

**POST CIVIL WAR RETURNEE RESETTLEMENT AND REINTEGRATION
IN SOUTH SUDAN 2005-2012**

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DECLARATION

I hereby declare that this project is my original work and has not been presented for award of Degree in other university.

Signature.....

Date.....

C50/72477/2008

This project paper has been submitted for Examination with my approval as the university supervisor.

DR. MARY C. MWIANDI

Signature.....Date

DEDICATION

This work is dedicated to all those men and women of goodwill who tirelessly toil for the welfare of the disadvantaged members of refugee and IDP community in their camps and all other places of resettlement.

ACKNOWLEDGEMENT

I acknowledge the contributions made by my lecturers in the Department of History and Archaeology for the knowledge they have imparted on me since the start of my scholarly journey in the University of Nairobi. Most gratitude goes to my supervisor, Dr. Mary Mwiandi for her guidance and positive criticism that culminated to the completion of this work. I also appreciate my fellow students most remarkably, Barack Muluka and Carol Lintari whose very stimulating debates opened a new horizon in my academic journey.

Most importantly, I wish to thank my family, especially my daughters Doreen, Joy, Lulu and son Martin Thurania and my dear wife Jane Kathuri Muraa for their unfailing support and patience.

OPERATIONAL DEFINATION

Disarmament is mainly a military operation concerned with the management of arms and ammunition, the tools of violence, in order to create secure and stable frameworks out of usually volatile immediate post-conflict situations. This involves the collection, control, and disposal of small arms, light, and heavy weapons of combat (UN 1999:15).

Internally Displaced Persons; (IDPs) are people who have fled from their homes as a result of armed conflicts, widespread violence, human rights violations or natural disasters, but who have not gone outside the borders of their country.

Refugees; Article 1 of the United Nations Convention as amended by the 1967 Protocol provides the definition of a refugee as;

a person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it¹.

OAU protocol added to the definition as thus;

¹ Article 1(2) 1951 Convention relating to status of refugees

any person compelled to leave his/her country owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality.

Returnees; refugees who have returned to their country or community of origin from exile

Re-integration; the progressive establishment of conditions which enable returnees and their communities to exercise their social, economic, civil, political and cultural rights, and on that basis to enjoy peaceful, productive and dignified lives².

South Sudan defines reintegration as “ the re-entry of formerly internally displaced persons into the social, economic, cultural and political fabric of their original community³

Rehabilitation; the restoration of social and economic infrastructure (such as schools, clinics, water points, public facilities and houses) destroyed during conflict in areas of return to enable communities to pursue sustainable livelihoods (UNHCR, 2004). It involves; “actions that enable the affected population to resume more or less ‘normal’ patterns of life.” (*ILO, 2001*).

Protection; all activities aimed at ensuring the enjoyment, on equal terms, of the rights of women, men, girls and boys of concern to UNHCR in accordance with the letter and spirit of relevant bodies of law (*UNHCR, 2002*).

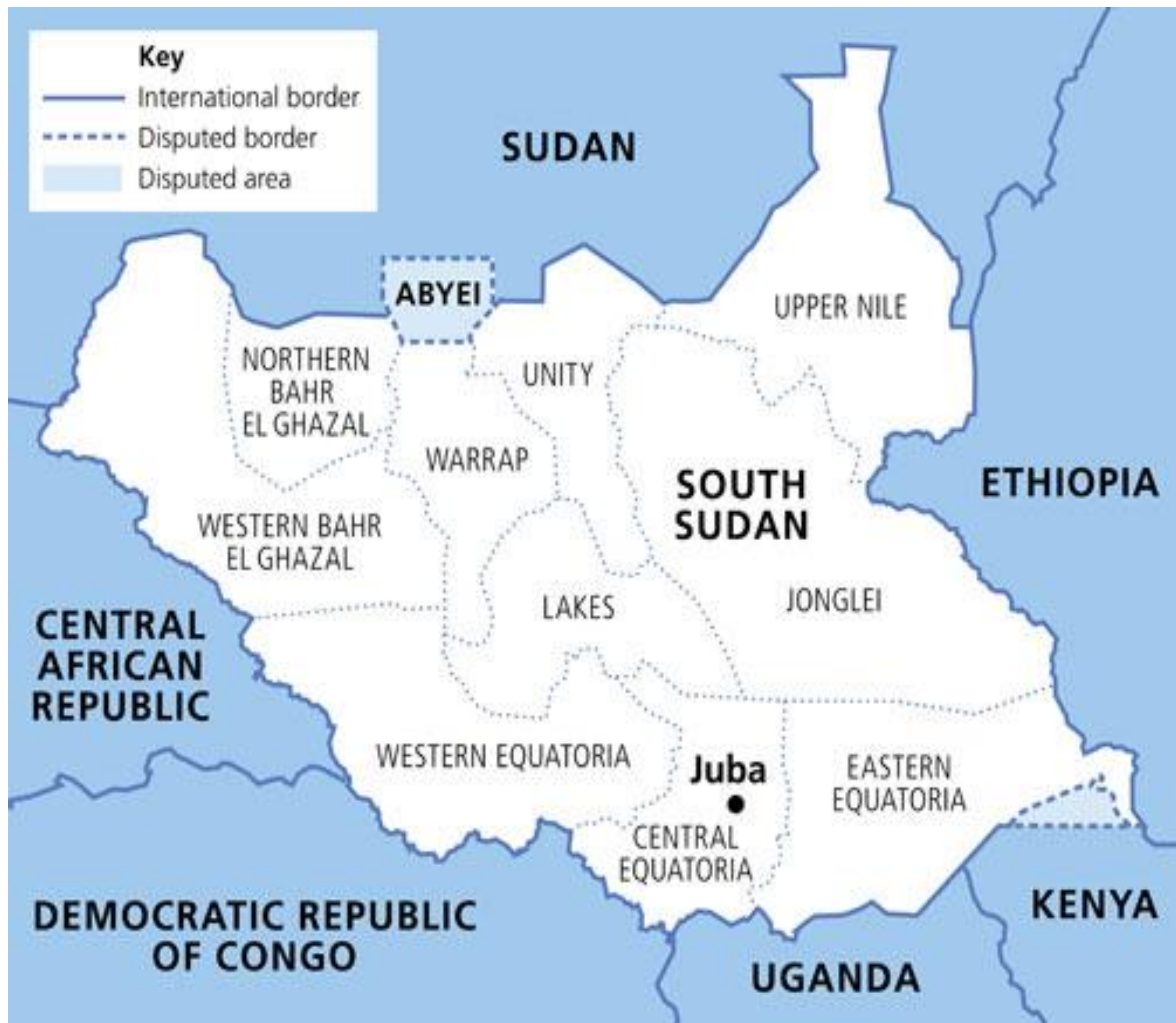
² Mark Duffield, Khassim Diagne and Vicky Tennant, “Evaluation of the United Nations High Commissioner for Refugees, Returnee Integration Programme in South Sudan” (Geneva: United Nations High Commissioner for Refugees Policy Development and Evaluation Service, 2008).

³ Government of South Sudan, the Land Act of South Sudan (Juba, South Sudan; 2009).

LIST OF ACRONYMS

- ABC** - Abyei Boundaries Commission
- CPA**- Comprehensive Peace Agreement
- DDR** - Disarmament, Demobilization and Reintegration
- FVP** – First Vice President
- GoNU** – Government of National Unity
- GoS** – Government of Sudan
- GoSS** - Government of Southern Sudan
- IDMC**-Internal Displacement Monitoring Center
- IDP** - Internally Displaced Person
- JIU** – Joint Integrated Unit (s)
- NCP** - National Congress Party
- NGO**-Non Governmental Organization
- OAG** – Other Armed Group (s)
- OAU**-Organization of African Unity
- SAF** - Sudan Armed Forces
- SLM** – Sudan Liberation Movement
- SPLA** - Sudan People’s Liberation Army
- SPLM**- Sudan People’s Liberation Movement
- SSDF** – Southern Sudan Defense Force
- SSLM**-South Sudan Liberation Movement
- UNMIS** - United Nations Mission in Sudan
- UNHCR**-United Nations High Commissioner for Refugees
- NCP** –National Congress Party

Map of South Sudan showing the Study Area



Source;

United Nations Office for the Coordination of Humanitarian Affairs; downloaded on 17th April, 2017

ABSTRACT

The resettlement and successful reintegration of returnees marks the end of conflicts in post conflict societies. It also marks the final stage of the refugee cycle where the returnee settles in a place he can finally call home. However, the process of reintegration and resettlement is not an easy one since a multiplicity of activities are necessary to ensure the outcome is successful. In this paper, I argue that peace agreements do not automatically guarantee post conflict cohesion unless the players purpose to ensure a favorable environment for stability and reintegration.

Taking South Sudan as a case study, this paper examines the post Comprehensive Peace Agreement (CPA) return home initiative by the refugees with encouragement from the UNHCR, Southern Sudan and the host countries. In the paper, I critically assess the importance of disarmament as a precondition for effective resettlement and reintegration of returnees in a post conflict environment. I also examined the role of the South Sudan Government and that of the international community as the peace guarantors in ensuring a successful reintegration and resettlement of the returnees in their home country.

The concept of home and the high optimism held by the refugees about their return from the countries of refuge are put into perspective. I also examined the life of the south Sudan refugees in exile vis a vis their life after return. Most of them finally preferred to return to exile as secondary refugees owing to insecure environment and failed reintegration and resettlement in places of their ancestral home.

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CHAPTER ONE

1.0: Introduction

Civil wars in Africa as everywhere in the world are characterized by mass translocation of people more so the noncombatants who are often caught up in the chaos and violence of the war. From the marshes of Bosnia to desolate lands of Syria, Sierra Leone to Liberia and the Rwanda/Katanga complex, no civil war has been more intractable than the Sudan. For over three decades, Sudan has endured conflicts resulting to unprecedented human disaster through death and mass dislocation especially from South Sudan where the theater of war played out intermittently.

Sudan has had two major civil wars that defined her history and destiny as a country. The first civil war was from 1955 to 1972 and the second civil war was between 1983 and 2005. South Sudan has also not known peace since her independence from Sudan. The unsettled situation, South Sudan is a case of an ethnic conflict between the majority Dinka and the Nuer ethnic groups and their sympathizing smaller ethnic minorities.

The civil wars and intermittent conflicts in southern Sudan produced refugees and IDPs over the years. The end of each war spelt hope for the refugees and many of them attempted to return to their homes, only to have their lives disrupted again by upsurge of another conflict. Independence of South Sudan from the Sudan made it possible for many Sudanese refugees to return home after many years of exile. The settlement of these returnees has not been a smooth process. This study examines the complexities surrounding the resettlement and integration of the returnees in South Sudan since the signing of the Comprehensive Peace Agreement in 2005.

1.1 : Historical Background to the Study

Sudan has been a state beset by racial and religious schism, which led to antagonistic co-existence characterized by structural violence and duo development. The social and economic dynamics of the state intertwined in such a way that the southern part of the country was the reservoir for labor. Meanwhile, the northern part was the aboard of a relatively vibrant economic development controlled by the ruling Arab elite. Traders from the north plundered South Sudan for many years to extract slaves and ivory attributing to the early internationalization of Sudan's economy. The northerners did not intend to assimilate the south into the Muslim culture for want of maintaining and sustaining a slave reservoir determined by a religious dictum of enslavement to infidels. It is against Islamic doctrine to enslave another Muslim.⁴ Consequently, they created a situation conducive for slave raids in what is known in Islam as *da ulharb* (aboard of war) as opposed to *darul Islam* (aboard of peace). The status quo remained throughout the various administrations beginning with the Egyptian, Turko-Egyptian and later the *Mahadiyya* state.

The entry of colonization in the late 1890s saw Britain and Egypt enter into a condominium that jointly colonized Sudan after the overthrow of the *Mahadiyya*. During the colonization of Sudan, the British regarded the south as a buffer zone for preservation of English values and beliefs. They intended to segregate it later into a different political entity or incorporate into British East Africa.⁵ In the northern side of the nation, Egypt, reigned supreme accomplishing an empowered Islamic supremacy and political control of

⁴ Douglas, H. Johnson. *The root causes of Sudan's Civil Wars, Peace or Truce*, Boydell& Brewer Ltd. 2003, p1.

⁵ *ibid.*

the state. Subsequently, an unbalanced political and monetary improvement turned into the characterizing factor, which advantaged the north; the two regions' social and religious personalities turned out to be greatly disruptive.⁶ Since the times of the Anglo-Egyptian joint rule, the Sudanic state took the utilitarian type of two Sudan—the north, the south. In the eve of decolonization, the United Kingdom and Egypt closed an agreement giving the Sudanese self-government in 1953.

By the period, it was apparent that the economic and political power, was unevenly distributed and as a result, some non-Arab south rebelled against the dominant northern Arabs. These southern Sudanese rebel groups created the first civil war, also known as the “*Anya-Nya*” in order to fight against being under-represented and discriminated against.⁷

The southern rebellion with its Anya-Nya vanguard rallied around the real and perceived inequality between them and the north. In addition to the uneven development, the southerners' other grievances were the rejection from the bureaucracy, the security arena and the increasingly racial, religious mistreatment by state organizations.⁸ Because of the administration in the north refusal to recognize the absence of southern political and financial power, the war raged on, resulting to over a million southern refugees.⁹ The southerners' resisted the “Sudanization” process, which increased marginalization by the north, by favoring the better-educated northerners over the peripheral populations.¹⁰ The

⁶ Douglas, Johnson. *The root Causes of Sudan's Civil Wars*, boydell and brewer ltd 2003 p 31.

⁶ Matthew, LeRiche and Matthew, Arnold. *South Sudan: From Revolution to Independence*, New York: Columbia University Press, 2012, p27.

⁸ Ibid.

⁹ Ibid.

¹⁰ Douglas Johnson. *The root Causes of Sudan's Civil Wars*, boydell and brewer ltd 2003 p 31.

“Islamization” clothed under the guise of Sudanization policies of subsequent governments made the already bad relationship between the north and south worse, further intensifying the war. The war resulted in an estimate of 1.3 million dead, 5 million refugees and internally displaced citizens.¹¹The contentions finished with the 1972 Addis Ababa Peace Agreement, which conceded significant regional independence to southern Sudan on interior issues.¹²In any case, a few southerners felt that this peace agreement was not solid and ambiguous and that Khartoum did not do enough to adhere to its arrangements. The agreement granted power sharing in the military, some regional autonomy to southern state through federalism. It also promised the people of the disputed Abyei region a referendum on self-determination.¹³

The Addis Ababa Peace Agreement held for a long time until the ejection of another war in 1983—the second war waged between SPLM/A, and the Government of Sudan. The essential driver of this war was Jaafar Nimeiri's uncompromising nature by the reintroduction of *Sharia Law* and his revocation of the arrangement for a referendum in Abyei as contained in the 1972 Agreement. The situation was complicated further by the fighting between different ethnic communities in South Sudan. The war ended after the signing of the Comprehensive Peace Agreement in 2005 opening up a new era for southern Sudan people and a reprieve for the refugees.

The period between the CPA and the attainment of independence for South Sudan in 2011 was far from peaceful. The continued conflicts between the south and the north and

10 Scopas, S. Poggio. *The First Sudanese Civil War*, Palgrave Macmillan 2009, p 192.

¹² Robert, O. Collins. *A History of Modern Sudan*, Cambridge: Cambridge University Press, 2008.

¹³Ibid

between communities created new refugees to add to the existing numbers. Notwithstanding the provisions of the CPA for the SPLM/A and NCP to provide a military force, the two sides found a slippery path back to war over the so-called ‘three areas’, namely: Abyei, South Khodofan and Blue Nile. The ‘three areas’ became the new battlefield between the two parties as each party laid claim to them because they were rich in resources.

In mid-2007 tensions escalated dramatically over concentration of SAF forces north of Abyei and SPLA lingering in South Khodofan State. Mathew Le Richie contends that the NCP historic allies in the Misseriya community were encouraged to agitate against nearby SPLA forces.¹⁴ He further contends that exceptional fighting occurred in Abyei throughout 2007 when extended clashes between Misseriya and Ngok Dinka communities escalated. President Bashir remobilized his favorite tool –the Peoples’ Defense Forces (PDF) militias to attack the GoSS installations in Abyei.¹⁵ The post-CPA clashes between the NCP and the SPLM/A inevitably undermined the return of refugees to the areas in and around the conflict-ridden zones. Conversely, the people already settled in Abyei especially the Ngok Dinka hitherto living peacefully with the Misseriya nomads for decades found themselves at the receiving end of the Khartoum expansionist agenda. Most fled the fighting and migrated to the South as new refugees.

Meanwhile, in the south, the emergence of south-south conflicts accentuated by mushrooming of several militia groups and disputes over the 2010 elections by some poll

¹⁴Mathew, LeRiche & Mathew, Arnold Matthew. *South Sudan From Revolution to Independence*; Hurst and Co. Ltd 2013, p 47.

¹⁵ Ibid.

losers ended in some clashes producing more refugees in the intervening period. For example, George Athor lost his gubernatorial bid for Jonglei state and on 29th April attacked SPLA garrison at Doleib Hill. General Athor the former deputy chief of staff in the southern army had walked out of the SPLM claiming rigging of elections eventually joining his militia with Oliny and with the support of Khartoum waged a bitter insurgency in which he died in a shootout in Eastern Equatoria.

According to Mathew Le Richie, several of the former SSDF militia leaders previously integrated into the SPLA and GoSS as part of the Juba Declaration of 2006 such as Gabriel Tang, took up their guns again¹⁶. Unlike most militias David YauYau and Gatluak Gai did not return to the SPLM and continued to cause mayhem in Unity and Jonglei States creating more insecurity and displacements.

Salva Kirr tried to mollify the fighters but some even refused to be absorbed into his big tent concept created in the Juba Declaration of 2006. The militias who included some remnants of the South Sudan Democratic Force (SSDF) obtained support from the Khartoum Government and continued to cause mayhem to undermine the SPLA and the unity of South Sudan.¹⁷ Other militias would join the big tent and walk out at will when their leaders wanted to bargain for more concessions from SPLM. The in and out movements of the armed militia, the subsequent clashes and uncertainty on the CPA's ability to hold the people together created other secondary movements of refugees and IDPs.

¹⁶ Mathew, LeRiche & Mathew, Arnold Matthew. *South Sudan, From Revolution to Independence*; Hurst and Co. Ltd 2013, p105.

¹⁷ Douglas, Johnson. *The root Causes of Sudan's Civil Wars*, Boydell and Brewer ltd 2003 p 43.

The much-awaited independence of south Sudan neither brought peace to the people of South Sudan nor improved the relationship between ethnic communities. New refugees and even more internally displaced persons were continually created by the tensions and violent conflicts witnessed in the short period of independence. The period between the CPA and the 2011 referendum is said to have been relatively peaceful than the period after independence. This is because Salva Kiir was keen on delivering the referendum and his strategy then was to co-opt dissidents.¹⁸ Moreover, most southern leadership was intent on securing secession and were averse to rocking the ship before delivery of self-determination.

Le Richie argues that the only peaceful option by SPLM leadership was some kind of deal to reintegrate the dissidents and their forces literally buying them off with positions and cash, which led to a cycle of reintegration and disintegration. Leaders defected only to return and collect payoffs and defect again.¹⁹

After referendum, the GoSS became bolder and used limited force to contain dissidents who caused havoc in the countryside. The referendum also emboldened the GoSS to confront the issue of Abyei, which made the Khartoum government to move their troops into Abyei town and took control of the area by force thus scattering the SPLA and uprooting the entire population of the region driving them southward.

¹⁸ Edward, Thomas. *South Sudan. A Slow Liberation*, Zed Books Ltd 2015, p 96.

¹⁹ Matthew, LeRiche & Matthew, Arnold. *South Sudan from Revolution to Independence*. C Hurst & Company Ltd. 2013, p 151.

The referendum returned over 98% vote for secession culminating into events, which ushered in independence on 1st July, 2011.²⁰ Prior to this date, the SPLM had changed the interim constitution without adequate representation raising suspicion from other stakeholders including tribal followers. At independence, the country was facing polarization between the president's tribe and that of his vice president's. During the period, the old fault lines reemerged in some parts of Greater Upper Nile region as military commanders previously loyal to Vice President Riek Machar led by Major General Gadet took up arms against the government. The brutal violence erupted across the country leaving 2,368 civilians dead.²¹

1.2 :Statement of the Problem

While acknowledging that peace agreements are the bedrock upon which sustainable long-term stability rests, it is imperative to reflect on how a flawed process achieves the opposite. Most of peace initiatives that resulted in signing of series of peace agreements followed protracted bloody civil wars. Few of these initiatives guaranteed stability let alone secure environment for peaceful reintegration and resettlement of the returnees. The agreements were a kin to temporary cease-fire periods that allowed the warring factions reorganize more resources for another round of war. The signing of the CPA in 2005 heralded a breakthrough to the elusive peace and lauded as a template for a solution not only for southern Sudan, but also for other restive regions of Darfur and the Eastern

²⁰Sarah, Martin and Jennifer, Hoffman. Assure Safe Returns in the South; *Refugee International Bulletin* dated 21 June 2006.

