaders of the regime to the peripheries, there will scarcely be any hope for peace. Civilians will continue to be at the mercy of the regime that is already violating the United Nations arms embargo and is itching to ruin the implementation of security arrangements for peace in the Revitalized Transitional Government for National Unity.

5) Sovereignty and statehood:

Today the sovereignty of South Sudan rests on an imagined community since the country has disintegrated and is in a state of anarchy. Sovereignty is derived from an old French word “Sovrain,” meaning “Supreme”. Although there is a consensus that sovereignty can be divided into internal (over its own citizens or subjects) and external (in relation to other sovereignties) aspects, there are no agreements among scholars whether sovereignty should be classified as a legal and
political matter in relation to the personalities of a state. And because the meaning of sovereignty has varied across history, the core meaning, “Supreme authority within a territory,” has remained the accepted modern notion of political authority globally. In the debate on sovereignty, some scholars have argued that “government is a mere executive agent or intermediary between the individual and the sovereign [since each member of the group by social compact is united in forming a polity. Therefore,] giving up natural liberty to have it returned as a member of the state. [This has placed] a legal instead of moral limitation on government. Thus, the individual will unite to become the general will, and the popular assembly a long-represented sovereign will.”\textsuperscript{18} However, other scholars have also argued that the “body is politically sovereign or supreme in a state, the will of which is ultimately obeyed by the citizen of the state. [Therefore] the location of sovereignty in the state must be accepted as an axiom since in many ways the states demand legal recognition. And once the law recognizes the state as an entity capable of rights and duties, [in return]; it is also compelled to attribute sovereignty to that entity.”\textsuperscript{19} This kind of sovereignty or statehood is the development of the western concept of nation-states as opposed to how African societies had organized themselves before the colonial era.

The development of sovereignty or statehood and citizenry in Africa has never been the same as to how nation-states took shape in the western world. It is important to bear in mind that European conquest and colonization of Africa, the effect of which is being felt today by many nations, was not done to bring about statehood, progress, or affirm declarations of the rights of

\textsuperscript{18} Maurer Faculty. The Doctrine of Sovereignty Under the United States Constitution. Press: Hugh Evander Willis, Indiana University School of Law – Bloomington. (page 439)

\textsuperscript{19} Maurer Faculty. The Doctrine of Sovereignty Under the United States Constitution. Press: Hugh Evander Willis, Indiana University School of Law – Bloomington. (page 441)
man and citizen, but rather the contrary. Colonization of Sudan for instance was done without posteriori of a state. This has a unique historical adverse effect on the development of statehood and how Sudan as a nation emerged. The idea of nation-states did not exist in Sudan because societies were communal, never a society of the many for the few. The idea of sovereignty was not in development until resistance and relentless struggle for national liberation for the ancestral land was pursued by Sudanese against colonial powers. The convergence of the struggle for national liberation, and the events of World War II in Europe, forced the British colonial powers into leaving oppressive and autocratic institutions as a form of governance in the hands of the Arab elite.

The concept of nation-states was instituted not to raise national consciousness for liberation, but rather to mask coloniality under which its logic is to enforce control, domination, and exploitation while disguising it in the language of liberation, progress, and modernization. In many ways, this notion of statehood was constructed to perpetuate the imperial order over colonial territories. This is a fact for many colonized African countries because progress and modernity in the process of national liberation meant joining the international political order and institutions such as international financial structures that have been detrimental to the economic development of Africa.

To emphasize, Colonial projects in Sudan, like many colonized countries in Africa, were set in motion without the specific intent of creating a sovereign state. This is because the assertion and claims on how to reorient a new world order from an emerging new global image was already made that “all land on the earth belonged either to European states or to those of equal standing,
or it was land free to be occupied, i.e., potential state territory or potential colonies.” And since British colonial territories were perceived as an extension of “Great Britain”, there was no need to create sovereign states in the imperium.

According to Anderson Benedict, who co-authored *Imagined Communities*, “Nation-ness as well as nationalism are cultural artifacts of a particular kind [and] to understand them properly, we need to consider carefully how they have come into historical being, in what ways their meanings have changed over time, and why today they command such a profound emotional legitimacy.” The social construct of a nation for Anderson is “an imagined political community and imagined as both inherently limited and sovereign because members of smallest states will never know most of their fellow members, meet them or hear from them. [In other words] nationalism is not the awakening of nations to self-consciousness [but rather] it invents nations where they don’t exist.”

It is precisely this, that even after “decolonization,” new colonial borders such as those of South Sudan have continued to be drawn because “a colony rested on a specific imaginary. State sovereignty in a colony had, in principle, two main features. On one hand, it combined weakness of, and inflation of, the notion of right[s] (weakness of rights in relation to power and authority) …inflation of right in that, except when deploying in the form of arbitrariness and the right of conquest, the concept of right[s] often stood as a void. On the other hand, colonial sovereignty rested on three sorts of violence. The first form of violence was the founding violence. As a sole judge of its own law, it creates space in which power should be exercised as a supreme right to


deny rights to people by instituting roles. Secondly, violence before and after must be done with legitimization, to give this order meaning and authority, and to justify its necessity and universalizing mission. The third form of violence was designed to ensure this authority is maintained, spread, and is permanent. By these three forms of violence, imaginary colonial sovereignty existed and the idea and discourse of nation-states were established.

“This is how the process of building nation-states started to take shape in Africa after ‘independence.’”

It is precisely that; regulation of human behavior has fallen out of the hands of those who are supposed to exercise it. South Sudan is not only a feeble state but also in a state of anarchy because its concept of sovereignty rested on violence and genocide, hence violence is opposed to legitimacy and respect for social self-determination. For Fanon, the violence employed by the state apparatus today must be perceived as a replacement of colonial power, not a process of self-determination. Therefore, the independence South Sudan gained was a superficial liberation, one that perpetuated the oppressive ways of the colonizers through intimidation, violence, humiliation, brutality, rape, and contempt to degrade people. This residual colonial violence that was inherited, adopted, and is being employed by states to oppress and exploit people, is structurally designed.

As Webber puts it, “Every state is founded on force. The state as a human community [therefore,] claims a monopoly of the legitimacy on the use of physical force within a given

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territory.” In order to give this order meaning and justify the necessity of violence, first and foremost state building must be to craft a form of political governance and articulate a set of political processes or mechanisms through which a state and society can reconcile their expectations of one another. To assert the legitimacy of a state, there must be a shared understanding that state-building is about controlling violence, establishing legitimacy, and building capable and responsive institutions. While in return, any violence before and after is to be accepted as legitimate since this order has been recognized by law and has been given authority.

The structures of state sovereignty implemented in South Sudan have generally been that of European aspiration adopted by colonized leaders to dominate, subjugate, and control political and economic structures. The adoption of this institutional model for governance, which existed as structures of oppression, subjugation, and exploitation, created a mechanism to obscure ethnic cleansing and genocide in South Sudan. It has also not only created diffidence between ethnic communities but also a dichotomy of two political and legal realities. On one hand, some cultural prerogatives and politics emphasize social democracy and self-determination. On the other hand, constitutional authority with its legitimacy has no corresponding foundation to the narrative of cultural plurality and diversity that captures the universal communal way of life practiced by the people in a state. This lack of reference to recognize and provide an alternative prism to see these competing political and legal realities between the governing body and cultural community has resulted in this paradoxical paradigm.

The structural problem in South Sudan has been the framework containing the basic assumptions that statehood and sovereignty did not have the same realities of social relations as most communities. There exist in many communities, the dichotomy of these realities of political and legal tension between community structures and state institutions in relation to democracy, land, self-determination, peace, security, and stability.

Some leaders understand the paradox of this paradigm, yet they have chosen to continue to institutionalize communities with systems and narratives contrary to the dictates of traditional cultural values. Today, many states that have adopted the colonial model of institutions as a system of governance have managed to obscure the blunt oppression and exploitation of people through the state’s power by establishing a specific relation of subjection.

It is critical to also recognize the way these inherited institutional models of governance are being pushed by international structures to be the accepted model of governance.

Today, critical analyses have exposed international structural flaws, biases, and assumptions of applying a hegemonic version of human rights laws. This is because the current existing international ideas and ideals with their assumptions were constructed and crafted within specific and narrow social, economic, historical, and cultural spaces. The normalization of this system resulted in the imposition of many states from constructive perspectives needed to resolve contention, thus, using the experiences of a few powerful states effectively to silence the narratives of subsidiary states to the periphery.

The international institutions obscure these realities by generating normal workings of international politics which often transform the existing division of power situated by these systems. And insofar as deception is maintained, threats and sanctioning of small states are
permissible, which often reveal the true nature of such a model of governance (when it comes to human rights). This reveals how these systems are structurally designed mechanisms of oppression. Therefore, the veto power in the Security Council of the United Nations is all part of the grand scheme. It is important to remember that “decolonization” was not about changing or transforming colonial institutions but rather replacing the foreign imperial power structures with the national power. The replacement of colonial institutions with national power ignored the social underpinning of society’s worldview. Therefore, effectively silencing all traditional features of marginal knowledge on how the people understand democracy and self-determination, which is the worldview based on power relations as a nuisance. Working under a colonial framework and institutional system is, therefore, a continuation of coloniality because everything is embedded in the system.

Although people are not necessarily under the direct and immediate pressure of colonial power, for Mignolo “coloniality is a name for the ‘darker side’ of modernity that needs to be unmasked because it exists as an embedded logic that enforces control, domination, and exploitation disguised in the language of salvation, progress, modernization, and what is good for everyone.”\textsuperscript{24} It is critical to unmask and understand these systems and all the forms they come with in order to choose whether to emulate it as it's being sold.

B) Part II

6) Ethnic cleansing:

As South Sudan propagated its civil war along ethnic dimensions, war crimes, atrocities and genocide were directed on the most vulnerable communities. As I have discussed extensively, ethnic cleansing and genocide were instituted by the Dinka to forge a national identity based on the ethnic identity of the Dinka people in South Sudan.

This was done to keep the Dinka elite in control of the political, economic, and military power structures of South Sudan. Therefore, those ethnic minorities whose population could not be marginalized, repressed, oppressed, or absorbed were perceived as a threat to the Dinka ambition. The idea that other ethnic minorities blur the national identity of South Sudan caused uncertainty for the Dinka elite to procure and secure the national resources of South Sudan in a time of high globalization for themselves. The establishment of ethnic organizations to emulate state functions, and the adoption of ethnonationalism were all means to aid the Dinka ambition. Genocide, for example, was committed to change the ethnic demographic composition of South Sudan in order to achieve the Dinka ambition. The Dinka were able to employ the same tactics the Arabs did on the South Sudanese. For example, the genocidal military tactics of the Arabs such as scorched earth tactics, war crimes, mass atrocity, ethnic cleansing, rape, and mutilation are now employed by the Dinka elite to commit genocide on other South Sudanese. The complete divorce between
the Dinka elite and the SPLM core value that led the Southerners to take up arms is due to the consequent impact of the Comprehensive Peace Agreement (CPA) of 2005, an agreement that provided a process to determine borders between North and South and a semi-autonomous government in the South if unity is not attractive. This brought back the idea of asserting dominance over the government in South Sudan proposed back in 1983 by the JCE.

During the armed struggle leading to the CPA and its implementation, some senior military officers within the SPLM such as General Salva Mathok, General Marial Channoung, General Gabriel Jok, General Peter Malong, General James Koang Chol, General Akol Koor Kuc, and General Jok Riak employed scorched-earth tactics on communities and villages to establish a permanent military buffer zone. These crimes were committed to not only protect pipelines and perimeters of other discovered natural resources, but to also permanently displace people and claim those areas as land belonging to the Dinka. These individuals who committed genocide on the South Sudanese went on to serve in Salva Kiir’s administration.

