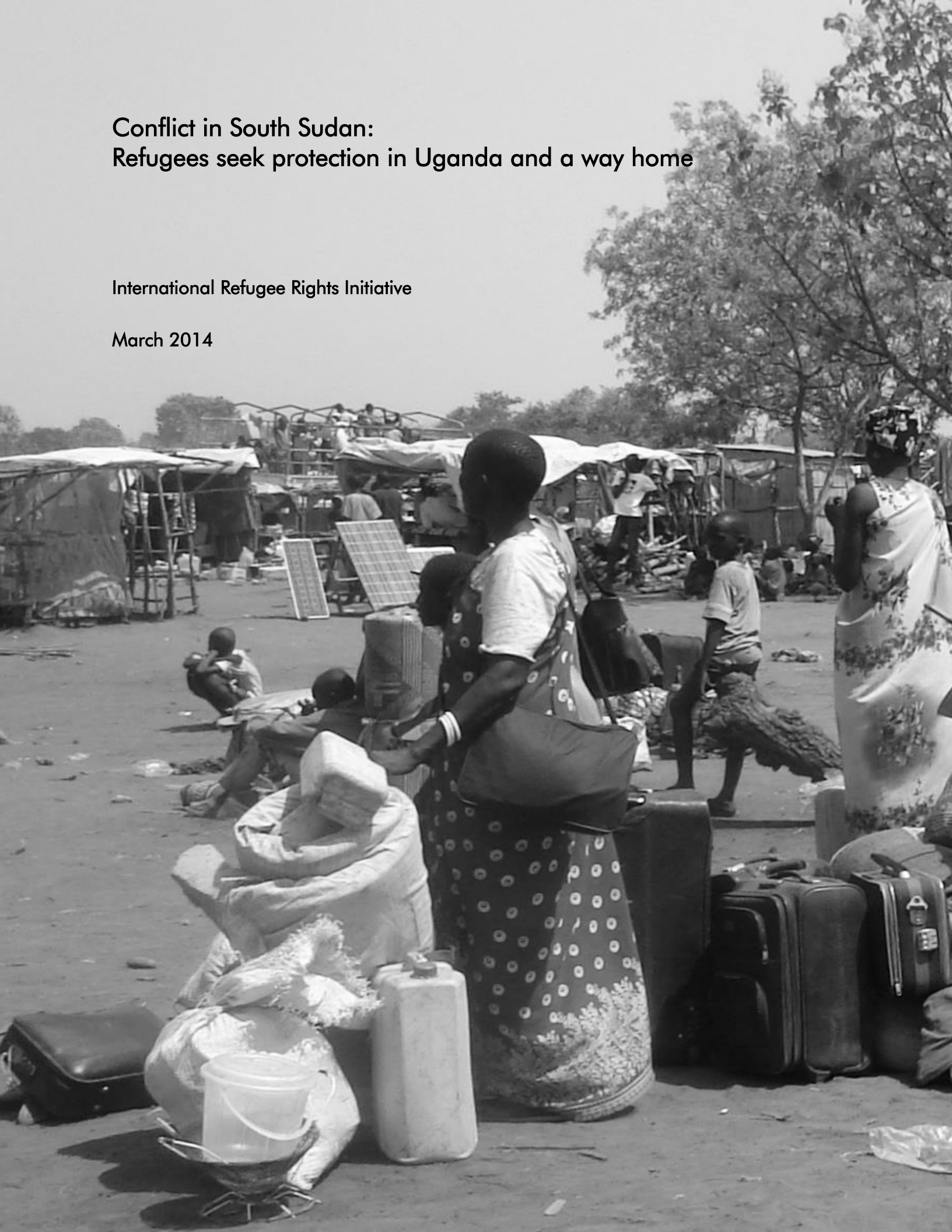


# Conflict in South Sudan: Refugees seek protection in Uganda and a way home

International Refugee Rights Initiative

March 2014



## About the International Refugee Rights Initiative

The International Refugee Rights Initiative (IRRI) enhances the rights of those excluded from state protection as a result of forced displacement, conflict, discriminatory violence and statelessness. IRRI believes that strengthening the rights, capacities and democratic participation of these communities—refugees, the forcibly displaced, the conflict-affected, the stateless and those suffering violent discrimination on the basis of their political status—is essential to building just, peaceful and flourishing states and communities.

IRRI redresses the imbalances in power that fuel the violent exclusion of vulnerable populations from protection through:

- tackling the root causes of exile, statelessness, discriminatory violence, and conflict through which state protection is lost;
- enhancing the agency and protection of those who are forcibly displaced or threatened with displacement; and
- promoting the re-building of just and inclusive communities in which genuine citizenship is forged and displacement and exile comes to an end.

IRRI grounds its advocacy in regional and international human rights instruments and strives to make these guarantees effective at the local level.

## Background to the Paper

This paper was written by Dr. Lucy Hovil, Senior Researcher at IRRI. The field visit was carried out by David Kigozi, Programme Officer at IRRI, and Joseph Okumu, an independent researcher. Olivia Bueno of IRRI gave additional input. The team would like to express their gratitude to the Office of the Prime Minister, Government of Uganda, for permission to carry out the work, and to all those who participated in the study.

*Cover photo of a transit area in Adjumani district, Uganda, taken by David Kigozi*

## Report Summary

The world's newest state, South Sudan, has a long and painful history. When the country gained independence in 2011, the decades of struggle that led to its establishment left a huge deficit in stability and justice. The creation of a new state signified a break with history through the creation of a new polity, with the hope that this would be grounded in inclusion rather than exclusion. Yet the new state also inherited a crippling legacy of violence and inequality as a result of decades of conflict and marginalisation. The recent outbreak of violence, which began with an alleged coup attempt in December 2013, demonstrates the extent to which this legacy remains intact.

This paper focuses on the plight of those who have fled the recent outbreak of conflict and are now living as refugees in Uganda's Adjumani district, close to the border with South Sudan. Although by no means representative of the views of those impacted by the violence as a whole – there may be significant variation among those who have fled to other countries; those who have become internally displaced; and those who have remained behind – these views give insight not only into the current circumstances in which many are now living, but also into the causes and dynamics of the conflict. Based on 55 interviews conducted in February 2014 in Uganda's northern district of Adjumani with recently arrived refugees and Ugandan government officials, this paper explores not only the immediate predicament facing these recently arrived refugees, but also the longer-term implications for peace and security in South Sudan, as reflected in their understanding of the conflict.

In the case of the former, the influx of South Sudanese refugees into northern Uganda has echoes of the previous war between the government in Khartoum and a number of rebel groups operating around the country,<sup>1</sup> including the Sudan People's Liberation Army (SPLA), which forced hundreds of thousands of Sudanese refugees to live in a situation of protracted exile. Most of those who were interviewed had been displaced at least once before, and their (re)displacement points to the tragedy that is being played out for those who had returned to South Sudan leading up to and after independence. Although previous research demonstrated that there was strong realism about the fragile process of state-building that was underway at the point of return,<sup>2</sup> there was also optimism that the creation of South Sudan might give them the opportunity, as citizens of this new state, to construct legitimate spaces for belonging in the place that so many had called "home" for decades in exile.

Recent events, however, have undermined this hope and the stories and images of their (re)displacement create a terrible sense of *déjà vu*. Once more, people are being moved into camps and settlements where a humanitarian crisis is growing by the day. The findings show that refugees are living in precarious circumstances, with inadequate humanitarian assistance and afraid for their own security. In addition, the Government of Uganda is once again pushing refugees into settlements, despite the fact that these settlements have been shown in the past to be costly and to inhibit refugees from deploying creative coping mechanisms.<sup>3</sup>

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<sup>1</sup> For background to the conflict, see International Refugee Rights Initiative, "Darfurians in South Sudan: Negotiating belonging in two Sudans." Working Paper 7, May 2012 (available at <http://www.refugee-rights.org/Assets/PDFs/2012/DarfuriansinSouthSudanFINAL1.pdf>).

<sup>2</sup> Lucy Hovil, "Hoping for peace, afraid of war: the dilemmas of repatriation and belonging on the borders of Uganda and South Sudan." New Issues in Refugee Research no. 196, UNHCR Development and Policy Evaluation Unit, December 2010 (available at <http://www.unhcr.org/4cf5018b1.html>).

<sup>3</sup> See Refugee Law Project Working Paper series, in particular Working Papers 2, 3, 4, and 7. (All available on <http://www.refugeelawproject.org/resources/working-papers.html?start=18>)

In the case of the latter, interviewees were adamant that the roots of the current crisis lie in a major failure of governance in the country. The failure within the Sudan People's Liberation Movement/Army (SPLM/A) to resolve their internal differences turned into armed conflict, spiralling out of control and spreading rapidly to other parts of the country. They also talked of how ethnicity has been instrumentalised and manipulated by those in positions of power in order to create "sides" in a fight for control – which, in turn, allows for a monopoly by a few on the country's resources. At a macro level, therefore, the conflict reflects a failure in state building in this new country.

At the same time, the interaction between national and local conflict dynamics was seen to be crucial. Interviewees emphasised the dysfunction that exists at a local level, thereby forming the context in which ethnic divisions were exploited. Many asserted that disputes over access to land and other resources are being manipulated by local leaders who are also deploying ethnicity as a tool of division when it serves their own ends.