²¹ Mathew, LeRiche.& Mathew, Arnold. *South Sudan from Revolution to Independence*; Hurst and Co. Ltd 2013, p116.

enclaves. Nevertheless, the CPA only achieved the balkanization of the country with South Sudan attaining self-determination and another round of civil wars between the SPLA and the numerous militia groups resident in the south.

After the CPA and the independence, the hope and aspirations of refugees to return home was palpable, yet they were confronted with a myriad of challenges among them insecurity posed by a proliferation of arms still held by insurgent and tribal militias. The slow process and the apparent poor uncoordinated approach to disarmament further heightened the tension undermining the returnee resettlement and reintegration. Based on this background, the challenges faced by the returnees as they strove to get home is glaring, yet relative attention by way of scholarly enterprise is lacking. The resettlement and reintegration of the south Sudan returnees has since remained a nightmare, yet independence and emerging government policies gave promise to a new life of refugees upon their return. Myriad of factors contributed to the failure of returnees to ‘feel at home’ although they were returning to rejoin their relatives still residing in the countryside.

1.3: Objectives of the Study

The general objective of this paper is to investigate the resettlement and reintegration of South Sudanese returnees and the challenges they faced.

The specific objectives are:

1. To investigate the challenges faced by South Sudan refugees.
2. To examine how government disarmament policy affected returnee reintegration and resettlement.

3. To explore policies that governed resettlement and reintegration of returnees in South Sudan.

1.4: Justification of the Study

Conflicts all over the world leave a trail of human suffering. One of the consequences of violent conflict has been forced human displacement in terms of refugees and internally displaced person. Refugees and IDPs, regardless of their social standing longed for the days they would go back home to a peaceful country. This study specifically looks at the refugees returning to South Sudan. However, the plight of returning refugee in South Sudan has attracted little attention from scholars. The few scholars that have attempted to address the issue of returnees did little to shed light to realities of the harsh environment, which beset the returnees. Thus, the study has contributed to the body of knowledge, not only on the conflicts in Sudan, but also on the issues surrounding refugees and their experiences upon their homecoming after many years in exile. Further, this study aimed at informing policy makers on matters that touch on reintegration and resettlement of refugees in post conflict period in South Sudan.

1.5: Scope and Limitations of the Study

The study focuses on South Sudan returnees from their places of refuge after the signing of the CPA in 2005 to independence. The signing of CPA and independence of South Sudan spelt a new era of peace for many refugees and the promise of returning home. During this period, many attempts by many refugees to return home at various times faced numerous challenges.

The main limitation of the study is that it is broad in nature, covering South Sudan. However, the study delves on specific concerns about resettlement and integration of select number of refugees especially those resettling in the rural areas in an effort to bring out the process and challenges more clearly. The volatile situation of South Sudan became major challenges, which made it difficult for the researcher to carry out field research. However, interviews with South Sudan refugees in Nairobi and Kakuma provided adequate information that complimented the secondary and documented primary data.

1.6: Literature Review

There is a wealth of literature on the long intractable Sudan conflicts, which engendered human catastrophe of a magnitude unprecedented in the Region. Writing about reintegration of returnees in Eritrea, Jonathan Bascom²² opines that the returnee reception from the neighborhood populace was sure, however not without troubles. He asserts that, there was no resistance to individuals returning to their former homes in Ghinda. The fact is that the neighborhood residents volunteered to receive them. He further asserts that ability to have returnees come isn't shocking given the widespread emanation of cheerful confidence related to freedom combined with a solid feeling of aggregate character of partaking in 'the long battle'.²³ In 1990s, Eritrea embraced their returnees well and their government was in control of the resettlement process. This study provides background information for this project even when it does not have a direct link with South Sudan.

²²Johnathan, Bascom. The Long, 'Last Step' Reintegration of Repatriates in Eritrea; *Journal of Refugee Studies* Vol. 18, No. 2, 2005, pp25-72.

²³Ibid.

The author, however, did not discuss the kind of preparations that goes into place before a peaceful co-existence and successful reintegration.

Branch and Mamphilly²⁴ blamed defilement within the interim period legislature of South Sudan and by inference the nonattendance of ethnically comprehensive civil administration structures as the cause of ambivalence towards the returnees²⁵. The author emphasized the control of land in the Equatoria region as a noteworthy hindrance to inner peace and refugee return. He further alluded that the Dinka had occupied the land formerly owned by other ethnic groups displaced by the war. However, the author did little justice to the proliferation of arms in the region, which undermined co-existence. In addition, the general perception by some ethnic groups about occupation of their land as a deliberate action by the government to reward the Dinka did not come out clearly.

A paper by Lucy Hovil argues that the Dinka began possessing Murle areas amid the sunshine days of John Garang. She reiterates and I quote; " YauYau, a Murle, began his rebellion in 2010 against the legislature with a specific end goal to secure the Murle individuals. At that point, following South Sudan's freedom in 2011, the Dinka activated the Nuer to assault the Murle, murdering many, including their pioneer, Babu, who was a Major General. Amid the disarmament of 2012 both Dinka and Nuer assaulted the Murle. Numerous Murle were slaughtered, women assaulted and others injured." The paper

²⁴ Branch and Mamphilly. in 'Buckets of Blood' for the Land: Moral Debates over Economy, War and State in southern Sudan; *The Journal of Modern African Studies* 49.2 Jun 2011, pp 215-240.

²⁵Leonardi, Cherry. Paying ;'Buckets of Blood' for the Land: Moral Debates Over Economy, War and State in Southern Sudan; *The Journal of Modern African Studies* 49.2 Jun 2011, pp 150-205.

further point to the various restricted flow and strains that exist in a nation resulting from savagery and minimization: it shows the degree to which the periphery and center interface; it reinforces the reported issues relating to the brutalization and militarization of the public and an ineffectively actualized disarmament, demobilization and reintegration (DDR) project.²⁶ This paper provided critical background information to this study by highlighting the problems that faced South Sudan. She brilliantly outlines the dynamics of marginalization of some communities and the extent to which the government could not protect its people. She has also mentioned the failure of disarmament, demobilization and reintegration program in South Sudan. She however, does not deal with the conditions that affected the returnees and the extent to which it affected their reintegration.

Jeff Crisp contributing to the refugee discourse wrote on Ugandan Refugees in Sudan and Zaire where he mentions that, donor states, host governments, United Nations offices and international community have been examining the requirement for new ways to deal with the arranging of refugee help. He contends of the requirement for here and now relief activities being supplemented by and eventually replaced by infra-auxiliary improvement ventures. He additionally stressed about endeavors to support the deliberate repatriation of refugees to their nation of birth, and to reintegrate them into the financial existence of their own public²⁷. Crisp does not talk about the necessary infrastructures, which are a

²⁶ Lucy, Hovil. Conflict in South Sudan: Refugees seek protection in Uganda and a way home; *International Refugee Rights Initiative*, April 2014, pp.16-35

²⁷Jeff, Crisp. The Problem of Repatriation: *African Affairs*, Vol. 85, No. 339 Apr., 1986, pp. 163-180;Oxford University Press on behalf of The Royal African Society-Stable URL: <http://www.jstor.org/stable/723011> .Accessed: 12/07/2014 12:26.

precondition for voluntary repatriation on whose theme he was writing. This is an over simplification on the tedious efforts undertaken to ensure smooth resettlement and reintegration.

In another article by Hovil, *Hoping for peace, afraid of war*: She contends that tensions between returnees and those who stayed are due to widespread lack of civilian protection, weak police capacity, and incomplete civilian disarmament²⁸. The article mentions the tension between the returnees and those who remained behind, but glosses over the issue of incomplete disarmament of civilian as the cause of such tensions. Significantly, how the failure of disarmament has affected the resettlement and reintegration of the returnees did not come out clearly. Several factors affected the return process, which includes the more extensive political procedures of peace-building, statistics taking, national census and most essentially, a referendum on severance, which will permit those in the South to vote on whether they need to remain bound together with the rest of Sudan, or withdraw.²⁹

The article seems to point out that the main concern for the SPLM/A was to beef up the numbers to boost secessionist votes and nothing much about humanitarian concerns for the returnees. It is not in dispute that people have a right to self-determination and the expectation was that, in their own region the southerners would finally find the elusive peace. This notwithstanding the article could have been bolder to enlighten on the

²⁸Lucy, Hovil. *New Issues in Refugee Research*; Research Paper No. 196 *Hoping for peace, afraid of war: The dilemmas of repatriation and belonging on the borders of Uganda and South Sudan* pp. 9-15.

²⁹Ibid.

SPLM/A other initiatives to ensure that the returnees are not just treated as a vote bank but also as a people who have the right to be resettled and reintegrated. If such initiatives were nonexistent in the SPLM policy, the article should have been more precise in pointing out such policy gaps.

In the same article, she goes on to say that since the marking of the CPA, roughly 2 million refugees and internally displaced persons (IDPs) have returned to South Sudan. “The scale and extent of return is tremendous as individuals return in what turned out to be devastated and not well prepared social and monetary post-war condition.” Hovil’s concern seems to be on the well-being of the returnees in terms of social and economic aspect. Her article does not indicate how they settle down and reintegrate in a secure environment.

An article by John Brosche³⁰ highlights on some of the problems connected to people returning. Based on the problems highlighted, he goes on to give a prescription on how and what to be done in managing returnee issues. He cites exclusive standards, rare resources and a non-existing infrastructure as cases of such issues.³¹ The writer like others before him falls into the trap of looking at very mundane issues affecting the returnees. The returnee problems in South Sudan were beyond mere high expectations and infrastructure though very critical at another level of human needs. The most basic instinct of a human being is survival, in terms of either food or security. He could do the article a lot of justice by explaining further on resource scarcity, which engenders

³⁰John, Brosche’. Repatriation; Its Role in Resolving Africa’s Conflict: Department of Conflict and Peace Research- Uppsala University; *Journal of African Policy Studies* Vol. 13, No. 1, 2007, pp.14-56.

³¹Ibid.

conflicts. Perhaps this way he could have expounded on what instruments of violence are available in South Sudan and the measures undertaken by the state towards disarmament.

In the same article Brosche' says that in parallel to grounding, there is a need to change the attitudes of the ex-soldiers and to work with their instruction and that security issues related to disarmament are diminished in view of an absence of strategies in the area³². Brosche' has come out very well in explaining the importance of education of the combatants to change their mindsets. He also alludes to lack of policy towards disarmament in South Sudan. Much as his observation supports the view that comprehensive disarmament program was lacking, he seems to have been writing on the general security problem in the area and not on the effects of poor disarmament to the returnees.

Sarah Martin and Jennifer Hoffman argued thus, “ mines and other deadly remnants of the twenty-one-year war proceed to murder and mangle individuals, impede the conveyance of philanthropic assistance and block reconstruction and peace building. Absence of resources and political will has hampered demining endeavors. Sudanese experts in both the Government of National Unity and the Government of South Sudan must organize mine leeway and related exercises, while benefactor governments must ensure that they have satisfactory help to do as such³³.” By indicating, that there were land mines Sarah Martin's article reinforces the project that comprehensive disarmament

³²John, Brosche.' Repatriation; Its Role in Resolving Africa's Conflict: Department of Conflict and Peace Research- Uppsala University ;*Journal of African Policy Studies* Vol. 13, No. 1, 2007, pp.14-56.

³³Sarah, Martin and Jennifer, Hoffman. Assure Safe Returns in the South; *Refugee International Bulletin* dated 21 June 2006.

was wanting before resettlement. Although the article offers important information on challenges faced by returnees, the authors mention the importance of disarmament in the processes of resettlement in passing.

Joshua O. Akols and John R. Rogge writing on *International Migration* contends that there exist little or no data on repatriation exercises in Africa despite instances of modern refugee exoduses from the past. They argue that there are few assessments of the nature and achievement and resultant issues, of any of the real repatriations. They contend that one of only a handful couple of southern Sudanese repatriates and the fluctuating degrees of progress they have had is rehabilitating themselves in the South after their return under the Addis Ababa Accord in 1972³⁴. The authors wrote about the success of self-rehabilitation by returnees after the Addis Ababa accord of 1972, which collapsed in 1983. Moreover, they are talking about rehabilitation and not reintegration of the returnees with those who remained behind³⁵. They did not indicate how the rehabilitation worked or whether the conditions of 1972 obtained in 2005 to 2012. Their prescription did not help in the resettlement program in the post CPA hence an academic gap.

Rogge Postulates that, “there are various social issues regularly encountered by repatriates. The more estranged and drawn out the refugees are, abroad, the greater is their cultural assimilation to their host society. This is particularly the case with (event related) refugees, who tend to relinquish all recognizable proof with their home areas.

³⁴John, R. Rogge and Joshua, O. Akols. Repatriation: Its Role in Resolving Africa's Refugee Dilemma: *International Migration Review*, Vol. 23, No. 2, 1989, pp. 184-200.

Numerous refugees are quickly coordinated, particularly when they discover refuge among ethnically comparative social orders. For some events alienated refugees, therefore, repatriation does not really mean going-home. Rather, they return to spots or social situations that are different or seem to have changed, or, then again, where the resident populace regards the returnees as outsiders as a result of contrasting traditions and convictions that they have acquired.”³⁶

The article puts emphasis on how returnees viewed from a cultural perspective not as enemies like in the case of South Sudan where those who remained in the country were using arms to retain the lands left behind by the returnees when they fled to safety. It is also worthwhile to note that the article appears to be describing a historically homogenous group, part of which may have acquired new values after separation.

B.S Chimni in his article in the *Refugee Survey Quarterly* contends that the creation of economic conditions created the minimum conditions for return. The keys to the creation of minimum political conditions was the ability to conduct free and fair elections³⁷. For this writer vibrant economic conditions and free and fair elections are a pre requisite to refugee return. However, he did not focus on preconditions for reintegration such as disarmament.

³⁶John, R. Rogge. and Joshua O. Akols. Repatriation: Its Role in Resolving Africa's Refugee Dilemma: *International Migration Review*, Vol. 23, No. 2, 1989, pp. 184-200.

³⁷BS, Chimni. From Resettlement to Involuntary Repatriation: Towards a Critical History of Durable Solutions to Refugee Problem; *Refugee Survey Quarterly*, Vol. 23 No. 3, 2004, pp 71-130.

Peter Orr and Takawira writing on refugees from South Sudan stated that since the start of 2011, around 330,000 civilians were displaced by viciousness inside South Sudan. Different civilian army bunches in a few states are battling to win political concessions from the national government in Juba. This politically inspired savagery is particularly prevalent in Unity, Upper Nile, and Jonglei States. Then, extra ethnic viciousness is happening as cattle rustling both inside and between a few states. The report is very certain on the security circumstance in South Sudan, but there is no mention of how the situation affected the returnee resettlement and reintegration despite the fact that the bulletin is a platform for ventilating refugee issues.

Peter Orr and Takawira contend, “The oil-producing states of Upper Nile and Unity influenced by intra-state viciousness created more refugees to include into the huge pool of refugees from different regions. Likewise, daily cattle raids propelled from Warrap State into Unity displaced approximately 20,000 individuals in Mayendiet County alone. Unity State is additionally home to two civilian militia groups, a few individuals from which utilize landmines to keep up control and to battle off the SPLA's endeavors to incapacitate them.”³⁸. In all this, there were attempts by the SPLA to disarmament of civilians though violently resisted by a section of the population. They however did not indicate how the success or failure of the process affected the returnees. Their report appears to be on general insecurity occasioned by resource and power competition and not returnee specific.

³⁸Peter, Orr. and Takawira, Kapikinyu. South Sudan: *Displacement Plagues the World's New Nation*; Refugee International Bulletin, (15-12-2011) p3.

1.7: Theoretical Framework

This paper will employ Anger and Strang middle-range theory, grounded on rational conceptual structure that comprises of the major mechanism of integration.³⁹ Integration must encompass means and markers such as employment, housing, education and health. In addition, these markers are in themselves potential means necessary to support the success of refugee integration. Integration would remain incomplete if social connections such as social bridges, social bonds and social links are missing. According to this theory, key facilitators, among them, support both socio-cultural integration: language and cultural knowledge as well as safety and stability. The whole process and outcome of integration is founded on rights and citizenship—the belonging.

This theory will be useful in this work in evaluating the levels of integration of refugees who have been out in different countries and camps for many years. In their sojourn in these countries, the refugees, especially the second and third generation of refugees have lost most of their cultures and traditions. They are viewed by their kin and kith upon their return as strangers or merely different from them. The new government of South Sudan may not have yet developed clear policy of re-integrating returning refugees. Yet, the refugees have the right to return home and be re-settled. Given that South Sudan has not been peaceful despite the promise of peace and stability at independence, the absence of safety and stability presented a challenge to resettling the returning refugees. Thus, the middle-range theory is a good thread to weave together the successes, challenges and failures of resettling and integrating the returnees in South Sudan.

³⁹ Ager, A. and Strang, A. Understanding integration: a conceptual Framework in *Journal of refugee Studies*, Vol. 2, No.2, 2008, pp 166-191.

1.8: Research Hypotheses

This study will test the following hypothesis:

1. Life of refugees in camps was relatively better than that of returnees in South Sudan.
2. Failure of disarmament has inhibited resettlement and reintegration of the south Sudan returnees
3. The flaws in the Peace Agreements have affected the resettlement and reintegration of the returnees.

1.9: Methodology

This study is qualitative in nature whereby both secondary and primary data was used. Books and scholarly journal articles provided the main source of secondary data for this study. The main resource libraries included Jomo Kenyatta Memorial Library, University of Nairobi, UNHCR library within their offices in Westland's Nairobi and Refugee Consortium library in Kakuma. Internet sources were also consulted, especially *jstor*, which hosts immense scholarly journal articles, and book reviews.

To complement the secondary data, primary sources were consulted. Primary data included; Reports, CPA which comprised of six protocols, Enough Report, UNHCR Reports, United Nations Security Council Report (Resolution 1574) Reports of Sudan Joint Assessment Mission (JAM) and even media reports. Field responses from interviews carried out in Kakuma refugee camp, Nairobi's Zimmerman estate, Kawangware and Lang'ata were also utilized. In addition, Archival materials were used

in this study, such as photographs depicting battle scenes, refugees in flight, refugee camps and sketch maps on earlier settlement patterns in Sudan.

Before embarking on the field research, a research permit was obtained from the National Commission for Science, Technology and Innovation authorizing the researcher to carry out the exercise within Kenya and more specifically within Turkana County where Kakuma refugee camp is located.

During the field research, Interviews were carried out from respondents who have knowledge of the matters under inquiry because of their experiences as returnees in South Sudan after the CPA. This requires a stratified sample to ensure that the respondent's falls within 40 to 60--age bracket. However, most did not want to be identified due to security concerns and suspicion among the various south Sudan communities residing in Kenya. Nevertheless, codes were used as identities and are appearing as such on the list of interviewees attached on the reference page.

Use of the unstructured questionnaires, group discussions, research assistant to enable interpretations and guiding the researcher in the field, and the language translation especially from the old refugees who had difficulty in understanding English.

The data obtained from the questionnaires was qualitatively analyzed. Qualitative data analysis was chosen because it Provides profundity and detail by looking further than breaking down positions and checks by recording dispositions, sentiments and practices. It likewise creates transparency by urging individuals to develop their responses, can open up new subject areas not at first considered and mimic individuals' individual

encounters. A nitty gritty picture can be developed concerning why individuals act in certain ways and their sentiments about these activities.

CHAPTER TWO

CIVIL WARS IN SUDAN: A HISTORICAL REFLECTION

2.1: Introduction

The root causes of Sudan civil war are as varied and many as the years through which the Sudanic state has evolved. For centuries, Sudan has experienced various forms of conquests and occupation, each leaving a mark in its long tortured history. In ancient times, Sudan got external contacts with the Egyptians who were expanding southwards to exploit resources from the hinterland while escaping from the foreign conquest and occupation of their land by the Hyksos and the Phoenicians of the Middle Eastern stock. Much later historical data indicates that some thousands of years after the Hyksos, the Egyptians and Arabs returned to Sudan to engage in slave and ivory exploitation. Johnson contends that the identification of the North with the Middle Eastern culture is ancient and goes back to several thousands of years.⁴⁰

In the sixth century, A.D. Christianity entered the scene becoming the religion of three kingdoms (Nubia, Magarra, and Alwa) that survived for a thousand years. A century after Christianity, Islam was introduced by traders creating a descent group in Sudan that traced its genealogy back to Arabia.; in the case of politically or religiously prominent families such as the Ja'aliyyin and the Shaiqiyya, they claim to have roots going back to the Prophet Muhammad Qureshi family.⁴¹ In fact, other groups or the periphery forged union based on their common subjugation by a small ruling clique comprising people from the two tribes gallivanting in and around Khartoum. They come from a small region

⁴⁰ Justin, D. Leach. *War and Politics in Sudan, Culture Identities and the Challenges of the Peace Process* I.B Tauris & Co .Ltd , London 2011, p19.

