
Berghof Foundation for Peace Support

Systemic Conflict Transformation and Inclusive Governance in Southern Sudan

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Abbreviations

BFPS	Berghof Foundation for Peace Support
BMZ	German Federal Ministry for Economic Cooperation and Development
BICC	Bonn International Center for Conversion
CAPOR	Capacity Building for Post Conflict Reintegration
CBOs	Community Based Organisations
CEAS	Church Ecumenical Action in Sudan
CPA	Comprehensive Peace Agreement
CPS	Civil Peace Service
CR	Conflict Resolution
CSOs	Civil Society Organisations
DC	Development Co-operation
DED	German Development Service
DFA	Swiss Federal Department of Foreign Affairs
DDR	Disarmament, Demobilization and Reintegration
DFID	Department for International Development
EED	German Church Development Service
EU	European Union
EC	European Community
FES	Friedrich-Ebert-Stiftung
GDP	Gross Domestic Product
GoNU	Government of National Unity
GOSS	Government of Southern Sudan
GTZ	Deutsche Gesellschaft für Technische Zusammenarbeit (German Technical Cooperation)
ICSS	Interim Constitution of the Southern Sudan
IDPs	Internally Displaced Persons
INGOs	International Non-Governmental Organizations
IRC	International Rescue Committee
IRI	International Republican Institute
LRA	Lord's Resistance Army
MDTF	Multi-Donor Trust Fund
MDTF-S	Multi-Donor Trust Fund-South
MLG	Ministry of Local Government
NCP	National Congress Party
NESI	New Sudanese Indigenous NGOs Network
NUPI	Norwegian Institute of International Affairs
NGOs	Non-Governmental Organizations
NDI	National Democratic Institute
NSCC	New Sudan Council of Churches
OECD	Organisation for Economic Co-operation and Development
RDC	Reintegration and Development Centers
SAF	Sudanese Armed Forces
SCT	Systemic Conflict Transformation
SKT	Systemische Konflikttransformation (Systemic Conflict Transformation)
SPLM/A	Sudan People's Liberation Movement/Army
SSDF	South Sudan Defence Forces
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees

UNMIS	United Nations Mission in Sudan
USAID	US Agency for International Development
WFP	World Food Programme
ZFD	Ziviler Friedensdienst (Civil Peace Service)

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Schedule and Meetings

1. Background, Objectives and Structure of the Study

This study aims at assessing options for systemic conflict transformation in Southern Sudan. It was conducted in 2006/2007 by the Berghof Foundation for Peace Support (BFPS), on behalf of the German Federal Ministry for Economic Cooperation and Development (BMZ).

The study builds upon the conceptual framework of the action research project “The Systemic Approach to Conflict Transformation: Concept and Fields of Application” which has been completed in 2005, supported by BMZ and the Swiss Federal Department of Foreign Affairs (DFA).¹ Furthermore, it complements a case study on Sudan/Southern Sudan, which has been produced in the context of the concept study on systemic approaches (together with a study on Nepal and Indonesia/Aceh).² While the 2005 report has a strong analytical focus, the following study looks more into the practical implementation of a systemic conflict transformation approach in Southern Sudan.

Objectives

The study has three objectives. It provides:

1. an overview on current institutions, mechanisms and practices of conflict transformation in Southern Sudan; that is to look at different administrative levels, involving state and non-state actors;
2. an overview on support and assistances rendered by the international community in this regard; and
3. concrete suggestions and recommendations, especially to BMZ and German development organizations and the Civil Peace Service programme but also to other interested parties, on how to improve support to conflict transformation in terms of targeting, process, coherence and effectivity.

While the study concentrates on activities undertaken or planned by GTZ and DED, it should be noted that other German actors, most notably the Friedrich-Ebert Foundation, EED and the Max Planck Institute for Comparative Public Law and International Law (Max-Planck-Institut für ausländisches öffentliches Recht und Völkerrecht) are also active in the governance and peacebuilding sectors. If we do not take their activities into consideration it does not mean that we think they are not relevant, but simply that it was not the focus of this study to do a proper assessment of their current activities.

Main argument and structure

We start from the premise that conflict transformation in Southern Sudan is a shared task of many actors that have to impact upon the complex conflict types and actors. In the post-conflict situation Southern Sudan experiences, there is a strong Sudanese and international focus on state building measures around the SPLM/A-dominated government in Juba and the state capitals of Southern Sudan. At the same time, (re-)integration of the communities, and ongoing identity and resource conflicts keep challenging communities every day. Traditional mechanisms for conflict resolution are an accessible and available source of current conflict resolution in Southern Sudan and, as we will argue, should combine with other governance

¹ Results are documented in: Berghof Foundation for Peace Support: The Systemic Approach to Conflict Transformation: Concept and Fields of Application, Berlin: BFPS 2006. (Download at: http://www.berghof-peacesupport.org/publications/systemic_conflict_transformation_complete.pdf).

² The study can be downloaded at: http://www.berghof-peacesupport.org/publications/Sudan_Final_Version.pdf.

efforts for an integral governance and peacebuilding approach. External support has been strong on state building, but in its sequence and focus, the empowerment of civil society organizations, the link between GOSS-state-county-*Payam-Boma* levels and the important role of traditional leaders have not been seen as corner stones for a sound governance strategy.

- Chapter 2: In order to understand the context, we define and analyse the Southern Sudanese conflict system. Also, we summarise and give an assessment of conflict resolution mechanisms at state and local levels; including a short descriptions of support activities by external actors.
- Chapter 3: By outlining entry points for Systemic Conflict Transformation, we focus on ‘inclusive governance’ and the necessity of an integrated governance and peacebuilding approach. For such an integrated and linked-up approach, we take into account resources within Southern Sudan and ask who the potential agents for peaceful and constructive change are.
- Chapter 4: Here we offer a concrete set of recommendations for a collaborative or joined-up approach between DED/CPS and GTZ’s governance programme for Southern Sudan. Furthermore, we conclude with some general and specific recommendation to BMZ, GTZ and DED.

Methodology

For analysis, identification of support areas and elaboration of recommendations we are guided by a pragmatic application of the systemic approach to conflict transformation. This approach helps us to define more precisely what we are talking about (e.g., what are the boundaries and key components of the Southern Sudanese conflict system?) and to look at different tracks of conflict transformation and how they are linked with each other. Also, a systemic perspective takes into account the relevant drivers for change (e.g., who are the agents for peaceful change? What are the resources for transformative change within the system?), but it also cautions us with respect to simplistic solutions and uni-linear cause-effect relations.

Systemic Conflict Transformation (SCT)

SCT represents a collation of best practice in conflict transformation work and systemic models of social relations. It draws on methodologies from other disciplines, such as family therapy and psychotherapy, change management and organisational theory, and cybernetics. The primary advantages of interpreting any given violent conflict as a system that develops and proceeds in a systemic manner include the following:

- a) It helps internal and external actors to better reflect the complexity of conflict systems (and their respective sub-systems). On the one hand, definition of the system’s boundaries – the ability to see the elements of the system as combined and mutually influential – facilitates the development of a deeper understanding of the conflict and its dynamics. This is the idea that “a system is more than the sum of its parts”. On the other, the necessary simplification of the complexity of violent conflict permits the identification of do-able interventions.
- b) Because of the holistic nature of systemic approaches, SCT can serve as a joint reference point for diverse actors and initiatives, for example in conflict analysis and planning and implementation of conflict transformation activities, thus fostering greater coherence and complementarity.
- c) It helps generate hypotheses about the most efficient and effective interventions within the conflict system.
- d) SCT focuses on change processes and resources within the conflict system, as well as facilitates the identification of relevant internal actors and better delineates the contributions and roles of external institutions.

- e) Guiding principles, such as multi-partiality and inclusivity, are operationalised on the basis of a systemic understanding of conflict; e.g. by initiating and institutionalising resource networks for all key stakeholder groups, processes of multi-stakeholder dialogue, and/or other peace support structures.

The study was conducted by Dr. Oliver Wils (BFPS, executive director) and Barbara Unger (BFPS, senior coordinator) between December 2006 and May 2007. Additional input was given by Dr. Samson Wassara (Dean, College of Social and Economic Studies at the University of Juba) and Farouk Gatkuoth Kam (a legal and constitutional expert). For further comments and support we would like to thank our colleagues Daniela Körppen and Claus-Dieter Wild, the DED Sudan country director Erich Beining, the DED coordinator for Civil Peace Service in Sudan Karen Ayasse, CPS staff in Juba, GTZ staff in Yei, CEAS and Sudan Council of Churches' staff in Rumbek, the resident representative of FES in Sudan Manfred Öhm and all interview partners in Germany, Khartoum, Juba, Yei and Rumbek.

The study was organised according to the following schedule:

- Dec 2006: desk study and interviews with BMZ/GTZ, DED, EED, Sudan Focal Point, Max Planck Institute (telephone)
- Jan – Feb 2007: three-week study tour to Khartoum and Southern Sudan (Juba, Yei and Rumbek)
- Feb – Mar 2007: review of study tour, commenting and editing of two additional short studies commissioned to two Sudanese experts (Dr. Samson Wassara, Farouk Gatkuoth Kam). One study focuses on traditional mechanisms of conflict resolution in Southern Sudan, the other study on constitutional and administrative principles of conflict resolution.
- Mar – Apr 2007: first discussions with GTZ and DED on initial findings; drafting of report
- May 2007: dissemination of draft
- June 2007: presentation and discussion of results in Bonn (planned) and in Juba/Southern Sudan (planned)

Places Visited in Southern Sudan

Our criteria for selecting the places of visit in Southern Sudan were related to the tribal/ethnic composition, the impact of civil war, the level of administrative development and, pragmatically, travel restrictions. We have chosen the following places:

- Juba** Capital of Southern Sudan, capital of Central Equatoria; until 2005 garrison town under control of Sudanese Armed Forces
- Yei** Central Equatoria; under SPLM/A control since 1997; major hub for refugees coming from Uganda into Southern Sudan
- Rumbek** Capital of Lakes State; under SPLM/A control since 1997; Dinka and various Dinka subgroups are the dominant ethnic group; high level of violence, also after signing CPA

Originally, we had planned to visit also Malakal (Upper Nile State; subject to heavy fighting during the war; oil fields), but there was no possibility for us at that time to use UN or WFP flights. However, through Farouk Gatkuoth Kam, the author of one of the short studies, who is from Bentiu/Unity State, we hope to have included at least some perspectives from the oil field region into the study.

2. The “Conflict System” Southern Sudan: Characteristics and Observations

In this chapter, the basic patterns and characteristics of the Southern Sudanese conflict system will be defined and analysed. After that, some key principles, mechanisms and instruments of conflict resolution and conflict transformation at different levels will be described, including some information about respective support activities by external actors (governments, international organisations, INGOs, development agencies).

2.1 Key Patterns of the Conflict System

Boundaries of the conflict system

For the purpose of this study, the boundaries of what we describe as the Southern Sudan conflict system are clearly defined by the Comprehensive Peace Agreement (CPA). As political-geographic entity Southern Sudan encompasses 10 states, a territory of approx. 597 000 square kilometres and a population size of approx. 8.5 million. Additionally, we would also consider as part of the conflict system those parts of the Southern Sudanese Diaspora, especially the vast numbers of refugees (Uganda, Kenya, other countries) and Internally Displaced Persons (IDPs), of whom a majority has settled around Khartoum, who want to return to the South or is playing an active political role with respect to Southern Sudan.

