

A SPACE FOR PROTECTING THE
UNITY AND DIVERSITY OF THE
SOUTH SUDAN:

THE HOUSE OF NATIONALITIES

ARGUMENTS FOR
GOOD GOVERNANCE
AND
PEACEFUL RELATIONSHIP
BETWEEN THE MANY CULTURES
FOUND IN
THE SOUTHERN SUDAN

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Table of Contents

Foreword

1. *Historical background*

- a. From the Turco-Egyptian Administration to the Anglo-Egyptian Condominium
- b. The Sudan ways towards Independence
- c. The first civil war, the Southern region: its successes and failures
- d. The 2nd civil war: initial successes and failures

2. *Looking into the Future:*

- a. The quest for national consensus and unity
- b. A need for the creation of a national consciousness
- c. A need for creation of awareness of common values
- d. A sense of responsibility for the country's other cultures
- e. A need to preserve languages
- f. A need to create organs for peaceful resolution of conflicts

3. *The House of Nationalities*

- a. Composition, competence and legitimacy of the House of Nationalities
- b. Functions of the House of Nationalities
- c. Practical considerations
- d. Ways of starting the process to roll

4. *Summary*

<i>List of Tables:</i>	Table 1:	List of Nationalities found in the Southern Sudan
	Table 2:	Nationalities, sub-nationalities according to their geographical locations
	Table 3:	Proposed representation in the House of Nationalities

<i>List of Maps:</i>	Map I:	Location map of the Sudan and the South Sudan.
	Map II:	Map to show the districts in South Sudan
	Map III:	Nationalities map
	Map IV:	Political divisions map

I. HISTORICAL BACKGROUND

There is no understanding of the present without the knowledge of the past. History shapes the consciousness of people and affects their attitudes towards other people and cultures, in what concerns the relationship with their close neighbours as well in what concerns the relationship with members of a more distant community or a larger political entity.

Because this paper argues for the creation of unity of the many people and cultures found in the Southern Sudan, it is crucial to highlight those events and attitudes which have deepened the differences between people and which have made it so difficult to provide them with a feeling of really belonging together: to overcome deeply rooted and seated feelings of hatred and distrust, to be able to pardon and to believe in a more prosperous future, it is necessary to be conscious of the various historic and cultural reasons which have made it hitherto impossible to reach a state of unity and lasting peace.

In the essentially constructive, positive spirit of this paper, it is logical that the long gone, truly historic reasons for hatred (such as slavery, exploitation by foreigners etc.), lack of unity and of a common identity will have to take less space than all those reasons which belong to a more recent past and which are more directly linked to the South-Sudanese themselves: to become conscious of *own* errors, some of them outrageous, is a much more sure means of overcoming present obstacles than expecting other people to learn out of *their* errors. Unity in the *own* cultural and political environment cannot be achieved by others!

From the Turco-Egyptian administration to the Anglo-Egyptian Condominium:

The recorded history of modern Sudan begins with the establishment of a corrupt and inefficient *Turco-Egyptian administration* in the northern Sudan in 1824. Around 1881, the *Mahdist* uprising started and came to succeed four years later in overthrowing the *Turco-Egyptian administration* with the fall of Khartoum in 1885. The Mahdist state increased slavery by subjecting the South Sudan, the Nuba Mountains and Southern Blue Nile to extreme plunder and pillage. The memory of this period shaped the uneasy relations between the people of South Sudan, the Nuba and the Funj on one side and the northern Arabs on the other side, making Sudan's unity *a priori* impossibility.

The Mahdist state was conquered in 1898 by a joint Anglo-Egyptian expedition, and the agreement between Egypt and Great Britain in 1899 formed the basis of the *Anglo-Egyptian condominium* which drew the present boundaries of the Sudan. However, later political developments in the relations between the colonial powers prompted the British to seal off the Nuba Mountains, Southern Blue Nile and Southern Sudan from the rest of the North by creating a new law – the “*Closed District Ordinance*” - which was meant to protect the Black Africans living in these areas from Arab slavery and to curb Egyptian influence. As a result, the two parts of the Sudan, namely North and South, were administered separately. The British, the

dominant power in the condominium¹, had initially wanted to tie the Southern part of the Sudan to British East Africa, but post-war-realities forced a reversal of that policy - the policy of the three Southern provinces – in 1946; the lot of the people of the Southern Sudan was cast with the north, thus uniting the country for the first time in history.

The Sudan's way towards independence.

The colonial decision to unite the country got coupled with the marginalisation of the South in the independence-process. In particular the so-called “*Cairo Agreement*” of 1953 which granted self-government to the Sudan and which led to the “Sudanisation” of the posts in the colonial administration inflamed the passions when it turned out that only four South Sudanese were receiving junior administrative positions. The anger culminated in the *mutiny in Torit of the Southern Corps of the Sudan Defence Forces (SDF)* on August 18th 1955. The Arab dominated northern political elite thwarted the Southern demand for a federation with the North, and this in spite of the fact that an unanimous vote for independence in the parliament on December 19th, 1955, had predicated a federation as a means of bridging the social, economic and political disparities which were due to uneven development of the two parts of the country.

The Republic of the Sudan became independent on January 1956. Though the Sudan is composed out of a multiplicity of ethnicities, religions, languages, cultures and traditions, the ruling northern political elite which had inherited the power defined it only on two parameters, namely Islam and Arab culture. This enabled them to monopolise political and economic power and to completely marginalise other ethnic groups, allowing themselves at a same time to embark on a programme of arabisation and islamisation of the whole country.

The first civil war, the creation of a Southern Region and the failures of regional self-governance.

The policy of the so-called national government heightened the tension in the South as the people resisted the imposition of purely Arabic and Islamic values. The conflict ignited by *the mutiny in Torit escalated into a war* which came to unite the people of South Sudan against the northern, Arab dominated government. Spearheaded by the *Anyanya Land Freedom Army*, this war was to last for the next seventeen years...! In March 1972, an agreement that came to be popularly known as the “*Addis Ababa Agreement*” between the South Sudanese Liberation Movement (SSLM) and the regime of Nimeri, brokered by the Ethiopian Monarch, ended this first liberation-war. Even though the agreement did not meet all the aspirations of the people of the Southern Sudan (and in particular their quest for a separate state), it at least established the principle of a regional self-rule and provided the people of South Sudan a breathing space.

¹ Egypt at the time was itself under British occupation following the collapse of the Ottoman Empire after the first World War. The condominium agreement stipulated an arrangement in which the British administered the Sudan while the Egyptian footed the bill for ruling the country.

The Southern Region with its *capital in Juba* was created from the three Southern provinces of Bahr el Ghazal, Equatoria and Upper Nile. A *People's Regional Assembly (PRA)* and a *High Executive Council (HEC)* were established as the regional parliament and government respectively. The Southern Region established its own Public Service Commission, its own Police and its own Prison Service. The Southern Region operated like a liberal democratic sub-system whereby South-Sudanese leaders ran loose clandestine political coalitions, namely the *Southern Front (SF)* and the *Sudan African National Union (SANU)* within Nimeri's oppressive, totalitarian and autocratic *Sudan Socialist Union (SSU)*. Thus, for example, the People's Regional Assembly elected by a secret vote the president of the High Executive Council² and vetted his government, while in Khartoum Nimeri ruled by presidential decrees.

Despite the relative peace it had created in the South, the Addis Ababa Agreement suffered of *serious structural weaknesses* and therefore *failed to solve the fundamental issues of the conflict in the South*.

Confusion existed regarding the status of the North and the South in the new constitutional arrangement in the country after 1972. The Southern Region enjoyed local autonomy while the North represented what was sovereign over the whole country, thus enabling the Arab dominated northern political elite to sabotage and to overturn some critical decisions taken by the Southern Region.

The SSLM's political leadership did not take over helm of power in the Southern Region during the provisional period. Instead, the politicians and the Anya-nya military officers were absorbed and integrated into the ruling system even before the end of the transitional period of five years, as it had been stipulated by the Addis Ababa Agreement. This prevented a close supervision of the implementation of the articles of the agreement and allowed Nimeri to undermine the agreement whenever that suited his objectives. The referendum stipulated by the agreement which was to determine the status of Abeyei (Southern Kordofan), Hofrat en Nahas (Western Bahr el Ghazal) and Kurmuk (Southern Blue Nile) - whether or not they administratively and politically would be returned to the Southern Region - was never carried out. But Abel Alier, the President of the High Executive Council and vice-president of the Republic, simply refused to implement that provision and went instead to imprison those politicians who had agitated for the referendum.

The political elite that exercised power in the Southern Region, whether previous members of the SSLM or politicians who had formerly served the Arab political establishment in various capacities, got completely integrated into the ruling system and quickly jettisoned what they now called the "*problem of the Southern Sudan*", demonstrating complete political spinelessness. In consequence, they failed to transform the regional autonomy into a platform where the people they presumed to lead could cultivate a South Sudanese national consciousness. Well on the contrary, they sent the people to sleep with a heavy doze of '*national unity*' based on Arab values, which they overdid in order to demonstrate their personal loyalty to Nimeri and to win political favours. In the course, they fragmented the unity and the fragile

² There were exceptions as for instance in December 1973 when Nimeri imposed on the People's Regional Assembly Mr. Abel Alier who headed the fledgling eighteen months old Provisional HEC (1972 – 1973) stipulated by the Addis Ababa Agreement.

Southern nationalism which had been forged over years of common struggle against foreign invaders, thereby dividing the people along ethnic and sub-ethnic lines.