⁴¹ Douglas, H. Jonson, *The Root Causes of Sudan Civil War*, Boydell and Brewer Ltd. UK 2003. p 21.

where people almost exclusively claim Arab descent, speak Arabic and practice Islam.⁴² Islamization got under way, a procedure of slow decrease for Christianity in northern Sudan, coming full circle in the topple of the Christian kingdoms in 1504 by an organization together of Arabs and the Muslim kingdom of Funj. In the consequent years, Islam and Arabic picked up hold in the North and eclipsed the indigenous and Christian cultures. Later every progressive regime reinforced Islamic culture starting with the Ottoman-Egyptian organization that attacked the nation in 1821 to the Mahdist Islamic revolution that overthrew it in 1885, and even to the Anglo-Egyptian Condominium that administered the nation from 1898 until Sudanese autonomy in 1956.

In the nineteenth century, progressive Turkish leaders of Egypt and the Mahdist rulers in Khartoum independently attacked the South. The main purpose was the expansion of their own horizon, for extraction of more slaves. Johnson opines that their activities toward the southerners were vague from each other; they were all slave seekers. Southern memory collaborates them with nothing not as much as the aggregate devastation of their public. Oral history in Sudan refers to this period as the time when the world was ruined.

While Arabs could attack the South to capture slaves, they never infiltrated profoundly and did not settle. Marshes, flies, mosquitoes, tropical sickness, and the wild resistance of the general population kept contact to a base, even as it was devastatingly rough. Northerners were interested in the material estimation of blacks as slaves thus had no desire to incorporate with them. This stood out pointedly from their relationship with the north; had the southern Sudanese changed over to Islam, it bears taking note of, Arabs

⁴² Mathew, LeRiche & Matthew, Arnold. *South Sudan From Revolution to Independence*; Hurst and Co. Ltd 2013, p 32.

could never again have occupied with lawful slave raids against them (given that Islam forbids the subjugation of kindred Muslims). Without a doubt, this was the sort of connection between the North and South into the distant unforeseeable future.

2.2: Condominium Period

After the defeat of the Mahdist regime, an Anglo-Egyptian agreement restored Egyptian government in Sudan in January 1899 as a feature of a condominium, or joint specialization, practiced by Britain and Egypt.⁴³ The term condominium denotes the period between the collapse of the Mahdist Regime, after the 18 year ‘Mahdist War’⁴⁴ that ended in 1899 and the year 1956 when the Anglo-Egyptian Sudan gained independence to become the republic of Sudan. During the condominium period, the two dominions administered Sudan as two separate entities. The features of their style of administration would have far-reaching impacts of the Sudanese post-independence society.

2.3: Root Causes of the Civil War

Douglas Johnson attributes the root causes of the civil war to ten factors. Key among them include, the administration which created in the Sudanic states from the nineteenth Century setting up an exploitative relationship between the center in the Arab areas and the peripheral hinterland, as well as the introduction of a particular militant brand of

⁴³Fearon and Laitin, The Anglo-Egyptian condominium, 1899-1955
<http://countrystudies.us/sudan/15.htm>,
Accessed 14/5/2016

⁴⁴Ibid.

Islam which caused divisions between the people.⁴⁵ He also cites inequalities of political, economic and education in the colonial period and Britain's decision to grant independence to the whole of Sudan before addressing the disparities.

One characteristic of the form of administration was that the northern part and southern part of Sudan were administered as two distinct entities partly due to the nationalist tensions during the early 1920s, which necessitated the British to isolate the south from further northern influence. The Southern Policy ultimately prevented national integration by insulating southern Sudanese from the northern political economy. This inhibited the commercial and ideological exchanges so vital to an integrated polity.

The unraveling of the Anglo-Egyptian regime increased tensions between north and south Sudan. Between 1952 and 1954, the heated political debate over unification with Egypt became a distraction from more serious internal divisions⁴⁶. The royal residence upset that removed King Faruq from political power by the Free Officers in Cairo finished the Egyptian government and its claim over Sudan.⁴⁷ By 12 October 1952, the Umma Party, which anchored for Sudanese independence from both Egypt and Britain, made an agreement with the new Egyptian rulers successfully ensuring Sudan's entitlement to self-assurance.⁴⁸ The ramifications of Egypt's surrendering its customary claim on Sudan muddled the British order over the region and hurried the landing of Sudanese self-government in 1953, the initial step to autonomy.

⁴⁵ Douglas, H. Jonson. *The Root Causes of Sudan Civil War*, Boydell and Brewer Ltd. UK 2003 p 22.

⁴⁶ Justin, D. Leach. *War and Politics in Sudan: Cultural Identities and the Challenges of the Peace Process*, I.B Tauris, 2012, p 12.

⁴⁷ Ibid.

⁴⁸ Douglas, H Johnson. *The Root Causes of Sudan's Civil Wars: Peace or Truce*, By, Boydell& Brewer Ltd, 2011, p15.

Before independence, the British rule was exercised through the chiefs in the southern areas and prominent families in the north. Douglas Johnson contends that, “at the heart of the principles of Native Administration was support for the authority of the chief’s while in the northern Sudan, the Anglo-Egyptian government had been keen to re-instate those families who had held authority under the Turko-Egyptian rule.”⁴⁹ There was a much later assimilation of indigenous structures into administration in the south than in the north. Douglas indicates that in the south, there was absence of formal traditional structures as was the case with the north. He goes on to say that in only a few kingdoms, such as the Shilluk and the Azande, was an executive hierarchy ready to receive the tasks of administration.

In southern areas especially among the pastoralists, the strategy of Native Administration embraced in the 1920s had a tendency to debilitate, instead of energize, formal education.⁵⁰ In keeping with the intended inculcation of English values and insulation of the south from the north, the Condominium banned Arabic and promoted English in southern schools and offices in 1922. On education, The British administrators who ruled the Sudan in the early part of the twentieth century had an ambivalent attitude towards education.⁵¹ Mission education was thought to separate understudies from the traditions of their own clan, along these lines reducing their adequacy as innate pioneers.

With this laxity in empowering the south academically, there was little impact to get from the Sudanese in the south. Johnson laments that the longest established school in the

⁴⁹ . Douglas, H Johnson. *The Root Causes of Sudan's Civil Wars: Peace or Truce*, By, Boydell& Brewer Ltd, 2011, P.19.

⁵⁰Ibid.

⁵¹Ibid.

pastoralist regions was the CMS School at Malek, in Bor district, founded in 1905. Forty years down the line, just a single of its pupils turned into a chief inside the neighborhood Native Administration.

On monetary marginalization preceding World War II, all vast scale financial speculation were packed in the northern Sudan, particularly in the Gezira plot which empowered the Sudan to enter the worldwide cotton exchange⁵². No comparative plans were endeavored in the south until after the war, and afterward speedily and with unacceptable results.⁵³The South`s separation transformed from a free game plan of accommodation into a systematized hone. While Governor General Harold McMichael did not formally issue the Southern Policy update until 1930, it had been an informal course of action for a considerable length of time.⁵⁴

From the 1920`s matters training, were not different either. The British education arrangement, in the Sudan changed under ten years before autonomy, when suddenly the choice taken in London and Khartoum in 1946 was to give freedom to the Sudan.

When it came to issues religion and law, Douglas Johnson expresses that in the northern Sudan, law and religion were unmistakably characterized compartments. The principle laws overseeing the Sudan criminal code and the Sudan corrective code depended on the Indian model. Shari`a law was preserved for the most part as family law for Muslims,

⁵²Mohamed, Suliman. *Civil War in Sudan: The Impact of Ecological Degradation*
http://www.africa.upenn.edu/Articles_Gen/cvlw_env_sdn.html
accessed on 21st March 2016.

⁵³Ibid.

⁵⁴Justin, D. Leach. *War and Politics in Sudan: Cultural Identities and the Challenges of the Peace Process*, I.B Tauris, 2012, p23.

regulating relational unions, legacy, and some property rights. This contrasted to the case in the south where there lacked religious orthodoxies. The native administrators in the south attempted what Johnson terms as “orthodox ‘tribal’ religions’ through which the natives were encouraged to practice their traditional beliefs as an informal form of religion.⁵⁵ Despite the attempts by the British to insulate the south during the condominium period, Islam was neither suppressed nor expelled. It was however, confined mainly to the towns. Thus different were the two regions; the north of Sudan and the south. In Johnson’s conclusion, the southern Sudan lagged a long way behind a significant number of the northern Sudanese in education, monetary advancement, and association in the legislature and organization of the nation. In the aftermath, they did not have any real or potential voice in the direction of the country’s undertakings.

Justine Leach in his book, *War and Politics in Sudan: Cultural Identities and the Challenges of the Peace Process*, contends that: "Pressure from the little however developing business class in the north prompted the Southern Policy’s disentangling. The British had at first empowered business in the north however; they could not control its spread after World War II. As northern brokers gradually invaded the south, the counterfeit hindrance wound up noticeably difficult to uphold. Recognizing the purposelessness, the administration reversed itself entirely, through rushed endeavors at integration. In the south, the importance of the 1946 Sudan Administrative Conference, investigating political integration with the north, was generally bantered about. The authoritative body it would create was to stretch out and terminate the entirety of Sudan,

⁵⁵Douglas, H. Johnson. *The Root Causes of Sudan's Civil Wars: Peace Or Truce*, By, Boydell& Brewer Ltd, 2011, p 12.

formally ending the South's disengagement. The government's 1947 relinquishment of the Southern Policy was a recognition that when the British left, the south would be incorporated with the north."⁵⁶

Amid the joint administration and up to 1947, Britain had not been completely dedicated to overseeing the south as a component of the Sudan, offering credence to the untested idea that it may inevitably be connected toward the East African provinces. Egypt and northern Sudan however demanded a unitary Sudan. Among the significant advances taken to teach the south in the organization of Sudan was a 12-13 June 1947 conference in the Equatorial city of Juba amassed to address the exclusionism arrangement. To this end, they set up an administrative committee in the north as a preliminary advance towards a national parliament. The 1947 Juba Conference secured southern interest in this get together. The Juba conference featured exactly how unprepared the South was for any type of self-government.

The post independent regimes deliberate confinement of the south, joined with the absence of financial and social improvement, prompted a slower development of political awareness in the region. This hardship would later frame a reason for southern grievances in the main war.⁵⁷ The arrangement of particular organization and separate advancement for the northern and southern Sudan sought after by the administration for almost two decades implied that there were no northerners in the new politically dynamic class who

⁵⁶Justin, D. Leach. *War and Politics in Sudan: Cultural Identities and the Challenges of the Peace Process* International Library of African Studies, I.B Tauris, 2012, p14.

⁵⁷Douglas, H. Johnson. *The Root Causes of Sudan's Civil Wars: Peace Or Truce*, By, illustrated, revised, Boydell & Brewer Ltd, 2011, p 41.

had any viable experience of the south; nor were there numerous southern Sudanese who shared the encounters or standpoint of this class.⁵⁸

It would be misleading to describe socio-economic gaps on a north-south dichotomy only. This is because; while there were stark contrasts between the two, history has documented that, there were several cases of uneven developments within these north and south regions. Johnson observes that in the north those peoples who benefited most during the condominium occupied the central Nile valley. He remarks thus, “Their grip on the levers of power within the Sudan continued throughout the post-independence so much that the southerners called them *jalaba*.”⁵⁹ On the other hand, there were two major divides caused by the system of administration in the south. One form of administration applied to the pastoralist community while a different form applied to the sedentary tribes. Johnson remarks, “This was to be the basis of internal disparities which continue to affect southern Sudanese politics”

The southern Sudan had few political leaders and professionals who would steer the region ahead after independence. In a sense, the region as opposed to the north was not readily oriented for independence. Johnson remarks that one impact of the consideration of southerners in the Legislative Assembly was that the most senior and experienced southern Sudanese executives and instructors now entered national governmental issues, and by ethicalness of their presence in Khartoum were pulled back from the dynamic interest in the advancement of civil society and self-administering foundations in the

⁵⁸. Douglas, H. Johnson. *The Root Causes of Sudan's Civil Wars: Peace Or Truce*, By, illustrated, revised, Boydell& Brewer Ltd, 2011, p 41.

⁵⁹Ibid.

South. This was among the reasons why a few of Southerners of requisite status were accessible for the possible 'Sudanization' of the common administration.

2.4: The First Civil War 1955-1972

The gum that held the post-condominium southern Sudan together was not a shared personality but rather shared dissatisfaction with the region's absence of control over its future in a free Sudan. Southern worries over the region's close rejection from the Sudanization procedure, by which Sudanese replaced Britons in authoritative parts, met with indifference from the two northerners and the British.⁶⁰ With independence in 1956, southern MPs participated in the movement for autonomy and pressed for government status. Notwithstanding, the military upset in 1958 drove by General Abboud "severed off southern access to parliamentary establishment and northern lawmakers". With the State of Emergency Regulation and Defense of Sudan Act of 1958, taking into consideration boundless detainment without trial, somewhere in the range of 200,000 southerners left the nation as refugees; then the military government wanted to move 1.5 million northerners toward the south.⁶¹ The 1962 expulsion of Christian missionaries heightened the tensions leading to Sudan's civil unrest, which became among the longest in the modern world history of civil wars. The first civil war in Sudan occurred in the years between 1955 up until 1972. The conflict pitted the rebel group Anya Anya of the southern region against the central government of Sudan.

⁶⁰ Justin, D Leach, *War and Politics in Sudan: Cultural Identities and the Challenges of the Peace Process* International Library of African Studies, I.B Tauris, 2012, p34.

⁶¹ Fearon and Laitin. *Sudan narrative*, p 10.

<http://web.stanford.edu/group/ethnic/Random%20Narratives/SudanRN1.2.pdf>
accessed on 13th April 2016.

Prior to the war, events in the 1947 Juba Conference, saw both educated and traditional southern representatives join British heads and northern representatives in debating the benefits of southern interest in the Legislative Assembly in Khartoum. This would be the principal approach in incorporating the south into the national Sudanese body politic.⁶² In the year 1946, the British and the Egyptian Government agreed to merge the north with the south, then administered separately during the condominium.⁶³

Historians agree that Sudan confronted an overstated instance of the issue in which the post-colonial state tries to affirm control over a region it had never controlled in any case and one just characterized by the discretionary periphery defined by the declining royal forces. Patriots took upon themselves a weight even the British would not shoulder.⁶⁴ The crash program of integration that at that point occurred was short of what was expected. In 1953, the 800 regulatory posts cleared by the British were 'Sudanised'. The northern lawmakers dispensed a mere six representation on the southerners; an affront yet additionally a sign of how education in the south had lingered behind. Peterson Scott's book, *Me Against My Brother: At War in Somalia, Sudan and Rwanda* Page 49 as quoted by Leach, admits that northerners alone could not fill these administrative roles, and the few educated southerners viewed their exclusion from these positions as a sign that northern rule would bring an even harsher form of colonialism.⁶⁵

⁶²Justin, D. Leach, *War and Politics in Sudan: Cultural Identities and the Challenges of the Peace Process* Volume 36 of International Library of African Studies,; illustrated reprint, Publisher I.B Tauris, 2012, p36.

⁶³Douglas, Hamilton Johnson. *The Root Causes of Sudan's Civil Wars: Peace Or Truce*, illustrated, revised, Boydell& Brewer Ltd, 2011, p16.

⁶⁴Ibid.

⁶⁵Ibid.

The origins of the first civil war have much in common with resistance to the northern rule and ethnic tensions that would define other post-colonial conflicts where minority groups preferred colonial administration to that of rival ethnicities.⁶⁶ As the British colonial masters started parking out of Sudan, the southern mindset contending with the northern nationalism felt that, 'Sudanisation' was equivalent to 'northernisation'. As freedom drew nearer, the southerners saw their British overlords replaced by northerners⁶⁷. In 1955, the southern battalion at Torit mutinied on hearing that they were to be transferred to the north. "Their rebellion shaped the core of the Anya Nya dissenter development, which was to battle Sudan's first civil war for a long time."

Long haul integration and a higher level of engagement before freedom would have reduced suspicion amongst northern and southern Sudanese. However, this need was not the focus for the pioneer state builders.⁶⁸ Hitherto to the 1946 merging, Sudan had evolved into two distinct entities with regard to their cultural and political arrangements. The south was inhabited by Christians or Africans and recognized itself as sub-Saharan; on the other hand, the Muslim dominated north adhered to the Arab culture. There was inherent suspicion from both sides; the south feared domination by the north, while the north feared corruption of its Islamic values by the southern infidels. The south also feared losing her autonomy to the north. By the time British and the Egyptian governments were granting independence to Sudan in the year 1956, these fears and

⁶⁶Douglas, Hamilton Johnson. *The Root Causes of Sudan's Civil Wars: Peace or Truce*, illustrated, revised, Boydell & Brewer Ltd, 2011, p14.

⁶⁷Mohamed, Sulliman. *Civil War in Sudan: The Impact of Ecological Degradation*
http://www.africa.upenn.edu/Articles_Gen/cvlw_env_sdn.html
accessed on 21st March 2016

⁶⁸Ibid.

suspicions had grown into animosity. Several mutinies followed, confrontations were in the form of guerrilla wars. The Anya Anya became the de facto secessionist group. The outgoing administration could not quell the rebellion of the Anya-Nya; neither could the incoming Sudanese government which was also struggling with infightings and instability.

The organization of the dichotomous state throughout its existential history only helped to stoke the fires of animosity. The pre independence approach towards the South escalated and added up to detachment of South and North. The old inborn structures did not disappear while practically no exertion was made to advance social or financial improvement and education. English as opposed to Arabic as the most widely used language was basic and negligible. The result was not just disconnection of the South from the North, yet additionally from the rest of the world.⁶⁹ Sulliman contends that while the British focused on monetary, political and infrastructural advancements in the north, for example, the Gezira scheme, the railroads and the representation of northerners to the government, it enabled the west and south to stagnate under the "local organization" of the chiefs and sheikhs⁷⁰.

The intra northern nationalist competition and strive did not help matters either. Prime Minister, Ismail al-Azhari, led the first government of the federal Sudan. Political instability in the young nation gave room to several coup d'états, uprisings and

⁶⁹Justin, D. Leach, *War and Politics in Sudan: Cultural Identities and the Challenges of the Peace Process* International Library of African Studies, Edition: I.B Tauris, 2012, p 50

overthrowing of governments. Several leaders led the south in her attempts to form an autonomous state. The first of them was Aggrey Jaden followed by Gordon Mayen in whose time the southern Sudan was renamed the Nile Republic. It is instructive to note that the south Sudan resistance movement, Anya Nya was also experiencing supremacy battles between the Equitorians and the Nilotic tribes. In 1971, Joseph Lagu as leader of the Southern Sudan Liberation Movement (SSLM), which had become an umbrella body of all the guerilla groups led a successful coup d'état against Gordon Mayen. Elsewhere, hostilities between the south and north Sudan increased until 1972 Addis Ababa Agreement that ended the armed insurrection by the south. The agreement also recognized the south as a single administrative region.

The Addis Ababa Agreement was never prominent with the northern legislators whom Nimeriri had displaced in 1969. Those in the Democratic United Party (DUP) and Umma parties thought it allowed an excessive number of concessions toward the south and would just encourage dissenter inclinations. Similarly, even after the Addis Ababa Agreement of 1972, it was felt by a divide of the south that the rights granted south Sudan under the agreement were insufficient and not fulfilling. The points of confinement of the self-rule under the Addis Ababa Agreement soon wound up plainly apparent. The regional government had no say over foreign strategy or security. Indeed, even in areas where it had power to act, for example, guaranteeing inner security and regional advancement, the legislature needed resources and ability⁷¹. In spite of its flaws, regional government turned out to be extremely popular in the south. Numerous

⁷¹ Justin, D. Leach, *War and Politics in Sudan: Cultural Identities and the Challenges of the Peace Process* International Library of African Studies, Edition: I.B Tauris, 2012, p 31.

southerners felt an individual unwaveringness to Nimeiri, and the region repeatedly safeguarded his regime all through the 1970s. In any case, the Addis Ababa Agreement was not popular with the northern partisan components Nimeiri had upstaged⁷².