As agreed upon by the CPA, Southern Sudan has been granted a high level of independence within the Sudan – until 2011, when a popular referendum will decide on whether or not the South will secede. Furthermore, on the basis of CPA’s power sharing and security arrangements the dominant political force in the South is the former rebel movement Sudan People’s Liberation Movement/Army (SPLM/A); the ruling party in Khartoum, the National Congress Party (NCP) is the junior partner. Within the South, details of the basic political organisation and of power sharing are regulated by an interim constitution.³

Situating Southern Sudan within larger Sudan

Although we consider Southern Sudan to be a distinct political-social and cultural entity, it can not be isolated from Sudan as such. Also, politically, the CPA has provided for a one-state policy (“making unity attractive”). Causes, dynamics and legacies of the violent conflict can only be understood properly in this larger framework: Southern Sudan has a long history of neglect, violent and brutal oppression and exploitation (of which slavery was only one facet) within Sudan. Furthermore, the North-South civil war had two key dimensions, it was a centre-periphery conflict (which caused also other violent conflicts in Sudan; e.g., in Darfur and the East), and it was an identity conflict, between a predominantly “African”/Christian-Animist South and an “Arab”/Muslim North.⁴ Also, other regional powers such as Egypt and Libya as well as neighbouring countries (e.g. Ethiopia, Uganda, Kenya) had a, at times very crucial, impact on the conflict (e.g., providing safe heaven to SPLM/A and refugees, providing political support and weapons).

³ More details are given in Berghof Foundation for Peace Support: Sudan: Conflict Analysis and Options for Systemic Conflict Transformation, Berlin: BFPS January 2006, especially the part “A Southern View: Sudan – Supporting the Peace Process through a Systemic Approach”, pp. 55-80.

⁴ We put “African” and “Arab” into quotations here in order to highlight the vagueness of these concepts. There are, of course, also many Muslim “Africans” and Christian “Arabs”.

The legacy of civil war and exclusion is certainly key to understanding current perceptions towards the North prevailing in the South. However, there are also other important political interlinkages between the North and the South:

1. The CPA has established a partnership between SPLM/A and NCP. According to this logic the implementation of the agreement requires the continuation of this partnership.
2. As most direct result of this partnership SPLM/A is part of Sudan's polity. The chairman of SPLM/A and President of Southern Sudan is first Vice President of Sudan. SPLM/A is the junior partner in the Government of national Unity (GoNU) and there are numerous committees and working groups which, at least in principle, are co-constituted by SPLM/A.
3. According to the wealth sharing agreement, Southern Sudan is entitled to (and depending on) receiving half of Sudan's oil revenues.

As a consequence, NCP can easily exert pressure on SPLM/A by supporting militia groups in the South (which forces SPLM/A to concentrate on its home front and thus to draw attention away from engaging politically in Khartoum). Many Southerners believe anyhow that the North will try (or is already trying) to destabilise the SPLM/A government; e.g., by supporting armed groups and militia forces in the South. This perception can easily be picked-up and exploited. The potential of SPLM/A to engage in Sudanese politics, thus depends on two key factors in the South: stability and support. Stability is fragile at the moment and new fighting between SPLA and the Sudanese Armed Forces (SAF) might easily result in substantial waves of displacement and migration; public support to SPLM/A seems to be still high, but is not unchallenged. However, stability and support (public legitimacy) are mutually reinforcing each other and need to develop hand in hand.

Key characteristics of the conflict situation

There are a number of factors that have to be considered when analysing the situation in Southern Sudan, especially with regard to internal conflicts and how they are dealt with:

First, the very low level of economic development, including the lack or insufficiency of physical and social infrastructure within the South. Reliable figures are lacking, but the World Food Programme estimated in 2006 that GDP per capita is less than 100 US-\$;⁵ and a large part of the population is dependent on financial transfers, development aid and other support activities. Education and health service are mostly poor.

In principle, the oil reserves in Southern Sudan might contribute substantially to the development of the social and economic infrastructure. Currently, GOSS receives 50% of the annual oil revenues (totalling between 1-1.8 billion US-\$ in 2006 and 2007 according to official accounts). But transparency and anti-corruption regulations are important for a long-term profit from these revenues.

Second, society in Southern Sudan is primarily organised along ethnic, tribal and kinship lines. It can be argued that fragmentation has increased during the civil war, especially during the south-south fighting of the 1990s. Different SPLM/A splinter groups and tribal militias have been supported by Khartoum. Khartoum and the SPLM/A both used ethnic and tribal division to mobilise people.

⁵ See www.alertnet.org/db/crisisprofiles/SD_PEA.htm?v=at_a_glance (7. Mai 2007).

With 62 different ethnic groups and many sub-divisions, Southern Sudan is rich in terms of cultural diversity and traditional heritage.⁶ Traditional, customary law is close to the people, offers mechanisms for conflict resolution and social safety nets for Southern Sudanese. However, traditional rivalries and fightings between different ethnic groups can hamper this potential.

Third, there is only very limited social capital and knowledge concerning administration and governance. Historically, there has been only a short period of self-rule in the South (1972-1983). Besides that administration had been highly militarized, either in the areas controlled by Khartoum or the SPLM/A, and people with sufficient education and training are rare. The high number of refugees and IDPs resulted in substantial brain drain.

However, Southerners who have been educated and trained and exposed to other forms of governance in neighbouring countries or in the North offer good potentials if they can be motivated to return.

Fourth, the level of psycho-social traumatising of the population is high. Data is not available, but anecdotal evidence and a comparison with neighbouring countries would support this hypothesis. The impact of the war on the civil population was immense and resulted not only in extreme poverty and hunger, but manifested itself in repeated aerial bombardments and an estimated number of 1.5 million deaths and 4 million IDPs and refugees.⁷ South-south fighting has had a huge share in the traumatising.

Reconciliation and mediation are part of tradition in Southern Sudan. Especially at community-level knowledge and experience is available about peacebuilding initiatives, including how to deal with traumatic events (e.g. story-telling, listening, forgiveness and traditional mechanisms of conflict resolution).

Fifth, a high level of real and perceived insecurity, coupled with a high level of militarization. Fighting between SPLM/A and other militias (e.g., those parts of the Southern Sudan Defence Forces, that have not joined SPLM/A and tribal militias) is still taking place – sometimes also with other paramilitary or other so-called irregular forces and with the SAF (as happened in Malakal in December 2006). Armed groups such as the Ugandan LRA are terrorising and looting the civil population.

Current negotiations with the LRA in Juba as well as the integration of parts of SSDF into SPLA (e.g. Juba Declaration of January 2006) underline the interest (and the possibility) to solve violent conflict in Southern Sudan by political means instead of pursuing military solutions.

Sixth, SPLM/A is still an authoritarian, undemocratic organisation. Given the real or perceived level of insecurity as mentioned above, it is unclear whether SPLM/A will fully embark on a democratic path. The leadership is fragmented, and often de-facto impunity is granted to commanders and officers.

Despite internal divisions, SPLM/A has organizational and administrative routines that could be used as a starting point for a transformation of SPLM/A from a resistance and liberation movement towards a democratic, transparent, reliable and efficient administration. It could also build on the legitimacy of the movement within the Southern Sudanese society.

⁶ Among the biggest ethnic groups are the Dinka, Shilluk, Nuer, Azande und Acholi. More detailed information is given under: www.gurtong.org.

⁷ Figures are taken from Marina Peter: Sudan. Studie im Auftrag des Deutschen Entwicklungsdienstes und der Friedrich-Ebert-Stiftung, Juni 2004.

In sum, it seems that the widespread perception of insecurity is one key pattern affecting politics in current Southern Sudan. The SPLM/A leadership is resorting to a security-dominated military approach instead of pursuing a policy of inclusion and consultation. Ironically, given the existing deep cleavages and fragmentations of the Southern Sudanese society, this approach might foster the mistrust of those regions, communities and groups that already feel excluded within the power structures to oppose the current government – which would, in turn, increase insecurity.

Typologies of conflict

There is a variety of conflicts in Southern Sudan. In order to systematise this area and to clarify what we are talking about, we suggest the following typology:

Ideological-political conflict: A key part of the North-South conflict in Sudan revolves around fair distribution of resources, power and political representation. However, this conflict line is not exclusive to the North-South divide, but finds expression internally, too. The Southern resistance movement, for example, has always been struggling – and at times fighting – about whether or not to advocate Southern independence or a “New Sudan”. Furthermore, the NCP is also a party in the South, although according to the CPA it is only a junior partner.

Identity conflict: The North-South conflict has been often portrayed as essentially an ethno-religious identity conflict between “African” Christians and “Arab” Muslims. In the South, however, the multitude of communities complicates the question of identity. While the majority in the South is certainly following indigenous and/or Christian religions, there is also a substantial Muslim community that cannot and should not be overlooked.

Resource conflict: Again, resources have played an important role in the North-South conflict, especially oil and water. But they are also key to many conflicts within the south. As Samson Wassara points out, there are conflicts about land ownership and land use, grazing of livestock and water and fishing.⁸ Violent conflicts between farming and pastoralist communities have been frequent. The return of refugees and IDPs to communities with scarce resources might trigger new or enforce existing resource conflicts.

Conflict about governance: Conflicts about governance, especially the legitimacy and regulations of power have been pertinent in Southern Sudan, although overshadowed by the civil war. After the signing of CPA, questions concerning participation, transparency, pluralism, etc. are emerging powerfully. One important aspect is related to the role of traditional/customary law within the Southern governance system.

Conflict about authority: This area is linked to conflicts about governance, but asks more directly “who is ruling” instead of the “how”. There has always been a high level of sensitivity in this regard, e.g. the perceived Dinka domination within SPLM/A. This tensions have been exploited in the violent clashes between Dinka and Nuer in the 1990s and before. Currently, new conflict lines are emerging that deal with the political role of traditional leaders as well as with the political integration of (SPLM/A) Diaspora leaders.

In this study, we will focus primarily on the last three types of conflict: conflicts about resources, especially land and water, about governance and about authority. However, as stated before, these types of conflict will also impact upon as well as be effected by the larger North-South conflict lines.

⁸ See Samson S. Wassara: Traditional Mechanisms of Conflict Resolution in Southern Sudan, Berlin: Berghof Foundation for Peace Support, March 2007, pp. 4-7.

Reintegration and its impact on violent conflict

Refugees and Internally Displaced Persons have been seen as victims of the conflicts, but also can be seen as a resource for overcoming them. When the CPA was signed in 2005, 6.7 million Sudanese were displaced, of which 2 million were displaced by the Darfur conflict. According to UNHCR some 850,000 IDPS and over 100,000 refugees from the Central African Republic, the Democratic Republic of Congo, Uganda, Kenya, Ethiopia and Egypt have returned to Southern Sudan since January 2005, and a further 100,000 returnees are expected for 2007.⁹

While the social reintegration is a major challenge after long years of displacement, the receiving communities also have a considerable lack of infrastructure and basic services to absorb the returnees. This has led to human rights abuses in connection with land disputes, sexual or gender based violence and with regards to access to justice.

The successful integration of communities, which will not only consist in taking in and sharing scarce resources with returnees, but also to overcome factional and tribal schisms, is a key challenge for Southern Sudan. It calls on the GOSS, the states and *Payams* as well as on the international community to undertake longer-term recovery and reintegration efforts, going beyond the much needed infrastructure towards community development and governance issues. While UNHCR and the international community strive to provide a reintegration that fulfils "the ability of returning refugees to secure the political, economic, [legal] and social conditions needed to maintain life, livelihood and dignity,"¹⁰ Southern Sudan's receiving communities are needy themselves and, according to good UNHCR practice, must also benefit from UNHCR assistance in order to make reintegration possible. At the same time, returnees, albeit not bringing material riches, may bring education, vocational skills, organizational experience to the communities.