Indeed, the Southern political elite more than the Arab ruling circles betrayed the cause of the people of the South Sudan. *There was no link between the Southern Regional government and the nationalities in the South* which had struggled and made sacrifices for the realisation of the regional autonomy. Through the mass-media, the regional government promoted not the Southern agenda but a presumed national consciousness that had no roots in the psyche of most South-Sudanese.

The Southern politicians were more than less isolated from the reality of their constituencies. Many of them were visibly corrupt and practiced tribalism in the government services and in the allocation of public resources not because they were acting as representatives but *only* as a means of relating to their constituencies and buying their loyalty. *This triggered sharp divisions and ethnic animosities* and explains the strong movement in Equatoria for *kokora*³, which Nimeri exploited later on to re-divide the Southern Region.

Encouraged by such weakness and *lack of resolve* among the Southern political elite, the northern political elite, already envious and suspicious of the liberal political atmosphere in the Southern Region, worked to sabotage the economic and development projects which had been planned for the South. This was deliberately *to keep the Southern Region economically dependent on the North* and to prevent any adventurous attempts at secession. It is worth mentioning, for example, that the Wau Fruit Canning, the Beer Brewery factories, the Tonj Kenaf factory, the Nzara and Mangalla agro-industrial complexes, the Melut Sugar Factory, the Malakal Paper and pulp industries planned earlier failed to take off while the sugar factories planned much later in Kenana, in west Sennar and in Asalaya were quickly implemented, even though they were - because of heavy dependence on irrigation - running at production-costs.

The *complete economic strangulation of the Southern Region by the North* was reflected in the dearth of social services in the South, which was now more dependent on resource-injections from the North and this even in agricultural produces that traditionally grown therein. The health-care-services, now provided by the NGOs, were concentrated in Equatoria (especially in Juba and its environs) while the parts of Bahr el Ghazal and Upper Nile were completely neglected.

There was *a complete breakdown in the education and school system.* Although there were now more schools opened (e.g. Juba University was opened in 1977) and more than fifteen senior secondary schools existing, there was a real *shortage of qualified teachers.* The majority of qualified teachers now preferred to go into politics or accepted other, better paid jobs: the economic crisis in the whole country had first hit the education system with teachers who would never get a regular salary. There was a *lack of school equipments and textbooks* as well. The result was *a drop in the standard of education throughout the Southern Region* which in its turn resulted in an increase in the rate of school dropouts. The number of students from the Southern Region accepted to institutions of higher education had dropped sharply.

³

To add insult to wound, *Nimeri repeatedly interfered in the political and democratic process in the Southern Region, dismissing Regional Government and dissolving the Regional People's Assembly at will.* This not only paralysed the functioning of the regional institutions but also *was deliberately meant to cultivate in the Southern politicians discord, divisions and lack of confidence in their own leadership.* The more the Southern politicians in the Region acquiesced and cooperated with Nimeri's erratic policies, the more he undermined the regional institutions, until *he finally abrogated the Addis Ababa Agreement and dismantled the Southern Region on pretext of administrative decentralisation.*

The 2nd civil war, initial success and failures.

Against the background of such developments, signals of a renewed war with the north were beginning to show in the Southern Region, mirroring discontent with the implementation of the Addis Ababa Agreement. Former Anya-nya officers and men absorbed into the Sudanese Army resisted their integration with a subsequent transfer to units in the north. This was manifested in the *mutinies in Akobo (1975), Wau (1976) and Juba (1977):* they became the foundation of the formation of a new fighting-force, the so-called *Anya-Nya-Two*, which was to rekindle the struggle for independence of the South Sudan. The ranks and file of Anya-Nya II were swollen with students, herdsmen and members of the armed forces which all had been inflamed by Nimeri's decisions first *to re-draw the borders of the Southern Region* (thereby cutting off to the north the fertile agricultural lands in Upper Nile), secondly *to transfer the oil refinery initially planned for Bentiu* (where huge petroleum deposits had been discovered) *to Kosti* in the North, and thirdly by the so-called "*kasha policy*" which aimed to "cleanse" the streets of Khartoum of black people hailing from west, central and South Sudan by forcing them to return to their places of origin. Many of the young men returning from the North went straight to join the Anya-Nya-II-liberation-movement.

By the beginning of 1983, the political situation in the Southern Region was so tense that it only required a spark to start a conflagration. This was provided by the *events in Bor* when a mutiny which had been brewing for some times in Battalion 105 over administrative issues erupted into an open rebellion commanded by Major Kerubino Kuanyin Bol, on the 16th of May. This was immediately supported by a *mutiny in Battalion 104 in Ayod*, commanded by Major William Nyuon Bany, on June the 6th. These two mutinies by former Anya-Nya officers marked the formation of *the Sudan People's Liberation Movement/Sudan People's Liberation Army (SPLM/SPLA)* in July 1983 and the beginning of the present war.

South Sudanese men joined the infant movement in their tens of thousands, electing with their feet trekking hundreds of kilometres to SPLA training camps in western Ethiopia. Within a matter of weeks rather than months, the SPLA hit the international mass-media's attention with its *military victories against the Sudanese People's Armed Forces (PAF):* these victories made most South Sudanese to believe that the battle for freedom would soon be won. The SPLA had grown into a large army of about one hundred and twenty thousand men and women.

Not long after its birth, a controversy of a fundamental nature hit the infant SPLM/A: it quickly drew the fault-lines in the liberation-movement which have not been bridged to date. A *discrepancy between the articulation of the objectives of the war and the political aspirations of the people of the South Sudan* constituted a benchmark upon which rested the Derg's military support to Dr. John Garang and the militarist leadership of the infant movement. The interference of the Ethiopian regime in the internal affairs of the infant movement helped to postpone forever the internal political debate through which would have evolved the political direction with a clear articulation of the objectives of the war⁴.

Because of the failure to formulate a clear political ideology and programme for guiding the liberation armed struggle and, coupled with the SPLA's *modus operandi* which promoted militarisation, the culture of militarism and leaders' personality cult, the opportunity for unity in the ranks was squandered; soon the infant movement and army found itself embroiled in serious contradictions. The contradiction between the former Sudanese Army officers (Garang, Kerubino, William Nyuon) propped up by the Ethiopian Generals for their own national interest on one side, and the former Southern political personalities (Samuel Gai Tut, Akuot Atem, Joseph Oduho and others) supported by the elements of Anya-Nya II and the civilians on the other side, was resolved militarily in favour of the militarists and militarism. The inability to find an appropriate political solution precipitated the first split within the infant liberation movement and pushed a large section of the rebel forces – the Anya-nya II - into an alliance with the Nimeri-regime against the SPLM/A.

This major contradiction was compounded by the inability to organise, to create democratic political institutions in the SPLM/A and to formalise its internal politics and political engineering. The SPLM/A thus remained a militarist organisation in which all power was concentrated in the hands of its Chairman and Commander in Chief. This situation did not change even when later on a bogus *Politico-Military High Command (PMHC)* was created as the highest organ of the SPLM/A power: the PMHC never met at any one time in its life.

To say the least, this was indeed an unhealthy situation of a national liberation movement whose energy should be drawn from the daily political struggle of the people. No wonder that it generated serious internal contradictions which eventually led to the *split of the movement in 1991*. It is worth mentioning that although the splits occurred ostensibly to rectify the situation within the SPLM/A, the SPLM/A-United and later the SSIM/A or the SPDF never fared any better than the mainstream SPLM/A, in terms of organisation and formation of democratic institutions and of respect of human rights and civil liberties. Naturally, the enemy was eager to exploit these divisions and splits.

In retrospect, the SPLM/A and the splinter groups that broke off from it, through deliberate commissions or omissions, contributed massively to the current disunity and the localised conflicts in the South Sudan. Thus, whether in the form of apparent proliferation of political/military movements or tribal militias allied to the NIF government, the people of the South Sudan are more divided along ethnic and political/military lines than any other time in their known history. Communities have been displaced from their homes en masse, surely in part as a result of war and

⁴ Nyaba, P. A. *"The Politics of Liberation in South Sudan: An Insider's View"*. Fountain Publishers Ltd., Kampala, 2000.

extensive enemy aerial bombardment, but mostly as a result of the actions of the SPLA, SPDF, SSIA and other tribal militias. Some communities have preferred to live as refugees in Kenya or Uganda because nobody else than their own compatriots themselves had displaced them and occupied their homes.

II. LOOKING INTO THE FUTURE

Even though the history of the South Sudan appears like an uninterrupted sequence of man-made disasters in which an accountable number of innocent people have been abducted as slaves, were starved to death, killed by diseases or strangled by the military movements, no living people should believe that there is no hope for an end of their suffering. The present liberation-movement was meant to be a struggle for human dignity, for freedom, development and respect for each other, and as this struggle is not yet over, there is no reason on the part of South Sudanese to despair or give up the struggle. Even though there are at present only a few signs of rationality, such signs, such movements for reconciliation and peace do exist at the grassroots-level of society; if only they could be permitted to spread and grow, they could bring peace to the South Sudan, a peace within itself and eventually a peace with its neighbours.

The following project to create a House of Nationalities in which there would be space for everybody and where people will meet each other with respect, dignity and friendship may be one important step towards the so much needed peace and unity.