It was during this period leading to the CPA of 2005 that ethnic contention between the Dinka, Nuer, Shilluk, Murle, and Anyuak heightened in the Upper Nile. In the Eastern Equatoria, for example, General Kuol Manyang committed crimes of ethnic cleansing on the Madi in the border town of Nimule.

In the Upper Nile region of Bentiu and Malakal, as the Dinka and Nuer contended for dominance over the assumed autonomous government of South Sudan, ethnic hostilities increased. These events were disguised as land disputes or cross border cattle raid incidents. The clashes, which carried crimes of ethnic cleansing, led to the formation and deployment of ethnic militias such as Mathaing Ayoor/Amiatnon as well as irregular mobile forces whose objective was to
disrupt and sow disorder on ethnic communities. This situation created ethnic enmity among South Sudanese after the CPA was signed.

The destabilization of communities, which was eventually followed up by forced displacement of non-Dinka ethnic minorities, caused an influx of internal displacement (IDPs). When South Sudan gained its independence in 2011, issues facing communities and internally displaced persons of ethnic minorities were dismissed to save the image of the new nation.

The national reconciliation that was supposed to address these grievances was also under funded. Although the process of national reconciliation was nationalized, it was never localized for communities to address their grievances for justice. The denial of justice by Salva Kiir’s military government caused social discontent and diffidence among voluntary communities of returnees whose land was settled by SPLA remnants, sleeper cells, and IDPs. As a result, these communities began experiencing instability once again.

Case study:

The case study of the Madi community reveals perhaps one of the most pernicious measures taken by the interim government of South Sudan under Salva Kiir toward a community. The situation the Madi people of Pageri County in Eastern Equatoria have found themselves in is a revenge, contempt, and humiliation project years in the making. First and foremost, the ethnic cleansing in the Equatoria region is the execution of Berger’s idea of ethnocide as a tool for nation-building, as well as an attempt to evict and rewrite the history of South Sudan. This is to claim the national identity of South Sudan based on the Dinka identity since the diversity of the Equatoria region blurs national identity. Today, the regime in Juba has adopted the idea of manifest destiny,
the same fallacy and arrogance drilled in the minds of the Dinka to genuinely believe South Sudan belongs to them and them alone, as it was seen during the time of Kokora Rebellion of 1978-1983.

Note: (The Kokora Rebellion was the redivision of South Sudan into regions. This group consisted primarily of Equatorians who felt excluded from power by the Dinka and Nuer. The rebellion led to the subdivision of South Sudan into three regions, Bahr el Ghazal, Greater Equatoria, and Greater Upper Nile. Through this rebellion, Equatorians hoped to maintain and gain influence in administrative affairs since many opportunities and interviewees were referred to relatively larger numbers of Dinka in civil services with the perceived arrogant attitude.)

Therefore, the arrogance displayed by the Dinka to dominate and settle anywhere they choose today must be seen as revenge. This revenge, humiliation, and contempt on Equatorians, greatly so on the Madi, has come with a certain mental disposition of the Dinka elite about the genesis of the revolutionary history of South Sudan’s armed struggle that was led by Joseph Lagu, who is Madi.

Despite the revolutionary thrust and foundation that raised the consciousness of South Sudanese that continued through Anya-Anyaa II and SPLA, which eventually gave the country a flag, the Madi people have viciously and maliciously been targeted to that end.

The mass displacement of the Madi community as well as increased instability to uproot Madi from their land began in the 1990s during the defection of the SPLM-Nassir, led by Riek Macher. This defection’s consequence was Dinka claims that thousands of their community members were massacred by the Nuer, which was also used as a legitimate reason for revenge against the Nuer
following the December 15, 2013 incident under the pretext of an “unsuccessful coup attempt”. Indeed, between 1991 and 1993, an influx of Dinka infiltrated the Equatoria region, including the Madi community, particularly Nimule. These groups of Dinka were planning to cross to Uganda to be refugees, however; John Garang seized this opportunity to settle them as IDPs so that he could use any assistance intended for them to feed his own soldiers. Consequently, Garang established military bases in the Madi Corridor. Although temporary resettlement of Dinka was generously welcomed, the resettlement of these IDPs and establishment of military bases did not come without community criticism when military officers and IDPs began creating instability against Madi people who came to their aid in the hour of need.

The resettlement of IDPs in the Madi community succeeded when Garang asked the World Food Program for assistance to help IDPs fleeing for their lives from Bor. Garang quickly established the Southern Sudan Relief and Rehabilitation Commission headed by Elijah Malok, as a commissioner in the region as a support agency to help IDPs.

Due to insecurity caused by these IDPs and military officers from these bases, however, many petitions were written for relocation of these IDPs, and SPLA remnants, but Garang ignored these community grievances and often addressed local chiefs that these crimes were done by illiterate IDPs and uneducated SPLA forces, who did not know what they were doing. Today, the same script is being used to perpetrate crimes of ethnic cleansing. The so called IDPs are arrogantly giving an ultimatum for the Madi community to relocate elsewhere because “the Madi elders’ initiative to repatriate Dinka from Nimule is not in line with the government of South Sudan. Our coming to Madi land was not a peaceful one. We were forced by SPLA/M politicians to come and settle here. Today the same politicians are quiet when it comes to Dinka going home from Nimule.
In a series of meetings held in Bor demanding Nimule must be secure for Dinka settlement, we knew in the nearest future Madi from exile will come home and our stays here will be a big question. Our elders in Nimule did not attend the meetings initiated by Madi elders, instead they met with ROSS [Republic of South Sudan] officials who are also members of the Dinka Community. In a six hours meeting, some firearms will be flown to Nimule and some SPLA soldiers will be deployed in the Corridor. To me as a Dinka, this is not politic, it’s a plan for genocide.”

Today the mass displacement of the Madi community is not happening in a vacuum or in isolation. Many neighboring communities such as Pojulu, Kakua, Kuku, Bari, Lolubo Zande and others are experiencing similar situations in the Equatoria region as well as in the Upper Nile region.

In 2005, after the signing of the Comprehensive Peace Agreement, Madi elders continued with their plea as community instability was increasing. The failure to relocate IDPs and remove SPLA remnants from the Madi community into army barracks inspired arrogance among the Dinka community. As such, these IDPs and SPLA remnants began illegal land appropriation and bringing cattle to graze in community farmland. Petition upon petition were filed, but these fell on deaf ears. Formal complaints and letters were also filed to the authorities, but responses to challenges the Madi community was facing were instead validated by night raids, disappearances, arbitrary arrest, and detention by the military authorities. The cynicism of the authorities was often indifference.

Authorities have always framed these issues as crimes being perpetrated by “irregular forces” or “undisciplined groups of soldiers within the lower ranks of the military” or “unruly police officers” and sometimes “unknown gunmen”, the same script John Garang used in the 1990s. But eyewitness accounts of these crimes contradicted the narrative of authorities. Individuals who were tortured, presumed dead, and left to die on roadsides in many cases reported their attackers as army officers with details of their ranks as they took their last breath. Individual eyewitness accounts also reported seeing people being gunned down, tortured, beaten, raped, and arrested by government police officers and the military. With the consistent indifference of the authorities upon inquiry, it was apparent for the Madi community that there were other motives.

The police and the military officers also used the same script when pressed on the issue by the community for answers. The response was always more retaliation and assassination of community leaders. Community leaders also reported that officers would say, “such a person is not in our custody,” if they felt generous toward the leader that day. After investigating these herders and authorities on issues, which are clearly measures taken to depopulate the Madi community for easy eviction, the Madi community’s hypothesis that this is ethnic cleansing was validated. This initiative to depopulate and threaten the Madi community was systematically designed and crimes were not isolated incidents. In fact, the interim government used General Johnson Juma Okot, chief of defense and his forces as a proxy against the Madi to ethnically cleanse Magwi County and to wage inter-ethnic conflict between the Acholi and the Madi.

As inquiry and investigation were conducted, the Madi community found that these cattle belonged to senior national army officers dispatched in their region. It was also revealed to the communities that the deliberate grazing of cattle was a state policy to cause famine, to further
weaken an already distressed community from posing any threat of rebellion. In the Madi
community, the Dinka began promoting dual judicial court and separate police, where any Dinka
who committed murder or rape on a Madi could not be arrested. To make it clearer that these Dinka
who called themselves IDPs were actually occupation forces, in 2012 the Dinka pressed for their
own representative separate from the Madi community, instituting their own local chief while
neglecting the customary law that was already in place. It is these numerous accounts of social
injustices that began sowing seeds of diffidence and ethnic hostilities between Madi and Dinka
communities even before the December 15, 2013 incident.

As more Dinka began flooding Madi communities, people began realizing that this was a
systematic and deliberate attempt to evict and displace them permanently from their land, and
furthermore, to prevent refugees from ever returning. In 2011 when South Sudan gained its
independence, the Madi community was questioning itself as to whether this peace would mean
anything. Nonetheless community leaders and elders appealed to their members and hoped to
address this issue in the new government, since separation and peace were finally achieved. But
this optimism was short-lived, although the Madi community overwhelmingly supported president
Salva Kiir’s inauguration. The Madi community did not enjoy the independence of South Sudan,
as ethnic cleansing continued against Madi people. The indifference of authorities was witnessed
at the highest level of the state. On one occasion, when a representative of the Madi community
requested an audience to directly appeal to Salva Kiir after countless letters and petition, he asked
the president to at least pass a memorandum for evacuation of SPLA remnants and removal of
cattle from farmland. However, Salva Kiir responded, “I heard that cows feeding in these areas
give twin birth every year.”
This left the Madi community leaders who went to raise their community challenges to the president speechless. It was at that moment that community leaders realized that they were dealing with ominous motives at a state level. This motive would later be revealed by the nationwide genocide that began on the night of December 15, 2013. Little did the Madi community know they were used as an assimilation testing ground to project the success of a nation-wide genocide that was planned and executed in the days following the December 15, 2013 incident, an event that would be revealed by Dr. Carlos Berger as “Ethnocide as a Tool for Nation Building.”

But why did the ethnic cleansing of the Madi take place, which was later used to propel the successful execution of genocide nation-wide in South Sudan? This genocide took place because South Sudan had no national army in character and in composition. Before South Sudan gained independence in 2011, President Salva Kiir started to promote the idea of Mathaing Anyoor or A’miatnon (Tribal Army) and Thok Beny/Randit (Save the President) in his home region of Bahr el Ghazal. But why was president Salva Kiir fearful in the capital city Juba following his inauguration? Why would the president of the republic feel so insecure as to go and recruit Mathaing Anyoor and Thok Beny/Randit when he has the national army and national security at his command? Why would the president want to be saved by the Thok Beny tribal militia, who are illegally trained, and from whom?

The simplest answer to these questions is that the president did not trust the national army because at the time about 40% of the army around Juba, mainly stationed in Bilpham, were Nuer, the archenemy of the Dinka. The president also did not trust the Equatorians, who were highly educated, in the government positions in Juba. Thus, the idea of ethno-nationalism began to be promoted, where Dinka were encouraged with this colonial Eurocentric idea of manifest destiny,
to settle anywhere in South Sudan because South Sudan belonged to them. This idea to settle Dinka anywhere did not come without ethnic scrimmages and inter-communal tension. And because the project of ethnic domination was failing at the administrative level, the JCE and Dinka elite under the direction of President Salva Kiir took the bold and destructive measure to train an illegal tribal army. Consequently, before the incident of December 15, 2013, about seven- to ten-thousand troops from northern Bahr el Ghazal, a hometown of the president, were deployed around Juba.