2.2 Constitutional and Administrative Mechanisms of Conflict Resolution

Peacebuilding in a post-conflict society depends on how the remaining and new conflicts are dealt with – both in society as well as from government authorities. Governance, understood as the way in which an entity is governed, has a key responsibility in that respect. Therefore, the different principles and mechanisms and also the reality of constitutional and administrative conflict resolution within the Southern Sudanese governance system will be highlighted in the following subchapter.¹¹ We will furthermore describe some external support activities in this realm.

Levels of state administration

Governance in Southern Sudan follows the principle of subsidiarity. According to Article 39 of the Interim Constitution of the Southern Sudan (ICSS), governance "shall promote democratic principles and political pluralism, and shall be guided by the principles of decentralization and devolution of power to the people through the appropriate levels of government where they can best manage and direct their affairs".

⁹ UNHCR, Supplementary Appeal for Southern Sudan. Return and reintegration of Sudanese refugees and internally displaced persons. March 2007.

¹⁰ UNHCR: Handbook for Repatriation and Reintegration Activities, Geneva: UNHCR 2004, p. I-5.

¹¹ Farouk Gatkuoth Kam has contributed significantly to this chapter.

Government of Southern Sudan (GOSS)

The Government of Southern Sudan has been created as a result of the Comprehensive Peace Agreement (CPA) of January 2005 and was formed some months later in July. GOSS has a relatively high level of autonomy, but the Government of National Unity (GoNU), in which the SPLM/A is a junior party, has the exclusive legislative and executive power regarding all aspects that affect the national level (e.g., foreign affairs, immigration and visa policies, currency and exchange control). The Interim Constitution of Southern Sudan (ICSS) has been passed by the Southern Sudan Interim Legislative Assembly on October 31, 2005.

Lt. General Salva Kiir Mayardit is the President of the Government of Southern Sudan as well as the Commander-in-Chief of the Sudan People's Liberation Army. He heads the Council of Ministers (currently 22 ministers).¹² According to the CPA, 70% of seats in the government are allocated to the SPLM/A, 15% to NCP and 15% to other Southern Sudanese parties. The 170 seats of the (Transitional) Southern Sudan Legislative Assembly are distributed by the same percentage. The members of parliament have been appointed by the President of Southern Sudan, after broad consultations.

State level

Under the GOSS are ten states: Central Equatoria, Eastern Equatoria, Jonglei, Lakes State, Upper Nile, Warrap, Western Bahr al-Ghazal, Western Equatoria, Western Upper Nile, and Northern Bahr al-Ghazal. The executive branch of the state government is headed by the Governor and is composed of the Governor, the Governor's advisors and the state ministers. The Governor is accountable to the President of Southern Sudan while the state ministers are answerable to the Governor. Each state has drafted its own constitution and has its own parliament.

At state level, the power sharing percentage as prescribed by the CPA is as follows: 70% SPLM/A, 20% other Southern parties, 10% NCP. The Transitional Legislative Assembly is "composed of 48 members nominated by their respective constituencies and confirmed by the Governor of the State".¹³

Local government

Local government is organised according to the following units: the states are divided into counties (a total of 92 counties in Southern Sudan), *Payams* and *Bomas*.¹⁴ *Payam* means district and *Boma* village in Dinka language. These small units of local government were set up in the former SPLM/A liberated areas and have been officially recognised by the interim constitution. However in most areas, the shape and extent of the *Bomas* are not clear, the borders have never been mapped and are often suspect to dispute between the local chiefs.¹⁵

Counties are led by county commissioners, appointed by the state governor. *Payams* are administered by *Payam* Administrators and the *Bomas* are headed by a chief. At *Payam* and *Boma* levels the "modern" administrative structure interacts or overlaps with traditional authority. (In the state constitutions of Central Equatoria, Art. 154, and Unity State, Art. 155, the *Boma* level is seen as the domain of the traditional authority.)

¹² See, for a list of cabinet www.gurtong.org/resourcecenter/gov/First_PostWar_Cabinet_list_SouthSudan.asp

¹³ Art. 92, Interim Constitution Unity State.

¹⁴ In urban areas: city, municipal and town councils.

¹⁵ Unicef/OLS: Southern Sudan WES Database Update, January 2004, p. 4.

Conflict resolution at GOSS level

While most conflict resolution activities take place at community level, the GOSS is responsible for setting the overall framework. Conflict resolution at GOSS level finds its expression in three different areas:

- a. Ensuring rule of law and law enforcement
- b. Specialised commissions
- c. Southern Sudan Legislative Assembly

Ensuring rule of law and law enforcement:

The Interim Constitution guarantees an extensive bill of rights, including collective and individual rights. With respect to women the constitution states that, *inter alia*, “all levels of government in Southern Sudan shall (a) promote women participation in public life and their representation in the legislative and executive organs by at least twenty-five per cent [...]; and (b) enact laws to combat harmful customs and traditions which undermine the dignity and status of women”.¹⁶ The judiciary and the respective law enforcement agencies, especially the police, have the task to guarantee and enforce these rights. At GOSS level, a Supreme Court and the Police of Southern Sudan have been created for this purpose.

Specialised commissions:

A number of independent commissions have been established by the government of Southern Sudan in order to regulate specific sectors. With respect to conflict resolution the following commissions should be highlighted:

- Land Commission: mandated to entertain claims, at its discretion, and in respect of land, be they against any level of government or other parties interested in the land; to arbitrate between willing contending parties on claims over land; and to enforce the law applicable to the locality where the land is situated
- Demobilisation, Disarmament & Reintegration Commission: expedites the process of incorporation and reintegration of ex-combatants into other regular forces, civil service and other civilian institutions and society
- Human Rights Commission: mandated by the constitution to monitor and enforce of human rights; to raise awareness; and to investigate
- Peace Commission: advises the government on matters pertaining to peace; supports the peaceful co-existence of all communities in Southern Sudan; elaborates and oversees peacebuilding policies and activities

Southern Sudan Legislative Assembly:

A genuine mechanism for conflict resolution is the parliament itself. The 170 members of the transitional parliament are selected according to regional, political, ethnic and gender criteria: Currently, out of the 170 seats, 110 SPLM/A members represent different territorial constituencies (11 representatives for each of the 10 states). 9 further SPLM/A and SSDF representatives as well as 25 NCP representatives and 26 representatives from other Southern parties have been appointed according to the power sharing agreement of the CPA. Around 20% of the parliamentarians are women.¹⁷ In this sense, different constituencies and communities are directly involved in the legislative process – and, at least theoretically, in overseeing the work of the government. Regional, ethnic and community-related aspects of conflict can thus be dealt with – and probably resolved in the parliament or in parliamentary committees.

¹⁶ Article 20 of ICSS.

¹⁷ According to list of parliamentarians provided by www.gurtong.org.

The legitimacy of the parliament and of the parliamentarians will increase substantially once elections have been held. According to the CPA, nation-wide elections are due to be held in 2008 or 2009, but not later than July 2009.

Conflict resolution at state level

At state level exist similar conflict resolution principles, mechanisms and institutions as on the GOSS level. Each of the ten states has drafted its own constitution that is built upon the model of the GOSS constitution. The bill of rights, of course, is similar. And at state level, high courts and the state police are tasked to guarantee and enforce these rights. Some of the independent commissions of the government of GOSS are established at state level, too.

The state legislative assembly, however, is smaller than the one at GOSS level. In Unity State, for example, an inclusive constituent legislature shall be composed of forty-eight members nominated by their respective constituencies and confirmed by the governor after broad consultation and on the basis of the CPA power sharing agreement.

The state is conceived as the link between the GOSS and local government. Therefore, the Ministry for Local Government is only established at state level; at GOSS level there is a coordinating body (Local Governance Board).

Conflict resolution at local government level

The local government is actually the area where most of the community conflicts arise and where is primary responsibility to contribute to conflict resolution. If conflicts can not be solved at this level, the respective state or even the GOSS-level will be addressed. The objective of local government encompasses the promotion of self-governance and the establishment of local government institutions as close as possible to the people, but also to promote social and economic development, self-reliance amongst the people through mobilisation of local resources and to promote peace, reconciliation and peaceful coexistence among the various communities. It should also acknowledge and incorporate the role of traditional authorities and customary law in the local government system.¹⁸

Especially at the *Payam* and *Boma* levels, the courts shall apply customary law subject to the constitution and the law. Furthermore, legislations at the Southern Sudan and states levels shall provide for the establishment, composition, functions and duties of the Councils of Traditional Authority Leaders. The details about how to link traditional / customary law (which will be explained in more detail in the following subchapter) with local government is subject to the local governance framework which is currently drafted by the Local Governance Board.

Current state of implementation and external support

It is important to consider that the levels of administrative development in different regions and states of Southern Sudan do differ to a high degree. This is foremost the legacy of civil war: Some areas have been subject to heavy fighting (especially the areas close to oil fields), while others have not. There are of course different government structures in regions that have been under SPLM/A control and those that had been administered by Khartoum. Furthermore, there were different modes of integrating local structures into administration. In some areas

¹⁸ Article 173 of ICSS.

under SPLM/A control, there was a high level of mistrust (e.g., in Equatoria), while in others not.¹⁹

Yei, for example, played an important strategic role after the SPLM/A “liberated” the town in 1997 and “was also to be a showcased for the new local administration system, the first county to be provided with a civilian administration”.²⁰

Despite regional disparities, however, one can state that administrative and governance structures are generally weak and lack most of the ingredients of a functioning bureaucracy: infrastructure, clear and transparent regulations, communication between sectors and levels, trained staff, etc. A consultative mission for GTZ during August 2006 states that at GOSS-level ministers have been appointed but are only supported by a small team of advisors. At state level there is only a minimal administrative presence and at local government level, administration is more or less limited to the appointment of the commissioners.²¹

Overview Donor Engagement for Governance

Total donor funding for Southern Sudan is at USD 347 million for 2007. Infrastructure projects, health, natural resources and education are the main fields of donor activities. The major donors are the Multi Donor Trust Fund,²² USAID, EU and UK’s Global Fund. 21 donors are active in Southern Sudan.²³

External support in the governance sector is heterogeneous. With the Multi-Donor-Trust Fund-South as the main mechanism for channelling funds, infrastructure and basic social services are the heavy-weights among the targets of international funding for Southern Sudan. Cluster II (Governance & Rule of Law) of the Joint Assessment Mission of 2005 suggested funding of 144 million USD from 2005-2007, complemented by activities in decentralisation and local government from the 611 million USD in cluster I (Capacity building & institutional development).²⁴ Main donors in the governance sector are USAID, UNDP, DFID and the Netherlands.

USAID’s three year programme „More Responsive & Participatory Governance”²⁵ with 60 Mio. US \$/year is partly implemented by UNDP (through training, technical assistance, and sub-grants to local organisations). Long-Term-Advisors to three ministries (Finance, Public Service and Justice) and human resource development with GOSS personnel are implemented through the principal contractor BearingPoint. Through the International Republican Institute (IRI), USAID provides political party training. To improve the Justice Sector and Legal Framework, the National Democratic Institute (NDI) has supported the development of the constitution. A considerable effort is made to strengthen civil society, by building their organizational capacities and institutional development and developing mechanisms for interaction between GOSS and CSOs.

¹⁹ Adam Branch & Zachariah Cherian Mampilly: Winning the war, but loosing the peace? The dilemma of SPLM/A civil administration and the tasks ahead, in: Journal of Modern African Studies 43, 1 (2005), pp. 1-20.

²⁰ Øystein H. Rolandsen: Guerilla Government. Political Changes in the Southern Sudan during the 1990s. Uppsala 2005.

²¹ GTZ: Consultative Mission for a Governance Programme in South Sudan, Final draft (5.9.2006), p. 7.

