

**JUSTICE AND PEACE FOR WHO?**

***LOCAL JUSTICE AND PEACE INTERVENTIONS  
FOR PEACEFUL COEXISTENCE AMONG SOUTH  
SUDANESE IN RHINO CAMP SETTLEMENT***

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## Executive Summary

The "Justice for Who" research attempts to showcase the various informal justice mechanisms used by different South Sudanese tribes and how they might be put into practice to promote peaceful coexistence among Sudanese refugees in Ugandan settlements. The paper gives a general overlook of the region where these refugees are settled and the problems faced over time by the locals and the initiative taken by these locals to address some of these challenges. The paper then looks at the different informal justice mechanisms in South Sudan, with an emphasis on these mechanisms have helped to bridge the justice the gap in the country to promote peaceful co-existence in the different communities used to solve conflicts within different communities. It then goes ahead to look at some of the challenges that the refugees now face in applying these mechanisms within the settlements as a result of the effects conflict back home and then it ends by making recommendations on how these informal justice mechanisms can be adopted and applied in Uganda to bridge the justice gap that the refugees are experiencing.

Many of the South Sudanese refugees in Uganda settled in Northern Uganda a region that is just healing from the LRA war. Just like in South Sudan, this region still has limited access to certain key services noticeable among those is the access to formal justice mechanisms among others. To remedy this, the locals resorted to the use of their informal justice mechanisms to try and cover this gap to ensure justice, harmony, and peaceful co-existence with one another. Whereas the locals have access to their different informal justice mechanisms to help them cover the existing justice gap, the refugees in these communities have no actual recourse to help them in sorting out their problem of limited access to formal justice mechanisms which has in turn exacerbated their conflicts and created tensions among the different communities. This paper attempts to look at the different informal justice practices used by South Sudanese communities. It looks at how these procedures might be incorporated into the current legal framework to give refugees better access to justice and support long-term peace in the areas where they are settled.

The report makes several recommendations to ensure that the traditional justice mechanisms are implemented, including enhancing refugee awareness and comprehension of these mechanisms, giving traditional leaders more authority to play a bigger role in advancing justice, and empowering refugees to safely practice their traditional justice mechanisms in the settlements.

Overall, the research emphasizes the value of relying on traditional legal systems to foster justice and peace among South Sudanese living in Ugandan settlements and is South Sudan and offers concrete recommendations for stakeholders to increase their effectiveness in accomplishing this goal.

## Introduction

This research is aimed at establishing existing traditional indigenous peace and justice mechanisms in South Sudan: their structure and viability in the current political and social environments in South Sudan and in Refugee settlements in Northern Uganda. The study will guide International Refugee Rights Initiative's (IRRI) interventions in Rhino camp refugee settlement based in Northern Uganda. It is important to interrogate alternative forms of justice in these jurisdictions because as refugees move they move with their norms and cultures albeit difficult circumstances. This research will be based on similar studies that have been done in South Sudan to determine traditional reconciliatory practices among different ethnic groups in South Sudan.

## Background of the study

The historic political context of South Sudan spans over decades, but for the purposes of this study Southern Sudan and South Sudan will be used interchangeable denoting the period governed under Comprehensive Peace Agreement CP (2005-2011) and Post-CPA era respectively. South Sudan gained its independence from Sudan after 21 years of civil conflict causing the loss of life and massive displacement of people. The CPA was signed between the Government of Sudan and the Sudan's People Liberation Movement/Army (SPLM/A) (UNMIS). This agreement gave way to an Independent South Sudan, a move, that was received with excitement and a lot of hope for the future of this country, which would later become part of the East African Community (EAC) in 2016 (EAC). South Sudan borders Sudan to the north, Ethiopia to the east, Kenya to the southeast, Uganda to the south, the Democratic Republic of the Congo to the southwest, and the Central African Republic to the west. It is a country rich in resources, these include the vast swamp region of the Sudd, formed by the White Nile and known locally as the Bahr al Jabal (EAC).