Woven together, these narratives of inequality and poor governance at a national and local level tell the story of a conflict that is deeply embedded in structures of injustice that need to be carefully unpicked if sustainable peace is going to be achieved. Any approach that focuses on a single narrative is likely to fail: national power sharing agreements, ceasefires, elections and political deals on their own will not be sufficient to generate durable peace; just as any diagnosis of the conflict that points to localised expressions of ethnicity as the *cause* rather than the *means* of conflict, will inevitably generate an ineffective or incomplete response to a complex situation. Instead, a polity needs to be created that confronts and reverses the country's legacy of injustice and partisanship, and replaces it with a state that ensures that all South Sudanese have equal legitimacy to belong at both a local and national level.

## Recommendations

In light of the findings, the report makes the following recommendations:

### Ensuring Rights in Exile

Refugees are facing a challenging humanitarian and human rights situation in Uganda. While in exile, refugees have rights under international and Uganda law that must be respected.

- **More needs to be done to ensure the refugees basic needs are met**

The findings show that these refugees/asylum seekers are in a highly precarious situation. While mindful of the generosity of the Government of Uganda in receiving these refugees – and, indeed, of assisting many with transport as they fled – and further mindful of the limited resources available for humanitarian assistance in an already over-stretched global environment, we urge the government and international community to do more to ensure that the basic needs – including healthcare, housing, food and education – of refugees are met.<sup>4</sup>

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<sup>4</sup> For an assessment of some of the key issues and points of vulnerability around the humanitarian crisis, see the recent Refugee Law Project Rapid Assessment Briefing Paper, "South Sudan crisis and its implications on post conflict recovery in Northern Uganda," January 2014.

- **Security measures in areas that have received refugees needs to be increased**

The refugees interviewed expressed concern about their security, including concerns that some are particularly vulnerable to sexual and gender based violence (SGBV). Therefore, we urge the Government of Uganda and the international community to increase security measures in areas that have received refugees, with particular attention to men, women, boys and girls, who might be vulnerable to SGBV. In addition, it is important that the civilian and humanitarian nature of refugee camps be respected and that action be taken to control the presence of armed actors in and around the camps.

- **Alternatives to the settlement model as the primary response to this refugee crisis should be considered and integration encouraged**

In order to address the concerns outlined above, the settlement policy should be reconsidered as the default mechanism for assisting refugees. Refugee settlements are expensive and inefficient, and restrict the ability of refugees to enjoy their rights while in exile. Accordingly, many refugees interviewed were adamant that the settlement structure was not the right approach to responding to their plight. By segregating them from the local population – as well as from local government structures – the settlement policy makes refugees more vulnerable both economically and from a security perspective. This segregation may prevent them from searching for alternative means of supporting their families, and will stop them from deploying multiple coping strategies in a fast-changing security environment.

Therefore, we urge all major stakeholders to consider alternatives to the settlement model as the primary response to this refugee crisis. We suggest an approach in which humanitarian assistance is provided through local government structures in order to promote rather than undermine the organic process of interaction between refugees and host communities. This policy approach, which requires further debate and discussion regarding the logistics around its implementation, would allow both refugees and their hosts to mutually benefit; it would identify potential areas of tension and encourage collaboration between host and refugee communities to identify ways of removing the cause of that tension; and it would allow local communities to benefit from the economic and business opportunities that result from the presence of the refugees, thereby minimising xenophobia.

- **The right of refugees to freedom of movement should continue to be respected**

Although IRRI is concerned about the settlement policy in terms of its potential to limit the coping mechanisms of refugees, positively the findings found that the movement of refugees in and out of the camps has not, to date, been restricted. We therefore call on the Government of Uganda and its international partners to ensure continued respect for this principle.

## **Addressing conflict to facilitate return**

The conflict in South Sudan is the result of a complex mix of failed leadership, unmet post-Comprehensive Peace Agreement (CPA) expectations, and a limited revenue base, all of which have conspired to generate current levels of instability. Clearly, there are no easy solutions. However, this report points to a number of elements that need to be addressed in any comprehensive approach to resolving the crisis.

- **Ensuring an end to the conflict**

The most immediate need is for an end to the conflict. In the first instance, all parties must adhere to the cessation of hostilities agreement signed in January and desist from any actions that may inflame the situation. Building on this, a political settlement must be negotiated in preparation for broader governance reforms that would lead to longer-term resolution of the conflict.

- **Preventing a worsening humanitarian crisis in South Sudan**

In the mean time, the humanitarian situation in South Sudan is dire and, with the rains approaching, is likely to only get worse – which, in turn, is likely to lead to increased numbers of refugees. Therefore there is an urgent need to ensure humanitarian access throughout the country, either through the creation of humanitarian corridors to allow those who want to leave to be able to do so or at the very least access to those who remain in South Sudan; or, more realistically, to ensure safe humanitarian spaces for those who remain.

- **South Sudan's leadership needs to be held accountable**

All involved in bringing about a national solution to the conflict – including the Intergovernmental Authority on Development (IGAD), the African Union, the United Nations and key international partners – must ensure that any peace agreement includes provisions on accountability. The extent to which the failure in governance in South Sudan is seen as lying at the root of the current conflict was apparent throughout the findings. South Sudan's new leadership has failed to transition from rebel group to democratic government and instead is perceived to be nepotistic and corrupt. Therefore there is an urgent need for good leadership that confronts and reverses the country's legacy of injustice and partisanship, and replaces it with a state that ensures that all South Sudanese have equal legitimacy to belong at both a local and national level. In particular, it is important that those involved in seeking an end to the current violence ensure that any deals reached do not simply re-distribute power to those who have already failed in this regard.

- **The African Union has a special responsibility to promote accountability**

The findings underscore the fact that atrocities are being committed by all sides in this conflict. There needs to be a full and open accounting of what happened in order to ensure that these atrocities are addressed. The African Union has a particular responsibility for promoting that accountability given its mandate of "rejection of impunity".<sup>5</sup> Therefore, the mandating of a commission of inquiry by the African Commission on Human and Peoples' Rights is welcome. However, this commission must be appropriately supported to do its job and should make recommendations that promote real accountability and do not shy away from addressing core issues.

- **All those describing the conflict, including the media and international human rights organisations, should avoid representations that distort the conflict**

Finding appropriate solutions depends on a correct diagnosis of the problem, so relevant actors should avoid representations that might distort the causes of conflict. The refugees interviewed were adamant that ethnicity was a *means* of conflict rather than a *cause*. Therefore we urge all actors representing the conflict to refrain from describing the conflict primarily along ethnic lines in order to ensure that the multiple causes and dynamics that have created this crisis are

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<sup>5</sup> Constitutive Act of the African Union, art 4(o).

given recognition. In addition, we also sound a word of caution against the word “genocide” being used in this context. This word may re-enforce ethnically focused interpretations and also focus policy makers on military, rather than political solutions.

- **Locally-led initiatives to address the deep-rooted ethnic divisions should be supported by national and international actors**

Whilst not viewing the conflict along purely ethnic lines, there is still a need for recognition that the manipulation, or instrumentalisation, of ethnicity has created devastating ruptures at a local level. Therefore there is a need for multiple, locally-led initiatives that will allow these deep-rooted divisions to be addressed. Ultimately, however, local disputes cannot be resolved if the broader governance structure is not reformed.

## Background

The recent outbreak of fighting in South Sudan began on 15 December 2013 in the capital, Juba. It was triggered by disagreements resulting from the failure to resolve issues within the government that had been brewing over previous days. However, its roots are historical and relate, in part, to inconsistencies between the promises of the Comprehensive Peace Agreement (CPA) and the aspirations of the South Sudanese people. The political dispute quickly transformed into physical conflict between the SPLM/A and forces loyal to former deputy president Machar, engulfing Juba and rapidly spreading to other parts of the country including the Greater Upper Nile States. The towns of Bor, Malakal and Bentiu suffered the brunt of the fighting, changing hands between government and rebel supporters over the course of the following weeks. Since then, official figures estimate that over a million people have been displaced, of which 254,000 have fled to neighbouring countries.<sup>6</sup> In reality, the figures are likely to be far higher.

## History of displacement

Mass movements have a long history in the borderlands of northern/northwest Uganda and southern Sudan. Since independence, civil conflicts both in Uganda and Sudan have continued to create forced migratory movement in addition to ongoing migration for trade and other purposes. After Sudan's independence in 1956, Sudanese began to move to northern Uganda fleeing fighting in Sudan's first civil war.<sup>7</sup> This influx was temporarily halted by an agreement signed in Addis Ababa in 1972. But the trend in forced displacement was then reversed: events in Uganda, following the seizure of power by Idi Amin in 1971, eventually led to Ugandans fleeing into southern Sudan, many to escape reprisals after the fall of both Milton Obote and Amin's regimes in 1971 and 1979 respectively. By the early 1980s there were 93,000 Ugandan refugees in southern Sudan.<sup>8</sup>

Ugandan refugees were eventually forced into returning to northern Uganda in the late 1980s when the fighting in southern Sudan once again intensified and their security was threatened. They returned to a country that was trying to recover from years of civil strife, and a volatile security situation with a number of rebel groups operating in the area including the notorious Lord's Resistance Army (LRA) – and which also led to the internal displacement of almost two million Ugandans.<sup>9</sup> Such threats continued throughout the 1990s, exacerbating notions of insecurity for the population.

In addition to returnees arriving back in northern Uganda, there was soon a massive influx of Sudanese refugees fleeing from the renewed civil war in their own country. By July 1996, there were 244,780 officially registered Sudanese refugees in Uganda, the vast majority of whom were southern Sudanese living in northern Uganda. After decades of insecurity, a peace process between the rebels of the SPLA and the government of Sudan in 2005 led to the signing of the CPA, which heralded the start of the process of return to South Sudan.