When the SPLA headquarters in Bilpham inquired about the purpose of these numbers of troops, they were asked to be quiet. Little did they know the president was planning for ethnic cleansing and genocide beyond Juba, beginning with the Nuer and native residents of Juba, to break the diversity of the country. The idea that the incident of December 15, 2013 was a coup attempt was a false report. Otherwise why would seven- to ten-thousand Thok Beny/Randi tribal militia (all Dinka) that are illegally trained be deployed around the capital city without disclosing their purpose? The deployment of these ten-thousand Mathaing Anyoor/Amiatnon militia for Thok Beny/Randi was to initiate ethnic cleansing of non-Dinka in Juba. The main aim of this ethnic cleansing was not only to permanently evict Equatorians and Nuer living in Juba but also to make sure refugees, mainly people from the Equatoria region, never returned. The ethnic cleansing in the greater Equatoria was nothing but the execution of ethnocide as a mode of nation-building.

The diversity of South Sudan, which is mainly found in the greater Equatoria, blurred the national identity of South Sudan. This ideology created stigmatization of Equatorians as “Wewe,” a phrase originally used against Madi to question their citizenship as Madi territory falls within the colonial borders of Northern Uganda and South Sudan. (“Wewe” is a misplaced use of a Swahili word to cast Equatorians as Ugandans, Kenyans, or Ethiopians.) This characterization led
to the questioning of greater Equatorian citizenship and land ownership in South Sudan. Throughout South Sudan’s seven-year civil war, this has been used as another justification for carrying out ethnic cleansing and genocide by the interim government under Salva Kiir.

Had the intent to commit genocide been aimed at Nuer alone, areas such as Pageri County, Yei, Keji Keji, Lobono, and many others that do not border Dinka territory would have not been targeted. These hostilities would have concentrated around the tribal borders of the Dinka and Nuer and not nationwide. Therefore, ethnically targeted extra-judicial killings of Nuer from door to door witnessed in Juba in the days following the December 15, 2013 confrontation was to frame this genocidal enterprise as an ethnic conflict between Dinka and Nuer. This would disguise a nation-wide genocide simply as a conflict between two nomadic tribes. This was done to simply reduce a genocide of a nation as a tribal dispute between two known rivals in South Sudan whose differences are well recognized internationally by two casts of characters, Salva Kiir and Riek Macher. Indeed, because of this, the international response to South Sudan’s genocide has been an utter failure. This is in fact the very reason why we need to reexamine the genocide of South Sudan and its intent in the upcoming period of national reconciliation as we look at what the outcome of these seven years of civil war have been regionally.

In the greater Equatoria,

1) The Equatorians have found themselves powerless both politically and militarily.

2) The Equatorian communities have found themselves in the state of being evicted from their ancestral land and their citizenship to South Sudan questioned.
3) The question on the repatriation of refugees, IDPs, and non-federal employees who have illegally appropriated indigenous land is becoming impossible. For example, IDPs in Nimule are now giving an ultimatum for the Madi community to relocate from their land. This in principle means these settlers see themselves as the permanent residents of these areas and not the natives of the land.

In the greater Upper Nile, there is an increased level of inter-communal violence and a sense of anarchy as the same could be said of the Bahr el Ghazal region.

Today, estimated numbers of people killed in the seven-year malignant wickedness of the interim government under Salva Kiir range from 400,000 to 500,000. However, these numbers must be studied and put to scrutiny as it took two years for the international community to distance themselves from Salva Kiir’s administration to admit the occurrence of ethnic cleansing in South Sudan.

One of the damning reports about the orchestration of genocide in South Sudan is the final report of the African Union Commission of Inquiry on South Sudan. The report reveals the meticulous planning, training and execution of ethnic cleansing and genocide in South Sudan. This report also admitted that crimes in South Sudan have been committed by political leaders who bear sole responsibility to the people of South Sudan and must be held accountable.

The formation of SPLA/IO in 2014 was a reactionary effort triggered by ethnic cleansing in Juba, Bentiu, Malakal, Eastern, Central, and western Equatoria by the Mathaing Anyoor/Amiatnon and elements within the SPLA loyal to President Salva Kiir. The formation of SPLA/IO is also because Riek Macher couldn’t control the White Army of the Nuer in Malakal, who were also committing ethnic cleansing on Shilluk, Murle, and Dinka communities of those regions.
The lists of individuals who planned and executed genocide in South Sudan are:

1) James Hoth Mai - Chief of army staff
2) Gen. Malual Ayon Dor - Administrator
3) Maleek Reuben - Logistics
4) Gen. Ajongo Mawut – Operation Coordinator
5) Gen. Kiir Garang De-Kuek - Engineering Operator
7) Gen. Obuto Mamur – Ministry of National Security incumbent as of 2017
8) Gen. Bol Akot – based around Bilpham Arsenal
10) Gen. Mangar Buong Aluenge - Army Inspectorate
11) Gen. Marial Channuon Mangok - Chief of Presidential Guard
13) Michael Makuei Lueth - Minister of Information
14) Telar Ring – Ambassador of South Sudan to Russia
16) Gen. Akol Koor Kuc - Director General of National Security
17) Gen. Gabriel Jok Riak - Head of the “new army” appointed by Salva Kiir after the death of Gen. James Ajongo
18) Gen. Salva Mathok Gengdit – Deputy Minister of Interior
19) Gen. James Koang Chuol - Division Commander in Unity State.

21) Gen. Puljang – Special Forces division

These are a few of the SPLA military commanders known by the people of South Sudan to have engineered, planned, and executed egregious war crimes and genocide in South Sudan.

Many communities who have experienced instability before South Sudan’s independence knew what was happening, but these crimes were completely blocked from being reported. It was only revealed later on that the motives to carry out genocide nationwide was a state policy instituted by the Dinka elite at the highest level in a document titled “The Jieng Council of Elders (JCE) 2015 Master Plan: Dinka development plan for 200 years!” as well as Carlos Berger’s articulation on the idea of nation building in South Sudan.

The document was a recommendation to president Salva Kiir to be reviewed as a policy recommendation for the president and the so-called prominent members of the JCE ahead of the revitalized peace agreement of 2018 on how to maintain Dinka dominance in South Sudan.

Another file exposed on August 22, 2018 also revealed the master planners of the December 15, 2013 incident. This file exposed Telar Ring Deng’s meeting with the president of the Republic, Salva Kiir, and the entire Jieng Council of Elders’ leadership including the director-general of National Security General Akol Koor Kuc.

This meeting revealed plans of the Dinka ahead of the revitalized agreement in preparation for welcoming those opposition leaders to Juba. The meeting was to formulate a policy that would lead opposition leaders to have trust to come to Juba. It also suggested recruiting unknown gunmen
groups, with logistics including coordination devices that would give them access to coordinate with the National Security Service and other organized forces.

**Here is president Salva Kiir's statement at the meeting:**

“First of all, I would like to welcome my brother ambassador Telar Ring and all members of the Jieng Council. I am glad if we the Dinka community are living in unity despite our personal grievances. We have put the Jieng community above all our interests in everything. We hope our brother, General Paul Malong, will join us as soon as there is a sign of a good response from his side. I have established contact and negotiation with him through the minister of foreign affairs, Mr. Nhial Deng Nhial. For your information we need to open our eyes very well. The time has come for us to prepare ourselves to deal with the enemies who are blocking our progress as a Jieng community. The Equatorian people now have stood up and joined the Nuer and others to flash us out of power. Now they have become our biggest enemies that if we don't open our eyes, they will overrun this government.

“The Equatorian leaders and Nuer are working together nowadays to unite and fight us. General Thomas Cirillo was not alone. There are some leaders of Equatoria inside Juba here who are with him.

“Our plan of controlling some land in Equatoria and other places in western Bahr-El-Ghazel has succeeded. Eighty percent of Juba is now under our control. Yei River, Yambio, and Nimule and more are also in our control.”
“I have talked to President Museveni of Uganda to help us take control of Keji-Keji, Morobo, and the Lanya river. He agreed that we [the Dinka] will take some part. ‘We’, I mean the Jieng Council, would do the rest. Let us sign the revitalized peace agreement to lead all opposition leaders to come to Juba. This time, we are going to coordinate together on how to deal with them once and for all. It is time. I want our forces to kill those Equatorians in big numbers and even rape their women both young and old.

“It is time to recruit all our militia we have, plus new ones. All of them must be armed and sent home around Juba to be like civilians until time for operation comes.

“Around Juba, we will leave a few SPLA forces in case they don’t guarantee us disarming them. President Museveni has already deployed around 3000 UPDF soldiers in the form of traders. Two thousand of them are deployed in Yei. It is time to deal with these Equatorian and non-Dinka leaders who are in the army and other organized forces, including politicians. What is needed is for General Akol Kor and the other senior military commanders to sit down and work out a plan of assassination and execution of all opposition leaders, particularly the group of G10, Dr. Riek Macher. The political and diplomatic committees must come up with their plans too so that we can start implementation. We will not waste time concerning our brother General Paul Malong. Honorable Nhial Deng Nhial will do his best to bring him in before time.

“Our biggest enemies among Equatorian leaders who will be a threat to us Jieng are Clement Wani Igga and Obute Mamur. These two, if we do not deal with them, no one among us will exist in Equatorian land.

We need to plan well against them without wasting time:
1) We need to disarm all the non-Dinka soldiers who are in the organized forces national security, police army.

2) We need restriction of giving them departure orders to travel out of South Sudan.

3) We need to raise the price of tickets to Khartoum and other countries in the region.

4) We need to restrict the exchange of hard currency in the central bank and other commercial banks; they must be without access to anything so that they will remain in Juba and other places where they are in.

5) There must be an immediate deployment of SPLA forces and national security in all these strategic areas in Equatoria. I will end here and say thank you."

Conclusion by the president:

“Thank you all, my brothers and sisters, who are here once again. I am happy to see our brother ambassador, Telar Ring, today with us here. Today is a blessed day for all of us as Jieng Dinka and it is going to be a historical day in our lives and those members who are not with us now. We have heard from our speakers today and all the concerns raised by them. Without wasting time, we need to start putting all these plans in order and form two committees as we agreed upon. That is a committee for diplomatic lobbying and a committee for security and operation as our brothers here have said. The time is now. We cannot wait. Our secretary for information will communicate to us about the next meeting in which the two committees will come and present their reports and work plans. Then we will continue once again. I would like to thank all of you and let us keep the spirit. I greet you all in the name of Jieng. I am very blessed and congratulations to my brother

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ambassador, Telar Ring, for the wise decision he has taken by returning home and joining his people in the struggle. My brothers, there is no way we can protect ourselves as a Dinka/Jieng community unless we come together. Thank Honorable Nhial Deng Nhial for your effort to unite the Jieng community. Our brother, Honorable Nhial Deng Nhial, has played a big role in bringing us together despite our personal disagreement and misunderstanding. This is the spirit that we want to exist generation to generation to come. We think we are the owners of this land. All these migrants from Equatoria, the non-Dinka who are claiming that they have the right to this land of South Sudan are dogs and pigs. Based on history, all of them came from Ethiopia, Kenya, and Uganda and we will send them back to their places. I was in Khartoum two days ago discussing the revitalized peace process and our joint tactics towards getting an upper hand in the process. It's time for us to work with our friends in the region, particularly Uganda and Sudan, for us to accomplish our mission."