Unfortunately in 2013, South Sudan slipped into a conflict only two years after it had achieved independence, seeing a violent contest of power and political strife that would further lead to the displacement of people a series of various political settlements. Sudan's wealth and resources seem to be more evasive to its people including the oil wealth (Crisis Group , 2021). This conflict in 2013 was different in nature; it involved South Sudan internal strife within the ruling Sudan People's Liberation Movement (SPLM) party and rebel factions and the State's military forces in the capital city Juba, and steadily spiraled into protracted, ethnic-based armed conflict across the country (Human Rights Council, 2020). The conflict has resulted in mass atrocities and gross human rights violations committed against South Sudanese civilians, both by the State and its allies as well as by opposition forces, including mass killings, enforced disappearances and abductions, rape, sexual slavery, torture, forced displacements, and has triggered a devastating humanitarian crisis (Human Rights Council, 2020). After several years of failed peace agreements, in 2018 the R-ARCSS agreement was signed between the government side - the Transitional People's Liberation Movement/Army-In Opposition – SPLM/A-IO), the South Sudan Opposition Alliance (SSOA), Former Detainees (FD), and Other Opposition Parties (OPP) (The HORN International Institute for Strategic Studies , 2019).



Figure 1: Map of Sudan and South Sudan<sup>1</sup>

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<sup>1</sup> (Political Geography Now , 2012)

## Research methodology

### Study design

The prime objective of this research was to find out about the different traditional justice mechanisms practiced by the different communities in South Sudan, how the displacement and conflict have affected their application and whether there is need for coordination between these traditional systems and government.

The report will also examine what the different traditional methods or leaders can do to create permanent peace and ensure co-existence between communities as well as assess if the conflict and displacement has had an impact on the refugees in applying the different traditional justice mechanisms. It will assess the possibility of cooperation between different traditional leaders and also look at a possibility of working with government and will make certain recommendations.

The ultimate goal of the report is to guide IRRI's interventions within the settlement and provide recommendations for policymakers, civil society groups, and other stakeholders on how to promote the integration of traditional justice mechanisms to bring about peaceful co-existence among South Sudanese communities.

### Research questions

These questions were developed with the input of the community action researchers and were aimed to collect as much information from the participants as possible.

The research paper was guided by one question, which was:

Can traditional indigenous justice and peace mechanisms enhance peace and peaceful coexistence among South Sudanese and South Sudanese refugees in Northern Uganda?

The study then went on to explore the following research questions:

- a. What do peace and justice mean to you?
- b. Whether they knew any traditional justice mechanisms in their communities used in conflict resolution and how these are applied in conflict resolution.
- c. Whether the conflicts and displacements from South Sudan affected these traditional justice practices of resolving conflicts in their communities?
- d. Whether there are traditional justice mechanisms used in South Sudan are not being used here in exile?
- e. Whether as citizens of South Sudan they believe these traditional justice mechanisms can bring back peace and reconciliation in the country?
- f. What other ways they believe South Sudan can achieve peace?

### Initial training and capacity building

Under this, IRRI sought to empower the refugees to carry out the data collection by themselves within their settlement. IRRI advertised a call for applications from interested persons within Rhino

camp settlement and successful applicants were contacted. These were then were subjected to training on different aspects of informal justice, human rights, and research ethics among other things to aid them during the data collection. The different applicants were at the end of the training tested on the different aspects taught and the overall attendees who portrayed a proper understanding of the training were selected to do the data collection. They were then engaged in developing the research tools that guided the collection of responses from the different people interviewed.

### **Data collection**

The data collected from the different participants took two forms, one on one interviews and the use of focus group discussions.

### **One-on-one Interviews**

The community action researchers were sent out within their settlement to interview different people responses were collected from a number of people in total with all respondents being adults. Equally the data collected were from people of different tribal groups, with about 14 different tribal groups interviewed in Rhino camp settlement. During these interviews, consent was sought from the participants and equally, to ensure that the views of all people chosen are captured, interpreters were used in some instances to overcome the language barrier.

### **Focus group discussions**

The FGDs were also held with opinion leaders and the local leaders to discuss their experiences and perspectives with regard to the research

The FGDs were designed to encourage open and honest discussion among the participants about their respective traditional justice mechanisms. Questions were posed to explore the similarities and differences between the mechanisms used by different tribes.

### **Validation of research findings**

After coming up with a draft report, the team at IRRI travelled to the settlement and conducted validation of these findings. Under this, a meeting was organized and different groups of people from within the community were mobilized. These included the initial respondents, community action researchers who collected the initial responses analyzed, opinion leaders, local leaders both from the host and refugee communities. Presentations were made to them and further discussions were had on the findings. At the end of the engagement, questionnaires were given to them to answer to guide further on certain aspects that could have been left out. These guided the refining of this final paper.

## Research findings

### Introduction

These findings discussed reveal the multifaceted aspects of traditional justice systems among diverse communities in South Sudan. The valuable insights given on the different research questions asked are looked at in sub-topical nature. We believe these findings will enhance our understanding of local dispute resolution mechanisms and contribute to the promotion of sustainable peace building in the region and IIRI's intervention within the settlement.