The 11-year reign of peace under the Agreement, was soon coming to an end and its collapse was eminent. Out of what is considered as envy by the other parts of Sudan towards the ideal of southern autonomy, Leach points out that in 1978, the government began drafting the Regional Government Act of 1980, which would build up five new regions in the north like the southern region.⁷³ This in a perfect world would imply that Sudan would have six regions. The regions would have power over all their administrations aside from foreign undertakings, defense, foreign exchange, national offices, and extraction of mineral and natural resources. In the south, Nimeiry cunningly attempted to whittle down the success of the region by interfering with its elections and inciting the Equitorians to sue for further re-division. The southern regional elections took place in April 1982. After continued interference from Nimeiri and his clients resulted in promises of favors in return for pro-division votes, the final result ultimately gave the pro-divisionists, mainly small Equatorian tribes, a slight margin over the primarily Dinka opponents of division .⁷⁴ This improvement rushed the inevitable replacement of the southern region, as built up in 1972, with three detached

⁷²Johnson, H. Douglas. *The Root Causes of Sudan Civil war- Peace or Truce* Boydell&Brewer Ltd 2003, p 19.

⁷³ Justin, D. Leach. *War and Politics in Sudan: Cultural Identities and the Challenges of the Peace Process* International Library of African Studies, Edition: I.B Tauris, 2012 , p. 46.

⁷⁴ Mathew, LeRiche& Matthew, Arnold. *South Sudan from Revolution to Independence*; Hurst and Co. Ltd 2013, p.29.

commonplace governments resembling those in the north. This flagged the fall of the Addis Ababa Agreement.

2.5: The Second Civil War 1983 to 2005

Shortly after the southern region of Sudan attained religious and cultural autonomy through the adoption of the Addis Ababa Agreement, its accords were incorporated into the Constitution of Sudan. The hopes of a peaceful future for Sudan would however be cut short by a succession of events that would usher in the second civil war. Due to his support for the Addis Ababa peace agreement, Nimeiri certainly achieved immense personal popularity in the south because of the willingness to maintain peace. He was able to count on considerable political support from southern leaders, as well as on the personal loyalty of ex-guerillas absorbed into the army. The support of the region helped him to survive two serious Muslim coup attempts in 1975 and 1976.⁷⁵ With time however, Nimeiri began to lean more on the Islamic divide. Johnson observes "...by championing Islamic reforms, he [Nimeiri] attempted to take a walk on the Islamic adversaries to his regime, and therefore ensure his own political survival."⁷⁶ Despite repulsing two coup attempts in so many years, Nimeiri calculated that the threat from his enemies was such that it was better to have them inside the country, where he could watch them, than outside the country planning another attack.⁷⁷ Through what he viewed as a strategy of National Reconciliation, he welcomed back Sadiq al- Mahdi from exile and his brother-in-law, Hassan al-Turabi, leader of the Muslim Brothers released from prison in 1977.

⁷⁵ Johnson, H. Douglas, *The Root Causes of Sudan Civil war- Peace or Truce* Boydell & Brewer Ltd 2003, p 24.

⁷⁶Ibid.

⁷⁷Ibid.

Hassan al-Turabi's appointment as the Attorney General soon after, made him very influential to exert relentless pressure for Islamic reform of the legal framework.

The Permanent Constitution of 1973 set up Sudan as a secular state with freedom of worship.⁷⁸ Shari'a was only applicable between Muslims on personal and family matters. The southern leaders no doubt received the approach to National Reconciliation with suspicion and disdain. This is because any slightest move to modify the law for the nation would have far reaching impact on the enjoyment of rights by non-Muslims in the nation. Among their biggest fear was that of Islamic fundamentalists in the government would rob the south of the religious autonomy that had been enshrined in the Addis Ababa Agreement. Through their influence, the Islamic fundamentalists in particular pressurized President Nimeiry to declare entire Sudan an Islamic State. The burden of shari'a law in September 1983 (now known as the September Laws), took over not long after the disintegration of the southern regional government, and occurred quickly before an expert shari'a showing arranged by the Muslim Brothers.⁷⁹ This move tore apart the religious and cultural autonomy that the south was looking forward to cherish.

Dissolution of the regional government meant that the affairs of the south lost articulation before the Sudan government. The new regional assemblies established had no such powers.⁸⁰ The Addis Ababa Agreement had established the Southern Regional Assembly with the mandate to vote to request the president of the republic to withdraw any bill or

⁷⁸Johnson, H. Douglas. *The Root Causes of Sudan Civil war- Peace or Truce* Boydell & Brewer Ltd 2003, p 36.

⁷⁹Justin, D. Leach. *War and Politics in Sudan: Cultural Identities and the Challenges of the Peace Process* International Library of African Studies, Edition: I.B Tauris, 2012 , p36

⁸⁰Ibid.

postpone enactment of any law that adversely affected the interests of the south. With the dissolution of the southern region, southern leaders could not put before the National Assembly the bid to block the act bringing shari`a law into force.

The global security organization reports that, In September 1983, as a component of an Islamicization battle, President Nimeiri declared his choice to join customary Islamic disciplines drawn from Shari'a (Islamic Law) into the punitive code.⁸¹ Southerners and other non-Muslims living in the north were additionally subjected to these punishments. Allowing Sharia in the national capital was, as Justin Leach puts it, a substantial concession for the south, but it complimented the government`s concession to enable the south to withdraw. By additionally systematizing the Arab/non-Arab, Muslim/non-Muslim division, the gatherings agreed to an isolated state, regardless of whether enthusiastically or reluctantly.

In addition to Nimeiri`s introduction of Shari`a the other initiative to reduce southern autonomy was accentuated by the discovery of rich oilfields in the northern-southern Sudan and the southern region of Sudan namely; Kurdufan in 1978, upper Blue Nile in 1979, Heglig in 1982 and Adar 1981. The area hand book report highlights president al-Nimeiri`s ambitious lust towards the discovery of these oilfields where his government was keen to exercise exclusive control of these vast resources. The handbook series on Sudan states that in the early 1980s President al-Nimeiri sought to redraw southern

⁸¹Global Security org.
<http://www.globalsecurity.org/military/world/war/sudan-civil-war2.htm>
accessed on 27 March 2016.

borders to bring the oilfields into a newly created Unity State under his control. This attempt rendered several southerners displaced.

Northern nationalism, in spite of its pretenses at representing the entire Sudanese individuals was laid bare and could not retain its vitality and realness while fusing a dream satisfactory to southerners.⁸² The increasingly dissatisfied south was responsive in light of the foregoing events. Members of diverse former rebel groups would form the Sudan People's Liberation Army to fight for a return of an autonomous southern Sudan. Their major and automatic belligerent was the central government, accused for instituting policies that had disintegrated Sudan.

Owing to the renewed conflicts, a military coup ousted the Nimeiry government by the end of April 1985 and shortly installed a civilian cabinet led by a Prime Minister Sadiq al-Mahdi of the Umma Party. The new government was a weak coalition of a number of parties from both the north and south of Sudan. The new governments did nothing of regard to restore stability and peace to Sudan. In fact, the new regime quickly embarked on an expedition to possess the disputed oilfields in Sudan. Just as his predecessor, the Area handbook series documents instances where Prime Minister Sadiq al-Mahdi, in the years 1985–86, relied on tribal militias to move southerners away from oil-rich areas.

Atrocities continued between the SPLA and the central government. As pressure continued mounting on the new administration, the Sadiq al-Mahdi coalition

⁸²Justin, D. Leach. *War and Politics in Sudan, Cultural Identities and the Challenges of the Peace Process* ; International Library of African Studies, I.B Tauris, 2012, p 40.

administration in May 1986 initiated peace negotiations with the SPLA and other political parties. The negotiations were held in Ethiopia, where the Kokadam declaration was one of the cornerstones of the agreements and sought for the abolition of Islamic Shari'a Law. Other demands sought were an immediate end to the state of emergency, a cease-fire and abolition of military pacts between Sudan central government with Egypt and Libya.⁸³ Not surprisingly, the intensity of war increased in the wake of these negotiations. A possible explanation is that the central government was not responsive to the demands of the SPLA and the other parties present to the negotiations. As the political situation continued to deteriorate, so did the economy. Inflation rates escalated and prices of common necessities skyrocketed. The public became more discontented and nationwide riots were sparked off in 1988.

The central government initially refused to agree with the terms of the proposed peace plan by the SPLA and the Democratic Unionist Party, the later left the government. The military was aggrieved and they threatened ousting the Sadiq al-Mahdi government if the peace pact was not approved. The government gave in and promised to hold a constitutional conference in September 1989. The military had lost its patience with the Sadiq al-Mahdi government and on 30th June 1989, Col. Hassan al-Bashir, led a coup d'état that ousted the central government. Al-Bashir became president, chief of state, prime minister and head of the armed forces.⁸⁴ Al-Bashir concentrated in restructuring his government rather than reforming the nation. He instituted rapid moves that fired several

⁸³ Johnson, H. Douglas. *The Root Causes of Sudan Civil war- Peace or Truce* Boydell&Brewer Ltd 2003, p 72.

⁸⁴ Justin, D. Leach. *War and Politics in Sudan, Cultural Identities and the Challenges of the Peace Process*, International Library of African Studies, I.B Tauris, 2012, p124.

members of the armed forces and the government. The Criminal Act of 1991, a penal code that carried heavy sentences like amputations and stoning was also instituted. A special police force was enlisted to enforce some of these harsh laws. The southerners and other non-Muslims in the north saw this as an overt move to institute Islamic shari'a law in entire Sudan.

The overzealousness of the new regime to implement sharia law further antagonized the SPLA with the central government. The former held reigns on Equatoria, Bahr al Ghazal, Upper Nile, Kordofan, Blue Nile and parts of Darful while the later held control on Juba, Malakal and Wau. These areas were not sheltered from constant military offensives and many combatants and noncombatants especially from the south suffered heavy casualties. To consolidate her grip on the matters of the state, the central government resorted to using militant proxies to deal with the SPLA supporters while the movement relocated to Ethiopia to launch its offensive.

In May 1991 the Dergue regime of Megistu Haile Mariam collapsed, and since the SPLA had assisted in fighting against the rebels, they lost a foot hold in Ethiopia. In essence, this means that the SPLA lost the patronage of Ethiopia and the operational bases and supply lines. The new Provisional Government of Ethiopia was not only hostile to the SPLA but had close links with the Sudanese army.⁸⁵In response, Garang called a meeting of his high command, while Riek Machar saw an opportunity to consolidate his power

⁸⁵Johnson, H. Douglas. *The Root Causes of Sudan Civil war- Peace or Truce* Boydell&Brewer Ltd 2003, p 57.

within the SPLM/A thus marking a new war frontier which took ethnic dimension. In the November of year 1991, a faction of the SPLA took part in the Bor Massacre where 2000 civilians were brutally murdered. Factions groups of the SPLA continued emerging as leadership wrangles between John Garang and Riek Machar increased. In 1993, the factions would reunite to form the SPLA United.

Meanwhile, the al-Bashir government had taken sides in the Gulf War by siding with Saddam Hussein. This move chagrined several world powers who resorted to cutting down their ties with Sudan. The US was one of them. This meant greater humanitarian sufferings to the internally displaced persons in Sudan. The suffering of the IDPs and massive displacement of whole populations brought pressure to bear on the international community who stepped in to demand immediate cessation of hostilities. On November 19, 2004, the Government of Sudan and the SPLM/A marked a presentation submitting themselves to finish up a lasting Comprehensive Peace Agreement (CPA) by December 31, 2004, with regards to a phenomenal session of the United Nations Security Council (UNSC) in Nairobi, Kenya.⁸⁶ At this session, the UNSC collectively received Resolution 1574, which respected the dedication of the government and the SPLM/A to accomplish agreement before the close of 2004, and underscored the worldwide group's expectation to help the Sudanese and south Sudanese people and bolster execution of the CPA. With regards to their sense of duty regarding the UNSC, the Government of Sudan and the SPLM/A initialed the last components of the CPA on December 31, 2004. The two

⁸⁶United Nations Security Council Resolution 1574 (UNSC); this was the only time the Council had met outside of New York since its founding.

parties formally marked the CPA on January 9, 2005. The U.S. what's more, the United Nations respected this unequivocal advance toward peace.⁸⁷

The agreements are demonstrations of Sudan's trouble rising above its regional characters, to some extent as a result of the remarkably unintegrated nature of the state at independence, after independence, northern regimes, whether authoritarian or parliamentary, initially did not seek to transcend the Arab-Islamic foundation of their nationalist vision.⁸⁸ During the early May Regime, and again with the SPLM/A insurgency, Sudanese aspired to promote a more inclusive nationalist vision. However, Leach contends that neither of these movements could overcome their regional constraints.

While different scholars and researchers give a reason or two as the major causes of conflict in Sudan, there are those in the school of thought that supports multiple causes to the Sudan conflict. Douglas H. Johnson in his book, *The Root Causes of Sudan's Civil Wars*, holds a multifaceted approach to explaining the sources of the conflict. He enumerates ten reasons as responsible for the civil wars of Sudan. LeRiche and Arnold posits that, the civil wars in the Sudan have regularly been presented as resulting out of double strains: Arab versus Blacks, Muslims versus Christians, popular government versus autocracy, secularism versus religious government and, at long last, North versus South.⁸⁹ While the history and socio-political flow of the Sudan have in reality loaned

⁸⁷Global Security org.
<http://www.globalsecurity.org/military/world/war/sudan-civil-war2.htm>
accessed on 27 March 2016.

⁸⁸Justin, D. Leach. *War and Politics in Sudan, Cultural Identities and the Challenges of the Peace Process*, International Library of African Studies, I.B Tauris, 2012, p 68.

⁸⁹Matthew, LeRiche. & Matthew, Arnold. *South Sudan: From Revolution to Independence*, Hurst Publishing Series, Oxford, Oxford University Press, 2013, p53.

themselves to over-disentanglement, as Douglas Johnson has contended, the 'main drivers' of Sudan`s progressive civil wars were both different and complex. The Sudan's wars have been characterized by combusive pressures between an overwhelming core centered in the capital of Khartoum and the broad fringe of the huge state. These variations are what the Comprehensive Peace Agreements attempted to cure giving elevated standards to discouraged masses of the south and the displaced refugees who backpedaled by the thousand wanting to at last appreciate the newly discovered peace.

CHAPTER THREE

REFUGEE-HOOD AND THE SITUATION IN SOUTH SUDAN ON RETURN

3.1: Introduction:

All the violent conflicts in Sudan generated waves of refugees who found refuge in neighboring countries. Some of the refugees stayed for many years in refugee camps such as Kakuma while many more left the camps when opportunities presented itself to engage in businesses or get some kind of education. The long stay away from home created a situation whereby the refugees got detached from their fellow kith and kin. Their economic activities and skills learnt in the camps and elsewhere put them apart from the rest of the people in South Sudan. This chapter examines the survival and coping strategies as well as the challenges of the refugees prior to their returning home.

3.2: Categories of Refugees

Kuntz divided refugees into distinct groups based on refugees' attitude towards their dislodging. Those refugees whose political affiliation and aspirations are shared by their compatriots at home are called majority-identified refugees.⁹⁰

Most South Sudan refugees felt some attachment to their country and identified with the struggle for liberation. Despite their ethnic differences, they agreed that the Khartoum government ought to recognize the quest for self-determination by the people of the

⁹⁰Egon, Kuntz. Exile and Resettlement: Refugee Theory, Law and Settlement, *the International Migration Review* Vol. 15No.1/2 Refugee Today 1981, pp.42-51.

South. The refugees opposed the aggression occasioned by the north and were actively engaged in finding a lasting solution to the tribulations afflicting them and those they left behind. Such are the type of refugees who were eager to relocate and reintegrate with their relatives when time came for them to leave exile. They fall in the category of majority-identified refugees.

Refugees who have left their nation because of idle or dynamic segregation frequently retain little interest in what occurs at their previous homes once they have cleared out. These refugees who feel irreconcilably estranged from their kindred natives Kuntz calls them events related refugees. A third class is the self-alienated refugees who chose to leave their nation for an assortment of individual reasons. Both majority-identified and events related refugees can categorize South Sudan refugees. Majority of Murle refugees related to a militia fighting the South Sudan government could exemplify events related refugees.

Despite the fact that South Sudan attained its independence in 2011, some of its population remained in exile owing to the fact that they did not feel adequately protected by the new government associated with certain tribes. Their kin who did not take flight to exile remained in south Sudan, fought against the SAF and eventually took arms against the new government. David YauYau's resistance against Salva Kiir's government exemplifies this by forming a militia, perceived to be protecting his Murle people against attacks by not only the government forces but also by pro-government ethnic groups. This type would be events related according to Kuntz.

The latter category of self-alienated refugees are not common in Africa although there have been isolated cases such as the many Ethiopian intellectuals who escaped the dictatorship of Megistu Haile Mariam.

While Kuntz typologies do not expressly address the issues related with repatriation, his categorization indicates that the principal typology of majority identified refugees are more likely to participate in voluntary repatriation. As indicated earlier, South Sudan is a blend between the majority-identified refugees and the events related category.

3.3: Southern Sudan Refugees

As this paper mentioned earlier, the first civil war ended in 1972 and the refugees and IDPs mostly Equitorians numbering about one million had returned and successfully resettled. Hovil opines that after Sudan's freedom in 1956, Sudanese started to move to northern Uganda escaping battling in Sudan's first civil war. This flood was stopped incidentally by an agreement marked in Addis Ababa in 1972.⁹¹

A new refugee wave begun after the Bor mutiny, culminating into the second civil war. In this war, the protagonists occasioning massive uprooting of populations in the affected areas directly targeted civilians. The climax to the displacement was when the government brought another phase of the war, fought through its proxies and armed militias. According to Madut-Arop, semi-public militias formed in early 1983 were the

⁹¹ Lucy, Hovil. Conflict in South Sudan, Refugees seek protection in Uganda and a way home; *International Refugee Rights Initiative* 2014, pp 215-304.

source of counter insurgency for the second war⁹². These militias were organized and armed by the government however were operationally free. Around 20,000 men were recruited into the civilian armies known as Murahalin including Arabic migrants and supporters of the sharia law. They generally went after pastureland with the (to a great extent southern) Dinka and were responsible for some of the most grim atrocities and demonstrations of robberies against the regular citizen populace and displacement from their ancestral homes. The SPAF (Sudan People's Armed Forces) provided the Murahalin militia with arms, ammunition and training. In October 1989, the Bashir government promulgated the Popular Defense Act which incorporated them into an organization of joint counterinsurgency operations with government forces killing tens of thousands of civilians in South Sudan.

According to Johnson, "the SPLA and the central government escalated the war with the former holding reign on Equatoria, Bahr al Ghazal, Upper Nile, Kordofan, Blue Nile and parts of Darful while the later held control on Juba, Malakal and Wau. These areas were not sheltered from constant military offensives and in the height of the war civilians who lived in or around the held regions were the direct recipient of the brunt of the hostilities." Women, children and men who did not die fled from their areas of residence while about 200,000 women and children from different tribes in southern Sudan suffered captivity as slaves.

⁹²Madut-Arop, Arop. *Sudan's Painful Road to peace: a full story of the founding and development of SPLM/SPLA*. Chareston: Booksurge, 2006, p13.

3.4: Plight of Sudanese Refugees

The 1991 collapse of the Mengistu regime in Ethiopia turned the tide against SPLA when the new Ethiopia People's Revolutionary Democratic Forces (EPRDF) regime forced them out of Ethiopia together with 350,000 southern Sudanese refugees back to Sudan, fueling the security circumstance⁹³. According to Johnson the crumble of the Mengistu government in Ethiopia genuinely reversed the SPLA's military momentum. The SPLA refused to go into any discussions with the Ethiopian rebel groups who were ready to take control in mid-1991, resulting to extremely hurried departure of SPLA camps and facilities from Ethiopia (counting more than 200,000 Sudanese refugees who had been living in SPLA-secured areas close to the Upper Nile Border).⁹⁴

The expulsion of SPLM/A and Sudanese refugees from western Ethiopia was soon followed by a split in the SPLM/A caused by a coup orchestrated by Riek Machar, Lam Akol and William Gordon Cuol. The split complicated the IDP situation mostly in Nasir which was under Riek Machar's control. The UN and other international humanitarian support to them was perceived by Garang faction as critical in sustaining Machar and Akol faction. The international presence through Operation Lifeline Sudan (OLS) did in fact work with Relief and Rehabilitation Association of South Sudan (RASS), a relief organization which Machar and Akol established shortly after the coup was announced. The perception by Garang faction that aid was being manipulated to support the coup

⁹³Fearon and Laitin. Sudan narrative, page 6
<http://web.stanford.edu/group/ethnic/Random%20Narratives/SudanRN1.2.pdf>
accessed on 3rd April 2016.

⁹⁴Douglas, H. Johnson. *The Root Causes of Sudan's Civil Wars: Peace Or Truce*, illustrated, revised, Boydell & Brewer Ltd, 2011, p 72.

plotters undermined the critical role the humanitarian assistance played to the IDPs. Throughout the 1990s, the aid provision to IDPs was targeted for destruction.

