

# Efficacy of Dispute Resolution Process amongst Ethnic Groups within Jonglei State of South Sudan

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**Abstract:** South Sudan, the youngest nation has never known peace; not even after hard won independence from the larger Sudan. Civil war, violent deaths from often overlapping armed rebellions and intra and inter-communal violence in Jonglei is just one such example that South Sudan has been at “wartime levels” perpetually. Whereas it’s true the country has faced many internal security challenges since gaining independence in July 2011, one of the deadliest and most complex has been inter-tribal violence, mainly involving the Lou Nuer, Murle, and Dinka. Lack of effective civilian governance, service delivery and security are some of the trigger factors that have made Jonglei a hotbed of violent state- and national-level power struggles. The 2010 elections and 2012 disarmament campaign for example sparked armed rebellions but it cannot be lost that the state’s conflicts have always been intertwined and driven by a complex set of political, communal and personal motivations. Underlying causes include persistent lack of services, increased competition over natural resources, and the erosion of traditional leadership structures and the unspoken rules of cattle raiding. Force has long been the preferred governance tool, with the largest armed group, the SPLA, widely believed to be in the service of the Greater Bor Dinka, while the large and militarily strong Lou Nuer and Murle have felt marginalized in Jonglei state. This study sought to evaluate efficacy of dispute resolution process amongst ethnic groups within Jonglei State of South Sudan and perhaps offer an empirical reflection on way forward. The study established that between 2009 and 2015 conflict in the Jonglei State Jonglei State was aggregated at 5940 deaths; that the IGAD peace initiative was the most preferred dispute resolution mechanism followed by inclusive governance and restorative justice programs at 39%, 24% and 17% respectively. That of the key challenges to conflict resolution, marginalization, bad governance and cultural factors was highly rated at 36%, 22% and 17% respectively.

**Keywords:** efficacy, conflict, strategies, ethnicity, Jonglei.

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## 1. INTRODUCTION

South Sudan faces the double challenge of simultaneously building a viable state and cohesive nation, especially after the signing of the CPA in 2005. However, many years down the line, state and nation-building processes continue to be plagued by a myriad of barriers due to the existing inter ethnic conflict in the largest and populous State of Jonglei which is the bedrock of the three major tribes in South Sudan; the Dinka, Lou-Nuer and Murle (El-Tom, 2004). As in most African countries, South Sudan is made up of a mosaic of ethnic groups and nationalities, and the idea of bringing these diverse peoples to think and act towards the same horizon within a single national framework is a formidable challenge in itself. The implication of this inter-ethnic war in Jonglei state has resulted into mass displacement leading to IDP and refugee crisis, food insecurity, high death toll, state underdevelopment and intensified insecurity. Whereas it is true there

has been concerted effort by state and non-state actors to assist in dispute resolution calm still remain evasive in the South Sudan. Signing of peace agreements, application of traditional restorative justice programs facilitated by UNMISS, disarmaments and integration of Rebel factions into the mainstream national army to promote peaceful coexistence among the warring ethnic groups are a few examples of initiatives taken without sustainable peaceful solution, begging the question how effective have been the dispute resolution processes targeted at ethnic groups within Jonglei State of South Sudan?

Jonglei state in the Republic of South Sudan, has long suffered from cycles of conflict over land and resources related to the cattle economy, bound up with ethnic dynamics, troubled relationships with the state, lack of services and livelihoods options and the effects of various external conflicts. While cattle raiding and associated inter-group conflicts were relatively common place, the social norms governing violence and raiding behaviors were historically much stronger than they are today (Rands and LeRiche, 2012). The dynamics of inter-communal violence and raiding shifted dramatically during the war, particularly after 1991. Prior to the SPLA split, there were stronger ethical limits in place over warfare (Hutchinson, 2001). The frequency and intensity of raiding were subject to approval by elders and prophets; violence was committed mostly by and against the young men responsible for cattle and community security, and took place largely around cattle camps (ICG, 2009). Women, children, and the elderly were not intentionally targeted and burning and looting of villages was not a common tactic (Jok and Hutchinson, 1999). The escalation of violence during the war changed those dynamics, however, and while independence offered a common political goal for all of the actors to rally around, the CPA itself did little to mitigate potential post-independence security challenges such as escalating inter-communal violence (Branchand, 2005; Jok, 2013). In addition, the easy accessibility of small arms (SA) in South Sudan during and after the war period led to a shift from use of traditional weaponry such as spears to far more deadly weapons; with them came much higher death tolls than had resulted from similar conflict in the past (Rands and LeRiche, 2012; Young, 2010). The expected dividends from peace (and oil production) have not materialized for much of the population since independence, particularly for the younger men and women who have known only conflict and (physical, food, livelihood and other) insecurity throughout much of their lives.