### What peace and justice means to the different respondents?

In a nation marked by diverse cultures, ideologies, and experiences, the concepts of peace and justice stand as fundamental pillars that underpin societies' cohesion and progress. Peace and justice, while universally cherished, often take on nuanced meanings when examined through the lens of personal experiences and societal contexts. As such, we sought to understand the individual perspective of some of the people from South Sudan who have been in Uganda for a while now as a result of the conflict back home.

### Peace

The different responses reflect peace in three different aspects, freedom, harmony, and absence of war.

#### ➤ **Freedom.**

To some of these respondents, peace basically conotes the idea od being free from a number of things. One of the respondnets pointed out that *“peace means to be free from injustice....”*

Another added that peace is basically *“..when you are free from harm and toture and being in friendship in the community or country.”*

Another added that peace points to the fact of him *“being free to doing anything or right eg. movement speech education etc”*

#### ➤ **Harmony.**

To many of the people interviewed, the idea of peace to them revolved around their living in harmony with one another as one. And one clearl stated that it *“Is when people stay together in friendship and harmony without violence or harm.”*

Another added that *“peace mean staying together in harmony and common understanding as people of the same community or nation.”*

Similar understandings of peace were aslo shared by other individuals. One of the respondents stated that it means *“staying together in harmony with others in a society or community.”*

#### ➤ **Absence of war/violence.**

Some of the respondents held the view that peace basically points to the absence of war or violence. As such, some defined peace as *“staying without any fighting, quarrels...”*

Another respondent added to this line of definition by sttaing that *“peace is when everyone stays in his country no gunshot.”*

Some other people under this line of definition also stated that *“peace means being together without fighting or killing of each other.”*

## **Justice**

The definitions held by the different people interviewed looked at justice in 3 different aspects, one being fairness, equality, and truth telling.

### ➤ **Fairness**

To some of these people, justice means *“fairly treating everyone.”*

Related to this line of definition, another respondent added that *“justice mean doing the right thing without favouring another person.”*

Interestingly to many, justice points to fairness in resource sharing and allocation. One of the respondents stated that it means *“sharing of resources together (equal) distribution of resources in the community.”*

Another added that it simply means *“.....sharing of equal resources or jobs or anything without inequality.”*

Another view rotated still on this, the person noted that *“justice means equal distribution of anything, e.g., resources, items, finances, and even jobs.”*

### ➤ **Equality**

Some of the respondents looked at justice as a tool of equality in society and stated that it means *“.....equality in all spheres of society.”*

Related to this another respondent observed that justice means *“addressing issues between two people right away without discriminating once.”*

Another added that justice means *“when everyone is treated equally and fairly regardless of where you come from or who you are.”*

### ➤ **Truth telling**

To some of the respondents, the notion of justice rotated around truth telling and they defined justice as *“telling the truth about peace always and doing the right thing to every one in the community.”*

One of the respondents held the view that justice basically means *“addressing the causes and effects of historical injustices and gross violation of human rights intending to contribute towards national unity.”*

## Whether they knew any traditional justice mechanisms in their communities used in conflict resolution and how these are applied in conflict resolution.

South Sudan's varied communities each have their own intricate and time-honed traditional justice mechanisms, making the country's judicial system a fascinating tapestry of contrasts. This young country is home to several different ethnic groups, each of which has its own cultural standards, values, and ways of dealing with misconduct among its members. This study explores the fascinating nature of South Sudan's traditional judicial systems, revealing the intricate webs that hold local governance, conflict resolution, and community cohesion together. This study aims to provide light on the varied ways in which diverse communities in South Sudan implement and maintain traditional justice procedures through a thorough series of interviews with people from those communities.

### Pojulu

#### ➤ **Traditional court system**

According to the different people interviewed from within this community and those who shared their thoughts during the validation of the findings, conflicts are handled through the traditional court systems with the local leaders playing a key role.

They noted that the systems have their different levels:

“The *nyapara*; the lowest court which means a small group of people, about 6 households and are handled by the head men. The *Wokili*; these are the second level and are the heads of the village. They handle conflicts within there. The *Mokugu*; these head the sub county and handle matters within there. The *Sultan*; these are like the high court.”