²² The Multi Donor Trust Fund for Southern Sudan is financed by Canada, Denmark, EC, Finland, Germany, Greece, Iceland, Netherlands, Norway, Sweden, UK, World Bank. It has signed 10 grants and supplemental grants totalling US-\$138 million. Earlier grants include direct emergency support for basic services, as well as rehabilitation of roads, water systems and buildings for government ministries. GOSS has contributed about \$195 million to these projects. Donors have committed a total of \$343 million for 2005-2007, of which \$252.4 million have been paid-in. MDTF projects planned for Southern Sudan in 2007 add up to about \$240 million. (<http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/AFRICAEXT/SUDANEXTN/0,,contentMDK:21255186~menuPK:375428~pagePK:2865066~piPK:2865079~theSitePK:375422,00.html>)

²³ Drawn from Donor Mapping of November 2006 by Moses Mabior, Director Aid Co-ordination, Ministry of Finance & Economic Planning/GOSS.

²⁴ Joint Assessment Mission: Framework for Sustained Peace, Development & Poverty Eradication, March 2005.

²⁵ USAID (Data sheet Sudan Governance) <http://www.usaid.gov/policy/budget/cbj2006/afr/pdf/sd650-005.pdf>

While USAID also provides infrastructure, **UNDP** concentrates on a coordinating role. The activities concerning governance and peacebuilding fall under its foci on Local Governance and Public Administration and Promotion of Rule of Law and Human Security. Its future strategy aims at providing “assistance at all levels, from federal to state/county to local, with bulk of resources spent at the local level. UNDP will ensure close linkages between these levels, so that they reinforce each other, and collectively contribute to the three programme objectives”. Support to the local government has been channelled through advisors to the Finance Ministry for budgeting processes. The ongoing drafting of the Local Governance Act has also been supported. Another focus has been on rule of law and access to justice, partnering with NGOs such as the International Rescue Committee for a paralegal advise to traditional courts.

GTZ Programme Southern Sudan “Support to State Building in Southern Sudan”

In mid-2007, a GTZ programme on Governance in Southern Sudan is to start with a total duration of ten years. The overall objective is a decentralised, close-to-the-citizens public administration that takes up suggestions from civil society in its decision-making processes. Activities in the fields of decentralisation, public administration and civil society development are to link up several levels and include a variety of actors: Targeted are governmental levels of GOSS (Ministry of Local Governance and Justice) and, after 6-12 months, one selected state. With two advisors from Germany (1 GOSS, 1 state level), assisted by short term experts on specific issues, the program is rather small. The program aims at combining process-oriented elements such as advisory services, coaching, conflict fora, management training, discussion platforms etc. and opts for pilote projects among different ministries on different levels as well as with civil society and the business sector. Apart from the Presidential Office and the Ministry for Local Government at GOSS level, the ministries for Local Governance and Justice at the state level are targeted (cf. p. 29).

Observation

Often, the different initiatives aim at one level and do not link different levels of actors. An exception in linking actors, issues and processes is the work the INGO PACT undertakes. PACT Sudan has specialized in Governance Programs in Southern Sudan (cf. p. 22).

Apart from the issue of linkages, both the MTFD-S and the Joint Donor Office that Denmark, Netherlands, Norway, Sweden and the UK have set up in Juba have been complemented on their efforts to increase donor coherence, yet criticized for slow (re-)actions. One of the dilemmas of the donors is the time factor: while state building and governance measures in Southern Sudan require a long-term approach, in some situations quick impacts are needed to prove the peacebuilding orientation of Sudanese and international efforts.²⁶

However, there are some positive factors with regard to governance in Southern Sudan that should be mentioned:

1. The constitution of Southern Sudan puts emphasis on collective and individual rights and foresees also instruments such as the Human Rights Commission instruments for rights enforcement and protection.
2. There is a clear commitment in the constitution to the devolution of power and to the establishment of a pluralistic and democratic system. A decentralised system based on the principle of subsidiarity is best placed to integrate the fragmented and diverse Southern Sudanese society and to find adequate, just and sustainable solutions to those many local conflicts that arise within communities, especially in the context of the reintegration of IDPs and refugees.
3. There is high commitment within parts of the SPLM/A leadership to support peacebuilding and reconciliation efforts within and between ethnic and tribal groups.²⁷

But in order to be effective and efficient (and legitimised in the eyes of the population) political devolution and decentralisation requires a parallel process of financial

²⁶ Norwegian Institute for International Affairs (NUPI), International Engagement in Sudan after the CPA. Report on the piloting of the OECD/DAC’s “Principles for Good International Engagement in Fragile States” for the Case of Sudan. Paper 714, Oslo 2007.

²⁷ Some of these efforts are documented at the Gurtong website: www.gurtong.org.

decentralisation. This is currently not the case. On the contrary, with the oil income provided to the central government the real danger exists that a patrimonial approach to politics will be strengthened. Furthermore, a decentralised, subsidiary approach requires a) that there is enough trust at the local level in the governance system, and b) that the governance system is capable of resolving conflicts effectively and efficiently. We think that both factors are not given yet. Especially the mid-level governance system is not performing well. Therefore, people resort their problems to the traditional system – and if they need official support they refer directly to SPLM/A leadership.

A big challenge for governance efforts is the fledgling state of Southern Sudanese civil society. While organisations have come into existence and Diaspora organisations are now functioning in Southern Sudan, they have not been able yet to voice clear demands and demand accountability of the new government institutions. A critique of MTDF-S and other donor practices has been that the urgent development of civil society has not been undertaken with the same resources and impetus as the institution building on the government side, and that often NGOs have been limited to a role of service providers.²⁸

But the biggest challenge we see is related to the high security concerns which are deeply embedded in the governance system.

Governance as Security: the Example of Lakes State

Lakes State is one of the states with the highest rate of violence. According to a survey conducted by the Geneva-based Small Arms Survey, the majority of respondents even believe that the security situation has not improved after CPA, for one third it has even deteriorated.²⁹ As reasons behind the violence our interviewees referred to conflicts about livestock and natural resources, violent aspects of Dinka culture, the high prevalence of small weapons and firearms in Lakes State and difficult perspectives for the youth.

GOSS reacted by replacing the former governor with a security person, a former Minister of Interior. He reportedly used the military to monitor hotspots and contain movement of people. According to the Juba Post, after taking office in autumn 2006 he imposed a restrictive curfew in Rumbek and surroundings and arrested 1,200 youths since then. While security has been improved to a considerable extent, there are worries about the human rights situation. The governor has refused human rights defenders to meet the arrested on the grounds that they were “thieves and murderers”.³⁰

The risks of a security-dominated approach to governance are manifold:

- it tends to undermine the implementation and protection of human rights
- it tends to undermine the role and function of law enforcement agencies; the police is badly equipped to deal with greedy SPLM/A officers³¹
- it is not conducive to creating a democratic, pluralist environment
- it strengthens central agencies instead of local institutions close to the people
- it fosters mistrust, especially among those communities that already feel excluded or underprivileged

²⁸ NUPI 2007

²⁹ Richard Garfield: Violence and victimization in South Sudan: Lakes State in the post-CPA period, Small Arms Survey 2007.

³⁰ Juba Post, 1.-8. February 2007.

³¹ See BICC: Training in Small Arms Control in South Sudan, Workshop Report, Nairobi, Kenya (14–16 June 2006).

2.3 (Traditional) Conflict Resolution Mechanisms at Local Levels

In Southern Sudan, system-immanent resources include a body of traditional conflict resolution mechanisms and processes at local and community level.³² Community-based people-to-people peace processes, often initiated and supported by civil society and church organisations, have built upon these traditional approaches.

Since these mechanisms and practices are the most relevant at community level, we want to highlight them in the following subchapter. We will also include an overview about external organisations supporting these activities.

Mapping traditional systems and authority

A custom might be defined as “an unwritten law which lays down how things are usually done and have been done since time immemorial; or it is a rule of conduct obligatory on those within its scope established by long usage.”³³ Southern Sudan’s ethnic and tribal richness results in a huge variety of customs and traditions. Each tribe and sub-tribe has its own body of tradition and interpretation of tradition. However, there are some commonalities within the Nilotic and non-Nilotic sections of society as there are within those groups which are organised in central authority system, such as the Shilluk, Anyuak and Zande kingdoms, or in decentralised systems such as the Dinka, Nuer and Bari. In centralised systems, traditional leaders are often appointed by and dependent from the king; while in decentralised systems traditional leaders are chosen by their respective communities according to personal attributes and skills.³⁴

Traditional authority has been divided into a spiritual-religious and a secular space. Sometimes a traditional leader might combine both ‘worlds’, but it is often separated. While it seems that spiritual leaders are often responsible for interpreting reality, chiefs, sub-chiefs, elders and village headmen are involved in regulating community life. Both are involved in decision-making, both do normally possess high respect and moral authority and both are important with respect to local conflict resolution.

But as a result of the civil war traditional institutions and social behaviour have undergone radical change: Chiefs and other traditional leaders lost influence over their subjects. Parallel leadership established itself with the support of parties to the wider war. An example is the emergence of the armed groups, such as the *Jeish Mabor* (White Army), whose commanders substituted the traditional leaders, especially in the Upper Nile region of Southern Sudan. Other traditional chiefs were compelled to undergo military training to ensure the execution of orders from the side of the war they belonged to.

In the second half of the 1990s SPLM/A revived the system of “native administration” set up by colonial rulers. In cases of opposition at the local level or of opposing chiefs, the SPLM/A, however, tried to manipulate traditional authority by replacing the chiefs or sanctioning opposing behaviour. But it was mostly related to the civil war that immeasurable losses in customary law took place: “The collective memory and social cohesion that maintained the cultural archive has been battered by decades of destruction and displacement. Old people,

³² Samson Wassara has contributed significantly to this chapter.

³³ A.H. Abdel Salam & Alex de Waal (ed.): *The Phoenix State. Civil Society and the Future of Sudan*, Justice Africa 2001, p. 179.

³⁴ For more details on this argument see Salam & de Waal 2001.

who are the living libraries of Southern Sudan cultures, have died without being able to hand on their lore and experience to the younger generation.”³⁵

Patterns of traditional conflict resolution

Traditional mechanisms of conflict resolution are mostly based on social harmony, consensus and reconciliation using methods of arbitration, mediation and compensation. It involves different levels of actors ranging from village and clan headmen to paramount chiefs and kings depending on the level of centralisation of society and the type and intensity of the respective conflict. Often the “mediator” is supported by a court which encompasses respected personalities such as spiritual leaders and elders (mostly men, although there are some village headwomen, female chiefs and queens).

Customary courts at *Boma* and *Payam* level do often judge according to customary law, sometimes the senior judge is also the local chief. In Yei, a chief explained us that he is not only the local chief, but also a trained judge. In some cases he uses customary law (especially in cases of family law and land-related issues), in others he would resort to the SPLM/A penal code of 2003.³⁶

Traditional conflict resolution is often based on mediation approaches that aim at restore social harmony and consensus within communities instead of retribution. Customary law is often applied context-specific and is very flexible. Another key instrument is compensation. Especially in cattle-raising communities, compensation for crimes and unjust action is often paid in cattle. It should be mentioned, however, that in some traditional systems – e.g., in the case of the Luo – compensation might also encompass women or young girls. This practice, however, is declining. Successive governments have prohibited the practice and the Catholic Church, which is predominant in the area, condemns the practice and equates it with neo-slavery.