**Ambassador Telar Ring’s statement:**

“I would like to thank my brother H.E Salva Kiir and all of you here, the members of Jieng Council. It has been a while since I have decided to come to Juba. Sincerely speaking, I have been not happy with the way your President and other Jieng Council members have treated general Paul Malong and I have been in contact with your President from Russia. What makes me very annoyed is the way you have treated our brother, but it is okay, I would like to ask forgiveness from all of

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you here and I forgive you all. Concerning the issue of the Jieng community, now is the time for us to accomplish the mission that we have set before.

“Equatorians and Nuer whom I consider all Equatorians since they look alike even in their culture now have got few weapons. To me as Telar Deng, there is no way we should wait for the revitalized peace agreement to be signed. The operation must start now. The unknown gunmen unit has to be given enough logistics and resources to start their operation now.”

Today, one thing that is causing political extremism and diffidence in South Sudan is the incompetence of leaders whose reasoning is distorted by tribal sentiment. These trial thoughts have failed to produce a unified national army for South Sudan between SPLA/IO, SSOA, NAS, SSDF and all other recognized organized forces under the security arrangement agreement despite the formation of the Revitalized Transitional Government for National Unity (R-TGNU).

As I have stated previously, the intent for genocide was already in motion before South Sudan gained independence.

The mechanics for ethnocide and genocide in South Sudan has been consistent with the experiences of ethnic minorities who have faced increased instability in their communities before independence. These communities were used as assimilated testing grounds to predict outcomes of the Dinka master plan. The deployment of sleeper cells as unknown gunmen with coordination and logistics from state security in these targeted communities were the first testing phases of a wider master plan.

These sleeper cells’ objectives are to collect logistics for operation. They are also tasked to observe, identify, and eliminate influential individuals in the community, including leaders such

as chiefs, that may pose threats. A potential list of targets also included successful business owners, local leaders, or any promising rising individuals in the community. For example, the assassination of six chiefs of the Madi community and other high-ranking Madi military officers were attempts to silence the Madi for submission.

The second phase of the operation was deliberate, active and direct engagement of the wider community using tribal militias such as the JCE Tiger Forces, Mathing Anyoor or Aniatnon. Some of the crimes carried out by these groups include rape, torture, and sometimes burning down villages. Other state-sponsored mobile forces and aligned forces were also used as proxies. The primary goal of these groups is to sow disorder with extreme violence for state intervention. They are used as tools for committing ethnic cleansing and genocide. The third phase of the Dinka master plan is the state intervention by deploying a national army that lacks character and composition. These are mainly SPLA elements that are loyal to Salva Kiir. The deployment of the national army, in this case, is not to protect civilians but rather to implement forceful displacement of people from their land. This was done under the script of a “military operation zone” that civilians are not authorized to be in.

The December 15, 2013 incident was a day when a nationwide operation was activated to carry out ethnic cleansing and genocide. The reports that this incident was a coup attempt is well-propagated state disinformation.

The lack of critical analysis on South Sudan’s civil war in the current literature has successfully silenced the voices, narratives, and experiences of ethnic minority groups. This lack of critical analysis on South Sudan’s civil war has dismissed the brutal civil conflict simply as contention
between two leaders (Salva Kiir and Riek Macher) or conflict between two nomadic tribes, a conflict between Dinka and Nuer.

Such an image about South Sudan’s civil war has distorted many scholars’ understanding. This perception also left the international and regional community ambivalent without prurient sympathy for the ethnic cleansing and genocide that is being perpetrated and carried out by the Dinka and other elements of the Nuer.

To understand the root causes of South Sudan’s civil war from these structural levels is to recognize a need to shift the current narratives to establish a foundation for sustainable peace within R-TGONU.

To do this:

1) We need to recognize, the systematic covert strategy of disrupting both communities of an ethnic minority with Mathaing Anyoor/Amiatnon (tribal militias) and subversion to substitute state apparatuses with committees of the JCE was deliberately done to destroy evidence of state policy in carrying out genocide in the quest to establish dominance. The stealth subversion of state structures with JCE committees was also done through constant issuing of presidential decrees to sack and appoint cabinet members at will under the pretext of corruption charges, which lack parliamentary consensus. Without due process, these were often defended as necessary steps to improve efficiency in government.

2) Ethnocide as a tool for nation-building was adopted by the Dinka-led government of South Sudan to orchestrate ethnic annihilation and change the demographic composition of South Sudan to ensure the ideas of nation and peoplehood rely on some ethnic purity or
singularity where the sovereignty and identity of the country is built by the ethnic identity and brilliancy of the Dinka people.

3) The fragmentation of societies and the disintegration of the state apparatus, which left the country in a state of anarchy that drove different ethnic groups to look inward into their own communities and gravitate toward self-armament, must be recognized and perceived as a just revolt, a response against the ethnic cleansing and genocide that communities are experiencing.

Any analysis short of this is to perpetuate and maintain imprecise current narratives that represent the civil war in South Sudan as a conflict between two ethnic tribes, the Dinka and the Nuer. This kind of analysis has neglected to adhere to the grievances and narratives of other ethnic groups. To reiterate, South Sudan is a diverse country with over sixty different ethnic groups, each speaking a different language. Therefore, the resolution to the conflict and institutional reforms must be based on a holistic approach where the suffering of other ethnic communities across South Sudan is considered and represented. To approach a resolution to South Sudan’s civil war in this manner is to incorporate and build an inclusive government for all citizens.

Overwhelming documents have emerged that now recognize the ethnic cleansing in South Sudan as systematic violence perpetrated against civilians with the intent of annihilating ethnic groups to advance Dinka ambitions of dominance over state structures. This evidence has not only come from a globally recognized international organization but also the staggering number of 4.5 million people that are displaced and forced to be either refugees or IDPs. It must be recognized that “retaliatory” aggression or deliberate attacks on civilians and forceful displacement of an
ethnic minority are not measures of deterrence to overcome de facto forces (the “SPLM/IO or NAS), but rather a deliberate maneuver for ethnic annihilation to advance an ethnic agenda.

According to the Security Council resolution 2428 (2018) “Sexual violence and rape had been used as a deliberate military strategy in the conflict in South Sudan (see S/2018/292). Despite the provision of the revitalized peace agreement that calls for a cessation of all forms of sexual and gender-based violence, widespread incidents of conflict-related sexual violence have been reported to the panel, including Unity state and central Equatoria.”

The gender-based violence such as rape, castration, mutilation and forceful stripping or nudity which have been recorded in the United Nations reports, orders being issued by a senior official in the SPLA are deliberate acts to change the ethnic composition of South Sudan. It cannot be emphasized enough that ethnocide as a tool for nation-building is a premeditated calculated risk, a policy strategy of the elite to carry out genocide against those ethnic groups who can no longer be repressed or oppressed nor marginalized or absorbed within the government of South Sudan. In a sense, the national army and aligned forces disguised crimes of ethnic cleansing as legitimate and necessary state violence to “maintain order.”

To argue otherwise is to repudiate and neglect the overwhelming documented reports on deliberate attacks directed at civilians and non-military targets such as destruction of property and looting and other gender-based violence. The symmetrical response of SPLA/M IO must be recognized and perceived as a revolt against ethnic targeting after the December 2013 incident, which could have been avoided by a simple intervention of UN peacekeepers. But the slow

response of the international and regional community to prevent ethnic cleansing and genocide for most South Sudanese was a clear indication of abandonment and global decay in democracy.

Today, in the field of peace and conflict studies, many scholars have raised theories about the causes and conditions that generate a sustained war, among which are ignored social injustices. The absence of peace in South Sudan is the direct absence of justice. South Sudan’s civil war is engineered out of greed. As Chris Hedges put it in his book *War is a Force That Gives Us Meaning*, “the ethnic conflict and insurgence of our time, whether between Serbs and Muslims or Hutu and Tutsi [or even now between ‘Dinka and Nuer’] are manufactured wars born out of the collapse of civil societies, perpetuated by the fear of the other, greed and paranoia.”

For Chris Hedges, this is because these ethnic wars are neither religious wars or clashes of culture and civilization nor the results of an ancient hatred. These wars are rather the result of a malignant composite of moral judgment, manufactured to advance the elite's interest by using popular allegiances to gain advantages for themselves and assert power and authority over people. The manipulation of environmental traits of the other or cultural virtues such as the obedience of the Dinka people, in this case, made them conflate patriotism with elite objectives. For South Sudan, this false sense of patriotism among the Dinka developed into ethnonationalism where those who can neither be repressed or oppressed nor marginalized or absorbed were perceived as threats gathering on the horizon, and who thus must be vanquished. And often because there is an erosion of culture and moral judgment when a country is in a war footing, national myths, and collective amnesia among the Dinka people started to take a form of its own through the media, the press and other platforms of social media.

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These myths and war narratives were used to ignite a wider conflict in South Sudan beginning with unfounded claims that the Dinka are the only group who suffered from the North-South Sudan civil war and are the ones who won the war of South Sudan’s independence. With these myths in mind, the glorification of war figures started to take form where those like John Garang were elevated to be the sole national figures of South Sudan’s struggle for independence to which monuments were built in the heart of the capital city, Juba. This is to remember his heroism, turning forty five years of carnage and inhumanity into heroic ideals.

This reminiscing on the past among the Dinka elites was the first stage of an official public narrative to establish mechanics for genocide. These events appeared all benign at the beginning. The mechanical consequences of using such emotion to fuel myths, to spark collective amnesia for the Dinka against their fellow South Sudanese who fought alongside them for the country’s independence, was a deliberate tactical maneuver of the elites to pit ethnic groups against one another. “By turning history into myth, a chain of events that was directed by a ‘greater will,’ (i.e. to assert dominance to rule South Sudan for 200 years) was elevated above the multitude, to evoke a sense of nobility which no society is immune to. [Therefore], by allowing[ing] myth to rule, as it almost always does in war, then there is only one solution, force…the employment of organized violence means one must abandon fixed values.”31

The potency, and the necessity of myth in this fabricated ethnic war is that “it allow[ed Dinka people] to make sense of [savagery] and violent death. It [gave them] a justification for what is often nothing more than gross human cruelty and stupidity. It allow[ed them] to believe [they]

have achieved [their] place in human society because of a long chain of heroic endeavors, rather than accept the sad reality that [the nation] stumbled along a dimly lit corridor of disasters. [It is this kind of war which] disguises our powerlessness [and] hides from view our own impotence and the ordinariness of our own leaders.”

The lack of political will and concession for peace despite the revitalized peace agreement is a manifestation of “a frightening indifference and willful blindness, the desire to believe [in ethnonationalism and propaganda to] brand those outside [‘Dinka nation’] or ethnic group with traits and vices that cannot be eradicated. Because they are the other, because they are not us, they are guilty. Such indifference, such as acceptance of nationalist self-glorification turn many into silent accomplices.” It is precisely for this reason that regions such as western Bahr el Ghazal (which is predominantly Fartit, Balanda, and Luo), the Equatoria (Madi, Bari, Zande, Kuku Kakua, Acholi, Lolubo and Pojulu, or the Upper Nile (Nuer, Chollo (Shilluk) and Anyuak) are being targeted by the state.

Since South Sudan’s civil war also has an international dimension to it, the lack of political will from the interim government is by design to maintain the status quo of the elite. What those in government want is not peace but war itself. Whether it can overcome its adversaries (the SPLM/IO, SSOA, or NAS) and other factions does not matter as much.