The Aberdare-Seminar on Good Governance

In November 2000 a group of South Sudanese hailing from different ethnic groups, members of the civil society and political movements, political activists, representatives of women and youth organisations, church and religious organisations, each in their individual capacities, gathered to attend a *three-day seminar in Aberdare Country Club in Nyeri, Central Province, Kenya*. The seminar sponsored by four Sudanese civil society organisations, namely the Horn of Africa Centre for Democracy and Development (HACDAD), the New Sudan Council of Churches (NSCC), the South Sudan Law Society (SSLS) and the Centre for Documentation and Advocacy (CDA), discussed *inter alia* the issue of governance in a future South Sudan state.

The present, unprecedented ethnic conflicts which tend to mirror the divisions which rocked South Sudan in the terminal years of the Southern Region⁵ and the apparent political disunity in the national liberation movement occasioned by the split within the ranks and file of the SPLM/A⁶ render *the issue of governance in the South Sudan*

⁵ Following his abrogation of the Addis Ababa in June 1983, President Nimeri by a stroke of the pen dismantled the Southern Region. This came against a background of strong movement for 'kokora' or re-division in Ecuatoria and ethnic conflicts over borders triggered by the regime.

⁶ This in the wake of the failed "Nasir-coup" which failed to oust Dr. John Garang de Mabior from the leadership of the SPLM/A in 1991

and and *the building of a South Sudanese consensus on the appropriate governance modalities* imperative.

By June 1983 when Nimeri decreed the re-division of the Southern Region into three weak regions of Bahr el Ghazal, Equatoria and Upper Nile, the divisions among the South Sudanese political elite were so sharp that it was unthinkable, if not unbelievable, that this same elite would at any stage come together again to work for a South Sudan entity. Indeed, it was fortunate that the formation of the SPLM/A appeared at that material time to quickly absorb these contradictions and to become a melting pot of these ethnicities. Nimeri's motives for dismantling the Southern Region had now become obvious for a great number of people who in consequence joined the ranks of the armed struggle. The SPLM/A offered an opportunity for forging the unity of the people of South Sudan.

On the path to the South Sudan's self-government and statehood, the question of good governance is of a crucial importance. In Aberdare, the participants in the seminar discussed in retrospect the experience of postcolonial state-formation in sub-Saharan Africa. It was highlighted that nearly all post-colonial states adopted the European model of state-formation, embarking on building nation-states characterised by dominance and hegemony of one, usually of the largest single ethnic group [Nigeria, Kenya, Uganda, etc.] or of a politically, economically and culturally dominant minority [Sudan, Rhodesia, Burundi, etc.]. A consensus evolved amongst the participants that the ubiquitous ethnic conflicts and rivalries that rock most African states today are directly linked to the failure of this model of state to carry the cultural and linguistic aspirations of the constituent ethnicities.

The hegemony of one ethnic group, whether large or small, could only be maintained in the context of a one party state and through state violence and by brute force. But in the context of present world order whereby the state must be seen to promote political pluralism and equity in the distribution of opportunities and resources, social justice, rule of law, peace and stability, this has now become untenable. The state in an independent South Sudan must therefore be conceived not in the context of nation-state in which the hegemony of the largest single national group (as for example the *mony-jang*) could be a serious impediment to its stability and harmony among its people, but in the context of *a multi-national state that will accommodate all the ethnic groups on the basis of sovereignty and independent linguistic and cultural identity irrespective of their numerical strength.*

A multi-national state that must ascribe to the principles of

Equality: there must be mutual recognition of all the ethnic groups in the South Sudan on the basis of equality, freedom and justice for all;

Acceptability: the ethnic entities must mutually accept each other and live together in peace and harmony on the basis of equal citizenship;

Respectability: equality and acceptability must be reflected in the respect for the social and cultural values and the human and political rights of other ethnic groups.

Freedom: all ethnic groups must enjoy freedom of association, movement, faith, expression, etc.

A multi-national state that recognises ethnic, political and cultural diversity gives voice and visibility to the smallest most marginalised of the nationalities and promotes their respective identities. *The recognition of each and every nationality does not represent a reversion to tribalism*, on the contrary, it must be considered as a paradigm of nation-building that is rooted in the reality of South Sudan.

Thus, to most of the participants in the Aberdare seminar, the issue of governance takes a central stage also in the context of building peace and resolving the inter- and intra-community conflicts that sprouted from the political and military developments within the SPLM/A. Combatants of the SPLA hailing from different nationalities and ethnic groups in South Sudan interacted with each other in the context of war of liberation sometimes in complete ignorance of each other's values and traditions. They moved among people they never had access to earlier in their lives. And because they were not imbued with political education and an understanding of the nature and laws of the people's war of national liberation, they precipitated conflicts not only with the civil population of other nationalities but also even with their own.

By way of example for instance, the conflict between the SPLA Zindiya Battalion (Bor Dinka) and the Mandari, or the one between the Bee and Niran Battalions, comprising essentially of Dinka from Bahr el Ghazal, and the Didinga in Chukudum in 1985 fall within this category of conflicts triggered by deliberated attempts to subdue the other, presumably weak ethnic group. In the same vein the SPLA sent its tanks and artillery against the Murle civil population in 1989 and in 1990 because the Murle could not countenance the abuse of their dignity and integrity. Such attitudes do not auger well for a people struggling together for freedom and to build a state of their own. So eventually, the enemy ended up winning over the Mandari, the Murle, the Toposa and the Didinga, turning them against their own liberation.

Peace and reconciliation initiatives

It was in the context of resolving these conflicts and of bringing about reconciliation and unity that the different peace and reconciliation were launched. The *Nairobi Peace Talks 1991/92 between the Nasir and Torit factions of the SPLM/A* sponsored by People for Peace in Africa (PPA) and the New Sudan Council of Churches (NSCC) failed to make any headway because the leadership of the movement had become the bone of contention more than the political issues linked to governance which had been raised by the so-called "Nasir Declaration".

The *Lou – Jikany peace and reconciliation conference in Akobo 1994* came after two years of fighting between the two sections of eastern Nuer. It achieved limited success in that it was possible to make an inventory of the lives lost, the homesteads destroyed and the number of livestock stolen. Moreover, an agreement was reached and signed by the chiefs and local traditional leaders. However, the conflict flared up again. The main reason for the renewal of hostilities was that the political and military leaders took the central stage in what essentially was a purely civilian affair, making a lasting reconciliation among the people Lou and Jikany impossible.

The *SPLM-Church Dialogue Conference in Kejiko (Yei River District) 1997* was another attempt to resolve the South – South conflicts. This time round it was the Church which - acting as the voice for the voiceless - took the SPLA to task over its human rights records and its treatment of the civilian population and Church leaders. The political objectives of the SPLM/A were also questioned. This dialogue produced two important resolutions, viz:

1. Explore the feasibility of establishing a liaison office to the Secretariat for Religious Affairs of the SPLM; and
2. Develop ways and means through which the Church can pursue reconciliation efforts and unity among the political/military groups struggling for liberation of Southern Sudan⁷.

The People to People Peace Process

The mentioned Dialogue Conference subsequently mandated the New Sudan Council of Churches to launch its pet project the *People to People Peace Process*. The significance of the naming lies in the fact that, if left alone, people dialogue quite easily and often can quickly agree with one another.

In this vein it was possible for the Dinka sections of Bahr el Ghazal and the Nuer sections of western Upper Nile to agree and sign a peace treaty – *the Wunlit Nuer Dinka Peace Covenant* - in only one week of negotiations, although they had been fighting, raiding and abducting their women and children for almost seven years.

The resolution of the micro-level South-South conflicts definitely impact and have a strong bearing on the search for a negotiated peaceful resolution of the macro-level North – South conflict, to which a just and sustainable resolution cannot be found without peace and unity among South Sudanese people. Therefore, the people to people peace process as the only feasible agent available now to bring unity and reconciliation between South Sudan nationalities must be supported and enabled to achieve their objectives, whether the South would seek a negotiated peaceful settlement or a military solution to the conflict with the north.

Notwithstanding its ultimate significance, *the people to people peace process as a vehicle for reconciliation and unity among the different nationalities in South Sudan, however, shouldn't be considered as an end in itself*, believing that it would have achieved its objective once reconciliation and peace are restored. This is because the current conflicts at the different levels in South Sudan, whether at the north-South level, ethnic level or the political level in the liberation movement, all hinge on lack of strong institutions of governance, - and *good* governance for that matter. Secondly, the process suffers from a structural weakness that inhibits addressing the fundamental issues of governance in South Sudan.

⁷ *'The NSCC – SPLM/SPLA Yei Declaration'* published in *'Come Let Us Reason Together'*. Report of the Historic Dialogue held between the SPLM/SPLA and the New Sudan Council of Churches in Kejiko, New Sudan, July 21st - 24th, 1997. Published by the NSCC, Nairobi.

The importance of future governance

The future governance is central to the Southern agenda to build the nation on the reality of diversity, respect for human rights and rule of law and justice for all. The agenda for forging a national consciousness in the South Sudan in which each individual enjoys dual identity – a *nationality-identity* (such as being Jieng, Zande, Nādh, Chollo, Bari, Jiye etc.) defined by ethnic consciousness and adherence to shared values, and a *citizenship-identity* (to be a South Sudanese) defined by consciousness and membership of the state – the South Sudan. These entire issues are contingent on governance and must be addressed in a comprehensive manner, - whether South Sudan remains part of the Sudan or achieves independent statehood.

The struggle for liberation and freedom from foreign domination must be linked to constitution-building that has to mirror the identities, the political and social aspirations and goals of the many nationalities in South Sudan. The struggle must now, rather than later, affirm that *the unity being sought shall be built on our diversities*, whether ethnic, linguistic, religious, etc.

