



University for Peace
UPEACE Centre The Hague



BRIEFING NOTE

Intersections of Truth, Justice and Reconciliation in South Sudan¹

Report on the workshop held in Juba, South Sudan on 7 November 2014

This briefing note summarizes the discussions during a workshop organized on 7 November 2014 at the Juba Civic Engagement Center in Juba, South Sudan.² The workshop provided a platform to present a research project entitled, “Intersections of Truth, Justice and Reconciliation in South Sudan”, to gauge the relevance of the proposed questions and methods, and to solicit cooperation and sharing of knowledge. It furthermore provided an opportunity to discuss the concepts of truth, reconciliation and justice, and their meaning in the current context in South Sudan. Twenty-four representatives of civil society organisations participated in the discussions.

Project presentation

The workshop signalled the start of a 2-year research project on truth, justice and reconciliation in the context of conflict in South Sudan. The project is carried out in cooperation between the University for Peace (UPEACE) Centre The Hague (the Netherlands), the South Sudan Law Society (SSLS), and PAX. It is funded by the Dutch Ministry of Foreign Affairs as a part of the ‘Knowledge Platform Security & Rule of Law’, and is administered by the Netherlands Organisation for Scientific Research (NWO).

In order to build peace and stability, people must be able to access justice services when faced with criminal violence in their daily lives. Peace also requires dealing in some way with the violence that people have experienced as a consequence of conflict. The project therefore takes a holistic approach to violence and justice, and investigates people’s experiences in seeking justice in relation to both conflict-related and non-conflict-related violence. From this perspective, the aim is to investigate people’s perceptions, needs and experiences with truth, justice and reconciliation. The three main questions guiding the research are:

- What are the strengths, weaknesses and interrelationships of different formal and informal justice systems?
- What opportunities for reform can be identified in order to bring justice services into greater conformity with user needs?
- What existing and potential opportunities for truth, justice and reconciliation can be identified in South Sudan with regard to the past and present crises?

¹ A short summary of the project, its methods and activities, can be found here: <http://www.upeace.nl/cp/uploads/publications/One%20Pager%20-%20ITJR%20in%20South%20Sudan.pdf>

² This brief presents a summary of the points raised during the workshop, and does not necessarily reflect the opinion of the researchers involved in the project, or of individual participants in the workshop.

Following the presentation of the research plan, SSLS provided a brief presentation of another research project, called “Perceptions of truth, justice, reconciliation and healing.” This is a UNDP-funded perception survey, to be conducted in all ten states by March 2015. Although this is a separate project, the research questions and methods used overlap, and the experiences gained during this survey will feed into the “Intersections of Truth, Justice and Reconciliation in South Sudan” project.

Discussion

CNHPR

The discussion started with a brief update by the Secretary General of the Committee for National Healing, Peace and Reconciliation (CNHPR), Rev. Bernard Suwa, on the Committee’s work, and in particular a peacebuilding and reconciliation training that the CNHPR recently conducted in Yei. The CNHPR’s activities focus on grassroots peacebuilding that empowers people to raise the issues that they feel are important. The training in Yei included 76 participants from all ten states and Abyei. The people that have been trained will now go back to their states and become trainers there. In each state, they will train another 50 people on peacebuilding and reconciliation, who will then move into the payams to engage with the people. After discussing with people at the level of the payams, it will be scaled up to the level of the county by organizing county conferences. This then leads to state level conferences, and by 2016 they hope to combine all voices in a national conference for reconciliation. The goal is to bring recommendations from the grassroots and develop a national agenda for reconciliation and healing.

Rev. Suwa emphasised that the reconciliation process in South Sudan is difficult and that it will take time, but that it is most certainly possible. Where during the first week of the training there were tensions between the various groups, after four weeks Dinka, Nuer and other groups joined in each others’ dances, celebrating the diversity of South Sudan.

Some discussion followed on the relationship between the CNHPR and the government. The CNHPR is one of the three bodies comprising the National Platform for Peace and Reconciliation (NPPR), and was formed by a presidential decree issued in April 2013, appointing Archbishop Daniel Deng as its chairperson. As a result of its origin, some have viewed it as a government instrument. Several arguments were made against this assumption. Rev. Suwa emphasized the capacities of the people serving in the CNHPR, asking to judge them on their merits rather than their ethnic background or the fact that they have been appointed by the government.

Reconciliation

The concept of reconciliation was ground for a lively debate, particularly on how reconciliation is best approached. Key questions discussed were who should be reconciled, at what level efforts should focus, and who is responsible for reconciliation.