Various attempts in regard to dispute resolution have been put in place by both state and non-state actors. The government's immediate response to the latest inter-communal violence was to initiate a six weeks civilian disarmament campaign targeting all groups in Jonglei state. The SPLA led operation is the fifth disarmament campaign taking place in the state (Pact et al., 2012). Secondly attempts to accommodate the perceived marginalize groups in an inclusive governance has also been key in dispute resolution. A key Example includes the integration of David Yau yau and his Rebel forces of SSDM-Cobra faction into the National Army. Currently the later serves in the transitional government of national unity as the Assistant minister for Defense. Further attempts in dispute resolution have been recorded for instance, the most recent peace Agreement of 17<sup>th</sup> August, 2015 that was presided over by IGAD peace makers between the GoSS and the SPLM- IO led by President Salva Kiir Mayardit and Dr. Riek Machar respectively. This peace agreement culminated into the formation of the Transitional Government of National unity (TGoNU), signed in Addis Ababa, Ethiopia, which has however remained shaky. Other initiatives have included usage of traditional restorative justice programs aimed at bringing justice to communities affected by the ethnic conflicts. Restorative justice (R.J) is built on the cornerstones of amends, restitution and Integration. (Galtung, 2009).

## **2. METHODOLOGY**

The study targeted a study population of 150 composed of residents of Jonglei State, Jonglei State refugees in Kakuma camp in Kenya; UNMISS staff at the Jonglei state's capital, Bor as well as the R.S.S embassy in Nairobi, Kenya. However, a sample size of 90 respondents was used given limitations on accessing some segments of the population. A mixture of sampling techniques was used, that is, multiphase and stratified sampling was used to select respondents within Jonglei State and outside the State particularly at Kakuma Refugee camp. On the other hand, purposive sampling was used to select key informants selected from among the UNMISS and R.S.S embassy staff. The data for the study was obtained through questionnaire, interviews, document analysis and direct observations. Descriptive statistics: pie charts and frequency tables was used to analyze the data that was further blended with qualitative analysis.

### 3. RESULTS AND DISCUSSIONS

From the study major conflicting ethnic groups are as captured in Table 1

**Table 1. Major Conflicting Ethnic groups in Jonglei State., Source, Field data, 2016**

Ethnic group	Population Estimate	Percentage
Dinka	455,000	35%
Nuer	598,000	46%
Murle	195,000	15%
Others	52,000	4%

When asked about the major causes of inter ethnic violence in Jonglei State of South Sudan, the responses were as captured in Table2

**Table 2 showing the causes of inter-ethnic violence in the Jonglei State of South Sudan, Source, Field Data, 2016**

Gender	Unequal Resource	Bad Governance	Proliferation of Small Arms	Scarcity of natural	Cultural factors	Total
Male	22	12	8	9	2	53
Female	11	10	7	8	1	37
Total	33	22	15	17	3	90

The above reflects responses collected from the Kakuma Refugee Camp participants. Based on unequal distribution of resources was largely the perceived major cause of the inter-ethnic conflict with 22 male respondents and 10 female respondents registering such views. Misrepresentation in the government was the second cause of the inter-ethnic conflict in Jonglei state as 12 male refugees alluded to this fact while their counterpart's female numbers standing at 10 refugees. Scarcity of natural resources according to the study was the third cause of inter- ethnic violence in Jonglei State as 9 male respondents and 8 female respondents alluded to the fact. Others were rated as shown in the table. On dispute resolution mechanism that was most effective in ending the Inter-ethnic conflict, the responses were as shown in Table 3.

**Table 3 showing the most effective dispute resolution mechanism in ending the inter-ethnic conflict in Jonglei State of South Sudan**

Gender	Disarmament program	Restorative justice program (UNIMIS)	Traditional Dispute Resolution	Inclusive Governance	Mediation/ IGAD Peace deal	Reconciliation (SCC)
Male	2	11	4	10	15	1
Female	4	4	5	12	20	2
Total	6	15	9	22	35	3

From the 90 respondents interviewed, the study showed that IGAD Peace Initiative was the most preferred dispute resolution mechanism, followed by inclusive Governance, Restorative Justice Programs, Traditional dispute Resolution mechanisms, Disarmament and finally Reconciliation by the New Sudan Council of Churches (SCC) in resolving the ethnic conflict in Jonglei State of South Sudan.

The researcher further asked what could be the challenges to conflict resolution initiatives and the responses were as captured in Table 4.

**Table 4. Challenges affecting dispute resolution process in Jonglei State, Source, Field Data, 2016**

Gender	Marginalization	Bad Governance	Stereotypes and Biases	Cultural factors	Socio-economic and Political
Male	20	12	6	8	8
Female	12	8	4	7	5
Total	32	20	10	15	13

From the 90 respondents interviewed, the study showed that Marginalization was the major challenge affecting the dispute resolution process as 32 (36%) of the respondents alluded to the fact followed by bad governance whose

percentage of respondents who took part in the study stood at 20 (22%). Cultural factor was the third challenge affecting dispute resolution process in Jonglei State according to the study as 15 (17%) of the respondents alluded to this fact. The fourth challenge was Socio-economic and political grievances as 13 (14%) of the total number of respondents alluded to this fact.

#### 4. CONCLUSION

Interethnic conflict between the Lou Nuer and Murle, Lou Nuer and Dinka Bor as well as Murle and Dinka Bor in Jonglei State has evolved over time. The conflicts in the pre-independence period are well explained through the lens of environmental conflict, in which the three ethnic groups fought over scarce resources. The level of competition was exacerbated by little precipitation and increased arid land due to climate change. More frequent climate change- induced migration also increased the likelihood of conflicts. The lethality of conflict was exacerbated due to the proliferation of small arms, misrepresentation in governance as well as unequal distribution of state resources and opportunities. This view is shared by Yoshida (2013).

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