This is because the geopolitics and the economics of war demands a permanent state of war. War itself is the price because it allows and eliminates costs and dispossesses the population from their territories where there's wealth, an interest of corporate extraction. War allows the distraction

of competitive capital and concentrates scarce resources in the hands of a few elites. It is an understanding that war itself is an investment that produces a huge amount of profit. Therefore, for the elite, installment of war on the ground against civilians is necessary and needed because the economy of war under modern nation-states demands a permanent state of war for capital accumulation.

The fallacy and attitude of the SPLA that they have liberated South Sudan, that they can eat as much as they want and kill as much as they want, has already cut deep in the consciousness of the Dinka people. It will take perhaps serious advocacy on their part to realize that their leaders have shortchanged them in pitting them against other ethnic groups simply to draw their allegiance and elevate the elite status quo. One of the problems among the political leaders of South Sudan is fear and diffidence. For the Dinka, “the Nuer are going to be organized and armed to invade South Sudan. The Equatorians will be made to invade South Sudan and this is where the Dinka massacre will take place…in this apocalyptic vision, those who are displaced over the last [seven] years will return to kill the Dinka people.”

The logic of this statement gives us people's sense of nationhood as well as citizenship within the senior figures of the Dinka elite in government as to who are South Sudanese and who are not. It is implied that to be Dinka is to be South Sudanese. Therefore, all other regional tribes within South Sudan are a threat to the survival of the Dinka people and must be perceived as potential invaders. This reasoning “has frequently accompanied ethnicized violence… a sign of conditions in which the very line between minor and major differences has been made uncertain [because]

the rage and fear that incompleteness and uncertainty produce can no longer be addressed by the mechanical extinction or extrusion of unwanted minorities.”  

7) Alternative System of Governance for South Sudan

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If there is one thing that can be said about a few leaders of post-independence Africa such as Nkruma, Julius Nyerere, Senghor, Awolowo, Kaunda, and Sekou Toure, it is their keen and considerable devotion to the philosophical basis for the postcolonial reconstruction of Africa. These leaders were able to formulate a philosophical theory that is uniquely African to address the challenges colonization brought. African socialism as a discipline of philosophical thought is one theory, and the fruit of national reconstruction that was born and developed out of the decolonization process.

By recognizing the unique diversity and social structure that Africans have organized themselves into (i.e. communal society and not a society of many for the few), these leaders were able to sense that national reconstruction is a cultural enterprise of the highest order in that colonialism had in varying degrees scorned African culture. And therefore, there is a need to reassert its own culture and not just superficially.

Colonialism has scorned African culture in that “Europe’s initial response to the problem of administering colonies [was a single legal order] defined by the ‘civilized’ law of Europe [where] no ‘native’ institutions would be recognized. Although natives would have to conform to European laws, only those ‘civilized’ would have access to European rights. [As a result, colonized ruling elites, and] civil society in this sense, was presumed to be a civilized society, from those ranks, the uncivilized [which was the people] were excluded [with their knowledge and worldview of how they understand democracy and self-determination in their own context of communal society. Therefore,] the ideologue of a civilized native policy rationalized [division] and segregation as less
of a racial than a cultural affair.” In other words these divisions are desirable for the ruling elites in the interest of social comfort and convenience of keeping their status quo.

This perpetual system which has now been replaced by national power under the modern nation-state has not only come to be associated with the inefficiency of government, corruption, and widespread impropriety but also autocracy and tyranny to the citizens.

It is from this basis that African socialism with the ideology of Pan Africanism in practice as a political order is an alternative system of governance. South Sudan will do well with this system since it is already embedded in the psyche and social fabric of the people. This is because African Socialism seeks to reestablish the precolonial African way of life for democracy and self-determination. This philosophical thought as a political order in practice and ideology is to augment and bend the current political culture instituted in modern nation-states, which has failed to meet the social expectation of people in their government.

To reactivate the particular humanity of African communalism is to usher peacefully an egalitarian social order as a counterbalance for the African conceptual understanding of democracy in a communal society. The African understanding of democracy is not the same as the western understanding, which implies a majority. Adopting African socialism as political hygiene will not only assure full flourishing of a genuine African mode of thinking, producing, and organizing but also have a significant impact on improving personal power relations in a state as well as social relations in the wider society. This is because the constitutional authority that will be drafted and implemented will reflect a corresponding foundation of cultural plurality and diversity that

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captures a universal communal way of life practiced by the people in a state. This sense of reference in law for the people, which recognizes social relations and provides both political and legal alternatives, will not only usher in a new era in developing economic structure, but also moral agency at both local and national levels.

Leaders who are in the position of authority and institutions will no longer be perceived as irreconcilable. Communities would want to adhere to cultural and moral norms, since they are no longer repugnant or incompatible to the norms of democracy understood in a communal society.

At this juncture we need to be cautious in differentiating the reconstruction of a cultural enterprise of the highest order from the existing ethnically defined movements (tribalism or ethnonationalism), and highly amplified foreign-inspired classification of arbitrary colonial creation of groups to access European rights and dominance in government. This is important because many scholars in the area of social theory on Africa have confused reconstruction of cultural diversity and tradition with the ethnically defined movement of tribalism or ethnonationalism, which has fallen prey to the highly charged foreign-inspired classification of an arbitrary grouping of people as “dominant” in a region.

It worth mentioning that because modern nation-states are not compatible with multi-ethnic populations, many African nations like South Sudan with its rich multi-ethnic and cultural diversity are perceived “as some sort of primordial carryover, traditional, or atavistic residue, to be cured and erased with the march of modernity. On the other hand, those who hold on to the importance of roots and culture perceive the ethnically defined movement of tribalism or ethnonationalism such the self-proclaimed Jieng/Dinka Council of Elders, (JCE) in South Sudan as a tactical maneuver of the states to divide the people or an elite strategy to use popular
allegiances to gain an advantage for themselves. For Mahmood Mamdani, who co-authored *Citizens and Subjects*, “there appears the argument for contemporary tribalism [or ethnonationalism that we see in South Sudan] are examples of ‘modernity of tradition.’ A modern strategy to build a coalition in the struggle for power, by all those who seek power and position, regardless of social position, and must do so by recognizing the tribe as the fundamental building blocks of [a] society. [Therefore,] the problem generally referred to as tribalism covers two distinct phenomena: one is a set of deliberate policies and the other the parameters of social movements of ideologies specific to them. [Although the first] phenomena can be explained as the outcomes of a conscious decision, the latter cannot because perspectives that see [a] movement as a simple historical residue or as an unmediated outcome of a policy decision is incapable of explaining it.”

African socialism as a philosophical concept as well as a political ideology, encourages political hygiene. This idea has always carried weight and currency in the conscience of African people across time and space in peace or war because it speaks to the social organizational structure and values of African societies. As such, there has been a great pushback by the political establishment to dismantle it. It is in this sense that in every generation the specter haunting Africa is the ghost of its own past which has witnessed the revolutionary ideas of its founding fathers about well-articulated democracy and self-determination in any African society.

The precarious sovereignty of South Sudan has now moved away from a parliamentary system of governance to federalism without any political will to transform the system. It remains to be

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seen whether leaders in South Sudan will dress the devil with a different cloth or explore other alternatives, such as African socialism, to enhance political hygiene to reconstruct and reform the conscience and the political discourse in South Sudan free from civil wars.

In every adversity it takes recognition of specific shortcomings as a nation to put the country first to build a future. This begins with delivering justice and holding political and military leaders accountable for the genocide in South Sudan.

South Sudan must deliver this justice to its people. Take, for example, the lessons of the Rwandan genocide. Why did the Rwandan genocide of 1994 happen? This genocide took place because justice was not delivered in the first Rwandan genocide of 1959-1964. The experience of the 1959-1964 genocide shaped Robert Paul Kagame as a young boy to later lead Rwanda out of the 1994 genocide. Today Rwanda is a free society with free healthcare and education and with accelerated economic development because justice was delivered to the people. Rwanda not only nationalized the reconciliation process, but localized it through the Gacaca local tribunal proceedings. This happened because leaders like Paul Kagame were able to rise above tribal sentiment to assume power and responsibility after the genocide to define their national identity. They did not want to be defined by their past or by the errors of their predecessors, but rather to build a nation for a shared future.

8) of Institutional Fragility:

Some of the factors that have poisoned the newly formed country from the onset, which led to the disintegration of the state, can be attributed to narratives around nation-building. Behind nation-building models embraced by South Sudan to develop formal institutional states were, on
the one hand, the aggressive ideology of western progressive reform of institutions and on the other hand the adoption of nefarious calculated ethnic nationalism. But what are some of the factors that led to a sustained civil war?

1) Ethnic tension between Dinka and Nuer was the result of politicized past grievances of a collective memory of extreme violence mixed with contention for ethnic supremacy based on the premise of gaining economic, military, and political advantage. Therefore, the heightened political climate and disputes in policies and vision for the young nation between President Salva Kiir and his former Vice President Riek Macher were framed with contention for ethnic supremacy.

2) As a plan was in the process of being drafted to transition away from the military government that had assumed power during the 2011 referendum, cracks began to emerge within the top leadership of the SPLM/A. Leaders repositioned themselves to be the potential nominee and contestant candidates for an election that was scheduled to take place in 2015. This rift within the leadership has not only created corruptions and financial graft, but also arbitrary practices aimed at opposition rivals which were perceived as undemocratic norms. An example is Salva Kiir’s action of issuing a presidential decree sacking the entire cabinet, including the vice president, for a reshuffle under the backdrop of the arrest and detention of ministers and cabinet members.

3) Another factor that has fermented and drawn the nation into seven years of conflict within such a short time is the issue of land appropriation. When the referendum of 2011 occurred, some refugees took bold action to voluntarily repatriate. However, some of the returnees found occupants in their space. This issue of land appropriation was never addressed;
instead, the government reacted to the problem by detaining local leaders who raised concerns.

4) Disappearances and night raids, whether stemming from a systemic response to silence people or not, were widespread. Local leaders who raised concerns to the government on criminal complaints such as targeted killings of civilians, extrajudicial killings, forced displacement, intimidation, rape, extortion, or contempt in a formal letter were arrested and disappeared during a night raid. Even when communities started writing appeals to the government, people’s concerns were met with silence and inaction and sometimes violence.

5) Deliberate grazing of cattle on agricultural land is another factor that forced people to turn their backs on the government and join the opposition. In 2014 as the security concerns were rapidly deteriorating, the (UNMISS) warned of famine. This famine was due to the deliberate grazing of cattle in agricultural land. Most of the response communities received was either disappearances and detentions, or in other cases total silence.

6) As the political climate deteriorated, opposition leaders within the SPLM/A who still had influence and commanded a great number of troops found themselves detained under unfounded claims. This practice of detaining ministers was perceived as Salva Kiir’s strategy to position himself as a favorable candidate for the 2015 election or replace his party rivals with the Dinka elite.

7) Another factor that has led to the fragility of the young nation from the onset is the lack of discipline within government military ranks. The referendum did not put in place a robust mechanism from the onset to screen for capable state military personnel for active duty.
The inability of the state to appoint proper ranks according to merit and accomplishment has led undisciplined government officials to violate all kinds of norms of international humanitarian law regarding internal armed conflict as they act with impunity.

8) The accessibility of arms and the role of Sudan in the conflict have also contributed. When the referendum occurred, the government did not implement measures to disarm.

9) Another factor that contributed to the deteriorating security which led to nationwide civil war is the erosion of the government’s effectiveness in performing on behalf of the people of South Sudan, which led to the collapse of the state.

