

# **Justice and Reconciliation: the key to achieving peace in South Sudan**

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## **Abstract**

Between the decades of Africans independence from 1960 to 1990 more than 80 violent changes of government have taken place. When South Sudan gained independence in July 2011 the debacles and legacies of years of political trend and previously independent African states political tensions was anticipated to be taken as firm lessons. Nevertheless the reverse has happened and since South Sudan's independence, the world has mostly received bleak news up until the signing of the August 2015 peace accord and the return of the fugitive first vice-president on April 26, 2016.

Before the signing of peace accord and the formation of Transitional government, South Sudan has faced gloomy reality facing a huge loss of life, human displacement within and across borders. In fact several reports, including those by the African Union and United Nations, demonstrated that violations of international human rights and humanitarian law have been committed by both parties in the conflict. There have been attacks on churches, mosques, hospitals and United Nations bases. Plus, there have been extrajudicial killings, enforced disappearances, arbitrary arrests and detentions, and the incidence of rape and other acts of sexual violence. What is more, this report has also estimated that at least 50,000 people have been killed so far. Beyond doubt this is a very serious human right violation. Hence those who have committed this gruesome human right violation need to be accountable for their acts if one aspires sustainable peace in South Sudan. Given that justice and Accountability are a significant step towards nation building and a prerequisite for building trust among the South Sudanese people. In Fact, it offers platform for trust and understanding between former enemies who are ethnic majority, minority, marginalized and indigenous groups. Plus, Justice and reconciliation is very mandatory for South Sudan for the reason that it offers the opportunity to begin addressing the unmet demands for justice. Therefore, this article will dwell on Justice and Reconciliation: the key to achieving peace in South Sudan.

**Keywords: South Sudan, Conflict , Justice and Reconciliation**

## **Justice and Reconciliation: the key to achieving peace in South Sudan**

Tens of thousands of people have been killed and hundreds of thousands forced to flee their homes and take refuge in neighboring countries or remain as Internally Displaced Persons (IDP) inside South Sudan [1]. Human rights violations were an everyday reality and committed on a daily basis. A catastrophic humanitarian situation has made more than five million South Sudanese food insecure and temperate spending on conflict has left the nation virtually bankrupt [2]. It was only under the threat of international sanctions and several rounds of negotiations under the auspices of the Intergovernmental Authority on Development (IGAD), that President Salva Kiir eventually signed a peace agreement with rebel leader and his former Vice-President Riek Machar on August 26 last year[3]. As a first step toward ending the civil war which began in mid-December 2013, Machar returned to Juba on April 26 and was sworn in as First Vice-President, two days late, South Sudan's former warring parties and political rivals finally formed the long-awaited Transitional Government of National Unity (TGoNU) to administer the country for the next two and a half years under the peace agreement [4].

Progress has been made since then, if slowly, in beginning to implement the agreement, but a lot of areas remain uncertain, not least the question of truth, justice and reconciliation in South Sudan. There are many who believe that failure to address the past through reconciliation will almost certainly guarantee failure of the future. South Sudanese leaders have reached agreement through negotiation over the issues of the conflict. They have found some points of compromise, realistic ways to reach a deal or cooperate within the bounds of their self-interest. That is their responsibility, and it is a vital part of transforming a situation of former conflict into one of future peace. But many believe these efforts will be totally undermined if they do not also address the broken relationship between the communities they represent, as well as the issues that broke the relationship down [5]. They fear the South Sudan Government will not be able to endure if large sections of its population feel they cannot have a modestly cooperative relationship underlying agreement to work with planned new structures built on justice as well as reconciliation.