Traditional courts have one key area to decide on: the issue of land usage and distribution. This area is important not only in the context of the reintegration of IDPs and refugees, but also in setting parameters with respect to constructive reconciliation processes. Especially in regions such as Equatoria, where reportedly hundreds of thousands of Dinka have settled during the war, while Equatorians have fled to Uganda, Kenya and DR Kongo, the issue of land distribution and redistribution is nothing less than political dynamite.³⁷

External support in this area comes from UNDP and its partners, such as IRC, and the Swiss Government (see box).

House of Nationalities/Traditional Leaders Fora

Since 2000, Switzerland and the Political Affairs Division IV (Human Security) of the Swiss Department of Foreign Affairs support the discussions among Southern Sudanese about how to link traditional structures, governance and peacebuilding. The concept of a House of Nationalities is probably the most known offspring of this discussions.

According to the concept as discussed so far, in the House of Nationalities all sixty-two ethnic communities of the South Sudan should be represented. In addition, distinct sections of geo-graphically divided ethnic

³⁵ Salam & de Waal 2001, p. 189.

³⁶ This dual system of applying customary law at village level and statutory law at higher levels has been implemented by the British in 1931 and (although never abolished) has been significantly revived by the SPLM/A after 1996.

³⁷ Branch & Mampilly 2005.

communities should be represented as separate entities in their own right. This could mean that initially about ninety communities would be represented in the House of Nationalities.

The aims of the House of Nationalities are:

- to provide the space for representatives of all ethnic communities of the South Sudan to meet in a spirit of mutual respect;
- to promote the dignity and the culture of all South Sudanese communities;
- to gain the state's recognition of the different ethnic communities in the South Sudan;
- to be a body to be consulted by the government before laws or policies that affect the communities are adopted, in particular those concerning culture, communal land and customary law;
- to lay the foundation for a new concept of a nation-state by putting cultural diversity at the core of shaping a new national identity;
- to serve as a venue for the settlement of disputes. It will empower communities to solve conflicts themselves while protecting their cultural and ethnic diversity from political manipulation.³⁸

Other Swiss activities centred around supporting traditional leaders fora (e.g., through a study trip for traditional leaders to Botswana, Ghana and South Africa). In March 2007, a 'Council of Traditional Leaders in Lakes State' has been established by over 40 chiefs from the area during a traditional leaders forum. Details of the mandate and working procedures of the council have to be elaborated further.

Advantages and challenges of traditional systems

Traditional conflict resolution has some advantages

- Restoring and building intra- and inter-community relationships
- Flexibility to adapt customs and traditions to specific situations (open to re-interpretation)
- Close to people (access, availability, spiritual beliefs)
- High level of legitimacy

On the other hand there are also severe constraints

- Human Rights standards do not necessarily apply; there are examples of betrothal of young girls, forced marriage, not taking violence against women seriously
- Not inclusive, but dominated by elder men and certain clans
- Sometimes contested, degree of arbitrariness
- Process: no due standards, inadequate separation of powers

People-to-people peace processes

The so-called people-to-people peace processes in Southern Sudan are encouraging examples of community-driven peacebuilding activities at grassroots level. What distinguishes them from other peace-building efforts is their inclusive character (in terms of ethnic/tribal composition and the deliberate engagement of civil society, traditional leaders and leaders of SPLM/A and other military factions), their focus on political and social reconciliation and the process character (e.g., follow-up activities).

The people-to-people peace processes aimed at mobilising local communities, their leadership and warring factions in Southern Sudan for conflict resolution and reconciliation. The process was mainly facilitated by the New Sudan Council of Churches (NSCC) and has been supported by a vast network of international church and development organisations.

³⁸ See www.houseofnationalities.org. For a wider discussion of Swiss activities see Simon A. Mason: Lehren aus den Schweizer Mediations und Fazilitationsdiensten im Sudan, in: Bulletin 2006 zur Schweizerischen Sicherheitspolitik.

The NSCC, established in 1989/90 by Southern Sudanese churches, aimed since 1994 to initiate and support local Peacebuilding activities. After the SPLM/A endorsed this role in 1997, a series of conflict resolution meetings and peace conferences had been organised with the Wunlit conference in 1999 being probably the most successful and known (see box). Other conferences were held in Lokichoggio (Kenya) in 1998, Waat in 1999, Liliir in 2000, Wulu in 2000, Kisumu (Kenya) in 2001, and Chudukum in 2002.³⁹

The People-to-People Peace Process in Wunlit 1999

Wunlit is a small village in Tonj county of Bahr al-Ghazal (now: Warrap State), where between February 27 and March 8, 1999 mainly Dinka and Nuer representatives had met. Participants of the peace process included the 360 main delegates (180 Nuer, 180 Dinka) from 6 Dinka and Nuer counties from the West bank of the Nile. Each county delegation composed of 15 chiefs and 15 community leaders (elders, women, youth, church leaders). Huge advisory and support teams including spiritual leaders and also ethnic militia groups as well as outside observers brought the total numbers of participants to more than 1,000.

Supported by facilitators from NSCC, traditional and “modern” mechanisms of conflict resolution were combined and included traditional ceremonies, sessions devoted to story telling (voicing grievances and listening) and working in thematic subgroups. At the end, the participants agreed a set of solutions and enforced them by signing the covenant.

The participants agreed upon, inter alia: cessation of hostilities between the Nuer and Dinka communities; amnesty for all offences against people and property committed before 1999; freedom of movement and encouragement of inter-communal trade and development; encouragement of return of IDPs.

As a follow-up of the conferences local peace committee and councils were established. Furthermore, community development programmes were initiated. From 2002-2005 USAID established the Sudan Peace Fund, coordinated by PACT, in order to support peacebuilding activities at grassroots levels, supported also by other development and peacebuilding organisations (see box).

External Support for Peacebuilding

PACT and the Sudan Peace Fund

PACT aims at providing grants to Sudanese organisations for conflict resolution and helping with programmes the promotion of stability. It also implements programmes from UNDP and other donors. As the former director of PACT summarizes: “It added a broad range of complementary peacebuilding activities to the work championed by NSCC.”⁴⁰ Its country strategy has been developed in partnership with numerous local organizations, and comprised the following: support to returns and reintegration, cross line/cross border peace dialogues, enabling good governance, emergence of a vibrant civil society and access to quality, independent information.⁴¹ With regards to reconciliation meetings and peace conferences, the Sudan Peace Fund, a three-year multi-million USD endeavour established by USAID, was coordinated by PACT in 2002-2005. With the focus on wider governance, PACT has managed to link different levels. In fostering the organizational development of peace institutions made up by civil society organizations that have been filling in the gaps created by the absence of strong government and Rule-of-Law-institutions, PACT has supported local peace committees to serve as interface with local authorities, and to gain broader impact by networking among CSOs. The support of peace conferences and people-to-people processes is one feature of that work.

³⁹ See NSCC: Inside Sudan. The Story of People-to-People Peacemaking in Southern Sudan. A Peace of the People by the People for the People, Nairobi: NSCC 2002.

⁴⁰ Paul Murphy: The delicate practice of supporting grassroots peacebuilding in southern Sudan, in: Accord 18 (Peace by pieces: Addressing Sudan’s conflicts).

⁴¹ from <http://www.pactworld.org/programs/country/sudan>

German Development Service and its Civil Peace Service staff

The German Development Service (DED) has been active in Sudan since 1978. DED has been active in Northern Sudan since and resumed activities in Southern Sudan in 2005. Major areas of activities are the strengthening of Civil Society Organisations and Community-based Organisations, vocational training, reintegration (of refugees and IDPs), water and peacebuilding.

One specific instrument of German Development Cooperation, the Civil Peace Service that has been established in 1999, is partly carried out by DED. Together with non-governmental organisations, DED conforms the consortium that implements that personnel deployment scheme. Within that consortium, DED accounts for over 40% of the deployments to some 40 countries. In Sudan, DED is the only CPS organization. The aim of the CPS is to support measures by local partner organisations in crisis regions, which seek to prevent violent conflicts from erupting (crisis prevention), help strengthen peaceful conflict resolution (mitigating violence), and to contribute - by developing structures to promote peace after conflicts - towards securing peace in the long term (peacebuilding). The CPS always works with local partners in its projects in order to identify opportunities for fostering peace which exist in civil society and to strengthen local forces for non-violent conflict settlement.⁴²

Preparations for sending Civil Peace Service experts to Southern Sudan have been undertaken by DED since the CPA was underway. Four Civil Peace Service Posts have been established in Juba/Southern Sudan, one being a coordinator's, starting in 2006. Other DED and CPS experts are working in other parts of Sudan. Based in Juba, CPS experts have been offering trainings in non-violent communication, conflict management, conflict-sensitive project development (PCIA etc.) upon request by local organizations, working in peace journalism with Juba's independent newspaper and the preparation for working with local Reintegration and Development Centers (RDC) in Juba and Kajo Keji. The current re-orientation focuses on the reintegration of refugees and IDPs.

Several features of the work so far, which is undergoing change right now, have not been optimal. Working upon request with local organisations has had the advantage of building upon local ownership and not externally determining processes. Strategically linking and working with key actors, however, has not been possible in that specific set-up, nor was strategic liaising with government actors of different levels on the agenda. The advantage of having several CPS experts concentrated in one office, has therefore not been utilised to the max for combining contacts and perspectives. While Juba certainly has a range of needs that CPS can fulfil, the only concentration in Southern Sudan's capital where there are many donors can be seen as impeding to play out the advantages of CPS, that is its down-to-earth approach with local partners. The lack of logistics and travel resources, as well as security constraints however, have been a constant challenge in 2006/early 2007. The difficulty of identifying concrete counterpart organisations and thus leave the capacities installed in an institutionalised setting have been obvious in Southern Sudan, where there is little capacity in CSOs and CBOs.

Reconcile

Support from German and other donors to Reconcile International, an NGO which has been based in Uganda and has recently shifted its headquarter to Yei in Central Equatoria, has mainly come from non-state donors such as the German Church Development Service (EED). Reconcile had its roots in the New Sudan Council of Churches and has been founded in 2003 to surpass its confessional links. Among its objectives, figure "enhanced understanding of the Sudanese society on issues of good governance, and respect for human rights; and strengthened conflict transformation capacity within the religious and community leadership in the southern Sudan and other marginalized areas." Activities comprise civic education, psycho-social rehabilitation, intercultural/ cross culture understanding with the aim of creating conditions for coexistence, and Disarmament, Demobilization and Reintegration (DDR) of ex-combatants.⁴³

We can conclude that People-to-people processes and other community peacebuilding activities have had an important impact on the local situation and contributed, at least indirectly, to the CPA by improving the living conditions and creating stability in the conflict-driven South. Probably the more important factor was symbolic. The peace processes showed not only that fighting could be stopped and that reconciliation was possible, but created a high level of ownership to the local communities and their respective structures and institutions.

⁴² ZFD, Standards for the Civil Peace Service, Bonn 2005

⁴³ <http://www.reconcile-int.org>

But after the signing of the CPA, the danger exists that donors and other supporters will withdraw their attention from community-led peacebuilding initiatives. This combines with the internal restructuring of an important actor the churches: the New Sudan Council of Churches and the Sudan Council of Churches are currently undergoing a phase of restructuring and redefinition of their respective mandates and roles. The Peace Commission created by the SPLM/A might have to fulfil an important task in the area of community-peacebuilding, but its future structure, mandate and outreach are not clearly defined yet, and might have clear limits. On the other hand, it is very likely that land and resource-related conflicts will increase significantly in the coming years, not at least because of the challenges associated with the reintegration of IDPs and refugees. Also, as mentioned before the level of traumatisation of huge parts of the population is still high. Therefore, the issues of South-South dialogue and reconciliation still need to be addressed.