9) Institutional Reform:

The precarious state of South Sudan’s civil war has already displaced 4.3 million people according to the UNHCR, including the internally displaced communities. Although the international and regional pressure on the political elites has been able to reduce the level of extreme violence in South Sudan, negotiation for peace has not been easy. Due to the complex nature of the civil war, one challenge the international community will face in the upcoming period is acceptance of superficial national unity government under which the terms of the accord have been negotiated by the same cast of characters who have dominated the politics of the region for the last three decades.

For expedience, there has been enormous pressure on both sides (Salva Kiir and Riek Macher) from the international community to accept terms to form a Revitalized Transitional Government of National Unity without reflecting major factors, other than economic development, that have sustained the civil war. But international bodies such as the United Nations must exercise caution
in defining their role during a period when the state is expected to press on its program of ethnic nationalism while claiming to have achieved peace. Ethnic wars cut deep into the fabric of social consciousness. The absence of violent retaliation must not be confused with success, since such tribal enmity carries sinister differences among ethnic communities even in times of peace.

Some of the leaders in South Sudan are beginning to realize their failure in their civic duties of representing the people. Despite ethnic violence, the people of South Sudan are not the problem; the leaders and the system of governance that has been subverted by an ethnic organization are the problem. The ethnic violence in South Sudan must be perceived as the consequence of flagrant and yet nefarious policies adopted to install the dominance of one ethnic group in the state instrument of power. Due to the centralized nature of power, individuals appointed in the position of power to perform their civic duties and serve the people of South Sudan are now treating positions of authority as pay up for their sacrifices and merit. The economic development plans of the country, therefore, have been completely abandoned. The urge for leaders to reside along ethnic bonds has been too great, thus the slow act in prioritizing the national interest first over ethnic interests in state structures is becoming a norm for dragging feet in the R-TGONU. As a national unity government is being formed, but graft and money laundering has not stopped nor ethnic antagonism.

The solution to ethnic antagonism in the unity government is supposedly the terms of the peace accord adopted for the referendum to opt for federalism. This was to decentralize state power and offer a political space for ethnic pluralism, multiculturalism, and diversity in South Sudan. This approach is adopted to allow leaders to identify conditions under which internal mechanisms of state power are likely to work, especially when views of ethnicity in a pluralistic society are used
expressly and instrumentally to fuel not only a conflict of allegiance or belonging but also displace people within the state system.

10) Peace Negotiation:

During the negotiation of the peace agreement, it was found that the system South Sudan adopted was incompatible with the multi-ethnic diversity of the country. Therefore, it was established in the revitalized peace accord that federalism was the most popular system to address the multi-ethnic challenges of South Sudan. Federalism is a system of government in which a constitution divides the powers among the central government and other tiers of government, like states and other smaller authorities such as local governments. Because federalism allows for power-sharing and provides a space for diversity, federalism has now been presented by the opposition party as a popular system of governance in South Sudan to allow for unity without uniformity.

In other words, cherish cultural diversity and impede the tyranny of the majority and government paternalism. Because the federal system limits the power of the central government by delegating specific powers to other levels of government by adopting federalism as a system of governance, the central government is granted the ability to make laws only over certain jurisdictions, and the rest of the decisions would be left to the states. The proposal for federalism has now led to the signing of the revitalized peace agreement of 2015 later adopted in the 2018 peace agreement, which has partly reduced the level of violence.
Because the peace accord of 2015 did not go far enough in addressing security arrangements as well as the interest of warring commanders, there was also a conflicting sentiment among leaders on whether to keep the status quo of a parliamentary system to reminisce a British colonial imperial power in South Sudan or adopt a system of federalism people have longed for. Nonetheless, federalism was adopted as a system of governance for South Sudan.

The latest efforts to resuscitate the 2015 peace accord is the signing of the Revised Revitalized Peace Agreement of 2018 on the resolution of the conflict to bring about an end to the brutal civil war in South Sudan. This agreement adopted eight chapters on critical issues around the state apparatus for security, justice, finance and the parameters of national treasures, humanitarian assistance, and reconstruction.

- The first chapter established organizations such as the Revitalized Transitional Government for National Unity (RTGoNU) to ensure agreement on the resolution of the conflict in South Sudan was reached and signed with the mandate.
- The second chapter urged all warring parties to sign a permanent ceasefire and transitional security arrangement agreement to bring about a resolution to the conflict. This chapter also established provisions during the transitional period and the mechanism for security arrangements.
- Chapter three highlighted principles on humanitarian assistance and reconstruction.
- Chapter four laid a general principle on resource, economic and financial management where (RTGoNU) “shall develop a code of ethics and integrity for public officials emphasizing the value of honesty and integrity through institutional reforms.”
Chapter five affirms a grave need for transitional justice, accountability reconciliation, and healing as asserted in the preamble of the agreement that we are “deeply regretting the scale of untold human suffering that had befallen our country and people as a result of disregarding this commitment.”

Chapter six established parameters for a permanent constitution based on the principle of the supremacy of the people of South Sudan.

Chapter eight established the Joint Monitoring and Evaluation Commission (JMEC) for overseeing the implementation of the agreement, mandate, and tasks of RGoNU, including the adherence of parties to the agreed timelines and implementation schedules. JMEC “shall also oversee the work of the Ceasefire and Transitional Security Arrangements Monitory and Verification Mechanism (CTSAMVM), the Economic and Financial Management Authority (EFMA), the Strategic Defense and Security Review Board, National Elections Commission (NEC) and all other Transitional institutions and mechanism created by this agreement.”

Because the peace accord that was signed in 2015 collapsed immediately before its implementation due to lack of political goodwill, the drafting of the 2018 peace agreement after amending the 2015 peace agreement document led to the signing of the accord to reduce military to military hostility but not civilian casualties. The augmentation came after a recognition that the stipulated peace accord did not go far enough in representing the interest of commanders of warring parties and addressing security provision after unification. The 2018 peace agreement, therefore, adopted three stages of security arrangements that were annexed to the document. The first stage of security arrangements is the Pre-Transitional Unification Management Structure,
which aimed at transitioning the security arrangement and verification monitoring mechanism. The proposal is to have the Commander-in-Chief and all warring parties agree on a permanent ceasefire and to establish a Joint Defense Board (JDB) which will be run by Joint Transitional Security Committee.

1) The purpose of the committee is to have oversight in three key areas:
   - oversight on military command from all parties, including training
   - oversight on national security service from all parties, including national security training
   - oversight on other organized forces from all parties, including police wildlife rangers, prison guards, and brigade training

2) The Ceasefire and Transitional Security Arrangement and Monitoring Mechanism Board (CTSAMVM), which was tasked with creating a committee for three sector areas where monitoring and verification teams and team sites will be established to assess each party’s adherence to the security arrangements. These team sites are to be set up in regional areas such as the Greater Equatorian, Greater Upper Nile, and Greater Bahr-Ghazal.

3) National Architecture regarding security.
Ceasefire and Transitional Security Arrangements and Verification Monitoring

Mechanism

National Architecture on Security
11) Repatriation:

The term “refugee crisis” began in Europe and became a significant international issue after the emergence of a centralized modern state system that replaced monarchical kingdoms with national governments. The Treaty of Westphalia in 1648 was the first that identified refugees as people who have lost the protection of their own state and recognized the offering of asylum. During this time, as a new principle of world order to reorient an emerging global image, the Europeans established not only the state as the agency of a new diplomacy in their own continent but also Eurocentric international law to reorient the Earth by spatial order among states, and bracket European civil wars. I.e., all wars must be denationalized and abolished within European territory, and wars should only be transformed and internationalized. (Spatial order is the territorial state on the European continent and concerns the maritime extent of the British Empire against the background of vast “free spaces,” considered potential colonies.)

Today the issue of refugees, IDPs, statelessness, of which a great number have been attributed to wars, is a consequent result of European bracketing and exporting of war and internationalizing it to the global South to create war economics.

The contemporary international approach to the refugee problem only emerged fully after the United Nations Refugee Relief Agency (UNRRA) was abolished and replaced by the International Refugee Organization (IRO). This organization for the first time adopted a convention regarding the status of a refugee. This shift in approach led to fundamental international refugee protection. Although the 1951 convention regarding the status of refugees established rights and protections, it did not establish a mechanism for repatriation or a solution for protracted refugee situations or for IDPs and stateless individuals. This task was left for the United Nations High Commissioner
for Refugees (UNHCR). Therefore, repatriation largely is a framework born outside the parameters of the refugee convention of 1951.

In this sense, repatriation has come to be understood as a voluntary return to the state or country of origin. This led the process of voluntary repatriation to fall short from its humanitarian inspiration. The voluntary repatriation process has fallen short because there have been legitimate reasons for concern about the tendency of some governments to withdraw refugee status prematurely. Especially when prerogatives granted to host countries or contracting states to repatriate former refugees cannot reconcile or come to understanding in the cessation of hostilities in protracted conflicts and in cases where citizens perceive refugees as a burden to the contracting state. Under international law, contracting states must make efforts to fulfill their obligations without turning people away. If the capacity to adequately address the crisis is the contention, by international law, contracting states are obligated to request a formal appeal and refer the case to the international community on how to best assist in terms of burden-sharing in costs and admission of individuals for protection.

The contemporary understanding of repatriation follows the logical approach from the understanding of refugee law as a mechanism of human rights protection rather than an immigration path. This is because it has been widely recognized that refugee status is situational. According to the Universal Declaration of Human Rights, article fourteen, “every individual has a right to ask a State for asylum. However, there exists no duty on States to grant asylum, but only to consider fairly the claim for asylum made before them. While every asylum seeker might not become a refugee (if their claim is denied), every refugee at some point has been an asylum seeker (waiting for a refugee status determination).” Therefore, there is no reason in principle to
deny the right of the states to enforce immigration laws when the human rights of the former refugees are no longer at risk in their own country of origin.

The shift to the contemporary lack of openness in the global North at the arrival of refugees at their border is due to a deficit of political will from both international and regional communities to take a proactive role to incorporate war refugees. Unfortunately, the decay of international relations and disregard of international law has contributed to the protraction of conflicts causing enormous suffering of war, climate, and economic refugees.

The grotesque example of state relations contributing to protracted conflict is the international relations between Uganda and South Sudan. Between 2013 and 2017 Uganda received one million refugees from South Sudan alone. The response from the Ugandan government was to adopt the policy strategy of local integration which was praised by international and regional communities. It was perceived as a noble gesture in responding to an influx of refugees. But on the other hand, this has also been one of the factors that exacerbated the peace process while fueling inter-ethnic violence. For Uganda, this policy is noble and the best course of action by far because existing narratives about refugees are that they cannot return home. The idea that refugees do not want to return to their home country is not entirely true. Surveys have found people do want to go back to their country if security, economic development, freedom, and human rights with an inclusive government can be formed. For the case of South Sudan local integration has allowed the Dinka led regime in Juba to justify ethnic cleansing of Equatorians referring them as “Wewe,” a term used as an attempt to cast them as Ugandans, Kenyans or congolese.

Unfortunately, the Ugandan government has weaponized South Sudanese suffering into an economic machine to develop Uganda. On the one hand, Uganda has received billions of dollars
in form of humanitarian aid from foreign governments while on the other hand giving military assistance to Salva Kiir to carry out genocide. Local integration has greatly improved the Ugandan GDP. Uganda also received $1.2b (about 4.5 trillion Ugandan shillings) in 2017 alone through remittances, accounting for 5% of the country’s gross domestic product (GDP) and 4.1% in 2018. A remittance is a transfer of money by a foreign worker to an individual in their home country; in this case, those in the diaspora supporting their relatives in the refugee camp. In fact, according to Arthur Isiko, the Bank of Africa’s managing director, because “Uganda is one of the top five remittance-receiving countries in Africa, these remittances help Uganda to narrow the gap of economic standing and disparities between its economy and that of other countries since they are known to exceed official aid transfers in some regions and act as a buffer from economic shock.”