As all the protagonists dug in and as the war escalated without either side showing any signs of surrender, more civilians in the south were killed and others displaced while some crossed international borders into the neighboring countries. By July 1996, there were 224,780 officially registered Sudanese refugees in Uganda. Over 300,000 others lived in exile in Kenya, Ethiopia and Democratic Republic of Congo, while 4 million lived as IDPs in northern Sudan.

3.5: Politics of Humanitarian Assistance to Refugees/ IDPs in Sudan

Within the context of political competition, the international aid community such as the UN and the Church were viewed as third forces offering governance and political control especially in Eastern Equatorial where SPLA/M, Sudan Armed Forces (SAF) and tribal militias were equally resented. As Le Richie observes, “the large camps of displaced civilians were essential not only for material resources they attracted from international assistance, but also for motivating and justifying SPLM/A’s prolonged struggle.”⁹⁵ The importance of the IDP camps attracted a lot of attention by the belligerents hence became central to the war especially in the Nasir and Triple AAA camps along Sudan, Kenya and Uganda borders. Triple A camps includes Ame, Atepi and Aswa near Sudan border with Kenya and Uganda. The two SPLA factions were not the only assailants against the IDPS but also the government that was bent on dispersing the camps forcing

⁹⁵Matthew, LeRiche and Matthew, Arnold. *South Sudan- From Revolution to Independence*, Hurst &Company , London 2012, p86.

people into towns they controlled or simply denying them access to basic life support assistance. For example, during the dry season offensive of 1992, the SPLA/M (Garang) faction was pinned down by the SAF forcing them to retreat from Imatong Mountains near the camps holding hundreds of thousands of IDPS who had been relocated from Ethiopia and other areas of intense fighting.⁹⁶ The SPLA presence near the camps further endangered the IDPs who became targets of SAF aerial bombardments. Matters became worse when SAF incorporated tribal militias in the fight against SPLA/M (mainstream). The tribal militias consisted of Lotuko, Mundari and Toposa. The Lord's Resistance Army operating from northern Uganda also joined. These groups targeted civilians and Triple A IDP Camps with a view to disperse or encircle them. Worse still the government concentrated its bombardment on civilian targets and Nimule hospital, which catered for the IDPs, became a frequent target.

Historically south Sudanese civilians are direct target and suffer tremendous atrocities in war. Events during the war show the willingness of the parties and their proxies to target unarmed civilians including women and children so as to trap them in pockets or territories with no humanitarian aid and even to violate the sanctity of the UNMISS bases. This was a widely used practice in Sudan civil war where the IDPs were used as a fodder to placate donor assistance to rebels. The militias also engaged in direct conflict with the population in the protection centers. Under the circumstances, many civilians and children of non-combat age took flight enduring many days of danger and starvation in the bush. Many died not in battle but as indirect consequences of war. Most fled to

⁹⁶Douglas, H. Johnson. *The Root Causes of Sudan's Civil Wars: Peace Or Truce*, illustrated, revised, Boydell & Brewer Ltd, 2011 p 100.

Uganda, Kenya and Ethiopia. The three countries automatically granted refugee status to refugees arriving from south Sudan, which meant they did not have to go through the refugee status determination procedure⁹⁷.

3.6: Refugee Experiences in Kenya

Kenya has been home to the many number of refugees who have looked for refuge and haven. The nation has received the arrangement of settlement and the primary camp focuses are Dadaab town situated in Garissa District and Kakuma in the Turkana District. The lion's share of south Sudanese refugees was facilitated in the Kakuma camp which was packed with deficient space for development of new safe houses and offices for administrations. The camp had an inadequate number of safe havens for the refugee populace and therefore very difficult to accommodate all arrivals. Services in the camp such as health services were overstretched and had insufficient staff, supplies and equipment.

Kakuma camp is located in Turkana County, which is one of the poorest regions in Kenya with very high malnutrition levels in the host community.⁹⁸ Due to these situations, it was difficult for the international community as well as the government of Kenya to only focus on refugees without bringing conflict between the host community and the said refugees. However, Kenya made some steps to ensure that the refugees were protected adequately and the international community collaborated with the Government in giving refugees protection and education.

⁹⁸ Ministry of health: Turkana smart nutrition survey report(2014)

3.7: Experience in Uganda

Refugees who fled to Uganda were facilitated in settlements close to the outskirts of South Sudan in Adjumani and Kiryangondo in the mid-western region of Uganda.

Uganda has an approach of advancing independence for refugees. They were given land on arrival. The areas where the refugees settled were very fertile especially the Kiryangondo area.

In Uganda, refugees were able to access public services such as schools and hospitals as well as employment. This provided a great model for a more manageable way to deal with refugee programs. Historically the relationship between refugees and the host community had been good. Presence of south Sudanese refugees created a market for Ugandan goods in the north of the country hence welcomed by many in the host community. The conditions in Uganda were comparatively better than those in South Sudan by the time of their return. In Uganda they could take their children to school, there were better social amenities and the security situation was stable. Conversely, the security situation in their country was tense and few or no social amenities like schools and hospitals. Life in their country was worse than that of a refugee in Uganda.

3.8: Refugees /IDPs Experience in Khartoum

In Sudan, life was not as easy as in the two East African Countries. The IDPs were perceived as low class citizens and sympathetic to the southern cause. They were perceived by the Bashir regime as a potential for trouble in Khartoum where their camps were located. This prompted the Bashir government to create what they called peace

camps away from Khartoum in the desert. In 1991, Bashir planned to translocate 1.5 million south Sudanese to the camps. By this time half of Khartoum population were IDPs who lived a life of squalor within the city limits where they lived in cardboard huts on mountains of trash or next to industrial waste dump⁹⁹.

In November 1991 soldiers moved into the IDP camps with bulldozers and flattened the cardboard and mud hovels. The ensuing resistance by the IDPs left at least twenty of them dead. The remaining victims about 425,000 people in five camps were moved a few kilometers in the desert without any assistance. The only relief agencies allowed there were Islamic Relief Agencies.

3.9: Returning to South Sudan

Significant demographic changes had occurred in South Sudan between the signing of the CPA and independence. Several waves of refugees returned, as well as those from Northern areas, along with many young ‘Southerners’ setting foot on their home soil for the first time¹⁰⁰. Numbers and gauges from the International Organization for Migration (IOM) recommended hundreds of thousands of returnees after the CPA, before and soon after freedom, while numerous others were not able to return sooner inferable from issues of documentation, subsistence and transport.¹⁰¹ Refugees were coming from all over the diaspora mainly East Africa where the highest numbers were hosted. Others came from

⁹⁹ Scott, Peterson. *Me against my Brother, at War in Somalia, Sudan and Rwanda*. Routledge New York 2000 p56.

¹⁰⁰ Matthew, LeRiche. & Matthew, Arnold. *South Sudan, From Revolution to Independence*, London, Oxford University Press, 2013.

¹⁰¹ Ibid.

areas around Khartoum, while the rest came from the western countries where they had sought sanctuary during the war. In addition there had been a significant number of economic migrants from East Africa, particularly Kenyan, Uganda and Ethiopia to cash in on the expected reconstruction boom.

Expecting more arrival of returnees, the national census, the basis for the establishment of constituencies for the elections at local, regional and national levels, was delayed until the end of April 2008. Elke Grawert points out that the SPLM were motivated to postpone the census until all the IDPs and refugees, who were still waiting in northern Sudan, had returned to the South¹⁰²

The stakes could have been higher as the people of Sudan (South as well as North), had in the last 55 years since their independence seen more years of warfare than peace. With the first civil war lasting for 17 years and the second war taking a span of 22 years, the south saw secession as the most viable solution to lasting peace. The March 2005 Report of the Sudan Joint Assessment Mission (JAM) evaluated that around four million individuals had been displaced from (or inside) southern Sudan by the 1983 to 2005 civil war amongst northern and southern Sudan. Following the marking of the Comprehensive Peace Agreement (CPA) in January 2005, IOM computed that both North-South and South-South return developments remained at nearly 1.9 million.¹⁰³ Chimni reflected that

¹⁰²Elke, Grawert. *After the Comprehensive Peace Agreement in Sudan*
<http://www.iwim.uni-bremen.de/Tchokam/AfterCPATitle%20Pages%20&%20Intro.pdf>
accessed on 13th April 2016.

¹⁰³IOM tracking of spontaneous returns project: Total returns to South Sudan post CPA to June 2009 ,
Published on 18 Aug 2009.

“as conflicts come to an end, displaced people are generally expected to return to their places of origin and return to normality, peace and stability”. According to Sussane, many people do return, either spontaneously or through organized programs.

A study by Ingrid Wits indicates, “that the return initiative was so overwhelming such that it was hard to have correct data on what number of returnees there were on account that it was hard to measure and due to vulnerability regarding how to characterize citizenship.”¹⁰⁴The circumstance in the nation was confounding because of the high number of returnees after the CPA and in light of the fact that some returned suddenly while others received help. The International Organization for Migration working in south Sudan came up with two major approaches of collecting, capturing and monitoring the movements of returnees. This includes En-route Tracking and Area of Return Tracking.

3.10: The Challenge to Reintegration after the Return Home

The concept of return has a connotation of going back to a place you call home. According to Richard Black and Khalid Koser, this notion of return home at its simplest represents a return to the refugees nation of source; however more by and large, it is viewed as more particular than that including the place of cause, maybe the refugees

<http://reliefweb.int/report/sudan/iom-tracking-spontaneous-returns-project-total-returns-south-sudan-post-cpa-june-2009>.

accessed on 12th May 2016.

¹⁰⁴Urban and rural post-war integration in south sudan: case studies from juba and Yei county, [IngridWitsø](https://brage.bibsys.no/xmlui/bitstream/handle/11250/187875/Ingrid%20Wits%C3%B8.pdf?sequence=1&isAllowed=y)
<https://brage.bibsys.no/xmlui/bitstream/handle/11250/187875/Ingrid%20Wits%C3%B8.pdf?sequence=1&isAllowed=y>

accessed on 11th May 2016.

claim house or land that was relinquished at the season of flight. This place called home may have both social or otherworldly importance for the returnees and in addition being the returnees claim property saturating it with a financial centrality.¹⁰⁵

For Sudanese returnees going home meant going back to their original land and communities from which they dispersed. Most had an origin and an ancestral place to which they claimed attachment. Their expectations and aspirations were to pick up the pieces and put back their life together; not to find strangers on their home forcing them to languish in temporary IDP camps in their own country. Interviews held in Kakuma with respondents from Bari and Mandi communities of Equatoria indicated that when they returned home they found that some members of the SPLA or their relatives had taken over their houses and land. The SPLA officers were quick to point out to them that they fought for the land while the Equitorians fled to exile. One of the interviewees said that he went to court to have his property reinstated, but the court insisted that he must compensate the new occupier.¹⁰⁶ These interviews reinforces the views that some of the returnees did not enjoy homecoming feasts, but were harassed and turned back to exile.

Some returnees to south Sudan indicated that they had no problem settling down and that their land was intact. Mostly these were the Dinkas who remained to prosecute the guerilla war and protected their community land.¹⁰⁷ They were also content with the justice system unlike other respondents from other communities who perceived the SPLM/A as an alien government which belongs to the Dinka. A Shilluk elder interviewed

¹⁰⁵ Richard, Black and Khalid, Koser. *End of Refugee cycle?: refugee Repatriation and Reconstruction*, NewYork. Oxford 1999, p98.

¹⁰⁶Security Level A1. Interviewed on 4 April 2017 at Kakuma.

¹⁰⁷Interview with Respondent 001 on 25 April 2017 at Zimmerman Estate Nairobi.

had this to say, “Salva Kirr is not the president of the Shilluk people; he is just a big Dinka chief.”¹⁰⁸

The intra and inter-ethnic suspicion and the apparent nature of class divisions in the society hangs over South Sudan like the sword of Damocles. Due to the emerging status schisms, the returnees could only find peace with those who had a sojourn in exile. They could boast of higher literacy levels and skills acquired while in their countries of refuge. However, their status was a mismatch with the status of those who stayed back home. This often bred hatred and animosity creating a situation of resistance to their reintegration and resettlement.

There were perceptions that the south Sudan government appeared to have forgotten the plight of the returnees after the referendum. The government encouragement for return home was a ploy to have the returnees vote for self-determination, which ushered in an era of another round of conflicts fanned by ethnic competition to access state power and patronage.

The government bias was also clearly manifest towards ethnic communities perceived to be troublesome to the Dinka administration hence their returnees could mean additional trouble. Biased application of the law also meant that non-Dinka were more oppressed than the Dinka. The propensity for jailing a Dinka was lower than that of jailing a non-Dinka who has committed a similar crime. Brosche opines that since it turned into the essential expert over Greater Upper Nile, the legislature of South Sudan has acted in a

¹⁰⁸ Security Level A1 interviewed at Zimmerman on 25 April 2017.

one-sided way Vis a Vis people group in the region. This inclination essentially originates from three different variables among them the character of the regime's historical and current dominance by the Dinka community and the numerous threats it is facing from rebellions.¹⁰⁹

It is imperative to acknowledge that returnees are naturally vulnerable people who have under gone traumatic experiences in exile. They endured harrowing circumstances while in flight from ethnic warfare and a regime that persecuted them. Their return home rekindles bad old memories interposed by optimism about the future. Their reintegration and resettlement is the priority of their government and not the responsibility of their neighbors who often feel threatened by their return. Instead of aiding the returnees, the perception was of a government taking sides to the detriment of the returnees. The returnee intimidation and persecution by the government and its agents was evident.

This being the case in South Sudan at the point of their return, it is apparent that the returnees felt intimidated by those who stayed home, by the SPLA and other state agents due to the comparative advantage they had over them. Little wonder then most returned to exile after independence of South Sudan.

¹⁰⁹John, Bosche.' Repatriation; Its Role in Resolving Africa's Conflict: Department of Conflict and Peace Research- Uppsala University ; *Journal of African Policy Studies* Vol. 13, No. 1, 2007, pp 19- 34.

CHAPTER FOUR

DISARMAMENT AND ITS IMPACT ON RETURNEE RESETTLEMENT

4.1: Introduction

Disarmament is essentially a military operation worried about the administration of arms and ammo, the devices of savagery keeping in mind the end goal to create secure and stable structures out of typically unpredictable quick post strife circumstances. This includes the gathering, control, and transfer of small arms and light weapons of battle.¹¹⁰

Small arms and light weapons owing to its non-conventional nature characterized the conflict in South Sudan throughout its execution. According to Nairobi Protocol, small arms and light weapons are those intended for individual utility and should incorporate light assault rifles, sub automatic rifles, including machine guns, full programmed rifles and ambush rifles and quick firing rifles. They might likewise incorporate firearms meaning; any compact barreled weapon that ousts or intended to remove or changed over to remove a shot, slug or shot by the activity of a stable or an unstable barring classical firearms or their replicas. It additionally implies some other weapon or damaging devise, for example, a dangerous bomb, combustible bomb or gas bomb, grenade, rocket launcher, rocket, rocket framework or mine.

The convention portrays light weapons as those conventional weapons intended for use by a few persons firing as a crew or as individuals. They also include assault rifles;

¹¹⁰ United Nations Small Arms Survey 1999:15

programmed ordinances, howitzers, canons of under 100mm bore, grenade launchers, anti-tank weapons and launchers, recoilless firearms, bore-fired rockets and air defense weapons. The definition advanced by the protocol appears to refer to highly sophisticated weapons usually in the service of national armies. Nevertheless, such weapons found their place in quasi-military personnel and civilians of South Sudan.

4.2: Origins of Small Arms and Light Weapons in Sudan

The origin of small arms and light weapons in Sudan and to a bigger extent in South Sudan is as old as the civil war itself. The mutinies of 1955 which begun in Torit by Southern soldiers culminated into a full-fledged civil war in 1963 was prosecuted with few and rudimentary weapons. From the outset, the mutinies produced retaliatory measures by the Khartoum government who carried out indiscriminate massacres against the south Sudan civilians in and around Torit who poured out into the bush to support Anyanya insurgents giving rise to more weapon demands. The Anyanya of the time had little external support and supplemented their weapon armories through occasional raids on police outposts and ambushes on army patrols in the south. They also attracted soldiers and police into their ranks who defected with their weapons from the army.¹¹¹ Nevertheless, the arms available to the Anyanya were not sufficient to deter the onslaught of the northern soldiers against the rebels and the civilians at the time.

The first major arms proliferation into the southern region was unwittingly by the Sudanese government itself. After the overthrow of General Abouds government by

¹¹¹ Douglas, Johnson. *The root causes of Sudan's Civil wars, Peace or Truce*, Boydell& Brewers Ltd. 2011, p 15.

communist leaning party, Sudan's foreign policy changed drastically and allied itself to communist support of dissidents in Congo. This saw the first shipment of arms over land to Simba rebels fighting the Mobutu government in Congo in 1965. The convoy of the consignment was on its way through southern Sudan when it was intercepted and captured by Anyanya. More weapons fell into the Anyanya control after the Simba rebels were defeated by the Congolese government forces. The Simba rebels escaped into south Sudan where they were disarmed by the Anyanya consequently increasing the latter arsenal.

The other phase of arms proliferation was again through the unintended consequences of inept foreign policy by the Khartoum government. Sudan had allied itself with the Arab nations in the 1967 war against Israel a move which infuriated the latter who consequently sent arms to Joseph Lagus Anyanya through Uganda.¹¹²

Around the same period, Kenya also supported the Anyanya insurgency covertly by fueling Israeli planes dropping food and weapons to the insurgents.¹¹³

After the first civil war ended through the Addis Ababa Agreement of 1972, there was a lull in the fighting and a halt in the arms race between the belligerents. However, some Anyanya members who refused to be coopted into the Sudan Armed Forces remained armed and continued low intensity warfare from Ethiopia. Nimaieiri's government did not prioritize disarmament after the peace agreement, but tactfully enjoined the armed rebels with the mainstream Sudan Armed Forces. The Agreement had a clause that required the

¹¹² Douglas, Johnson. *The Root Causes of Sudan's Civil War: Peace or Truce*, illustrated, revised, Boydell & Brewer Ltd. 2011, p23.

¹¹³ Scopas, S. Poggio. *The first Sudanese Civil war*, Palgrave Macmillan, 2009, p 161.

Anyanya rebels to be part of the national army and to operate from the southern part of the country. This provision together with other terms of the Agreement was abrogated through Nimeiri's intransigence when he ordered the transfer of former Anyanya from the south to the north a move culminating to another mutiny in Bor garrison in 1983.¹¹⁴

The Bor mutiny by the southern soldiers was essentially a revolt against the Khartoum government decision to relocate them to the north against the provisions of the Agreement. It is important to note that most of the soldiers in the southern garrisons were the remnants of the Anyanya rebels whose leaders such as Samuel Gai Tut and William Abdallah Cuol had fought in the insurgency as senior officers before. John Garang had been moved to the north and was a colonel in the military research in Khartoum. He was the one sent back to the south to quell the mutinies in Bor garrison. Garang who was part of the mutiny scheme in the first place arrived at Bor and joined his compatriots fighting under the command of Kerubino Kwanyin Bol and William Nyuon Bany. They were joined by Salva Kirr Mayadit a military Intelligence Officer and together they led their troops out of Sudan into Ethiopia to founded the SPLM/A.

At the time of the founding of SPLM/A the world was characterized by the bi-polar international political system. The international system pitted two protagonists the United States and the Soviet Union in a cold war fought indirectly through proxies and allies. It is within this context that Ethiopia fought against Eritrean People's Liberation Front (EPLF) and Tigry People's Liberation Front (TPLF). During the war, Ethiopia was

¹¹⁴Douglas, Johnson. *The Root Causes of Sudan's Civil War: Peace or Truce*, illustrated, revised, Boydell & Brewer Ltd. 2011, p78.

assisted with logistics by the Soviet Union while the rebels were assisted by the United States.¹¹⁵ The weapons channeled to Ethiopia also found their way into SPLM/A which was assisting the host in the war against the insurgency. On the other hand, Sudan found favour with the US government, which channeled weapons and other logistics to the former. The weapons were to support the insurgents in Ethiopia and the faction of Hissene Habre in Chad, pitted against Goukhoun Oudei a Libyan proxy. This period saw the internationalization of the Sudan conflicts and to an extension the conflicts in the horn of Africa. The weapons channeled to Sudan by the USA were later rechanneled to counter insurgents supporting the government in the south.

In Unity State the government channeled arms to rebels led by Riek Machar a breakaway faction from SPLM/A to be known as the South Sudan Democratic Forces(SSDF), the Miseriya tribe, Muharalin militia, Murle militia, Paulino Matip's Militia and Kerubino militia all ranged against SPLM/A and supportive of Khartoum. The counter insurgent militias also mobilized against civilian Dinka targets perceived to be supporters of SPLA. The SPLM/A reaction was to arm the civilians in its controlled areas as a counterweight to Khartoum sponsored militias.