Other respondents also went on to note that *“Within the traditional court systems there are different levels how conflicts are resolved, the headmen was responsible for handling conflicts that happens within 6 house holds, wokili was handling conflicts which involves large numbers of house holds between 7 -25 houses, mokugu was handling community that is large, sultan handled the largest area. If the headmen fails to handle the case he refer to the wokoli courts if it fails from wokili, it is referred to the mukugu where two chiefs are called from the communities to hear the case. If it fails, it can be referred to the Sultan’s courts, this is where many chiefs from different communities come to hear the case and it is where the final resolution is made.”*

#### ➤ **Initiation ceremonies.**

These ceremonies are basically for naming of young children as stated by the respondents and they bring together the community to iron out any conflicts within the people. They also noted that, *“during this time, children are officially given clan names depending on the situations prevailing .The clan takes advantage of this gathering to iron out conflicts within the family. The conflict can be introduced to the gathering by the uncles who also provide over the gathering incase of mistakes identified*

*from the conflicting parties. Forgiveness is asked and later on prayers are given to reconcile the conflicting parties.”*

➤ **Community dialogue.**

This is basically used to try and sort out any issues between the different communities and involves them coming together to try and amicably discuss the issues between them. The respondents noted that *“if there is conflict between clans both communities will be gathered together and their issues will be sorted out then they will reconcile.”*

➤ **Compensation**

This is usually paid by the perpetrator of the wrong or the family to try and pay for the harm suffered as a result of those actions. And according to the respondents, the compensation takes on various forms. It could be in the form of *“human beings and animals.”* It just depends mainly on the type of offence that happened and the agreement reached between the parties.

## KAKWA

➤ **Roka na t’ado.**

According to the respondents, *“Roka Na Ta’do means the parties in conflict come together for open discussion about the problems and involves sacrifice of sheep, reconciliation and feasting at the end. The ceremony is performed by the elders and each of the two communities bring sheep, the two communities then slaughter the sheep and the blood is poured on the broken pieces of a pot. The members from the two communities will step on the blood and they rub their hands on the fats from the sheep and greet each other this is a sign of forgiveness and reconciliation”* as revealed in the interviews and confirmed in the research validation exercise. The meat is then cooked, the parties to the ceremony do not partake of the sheep whose blood was used in the ceremony but the other sheep as pointed out in the research validation but the rest of the community enjoy it.

➤ **Chief system.**

This involves the chiefs, elders or headmen taking on the role to reconcile the different members within the community. According to the respondents, *“the elders/ chiefs/ headmen will gather the two clans who have conflicts and their grievances is heard. The wrong doers are given a fine or a punishment and the two communities are given the chances to reconcile.”*

➤ **Community dialogue**

This requires involvement of the affected community to try and come with a workable solution for them. The respondents noted that the chiefs still play a crucial role in organizing the people together. They stated that *“the chief can organize for community dialogue such that when there is conflicts in the community, it will be discussed and resolutions will be done to bring peace among themselves.”*

Another respondent also noted that the community dialogues bring together the elders to discuss the different issues facing their communities. *“Elders come together discuss matters that are happening in the community. Conflict can also be resolved through discussions or talking among the leaders, pointing some issues on matters happening in the community.”*

➤ **Animal sacrifices.**

According to some of the people interviewed, the use of animal sacrifices have played an important role in trying to resolve the different misunderstandings. This is due to the fact that *“slaughtering an animal is a sign of bring peace among the community members.”*

Another respondent added that *“clan conflicts are resolved by slaughtering a goat and the liver will be removed and cooked then it is cut into small pieces for the two clans to eat as a sign of reconciliation.”*

### KELIKO

➤ **Animal sacrifice.**

The Keliko community also apply the use of animal sacrifices to try and resolve the different issues within the community. The people interviewed pointed out that *“if conflict involved death, both traditional clan members will bring rams and they are cooked together then the blood will poured down then the suspects will pass over the blood to show the sign of peace and reconciliation.”*

➤ **Elders and chiefs.**

Within this community, the role played by elders in conflict management and reconciliation can not be overlooked. According to the respondents, *“conflicts are resolved through meetings among the clans chiefs and headmen plus sub chief who call for community dialogue and among others.”*

### BARI

➤ **Community dialogue.**

Among the Bari, much value is attached to communit dialogue in conflic resolution. According to the respondents, *“conflicts have been resolved through dialogue where two parties sit side by side to discuss issues and come up with resolution or mechanism to resolve the conflict, this involves the traditional chiefs ,elders, youth, women and church leaders.”*

### BAKA

➤ **Animal sacrifice**

The Baka community rely on animal sacrifices in the peaceful resolution of their conflicts. According to the respondents, *“the parties in conflict come together and agoat or hen is slaughtered, the blood is then collected in a cup. The parties drink the blood as a sign of forgiveness and vow not to repeat the same act. They then feast together as a sign of total reconciliation.”*

➤ **Dialogue and vows.**

According to the respondents, in the Baka language, a stone is known as (*zekere mbia*). The *zekere mbia* is done when the community conflicts and the parties in conflict come together to discuss there differences after which they agree to reconcile. They will then bring a small stone and put in the plate after which all of them will make a vow that they will no do it again then they will swallow the small stone as sign of peace and forgiveness.