The perceived economic value of refugees in the local economy of Uganda has created a toxic political conflict of interest in South Sudan’s peace negotiation to form the national unity government among regional stakeholders. This is why land appropriation by the Dinka and Nuer, which has been one of the primary ethnic antagonisms between communities, has become a big problem.

Although on one hand, the protracted nature of the conflict in South Sudan has caused some neighboring states to adopt a pathway to permanent residency, on the other hand, this shift to local integration of refugees has exacted unintended consequences, making many neighboring countries accomplices to South Sudan’s war crimes of ethnic cleansing and prolonging the civil war and the refugee situation. For South Sudanese living in Uganda, local integration has not only exacerbated

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negotiations for peace but also created claims for the Dinka and Nuer over lands that the refugees left behind, making a possible future return of refugees impossible. In the upcoming period, the procedure for repatriation will be a test for the UNHCR and international communities in keeping peace within the newly formed unity government.

In the Global context today, many countries are shifting away from granting permanent residence to the refugee. In the global North, the combination of no entry tactics and confinement of refugees in detention centers or encampment of refugees in their own country under conditions that amount to violation of their rights is the consequent failure to apprise a need for a broader refugee convention and to address rising international inequality.

In many cases, there has been a blunt disregard of the Geneva Convention of 1951 regarding the status of refugees; Article 26, states that “each contracting State shall accord to refugees lawfully in its territory, the right to choose their place of residence and move freely within its territory subject to any regulations applicable to aliens generally in the same circumstances.”

This has led to a sweeping restriction on the freedom of movement.

Because most of today’s refugees seeking asylum are from the global South, many contracting states in the global North argue that the different racial and social profile of refugees is a challenge to cultural cohesion and that the economies of developed countries no longer require substantial indiscriminate labor force; therefore, there is no ideological or strategic value in admitting most refugees. It should be noted that this violates article three of the non-discrimination act, which

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states that “the contracting states shall apply the provision of this Convention to refugees without discrimination as to race, religion or country of origin.”

This variance in racial and social profiles for “cultural cohesion” and change in the economic labor force has led to the disappearance of temporary protection and efforts to intensify the prevention of arrival of refugees in the first place, example: intercepting migrants en route before reaching the border, in high seas, or on land. In the case of South Sudan, the encampment of refugees in tents and detention of IDPs are in “protected sites” where conditions can be rendered as human rights abuses have become a norm.

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Refugees, IDPs and OPC Camp Site in South Sudan:

12) Reconstruction and Reconciliation Process for Healing:

Conflicts can be a force for creativity and progress if addressed with nonviolent actions and policies. Today, however, due to competing interests, many leaders have successfully weaponized identity politics, which have pitted ethnic, religious, or tribal groups against one another. Much of the violence in South Sudan is accumulated hostilities and aggression resulting from unaddressed concerns, which have led to the disintegration of states, lawlessness, mass atrocity, and genocide.
Nonetheless, the International Criminal Court that was established to have the power to exercise its jurisdiction over persons for the most serious crimes of international concern, as referred in the statute, has fallen short in delivering its function regarding the crime of genocide, crimes against humanity, war crimes, and the crime of aggression when it comes to general state persecution of South Sudanese citizens under Umar Bashir and now under Salva Kiir. As Martha Minow puts it, “To respond to mass atrocity with legal prosecutions is to embrace the rule of law.”\footnote{Martha Minow. Between Vengeance and Forgiveness: Facing History After Genocide and Mass Violence. Press: Beacon Press, Boston.} There must be a real commitment to redress harm, commitment to deliver fairness in the process of opportunities for individuals to be heard.

The failure to deliver justice by the International Criminal Court in the case of Sudan under Bashir’s administration has precedence in the deliberate state aggression and persecution now employed by Salva Kiir. Since the case of Hassan Habre, President of Chad, who was prosecuted for war crimes, many African leaders cried foul and have evoked reservations in cooperation with the ICC, proposing African problems need African solutions in the face of mass atrocities. This so-called “African solution for African problems” has now made the African Union complicit in state transgression upon its people. The dilemma is that on the one hand, the democratic institution that guarantees to protect the rights of defendants places those rights at least in part ahead of truth-seeking and on the other hand, undemocratic trials may proceed to judgment and punishment of alleged perpetrators without any regard for particular truths or their complex implication beyond particular defendants. In many ways, the question becomes, should justice or truth-seeking take
precedence? Of what value are facts without justice? If accountability is the aim, does it require legal proceedings and punishment? Do legal proceedings generate knowledge?

Scholars like Hannah Arendt argue that “in the face of genocide, we are unable to forgive what we cannot punish, we are unable to punish what has turned out to be unforgivable.” Indeed, adequate measures and compensation can never replace the lives lost, but accountability can be met. All crimes are punishable if the punishment is correctional and does not entail societal vengeance or retribution of what has happened. Therefore, justice is only possible if the full extent of criminal law and measures reserved for those individuals who are involved in orchestrating and executing horrors and crimes against humanity is applied. (It should be noted that death penalties should not be applied because such acts give a faster way out for perpetrating without exhausting all legal parameters.)

Applying the full extent of the law and exhausting all legal parameters provide not only legal counsel for potential future cases, but it also shows commitment to deterrence against serious crimes of international concern.

Knowing that justice often falls short, especially in acts of collective crime and systematic policies carried out by government officials, in this case by the JCE and Dinka elite, it’s better to adopt legal measures and formalities, such as granting amnesty or immunity to those involved in the terror. For the sake of obtaining documents and gaining knowledge of what happened, it sometimes becomes an unavoidable task to do this to name the crime and say never again. To some extent, one of the successful examples of this is the crime of Apartheid in South Africa. After the collapse of the Apartheid regime, the South African government responded by creating a commission of inquiry charged with gathering stories of victims, the truth of what happened and
at whose hands. The South African Truth and Reconciliation Commission illustrates an innovative and promising effort to combine an investigation into what happened, a forum for victim testimony, a process for developing reparations, and a mechanism for granting amnesty for perpetrators who honestly tell of their role in politically motivated violence.

South Sudan can adopt this formula if it wants to create a functioning government and move beyond ethnic divides for the sake of the country and a shared future. However, we need to be cautious in balancing the granting of amnesty or immunity with the delivery of justice because the urge for vengeance is sometimes too great to be ignored.

Another point that’s worth mentioning is that a country like South Sudan, which is faced with collective violence, should not be urged to adhere to international standards as recovery is in its infancy, however. Any constructive approach initiated by the community to redress grievances must not only be respected but also supported to expedite the process of healing. Acknowledging that different ethnic groups and tribes who have lived side by side for eons and had their particular series of a shared history of conflicts that may not be related to the current state of affairs and had had their own way of applying rules of law (moral laws), to which its interpretation or application may differ from the international law, should not be up for scrutiny. If such initiative is the conventional approach of dealing with conflicts between neighboring tribes, then such a procedure must be respectful and not exacerbated by international politics to preserve the integrity of the healing process in a specific community for coexistence. Anticipating that international political scrutiny may exacerbate the urge for vengeance, vengeance in such scenarios could lead to further diffidence and could unleash more responses than the punishment guided by the law or by the moral force of a community.
Constructive community initiative should be welcomed because sometimes local initiative is more potent than the legal system. After all, it exudes an element of forgiveness, which is an exclusive right of individuals. The government body cannot adopt forgiveness because such virtues can only be summoned by individual victims and not institutional bodies acting in an official capacity for the people under the law. Although forgiveness “seems to rule out retribution, moral reproach, non-reconciliation, a demand for restitution and in short, any act of holding the wrongdoer to account, fundamentally forgiveness cannot be commanded. No friend, cleric, or official can force another to grant forgiveness to the offender. A victim who considers forgiveness must summon compassion, benevolence, love, or a profound sense of the flaws shared by all human beings, victims, and offenders alike.”

The fact is that forgiveness is exclusive to individual victims. Because the government cannot grant forgiveness to exempt individuals from punishments appropriate to the crimes committed, especially with that which involves serious crimes of international concern, the potency of community initiatives becomes vital to the reconciliation processes.

In this sense, when we are responding to serious crimes of international concern, referred in the statute of Geneva Convention on the Prevention and Punishment of the Crime of Genocide or torture, we need to avoid philosophical rhetoric that suggests that a person who does not resent moral injuries done to him…is almost necessarily lacking self-respect. Or that retribution at its core expresses an ideal that can afford proper limitation and thereby differ in theory from vengeance. The former argument endorses vengeful acts by giving it moral weight; the latter

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distinguishes in theory retribution from vengeance and utilizing it as a moral force and a tool to establish equal dignity for all persons. These sorts of arguments not only undermine the full extent of the law and exhaustion of all legal parameters for fairness and reparative actions for individuals and communities to recover, but also degrade treating people as equal under the law and hinder civilized measures such forgiveness to be implemented for healing processes to take place.

13) Trial for Mass Atrocities and Crimes against Humanity:

Although justice is often in short supply when a mass atrocity is committed, especially by government officials, the fact that the government response of “deterrence” in South Sudan is far worse than the crime of “mutiny” they are combating has already created a state of suspension in the rule of law in South Sudan, given the element of a state of anarchy. For example, the overwhelming ferocity of the extra-judicial killings, mass disappearances, and torture under government officials is a clear violation of human rights, international humanitarian law, the international convention on war crimes, and crimes against humanity that can be categorically classified as genocide and ethnic cleansing.

It should be noted, however, the JCE was formed by the Dinka elite who are in the position of power to influence and augment the nation’s policy to place the Dinka ethnic group in an advantageous position. Whether the motive of this ethnic organization was pure or malice at its inception, the JCE and Dinka elites did not align themselves with the constitutional corpus of the country. The JCE instead consolidated political power within state structures and ceased the decision-making branch of the government and declared themselves not as the servant of the constitutional government, but as the ruling cast of the nation, guardian of South Sudan’s
sovereignty and its way of life and identity. The Dinka led government in South Sudan did not have the rule of law, which the constitution it adopted dictates, nor the best interest of the country and its people at heart. We can only concur that the self-proclaimed JCE and Dinka elite saw themselves as exceptional, ordained by all rights above the dictates of constitutional values, and that to be a Dinka is to be a South Sudanese. Anyone who falls outside this category must be marginalized, absorbed, or destroyed. They are to be destroyed because they are not only traitors to their leader, “his excellency Salva Kiir,” but also criminals to be pursued and punished because they pose an imminent threat to the survival of the Dinka nation. Therefore, all opposition forces with its perceived supporters (ordinary civilians) are the army of evil and they must be destroyed regardless of whether any composition of opposition and protest is exercised by a civilian.

In many ways, under the Dinka-led government in South Sudan, the military has become the prosecutor and executioner of law when the self-proclaimed JCE was able to replace state structures of power and their functions with an ethnic organization.

Indeed, it does not take a genius to figure out lawlessness is on the horizon when state apparatuses such as the military and state police are perverted to an ethnic agenda. With the country’s economic collapse, the civil servants who could have acted as a buffer between the ruling elite and de facto leaders were dissolved. The documentation of extra-judicial killings, disappearances, rape, and torture has been one of the primary concerns of the United Nations Security Council panel on security concerns of South Sudan. Clear evidence has emerged that the Dinka-led government of South Sudan is engaged in mass terror and ethnic cleansing. The regime of Salva Kiir has been defenseless to the international community in an explanation of why harsh measures of state persecution of killing 400,000 and displacing 4.5 million, a third of its
population, are warranted. But what the regime has revealed with its greater systematic crimes and violence, aided with autocracy, is that we cannot recognize how to desensitize our rational choices on where we should place our trust in principle guided by rules of law when it’s distorted.