In Lakes state the SPLM/A supplied weapons to civilians through armed youth known as the *Gelweng* recruited to protect the communities there. They provided the most required security to the local population while the SPLA concentrated their effort in the war with

¹¹⁵ Douglas, Johnson. *The Root Causes of Sudan's Civil War: Peace or Truce*, illustrated, revised, Boydell & Brewer Ltd. 2011, p135.

the north. By the time of signing the CPA in 2005 and the eventual cessation of the war, the Gelweng continued to retain their weapons.¹¹⁶

After the collapse of Mengistu Haile Mariam's Ethiopia the SPLM/A was expelled from the country owing to their supportive role of the vanquished regime. They moved to areas in Jonglei and Equatoria where they could access arms through Uganda and a significant arms cache was sent by Zimbabwe during this period. The Khartoum regime reacted by arming Lords Resistance Army (LRA) against Uganda who are operating in Equatoria region.

Before the partition of Sudan and South Sudan, it was assessed that there were near 1.9 and 3.2 million small arms available for use with around 66% of these in the hands of the regular people.¹¹⁷ In post-Independence South Sudan, weapons are still being supplied by the Khartoum government to civilian militias in the south around Malakal and Pibor to undermine the new regime in the South. The Khartoum government accuses the South of supporting rebels in Blue Nile, Nuba Mountains and South Khodofan. Other sources of weapons to civilians are the SPLA themselves by leaking weapons collected back to civilians for money.

¹¹⁶ O'Brien A. *Shots in the Dark: The 2008 South Sudan Civilian Disarmament Small Arms Survey*, January 2009 pg. 25.

¹¹⁷ Small Arms Survey. "The Militarization of Sudan: A preliminary Review of Arms Flows and Holdings, Sudanese Issue Brief no. 6 (Human Security Baseline Assessment April 2007).

4.3: Disarmament in South Sudan

For long-term post conflict resettlement and reintegration, the government or the victors in a conflict must embark on a sustained disarmament to reduce the probability of resumption of contentions. It is a straight procedure for disposing of the military abilities of the warring groups.¹¹⁸ This is achieved through various approaches among them; coercive, consensual, and compellance. The three are often undertaken by the United Nations Peace Missions within the wider context of the UN peacekeeping mandate. Coercion is rarely used by the United Nations Peace keeping missions, but can be invoked by the UN peace enforcement troops under what is often referred to as Chapter Seven. It is frequently sought after as a major aspect of wrongdoing reduction, peace keeping or peace bolster operations. It is typically administered only by security apparatus including formal law enforcement, military or peace keeping personnel. In many cases arms are collected and destroyed or recycled to the newly reconstituted armed services.

There are other incentives available to facilitate disarmament such as voluntary civilian disarmament. Voluntary disarmament is decentralized and often combines both individual and collective incentives. It may be conducted as part of a formal crime or peacekeeping intervention or can be designed to accompany a development program. Such programs often accompany amnesties, weapon buy backs or weapons for development. Voluntary disarmament does not often attract punitive measures as opposed to coercive disarmament.

¹¹⁸ Mark, Knight and Alparslan 'O'zerdeim. Guns, Camps and Cash; Disarmament, Demobilization and Reintegration of Former Combatants in Transitions from War to Peace. *Peace Research*, Vol. 41 number 4 July, 2004 , pp 449-516.

While using cash as an incentive particular care should be taken to ensure that the cash given will not attract illicit arms trade. The money given for old weapons should not be enough to buy new more weapons that are dangerous. Other approaches include the strengthening of cultural norms against the use of weapons.

Successful disarmament programs execute a realistic wide and adaptable time table to take into consideration delays in the culmination of the disarmament procedure and establishment of steady certainty building.¹¹⁹The procedure additionally includes timings for weapons accumulation and transfer while the area of cantonment site is likewise essential. Viable disarmament happens in situations where government powers, resistance gatherings, irregular outfitted local armies, furnished people and foreign powers are incapacitated instantly upon their landing in the assigned get together area to maintain a strategic distance from a relapse to war.¹²⁰

In the case of South Sudan disarmament did not seem to follow a particular pattern and a blend of all these processes were employed. More often than not the process ended up as coercive as the SPLA was highly mobilized to carry out the exercise. The presence of the United Nations in the country with their expertise in such matters was employed at this stage since their mandate ended at repatriation assistance to returnees. Where they were

¹¹⁹ Mark, Knight and Alparslan 'O'zerdeim. Guns, Camps and Cash; Disarmament, Demobilization and Reintegration of Former Combatants in Transitions from War to Peace. *Peace Research*, Vol. 41 number 4 July, 2004 pg 449-516.

¹²⁰ Ibid.

engaged in disarmament process like in the Lakes State there were some marked successes.

The South Sudanese process of civilian disarmament was characterized by three phases Which include specially appointed measures (ad-hoc) taken before 2008, the decree of disarmament crosswise over South Sudan and disarmament since 2008.

4.4: Ad-hoc Measures

Although the problem of small arms and light weapons became glaring after the 2005 Comprehensive Peace Agreement (CPA), it had endured for quite a long time. As mentioned earlier the SPLA armed civilian especially the youth (*Gelweng*) in the 1990s to defend the communities in Lakes state, the same arms were still in circulation by the year 2000 when the SPLA deployed three brigades to forcibly disarm them.

The Counties of Tonj, Rumbek, Cuibet and Yirol were incapacitated utilizing forceful strategies which resulted in the gathering of four thousand weapons.¹²¹

In Lakes State another cache of arms amounting to three thousand six hundred was recovered from the Gelweng through a mixture of coercion and consultation in the year 2006 to 2007.

The process of disarmament progressed from Lakes State to Jonglei with the SPLM/A hoping to ride on the temporary success of the disarmament of the former state. The disarmament impetus in Jonglei was a reactive measure informed by the impending

¹²¹ 'O'Brien A. *Shots in the Dark: The 2008 South Sudan Civilian Disarmament Campaign* Small Arms Survey, January 2009 pg 25.

conflicts between the Dinka of Duk County and Lou Nuer. In 2005 the Lou Nuer requested to cross the Dinka area with their cattle in search of pasture as had been the tradition during the dry season. The Dinka demanded that the Nuer disarm first before passing through the area. The Nuer refused to accede to the demand insisting that such had never been the case in preceding years. The Nuer demanded that for them to lay down their arms the other communities in the area should also follow suit. They contended that for them to disarm before the Murle who happens to be their traditional adversaries, would be laying themselves open to attacks. In May 2006, the SPLA moved in and clashed with the Nuer in the form of White Army. In the ensuing clashes, 113 White Army fighters were killed against one SPLA soldier.¹²² The White Army retreated while looting and destroying property on their path. Similarly, the SPLA also looted and killed civilians as they pursued the White Army. With this confrontation in mind the County Commissioner of Akobo demanded that the SPLA withdraw and the disarmament to be carried out through voluntary means by UNMIS. Furthermore, by 2006 South Sudan had created a bureau for civilian disarmament, which could carry out the process with a human face.

The bureau was mandated to carry out nonmilitary personnel disarmament, small arms control and group security. It was to be guided by such standards like voluntarism, encouraged through comprehensive refinement, awareness and conference crusades to the most astounding degree conceivable and not produce group frailty using un justified power or absence of appropriate stockpiling of gathered weapons.

¹²² Edward, Thomas, South Sudan. A Slow Liberation, Zed Books Ltd 2015, p 146.

Another managing guideline was that disarmament should upgrade and not hamper the development of the governance of law and should therefore be done with full respect to the fundamental rights as captured inside the interim constitution of South Sudan-while a lawful reason for regular citizen arms ownership ought to be set up and received by the administrative body. Other measures incorporated a comprehensive approach including the association with the security; peace profits and small arms control measures and techniques. Another rule was a people driven and participatory approach including group policing instruments.

Efforts by UNMIS and the bureau to conduct peaceful disarmament did not attract much cooperation and by the year 2008 the civilian in South Sudan were still heavily armed. The reasons for armament were continued insecurity, gun culture where the gun was perceived as a sign of masculinity, lack of rewarding incentives by the government to those who voluntarily disarmed and the breakdown of cultural norms and values where traditional chiefs and elders were no longer respected hence un able to order the youth to lay down their arms.

4.5: The Presidential Decree

The presidential decree was announced on 22 May 2008 by Salva Kiir with a view to initiate a comprehensive disarmament within the ten states of South Sudan. The decree called for the governors of the states to collaborate with the SPLA to peacefully disarm the civilians.¹²³

¹²³ Small Arms Survey. "The Militarization of Sudan: A preliminary Review of Arms Flows and Holdings, Sudanese Issue Brief no. 6 (Human Security Baseline Assessment April 2007).

According to Saferworld Survey the decree did not give any direction on how the procedure ought to be composed; therefore each state completed the disarmament procedure utilizing different techniques resulting in shifting outcomes.¹²⁴

In Lakes state for example, the chiefs initially voluntarily spearheaded the disarmament. However, few weapons were collected from towns but none were collected from cattle camps leading to partial disarmament. The partial disarmament led to involuntary disarmament with SPLA soldiers surrounding Rumbek town and ordering everybody to stay at home. The disarmament became violent when SPLA started disarming the local police and in the ensuing skirmishes, many people lost their lives. Meanwhile the SPLA also engaged in looting and destroying property before they were ordered out of the town.

In Unity State, matters were not different either. The SPLA surrounded villages at night suspected to be holding weapons and would carry out house-to-house searches in the morning. The process was coercive but like other towns did not yield much weapons due to civilian resistance.

In Jonglei state, the 2008 disarmament crusade was constrained because of security worries inside the state. The process was also hampered by poor infrastructure where the SPLA was unable to penetrate the hinterland especially during the wet season. Most of Jonglei State is inaccessible during the rainy season and therefore the SPLA had to postpone the exercise until the dry season. During the dry season, communal violence escalates in the region since that is the time for cattle raids and therefore impossible to

¹²⁴Saferworld, (UNDP 2012 Report) Civilian Disarmament in South Sudan: a Legacy of Struggle, February 2012.

disarm people whose security concern is of primary importance.¹²⁵ The timing was wrong since most of the people could not voluntarily surrender their weapons. However, about two thousand weapons were collected in Akobo, Pibor and Duk Counties.

In Eastern Equatoria, two communities were at war and the SPLA intervention caused confusion as some of the belligerents fired at them. In retaliation, the SPLA stormed the towns and carried house-to-house searches. The SPLA action was extremely cumbersome with homes wrecked simultaneously. Meanwhile in Western Equatoria State, the disarmament decree was simply rejected due to insecurity posed by the Lord's Resistance Army (LRA) operating in the area while in upper Nile and Bhar-Al Ghazal disarmament did not take place at the time despite the presidential decree.

Disarmament after 2008 was through another presidential decree, which targeted Unity, Warrap and Lakes States in 2011 and collected three thousand weapons only.¹²⁶ This amount of weapons collected is a drop in the ocean considering that the illegal weapons in circulation within South Sudan are estimated to be in millions.

4.6: Impact of Arms on Returnee Resettlement

The unsuccessful disarmament program in South Sudan left many uncollected weapons in the hands of civilians and mushrooming rebels all over the country. The impact of these arms in the hands of civilians was that the security of the citizen and most importantly that of the vulnerable returnees was thoroughly compromised. Most of the refugees had been enjoying a life of relative peace in exile where their camps or areas of

¹²⁵Edward, Thomas. *South Sudan, A Slow Liberation*, Zed Books Ltd 2015.pg.120.

¹²⁶ Saferworld, Civilian Disarmament in South Sudan: a Legacy of Struggle, February 2012.

refuge were protected by the host countries. Those who were born in exile had no experience of the horrors of the war, which was unfolding in their home country to which they had returned.

The proliferation of small arms and light weapons created a prohibitive environment, which is not conducive to safe return and reintegration. Those who had gone to resettle in their lands in the periphery were soon confronted with marauding armed gangs who dispossessed them of their property especially cattle. To escape the delicate security situation, they opted to congregate into the towns, which were relatively secure while others went to IDP camps within the country.

Some interviewees' accounts attest to the fact that many people were armed and crime levels were very high. The armed militias prevented the returnees from accessing their land, which had been alienated by those who remained in the country during the war.¹²⁷

Others (7 interviewees from Equatoria) separately narrated about how senior military officers and their relatives refused to vacate the lands, which formerly belonged to their families.¹²⁸ The soldiers alluded to the fact that they shed their own blood to liberate the land from Arabs and were not ready to return it to those who escaped from the country during the war. Most unfortunate is the fact that even the courts were unable to reinstate the properties to them. The returnees were more often threatened with violence while others were attacked and killed for insisting on resettling in their lands.

¹²⁷ Informants from Upper Nile coded as Upper Nile 1, 2,3, 4 ,5, 6 . Interviewed on 12th -15th May 2017 at Lang'ata, Zimmerman.

¹²⁸ Interviewees Security Level A1, A2, A3, A4, A5, A6, A7 10th- 22nd April 2017 at Kakuma,.

Most returnees especially those of Dinka origin claimed that they were well received by their relatives back home, however hostilities crept in after the returnees proved to be more educated and could easily get jobs in the skilled labor market.¹²⁹ The sort of competition offered by the returnees was no longer welcome and most were violently targeted by the communities, which had embraced them initially. The attitude towards returnees forced them to move to towns as secondary IDPs where they lived in crowded places especially in Juba Pibor and Rumbek.

For the Equitorians, most of them especially the Madi and Bari whose ancestral homeland is around Juba were more affected since the land was more valuable. They were forcefully resisted by the new occupiers.¹³⁰ One of the interviewees a Bari was ordered to return to exile where he had come from.¹³¹ When he refused to return to exile his son was shot dead. The court could not help him since the judge was threatened with violence. The judge advised the returnee to compensate the forcible occupier or just get an alternative land. The returnee retraced his route back to Kakuma where he is still living as a refugee.

Another interviewee revealed that he and his family arrived back in a group from USA to assist grow the economy of his country. They established themselves at Pibor where they opened businesses in locations they named Nebraska and South Wales. One night the White Army militias attacked and in the ensuing violence some of the members of the

¹²⁹ Interview with a Respondent number 001 on 23rd April, 2017 at Kakuma.

¹³⁰ Interview with Respondent number 002 on 23rd April 2017 at Kakuma.

¹³¹ Interview with Security Level 8, on 28th April 2017 at Kakuma.

group were killed and their houses burnt. The entire settlement was destroyed and they had to flee the country as refugees to Kenya and Uganda.¹³²

In 2009, South Sudan encountered its most exceedingly awful interior brutality since the Comprehensive Peace Agreement (CPA) was marked in 2005, when somewhere in the range of 2,500 individuals were murdered, and more than 350,000 were displaced during clashes.¹³³ Half of those displaced or murdered were from Jonglei state. The most extreme clashes occurred between the Lou Nuer and Dinka, the Lou Nuer and Murle, and Lou Nuer and Jikany Nuer. The period was set apart by an increase in the power and frequency of assaults and a move in focusing on strategies. Whereas thieves once centered exclusively around rustling cattle, assaults turned out to be ethnically determined.¹³⁴ According to Care International, Jonglei's conflicts between communities comes from battles over rare resources, however this is accentuated by the militarization of society.¹³⁵ By excellence of the common war from 1983 to 2005, and also foreign warriors taking refuge in the nation, small arms have multiplied in the region, many

¹³² Interview with a Respondent number 003 on 24th april 2017 at kakuma.

¹³³HRW (Human Rights Watch). (2012). 'South Sudan: End Abuses by Disarmament Forces in Jonglei.' 23 August.

¹³⁴Rolandsen, Ø. & Ingrid, M.A *Critical Analysis of Cultural Explanations for the Violence in Jonglei State, South Sudan*. In Conflict Trends No. 1 Durban: The African Centre for the Constructive Resolution of Disputes 2012 pg. 20.

¹³⁵Jon D. (2007). *Nuer Journeys, Nuer Lives*, Pearson Education, Inc., Boston, MA Jonglei State. South Sudan: UNMISS. June.

falling under the control of regular folks.¹³⁶ A disarmament program started in March endeavoring to handle this, yet has so far had constrained achievement.¹³⁷

A report by Human Rights Watch for February 2009 indicated that over two million IDPs had returned to South Sudan by that year, but 10% of the returns had led to secondary displacement.¹³⁸ Another report by IRIN dated 2nd October 2008 indicates that the conflict in Magwi County of South Sudan takes diverse forms; returnees may find their land occupied by earlier returnees or members of the host community who have taken over the land. The report also states that in some areas especially close to Aswa River, Madi returnees were prevented from returning to their from Uganda by armed occupants.

Most of the interviewees alluded to the fact that lack of security by government of South Sudan made them return to exile. Four of them alluded to a government policy on security, which encouraged people to protect themselves from mostly armed militias. This led to mushrooming of armed vigilantes who also presented another threat to their security.¹³⁹

From the account of interviews, Human Rights Watch, media reports and Small Arms Survey reports it is evident that the government did not carry out a comprehensive disarmament hence the escalation of insecurity. The communities were not willing to disarm for fear of being attacked by other communities who had not disarmed. The

¹³⁶Citizen. (2012). CID Police Personnel Clash with Arms Smugglers on Juba-Bor Road. 7 September.

¹³⁷ AI (Amnesty International). (2012). South Sudan: Strengthen Human Rights and Accountability Mechanisms: Human Rights Council: Establish an Independent Expert Mandate.' AI Index: AFR 65/004/2012. 21 September.

¹³⁸ Human Rights Watch (February, 2009).

¹³⁹ Responses from Interviewer numbers 004,005,006,007 interviewed on 24th April 2017 at kakuma.

government emphasis on self-help is an abdication of duty since it inadvertently allowed other centers to control the instruments of violence. It is only the government which has the legitimate monopoly of these instruments of violence, otherwise will be a state of anarchy and chaos and such is not an environment for a successful resettlement and reintegration of returnees.

CHAPTER FIVE

CHALLENGES OF THE PEACE AGREEMENTS ON RETURNEE REINTEGRATION AND RESETTLEMENT

5.1: Introduction

The signing of the Comprehensive Peace Agreement (CPA) in 2005 in Nairobi was a culmination of over a decade intervention by Inter Governmental Authority on Draught and Development (IGADD) the predecessor of IGAD. It gave hope to the people of Southern Sudan and high optimism coupled with great expectations in the international community that finally the elusive peace would come to Sudan and act as a model for peace agreements in Darfur and other conflict-ridden parts the country. However, the great optimism and expectations were guarded as the world watched with abated breath the unfolding events towards the signing of the peace agreement. It will not be lost to the mind that other initiatives to bring peace to Sudan had collapsed even before the ink dried. A brief overview of the peace making initiatives indicate that several attempts have been made throughout the long history of the second civil war beginning with the Transitional Military Council(TMC) initiative. In 1985, the TMC which overthrew the Nimeiri dictatorship engaged the southern rebels to join the legislature and resolve their grievances gently.¹⁴⁰This initiative collapsed owing to the regime failure to repudiate the enactment of sharia law and defense treaties with the Arab countries. The regime also refused to agree to holding of a constitutional conference.

¹⁴⁰ John, Young. *Sudan Peace Process; An Evaluation*, Institute of Governance Studies, Simon Fraser University, Vancouver Canada 2007, p.90.

In March 1986, another inward exertion settlement building occurred at Kokadam in Ethiopia between National Salvation Alliance (an umbrella association of gatherings that overthrew the Nimairi regime) and the SPLM/A. An agreement was reached on all the SPLM/A requests; however, the failure of Democratic Unionist Party (DUP) and the National Islamic Front (NIF) to take an interest in the process undermined these accomplishments.¹⁴¹ The best opportunity for ending the war was DUP/SPLA agreement in November 1988 in Addis Ababa. Nevertheless, the prospect for peace was faced with dissent in Sadiq Al Mahdi's ruling party and the opposition of National Islamic Front (NIF), consequently forcing him not to implement the accord. Nonetheless, given prevalent assessments for peace and the development of Umma-DUP coalition the National Assembly supported the Agreement in August 1989. In the meantime, as the sacred conference progressed, a gathering of armed force officers with ties with NIF overthrew the legislature and introduced General Omar Al Bashir as the new pioneer.

The overthrow of Ethiopia's Mengistu Haile Mariam in 1991 saw a schism within SPLM/A which seriously weakened the movement that enjoyed his support. The concerns of near collapse of SPLM/A after the withdrawal of Ethiopia's patronage prompted the OAU chairman Ibrahim Babaginda to offer and hold peace in Abunja in May- June 1992.¹⁴² With the weakened SPLM/A represented by factions of Riek Machar and John Garang the confident Government of Sudan proposed that the constitution should be based on sharia law. Both rebel factions pressed for a secular democratic

¹⁴¹ Justin, D. Leach. *War and Politics in Sudan, Cultural Identities and the Challenges of the Peace Process*, I B Tauris 2011 p 26.