We South Sudanese spend much time and energy hammering out as if to convince and prove to ourselves and the world that the Arabs are bad by emphasising how they have dominated, oppressed or exploited us instead of concentrating on the good we want to do to ourselves by bringing out our positive attributes upon which a future South Sudan will be founded. In the discourse, we tend to condone some horrible things that were committed in our midst on the expediency of having been done by one of us.

This endangers the liberation struggle itself because the oppressor can be anybody and any colour, including black. The liberation struggle, therefore, does not necessarily mean only chasing the Arab army from the South in order to replace it with another oppressive system. *Liberation means defining our identity and spelling out clearly our political direction, objectives and the strategies for achieving these objectives*. What the South Sudanese therefore need at the moment is not to covert themselves and their friends to the liberation but to elaborately come up with a programme of political, economic and social action for building a state in the South Sudan. We must now define in clear and unequivocal terms the South Sudan we want and the governance system which we find appropriate and suitable for its diversities.

This will be the only way to consolidate peace and unity amongst our diverse peoples and the mechanism by which the on-going ‘people to people peace and reconciliation process’ can be dovetailed to the constitution-making and the fundamental issues of good governance. It is only when all nationalities recognise their values and worth in the prospective South Sudan state that can they contribute to building peace and unity. This needs to be cultivate now rather than later.

Therefore, in what concerns the constitution of and the institutions built upon it, the South Sudan must take serious cognisance of past experiences in the former Southern Region in order to avoid repeating the mistakes. The former People’s Regional Assembly and the National Liberation Council of the SPLM, for instance, held vigorous political debates and demonstrated tendencies to liberal democratic

principles, which are healthy political legacies of the South. The former People's Regional Assembly in particular functioned impressively in terms of supervision and holding the former Regional Government accountable. The major weakness of both institutions lies in their lack of determination and effectiveness in building a consensus among the people, which explains the present disunity and the conflicts we are grappling with at the moment.

In Aberdare, the issue of a bi-cameral house of parliament for South Sudan made up of upper and lower chambers was floated. A consensus seemed to have been built among the participants that *the lower chamber (House of Representatives) representing the geographic and social diversities shall be constituted on the basis on demographic considerations, while the upper chamber (House of Nationalities) mirroring the national, ethnic, linguistic and cultural diversities in South Sudan shall be constituted on the basis on national and ethnic identities.* These were constructive, positive ideas which could point a way forward towards good governance in a self-administering South Sudan

This piece of work

This paper is a contribution to the discourse on the important issues of identity, unity in diversity and justice linked to governance in the future South Sudan that were raised in Aberdare. It is the result of a research into these ideas and later consultation with the participants and other members of South Sudan civil society. The objective was to concretise and build a modality for the bi-cameral parliament in the context of unity, nation building and constitution-making process. It is meant to contribute to the debate and to the understanding of the concept of good governance in a multi-national, multi-religious, multi-lingual and multi-cultural South Sudan.

2.1 The quest for national consensus and unity

The war is being fought on the unfounded assumption that the Southern Sudan is homogeneous and that any points of difference, political or otherwise, should be shored up until the conflict with the North has been completed and resolved. Nothing could be more erroneous. Our experience is that the major disruptions (rebellions, splits, desertions, etc.) in the SPLM/A which sometimes have paralysed its military strategies or threatened its very survival as a liberation movement clearly resulted from the postponement of resolutions of internal contradictions.

The time when political and military leaders learn to deal frontally with the realities of the South Sudan will be about the time freedom will be won. The South Sudan's path to self-government has been made hazardous by personal ethnic or sub-ethnic agendas that differ little from those of the principal oppressor of the people of South Sudan. It has been proved that most of the inter- or intra-ethnic conflicts which have rocked the South Sudan have come as a result of condescending attitudes of certain leaders and their tendency to push within the liberation movement an ethnic and sub-ethnic agenda which contradicts the principles of equality, freedom and justice for all.

The present context of the South Sudan

The South Sudan is inhabited by about sixty different nationalities, linguistic and cultural groups (*Table 1*) who occupy defined geographic territories at the district and sub-district levels (*Table 2*). Some of these nationalities are organised into quasi-states with traditional leadership and quasi armies of their own while others are egalitarian; some are pastoralists and nomadic while others are agro-pastoralists or sedentary agricultural communities.

Table 1: List of nationalities found in the South Sudan.

Serial No.	Nationality	Serial No.	Nationality
01	Acholi	31	Lopit
02	Aja	32	Lugbara
03	Anyuaaa (<i>Anyuak</i>)	33	Luluba
04	Avukaya	34	Luo (<i>Jur Chol</i>)
05	Bai	35	Maban
06	Baka	36	Madi
07	Balanda (<i>Buor</i>)	37	Makaraka
08	Balanda Bviri	38	Moro
09	Banda	39	Morokodo
10	Bari	40	Mundari
11	Biele (<i>Jur-Bel</i>)	41	Mundu
12	Binga	42	Murle
13	Bongo	43	Nädh (<i>Nuer</i>)
14	Boya	44	Ndogo
15	Chollo (<i>Shilluk</i>)	45	Nyangatom
16	Didinga	46	Nyangwara
17	Dongatona	47	Otuho (<i>Lotuho</i>)
18	Feroghe	48	Reil (<i>Atuot</i>)
19	Gollo	49	Päri
20	Horiok	50	Pöjulu
21	Imatong	51	Shatt
22	Jieng (<i>Dinka</i>)	52	Sere
23	Jiye	53	Suri (<i>Kachipo</i>)
24	Kakwa	54	Toposa
25	Keliku	55	Tenet
26	Kreish	56	Tid
27	Kuku	57	Uduk
28	Lango	58	Yulu
29	Logir	59	Zande
30	Lokoya		

Table 2: Nationalities and sub-nationalities in the Southern Sudan according to their geographical locations.

Serial No.	District	Nationality	Section / Sub –section	
01	Aweil	Jieng Luo	Rek	
02	Gogrial	Jieng	Rek	Awan Riau Marial Wuny Amoic Twic Thon Apuk Nyang Awan Pajok Adhiang
03	Western Bahr el Ghazal	Sere Zande Gollo Bai Balanda -Buor Ndogo Balanda Bongo Luo Banda Feroghe Shatt Kreish Binga Yulu Aja	Ndogo, Hufra Naka	
04	Tonj	Jieng Bongo	Rek Luac	Akok Kwac Thii Jowier
05	Rumbek	Jieng Biele	Agar Gok	Pakam
06	Yirol	Jieng Reil (<i>Atuot</i>)	Ciec Aliab	Adior Gok Koc-lou Apak Luac Kuac Akot

07	Tambura	Zande Balanda-Bviri	
08	Yambio	Zande Mundu	
09	Maridi	Baka Mundu Avukaya Morokodo Zande	
10	Mundri	Moro Biele	
11	Yei River-District	Makaraka Pöjulu Kakwa Keliku Kuku Lubgara	
12	Juba	Bari Mundari Nyangwara Luluba Pöjulu	
13	Torit	Otuho Horiok Lopit Lango Logir Imatong Lokoya Päri Madi Acholi Dongatona Tenet	
14	Kapoeta	Toposa Tid Nyangatom Jiye Didinga Boya	
15	Bor	Jieng	Nyarweng Hol Twic Bor Agok Athoi

16	Akobo	Nädh Anyuaaa	Lou Gon Mor
17	Fangak	Nädh Jieng	Laak Gawaar Luac Thoi
18	Kodok	Chollo	
19.	Bailiet	Jieng	
20	Nasir	Nädh	Jikany Gagwang Gajaak Gajok
21	Renk	Jieng Maban Uduk	Abialang Nyiel Dongjol
22	Malakal	Chollo	
23	Bentiu	Nädh Jieng	Bul Lek Jikany Jagei Dok Nyuong Panaru Alor
24	Pibor	Murle Anyuaaa Suri	

A synoptic view of the present context reveals the following disturbing realities which underpin the conflicts and divisions in the South Sudan. We find that the South Sudan and its peoples are compartmentalised and parcelled out among different political and military movements, namely the *SPLM/A*, the *SPLM/A-United*, the *Sudan People's Democratic Front (SPDF)*, the *South Sudan Liberation Movement (SSLM)* and of course the *Government of Sudan (GoS)* with the numerous tribal militias which it built in order to fight the war against the *SPLM/A*.

This picture has been represented graphically in map (2), which shows that none of the political/military movements have complete control or hegemony over the whole South Sudan.