Several participants argued that the focus should be on the leadership of the government and the rebels, and that it is their responsibility to lead the country’s reconciliation by example. With the

conflict being a direct result of the disagreements between President Salva Kiir and former Vice-President and leader of the SPLM-in-Opposition, Riek Machar, and the communities at the local level are affected by a lack of political will on the side of the leadership: when two elephants fight, the grass suffers. A concern was also raised that by appointing a national peacebuilding and reconciliation committee with a mandate to focus only on grassroots activities, the government distracts attention from its own responsibilities. Participants recalled the Bor massacre of 1991, which resulted in inimical relations between Nuer and Dinka, but which again normalized after Dr. John Garang and Riek Machar reconciled.

Others questioned whether a focus on the principals in the conflict was sufficient for reconciliation. The events of 1991 were again recalled during the mobilization of violence during and following December 2013. This may be considered as evidence that the reconciliation between Garang and Machar did not completely normalize Nuer-Dinka relations. Furthermore, it was questioned whether the conflict is only constituted by a divide between Machar and Kiir, or whether there is a broader divide between sections of the Sudan People's Liberation Army (SPLA) and the former South Sudan Defense Forces (SSDF).

While it was acknowledged that the conflict between different leaders is a key problem, it was emphasized that the communities are also affected by this. Reconciliation by the leadership is a crucial part, and while it can support grassroots reconciliation, it does not necessarily produce it. According to a workshop participant, when you look at people sitting under a tree taking tea, you hardly see mixed groups nowadays and there are certainly problems between communities. It was therefore stressed that reconciliation should not be regarded as a one-dimensional issue. Reconciliation requires efforts at all levels, from the grass roots to the national level.

Truth

The concept of truth seeking plays an important role in South Sudanese culture. It was mentioned that in the resolution of conflict in South Sudanese communities, whether at the level of individuals, between tribe sections or tribes, truth seeking plays a significant role. In such people-to-people processes, parties openly express their grievances to each other to gain understanding on each other's suffering before reconciling. Others noted that in some communities a perpetrator has an obligation to tell the truth and that there is a belief that lies will poison a person. The ability to see and tell the truth of Nuer prophets, and the authority people give to these prophets, also exemplifies the importance of truth in Nuer culture.

These different accounts of the role of truth seeking also underscore the different understandings that people have of truth telling. It was also noted that in some South Sudanese languages, truth telling is translated as telling the truth. And while the searching for an objectifiable truth is an important aspect of justice processes, in terms of reconciliation, truth telling is to be understood as a process. It is a process in which people share their experiences – their individual truths – with the aim to develop a shared narrative and create a common ground on which they can build a joint future.

Concerns were raised as to what institution can guarantee the safety of individuals that want to publicly speak about their experiences. Another question that was raised was when truth telling

exercises are undertaken, what time period should be looked at. It was acknowledged that this period should go back further than just the recent outbreak of violence in December 2013, possibly even up to 1972 or further.

Truth, justice and reconciliation: linkages and sequencing

Another point of debate was about the linkages between truth, justice and reconciliation, and the sequencing of events. Some considered truth to be a requirement for both justice and reconciliation, and justice to possibly even be a requirement for reconciliation. Others argued that reconciliation is a process that does not necessarily require justice, but moving forward based on a shared truth. Nonetheless, justice processes could also contribute to the development of such a shared narrative.

Conclusions

The research project aims to contribute to South Sudanese actors faced with the challenges of violence and conflict, and the workshop provided a good opportunity to connect with others. The discussions during the workshop demonstrated the relevance of the research project, and the questions it aims to investigate. Where peaceful mechanisms for resolving violence in society are lacking, acts of violence can quickly spiral out of control. Murders are met with revenge, and cattle raids become communal conflicts. The unaddressed wounds of past wars contributed to the swiftness with which violence spread throughout the country after the events of December 2013, and the ethnic character of the violence. The workshop also underscored the complexity of the questions at hand. There are different problems at different levels of society, and a great variety of ideas on how best to engage with them. It is also a crucial moment to investigate these issues, and to find where and how truth, justice and reconciliation can contribute to peace and stability in South Sudan.

For more information, please contact:

Dr Rens Willems

UPEACE The Hague

Rens.Willems@upeace.nl

Tel. (The Netherlands): +31 70 302 2877

David Deng

SSLS

ddeng@sslawsociety.org

Tel. (S. Sudan): +211 954 890 507

Tel. (Kenya): +254 703 754 068