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<sup>6</sup> UNOCHA South Sudan, "South Sudan Crisis: Situation Report No. 29", 27 March 2014.

([http://reliefweb.int/sites/reliefweb.int/files/resources/South\\_Sudan\\_Crisis\\_Situation\\_Report\\_29\\_as\\_of\\_27\\_March\\_2014.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/South_Sudan_Crisis_Situation_Report_29_as_of_27_March_2014.pdf))

<sup>7</sup> This first period of civil conflict in Sudan is known as Anyanya I.

<sup>8</sup> Tim Allen (ed.), "A Flight from Refuge" in, *In Search of Cool Ground: War, Flight and Homecoming in the Northeast Africa*. London: James Currey, 1996, p. 225.

<sup>9</sup> See Lucy Hovil and Zachary Lomo, "Negotiating Peace: Resolution of Conflict in Uganda's West Nile District." Refugee Law Project Working Paper No. 12, June 2004.



## Methodology

Fieldwork took place from 17 to 24 February 2014 in Uganda's Adjumani district in West Nile region. A total of 55 qualitative interviews were conducted with recently arrived refugees/asylum seekers, as well as a number of Ugandan government officials. The primary purpose of our visit to Adjumani was to gain an overview of the situation following the recent arrival of significant numbers of South Sudanese refugees/asylum seekers. Refugees were asked about the events that led to their current displacement, their views on the causes of conflict, and their current circumstances.

While we deliberately sought to interview a wide cross-section of refugees – those who have fled from different locations in South Sudan, both men and women, and those from different age groups – none of those interviewed identified themselves as being from the Nuer ethnic group. This is likely due to the pattern of displacement, in which many Nuer have fled either to Kenya or Ethiopia or to other locations within Uganda. In addition, we did not speak with the many refugees who have come over the border and returned or moved into local towns and villages as “self-settled” refugees, off the official radar, determined not to be confined to a camp and therefore have the opportunity to generate their own livelihoods.

## The policy context

During the decades of displacement prior to the secession of South Sudan, officially-sanctioned durable solutions had remained elusive for the vast majority of refugees, with the Government of Uganda remaining reluctant to allow refugees to legally integrate within the country. The centrepiece of Uganda's refugee management approach, the “local settlement” – which, in theory, is supposed to be linked to local integration – had, in practice, had the opposite effect: officially, refugees in camps/settlements continued to have restrictions placed on their freedom of movement, which limited economic and social integration. As previous assessments have demonstrated, self-reliance within the context of a camp is a contradiction in terms.<sup>10</sup>

Those who chose to opt out of the official structures and “self-settle” were not eligible for assistance within the Ugandan context: while many undoubtedly fell under the legal definition of a refugee, they generally were not officially recognised at a national level.<sup>11</sup> Many reached a strong degree of integration at a local level – they paid taxes, owned land, married Ugandans, and many are probably still living in Uganda as *de facto* Ugandan citizens. However, unofficial forms of local integration always created vulnerabilities without *de jure* Ugandan nationality to complement it. Others drew upon the advantages of both: family members remained in the settlements benefitting from assistance, while other members of the family moved to nearby urban areas in order to seek work and supplement their income.<sup>12</sup> Throughout, there was constant movement in and out of what is now South Sudan.

Despite these realities, however, it is telling that the Government of Uganda has responded to the renewed influx of South Sudanese refugees by re-opening refugee camps. Rather than building on the

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<sup>10</sup> Lucy Hovil, “Self Settled Refugees in Uganda: An Alternative Approach to Displacement?” *Journal of Refugee Studies* 20: 599 – 620, 2007.

<sup>11</sup> *Ibid.*

<sup>12</sup> Lucy Hovil, “Free to Stay, Free to Go? Movement, Seclusion and Integration of Refugees in Moyo District.” *Refugee Law Project, Working Paper No. 4, May 2002*. The paper demonstrates the contrasting experiences of exile between self-settled and settlement-based Sudanese refugees who were living in Uganda at that time.

“unofficial” coping mechanisms already in place and supporting them, it is returning to a system that has repeatedly shown itself to be not only economically unsustainable but highly detrimental to the quality of life for refugees.

It is against the background of this policy context, and the historical impact that it has had on this population, that the findings are presented. The analysis begins with an overview of the predicament that refugees find themselves in, and then reflects on the causes and dynamics of the conflict in South Sudan that led to their displacement.

## In exile once more

### Stories of flight

Physical displacement represents a clear indication of the human toll of conflict. The refugees interviewed all told stories of their homes, or neighbouring villages, being attacked, and of atrocities being committed.<sup>13</sup> As one woman said, “We could not wait for our dead bodies to be found first. We had to look for safety as soon as possible and Uganda was the place because we had been here before.”<sup>14</sup>

The sheer speed at which conflict spread, forcing many to flee with no time to prepare, was evident throughout the interviews. A seventeen year old girl told of how she and her two sisters aged six and fifteen had fled when their village was destroyed, but had to leave their mother behind who was too old to walk.<sup>15</sup> One woman told of how she gave birth en route to Uganda: “We fled because of the fighting in Juba within the SPLA... It started on 15 [December 2013] and we stayed in the house for four days and then ran away. We didn’t have water at all in the house and on the third day my husband went to look for some water but he never came back. We waited for one more day and then left. I still have no news of him.” She gave birth in Nimule, close to the Ugandan border: “There were no maternity facilities but my neighbours helped me through labour. However, the baby now has stomach problems and there is no care here except that he was vaccinated at and given a mosquito net at Nyumanzi 2.”<sup>16</sup>

A 22 year old man who watched both of his brothers being shot told his story of being displaced first to Juba, and then to Uganda: “We lived in Golgothin Payam near Pibor [capital of Jonglei State]. One day we were sleeping in our house at night. Soldiers from an army unit came, kicked open the door, and shot my two brothers dead (25 and 12 years). My father had been killed when I was still a child and my mother had died of sickness, so it was just the three of us. Following the shooting of my two brothers, I fled the house. I don’t know why they were shot and I don’t know how I survived. Burying the dead is important in our community but there was no time to bury my brothers. I went to the village centre where all sorts of people from different ethnic groups were and stayed there for the night as I planned my next move. I went to Pibor and travelled from there to Juba by vehicle. I had stayed for three days at my uncle’s place in Juba when the fighting within SPLA troops in Juba started. My uncle, who is a soldier,

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<sup>13</sup> These stories are corroborated by UNMISS, “Interim Report on Human Rights: Crisis in South Sudan”, 21 February 2014. (available at <http://www.unmiss.unmissions.org/Portals/unmiss/Documents/PR/Reports/HRD%20Interim%20Report%20on%20Crisis%202014-02-21.pdf>)

<sup>14</sup> Interview with refugee woman, Nyumanzi Reception Centre, 18 February 2014.

<sup>15</sup> Interview with refugee woman, Borole refugee camp, 22 February 2014.

<sup>16</sup> Interview with refugee woman, Borole camp, 24 February 2014.

quickly got a vehicle which transported me to Nimule. I then crossed to Elegu and from there I was taken to Dzaipi on 24 January.”<sup>17</sup>

The scale of displacement over a relatively short period of time has been due partly to the extent of atrocities committed against civilians, and the considerable fear that has been generated as a result. One man talked of how he had seen people being decapitated, and of people who had fled, dying in the bush from hunger and sickness.<sup>18</sup> Another man described how his boat was shot at as he was fleeing down the river Nile from the town of Bor: “As we moved, we all came under a hail of bullets, including some people who were still at the river bank. Many people were shot from behind and some died. Some, including children, tried to swim but they drowned.”<sup>19</sup> A woman described how “Dinka women were taken from the UNMISS [United Nations Mission in the Republic of South Sudan] compound and raped.”<sup>20</sup> We were unable to verify this assertion.

As the previous quote suggests, some of those interviewed told of how specific groups were targeted: “I was in Bor when the trouble started. They would ask, ‘Are you Dinka?’ If you answered yes, they would shoot. My home was burnt and my place of work was burnt down.”<sup>21</sup> But there were also stories of indiscriminate killing, both in Bor and in Juba: “In Juba it was terrible because the army was shooting everyone and they were burning some houses and one could not tell who was a target.”<sup>22</sup>

There were also stories of people assisting those who were fleeing – of boatmen not only offering free transport, but giving those who were fleeing money to buy food. One man told of how he had travelled to Bor from Uganda when he heard of the fighting, in order to bring his mother to safety. A student in Uganda, he is now helping with education in the camp and will go back to university once the term starts again.<sup>23</sup> These stories are a small indicator not only of the many individual tragedies that have resulted from the war, but also of the extraordinary resilience demonstrated by people in the face of seemingly insurmountable odds.

## The legacy of previous displacement

The fact that many are not strangers to displacement reinforces the tragedy that is unfolding, but also points to some of the coping strategies that were deployed. While some had been displaced in other countries or had been internally displaced, many had previously been displaced in Uganda. The woman who gave birth while she was fleeing her home also talked of how she was no stranger to displacement: “In 1990 we fled to Uganda, Alere Refugee Settlement, and went back in 2007. It was the first time I ran away from Loa and it was because of heavy bombing by Sudan war planes.”<sup>24</sup> A young man told of how he had been born in Alere and had repatriated in 2008.<sup>25</sup> Many, therefore, had prior knowledge of the situation in Uganda: “I knew about Dzaipi because this was my second time in Uganda. I first came in 2005.”<sup>26</sup> “I knew my way here because I was a refugee here in Umia having fled from South Sudan in

<sup>17</sup> Interview with refugee man, Borole Camp, 22 February 2014.