- 2.1.1 The *SPLM/A* has under its control and administration large areas in *Bahr el Ghazal, Equatoria and parts of Upper Nile* designed as (1) in map 2. However, it does not enjoy full control / hegemony over the area because there are pockets of considerable resistance.
- 2.1.2 The area marked as (6) is controlled by GoS-sponsored *Mandari militias* under the command of Brigadier Clement Wani and the *Madi-Acholi militia* called *Equatoria Defence Force (EDF)* under the command of a former SPLA officer Capt. Martin Kenyi. This militia group collaborates against the SPLA with the Ugandan rebel group, the Lord's Resistance Army (LRA) under Joseph Kony;
- 2.1.3 In *Kapoeta and Chukudum Counties* designated as (8) on the map, the GoS-sponsored *Toposa militia* under joint command of Chief Luis Lokipapa, Paul Lango and Kamal el Hag and the *Didinga militia* under former SPLA Captain Peter Lorot are active against the SPLA;
- 2.1.4 In the area designated as (7) in *Pibor, Upper Nile*, the GoS-sponsored *militia of the Murle nationality* under the command of Sultan Ismael Kony operates. The traditional animosity between the Murle and the Bor Dinka triggered by cattle rustling must have played a major part in the ostracisation and marginalisation of the Murle in the SPLM/A. The Murle alliance with Khartoum government comes in the context of their struggle for survival.
- 2.1.5 The *Fertit*⁸ militia and *Murahalieen*⁹ operate in the areas around *Wau and Awiel* against the Jieng and Luo civil population as well as against the SPLA. It is worth mentioning that after the SPLA capture in June 2001 of Raga, the situation of the Fertit militia and their allegiance must have changed.
- 2.1.6 In area (2) *Upper Nile, different GoS-sponsored Nādh warlords* control their clans and sub-clans, and have been fighting it out against themselves and against the neighbouring nationalities..
- 2.1.7 In *western Upper Nile, Paulino Matip' forces* are allied to Riek Machar's SPDF forces against SPLA-sponsored Peter Gadet. The exploration, development and exploitation of the petroleum reserves exasperate the conflict in the area resulting in massive humanitarian disruption and dislocation of the civil population. Many Nādh people have been displaced into Bahr el Ghazal as a result.
- 2.1.8 In the *Zeraf valley*, there is fierce competition for its control by *GoS - sponsored militia leader Gabriel Tang-ginye*, Riek Machar's SPDF

⁸ This is a derogatory word given to the small tribes of western Bahr el Ghazal. Its use is being discouraged.

⁹ Arab tribesmen of the Rezeighat and Messeriya armed by the GoS for creating a buffer zone between the so-called transition zone - Bahr el Ghazal in the South and Kordofan and Dar Fur in the north.

and SPLA under Cdr. John Kong Nyuon, the newly appointed SPLM Regional Secretary.

- 2.1.9 The same competition is found in Jikany between the '*Thawrat Jikany*' literally meaning "Jikany revolution", the SPDF, the SPLA (*in the northern area bordering Southern Blue Nile*) and the GoS.
- 2.1.10 In *Lou area*, elements of *SPLA*, *SPDF*, *SSLM* and *SSIM* have agreed to live in peace and harmony. There has been no serious fighting since the Waat peace conference. The only problem in Lou results from cattle raiding practice of the Murle in which a number of chiefs were killed recently.
- 2.1.11 The *SPLM/A-United* under Dr. Lam Akol, who is a minister in the government in Khartoum, is in control of the *Chollo kingdom* (3). The area is peacefully and this may be attributed to the dominance of the Rāth and the Chollo traditional governance system.
- 2.1.12 The *SPLM/A-United* under Dr. Lam Akol, who is a minister in the government in Khartoum, is in control of the *Chollo kingdom* (3). The area is peacefully and this may be attributed to the dominance of the Rāth and the Chollo traditional governance system.
- 2.1.13 The situation in (4) is confused and complex. Although the GoS maintains a strong grip on the Adar oil fields against the SPLA, the *Melut Liberation Front* (an independent armed group that has considerably terrorised the civil population) operates in the *Jieng area*, while the SPDF operates *in Nādh area* and the SPLA is operating in the *Maban and Burun areas*.
- 2.1.14 In June 2001 with its capture of Raga town, the SPLA brought the whole district designed (5) under its control. It was said that the *Fertit militia* had switched sides to the SPLA. Whether or not the initial contradiction between these nationalities and the Jieng has been resolved or the contradiction between them and the Baggara Arab tribesmen (*Murahalieen*) had suddenly become more fundamental remains to be seen.

The present military map of the Southern Sudan shows indeed a very complex picture which reflects the lack of unity in the South Sudan. It also represents conflicts arising essentially from the fierce life-and-death-competition and rivalry among the political and military elite over political power and the distribution of economic resources. Most of these divisions came as a result of failure of the liberation agenda which got characterised by acts of brutalisation, de-humanisation, and massacres bordering on ethnic cleansing of certain ethnic communities by the dominant military movements.

In 1989 and 1990, for instance, the SPLA had sent tanks and artillery against the Murle, killing indiscriminately women, children and the elderly and looted their cattle; lying on their stomach, the Murle did then not take any military actions against

them. The Murle resistance to the SPLA (which they view as Bor Dinka hegemony), is manifested today by their military power and the full control of their district Pibor, which the SPLA had failed to re-capture since 1992. This situation stands for all other areas where the people sought NIF-government support to ensure their survival as an ethnic group.

Pertinent questions arise from this picture:

- If at this stage of the struggle for freedom and for the formation of a statehood of their own, the South Sudanese are so much divided and fitted against themselves on the basis of nationality that they risk to get defeated by the common enemy, what then are the most urgent needs for this state?
- If certain nationalities pose a threat to the existence and freedom of others to the extent that they now prefer to put up with the principal oppressor rather than with their fellow South Sudanese, does it make any sense to participate in the liberation struggle?
- Will military victory alone be enough to unite the people of the South Sudan by bringing under control of the SPLA all the areas of the country, such as the Chollo, the Murle and the Nādh in Upper Nile or the Didinga and the Mandari in Equatoria who now enjoy autonomy on account of having established their own militia notwithstanding the government support?
- Will the continued divisions in South Sudan not eventually raise the spectre of being defeated by the Arab dominated north?
- Why has it been so difficult to evolve a common agenda and who benefits from the ambiguity of the present situation?

We shall answer these questions. They are food for thought but they also have bearing on what may evolve as the way continues. It is true that with the capture of Raga in June 2001, the SPLA was able to subdue the Fertit tribes of western Bahr el Ghazal who had resisted Jieng domination in the region¹⁰ and by extension rejected the SPLA which they considered to be a Jieng army. But this situation could not possibly be replicated in say Equatoria or Upper Nile. There is every likelihood that the SPLA will not sustain the war indefinitely, whether against the GoS or the nationalities that have resisted its policies, without winning the minds and souls of the people.

This brings us to the unavoidable conclusion that the future state of the South Sudan must essentially be a *multi-national state* comprising all the fifty-nine or so national groups, each of them defined by consciousness of individual identity and membership of a community with shared language, cultural values, a common heritage, etc. State-formation and statehood in the present context of the South Sudan must of necessity evolve as a result of *voluntary* union of these nationalities and not through coercion. This unity can't be built in a vacuous political environment but must have its foundation in the reality: it must be linked organically to the issue of governance.

Good Governance must be conceived in the context of the evolution and the emergence of an inclusive and tolerant political culture. This does not come by itself or get bestowed by the political leadership but must grow in and with the consciousness of the people as they struggle to emancipate. This would involve active

¹⁰ The Jieng have dominated the social and political life in Bahr el Ghazal Region following the dismantling of the Southern Region in 1983. This pushed the small nationalities into forming a militia army against the SPLA.

and effective participation of the people in the decision-making processes, particularly in matters that directly affect their lives. This will of course require the democratic organisation of the people into institutions which promote freedom and respect for human rights and civil liberties.

This brings us to discussing the conceptual framework that underpins all this. It perceives the transformation of the current crisis the South Sudan wades in – ethnic and political conflicts – into a force-motif in the transition (i.e. during and post-conflict social transformation and the empowerment of the people) and the process of state formation. Statehood and nation building in the present context should be embedded in mutual acceptance of each other and tolerance of difference, whether linguistic, religious, etc., and this on the basis of equality.

It is the aim of this paper to transform the conflicts into a force for modernisation and development and to start a process which will engender an alternative future of hope and prosperity for all the nationalities and to free the people of the South Sudan from present-day nightmares which are characterised by deceptions, betrayal, brutalisation and dehumanisation, by massacres, political marginalisation and domination in social, economic and political spheres. In this context we envisage *'modernisation and development'* as means of increase in and enjoyment of civic liberties – the freedom to organise and associate, movement, faith etc.

There is the need for an empowerment of the people; in this context we suggest to make use of a methodology of social, economic and political transformation which would enhance these freedoms and define the relations between the different sections of the society. The people could achieve these transformations by their own force when changing from being merely passive political consumers to becoming active and effective political producers – thus turning from spectators into participants who would take part in the decision-making-process. In practical terms this would mean the emergence of a strong and vibrant civil society.

What then are the mechanics of effecting and helping in the evolution of this multi-national state in South Sudan? In this respect, we propose that the following practical steps be subject to a dialogue among the various South Sudanese people and institutions.

2.2 *A need for the creation of a national consciousness.*

The sad truth that must be mentioned here is that a South Sudanese national consciousness is yet to evolve, and this despite a history of common struggle, dating back hundreds of years, whether against enslavement, Anglo-Egyptian colonisation or the domination and oppression by the North after independence.

A national consciousness gets forged in the course of facing a common enemy or of building a common enterprise (European experience in 16th and 17th centuries). In the South Sudan, the existence of slavers and oppressors in the form of the Turks, Egyptians, Jalieen, Shaigia and British did not constitute a basis for the evolution of a South Sudanese national consciousness upon which could have been built a South Sudanese national political ideology for liberation.

The colonial policy of *'divide and rule'*, later implemented by the Arabs to achieve the same results, that had emphasised separate identity was an important factor in preventing the evolution and cultivation of a national consciousness without which the struggle for liberation and statehood becomes a farce. But that is not all. Self-identity in South Sudan is powerful to the extent that some of the ethnic conflicts mentioned above may be attributed to this strong sense of self and collective worth and dignity (tribe/ethnicity/nationality). This is essentially a positive attribute which could be relied upon when evolving and enriching collective national (South Sudanese) consciousness and identity.