3. Entry Points for Systemic Conflict Transformation

As described in chapter two, there are almost no structured and coherent vertical and horizontal linkages between state administration and society, between ‘formal’ and ‘traditional’ forms of governance and peacebuilding, between centre and periphery and only very weak links between SPLM and non-SPLM actors.

We consider it a key task for a systemic conflict transformation approach to focus on the interfaces between governance and peacebuilding at the local level, which include traditional mechanisms of conflict resolution. Conceptually it is necessary to improve our analysis and understanding of the linkages between governance and local peacebuilding and how they operate.

On a practical level, a systemic approach requires:

- Supporting or initiating activities that addresses these linkages
- working on different levels/tracks
- working with different sets of actors
- applying different sets of instruments and mechanisms of conflict resolution
- relying on and building upon Southern-Sudanese resources

In this chapter we want to outline some entry points and areas of work for conflict transformation. More concrete recommendations will be given in chapter 4.

3.1 The Relevance of Inclusive Governance

As has been outlined in chapter 2, governance in Southern Sudan needs to be accountable to the different needs of the various communities, tribes and ethnic groups; transparent in its regulations and procedures; and pro-active in its capacity to transform conflict constructively. In sum, it has to be an inclusive governance approach.

Inclusive governance would encompass changing bad practices such as recruiting civil service according to kinship and ethnic/tribal affiliation and not on the basis of qualification and skills (it might be useful to consider quota regulations). It would also need to address and change wrong perceptions where politicians and civil servants are only seen as representatives of their narrow communities and not being held responsible for fair and inclusive services.

In order to support changes towards inclusive governance, it is key to identify and to support those agents and institutions that believe in the advantage and necessity of power sharing and real participation and who struggle peacefully and constructively to achieve this end.

Agents of change within the government

Within SPLM/A and other political parties, we consider those politicians and key civil servants as agents of change towards inclusive governance, who

- have a reputation for democratic policies;
- have a good record of cooperating with members from other ethnic/tribal communities;
- believe in transparent and just processes of policy-making and policy implementation.

There are also many members of civil society and academia who joined the government. Many of them might also qualify as agents of constructive change, the criteria listed above might be helpful for identification, too.

Within SPLM/A and government there are clearly some resources which change processes might built upon. For example, there is a recognition of the importance of inclusive governance (as shown in the constitution). Furthermore, parts of SPLM/A have been responsive to demands of traditional leaders and civil society alike as is exemplified in the holding of a National Convention in 1994 or the Chiefs and Traditional Leaders Conference in Kamuto, Kapoeta County in Eastern Equatoria in June/July 2004, where the SPLM/A invited over 300 kings, queens, chiefs and spiritual leaders of the South Sudan to a historical conference and presented to them the results of the peace negotiations achieved so far.⁴⁴ Also, a number of key leaders and advisors have openly supported People-to-People Peace Processes (e.g., the then second Commander-in-Chief of SPLA, Salva Kiir) or have been directly involved in peacebuilding activities (such as presidential adviser Awut Deng).

However, the big challenge will remain not only how to overcome greedy and narrow-minded politicians and military commanders, but also how to transform the security-dominated paradigm of governance.

Options and areas for external support

- Supporting the transformation of SPLM/A from a rebel or liberation movement into a political party: Capacity development, leadership trainings, institution-building, peer support (by other former non-state armed groups)
- Supporting the establishment of a SPLM/A related think tank that would improve mid- and long-term strategic thinking and the generation of policy options
- Support to decentralisation and devolution of power
- Working with the parliamentarians at GOSS and state-levels to fulfil their roles and responsibilities as member of the legislative body and as representatives of regions and communities
- Support in the preparations for elections: In order for constructive dynamics at the elections, parties need, inter alia, to develop an understanding of their responsibilities to avoid polarisation
- Supporting the development of a civil society that is able to voice needs and hold government officials at all levels accountable. Women's groups and networks, some of them founded in the Diaspora, are a basis from which to start
- Strengthening and advising Ministries of Local Government at the state level
- Strengthening and advising local administration
- Supporting traditional leaders to communicate with administration at different levels

3.2 An Integrated Approach to Governance and Peacebuilding

Closely related to the issue of inclusive government is the task to enable communities to address their specific peacebuilding needs and conflict-related vulnerabilities of communities towards the administration and local government in an effective way. What needs to be done to bridge governance and local peacebuilding? One key challenge here is to deal constructively with the low level of infrastructure and development – there are many basic needs of communities that need to be taken into consideration. But how responsive is local

⁴⁴ For more details, see www.houseofnationalities.org/kamuto_declaration.asp.

government to community demands? How capable is the administration with respect to service delivery?

We believe that the interface between local government and local community initiatives is in most cases not given, but needs to be created by both sides. Therefore, an important area for conflict transformation in Southern Sudan is to help create and support this interlinkages, to identify the resources available for this endeavour and to support advocates for change within the respective communities.

Traditional chiefs and councils of elders as agents of peaceful change?

A key challenge will be to identify among traditional leaders and institutions those who are open to change and willing to adopt traditions in a way which is complimentary to constitutional principles (Human Rights) and acknowledges rights of other groups in the community (IDPs, refugees, returnees). It seems that the quota of 25% for women in all public institutions has also had an impact on traditional councils. While traditional leaders, by definition, tend to be conservative and exclusive – and as such are certainly not an easy actor to engage with – it should be kept in mind that they often enjoy a high level of respect and legitimacy in the eyes of the population. A conflict resolution approach should identify ways to bridge this two dimensions – one option could be to redefine and strengthen their role vis-à-vis local government.

We consider it important also to identify other agents of change among members of local NGOs and self-help groups, local peace and development committees, women or youth organisations or speakers and representatives of IDP and refugee groups.

External support to an integrated governance and peacebuilding approach should be based on and build upon existing resources within this field. For example, the tradition of mediation, arbitration and reconciliation of communities as well as the acknowledgement of traditional authority in the constitutions of Southern Sudan and the 10 states serves as a good starting point although all stakeholders should be involved in a critical assessment of contested practices. Similarly, the tradition of native administration as established by the British colonial powers and revived by SPLM/A offers some blueprints for the interactions between communities and authority. But new resources will also come with returning IDP and refugee population who might bring with them a new set of self-organisation and self-rule as well as different perceptions and routines vis-à-vis government authorities.

Options and areas for external support:

- Empowering communities to identify suitable (traditional and new) patterns of peacebuilding as well as interaction with government authorities
- Empowering communities so that they are better informed about their collective and individual rights (also for service delivery and access to justice)
- Developing model approaches to peacebuilding and community-government interaction that can be useful also for other states and counties
- Supporting the Peace Commission and its institutions at state and county levels
- Conflict resolution and mediation trainings for community leaders
- Documenting and analysing traditional mediation and reconciliation efforts (e.g., in cooperation with University of Juba)
- Encouraging and supporting dialog between human rights and gender activists and traditional chiefs

- Improving information exchange and cooperation between those agencies that work in the peacebuilding sector (probably by identifying suitable focal point organisations similar to UNDP which has the mandate to coordinate support activities in the governance sector)⁴⁵

3.3 Links to Conflict Transformation in ‘Larger’ Sudan

An integrated governance and peacebuilding approach has a further dimension, which can not be tackled in the framework of this study: it is a key element of supporting conflict transformation and regime transformation in the whole of Sudan. The options for systemic conflict transformation suggested in this study have a different focus and are based on a different reference system.

We see, however, some overlap in the following fields of action:

Role of SPLM/A in the Sudan. The vision of a “New Sudan” and the commitment to the partnership established by the CPA (“making unity attractive”) has been recently re-emphasized by the leadership of SPLM/A. Although this might be motivated more by tactical considerations, the role of SPLM/A within Sudan and its contribution to regime transformation is open. The legitimacy of SPLM/A in Southern Sudan, the overall security situation in the South as well as the transformation of SPLM/A into a political party and the outcome of the elections that should be held in 2008 or 2009 will determine this discussion.

Role models for governance and power sharing. A successful devolution and decentralisation of power in Southern Sudan (and the legitimacy of state institutions) will impact on the larger discussion of governance and political regime transformation in Sudan. The current solution to the crises in Darfur and Eastern Sudan require, at least in the longer perspective, role models and new thinking about efficient power sharing. The crucial question will be how further mechanisms of power sharing will be related to or integrated into the CPA. Furthermore, the political management of preparing for the 2011 referendum in the South and how this will be assisted by the international community will have a very significant impact.

Agents for change and regime transformation. Who are the key agents for peaceful change in Sudan? How can political parties, trade unions, professional and student associations, parliamentarians, civil society and other forms of community representations be supported to contribute to successive transformation of a oppressive, authoritarian political regime towards a more tolerant, democratic and pluralist system of governance. Lessons from the South and the SPLM/A might be useful in this respect as well as with regard of how to professionalise (de-politicise) security and military organisations.

⁴⁵ An interesting example is given by CAPOR (Capacity Building for Post Conflict Reintegration) a network of peace and development organisations and humanitarian agencies in Central Equatoria. CAPOR is coordinated by Action Africa Help-International and supported by EED.

4. Recommendations

In this chapter we will outline a set of recommendations referring to a collaborative approach towards governance and conflict transformation. Furthermore, specific recommendations to BMZ, DED and GTZ are given.

4.1 Recommendations for a Collaborative Approach and Modalities

Our main recommendation refers to a collaborative or joined-up approach of German organisations to inclusive governance and systemic conflict transformation which would aim at linking different levels, sectors and actors of governance and peacebuilding (“*Mehrebenen-Ansatz*”; multi-level approach). The recommendation is based on the understanding that both GTZ and DED/Civil Peace Service have complementary strengths that could be used in a collaborative approach – but it would also be possible to make use of the recommendations individually or in cooperation with other partners.⁴⁶

The new GTZ governance programme has the following strengths/comparative advantages:

- a. It aims at supporting the Presidential Office and the Ministry of Labour, Public Service and Human Resource Development to define and implement a strategy for devolution and decentralisation of governance (distribution of responsibilities, administrative routines).
- b. It supports the performance of key governance tasks at state and county level. Furthermore, at state and county level the programme supports the Ministry of Local Government (MLG) to fulfil key governance tasks. The governance programme is thus well placed to sensitise and advise key decision makers on concerns related to local government.
- c. It aims also at qualifying civil society groups to be able to voice their interests vis-à-vis their respective government and to support the MLG to establish fora for dialogue with civil society. As outlined before, we consider this one of the key challenges of inclusive government and conflict transformation.

But the programme is basically state- and administration-centred. The linkages to and inclusion of community-based and traditional peacebuilding initiatives need to be strengthened in order to ensure a real dialogue.