<sup>18</sup> Interview with refugee man, Barotuku Camp, 21 February 2014.

<sup>19</sup> Interview with refugee man, Nyumanzi Reception Centre, 20 February 2014.

<sup>20</sup> Interview with refugee woman, Nyumanzi Reception Centre, 19 February 2014.

<sup>21</sup> Interview with refugee man, Nyumanzi Reception Centre, 18 February 2014.

<sup>22</sup> Interview with refugee man, Borole camp, 23 February 2014.

<sup>23</sup> Interview with refugee man, Nyumanzi Reception Centre, 20 February 2014.

<sup>24</sup> Interview with refugee woman, Borole camp, 24 February 2014.

<sup>25</sup> Interview with refugee man, Borole camp, 22 February 2014.

<sup>26</sup> Interview with refugee man, Nyumanzi Reception Centre, 19 February 2014.

1992 and I had been repatriated in 2008 to Juba where I have been all along as a citizen of a new country.”<sup>27</sup>

Indeed, a significant number of those who were interviewed talked of the fact that their children were still studying in Uganda. As one woman said, “Although I had returned to South Sudan, the children were going to school with one of the girls studying in Gulu. The problem now is that I cannot afford to pay for them and they are all here.”<sup>28</sup> With access to education being a huge challenge in South Sudan, particularly outside of Juba, many had made the decision to repatriate but to leave their children behind for schooling. As another woman told us, “In most cases [in South Sudan] secondary school education had to be in Uganda.”<sup>29</sup> One man, who was actually Ugandan by birth but married a woman from South Sudan and “repatriated” there, explained that his children are in school in Kampala.<sup>30</sup>

For many, therefore, since “repatriating” to South Sudan they have drawn upon trade routes that have developed over time, not least from their years of living in exile in Uganda’s West Nile region. One woman talked of how her husband was a truck driver, moving between Adjumani and Juba.<sup>31</sup> Another man told of how he had been coming in and out of Uganda regularly to buy machinery and equipment for his work: “Ours is a construction company owned by South Sudan and I work as a supervisor. My daughter is married in Uganda (Adjumani) and my wife was from Moyo though she is deceased and buried in Torit [South Sudan].”<sup>32</sup> These modes of movement and migration are now enmeshed with this new layer of displacement, enforcing not only the tragedy of re-displacement, but also the resourcefulness of people living through uncertainty – and the extent to which many have local resources that they can draw upon.

Survival strategies that draw upon networks both sides of the border were also found in previous research at the point at which people were choosing how and when to return to South Sudan: as they told us, they were “hoping for peace, but preparing for war.”<sup>33</sup> During the time of repatriation, and often in contradiction to official policy structures that saw repatriation as a one-off event, refugees were responding to a situation that held both promise and threats to their safety and were creating multiple coping strategies in order to maximise their protection as a result. As it has turned out, those children whose families were able to leave them in Uganda to continue their schooling have suffered far less disruption than the many children now sitting in the camps who have had their education interrupted by the war.

## Life in exile

Regardless, the fact remains that becoming refugees once more has presented numerous challenges. As stated above, many have had their education interrupted – including those studying in Uganda who were dependent on support from relatives in South Sudan. One young man told us how he could no longer study because he cannot afford the fees with no form of income: “I was a student in Arua, Uganda, at the Institute of Management Studies. I had just completed my certificate and was due to

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<sup>27</sup> Interview with refugee woman, Nyumanzi Reception Centre, 18 February 2014.

<sup>28</sup> Interview with refugee woman, Nyumanzi Reception Centre, 19 February 2014.

<sup>29</sup> Interview with refugee woman, Nyumanzi Reception Centre, 19 February 2014.

<sup>30</sup> Interview with refugee woman, Nyumanzi Reception Centre, 19 February 2014.

<sup>31</sup> Interview with refugee woman, Nyumanzi Reception Centre, 19 February 2014.

<sup>32</sup> Interview with refugee man, Nyumanzi Reception Centre, 19 February 2014.

<sup>33</sup> Interview with Sudanese woman, Kajo Keji, South Sudan, 16 August 2010.

start the diploma this year, on 24 February. But I have no money now because I am not in touch with my father due to the war.”<sup>34</sup>

Health is also a considerable challenge: “Health is the biggest challenge here. Malaria, typhoid and diarrhoea are common. There is a government health centre about two kilometres from here and it treats refugees too. Some refugees have been there and they were given only paracetamol. Can paracetamol treat malaria? ... During the day, we can do some first aid and can ask for assistance from one of the international NGOs working here, particularly MSF... But if someone falls sick at night there is no medical help. *Boda bodas* stop working at 8 PM. and after that time there is no transport.”<sup>35</sup> As he went on to add, “There are many South Sudanese here who have medical knowledge but they are not licensed to operate in Uganda.”<sup>36</sup>

In addition to health problems, there were also concerns about security, not least in a context in which the majority of those who have recently arrived are women and children. As one man said, “Most residents of this settlement are women so they are at risk. There is no police or military personnel here at all. Some people get drunk and disturb people at night. We requested the UNHCR to help get the police here but this has not yet happened.”<sup>37</sup> A woman who is on her own with four children told of how she had her rations and ration card stolen: “There is no police or other security arrangement here. Cases of theft have been experienced here and the houses are not secure.”<sup>38</sup> A health worker in one of the camps described how one night a man, thought to be a refugee, roamed around the settlement shooting in the air. Indeed, refugees reported that there are many former soldiers and former armed rebels or militia within the camps. As one woman told us, “This conflict was known among the leaders, and people started being evacuated even before it started. For example, my husband told me to leave earlier and I have recognised some of the leaders here, even SPLA, and they continue getting salaries.”<sup>39</sup>

According to government officials, initial tensions between the different ethnic groups led to a decision being taken to segregate some of the camps along ethnic lines, although the transit centre remains mixed.<sup>40</sup> However, some saw this decision as problematic: “I am a South Sudanese. I don’t like to be called Dinka. I don’t like to operate on an ethnic basis. I speak Nuer and sometimes the Nuer think I am one of them. During this conflict, I helped a Nuer lady run away to the border and she is now staying with Dinkas. We cannot be separated out like this. I am actually not happy that the settlement camps are not mixed.”<sup>41</sup> Although presumably intended to prevent tensions among groups, the segregation has generated tensions of its own, with rumours circulating about some groups receiving more assistance than others. Many of those interviewed talked of how the Dinka appear to have more money than the rest of them: “They even seem to be assisted more than the other ethnic groups. Maybe the South Sudan government is sending them money because the president is a Dinka, we don’t know. Some of them are said to have bank accounts in Adjumani.”<sup>42</sup>

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<sup>34</sup> Interview with refugee man, Borole Camp, 22 February 2014.

<sup>35</sup> Interview with refugee man, Barotuku Camp, 21 February 2014.

<sup>36</sup> Interview with refugee man, Barotuku Camp, 21 February 2014.

<sup>37</sup> Interview with refugee man, Barotuku Camp, 21 February 2014.

<sup>38</sup> Interview with refugee woman, Borole refugee camp, 24 February 2014.

<sup>39</sup> Interview with refugee woman, Nyumanzi Reception Centre, 19 February 2014.

<sup>40</sup> Interview with government official, Adjumani, February 2014.

<sup>41</sup> Interview with refugee man, Nyumanzi Reception Centre, 20 February 2014.

<sup>42</sup> Interview with refugee man, Borole Camp, 22 February 2014.

Of greatest concern, however, was the fact that the default response to the influx has been to put people into camps or settlements. Indeed, receiving aid from UNHCR and its implementing agencies was conditional upon being registered in the camp. There was widespread frustration that they were once more being parked in remote areas of the region, with little access to markets and minimal land to farm. Indeed, the entire camp machinery – which had recently *deconstructed* many of the camps – has now kicked back into action revealing the extraordinary level of inefficiency of settlements as a model for hosting refugees. As one man said, “On arrival at Barotuku, we were allocated a plot of land. We were then given a hoe and spade to dig a hole for a pit latrine. We were also given sheeting and a bucket. We have to get our own poles and grass to build a shelter. Either you have to walk a very long distance to get them or buy from the community who sell them. So if you have no money, you suffer a lot.”<sup>43</sup>

The creation of camps – which are typically isolated and cut off from the surrounding population – operates contrary to local mechanisms of hospitality, which were cited by the refugees. “We all came together except my husband who is a soldier in SPLA, the rest of us came this way and I am here with all the four children... We reached Dzaipi around 10 AM and we were given food and shelter for our children as well, then there were locals [Ugandan citizens] who were preparing porridge for refugees. They were very good to us, even consoling and counselling us.”<sup>44</sup> As another man said, “I am not feeling at ease here because you may have to depend on assistance. We now lack tools to construct shelters and really do not know whether I can stay here for long. I would have preferred being in South Sudan as opposed to staying in a foreign country.”<sup>45</sup> “We are able to move around, but it is like we are in the middle of a desert. There is almost nothing around here.”<sup>46</sup>

Of course, many have not gone through the official processes and this assessment did not focus on the thousands who have “self-settled” around the West Nile region and beyond. Others have registered but intend to move in and out of the camp: “[The camp] is good as a base, a physical address where one can fall back into in case of anything.”<sup>47</sup> Indeed, several interviewees commented positively about the fact that so far their freedom of movement has not been curtailed: “I have noticed that people are moving in and out of the camp here. I understand that many people are going out, for example to Nimule, because they are trying to find their relatives, and I think that is a good thing. I don’t know whether this kind of movement is against the policy but it would be good for refugees to be allowed to stay anywhere.”<sup>48</sup> However, there was also concern, based on historical precedent, that their ability to move in and out of the camp with ease may soon be restricted; and that if South Sudan does not stabilise quickly, they could once more be incarcerated for a long time.