¹⁴² Douglas, H. Johnson. *The root Causes of Sudans's Civil Wars, Peace or Truce*, Boydell& Brewer Ltd 2003, p 120.

system and the right for South self-determination. However, with Khartoum rejecting both secularism and self-determination the talks collapsed. The second Abuja initiative a year later also collapsed although it had exempted the south from specific arrangements of sharia law. The SPLM/A rejected Khartoum federalist approach and required a confederation and mainstream Democratic legislature of “New Sudan”. This is the background upon which the IGADD initiative was launched at the Addis Ababa summit of 7th September 1993. It created a Peace Committee made up of the Heads of State of Ethiopia, Eritrea Uganda and Kenya with President Moi as the Chairman.¹⁴³

In March 1994 a standing Committee on peace in Sudan was launched in Nairobi with Kenya’s Foreign Minister Kalonzo Musyoka as the Chairman while the talks began in earnest. During the talks, IGAD proposed the Declaration of Principles (DoP) which recognized the privilege of southern Sudan to self-determination dependent upon the legislature refusal to introduce secularism and Democracy.¹⁴⁴ The government side rejected the DoP and a stalemate ensued for four years while the conflicts escalated as the SPLM/A and the government tried to gain more ground in the battlefield to enhance their preponderance on the negotiating table. The SPLM/A constructed relations with the National Democratic Alliance (NDA), a free coalition of northern resistance powers while Khartoum pursued what it called a “Peace from Within” initiative. The initiative prompted the consenting to of the Khartoum Arrangement in 1997 with the South Sudan Independent Movement (SSIM) of Riek Machar and other littler freedom gatherings. The

¹⁴³ Ann, Mosley, Lesch. *The Sudan: Contested National Identities*. Bloomington: Indiana University Press 1998 p179.

¹⁴⁴ Justin, D. Leach. *War and Politics in Sudan, Cultural Identities and the Challenges of the Peace Process*. I B Tauris 2011 p 198.

government also signed another agreement referred to as the Fashoda Agreement with Lam Akol of SPLM United. The most important aspect of the agreements is the acknowledgement of the South's self-determination and its entrenching in the country's constitution in 1998. Although the Khartoum Peace Agreements in many ways served as the model of CPA, it did not gain regional and international legitimacy. With this in mind and a mutually hurting stalemate with the SPLM/A forces as well as regional isolation, the government returned to the negotiating table and accepted the DoP as the basis of negotiations in May 1998. The DoP became the critical foundation blocks upon which the Machakos Protocol and the other five subsequent protocols rests.

5.2: Machakos Protocol (2002)

The Protocol required all parties to explore and seek after peace execution, which is to be led in ways that make the solidarity of Sudan appealing.¹⁴⁵ The instrument was marked in Machakos, Kenya, on 20th July 2002. Here the parties agreed on a wide system, putting forward the standards of administration, the transitional procedure and the structures of government and on the privilege to self-determination for the general population of South Sudan, and on state and religion.

It set up a six-year interval period [dated from 9 July 2005] amid which the southern Sudanese would have the privilege to represent legitimate interests in their region and take part fairly in the national government. Toward the end of this interval period, southern Sudan would have the privilege to vote in a globally monitored referendum

¹⁴⁵Johan, Brosché. CPA – New Sudan, Old Sudan or Two Sudan? - A review of the implementation of the Comprehensive Peace Agreement, in *Journal of African Policy Studies*, 2007, 13(1): 27-61.

either to affirm Sudan's unity or vote in favor of severance. In this regard, the Machakos Protocol endorsed the principle of separation from the state for the south only, a move that veers off the broader problems which ails the Sudan to meet the immediate needs of the National Congress Party. NCP would rather risk losing the south than risk an election against John Garang who was very popular not only in the southern region but also enjoyed a significant support from northern parties as evidenced by the pandemonium raised by his entry into Khartoum as the first Vice President after the signing of the CPA.¹⁴⁶

The self-determination provision in the CPA reduced the process to the narrow focus of north-south dichotomy without considering the plight of northern parties who fought against discrimination and marginalization alongside the southern insurgents. Their exclusion from the process would later pose security challenges with extensive ramifications to the resettlement of the returnees. In the eve of the CPA making, the Human Rights Watch observed, "the CPA plans to make citizenship, not religion or ethnic root the reason for rights in Sudan, responding to a limited extent to SPLM requests for a conclusion to minimization and segregation." Human Rights Watch opines that, by the CPA's prohibition of different parties most unmistakably the southern based political gatherings and southern ethnic civilian armies supported by Khartoum, the Darful rebels, the Eastern Benja Congress and Rashaida nonconformists and variety of other political gatherings at home and in a state of banishment made it substantially less than its "comprehensive " guarantees.¹⁴⁷

¹⁴⁶Douglas, H. Johnson. The root Causes of Sudan Civil wars, Peace or Truce, Boydell& Brewer Ltd. 2003, p40.

¹⁴⁷ Human Rights Watch, June 2005p 14.

The CPA also erred in giving prominence to the self-determination clause, which in the end became the central focus for most of the southerners and the ambitions of Garang's "New Sudan" whose unity emphasis was no longer attractive. However, the self-determination for the south meant that the northern comrades at arms were left to fight alone against the Khartoum Government with the Government of South Sudan providing clandestine support. Khartoum responded by supporting southern insurgents against the Government of South Sudan who wrought havoc and displacement not only of returnees but also of other population groups.

The prospects of self-determination for the south also triggered a massive exodus of returnees back to southern Sudan, in time to be counted in the national census to ensure participation in the referendum. The movement back south put a strain to the south government's resources as such numbers were not anticipated in the short run.¹⁴⁸ The government of Sudan, hell bent on complicating the matters to the southern regional government pursued a policy of harassment of southerners, which accelerated their return. The mass exodus from the North was largely coordinated by the UNHCR, which did not give the most needed assistance to resettlement since its mandate ended at helping facilitate movement from host country to the country of origin. The failure of the Government of South Sudan and the limited mandate of UNHCR left the returnees without much choice but to resettle in the camps for internally displaced persons and transit centers scattered throughout the South. The CPA did not seem to have anticipated

¹⁴⁸Lucy,Hovil. New Issues in Refugee Research; Research Paper No. 196 *Hoping for peace, afraid of war: The dilemmas of repatriation and belonging on the borders of Uganda and South Sudan* pp. 9-15

such an exodus either, since it had not provided for systematic procedures, timelines and the infrastructure within which resettlement was to take place. By giving self-determination prominence, the Machakos Protocol, which became the watershed for the CPA refocused the southerners mind set towards self-determination as opposed to unity.

5.3: Power-Sharing Protocol of (2004)

Signed in Naivasha, Kenya, on 25th September 2003, the instrument required Sudan to have both a national government with representation from the two sides of the north-south divide, and a different Government of Southern Sudan (GoSS).

Each of the two parties, NCP and SPLM would think of their constitutions; the Southern Sudan Constitution and state constitution both of which must follow the Interim National Constitution. A Government of National Unity was additionally to be framed and a decentralized arrangement of government set in place, which eventually would relinquish more power to individual states.

The instrument also stipulated the manner in which sharing of power was to be done. With regard to positions in the state governments, the positions were to be part in the rate proportion of 70:30 for the National Congress Party in northern states (20% for other northern parties and 10% for the SPLM).¹⁴⁹ A similar rate proportion was to apply in the Southern region, just that here the 70:30 would be supportive of the SPLM in southern states (15% for other southern parties and 15% for the National Congress Party).¹⁵⁰ In Abyei, the Blue Nile State and Nuba Mountains the division would be 55% for the NCP

¹⁴⁹Douglas, H. Johnson. The root Causes of Sudan Civil wars, Peace or Truce, Boydell& Brewer Ltd. 2003, p 168.

¹⁵⁰ Ibid

and 45% for the SPLM. The power sharing formula was retrogressive to harmonious co-existence especially where the two parties got the lions share to the detriment of the rest.

The protocol also established a bicameral national legislature composed of the National Assembly which would be comprised of specific percentages (NCP 52%, SPLM 28%, other northern parties 14%, other southern parties 6%).¹⁵¹ It stipulated that two representatives from each state would be represented in the Council of States. The government would be run by an executive, which would consist of the Presidency and the Council of Ministers. Two Vice-Presidents would be appointed by the President. The chair of the SPLM would become the First Vice President. The protocol stated that elections would be held by the end of the third year of the interim period. The two parties in utter disregard of the CPA pushed the election by one year inadvertently disempowering the spirit of the agreement. The event signaled the two party's dictatorial inclination and sowed seeds of discord among the citizenry who anchored for future resistance more to the detriment of the returnees.

The power sharing protocol was fraught with danger for the South since it was not comprehensive enough to cater for those other armed groups who were not in the negotiating table. It is important to note that there was a proliferation of armed militias in the south by the time of signing the CPA. The militias' allegiance was to their tribes or those commanders who hail from their communities and often times mobilized against the SPLA perceived to be a Dinka army. With the CPA excluding these groups in the

¹⁵¹Johan, Brosché. CPA – New Sudan, Old Sudan or Two Sudan? - A review of the implementation of the Comprehensive Peace Agreement, in *Journal of African Policy Studies*, 2007, 13(1): 27-61.

power, sharing deal the situation in the south could not improve to entertain successful returns and reintegration. Although the power sharing issue was addressed through the Juba Conference of 2006, which provided for inclusion of the militias in SPLA, many of these militias continued to be loyal to their leaders. Wassara, Al-Abdin¹⁵² typifies this approach to Uganda in 1986 after it came out of civil war and was a habitat to multiple armed militias. The Ugandan answer to confront this issue became the famous “broad base” concept. It was an encouragement to merge armies to join the new political order, yet on two conditions: in the first place, regardless of whether monarchist or warmonger, you keep your political ambitions, but you surrender your arms; second, you can have a share in political power as long as you surrender control over your civilian army. Wassara however reported that South Sudan was experiencing issues in her endeavors to replicate the broad base concept through what Salva Kirr called “the big tent.”

Wassara, Al-Abdin notes that, "the issue is that in South Sudan, different individuals from the big tent have kept their arms as well as their charge over their respective local armies... Every noticeable political heavy weight in the SPLM had his or her own particular state army, so much that one needed to ask; what happens if the heavy weight loses his position inside the SPLM? Or on the other hand loses a decision? The undeniable answer is that the politician leaves with his volunteer army.”¹⁵³ A case study

¹⁵²Wassara, Samson Samuel. Al-Abdin, Al-Tayib Zain. Post-Referendum Sudan National and Regional Questions, Coderia (December 29, 2014).

¹⁵³ Wassara, Samson Samuel. Al-Abdin, Al-Tayib Zain. Post-Referendum Sudan National and Regional Questions, Coderia (December 29, 2014).

being General George Athor who is reported to have gone into rebellion in the wake of losing an election to be the governor of Jonglei state. He promptly drove his local armies into rebellion assaulting Malakal in the oil-delivering territory of Upper Nile. The contentions, which resulted left thousands, displaced and others slaughtered. The ensuing mayhem hindered the resettlement and reintegration of returnees in Upper Nile.

The CPA also excluded critical representation from other political players and civil society groups. In the process of state building the civil society plays a significant role in creating a conducive environment by ensuring that the aspiration of the people are taken into consideration. Summarizing the part of civil society in the peace procedure, Hassan Abdel distinctly said and I quote;-

“Civil society influence on the Naivasha process that led to the CPA was ultimately very limited. Like the northern opposition, political parties, civil society was marginalized, perceived by the government as backing SPLM/A positions on the main obstacles in the negotiations: religion and the state, wealth distribution, democratic transformation and accountability. Moreover, the other IGAD countries shared similar views to Sudan on the roles and rights of civil society, whose engagement in briefings and informal sessions was only made possible after the wider international community became involved. Various civil society meetings and forums created for civil society actors, such as the series of meetings convened by Justice Africa in Kampala from 1999, were to a significant extent a response to the exclusion of civil society groups from the peace talks.”¹⁵⁴

¹⁵⁴ John, Young. *Sudan Peace Process; An Evaluation*, Institute of Governance Studies, Simon Fraser University, Vancouver Canada 2007, p.45.

A vibrant civil society acts as a bridge between people and the political elites; they embody trust in that, they more often play a neutral role in the national body politics. By ignoring the civil society groups the NGOs and international organizations, which had stood with the south Sudanese people through their perilous history, the architects of the CPA inadvertently created a climate of mistrust. After the referendum that was, universally accepted, diverse communities could not find a common cause to rally behind a government leaning on the support of the SPLA alone. Without trust, they looked inward to the protection of their tribal militias within self- help relations, as was the case of South Sudan state. The presence of these alternative centers of power accelerated break down of law and order while chaos and anarchy reigned supreme displacing thousands of people throughout the country. The vulnerable returnees found refuge in IDP camps or proceeded back to exile.

The power sharing protocol in the CPA favored the NCP in that it assigned three groups of services (Sovereignty, Economic part and Service segment). The SPLM was to share with NCP impartially and subjectively to ensure that the southerners did not get a raw deal. Nevertheless, they were only appointed in low-key ministries like wildlife and animal resources while the CPA was trashed.¹⁵⁵ The result was more resistance from southern groups against the state further alienating the returnees. Furthermore, under a similar power sharing agreement, the NCP was accorded the privilege to have one of the ten governorships of the southern states. It chose the Upper Nile state through which it continued to control the oil resources of the south. NCP recruited the local militia of

¹⁵⁵ Matthew, LeRichie/ Matthew Arnold. *South Sudan from Revolution to Independence*. C Hurst & Co. Ltd. 2012, p 128.

Gordon Kong who practiced a scorched earth policy to displace the local population to create room for more oil infrastructure. None including the returnees of Upper Nile were spared.

5.5: Wealth Sharing Protocol of (2004)

Among the institutions, that the Comprehensive Peace Agreement set up was a National Land Commission, the Southern Sudan Land Commission and state land commissions. For the purposes of managing the vast oil resources in Sudan, the instrument established a National Petroleum Commission. A simple framework would guide the Commission where 2% of oil revenue would go to oil creating states in southern Sudan in extent to their yield. The remaining net revenue would be shared uniformly with half dispensed to the GoSS and half allotted to the national government. The instrument stipulated that the Government of South Sudan had no power to arrange any of the oil leases conceded by the national government before the CPA.

The instrument outlined the taxes that could be collected by states. The National Government would gather revenue from individual wages, corporate and customs charges; the GoSS then again would gather revenue from individual pay charges, extravagance assessments and business imposes in southern Sudan. A commission to ensure the transparency of accumulation and utilization of revenues will be formed. Two saving money frameworks would be shaped in the two areas, with the Bank of Southern Sudan as a branch of the Central Bank of Sudan.¹⁵⁶Two separate currencies in the north

¹⁵⁶Johan, Brosché. CPA – New Sudan, Old Sudan or Two Sudan? - A review of the implementation of the Comprehensive Peace Agreement, in *Journal of African Policy Studies*, 2007, 13(1): 27-61.

and south were to be recognized until the point when the Central Bank had planned another currency that reflects the social cultural diversity of Sudan. There were provisions for establishment of a National and southern funds for reconstruction and development purposes, the two would be established along with two multi donor trust funds.

Although the wealth sharing as stipulated in the CPA was very elaborate, the issues of state wealth goes hand in hand with territorial jurisdiction. This, the Comprehensive Peace Agreement failed to address adequately. Of particular concern was the location of the oil resources which each party wanted to possess. Dispute related to oil have become a source of conflict in the north-south border region because about 75% of Sudan's oil is produced below the old colonial line that divided north and south and became the border between the two countries after the partition.¹⁵⁷

Johnson contends that an accurate division of oil revenues depends in part on a clear definition of the borders of both the South and Abyei area. The North-South border was supposed to revert to the provincial borders that existed at independence in 1956, while the borders of Abyei were to be set by a boundaries Commission¹⁵⁸.

The protocol on the boundaries was signed on 26 May 2004. The Protocol was to come up with the Abyei Border Commission, which would redefine the Abyei region. The region was, in the course of the interim period, to be accorded special administrative status.

¹⁵⁷Lebon, Nelson Moro. "Still Waiting for the Bonanza: The Oil Business in South Sudan after 2005" *South African Institute of International Affairs, Occasional Papers*, No.156, 2003.

¹⁵⁸ Douglas, H. Johnson. *The Root Causes of Sudan's Civil Wars Peace or Truce*, Boydell and Brewer Ltd. UK 2003, p. 46.

The region would be represented in the legislature of the Southern Kordofan and Warap states. The residents of Abyei would take part in a referendum after the six years interim period. The purpose of the plebiscite was to determine regardless of whether to keep up her exceptional regulatory status in the north or turn out to be a piece of Bahr al-Ghazal state in the south.

Since the area was among the debated areas and a rich oilfield, wealth sharing of oil revenue from Abyei would be part between the north and south in a rate proportion of 50:42. The remaining rate was to be apportioned to different states and ethnic groups as Ngok Dinka, Misseriyya, Bahr al-Ghazal, Southern Kordofan and western kordofan.

The main challenge to these provisions was that the CPA did not provide practical solutions on how the boundaries of the disputed areas would be resolved through the various Commissions. For example, the Abyei Boundary Commission was entrusted to characterize the Ngok Dinka domain as it had been in 1905. Johnson hypothesizes that as there were no living witnesses who could affirm, and contemporary documentation was scanty, this parameter left extensive space for contention.¹⁵⁹ The hardline positions taken by the two sides on the limits of the Abyei boundary led to Bashir's and NCP rejection of the Commission report and by the year 2007 the border issues blew into open hostilities leading to skirmishes between Sudan Armed Forces and SPLA. Mathew Le Richie contends that tensions escalated in mid-2007; of particular concern were SAF forces heavily concentrated just north of Abyei, and SPLA lingering inside South Kordofan

¹⁵⁹ Douglas, H. Johnson. *The Root Causes of Sudan's Civil Wars Peace or Truce*, Boydell and Brewer Ltd. UK 2003, p. 39.

state.¹⁶⁰ The presence of the opposing forces, the mobilization of Popular Defense Forces (PDF) militia, the Misseriya militias and the growing threat of an open war inevitably kept off returnees from the area.

5.7: Security Arrangements (2003 & 2004)

The Agreement on Security Arrangements was signed in Naivasha, Kenya on 25 September 2003. It among other things provided for the arrangement of Joint Integrated Units (JIUs) of 21,000 soldiers with equal numbers drawn from the Sudan Armed Forces (SAF) and the SPLA. This was to occur inside the six-year break period. The units were to be sent to delicate areas, for example, the three disputed areas and would be jointly positioned but maintain separate command and control structures.

The instrument stated that should the south decide against secession, which is after the interim period, the JIUs would unify into a stronger force of 39,000 troops.¹⁶¹ The SAF and the SPLA would likewise keep on operating as partitioned armed forces with both considered as part of Sudan's National Armed Forces. Every armed force was to be scaled down and the parties were to concoct a measure to execute demobilization, disarmament and reintegration (DDR) programs. The instrument was helpful to formally derecognize and tolerate some other armed groups outside the umbrella of the three services.

The instrument additionally stipulated for a development of Committees to lead a perpetual end of threats between the SAF and the SPLA. The councils would be

¹⁶⁰ Matthew, LeRiche/ Matthew, Arnold. *South Sudan from Revolution to Independence*. C.Hurst& Co. Ltd London 2013, p. 65.

¹⁶¹ Ibid.

responsible for implementation and oversight. It is critical to take note that amid the CPA arrangements Garang refused to demobilize the SPLA arguing that it was to act as the peace guarantor to the South, which meant that the SPLA was left intact and all members could be integrated into a joint SAF/SPLA unit. However, the JIU was neither joint nor integrated. The two sides provided some soldiers for the integration, but lack of trust between the leaders and suspicion between them prevented the formation of a robust integrated unit. It became only integrated in name and was largely ineffective. LeRichie argues that the unit eventually became a security threat in areas where they were deployed rather than a provider of security.¹⁶² He further contends that from the beginning the SPLA argued that SAF participation in JIU was dubious based on allegations that SAF members were actually remnant SSDF militias that had never been integrated in SAF as per the CPA provisions dealing with armed groups.¹⁶³ The fractiousness of JIU came to the fore when on several occasions the SAF and SPLA components fought each other. For example in 2006 in Malakal over 100 people were killed during fighting between SPLA and SAF JIU components the latter belonging to the SSDF dissident militia commander Gabriel Tang.¹⁶⁴

The major problem of the CPA was the non-recognition of other players in the Sudanese war theater. The agreement only recognized the SPLA and the SAF who were to form the JIU, but left out what was commonly referred to as Other Armed Groups (OAG) mainly comprised of SSDF and other smaller armed militias. Although the problem was later

¹⁶² Matthew, LeRichie. *South Sudan from Revolution to Independence*, Hurst and Company, London 2013, p. 102.