The DED/Civil Peace Service programme has the following strengths:

- a. It has a focus on and trained personal for conflict transformation and peacebuilding activities.
- b. As it has started activities in Juba in the areas of capacity-building and training for peace and non-violent action, peace media, there is a body of experience in working in these fields and in Southern Sudan.
- c. The new focus on supporting communities to be equipped to reintegrate IDPs and refugees covers an important aspect of the post-conflict setting in Southern Sudan and

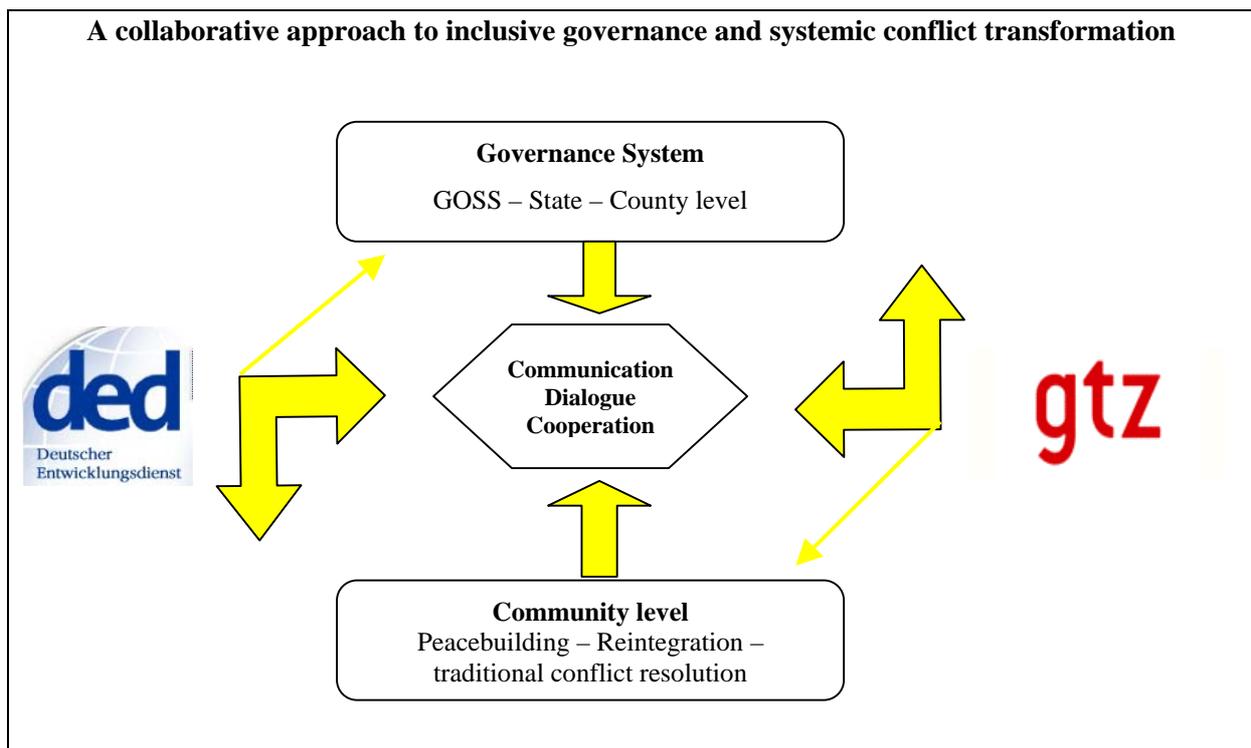
⁴⁶ We would like to stress that we got an initial mandate by GTZ and DED/Civil Peace Service to explore this collaborative approach further. However, we think that some basic recommendations are also relevant for other German or non-German actors who are operating in the governance and peacebuilding sectors, especially EED/Reconcile and PACT.

provides a link between development activities such as vocational training on the one side with peacebuilding activities on the other.

- d. The DED core and the CPS programme are close to communities; at the same time, DED CPS as a government funded and controlled organisation, can probably rely on better access to the MLGs than the potential project partners.

However, if DED aimed at a DED-only pilot project in one of the states, it would have only weak links to the political field and the area of governance in Juba.

The following figure shall summarise the respective areas of work and the strengths and potentials of DED and GTZ:



As the figure suggests, the GTZ supported governance programme is strong at the level of GOSS and state and in its support to the MLG, while access to community level is limited. With respect to the DED/Civil Peace Service programme, it is vice-versa: access and field of work is at community and less at government levels. Thus, both programmes could easily complement each other. The interesting area for cooperation is where both programmes can meet: the hinge between top-down government administration and bottom-up community peacebuilding initiatives.

The objective of such a collaborative approach would be to support, develop and implement mechanisms of communication, dialogue and cooperation (and probably joint decision-making) between the Southern Sudanese administration and community peacebuilding initiatives. The added value of a collaborative approach is based on the possibilities that both (administrative and local) systems can better learn about the potentials, needs and constraints of the other and that communication and cooperation structure can be integrated into the logics of both. For example, community structures that deal with redistributing resources in order to accommodate returnee communities need to know what they can expect from the administration and whom they have to address and how. On the other side, the administration

needs to know about the requirements and needs of the communities and how best to deliver services.

If this sound too idealistic, two arguments support the outlined idea:

First, there is already some related practice. Reconciliation between fighting gangs of ex-combatants in Lakes State facilitated by NSCC, county commissioners as well as the local chiefs are usually involved and this guarantees that the agreements are implemented. This good practice needs to be institutionalised. Reconciliation and reintegration are huge challenges that will affect the Southern Sudanese society for many years.

Second, traditional and statutory law need to be accommodated in order to avoid contradictions to the bill of right as guaranteed in the constitution of Southern Sudan and all the 10 states. The challenge is to find a good balance between these two systems. If we take as an example the issue of land we will analyse that customary law is key for land distribution and needs to be maintained in order to avoid a vacuum. So how can the arbitrariness that sometimes characterises traditional courts, be avoided, and how can traditional mechanisms be enforced? Juba is a good case which shows that there is currently little respect for traditional mechanisms of land distribution. If traditional systems should be modified according to human rights standards this needs to be done by serious dialogue based on mutual respect.

Framework and mandate of a collaborative approach

The suggested approach fits well into the political framework of the Interim Constitution of Southern Sudan, especially the part on the decentralized system of governance (paragraphs 50-52) and on local government (paragraph 173-175). It is also in line with cluster II (Governance and Rule of Law) of the Joint Assessment Mission of 2005.⁴⁷ A more detailed framework for local governance is currently under discussion at the Local Government Board.

The political responsibility and overall implementation of the GTZ governance programme is based at the Presidential Office and with the respective Ministry for Local Government.

DED/Civil Peace Service programme has had no direct counterpart at GOSS-level so far. Since 2007, DED is cooperating with the County Commissioner of Juba with respect to the Reintegration and Development Center (RDC) in Juba.

One option for the DED is to consider whether or not it would be useful also to cooperate with the MLG at state level. In terms of sustainability and political acceptance this might be quite important. On the other hand, GTZ will be cooperating with MLG and there might be some advantages for the DED not be seen to close to the government and to have more room for manoeuvre. A good solution could be to operate under a Memorandum of Understanding which strengthens the ownership of the DED/Civil Peace Service programme within MLG, but does not give it discretionary power about its implementation.

Important partners to this collaborative approach could be: UNDP as a lead agency in the governance sector; PACT and Reconcile as organisations with a lot of experience at the interface of community peacebuilding and governance, and the German party-political foundations, especially Friedrich-Ebert-Foundation (FES). A further partner could be the Political Affairs Division IV (Human Security) of the Swiss Federal Department of Foreign

⁴⁷ Joint Assessment Mission: Framework for Sustained Peace, Development and Poverty Eradication, March 2005.

Affairs, where extensive experience and knowledge working with traditional leaders has been gathered (House of Nationalities; Traditional Leaders Forum).

Modalities

Formalisation of collaboration

How formalised the collaboration should be depends, at least partly, on the institutional culture of both organisations. We suggest the following mechanisms as a good starting point:

- The decision in which state to go and which 3 or 4 counties should be chosen as project areas should be taken jointly and after due consideration of criteria for selection
- Joint definition of objectives for different working areas
- Joint elaboration of strategic approach and division of labour
- Regular (e.g., weekly) exchange of information about project progress and for planning of collaborative activities
- If necessity arises, joint fundraising for collaborative activities
- Joint decision about sharing an office building or not

Areas of activity

In the frame of the third component of the GTZ governance programme, civil society organisations (CSO) shall be enabled to clarify its role as interest group, to act accordingly and to voice their interests in fora created by government. Support will be provided through, inter alia, organisational development, capacity development, training, exchange of experience, consultancy.

For DED/Civil Peace Service programme we suggest to focus on supporting those traditional and community mechanisms and structures which are most relevant for conflict resolution and a peaceful integration of IDPs and refugees. In order to sustain community peacebuilding, support should build on local (material and immaterial) resources to conflict resolution, on working especially with key agents of peaceful change and on enabling these traditional and community structures to interact and communicate with the state administration. Support is provided mostly through intermediary organisations (such as NESI, local NGOs, the Peace Commission, etc.). Support is given through documentation/critical reflection, exchange of experiences, trainings (especially training of trainers) in (systemic) conflict analysis and community peacebuilding, consultancy, workshops and organisational development.

Collaborative activities should revolve around two main areas:

First, developing and documenting pilot mechanisms for effective participation of communities in the governance system. Effective participation means that communities and their demands are taken seriously, that they will be empowered to self-government and have access to those services they are entitled to. Current means of participation shall be critically assessed and modified, new models of public participation and involvement shall be discussed and tested. For this purpose, experiences from other Sudanese or African regions shall be reflected upon and administrators and community leaders shall be trained, coached and supervised.

Second, analysing and contributing to an improvement of the interaction between customary and statutory law systems. For this reason, dialogue between traditional chiefs and councils of elders with local politicians, judges and women and human rights groups might be encouraged on how

- to strengthen the positive aspects of the traditional system (for example, access, legitimacy, value for local customs, mediation, restorative justice)
- to identify ways to modify or replace practices that harm human rights and/or discriminate against women and youth
- to give traditional conflict resolution its own space, but embedding it into the principles and rights granted to all Southern Sudanese by the constitution

Activities might encompass documentation and critical reflection of traditional practices, peer education and training, disseminating the bill of rights and educating communities on their entitlements and rights. Experiences from the discussion on the House of Nationalities and the Traditional Leaders Fora and other programmes dealing with customary law⁴⁸ shall be made use of. A further option could be to cooperate in this regard with the College of Social and Economic Studies and the Centre for Peace and Development Studies at the University of Juba.

With respect to the dialogue fora and pilot mechanisms for public participation, different forms of institutionalisation are possible:

1. Physical infrastructure (e.g., “House of Traditional and Community Leaders”); according to current DED activities, this could be linked to an RDC or an RDC is partly used for this purpose.
2. Regular fora are institutionalised at MLG and/or within community structures. This options allows more flexibility and probably more ownership of communities and MLG.
3. Dialogue and communication is organised in a flexible way and when need arises.

Personnel and qualifications

Within the GTZ governance programme one international advisor will be placed at state level. While this person could contribute to the collaborative project, additional regional experts and consultants with expertise on public participation mechanisms at county level would be an advantage.

For the DED/CPS programme we suggest to work in a team of, at least, three civil peace workers, who would work at community level, but also contribute to the collaborative approach.

Suggested qualifications:

- 1 person for management and process design (good facilitator, strategic thinker)
- 1 anthropologist for traditional structures
- 1 person with legal background and/or gender specialist

We are strongly suggesting to complement the team with the following counterparts:

- 1 counterpart from MLG
- 1 counterpart from a local NGO that works with community structures (e.g.; NESI)
- 1 counterpart from peace commission

⁴⁸ For example, IRC: Access to Justice programme

- 1 counterpart from a women or human rights organisation working in the respective state.

Options for project area:

We suggest to use the following criteria for selecting the project area (of course, other factors might be added):

1. Area outside of Central Equatoria, as that state has already experienced much external support
2. Content-related considerations: MLG has at least some basic staff and equipment to work with, interested in the programme; potential partner organisations and CBOs are active in the state or the pilot counties selected; degree of inter- and intratribal violence; perceived impact of reintegration; other actors active who could support the programme
3. Pragmatic considerations: level of infrastructure and security situation

Risks for a collaborative approach

We want to address some challenges that need to be taken into consideration:

RDCs and Over-Complexity

We think that DED's engagement in the area of reintegration and especially the support of RDCs can be linked to the CPS programme. However, with respect to the suggested collaborative programme, it might be difficult to deal with the increased complexity of further partnership (e.g., with UNHCR), especially if the third partner has a different mandate. For example, it might be difficult to identify a suitable programme area. We suggest therefore, not to link the proposed programme necessarily with an RDC. Although we see potential complementarity, implementation of a collaborative programme plus RDC might just not be feasible after further scrutinising.