What this really means is that one can be a South Sudanese [when in contact with people from other countries including the North Sudan] without losing one's ethnicity or ethnic identity [of being, for example, a Jieng, a Nädh, a Suri, a Zande etc.] and vice versa. This duality may be possible even within one same ethnic group. For instance, among the Jieng [Agar, Twic, Rek, Ngok, etc.] or the Nädh [Lou, Gajaak, Gajok, Jikany, Bul, Lek, Dok, etc.], sub-sections exist without their members losing the sense of being a Mony-jang or a Gat-Nädh. Similarly, among the Chollo [Kwarath, Kwajulo, Kwajwok, Kwajango, Kwamwoi, etc.], clans proudly announce their respective identities when in Pachodo as part of the Chollo nation. We see no serious contradiction coming from this self-consciousness in the course of nation-building in the South Sudan. *The contradiction will sprout only as a result of neglecting or marginalizing others.* In this vein it will be necessary that we think of building in our psyche a double self-consciousness vide which there will be *an identity based on own individual culture* (which we currently call tribes, nationalities or ethnic groups) and *an identity based on the national cultural space* (South Sudan).

2.3 *A need for the creation of awareness of common values.*

It has been stressed earlier that most South Sudanese, particularly those who have not had the opportunity to leave their home-areas, lack knowledge about other ethnic communities and more specifically about those cultures which are not easily accessible. Such ignorance has generated suspicions and provoked animosities. Some of the conflicts mentioned before and indeed the resulting lack of unity could be partly blamed on ignorance and lack of contact. South Sudanese need to know themselves in order to be able to define *in positive terms* their struggle for statehood, - instead of merely using negative arguments by endlessly referring to past and present foreign oppression and domination.

Knowledge about minor ethnic communities is still scarce, even amongst the intellectuals and military leaders; asked about their own cultural identity, most people in the South Sudan would answer in purely negative terms and say that they are "not Arabs", adding probably that they are proud to be a member of this or that particular ethnic group. This piece of paper calls for the recognition of the political and cultural importance of each of the many ethnic communities found in the Sudan and explains why unity will not be possible without peace and understanding between the groups. If cultural diversity is the richness, the fascinating beauty and the spiritual force of the Southern Sudan, there is obviously also a need of defining common values. Because emphasis is always laid on differences rather than on similarities, *the awareness of common cultural values needs to be raised urgently*, - not only amongst the ethnics

groups but more particularly amongst all the intellectuals who claim to represent “their” people.

The House of Nationalities would thus become a place where people could not only discuss their existing differences but where people would become conscious of commonly shared cultural and spiritual values. The creation of a self-consciousness of having the common identity of being a South Sudanese will be one fundamental function of a future House of Nationalities. Paradoxically, the public political and cultural recognition of the importance of ethnic identity does open up (and not lock up) the minds of the people: free to express their differences and proud of the own identity, people will lose fear of the other and move closer together. Diversity will produce unity, knowledge will generate intimacy, tolerance, sympathy and eventually friendship.

2.4 A sense of responsibility for the country’s other cultures

The Arab denial of the value of Black African cultures has fuelled the present conflict in the Sudan. On the background of conflicts based on cultural ignorance and the resulting racism, it would be preposterous for people who are struggling for freedom and justice to be insensitive to other cultures. There are about sixty nationalities and national groups in South Sudan, all speaking different languages and having evolved a variety of own cultural values. No culture is better or superior to the other. Each culture exists by its own right; it can’t be allowed to exist by or because of other culture(s).

Knowledge of the country, its different peoples, languages, beliefs and habits must be cultivated and inculcated by campaigns of awareness-raising through formal, informal or non-formal [civic education] methods, through development of a school system and a curriculum that engenders interest in indigenous technology and other branches of knowledge.

Therefore, in the course of the struggle for statehood in the South Sudan and in order to build confidence and to create harmony, there is an urgent need to act responsibly and with intimate sensitivity towards the cultures of other people, no matter how simple and less developed they may appear to be. The basic rule is that respect of other cultures also translates into respect for one’s own cultural values.

2.5 A need to preserve languages

Language is a the most precious treasury inherited by the people. It is the vehicle for the transmission of their thoughts, ideas and knowledge, their collective wisdom and indeed their personal identity. Nearly all the nationalities in South Sudan have hitherto retained their respective language(s). Even though some have adopted other language(s) (as for instance Dinka or Arabic) to communicate with other nationalities, this happened without any visible danger of losing the own language. There can’t be any ulterior motive(s) for not allowing others to use their own language(s) than one of

oppression and domination, as this had happened when the Arabs tried to suppress African languages by imposing their own idiom.

The struggle by the people of the South Sudan for liberation and separate identity is also a struggle for the preservation of their languages and for the right to develop them. Thanks to the translation of the Bible into indigenous languages, most if not all languages and dialects spoken in the South Sudan have been alphabetised, and this is what allows to preserve and to teach them.

The political leadership in the South Sudan should take practical steps by formulating an elaborate language-policy that will encourage the use of languages, for example

- by including them in the national-mass-media-programme,
- by completing the alphabetisation and proceeding to the harmonisation of their orthography and phonetics,
- by promoting adult education and life-long learning in which the people
- irrespective of their professions and vocations can participate in creating and sharing knowledge etc.

2.6 *A need to create organs for a peaceful resolution of conflicts.*

The fact that the South Sudan is composed out of a multiplicity of ethnicities, languages and cultures explains why there is a high potential for conflicts and why many conflicts follow ethnic lines. Experience has shown that South Sudanese resent oppression and domination from whatever quarter (external or internal) and quickly take up arms to resist. The splits in the liberation movement, the proliferation of factions and militia groups (some of them going to the extreme of allying with the common enemy) are a living testimony to this fact. We have also witnessed how the Nädh became fragmented into feuding sections and clans. The Chollo-based SPLM/A-United likewise split and fought fierce battles against each other along the lines of Gar (northern Chollo) and Lwak (Southern Chollo). It was only the intervention of Räth Kwongo which healed that split.

It was easy to bring under control the conflict between the feuding Chollo warlords because they all subscribed to the traditional institutions of Chollo Kingdom. The Nädh, the Mony-jang and indeed all the other nationalities have equally traditional mechanism for conflict resolution. These were put to test in Wunlit in 1999 and were found to be very useful. It is worth mentioning that the Wunlit Nuer-Dinka Peace Covenant is still holding despite the violations and provocations caused by the military factions.

There is therefore urgent need to create, or rather to recognise, organise, support and consolidate the already existing traditional institutions for *a peaceful resolution of conflicts*. This must propped up with measures for *conflict-prevention*. The easily availability of the firearms has been the main-cause to the escalation of conflicts and the increasing number of war-victims, particularly among the civil population. Firearms have also allowed small local conflicts to degenerate into real wars, causing terrible bloodshed and leading to unprecedented, traditionally unknown brutalities. Atrocities and the great number of innocent victims have moreover rendered the traditional peaceful resolution of conflicts between different ethnic groups more

complicated and sometimes seemingly impossible. *The institutions of conflict-prevention and conflict-resolution must therefore be empowered to control the proliferation of firearms and of small weapons in the communities.*

The organs for peaceful resolution of conflicts in and between communities, large or small, which would require a priori empowerment and consolidation are:

- The *traditional leadership*, such as *Kings* (Chollo, Anyuaaa), *Chiefs*, *Rainmakers* (Bari, Otuho and the ethnic groups on the east bank in Equatoria), *Spearmen* (Nädh and Jieng), *Oracle men/women* (Azande), *Elders* (including women in some communities), *Monyomiji* (warriors, *nyakarchwanya*, etc., among the pastoral communities on the east bank in Equatoria).
- The *law-enforcement agencies*: the *Judiciary*, the *courts*, the *police*, the *prisons* and others. The eighteen years of war have completely eroded the rule of law in South Sudan. This needs to be refurbished to ensure security of people and their property. Establishment of the rule of law through strengthening of these agencies is imperative but must be accompanied by a campaign of demilitarisation of all aspects of social life, by demobilisation and disarmament of the non-combatants in order to enhance peace and stability in the communities.

The above-mentioned organs and institutions of course do already operate effectively at the local community-, the district/county-, or the nationality-level and may be used to peacefully resolve conflicts on a local level as well as conflicts between nationalities and national groups.

However, statehood- and nation-building in the South Sudan will involve more than the resolving of conflicts between nationalities or communities. To enhance peace and stability in the whole country, there will be need to create organs of power at the regional [Bahr el Ghazal, Equatoria & Upper Nile] or national levels [South Sudan] for mediating social, economic and political relations between the different nationalities.

Going back to the discussions in Aberdare and the proposed bi-cameral parliament in the South Sudan, it is imperative at this point to elaborate and develop the mechanics for operationalising the concept of the 'Upper Chamber'. We proceed from the premise that it may be the most appropriate organ of power for satisfactorily resolving the nationality-question in the South Sudan. In the context of the South Sudan, this involves the recognition of all the national groups and defining their relations to each other in a democratic manner.

3. THE HOUSE OF NATIONALITIES

The Aberdare-seminar and the ideas generated there form a strong basis for political debate among the different sections of South Sudan society. In the context of the above described political divisions and ethnic conflicts, similar seminars could attract larger participation; the risk would be that the discussions - unless zeroed down to

practicalities - could degenerate into academic exercise that could inflame passions and hence prevent the building of a consensus on the future of the South Sudan.