Thus, the official policy response to these refugees – namely to open the camps – was seen as contrary to the creative coping strategies being deployed by refugees. The networks that people have built up over time, their ability to make difficult decisions in a fast-changing security context, and the need to maximise their potential in a highly restrictive economic environment all point to the need for policies that complement, rather than contradict, what is already taking place.

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<sup>43</sup> Interview with refugee man, Nyumanzi Reception Centre, 20 February 2014.

<sup>44</sup> Interview with refugee woman, Borole camp, 23 February 2014.

<sup>45</sup> Interview with refugee man, Borole camp, 22 February 2014.

<sup>46</sup> Interview with refugee man, Barotuku Camp, 21 February 2014.

<sup>47</sup> Interview with refugee woman, Borole camp, 23 February 2014.

<sup>48</sup> Interview with refugee woman, Nyumanzi Reception Centre, 19 February 2014.

## The escalation of conflict

### The building of a new state?

After decades of war and exile, many of those who have now fled had returned to South Sudan (or Sudan prior to independence) in order to be part of the building of this new state. Many had voted in the referendum and saw themselves as part of this new political process of transformation. Although there was realism regarding the potential problems that lay ahead, there was also optimism that South Sudan's secession presented an opportunity to break with the past. However, this optimism has been undermined by recent events: "We all felt freedom and we knew we were now having our own country and were ready to live there... Now once again I am a beggar here [in Uganda]. I have no complete authority."<sup>49</sup>

When asked about how their lives had been since independence, many described how they had begun to reconstruct their lives. As one man said, "Life was good because we had land and were cultivating and at the same time we had animals [livestock]. My four children were going to primary school... And I was happy because we had gone back to our freedom rather than living like prisoners in camps."<sup>50</sup> A woman who had been living in Jonglei echoed this sentiment: "Life was good because my husband was working as a policeman and we also had cattle and had cultivated crops for survival, and I was working as a tailor. My two children were going to school and we were happy."<sup>51</sup> A woman who had lived close to the border with Uganda told of how she was able to support her children in school: "Life was very good because I was a market vendor selling produce from Uganda. The income I was getting was adequate enough to help the children who were studying in Uganda but now that there is war, I cannot make any more money to help them."<sup>52</sup>

While things were tough, many were also adamant that the situation was an improvement on their lives before independence. A number saw many of the problems they were facing in the context of a country dealing with the legacies of war: "South Sudan is a new country and not everything is good. Things go step by step. Even in a home you start slowly. You cannot build three houses at the same time. We hope to see change in ten years, not in two years. But things are not ok. Roads are bad, agriculture is poor and there is insecurity."<sup>53</sup> As another interviewee said, "It was good for South Sudan to become independent. The war between us and the Arabs was a much worse conflict than what we are going through now."<sup>54</sup>; "Despite everything that was going on, it is good to be independent. Our voices can be heard now although the country is still in war."<sup>55</sup> Or, as another man said, "It was very good for South Sudan to be independent because now people are fighting within the house. If the big powers are not pushing them, it will be resolved. Big countries play games because of resources. Promises may already have been made because of resources."<sup>56</sup>

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<sup>49</sup> Interview with refugee man, Nyumanzi Reception Centre, 19 February 2014.

<sup>50</sup> Interview with refugee man, Barotuku camp, 21 February 2014.

<sup>51</sup> Interview with refugee woman, Barotuku camp, 21 February 2014.

<sup>52</sup> Interview with refugee woman, Nyumanzi Reception Centre, 18 February 2014.

<sup>53</sup> Interview with refugee man, Nyumanzi Reception Centre, 18 February 2014.

<sup>54</sup> Interview with refugee man, Barotuku Camp, 21 February 2014.

<sup>55</sup> Interview with refugee man, Nyumanzi Reception Centre, 19 February 2014.

<sup>56</sup> Interview with refugee man, Borole Camp, 22 February 2014.

Others were less positive. One man said, “There was no work. Life was terrible in Jonglei state for people like me... I was in and out of school and could not work. There was total unemployment.”<sup>57</sup> In particular, people emphasised the fact that there was insecurity and crime. “There was a lot of insecurity. Before the war, people were being killed without a reason although it was on a much smaller scale. Before the armed conflict, people could climb the fence at night, break the door and kill those inside the house.”<sup>58</sup> “Even before the conflict there was no security in Juba; gun shots were not strange in the night or day.”<sup>59</sup> “The last years we had many problems. Cattle raids, kidnap of children and other tribal skirmishes.”<sup>60</sup>

Indeed, the extent to which the current outbreak of conflict dovetailed with multiple localised tensions and conflicts was evident in some of the stories told to us of localised tensions within and between communities. One man, who arrived in Uganda in August 2013 before the recent troubles began, told of how the Murle, a minority group, had been allegedly targeted since before independence: “Dinka began occupying Murle areas during the time of John Garang... Eventually Yau Yau, a Murle, started his rebellion in 2010 against the government in order to protect the Murle people. Then following South Sudan’s independence in 2011, the Dinka mobilised the Nuer to attack the Murle, killing many, including their leader, Babu, who was a major general... During the disarmament of 2012 the Murle were attacked by both Dinka and Nuer... Many Murle were killed, women raped and others injured... They abducted children. The wombs of some pregnant women were slit open and many other human rights violations were committed. Jonglei has thus been a turbulent state even before the events of December 2013 in Juba.”<sup>61</sup>

This narrative, which is based on person’s account, is one of many stories that point to the multiple localised dynamics and tensions that exist in a country born out of violence and marginalisation: it demonstrates the extent to which the local and national interact; it reinforces the well documented problems relating to the brutalisation and militarisation of the society and a poorly implemented disarmament, demobilisation and reintegration (DDR) programme;<sup>62</sup> it demonstrates the extent to which tensions over land spill into violence; and it reveals the many problems relating to bad governance at a local and national level. All of these factors point to the vulnerability of a state that had been somewhat prematurely viewed as post-conflict by many internal and external actors, yet in reality was only in the early stages of transitioning to a position of genuine stability. It provides the context in which violence escalated rapidly to the extent that just under a million people fled their homes between mid-December 2013 and early March 2014.

## A crisis in leadership

Ultimately, however, when asked why they thought the recent conflict had erupted, many pointed to the failure of South Sudan’s new leadership. “Our leaders just want to rule by force, they want to dictate and everyone wants power.”<sup>63</sup> “Yes, it was very good for South Sudan to become independent. What is happening now is not connected to South Sudan as a country but to individuals. I have no regrets

<sup>57</sup> Interview with refugee man, Nyumanzi Reception Centre, 20 February 2014.

<sup>58</sup> Interview with refugee woman, Nyumanzi Reception Centre, 19 February 2014.

<sup>59</sup> Interview with refugee man, Borole camp, 22 February 2014.

<sup>60</sup> Interview with refugee woman, Barotuku camp, 22 February 2014.

<sup>61</sup> Interview with refugee man, Borole refugee camp, 22 February 2014.

<sup>62</sup> See, for example, Overseas Development Institute, “Livelihoods, basic services and social protection in South Sudan.” July 2012.

<sup>63</sup> Interview with refugee woman, Nyumanzi Reception Centre, 19 February 2014.



regarding independence. This war is not the first time for people to die. Through this civil war, Sudan would like to show that independence was not viable but Sudan itself killed millions of South Sudanese before.”<sup>64</sup>

Some ascribed the escalation in conflict to careful planning and political manoeuvring: “People wanted to take the leadership so that they too can control the government and the money.”<sup>65</sup> “The SPLM /SPLA top leadership had just held a meeting and it seems they disagreed over something. Then the group of Riek Machar decided to begin fighting, apparently to overthrow the government.”<sup>66</sup> “This conflict is about politics. It is about greed for power. Riek Machar was trying to become the Chairman of the SPLM as a stepping stone to the Presidency in 2015. I knew about the potential violent conflict before it happened. From 2011, I was warning our extended family to move out of Bor but they ignored the warning. Some people started moving out to Yei in 2011. I personally left South Sudan with my wife in August 2013.”<sup>67</sup>

Several people compared the current leadership to that of former SPLM/A leader, John Garang: “As far as Garang was concerned, he had a vision that would have taken us to greater heights. But after his death I really do not know whether Salva Kiir is focused on that vision or if his vision is only for the promotion of himself. Independence has shown us how selfish our own people can be.”<sup>68</sup> As a woman said, “To me it was caused by selfish motives because all our leaders have an army and want power.”<sup>69</sup> And they want power in order to control resources: “This is mainly about oil. You know Riek Machar comes from where oil is being produced and wants to have control while Salvia Kiir has brought the conflict to be tribal in that the Nuer do not like the Dinka to benefit from the oil and consider themselves as the owners of the oil.”<sup>70</sup> “Politics is about resources.”<sup>71</sup>

## Local level

This high level dispute, in turn, quickly permeated downward. Indeed, many interviewees talked about the way in which a political dispute in Juba quickly led to atrocities being committed at a local level, showing the crucial interaction between national and local conflicts. “Initially, I thought it was a leadership issue between Salva Kiir and Riek Machar. But at the local level, it became ethnic and they started killing civilians. People ran to the UNMISS compound but Nuer were coming and taking out Dinka to kill them. UNMISS was not protecting the people. Now Dinka started running to hide in the bush – it is our home area so we knew the countryside well. But some Nuer and those Dinka who thought it was a political issue continued to run to UNMISS. But now it had become ethnic. Riek did this, I mean killing Dinka, in 1991 and he has repeated it now. You cannot get an old man in Bor now. They have killed the old, the blind, the children, the women and the beggars. How many old men do you see here? Where are they? This is genocide. Dinka Bor are targeted. They were killed in hospitals and in churches.”<sup>72</sup>

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<sup>64</sup> Interview with refugee man, Nyumanzi Reception Centre, 20 February 2014.