Funding

DED/CPS has limited resources for activity funding and even less for infrastructure funding. Also the GTZ governance programme has clear restrictions. Given that basic infrastructure is lacking everywhere in Southern Sudan and especially at local and community levels, it might be difficult to ignore this factor. Prices are high, because many goods have to be imported. If BMZ could not provide additional funds for logistics in the very difficult context of Southern Sudan, one option for both GTZ and DED/CPS would be to join forces to look for other fundraising opportunities, and/or join up for logistic matters.

Personnel

As most organisations had to realise, it is difficult to find qualified candidates willing to settle for several years in Southern Sudan. We suggest to look more for international qualified candidates and if that required more time, to start working with consultants and with short-term experts. Another important feature for candidates would be the ability to work in a team, so that the processes of bringing in community leaders, chiefs and liaising with the administration could eventually link up.

4.2 Further Recommendations (BMZ, DED, GTZ)

Apart from the recommendation for a collaborative approach among GTZ and DED as we outlined in chapter 4.1, we recommend the following for BMZ, DED, and GTZ.

Recommendations for BMZ

1. The German contribution to peacebuilding and conflict transformation in Southern Sudan / Sudan should be increased. It also requires a clear strategy. This strategy must be concise but not necessarily public in the light of the dilemma: that a commitment for all of Sudan might be difficult in the light of human rights abuses in Darfur, and a sole Southern Sudan strategy counters the current political agreement between Khartoum and Juba. A concise analysis of the situation and of specific peacebuilding needs would be the standard for all German activities; this study may lay out the base but cannot substitute a dialogue among all German actors in Sudan.
2. BMZ should foster an approach to link existing German engagement in Southern Sudan. Essential to that and playing out German expertise will be that all initiatives are at least conflict-sensitive, but that Governance and CPS efforts explicitly aim at working on the existing conflicts with the aim of reducing violence and fostering peace potentials. In that sense, the GTZ Governance programme which currently has the OECD marker for conflict sensitivity K-0 (conflict sensitive in the sense of Do no Harm, but not aiming at working on the conflict) should be revamped to have a K-1 focus (aiming at peacebuilding, reducing conflict factors and fostering peace potentials). The skills for bringing in conflict transforming elements exist within the Civil Peace Service in Juba. That would also draw on the recently published BMZ concept on development-oriented transition which provides for an approach that is oriented by the governance performance and calls for conflict sensitive approaches that foster drivers of change and respect traditional structures.
3. We recommend to give strong support to the proposed collaborative approach (ch. 4.1) and to make use of its innovative potential. As a pilot project that links community peacebuilding with governance support it should be seen as a field for learning and thus might require more flexibility in planning and implementation, more time for developing its strategic and conceptual objectives, and probably additional financial support to overcome organisational restraints.
4. Strong content-related and financial support is a must for Sudan. If BMZ wants a significant German contribution to Southern Sudan / Sudan, adequate logistics are key. The amounts might easily surpass those of the instruments in other countries, so it will be a strategic decision to work adequately in Southern Sudan and to accompany the state and peace building process.
5. The case of Southern Sudan also hints at the need for more flexibility with respect to the instrument CPS. So far CPS has mainly been applied as an instrument to send specialised personnel to a partner organisation and, depending on the sending organisation, to help fund a counterpart person who will continue the work after the CPS expert leaves and to provide logistics (computer, vehicle). Valid exceptions in the sense of bringing in teams that work independently from one specific counterpart have been the Willy Brandt Center in Jerusalem or the deployment of CPS to Peace Brigades International Teams. In the case of Southern Sudan, due to the lack of counterparts and the needs identified, a shift to current CPS practice in Juba seems necessary. In order to build a useful presence that fosters CSOs and CBOs which later might become CPS partners, a strong team with relevant logistics would be needed,

including funds for flight tickets, access to meetings and conference rooms, vehicles and security regulations allowing access to more remote areas.

Recommendations for DED

6. DED should build on its reputation and experiences with civil-society oriented activities and establish a clear and strategic focus for its peacebuilding and conflict transformation activities in the CPS frame. The CPS activities thus will overlap and aim at synergies with the development work, but aim at an impact on the conflict situation. Integrating part of CPS activities in the reintegration programmes and linking them to the RDC is recommended, but that alone will not suffice for a pro-active conflict transformation approach.

7. In line with recommendation 5 to BMZ, DED should use its presence in Southern Sudan to undertake a pilot for increased resources and flexibility for CPS. This would have to be adopted as learning field from both BMZ and DED, but also from the other consortium members, and carefully analysed for lessons.

8. CPS activities should be considered to take place outside of Juba. The impact of CPS interventions could be more visible and greater in content if focussing on another region where other donors and agencies would not necessarily be as active.

9. Related to the suggestions for the pilot programme, DED CPS in Southern Sudan should opt for an approach that offers services to a variety of partners instead of selecting counterparts for installing experts there. The reasons are on the one hand the obvious difficulty of identifying concrete counterpart organisations; as there is little capacity in CSOs and CBOs in Southern Sudan. The advantage of already having several CPS experts concentrated in one office should thus be utilised to the max for combining contacts and perspectives. On the other hand, strategically linking and working with key actors means more than the current work on demand of the Sudanese organizations, and strategic liaising with government actors of different levels has to be part of CPS activities.

Recommendations for GTZ

10. The governance programme in Southern Sudan should be geared towards peacebuilding, and thus the programme start should include a clear focus in that sense. GTZ should therefore make use of conflict resolution/peacebuilding experts (internal or external) as consultants at different levels. These could also come from the CPS in Juba.

11. In order to build on Southern Sudan's resources, one initial step would be to study community-responses to conflict and reintegration challenges and use the chance of improving the conflict resolution and transformation potential of the governance system.

12. GTZ should thoroughly liaise with Sudanese peacebuilding actors; apart from CPS, there is also Reconcile, PACT and others. Also, contacts for NGOs such as NESI and Women's networks would be helpful to devise a good scheme for the civil society component.

Schedule and Meetings

Date	Place / Activity	Persons met	Organisation / Function
2006			
12. 12.	Bonn	Bernhard Harlander	BMZ/GTZ Advisor Sudan
		Günther Schöneegg	FriEnt, responsible for Sudan-Chad round table
13.12.		Matthias Ries	DED, Head of Division, Civil Peace Service, Conflict Transformation and Peace-Building
		Sven Reuter	DED, Division, Civil Peace Service, Conflict Transformation and Peace-Building
		Klaus-Dieter Seidel	DED, Head of Unit
		Wolfgang Heinrich	EED, Head, Working Unit Peace and Conflict
		Günther Augustini	EED, Section Head, Horn of Africa
		Karl-Michael Kronenberg	EED, Action Programme 2015
19.12.	Hildesheim	Marina Peter	Sudan Focal Point Europe
21.12.	(Telephone)	Verena Weiss	Max-Planck-Institut, Coordinator Sudan Programme
2007			
20.1.	Berlin – Khartoum		
21.1.	Khartoum	Dr. Abdal-Rahim Belal	Former Resident Representative, Friedrich-Ebert-Foundation
		Erich Beining	DED Sudan, Country Director
		Jan Rietz	DED Sudan, Coordinator Capacity Building
22.1.		Manfred Öhm	FES Sudan, Resident Representative
		Rolf Strand	Norwegian Embassy, Counsellor
		Jeremiah Moses Swaqa	UNMIS, Human Rights Officer
23.1.		Farouk Gadkuoth Kam	Constitutional expert
		Angela Grunert	DED Sudan, Public Relations Advisor
24.1	Khartoum – Juba		
		Karen Ayasse	DED Sudan, Coordinator Civil Peace Service
		Alexandra Geiser	DED Sudan, Civil Peace Worker
25.1	Juba – Yei		
		Kim	GTZ/UNHCR Reintegration Programme, Manager Yei Office,
		Dominik Lehnert	AAHI, Coordinator CAPOR
		Pius Muriithi	Institute for the Promotion of Civil Society, Programme Officer
26.1		Jonas Anwar	GTZ/UNHCR Reintegration Programme, Associate Reintegration Officer
		Chief James (Reimasuk Bala) and members of Payam court	Paramount Chief Kakwa, Head of Yei Payam Court
		Milcah Lalam	Reconcile, Programme Supervisor
		Del Braaksma	Reconcile, Coordinator Rehabilitation & Reintegration
	Yei – Juba		
27.1.		Emmanuel LoWilla	Reconcile, Director
		Marv Koop	PACT Sudan, Director
28.1.		Karen Ayasse	DED Sudan, Civil Peace Service

			Coordinator
29.1.		Rasheed B. Ali	SPLM Secretary General, Office Director
		Peter Gwang Akich	Southern Sudan Peace Commission, Deputy Chairperson
		Ferdinand von Habsburg-Lothringen	UNDP, Senior Advisor
		Stefan Friedrichsen	DED Uganda, Civil Peace Worker, Makeree University
		Anne M. Dietrich	DED Sudan, Civil Peace Worker
30.1.		Joy Kwaje Eluzai	Human Rights Commission, Parliament Southern Sudan (SSHRC), Chairperson
	Juba – Rumbek		
		Michael Ouko	New Sudan Council of Churches, Peace Program Manager
		Titus Agwanda	New Sudan Council of Churches, Peacebuilding Expert/Trainer
31.1.		Awan Guol	Government Lakes State, Acting Governor
		Gordon Maker Abol	Government Lakes State, Minister of Local Government and Law Enforcement
		Jok Ayom	Government Lakes State, Minister of Physical Infrastructure
		Noura Sawa	Spokesperson of IDP community in Rumbek
1.2.		Isaac Karko Alajabo	Southern Sudan Rehabilitation & Reintegration Commission, Lakes State office, Deputy Director
		Mary Barnaba	Legislative Assembly, Lakes State, Chairperson, Gender & Social Welfare Commission
		Gabriel Awai	Legislative Assembly, Lakes State, Member Gender & Social Welfare Com.,
		Chief Majak Malok	Paramount Chief (since 55) in Lakes State
2.2.	Rumbek – Juba		
		Tiernan Mennen	International Rescue Committee, Rule of Law/Protection Coordinator,
3.2.		Karen Ayasse	DED Sudan, Civil Peace Service Coordinator
5.2.		Alexandra Geiser	DED Sudan, Civil Peace Service,
		James Kok Ruea,	South Sudan Peace Commission, Chairperson
		Peter Gwang Akich	South Sudan Peace Commission, Deputy Chairperson,
		Ananta Hans	USAID, Governance and Democracy Programme Officer
		Sue Tatten	UNDP, Senior Rule of Law Advisor - Team Leader
		Matthew Martenson	UNDP, Senior Rule of Law Officer
6.2.			
		Bente Brandt	DED Sudan,
		Rebecca Dale	International Rescue Committee, Advisor
7.2.		Marisia Pechaczek, Robert Quarles	Joint Donor Team Adviser Governance and Rule of Law; NL MFA Focal point 1325
		Simon Lado Atunya	Reintegration and Development Center, Juba

		Amalyia Omot	NESI
8.2.	Juba - Khartoum		
		Dr. Roland Schissau	German Embassy, First Secretary
		Erich Beining	DED Sudan, Country Director
9.2.		Karen Ayasse, Khartoum	DED Sudan, Coordinator Civil Peace Service
9.3.	Bonn	Bernhard Harlander	BMZ/GTZ Advisor Sudan
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