One should always remain conscious of the fact that the central and sensitive point in all these divisions and conflicts is ethnic or national identity – the desire to preserve one’s identity as expressed by language, beliefs and other cultural values. These conflicts could endure ad infinitum unless acceptable organs and instruments of governance are created and put in place for mediating this crucial issues of identity as the source of diversity and hence of conflict, and for transforming them into a collective identity, - a national culture reflecting the country’s diversity.

In this vein, the *House of Nationalities (HoNs)*, an institution as well as an instrument of good governance, is being proposed for serious and purposeful debate among the South Sudanese, whether they live at home in different parts of the Sudan or whether they are in the Diaspora, whether they speak out as private individuals or as members of organisations of civil, military or political movements. It is assumed that a consensus on the urgent necessity to create unity in the South Sudan will be reached and that the idea to establish a House of Nationalities as a means of kicking off the process of constitution-making will be accepted as a first step towards good governance and statehood..

3.1. *Composition, competence and legitimacy of the House of Nationalities.*

By its nature, the composition of the House of Nationalities shall include all the nationalities and national groups which populate the South Sudan and which have been enumerated in *Table (1)*. It goes without saying, as a factor which will have to be considered in the debate, that there are large nationalities, indeed nations in their own right, which number more than one million (such as the Jieng) and small national groups whose numbers run only in a few thousands or some tens of thousand in the South Sudan.

The number of representatives of each nationality can be determined in the discourse for the establishment of the House of Nationalities at the different administrative levels. However at the South Sudan (national) level and as a basis for kicking off the debate, a certain minimum number of representatives is being proposed as shown in *Table (3)* below. The table may give a preliminary idea about possible representation, but there will be obviously need to find a consensus on how this House of Nationalities will be organised.

Table 3: *Proposed representation in the House of Nationalities.*

Serial No.	Nationality	District	Proposed representation
01	Acholi	Torit	1
02	Aja	Raga	1

03	Anyuaaa	Pibor; Akobo	1
04	Avukaya	Maridi	1
05	Bai	Wau; Raga	1
06	Baka	Maridi	1
07	Balanda Buor	Wau; Raga	1
08	Balanda Bviri	Wau, Raga	1
09	Banda	Wau; Raga	1
10	Bari	Juba	2
11	Biele	Rumbek; Mundri	1
12	Binga	Wau; Raga	1
13	Bongo	Tonj	1
14	Boya	Kapoeta	1
15	Chollo	Kodok; Malakal	2
16	Didinga	Kapoeta	1
17	Dongatona	Torit	1
18	Feroghe	Raga	1
19	Gollo	Raga	1
20	Horiok	Torit	1
21	Imatong	Torit	1
22	Jieng	Aweil, Bailiet, Bentiu, Bor, Fangak, Gogrial, Renk, Rumbek, Tonj Yirol	3 1 1 2 1 2 1 2 2 2
23	Jiye	Pibor	1
24	Kakwa	Yei	1
25	Keliku	Yei	1
26	Kreish	Wau, Raga	1
27	Kuku	Yei	1
28	Lango	Torit	1
29	Logir	Torit	1
30	Lokoya	Torit	1
31	Lopit	Torit	1
32	Lugbara	Yei	1
33	Lulubo	Juba	1
34	Luo	Aweil; Wau	1
35	Maban	Renk	1
36	Madi	Torit	1
37	Makaraka	Yei	1
38	Moro	Maridi, Mundri	2
39	Morokodo	Mundri	1
40	Mundari	Juba	1
41	Mundu	Maridi, Yambio	1
42	Murle	Pibor	2
43	Nädh	Akobo Bentiu Fangak Nasir	2 4 2 2
44	Ndogo	Wau, Raga	1
45	Nyangatom	Kapoeta	1
46	Nyangwara	Juba	1
47	Otuho	Torit	1

48	Reil	Yirol	1
49	Päri	Torit	1
50	Pöjulu	Yei	1
51	Shatt	Wau	1
52	Sere	Raga	1
53	Suri	Pibor	1
54	Toposa	Kapoeta	3
55	Tenet	Torit	1
56	Tid	Kapota	1
57	Uduk	Renk	1
58	Yulu	Raga/Wau	1
59	Zande	Maridi Tambura Wau Yambio	1 2 very thin 3
Total	-----	-----	

In addition to the mentioned fact of big differences in the size of the ethnic communities, it is important to note that some of the larger nationalities (e.g. the Jieng and the Nädh) comprise sections, sub-sections and clans some of which are not only numerically larger than some of the small nationalities but more significantly consider themselves independent of the other Jieng sections (even though they must have had a common origin not in the distant past).

A question that may arise as a result of these factors – though possibly only in the domain of representation - is whether or not these sections, sub-sections or clans with some degree of autonomy should be represented in their own right in the House of Nationalities. However, this is an issue that could be resolved by the replication of the House of Nationalities at the different administrative levels, e.g. District [populated by more than one nationality or sections that consider themselves autonomous]¹¹, regional [Bahr el Ghazal, Equatoria and Upper Nile] and national levels in the South Sudan.

The House of Nationalities shall legislate on fundamental questions of national (ethnic) identity, language, culture and other issues which may contribute to create conditions for unity, justice and stability in the South Sudan. Each and every nationality shall have the right and means of developing their respective language and culture. In this connection, the House of Nationality shall become an avenue for cultural exchange.

It shall moreover be *a vehicle for promoting reconciliation and peace* among the different nationalities and communities, through the transformation, management, prevention and resolution of conflicts. In this vein it shall also *legislate on practical safeguards against centrifugal forces of ethnicity* (the so-called tribalism) that may jeopardise the unity of the country.

¹¹ Rumbek, for instance, shall have a District House of Nationalities comprising the Agar, Gok, Pakam, and Beile.

Its legitimacy shall lay in its acceptability by all the nationalities in the South Sudan. However, it is absolutely crucial that it gains recognition by the different political and military forces as being at present the optimal basis for unity and state-formation in the South Sudan.

Moreover, the House of Nationalities may be the possible means of mobilising external support for the reconstruction of the physical, social and economic infrastructure. The South Sudanese should be able to demonstrate their ability and determination to create viable institutions and instruments of good governance in order to gain international recognition and respect.

3.2. *Functions of the House of Nationalities.*

It must be stressed once more and this right from the beginning, that the House of Nationalities shall be constituted as *an instrument to prevent any form of domination and oppression by any nationality no matter its numerical strength.*

It shall be *an instrument of peace and harmony* among the different nationalities.

It may be necessary to assign some functions to the House of Nationalities at the different levels. These include

➤ *Conflict-mediation and conflict-resolution*

It shall be the duty of the House of Nationalities to mediate between conflicting parties with the express aim of promoting unity enriched by ethnic, linguistic, cultural and political diversity. It should mediate between the different political and military groups currently operating in the South Sudan in order to promote their peaceful co-existence in the framework of a democratic culture of political pluralism.

At the district level, the House of Nationalities shall be a vehicle for exploring the past, view the present and evolve a framework through which a future can be approached in the spirit of understanding, reconciliation, tolerance and unity.

The House of Nationalities would acquire the status of a Truth & Reconciliation Commission. The members share perceptions, attitudes and experiences from their respective nationalities with the objective of forging new perceptions and attitudes commensurate with peaceful coexistence.

This mediation role shall be used to encourage *co-operation rather than competition* between the different political/military groups by harmonising their political objectives and moderating their differences in order to bring about reconciliation and eventual unity of purpose.

- The coexistence in *Akobo* of elements of the SSLM, the SPLA, the SPDF and the NIF militia was possible because of the council of Lou elders and chiefs. Having established peaceful co-existence, there were efforts to make peaceful contacts with the Murle in order to resolve the cattle rustling practices which created insecurity between the two ethnic groups.

This experience provides an example of how the House of Nationalities could function in mediating between military groups to stop them from fighting each other.

- The concept could also be extended to bringing together in peace and harmony the three neighbouring nationalities of *Nädh*, *Anyuaa* and *Murle*. A district level House of Nationalities would, for example, be established to which the Anyuaa, Murle and Nädh would send their representatives – their chiefs, elders, women and youth. The House would meet for a period of about three weeks during which they could make agreements on how they relate to each other. In the next season, representative from other neighbouring districts in Upper Nile e.g. from Bor, Fangak and Nasir could be invited. Eventually this process could culminate in the formation of the region-level House of Nationalities, involving the remaining districts of Bentiu, Kodok, Bailiet and Renk.
- Similarly, the situation in *Yirol* provides another example how the concept of the House of Nationalities could easily take roots. The *Jieng* sections of *Aliab* and *Ciec*, and *Reil* (Atuot) inhabit Yirol district. The Ciec are divided into three sub-sections of Adior, Gok and Koc Lou. The Reil are also divided into the sections of Luac, Kuac, Akot and Apak. These have been the source of tension and lack of administrative stability in the district resulting from the rivalry and competition among the elite. The House of Nationalities shall moderate and mediate between these conflicting groups.
- The situation in Akobo, Yirol and Rumbek referred to above replicates in nearly all the districts in the South Sudan, particularly where there is more than one nationality.
But even in a district like *Gogrial*, the different sections and sub-sections of the *Rek*: Awan, Adhiang, Amoic, Marial, Nyang, Wuny, etc., recognise themselves as autonomous entities.
In *Tonj* district the *Jieng* sections of *Luac* and *Rek* [Akok, Kuac Thii and Jowier] conflict among themselves. The presence of the *Bongo* would become a moderating factor in the House of Nationalities in the district.
- *Sharpening national consciousness*
The building of a South Sudanese national consciousness among the different nationalities is an important task that should be undertaken *concurrently* as the promotion of ethnic identity. It shall be the duty of the House of Nationalities to promote unity in diversity by encouraging and developing programmes that sharpen national consciousness as a sum total of the values of the constituent nationalities.
- *Support to the civil society*
Good governance in the future South Sudan state entails *effective participation of all sections of society* organised as NGOs, community based organisations (CBOs), spiritual organisations, professional associations, trade unions, etc. It

is therefore important that the House of Nationalities lends support to the emergence of a strong and vibrant civil society and an informed citizenry in the South Sudan.