¹⁶³ Ibid.

¹⁶⁴ Douglas, Johnson. *The Root Causes of Sudan's Civil Wars*, Boydewll and Brewer Ltd UK 2011, p.59.

overcome through the Juba Declaration of 2006 where Salva Kirr attempted to coopt all the armed groups in the “big tent”, not all joined the process. Even those who joined or got integrated into SPLA later disintegrated and became dissidents. Matthew LeRiche contends that; often the only apparent peaceful option was some kind of deal to reintegrate the dissidents and their forces, typically buying them off with positions and cash. This led to a cycle of integration, disintegration, resolution, cooption and integration: the same individuals and growing number of leaders defected only to return, collect pay-offs and defect again¹⁶⁵. Some commanders also used their militia to bargain for power with the government. Once they failed to acquire what they wanted, they would pull out and wage war against the state. A case in point is George Athor’s defection when he lost the gubernatorial race for Upper Nile. The other example is David YauYau a county official who led the Murle land rebellion after losing an election for a seat in Jonglei’s legislature.¹⁶⁶

Generally the movements of militias to the government and out of the government caused friction and often blew into open conflicts where civilians among them returnees were displaced and killed. The provisions of the CPA did not include a framework under which the various militias would be successfully integrated. Several displacements and bloodletting continued since the UN troops were overwhelmed by the multiplicity of insurgency.

The CPA in itself lacked the power to sanction any party for noncompliance. Undeterred therefore, NCP support to ethnic militias in the south continued unabated. Some ethnic

¹⁶⁵ Douglas, Johnson. *The Root Causes of Sudan’s Civil Wars*, Boydewll and Brewer Ltd UK 2011, p 95.

militias in the government payroll elected to join the national government and not the SPLA controlled southern region army and remained as potential tools of NCP ethnic agitated violence. A case in point is when in January 2006 Brigadier General Gordon Kong chose to join Khartoum government forces and continued to create havoc in Malakal and in the process displaced many returnees and the general populace at large. The displacements got tacit support from Khartoum administration in order to create room for a second oil pipeline and further oil exploration.

The CPA failure to provide for immediate withdrawal of forces from adversaries zones worked against security interests. The slow withdrawal process caused anxiety within areas controlled by occupational forces more so in south Sudan where over fifty thousand SAF soldiers camped. The withdrawal of forces was to begin in mid-2007. However, by the period SAF elements in and around Juba were openly supporting Lord's Resistance Army (LRA) to create instability in the region.

The CPA created a structural problem in governance heralding the prolongation of the NCP reign and to an extent that of El Bashir even as the country geared towards an election. For instance the CPA presented a six year interval constitution for Sudan which was endorsed by the legislature and entered into force in mid-2005 where power sharing between the two groups gave them 80% in the house.¹⁶⁷ With the numbers, Bashir became very powerful during the interim period. It gave him power to continue suppressing democracy to the chagrin of the opposition who resulted to violence as the

¹⁶⁷Johan, Brosché. CPA – New Sudan, Old Sudan or Two Sudan? - A review of the implementation of the Comprehensive Peace Agreement, in *Journal of African Policy Studies*, 2007, 13(1): 27-61.

only means of resistance. The ensuing uncertainty created fear among the population who included the more sensitive returnees.

Security matters in Sudan follow their underlying foundations in Sudan's history of socio-economic imbalances of the peripheries that began from the time before the independence, and that the peace arrangements couldn't correct.¹⁶⁸ After the transitional period, Benedetta De Alessi contends that, the military regime in Khartoum was reinforced and the minimized peripheries that had not picked up from the CPA, resurrected the utilization of arms against minimization, pushed by similar reasons that had triggered the first and second civil war in Sudan.

As early as 2007, Johan Brosché observed that, overall the implementation of the agreement was lacking in momentum¹⁶⁹. Other quarters argued that the CPA was meant to fail from the start. The argument is that while SPLM and NCP were the main parties present at the forming of the agreement, several important groups were not given a hearing or chance at the process.

A commonly noted structural flaw of the CPA was the undemocratic nature of its designing. The rationing out of representation to the two parties concluding the peace agreement – the SPLM and the NCP – had the potential to alienate other southerners and

¹⁶⁸Benedetta, De Alessi . The CPA Failure and the Conflict in Southern Kordofan and Blue Nile States, *UNISCI Discussion Papers, N° 33 (Octubre / October 2013) ISSN 1696-220*.

¹⁶⁹Johan, Brosché. CPA – New Sudan, Old Sudan or Two Sudan? - A review of the implementation of the Comprehensive Peace Agreement, in *Journal of African Policy Studies*, 2007, 13(1): 27-61.

cause further disillusionment with Sudanese democracy.¹⁷⁰ The fact of exclusion is well captured by the researcher Benedetta De Alessi who argues that the opposition in the North and the other marginalized areas were excluded from the negotiations, even if their cooperation was crucial to challenge the monopoly of power of the ruling NCP in the national institutions. According to the opposition, the Agreement signed between GoS and the SPLM/A was ‘comprehensive’ only in name while it was ultimately a deal between the North and the South and they decided not to endorse it.¹⁷¹ The rebels from Darfur and the East, at war with Khartoum on issues related to uneven power and wealth sharing with the center, like the South, decided to sign separate agreements after the CPA.

At the point when the CPA was being marked, The SPLM (which was considered 'the motor' of the normal democratization of Sudan)¹⁷² had formally constituted itself as a national political party, to work close with the ruling National Congress Party (NCP) and realize the double goal of peace and majority rules system cherished in the Agreement. One of the stipulations of the CPA was that only two armed forces would be legitimately recognized; these were the Sudanese Armed Forces (SAF) and the Sudan People's Liberation Army. No other military group would be tolerated¹⁷³. After south Sudan

¹⁷⁰Justin, Leach. War and Politics in Sudan: Cultural Identities and the Challenges of the Peace Process Volume 36 of International Library of African Studies, , Edition: illustrated reprint, Publisher I.B Tauris, 2012.

¹⁷¹The CPA Failure and the Conflict in Southern Kordofan and Blue Nile States, *UNISCI Discussion Papers*, N° 33 (Octubre / October 2013) ISSN 1696-220.

¹⁷² SPLM (August 2004): Strategic Framework for War-to-Peace transition, New Site, Kapoeta County.

¹⁷³The Comprehensive Peace Agreement, Between The Government of the Republic of The Sudan and The People's Liberation Movement/Sudan People's Liberation Army. Security Arrangement (2003/2004) Chapter VI, page 103.

seceded, several military groups were formed and owing to the high level of mistrust between the Parties, both armies, SAF and SPLA, maintained their troops outside the Joint Integrated Units.

The parties to the agreement did not transform themselves to democratic institutions, but were a mirror replica of the military hierarchy, which they inherited. Consequently, the military order failed to accommodate the civil society and other technocrats, a critical element in state foundation. Despite the signing of the CPA and subsequently becoming a ruling party, the SPLM seems to have maintained its pre-CPA politico-military high command hierarchy. For example, when the time came in 2005 to structure the SPLM-led national government, giving positions seems to have been done based on seniority in the Movement. This was demonstrated evidently when the positions of the president, vice president and the speaker of the National Legislative Assembly followed the order of this seniority.¹⁷⁴ This mirror image of the military tended to alienate civil bureaucracy and achieved more militarization of the state with its attendant fragility. Matters of the state and administration were dealt with through the military universe of command and force. The counterweight was a militarized response by the other armed groups supported by their ethnic back yards.

For the term of the war, SPLA veterans did most civil authorities and law enforcement position in the SPLA-controlled regions.¹⁷⁵ This means that military experience and

¹⁷⁴ The Sudd Institute, Special Report, South Sudan's Crisis: Its Drivers, Key Players, and Post-conflict Prospects, August 3, 2014.

¹⁷⁵ Justin, Leach. *War and Politics in Sudan: Cultural Identities and the Challenges of the Peace Process* Volume 36 of International Library of African Studies, , Edition: illustrated reprint, Publisher I.B Tauris, 2012, p 87.

position was used as a basis to forming the government that would spearhead the implementation of the CPA. Civilian leadership was ignored; individual aspirations, experience, merits and integrity were not considered. There was no place for democratic values or competitive politics. In a sense this mentality brought the understanding that initiative must be gotten to on the request of wartime position, implying that authorities can just climb the best stepping stool by toeing his authoritarian line. Hence there was little or no incentive by the new crop of SPLM leaders to take advantage of opportunities the CPA was offering.

There is a school of thought, which opines that the international community's focus is waning. The institutions that witnessed the signing of the CPA were the Inter-Governmental Authority on Development (IGAD), the African Union, the League of Arab States and the United Nations while the states present were Kenya, Uganda, Italy, the Netherlands, the United Kingdom, and the United States. Such articulated help transformed the CPA practically into a universal agreement.¹⁷⁶ However, there has been opinions that the international community did not offer adequate follow-up supportive role to the parties in the course of implementing the CPA.

Another school of thought subscribe to the possibility that Sudan's concern was fairly that of a nation's sovereignty and not only a pull between the SPLM and the NCP. That while the south was fomenting for self-determination, Sudan as a country might have been, as a result of her historical war torn past, battling with setting up her sovereignty. Benedetta De Alessi enhances this point by attacking the principal shortcomings of the CPA in

¹⁷⁶Hopkins, Peter. *Kenana Handbook Of Sudan*, Routledge 3 Jun 2014, p 93.

characterizing the sovereignty of Sudan. He states, that it makes the point that the contention in the supposed Two Areas - the North/South peripheral regions of Sudan that battled alongside the SPLM/A amid the nation's second war - is the direct result of the failure of the Comprehensive Peace Agreement (CPA). This did not address Sudan's issue of sovereignty past the north/south partition, both in its outline and implementation. Because of the CPA, neither peace nor majority rule government was reached in Sudan¹⁷⁷.

The people of South Sudan fought for both their freedom and the right to manage their own resources. They have fulfilled the first objective, but it is still unclear whether they have fulfilled the second. My conclusion is that it was highly ambitious for the parties signing the Comprehensive Peace Agreement to regard the agreement as a panacea to Sudan's woes. However, it is worth noting that despite the agreements' earlier success of halting the longest civil war in Africa and granting Sudan a referendum, the failure of the CPA can be attributed to two main factors. One is with regard to the manner in which the agreement itself was designed and two is with regard to failure of the parties to implement and comply with its provisions.

The central paradox of the CPA was that each party came to the peace negotiations publicly committed to a united Sudan, and both were bound by that agreement to work throughout the six year interim period to achieve a just and equitable unity for all the peoples of Sudan; yet the provision for self-determination referendum to be conducted in the southern Sudan elevated southern Sudanese independence as an equal alternative to

¹⁷⁷Benedetta, De Alessi. The CPA Failure and the Conflict in Southern Kordofan and Blue Nile States, *UNISCI Discussion Papers, N° 33 (October 2013)*

unity. As the interim period drew close it was southern Sudanese self-determination and southern Sudanese independence that dominated political debate around the CPA within Sudan¹⁷⁸. It is against such backdrop that the Sudanese people approached the referendum of 2011. If the stakes were so high on the southern Sudanese, in my opinion, it left a few incentives for the north to uphold the CPA, were the south to choose to go separate. In all indications, the southern Sudan was indeed going separate.

¹⁷⁸Douglas, H. Johnson. *The Root Causes of Sudan's Civil Wars: Peace or Truce*, Boydell& Brewer Ltd, 2011, p.87.

CHAPTER SIX

CONCLUSION

The purpose of this study was to investigate the impact of disarmament on resettlement and reintegration of returnees in South Sudan. It also examines how a flawed peace agreement affected the resettlement and reintegration of returnees.

The study was triggered by the failure of resettlement after the Comprehensive Peace Agreements (CPA) that was hailed as a great success and a model for other agreements to solve the conflicts in Darfur and other areas at war in Sudan. The study also put into perspective the protracted nature of the conflicts and its inherent character spanning almost four decades. The Sudanese governance structure was also put into perspective beginning with the ancient historical relations to independence when the undercurrents of marginalization of the peripheral hinterlands exploded to spawn the first civil war.

The first civil war was a product of deep-seated grievances, which sprung from unequal relations between the southerners, and the northerners. The war produced a major movement through displacement as southerners sought refuge in the neighboring countries and even to the northern regions of the country around Khartoum. The refugees later returned and most of them successfully resettled in their country after the 1972 Addis Ababa Peace Agreement. However, the success of the first resettlement was not replicated even after a more elaborate peace agreement in 2005. The failure left more questions about what went wrong this time round, a question, which this study tries to understand.

To understand the challenges facing the resettlement and reintegration in South Sudan, I examined various theories and the best attempt that reflect the returnee problem in south

Sudan was the Anger and Strang's Middle Range Theory. The theory in addition to prescribing provisions of housing, schools health care and social networks to refugees, it puts emphasis on creation of cultural linkages between the returnees and those who stayed at home.

This study tries to juxtapose prescriptions of the Middle Range Theory and the concrete realities in south Sudan and, questions as to whether the relevant institutions assisted in the reintegration and resettlement of returnees to a home, which many knew very little about. There have been concerns in various quarters about institutional capacity to assist the returnee resettlement and reintegration. For instance, the Overseas Development Institute (ODI) raised their concern about the ill preparedness of the state in accommodating the over two million expected returnees. In the same breath Linn Sussanne, poses pertinent questions regarding the returnee's homecoming. Are the returnees able to (re)integrate into society and sustain themselves within their new environments? Are the conditions they return to enabling or preventing their (re)integration and utilization of resources? She remarks that as the number of displaced people increases, there is a growing demand for an in-depth examination of the long-term effects of return migration to post-conflict states¹⁷⁹. She quotes Arowolo,s (2000: 65);remarks that repatriation may be the most difficult issue experienced by numerous African nations that have been tormented by civil wars, ethnic strife or secessionist wars amid the previous three decades or so.

¹⁷⁹Linn, Sussanne Ersland. A burden or a Resource? Conditions for Returnee (Re) integratio in Juba, South Sudan, , Master`s thesis in Peace and Conflict Transformation- SVF-3901 June 2014, Center for Peace Studies, Faculty of Humanities, Social Sciences and Education)

According to Sussanne (2014) the returnees bring two potential problems; problems of (re)integration in post-conflict societies and the potential negative impacts on the return communities. Conflict-torn states have often had their developmental achievements reversed by years or even decades, and are in no condition to absorb a large number of, often aid-dependent, returnees. The immense and unfortunate challenge with south sudan is that as a nation, just as we observed before, had languished under several decades of neglect and under development. So the returnees, more specifically, would need food, housing and social services that the government would find it a task to provide them¹⁸⁰.

The study examined in depth, the concerns as raised by the above mentioned scholars and found them to be valid and critical in addressing the return question. It also addressed the concept of home, or rather where is it the returnees called home. Is it the piece of land owned by their forefathers or is it anywhere in South sudan.

In an endeavor to unwind the difficulties, perplexing the resettlement and reintegration of the returnees, I used both primary and secondary information whereby primary information was gathered by conducting fieldwork to supplement the secondary data. The study employed stratified method of data collection since the target was to interview people who had experienced the upheavals in Sudan through decades. Secondary data was collected in libraries and internet sources. Qualitative approach was applied to analyze data based on sameness of content to write this project.

¹⁸⁰Linn, Sussanne Ersland. A burden or a Resource? Conditions for Returnee (Re) integratio in Juba, South Sudan, , Master`s thesis in Peace and Conflict Transformation- SVF-3901 June 2014, Center for Peace Studies, Faculty of Humanities, Social Sciences and Education)

In my attempt to understand more on the issues surrounding the refugee and their current predicament in their home country, I embarked on an intellectual journey into the history of Sudan. This gave me a holistic outlook on the matters at hand. I was able to have an insight of the root causes of the conflict, which produced millions of refugees and IDPs, an area of concern to this academic inquiry. Among the key causes are governance issues stretching back to a period before the 19th Century when the conflictual relations accentuated exploitation of the periphery by the center concentrated in the Central Nile valley. Introduction of a brand of militant Islam which further sharpened the divide, political and economic inequalities and the decision by Britain to grant independence in 1956 before the disparities were addressed.

The study also touched briefly on ethnic chasm among the various people of south Sudan, exploitation of the divisions for armament and how it affected the resettlement and reintegration of the returnees. Various initiatives on disarmament were examined during the course of the study to find out how the Government of South Sudan attempted to create a conducive environment for return and reintegration. The study revealed that the disarmament initiative largely failed due to the overwhelming number of arms in civilian hands that it only required good will of the citizen to disarm. The government strategy was also wanting since they thought SPLA was equal to the task of disarmament. This strategy backfired since the military used coercive measures as opposed to peaceful disarmament.

The government was also not impartial in its disarmament program as the SPLA would at one time attempt to disarm those communities whom they thought were a threat to the government without simultaneously disarming all communities. Within the political and security dynamics of South Sudan, it is imprudent to disarm one community without disarming all. This is because the disarmed community was vulnerable to attacks by the other communities especially where the government does not guarantee security. To compound an already delicate situation the Khartoum government continued to arm allied militias in the south to destabilize the new regime. The attacks in most of Jonglei was through the militias with arms from the Khartoum government. The attacks not only targeted civilians, but also the SPLA. In retaliatory attacks and counter attacks all groups used indiscriminate violence whose aftermath was death to civilians and dislocation of thousands of others among them returnees.

The study also looked at how peace agreements works and how they fail to guarantee reintegration and rehabilitation. In this regard, I embarked on the analysis of the Comprehensive Peace Agreement (CPA), lauded as the miracle that would deliver Sudan to a permanent solution.

The CPA consisted of six partial agreements completed in a period of 12 years. The CPA was negotiated between the ruling national Congress Party (NCP) and Sudan People Liberation Movement (SPLM/A) under the auspices of IGAD.

The agreements succeeded in ending the 27 years conflict, but some critical areas were left out. I observed that the CPA was not inclusive enough and a host of other political players was not included in the process. It was also noted that although the southern

region did not have a vibrant political organization, the various militia groupings representing diverse interests should have been included to avoid future confrontations. Neither was the South Sudan Defense Forces (SSDF) one of the largest militia groupings and a militia of choice of the Nuer was included nor the Murle militias. Their exclusion especially from the Joint Integrated Units (JIU) jeopardized security in South Sudan because they saw the government as a committee of the Dinka chiefs. Although the problem of non-inclusion was partially addressed through SalvaKirr's "big tent" initiative in 2006 Juba Declaration, it lacked the international acceptance like the CPA. In the big tent the militia leaders were allowed to come together and share power with SPLM/A. However, since they had their militia intact they caused more problems by staging walkouts at will especially when aggrieved. The militias would pick arms against the government perpetuating conflicts, which in the end affected the resettlement of the returnees.

The study also observed that the CPA provided for an option of secession in the event that the parties failed to make unity attractive. The provision of self-determination became more attractive than unity and by the time of the referendum, an overwhelming majority voted for separation. This overlooked the fact that there were SPLA comrades in the Nuba Mountains, Blue Nile and South Khordofan exposed to battle it out against Sudan on their own without assistance from SPLM/A in the South. The continued skirmishes between Sudan and these rebels have sucked in South Sudan in a confrontation with either supporting militias in each other's country. The escalation of

conflicts on this front has seen more killings of civilians and their uprooting from the conflict zones.

The provision of self-determination also overlooked a critical component on where the borders of each country were located. This left out some enclaves, which are disputed, by the two countries as contested zones. Tied to these contested zones is the interest for resources claimed by both sides. Conflicts emanating from the zones have destabilized and displaced the people in the region and more so the returnees.

A report by Human Rights Watch for February 2009, indicated that more than two million IDPs had returned to South Sudan by that year, however 10% of the returns had been displaced and returned to exile by the time of the report. Another report by IRIN dated 2nd October 2008 demonstrates that the contention in Magwi County of South Sudan took assorted structures; some returnees discovered that their land was under occupation by individuals from another group who assumed control over the same. The report likewise expresses that in a few areas particularly near Aswa River, armed occupants of the land prevented Madi returnees from returning from Uganda. Based on reports and oral interviews from some of the victims and exploitation of secondary data, it is my conclusion that the reintegration and rehabilitation of the returnees did not achieve much success as envisaged.

By the time of completing this study, more intense fighting was ongoing pitting the SPLM/A and a new coalition calling itself SPLM in opposition (SPLM/IO). The number of displaced by the new war is threatening to go beyond the number in the previous wars. In the wake of such intense conflicts, there is need for a robust mechanism on

reintegration and rehabilitation of returnees when the guns go silent. I hope this study can add some knowledge into the robust and well-structured mechanism on rehabilitation, reintegration and resettlement of returnees.

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