<sup>65</sup> Interview with refugee woman, Nyumanzi Reception Centre, 19 February 2014.

<sup>66</sup> Interview with refugee man, Nyumanzi Reception Centre, 20 February 2014.

<sup>67</sup> Interview with refugee man, Nyumanzi Reception Centre, 20 February 2014.

<sup>68</sup> Interview with refugee man, Nyumanzi Reception Centre, 18 February 2014.

<sup>69</sup> Interview with refugee woman, Nyumanzi Reception Centre, 18 February 2014.

<sup>70</sup> Interview with refugee woman, Borole camp, 22 February 2014.

<sup>71</sup> Interview with refugee man, Nyumanzi Reception Centre, 19 February 2014.

<sup>72</sup> Interview with refugee man, Nyumanzi Reception Centre, 18 February 2014.

Indeed, the speed with which violence spread often related to atrocities that had been committed against certain groups in the past that had never been addressed. In particular, several interviewees linked the current violence with what took place in the early 1990s: “Riek Machar’s aim was to remove Salva Kiir and take over the leadership. All the other reasons he is giving, however genuine, are secondary. Remember, he killed about 2,000 Dinka in the early 1990s according to official figures although people say that the number killed was much higher.”<sup>73</sup> As another man said, “Machar should have waited for the election in 2015. But again, Salva Kiir is a Dinka Bahr el Ghazal yet Riek Machar is killing mainly Dinka Bor from Jonglei. He also massacred them in 1993, so he is doing this again. John Garang was a Dinka Bor.”<sup>74</sup> Another man talked of how he had first been exiled from Sudan (now South Sudan) in 2009 when the incoming SPLA soldiers attacked his home area of Magwi: “this time the government was using tanks against its own people.”<sup>75</sup>

Other localised tensions were also quickly exploited. One such area of tension mentioned by a number of interviewees was the issue of land – which, by definition, was specific to the different locations in which people were from. When asked if it was easy to get land in South Sudan, one man replied: “Yes, it is very easy because it is our land. In town it can be difficult but in the villages it is very easy. However, those in government have influence in land distribution so this can be another indirect reason for the conflict.”<sup>76</sup> Another man, when asked if the conflict was about land, replied: “I think it is not directly related to land although land is a problem in some states. In some states they give land to their tribe and clan. Before the conflict broke out, land was being surveyed and there is a lot of corruption in this process. If you want to get a good land, fertile, you need to give some money.”<sup>77</sup>

Although issues of national governance are clearly important with regards to the distribution of land, it was clear that many of the tensions over land are strongly localised. As one woman said, “Our village in Torit was affected because the Dinka went there and started claiming land and yet there was a problem between the Acholi and the Madi in that same place. The Madi were claiming land in Torit yet Magwi should be their county. So in Torit we had land but we can no longer go there because the Dinka can kill you for land there.”<sup>78</sup> Another interviewee when asked the same question replied, “I think that land is also a problem because the Dinka and the Nuer want to push the Murle away from their own land.”<sup>79</sup> Several referred to tensions over grazing rights among various pastoralist groups, and the ways in which this had led to tensions within and between communities. In particular, those who identified themselves as being from minority groups emphasised strongly the ways in which they felt they had been discriminated against with regards to access to land.

## The role of ethnicity

Inextricably linked to the issue of land, and the localised form that the violence has taken, is the extent to which the manipulation of ethnicity by those in positions of power was seen as a primary tool for allowing violence to spread from a national political dispute to the grassroots. One man described the way in which ethnicity was manipulated by those in power: “The political problem is manifested in ethnic terms. Dinka started killing Nuer without knowing who they were supporting and Nuer did the

<sup>73</sup> Interview with refugee man, Nyumanzi Reception Centre, 20 February 2014.

<sup>74</sup> Interview with refugee man, Nyumanzi Reception Centre, 19 February 2014.

<sup>75</sup> Interview with refugee man, Borole camp, 23 February 2014.

<sup>76</sup> Interview with refugee woman, Nyumanzi Reception Centre, 19 February 2014.

<sup>77</sup> Interview with refugee man, Nyumanzi Reception Centre, 19 February 2014.

<sup>78</sup> Interview with refugee woman, Nyumanzi Reception Centre, 19 February 2014.

<sup>79</sup> Interview with refugee woman, Barotuku camp, 22 February 2014.

same. Defections to the rebel side of Riek Machar were also manifested in ethnic terms. So ethnicity is the manifestation of a power and leadership struggle... power is the leading factor and ethnicity is the identity of those struggling for power.”<sup>80</sup>

Thus, many emphasised the extent to which ethnic division was a consequence rather than a cause of conflict: “Those who are saying that it is an ethnic issue do not understand the politics and are mixing things up. Salva Kiir’s military Chief of Staff up to now is a Nuer by tribe and that is a very big position. Not all the Nuer soldiers joined Riek Machar. In fact he found that he did not have enough soldiers so he mobilized soldiers in Nuer communities and that is how many Nuer people joined him. So it appears ethnic but it is political.”<sup>81</sup> “The conflict seems to be ethnic only because the people involved belong to different ethnic groups and they exploit this for their benefit.”<sup>82</sup> Furthermore, ethnic difference has now become an excuse for looting people’s homes, not least as unpaid rebels/former soldiers become increasingly desperate: “The current Riek Machar rebels were in SPLM/A and have not been getting salaries and benefits since the war broke out. They are now trying to take advantage of the war to get something. I heard that Malakal is now under Riek Machar and they know they cannot hold it long so they have been on a looting spree.”<sup>83</sup> “The rebels are attacking civilians in order to survive.”<sup>84</sup>

As another man said, “This conflict is not ethnic. The problem is leadership and democracy. We are supposed to have elections every five years and the next presidential election is supposed to be in 2015. The SPLM was supposed to nominate a presidential candidate for 2015 but it appeared like the party would nominate Salva Kiir again. Riek Machar wants the presidency badly and he probably knew that the SPLM would not nominate him for the presidency. The only option was for him to form his own party and become its presidential candidate but a new party would be unlikely to beat the SPLM in an election. So he decided not to wait for 2015 and to take over the government but failed. That is how the fighting started.”<sup>85</sup>

National leadership was seen to be riddled with nepotism and corruption, with the exploitation of ethnic identity as an easily accessible structure for maintaining or gaining power: “Although it looks like it is a tribal war, the main reason is that the Dinka use this to stay in power. They want everything. In every office, they are the ones who are there even when they are not educated as long as the relative is heading that office. My husband’s brother works at the airport. Their boss is a Dinka who cannot read or write and it is my brother-in-law who does everything for him except receiving and signing for money which the Dinka does and he just pays my brother in law. He cannot even get leave of station because the ‘boss’ (Dinka) wants him around all the time.”<sup>86</sup> Likewise another man told us, “What I know as the truth is that Dr. Riek Machar has been mobilising his people that the Dinka are taking everything and so the people were incited against the Dinka. So to me it is not a tribal conflict but the politicians are inciting their people so that they can use them to get political power. The government still has people who are Nuer working and at the same time we have Dinka who are in support of Dr. Riek Machar.”<sup>87</sup>

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<sup>80</sup> Interview with refugee man, Barotuku Camp, 21 February 2014.

<sup>81</sup> Interview with refugee man, Barotuku Camp, 21 February 2014.

<sup>82</sup> Interview with refugee man, Borole Camp, 22 February 2014.

<sup>83</sup> Interview with refugee man, Nyumanzi Reception Centre, 20 February 2014.

<sup>84</sup> Interview with refugee man, Nyumanzi Reception Centre, 18 February 2014.

<sup>85</sup> Interview with refugee man, Barotuku Camp, 21 February 2014.

<sup>86</sup> Interview with refugee man, Borole camp, 24 February 2014.

<sup>87</sup> Interview with refugee man, Barotuku camp, 20 February 2014.