➤ *Law making at the local level*

The House of Nationalities shall formulate laws and issue local orders at the district level in accordance with the social norms and tradition of the people in the district.

➤ *Development of a national culture*

The promotion of ethnic languages and dialects in a manner that they can contribute to the evolution of a national consciousness is an important task for the House of Nationalities. There is need for a national consciousness that promotes progressive elements within the indigenous cultures, which works for peace and harmony and which allows a better communication between the communities in view of forgiveness and reconciliation. This will help to build up trust and confidence and will allow the people to recognise and to respect own values and to discover that to generate positive attitudes towards others lies in their own interest.

3.3. *Practical considerations*

The concept of the House of nationalities, like anything new, will attract resistance. Particularly the quarters that benefit from the *status quo* may not immediately appreciate its advantages, especially the one of being a mechanism for conflict-resolution, reconciliation, peace and unity¹².

The process of establishing a House of Nationalities must, for all practical purposes, begin at the grassroots level – preferable at the district level. Its very concept must of course first gain acceptability by the ethnic entities: they have to get convinced that this new institution will be the right place to address their aspirations, concerns, and worries and that it is the best means for resolving local conflicts.

The formation may not take place simultaneously in the whole of the South Sudan, but it could be envisaged as a series of quantum steps; it would only be initiated in places where it is voluntarily accepted and where people are ready to internalise and operationalise the concept. With the process gaining momentum, the neighbouring districts would then form a regional House of Nationalities where regional issues would be addressed. In this way and over a period of time, the process would lead to other constitution-making-processes, - until it arrives at the national level where the House of Nationalities at South Sudan level will be realised as a result of free election and/or selection of members by the respective nationalities.

¹² A certain resistance may also be expected from the side of Sudanese intellectuals who have adopted the unfortunate and sad habit to link all ideas, good or bad, to the person (or the ethnic group) they stem from, thus giving more importance to personal enmities than to the issues in question. The meeting in Aberdare was a wonderful exception to this “rule”, reason to hope that it will be possible to continue to discuss the idea of creating a House of Nationalities without delay in a sober and positive spirit.

The number and the procedure of the selection/election of the representatives of each nationality shall have to be agreed upon in the process of the establishment of the local (district or regional) House of Nationalities. The seat of the district-level House of Nationalities shall be the district Headquarters or whichever place may be chosen by the people themselves. The choice of the site would depend on logistics and the funding of the business of the House of Nationalities.

At the district-level, the local administrative and traditional authorities will have to put it upon themselves to mobilise the necessary resources for the functioning of the House of Nationalities, which must be seen and understood as something necessary and important and which belongs to all nationalities in the district.

The role played by the civil society organisations, the NGOs and the church in the district will be crucial, particularly in the area of awareness-raising and resource-mobilisation.

The role of the international NGOs and the donor communities will only consist in the facilitation and topping the resources which have been mobilised locally or in the provision of materials that can't be found locally.

The House of Nationalities, at whatever level, is a decision-making organ; since its operation will require the cooperation of all sections of society, a consensus must be built on the conduct of its business, including the procedures for decision-making, the implementation of these decisions and methods of removing obstacles which may be found occasionally on the way to these decisions.

3.4. *Ways of starting the process to roll*

'*Every beginning is difficult*', so goes the adage, but once begun on the correct footing and getting the right institutions to push the idea, the process could quickly gain momentum so that the House of Nationalities may soon get opened. It is therefore imperative and really of paramount importance that the following issues are carefully addressed:

- *Enlisting the co-operation of all the ethnic entities in South Sudan* and to gain their acceptance of the concept of the House of Nationalities.

This is a serious matter given the present context in which some ethnic groups or their representatives may feel intimidated and will not freely articulate their aspirations. The process therefore must be conducted in such a manner that people read in it their individual and collective interests. This will require concerted efforts of *conscientisation* and awareness-raising among the civil society, organisations and groups, opinion leaders in the communities, the traditional leadership and other power-structures (e.g. the age set groups in east bank Equatoria), the civil authority linked to the political movements, the intellectuals and groups in Diaspora.

The usefulness of the House of Nationalities must become obvious to all the ethnic entities so that people understand that it essentially serves their well-being and gives them hope for a prosperous future for their children and future generations.

- *Enlisting the co-operation of all military movements, their officers and political leaders and to gain their active support or at least their passive co-operation.*

This may be a very delicate task as the House of Nationalities could be wrongly perceived as threatening the power of military movements. The leaders and members of politico-military movements should get convinced that the House of Nationalities will bring stability to the region, thereby facilitating the task of the military force or the local police. As the more enlightened leaders of such movements will understand the advantages of a House of Nationality for their own goals (of liberating the people from any kind of oppression), those movements which pursue any other agenda than the one of helping the people will become a minority and eventually give in. The political movements and their civil authorities should therefore not feel threatened, but rather should regard the House of Nationalities as enriching and legitimising their power and authority.

- *The process of conscientisation and awareness raising about the House Nationalities links with the ongoing processes of peace-making, conflict-resolution, reconciliation and unity in the South Sudan.*

The movement for peace and unity is gaining momentum in several places and the concept of the House of Nationalities at whatever level should be perceived as a means of consolidating the movement for peace and unity.

- *The distribution of the booklet on the House of Nationalities should kick off the debate among the intellectuals and enlightened section of the South Sudanese at home and in the Diaspora.*

The process will require a core group, made up of members of the civil society who are willing to push the process through debates, management of an electronic discussion-forum for the dissemination of the concept and to establish the links with the South Sudanese living in the Diaspora.

IV. SUMMARY

In their long history, the people of people of South Sudan have endured immense suffering at the hands of foreigners, mainly Europeans and Arabs, who have enslaved, oppressed, dominated, exploited and waged wars of subjugation against them. They have also suffered equally under their own leaders, who more often than not have failed to provide leadership and to give a national direction to the people's struggle, occasionally even preferring to compromise with the enemy with minimal returns for the people.

The present movement for liberation was meant to be a struggle for human dignity, for freedom, development and respect for each other. The people responded promptly to the call to arms. They made great sacrifices in life, property, social and economic opportunities, etc. Nevertheless, their leaders let them down or indeed betrayed them.

The eighteen years of war has been a nightmare for most South Sudanese whose faith in freedom and justice nevertheless never wavered and - despite the difficulties - still keeps burning the flames of the struggle.

The failure of the South Sudanese political elite had serious consequences as it generated conflicts and created divisions among the people along ethnic and sub-ethnic lines. The people have demonstrated sufficient will to live together in peace and unity as can be proved by their common struggle and sacrifices for freedom and independent statehood, only that the political and military elite, driven by highly personalised power struggle and inflated egos, and unable to give meaning to the struggle of the people and their suffering, have eschewed the liberation agenda and have embarked on schemes of maintaining themselves in power. The result, as we witness it daily, is the prolongation of this suffering.

No situation remains the same forever. The bleeding of South Sudanese people is bound to come to an end rather sooner than later. The strong movement for peace and unity that has sprouted at the grassroots levels in South Sudan is providing space for a future of hope. A unity of the people on the basis of equality, freedom and justice for all – unity in diversity of ethnicities, languages, cultures and religions predicated on common perceptions and positives attitudes evolved together in the context of this struggle for dignity, identity and statehood.

Now more than at any other time the opportunity exists to build unity on concrete foundations of mutual respect for values and human rights for each and every nationality in the South Sudan. What the political leadership is called to invest in at the moment is to put in place institutions and instruments of good governance that will enhance this unity in diversity.

The concept of the House of Nationalities, as an instrument of good governance in the South Sudan, comes in this context of building unity and peace among the people of South Sudan. Its objective is to give voice and visibility to all and more particularly to the small nationalities, which have been deliberately marginalised by the government of the Sudan and the political movements, in order to enhance self-identity and ethnic awareness. This will not contradict the movement for unity in diversity as the basis for statehood and state-formation in the South Sudan.

The House of Nationalities, given the present context, will have to get operationalised, starting in places where the conditions are conducive to inter-nationality dialogue, as for example in the context of the strong movement for peace, reconciliation and conflict-resolution which are presently taking place in and between the communities. It is being proposed that certain districts could be identified as pilot-districts where the debate about the House of Nationalities could be commenced.

In the *Diaspora*, South Sudanese could create structures that may approximate the local House of Nationalities in which they discuss and debate how they could link themselves to the situation in the country. *South Sudanese civil society organisations*, which have been created, can through networking and cooperation become strong venues for dissemination of the concept among their respective communities.

Efforts will be exerted to enlist the cooperation of the political/military movements because their recognition and acceptance of the House of Nationalities is crucial. It should be viewed as a means of involving the nationalities in building the unity of the South through conscientisation rather than coercion. In the final analysis it is a means of legitimising the political/military movements and their authority.

In conclusion, the formation of the House of Nationalities at the different administrative levels will be an important first step in the constitution making for the future South Sudan. It means that the future constitution would mirror the cultures, the social values and the aspirations of all the Nationalities living in the South Sudan, and this by the simple fact that of their active participation.