There is no handy roadmap for reconciliation, no short cut or simple prescription for healing the wounds and divisions of a society in the aftermath of the sustained and widespread violence that has taken place in South Sudan. Creating trust and understanding between former enemies is always a supremely difficult challenge. It is, however, an essential one if the process of building a lasting peace is to be successfully addressed. Examining the past, however painful this is, acknowledging it and understanding it, and above all transcending it, is the best guarantee that it will not, and cannot, happen again. Without justice, real peace is impossible. When individuals fail to be held responsible for what they have personally done or committed within a group, the entire community carries the blame and becomes the target of future violence [6]. In August last year, the Government of the Republic of South Sudan (GRSS) and the Sudan People's Liberation Movement-in-Opposition (SPLM-IO) and other stakeholders signed the Agreement for the Resolution of the Crisis in South Sudan (ARCISS). Chapter V of this is entitled, "Transitional Justice, Accountability, Reconciliation and Healing", and offers the opportunity to begin addressing the unmet demands for justice among the people of South Sudan. It also allows for the creation of a Hybrid Court as well as providing for a Truth and Reconciliation Commission and a Reparations Authority. These institutions together provide the opportunity for South Sudan to start tackling impunity, address inter-communal grievances, and repair the harm that decades of war have done to the society. They are all inter-linked. Without a Hybrid Court, the culture of governance that rewarded those who used violence to achieve their political (or personal) objectives while leaving the victims of abuse to suffer in silence will continue to operate without change. The Agreement for the Resolution of the Crisis in South Sudan actually obliges all the parties to the conflict to combat impunity and address the legacies of past human right abuses including the numerous gruesome accounts of war crimes and crimes against humanity that have surfaced with disturbing regularity from South Sudan over the last two and a half years. The report of the AU Commission of Inquiry as well as the United Nations Mission in South Sudan (UNMISS) have detailed many of the atrocities that have taken place with disturbing regularity [7].

On June 8, the New York Times published an opinion piece under the joint names of President Salve Kiir and Dr. Riek Marchar, though a spokesperson for Dr. Marchar later cast doubt on his involvement. The piece calls on "the international community, and the United States and Britain in particular, to reconsider ... support for a planned international tribunal, the Hybrid Court for South Sudan. We call on them instead to commit to global backing for a mediated peace, truth and reconciliation process." The authors said they "intend to create a national truth and reconciliation commission modeled on those of South Africa and Northern Ireland. This commission would have wide-ranging powers to investigate and interview the people of South Sudan from the poorest farmer to the most powerful politician to compile a true account of events during the war. Those who tell the truth about what they saw or did would be granted amnesty from prosecution even if they did not express remorse." They argued that "bringing South Sudan together can be truly granted only through one route; an organized peace and reconciliation process with international backing." "Disciplinary justice", they wrote, "even if delivered under international law, would destabilize efforts to unite our nation by keeping alive anger and hatred among the people of South Sudan." [8]

Critics were quick to point out that this approach would allow senior figures to escape punishment and that this would certainly not provide for justice and accountability [9]. Indeed, the two leaders appeared to have forgotten that justice and accountability provide the key to peace, stability and nation-building in South Sudan. These factors are not mere options; they are requirements for a peaceful future. Any failure to bring

war criminals to justice is an affront to the victims. Those responsible will never see the consequences of their deeds and this opens the way for continuous cycles of future violence.

The arguments raised in the New York Times suggest the two leaders want to put their own immunity ahead of South Sudanese unity and peace. This would be a very serious mistake. Accountability must be a step forward for justice in the nation and a requirement for building trust among the South Sudanese people. The proposal in the New York Times looks remarkably like a self-serving attempt to evade justice, perhaps caused by fear of being charged and convicted, as the former Chad President, Hissene Habre has been. It was only a week earlier that Hissene Habre was found guilty of crimes against humanity, summary executions, torture and rape [10]. His conviction has created an environment of insecurity among other figures whose activities during a time of conflict or when they were in power should be subject to justice. It offers the possibility they can and will be hunted down and will be brought to court. While this might not be acceptable to individuals, it remains a necessity to achieve realistic accountability and thus real peace and stability, and successful nation-building in South Sudan.

### References

- [1]. International Crisis Group.(2015) *Africa Report N°223: Sudan and South Sudan's Merging Conflicts*. Brussels: International Crisis Group.
- [2]. Alex de Waal. (2016). *A Political Marketplace Analysis of South Sudan's Peace*. World Peace Foundation, occasional paper.
- [3]. Sudan Tribune (August 27, 2016).
- [4]. Sudan Tribune (April 28, 2016).
- [5]. Abu-Nimer, M. (2001). *Reconciliation, Justice, and Coexistence: Theory & Practice*. Lanham: Lexington Books.
- [6]. Moody-Adams, Michelle. (2015). *The enigma of forgiveness*, Journal of Value Inquiry.
- [7]. Andrew Green.(2015). *South Sudan's Delayed Peace Means No Justice for War Crime Victims*, IRIN Africa July 15, 2015. <http://www.irinnews.org/report/101201/south-sudan-s-delayed-peace-means-no-justice-for-war-crime-victims>.
- [8].The Net York times Magazine (June 8, 2016)
- [9]. Sudan Tribune (June 9, 2016)
- [10]. The New York times (May 30<sup>th</sup> 2016)