As one woman told us, “What I know is that people lived peacefully before the conflict and there were no major problems with tribes. Even Dinka and Nuer children played together without any problem.”<sup>88</sup> Indeed, several interviewees emphasised that the current conflict was different from “tribal conflicts” as they were understood by those interviewed: “First and foremost, 40 years ago we had tribal conflicts among our people. But then fighting the Arabs unified us. Now it is because the Dinka and Nuer are in government and they are using their positions of power to fight.”<sup>89</sup> Again and again people emphasised the way in which ethnicity was being manipulated rather than being the source of the problem per se: “The main thing that Riek Machar wants is political power but he has mobilised the people of his tribe to help him. Naturally, the Dinka also got together to defend themselves. That is why it looks tribal but it is political.”<sup>90</sup> “It is the politics that have brought out the ethnic dimension... The issue is political power. Whoever has political power controls many things. And whoever has political power controls the allocation of land so in that way it can be part of the problem.”<sup>91</sup>

As these quotations demonstrate, there is a fundamental difference between ethnicity as the cause of conflict – which, in turn, has a strongly localised dynamic to it – and issues of governance being the primary cause of conflict. Ethnicity, in the view of most of those interviewed, is being used as a tool for mobilising foot soldiers, spreading conflict and creating sides in this political wrangle: “the fighting between Riek Machar and Salva Kiir now involves their tribes’ people even down to village level.”<sup>92</sup> The ease with which ethnicity could be manipulated in this way was linked to the many points of vulnerability that existed in this (post)conflict environment, not least the level of militarisation within different communities. As one man said, “I cannot complain much about the Nuer killing Dinka or the other way round. Those who did this were mainly illiterate SPLA soldiers or former soldiers who were being manipulated by politicians. I blame the politicians who are doing this for selfish reasons. So it is not ethnic but political. Even if there are legitimate political issues to complain about, you don’t have to kill innocent people.”<sup>93</sup> Therefore the interaction between political power and the instrumentalisation of ethnicity was seen critical, not least as it points to the way in which this conflict needs to be resolved.

## Regional dynamics

A further dynamic to the conflict that was identified by interviewees was the role played by regional powers either in exacerbating conflict, or in attempting to alleviate it – or, as was often the case, a combination of the two simultaneously.

Not surprisingly, many are convinced that the Sudan government has been fomenting violence. “[Sudan] have helped Riek Machar before and it would be easy to help him again. Maybe now they are more subtle about it.”<sup>94</sup> “I think Sudan is helping Salva Kiir. I think they are giving him money because of the oil.”<sup>95</sup> Indeed, rumour and conspiracy theories were abundant: “It is difficult to know exactly what all these other countries are doing but some have tried to mediate or facilitate peace talks. We also hear that Eritrea and Ethiopia are supporting Riek Machar. And you know Riek Machar married a white lady – an American, I think – so America may be supporting him too. He is getting weapons, medicines, food

<sup>88</sup> Interview with refugee man, Nyumanzi Reception Centre, 20 February 2014.

<sup>89</sup> Interview with refugee woman, Nyumanzi Reception Centre, 19 February 2014.

<sup>90</sup> Interview with refugee woman, Barotuku Camp, 21 February 2014.

<sup>91</sup> Interview with refugee woman, Nyumanzi Reception Centre, 19 February 2014.

<sup>92</sup> Interview with refugee man, Borole camp, 24 February 2014.

<sup>93</sup> Interview with refugee man, Barotuku Camp, 21 February 2014.

<sup>94</sup> Interview with refugee man, Nyumanzi Reception Centre, 20 February 2014.

<sup>95</sup> Interview with refugee woman, Nyumanzi Reception Centre, 19 February 2014.

and other things from somewhere.”<sup>96</sup> As another man said, “History has it that Bashir and Machar were colleagues and Bashir assisted Machar to fight SPLM/A one time. One may ask who is supplying Machar with arms and Museveni knows that there is a connection between Machar and Bashir and that Kony will be helped to proceed to Uganda by the two once Machar succeeds.”<sup>97</sup>

Many of those interviewed, not surprisingly given the location to which they had fled, believed that the Uganda People’s Defence Force (UPDF), who went in to South Sudan allegedly to stop the conflict, had prevented further violence: “If it wasn’t for Uganda, Salva Kiir would already have been overthrown. Uganda also opened the road and refugees were able to move to Uganda.”<sup>98</sup> “The UPDF controlled the situation because there were already indiscriminate killings in Juba that would have spared nobody. The UPDF really helped.”<sup>99</sup> Many were under no illusion as to why Uganda had intervened in this way: “[The Government of Uganda] want South Sudan to be stable for the sake of business and so there will not be a refugee influx into Uganda. They tried their best to restore stability militarily but a political solution is better. To Uganda’s credit, the UPDF helped the situation for the refugees to come here. Many would have been killed. The SPLA infantry is strong but Uganda did a lot in the air.”<sup>100</sup> And there was also recognition that their involvement was highly controversial: “I know that many people are not happy that Uganda is there. Some people want Uganda to come out.”<sup>101</sup>

Given the way in which states in the region were seen to be allied with specific parties in the conflict, there was concern about the ability of IGAD to negotiate a settlement: “There are controversies about [IGAD’s] involvement. For peaceful talks it is doing very well but about Uganda’s position, they are supporting only one side, that of Salva Kiir, meaning that they are not neutral. So they feel they cannot be listened to by Museveni or Uganda since they do not support their course.”<sup>102</sup> “[IGAD] is doing its best... but it is not neutral. Uganda is on the government’s side, Ethiopia and Eritrea and maybe Sudan are with the rebels so how can they mediate effectively?”<sup>103</sup> Another man was more unequivocal in his lack of support for IGAD: “IGAD cannot help. Who is IGAD? It is Museveni, Salva Kiir, Bashir and others... even America is said to be helping Riek Machar.”<sup>104</sup>

As suggested in the previous quotation, there was equal ambivalence regarding the involvement of actors from outside the region: “I don’t think the international community has been helpful. Maybe on the side of refugees... Through the media and other channels the international community has been fuelling the problem. For example, they have presented this mainly as a Dinka-Nuer problem but that is not the main issue. They have been pressing for the release of the eleven detainees and already nine of them have been released. But you know once these people are released, they re-join the rebellion which continues to grow. The international community should have pressed for a fair trial for these detainees and maybe they should have pressed for neutral observers at the trials. Some of these rebels have committed atrocities before, but no one is talking about their trial for justice to be done. The international community is just talking about how the government has been unfair to the rebels but what happens to the wrongs they have done before? The international community are selling guns on

<sup>96</sup> Interview with refugee man, Nyumanzi Reception Centre, 20 February 2014. Machar’s former wife was, in fact, British.

<sup>97</sup> Interview with refugee man, Borole Camp, 22 February 2014.

<sup>98</sup> Interview with refugee man, Borole Camp, 22 February 2014.

<sup>99</sup> Interview with refugee woman, Nyumanzi Reception Centre, 18 February 2014.

<sup>100</sup> Interview with refugee man, Nyumanzi Reception Centre, 20 February 2014.

<sup>101</sup> Interview with refugee woman, Nyumanzi Reception Centre, 19 February 2014.

<sup>102</sup> Interview with refugee man, Borole camp, 22 February 2014.

<sup>103</sup> Interview with refugee man, Nyumanzi Reception Centre, 20 February 2014.

<sup>104</sup> Interview with refugee man, Borole Camp, 22 February 2014.

credit but these guns are mainly killing women and children, not soldiers.”<sup>105</sup> Regardless of the accuracy of such theories – many of which draw on historical precedent – it was clear that there is a strong regional dynamic to the conflict, in which there are no neutral parties.

## Resolution?

The sheer complexity of what is taking place at a local, national and regional level, and the multiple permutations of conflict that have been exposed over the past months as a result, reveals the need for a multi-pronged approach to creating durable stability. In the first instance, people recognised the need for good governance – for functional and democratic national leadership. As one woman said, “I don’t think the war will stop because both leaders [Riek Machar and Salva Kiir] want power.”<sup>106</sup> In other words, people recognise the need for a *political* solution to the conflict: “We can only achieve peace through first and foremost stopping the war, then democratic elections and acceptance of the results by candidates.”<sup>107</sup> As one man said, “Salva Kiir became Vice President of Sudan and was mainly based in Khartoum although he was President of South Sudan. Riek Machar was the Vice President of South Sudan but in reality he had more control in South Sudan than Salva Kiir. So these two guys have been in power since 2005 and they have not served us well. Delivery of services has been very poor and there has been high level corruption. The leadership has not served us, these guys cannot lead and we have to find someone else.”<sup>108</sup> As another man asked, “Which good leader fights his people?”<sup>109</sup> “People are not happy with the leadership... People are not happy that there is poverty, hunger and that many people have been killed.”<sup>110</sup>

In particular, the extent to which nepotism and corruption have taken hold in senior government positions was seen as a major problem: “The leadership has not addressed the real concerns of the people of South Sudan and there is a lot of corruption in government.”<sup>111</sup> “It is not good, because the leadership do not want to conduct themselves well, like the governors such as that of Jonglei, they are sectarian.”<sup>112</sup> “The leadership is not very good, for example, the police do not know what the law provides. They take the law in their hands meaning that the leadership is bad.”<sup>113</sup> As one man said, “Everyone needs to be patient for the elections. It’s like if your father died and left you with cows and then you just begin immediately fighting for the cows and who wins the fight takes it all instead of sitting and agreeing on who takes what number and being in peace.”<sup>114</sup> Therefore, problems of militarisation, inadequate infrastructure, poor access to justice, land disputes and the many other points of vulnerability in this new state cannot be addressed without first sorting out the political leadership.

At the same time, the extent to which the conflict has become embedded in local divisions shows that it has gone beyond the need to resolve issues of national leadership alone. As one man said, “Changing one person at the top will not bring peace.”<sup>115</sup> The conflict has exposed a country that is deeply divided,

<sup>105</sup> Interview with refugee man, Nyumanzi Reception Centre, 20 February 2014.

<sup>106</sup> Interview with refugee woman, Nyumanzi Reception Centre, 19 February 2014.

<sup>107</sup> Interview with refugee man, Barotuku camp, 21 February 2014.