As I mention in the opening sentence, justice is often in short supply where mass atrocities have been committed because it is difficult to deliver justice as prosecutors, especially for crimes that are committed by military groups on behalf of advancing an ethnic agenda. The question of who should be prosecuted arises. Does one prosecute top commanders and junior officers who gave an order, supervised abduction, and oversaw detention centers, tortures and execution, or does one prosecute thousands of soldiers who followed orders? And if so, should those who followed orders be exonerated from the obvious atrocities they directly took part in? How should the defense be interpreted? These are all politically sensitive and debilitating processes for a country that is trying to forge a future. For any justice to be delivered, such a process requires a strong judicial institution if not a hybrid legal system that can be overseen by the international committee.

Even though South Sudan had once provided a prosecutorial process in early 2012 for reconstruction and reconciliation, this time the capacity to deliver fair justice is opaque. In 2012, as South Sudan embraced progressive ideals, it managed to prosecute a few cases with the assistance of a hybrid court. The court stated that all prosecution of military personnel for the alleged crimes committed by subversives, including both those brought by the public prosecutor and those brought by private citizens, were to be tried by the authority. Although a “partial court” was established, under its summary of proceedings and jurisdiction, most of the decisions were
subject to automatic review by the court, which would consider new evidence if it thought this necessary.

The military government under the two leaders had no intention of delivering meaningful justice for ethnic crimes committed by SPLA/M officials. This, rather, presented a political advantage for Dinka elites to appoint judges in the high court of the government to strike down any political view contrary to the Dinka agenda. Consequently, the prosecution failed to deliver justice to victims and families who experienced the horror brought by certain regiments in SPLA/M and the government of Khartoum. Instead of prosecuting for gathering knowledge on how certain crimes were committed in order to deter similar future crimes from being repeated, even those accused did not stand a fair trial. Instead, they were sentenced to death by firing squad.

Going forward for South Sudan on the issue of criminal responsibility, if South Sudan ever embraces a law-abiding body of governance, it must adopt a sensible procedure for a fair trial and preserve a judicial clause that will state that even in the absence of any evidence to the contrary, any member of the military who acted with decision-making capacity in carrying out crimes would not be presumed justifiably to have regarded all the orders he received as legitimate orders and that this presumption would hold if acts he committed were atrocious or aberrant. The court must, however, clarify or define what acts or elements constitute “atrocious” or “aberrant.” This is because mass disappearance may or may not be considered “atrocious” or “aberrant” depending on technical legal interpretations since there is no evidence of their whereabouts.

This clause may be necessary for the process of establishing proceedings to avoid arbitrary trials on soldiers who blindfolded their victims when they engaged in rape, torture, or extra-judicial killings. The court must also establish a basis that ethnic cleansing or acts that constitute such
crimes are systematic and enacted by the JCE and Dinka elites to place Dinka elites in control of state instruments of power as the UN Security resolution penal suggest (see resolution S/2018/292).

In many ways, the disintegration of the Republic of South Sudan is caused by the repugnance of the self-proclaimed JCE and the Dinka elite who played a contradictory role for the people of South Sudan as well as providing meaning to what government institutions should be about. The fact that 4.3 million South Sudanese are displaced, including refugees, goes to show the power and independent political activities of the Dinka elite.

14) Truth and Reconciliation Commission:

When faced with collective crimes or systematic crimes of atrocities and genocide, oftentimes it is hard to find the best solution to deliver justice. But the Truth and Reconciliation Commission is one step forward for redressing the grievance of victims. Even though such commission seems to universalize some aspect of crimes carried out by perpetrators, genocide like that in South Sudan was never put on record under Bashir’s regime nor by Salva Kiir’s regime now. These crimes of genocide can only be recognized and forgiven if justice is delivered to the people of South Sudan. The leaders must realize that South Sudanese have always felt left out by the international community as well as their government and that their genocide or ethnic cleansing never carried weight to be recognized on the international stage. The denial of justice has not only created ethnic hostilities but also emboldened tyrannical leaders to carry out genocide. Therefore, to achieve peace justice must be served. This requires the power of the state to make amends with its citizens.
The power of the state’s recognition in this implies that “the state has admitted misdeed and that it is wrong.” Any denial only alienates people from their government.

As countries have learned from the case of Apartheid, a Truth and Reconciliation Commission is a narrow framework. The difficulties and challenges of prosecuting a state to deliver justice can often be obscured. Thus, the balance between justice and truth must often be weighed. Meaning sometimes in the pursuit of fact-finding, amnesty and immunity must be granted to the very people who might have orchestrated the crime. This is the grim paradoxical dilemma of state crime against its citizens. Forgiveness, on the other hand, can be a powerful tool in the process of healing, although it is personal and can only be exercised by individuals. Therefore, because state crimes that amount to international concern transcend politics, we must be diligent, careful, and not be mistaken to categorize a few successes as universal accomplishment. In the face of such crimes, even if ninety-nine percent of the people got justice, there is always room for the resurgence of such crime in the future. We must be vigilant to guard against that since we are not the author of what kind of narratives families should pass along to their children. Deterrence of such crimes always resides in how justice is delivered and what kind of national identity leaders adopt while facing history after genocide. These moments are critical for leaders to rise above ethnic sentiment or bonds, to formulate a national identity for a shared future rather than be judged by its past.

Political leaders must also admit the transient nature of politics. State policies can indeed be changed, laws can be augmented, but even hope in democratic government needs vigilance of its citizens. Therefore, we must always remember that political culture or hygiene in politics shift. It

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is important to note that far beyond truth-seeking, in the pursuit of stating the truth, history can only remind victims of the grim reality of the past. Since the democratic process does not guarantee anything in politics, we can never rule out the rise of charismatic personalities who may want to use past pain and injustice done to them to gain political support. As stated in many cases of genocide, mass atrocities, war crimes, and crimes against humanity, crimes of such nature that is concerning to international law, affect victims differently.

On one hand, some victims may seek justice through prosecutorial procedures, others through retribution. However, on the other hand, some victims may seek recognition and forgiveness while others may demand justice for the sake of “harness[ing] a political force, to have an inquiry with significant powers, and to get the many truths which are still missing.” These varying perspectives on what should be done for crimes that leave most people speechless is sometimes hard to grapple with. Therefore, from the analysis of statistical studies, Truth and Reconciliation Commissions can impact hope both negatively and positively. I tend to agree with this study because if one looks keenly at the mission of a Truth and Reconciliation Commission, which can sometimes be perceived as “never forget or never again,” this can be interpreted subjectively as a project of deterrence for the future atrocity. However, inadequate delivery of justice can also swing the pendulum, taking the tone of retribution, especially where unsatisfactory justice or misrepresentation has occurred.

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15) Conclusion:

In conclusion, South Sudan’s civil war has been fueled by three primary factors:

1. Structural order of society in a “modern nation-state”

2. Adoption of a national ethnos/ethnocide as a tool for nation-building

3. Ominous ethnic organization within state structures that emulates state functions.

Ethnocide as a tool for nation-building was adopted by the Dinka-led government of South Sudan to establish dominance over state structures of power for the Dinka elite and place the Dinka ethnic group in an advantageous economic position. Such a policy has also allowed Nuer the to adopt a similar ambition of ethnic cleansing in South Sudan. As a result, ethnic groups whose population can no longer be repressed or oppressed, marginalized, or absorbed were perceived to be a threat to Dinka ambition and therefore to be annihilated or destroyed. But the question leaders need to think about is, can a nation be built on genocide, and if so, can such an act guarantee the future security of a country?

Despite these being primary factors in South Sudan’s brutal civil war, there is also an international and regional dimension of the conflict related to natural resources that have funded and promoted sustained ethnic violence. This is because the geopolitics and the economics of war demands a permanent state of war. War itself is the price because it allows the elimination of costs to dispossess the population from the territories where there's wealth, for the interest of corporate extraction. South Sudan’s civil war has allowed the distraction of competitive capital between Salva Kiir and Riek Macher, which concentrated revenues from natural resources in the hands of few Dinka elites. Therefore, it is an understanding that maintaining civil war itself is an investment to produce profit and maintain the status quo of the regime.
In regard to the repatriation of refugees, there is still hope to change public perception about ethnic enmity among South Sudanese to restore confidence in the office of the presidency. However, to ensure a sustainable peace, orderly repatriation plans must be executed to prevent hostilities between returnees, IDPs, and perpetrators in ethnically cleansed areas. The United Nations High Commission for Refugees (UNHCR) repatriation policy must incorporate the state policy of implementing federalism. South Sudan has adopted federalism to solve the problem of internal displacement and ethnic division. Therefore, the UNHCR and other humanitarian agencies that have been responsible for refugee protection must take proactive measures in ensuring that refugees are returned to regions where they come from. Although the UNHCR works with states, they must follow guidelines in the process of returning vulnerable populations to their region rather than dropping refugees across borders or relying on voluntary repatriation. This is imperative in South Sudan, especially, in a conflict where ethnic cleansing has occurred. Since there is a tendency for a misplaced sentiment about precarious peace, the UNHCR agencies need to follow the guideline to prevent ethnic hostilities where certain ethnic groups will serve as a flashpoint for other communities.

In the process of repatriation, the UNHCR agencies who work with state officials must keep in view that certain ethnically cleansed areas are illegally settled by perpetrators and IDPs, and if refugees are returned without assessing such conditions, this will continue to fuel ethnic violence. Therefore, refugee return must be addressed in the context of federalism in South Sudan, which allocates people, including refugees and IDPs, by their ancestral land.

At a state level, illegal settlement or displacement of people without community consent, deliberation, and genuine economic benefit to the nation must be outlawed. Rethinking these issues
within the framework of repatriation will make the reconciliation process and community recovery easier since victimized communities do not have to witness their tormentors as occupation forces in their land. In the context of South Sudan’s conflict, it’s worth rethinking traditional repatriation paths for refugees that often revolve around voluntary return with the support of the UNHCR, which emphasizes security and infrastructure (e.g. hospitals, schools, roads and clean water) as a basis for refugee repatriation. Therefore, in the upcoming period, the international and regional community must realize the limitation of this framework in the process of establishing a sustainable peace in South Sudan.

The international community has always left in the economic development of vulnerable populations to already distressed states, which are in the process of accepting social and cultural aspects of returnees, issues of land rights (between IDPs and returnees) without any protection mechanism in the process of repatriation. For the sake of argument, even if such a task falls outside the international humanitarian agency’s role, the international and regional community still have a great opportunity to establish a protection mechanism within the legal framework of committees responsible for the national reconciliation process.

Now, the people of South Sudan do not have confidence in their government, nor does it expect to deliver justice through national reconciliation. It is within the scope of recognizing these gaps that intervention is required for justice, for example, hybrid courts. Although the international hybrid court focuses on national reconciliation by establishing a Truth and Reconciliation Commission, for justice to prevail reconciliation must be localized. We often nationalize reconciliation but fail to localize it. As a result, at an individual or community level, those who are not familiar with formal processes fail to get justice. In terms of security, the security arrangement
must be envisioned not for the elite but around the parameter of protecting civilian populations. Therefore, without exacting pressure on communities, international agencies such as the UNHCR and other international humanitarian agencies must rethink repatriation plans for South Sudanese refugees. This will ensure some form of justice is delivered and experienced in ethnically cleansed areas by returnees in their ancestral land.

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