<sup>108</sup> Interview with refugee man, Nyumanzi Reception Centre, 20 February 2014.

<sup>109</sup> Interview with refugee man, Borole camp, 24 February 2014.

<sup>110</sup> Interview with refugee man, Nyumanzi Reception Centre, 18 February 2014.

<sup>111</sup> Interview with refugee man, Borole Camp, 22 February 2014.

<sup>112</sup> Interview with refugee woman, Barotuku camp, 22 February 2014.

<sup>113</sup> Interview with refugee woman, Borole camp, 22 February 2014.

<sup>114</sup> Interview with refugee man, Nyumanzi Reception Centre, 19 February 2014.

<sup>115</sup> Interview with refugee man, Nyumanzi Reception Centre, 20 February 2014.

led by a discredited government. As one man said, “The government of Salva Kiir is in control of the country but that doesn’t mean it is controlling every square metre of it.”<sup>116</sup> A woman echoed this, saying “Juba is under Kiir, while other places are under other leaders such as Machar like Bor and Malakal.”<sup>117</sup> The impact on communities has been immense. As one man said, “It may be possible to reconcile the two leaders but the population down may have not healed from the shock that they got during the war and may still be holding each other as enemies so there is need for reconciliation even at community level in order to achieve long lasting peace. It is now important to make people know that this was a political problem which some people thought could be solved by turning it into a tribal conflict.”<sup>118</sup>

## Where is the future?

The conflict has caused the displacement of almost a million people, and left an as yet unknown number of people killed, maimed and injured, in addition to an exacerbated humanitarian crisis. Rather than delivering on the promise of a break from the past, the state has utterly failed its citizens. Yet despite this failure, people still retain hope that their new citizenship might one day have meaning. “Citizenship is important for us because we have a country where we belong. When it was Sudan, it was as if it was not our country, as if the Arabs owned the whole country.”<sup>119</sup> “I am a citizen and that means I can have a passport. I can vote during elections and can be assisted at government schools and health centres although these are still very poor.”<sup>120</sup> “As a citizen, I don’t need a student permit or work permit to study or work in South Sudan. We also have citizenship rights, including voting.”<sup>121</sup> “I belong to South Sudan and cannot be chased away. Sudan chased away people who had lived in the north for a long time but South Sudan cannot do that. We are free in our own country. The war will end.”<sup>122</sup> “I have a country of my own and I have all the rights of a citizen but being a Dinka can be risky during conflict situations. I have voting rights, I can have a passport and I do not need a work permit.”<sup>123</sup> While at present this citizenship might have proved an illusion, its potential was still recognised.

But in order for that to happen, there needs to be peace. And ultimately, those interviewed talked of how durable peace could only be built on allowing people the legitimacy to belong at a national *and* local level. One without the other leads to vulnerability. As one man said, “I am free in my own country. I have citizenship rights. But as a Dinka, I can be persecuted depending on the political situation.”<sup>124</sup> “As a South Sudanese, I am entitled to citizenship and to live and work anywhere in the country. As a Murle, I could be persecuted by those who don’t like Murle, particularly during times of crisis but I hope this will end one day.”<sup>125</sup> As another man said, “Firstly, I describe myself as South Sudanese. That is why I went to the bush to fight for independence and democracy, human rights, education and health. I wanted to help people before helping myself. John Garang was for everybody, that’s why we followed him. Secondly, I am Anyuak.”<sup>126</sup>

<sup>116</sup> Interview with refugee man, Nyumanzi Reception Centre, 20 February 2014.

<sup>117</sup> Interview with refugee woman, Nyumanzi Reception Centre, 18 February 2014.

<sup>118</sup> Interview with refugee man, Nyumanzi Reception Centre, 18 February 2014.

<sup>119</sup> Interview with refugee woman, Nyumanzi Reception Centre, 19 February 2014.

<sup>120</sup> Interview with refugee man, Nyumanzi Reception Centre, 19 February 2014.

<sup>121</sup> Interview with refugee woman, Nyumanzi Reception Centre, 19 February 2014.

<sup>122</sup> Interview with refugee woman, Nyumanzi Reception Centre, 19 February 2014.

<sup>123</sup> Interview with refugee woman, Nyumanzi Reception Centre, 19 February 2014.

<sup>124</sup> Interview with refugee man, Nyumanzi Reception Centre, 18 February 2014.

<sup>125</sup> Interview with refugee woman, Nyumanzi Reception Centre, 19 February 2014.

<sup>126</sup> Interview with refugee man, Nyumanzi Reception Centre, 18 February 2014.

And the yearning to be “home” in South Sudan was strong: “I was out of South Sudan for almost 22 years but home is always the best because it is where my roots are. My ancestors were in that place. Uganda is good and it is the same kind of ground but it is not home.”<sup>127</sup> “South Sudan is the only place on earth where I will always belong. That’s where I was born.” “Home is very important to us South Sudanese but because of instability we have often been in and out of home.”<sup>128</sup> But at the moment, the possibility of returning home is only diminishing.

When asked what would make them decide to go back, not surprisingly people said that they will only return when there is peace: “I will go back when there is peace, when there is no war again. This is when the rebels have joined together with government and are speaking the same language again.”<sup>129</sup> “I cannot return as long as there is fighting. Another thing, starting from scratch will be difficult for people as everything is destroyed.”<sup>130</sup> “I am a businessman and I lost everything. Everything was looted or burnt. I need to begin from scratch and I can only do that if there is absolute peace in the country.”<sup>131</sup> “If there is peace and the schools are well developed I will then return.”<sup>132</sup> “I really do not know when I will go back because now I plan to have the children study here, may be when their education is complete. I can now go back if there is total peace because I need stability to look after my children.”<sup>133</sup>

Some do not want to ever return: “I really do not want to go back to South Sudan. I have no interests there it only reminds me of my dead relatives. The memory is bad.”<sup>134</sup> The utter destruction of the war has left then with nothing to return to: “The whole area where we used to stay was burnt and razed to the ground. From what I hear, I think the whole town is down; it will be difficult to go back and start again from scratch.”<sup>135</sup> “I am beginning to think that one cannot plan to go back and live there. If one has to develop then one has to do it outside South Sudan. Juba is a good place yet one cannot depend on the security these people provide. When I was there, I found many bad things.”<sup>136</sup>

## Conclusion

The independence of South Sudan symbolised a moment of extraordinary achievement and hope. On the one hand, there was optimism that independence had heralded in a new era of equal citizenship for those in the South that would override the tensions and divisions of the old Sudan – and reflect a microcosm of the vision for Sudan that was embedded in the CPA. On the other hand, this optimism was always countered by a strong degree of realism: many feared that the new dispensation would simply reconfigure the lines of power and reinforce the history of exclusion and partisanship that lay at the root of Sudan’s fragmentation. As Jok Madut Jok said, the future of South Sudan as a cohesive state can only be built on an inclusive form of citizenship in which all are equal.<sup>137</sup> However recent events, not least the

<sup>127</sup> Interview with refugee man, Nyumanzi Reception Centre, 18 February 2014.

<sup>128</sup> Interview with refugee man, Nyumanzi Reception Centre, 20 February 2014.

<sup>129</sup> Interview with refugee man, Barotuku camp, 20 February 2014.

<sup>130</sup> Interview with refugee man, Nyumanzi Reception Centre, 20 February 2014.

<sup>131</sup> Interview with refugee man, Barotuku Camp, 21 February 2014.

<sup>132</sup> Interview with refugee man, Barotuku camp, 22 February 2014.

<sup>133</sup> Interview with refugee woman, Borole camp, 22 February 2014.

<sup>134</sup> Interview with refugee man, Borole camp, 24 February 2014.

<sup>135</sup> Interview with refugee woman, Nyumanzi Reception Centre, 19 February 2014.

<sup>136</sup> Interview with refugee man, Borole camp, 22 February 2014.

<sup>137</sup> Jok Madut Jok, “Which way South Sudan? Cultural Diversity and the Fundamentals of Nation-Building.” African Arguments blog, Royal African Studies and Social Science Research Council, 28 March 2011 (available at <http://africanarguments.org/2011/03/28/which-way-south-sudan-cultural-diversity-and-the-fundamentals-of-nation-building/>).



spectre of almost a million people once more being displaced by internal conflict, are a clear indicator of an emerging state based on exclusion rather than inclusion.

Those who returned to this new state of South Sudan wanted to be part of this new state-building enterprise. Instead, they have been forced into exile once more. Utterly fatigued by war, their physical and emotional resources – already stretched to breaking point – are becoming increasingly depleted. It is vital, therefore, that all effort be made not only to resolve the conflict, but also to address the deeply embedded factors that allowed it to spread so quickly. Ultimately, the antidote to the legacies of violence that were inherited by this new state, and that have subsequently been created by the state, is the creation of a functional system of governance that reverses the trends of injustice and marginalisation.

Finally, it is impossible to predict how long it will be before those who are in exile can return home. The humanitarian crisis that is currently facing these refugees, therefore, needs to be addressed in such a way as to make their stay in Uganda sustainable for as long as it might take for South Sudan to become stable. Many of the humanitarian challenges outlined in this report stem from an emphasis on the policy of encampment. Camps not only demand huge investment of resources – resources that are simply not available in the current global climate – but also place restrictions on refugees that jeopardise their ability to enjoy their rights. Therefore the report seeks to open debate on alternatives to the settlement policy in order to seek alternatives that not only benefit the refugees, but also benefit Uganda.