➤ **Child naming**

According to the people interviewed, these ceremonies bring together the whole community. As such, *“it brings about the people who had conflict among themselves in one place to share happiness and*

*at the end, people are requested to show the sign of love through greeting each other and this restores peace and reconciliation as those who had conflict amongst themselves forgive each other.”*

➤ **Communal work**

In some instances, the members of the community take it upon themselves to initiate the reconciliation process through communal work. Under this, it was stated that *“someone may call for some members of the community to help him/her preparing the field or garden purposely to bring the two together in order for them to know how it is important to be free from conflict.”* This is helpful in resolving the different conflicts in the Baka community.

### AVUKAYA

➤ **Community dialogue**

Each has chieftom system if there is any conflict that happens in the community the two chiefs from the different clans come down and discuss the issues after the clan members are called together to share the grievances in the presence of the two chiefs the two clans will be when they come into agreement the both the two clans will be charged to bring two goats each clan one goat and cassava sorghum the two animals are slaughtered and eaten together as a sign of forgiveness and reconciliation.

### MORU

➤ **Blood pacts.**

Under this, it was stated that they aim at reconciling the conflicting parties as one and ensuring they forgive one another. It was stated that *“both individuals involved in the conflict are slightly cut on their bodies and each is made to suck from each other as a sign of forgiveness and reconciliation.”*

➤ **Mediation.**

The people interviewed stated that when the conflict happens, *the chief organises for open hearing of the cases where the chief's cabinet will listen to the parties and identify who is the root cause of the conflict and if there are damages the guilty party will be charged to pay back. This may take the form of crops or animals. the relocation of the neighbour to another location to avoid the conflict continuous.*

### KUKU

➤ **Use of fines.**

According to the respondents, these are imposed on the wrong individual or community as a way of resolving a conflict. *They can be in form of animals like in instances where a woman denies the husband his conjugal rights without any credible reason, she will be ordered to pay the husband's family a goat and flour which is then shared by in-laws as a way of resolving that issue in the marriage.*

### DINKA

➤ **Dialogue and fines.**

Among the Dinka, people make reliance on the use of dialogue in handling of their matters especially in instances of family disputes like where one commits adultery with another's wife. According to the respondents, in this scenario, the two families will sit down and

resolve the problem amicably. After which the man or his family will be required to pay seven head of cattle for as a fine of which one will be slaughtered. They will then jump over as a sign of peace and forgiveness between the two families.

➤ **Elders.**

Where there are problems within the community, elders will gather and sit to discuss these issues. The elders are highly respected within the community and so are their decision and pieces of advice on the different things affecting the community. This is helpful in bringing about peace and resolving different things that bring about conflict within the community.

### Whether the conflicts and displacements from South Sudan affected these traditional justice practices of resolving conflicts in their communities?

Exploring the complex connections between conflict, displacement, and traditional justice systems throughout South Sudan's different tribes has revealed interesting viewpoints. In order to comprehend the effects of conflicts and displacements on the use of traditional justice practices, this research examined the experiences and perspectives of numerous people from diverse walks of life from South Sudan currently in Rhino camp settlement as a result of the conflict and displacement. A startling consensus that highlighted the undeniable impact of conflicts and displacements in changing and limiting the effectiveness of traditional justice systems evolved throughout the course of these interviews. Some of the views held by these people include the following:

➤ **Resettlement of people from different tribal groups together.**

South Sudan is richly blessed with people from different tribal groups with about 64 different tribes calling the country their home. As such, when the people were displaced as a result of the conflict in South Sudan, some of the people ended up in Uganda in the settlement where they were all settled in the same place. The different people interviewed thus noted that as a result of this displacement, *“we have been settled in different settlements with people from different regions of South Sudan hence we find that because we are with people whose culture is different. So when a conflict occurs, it becomes difficult to administer traditional conflict resolution practices due to un-matching traditions of the conflicting parties.”*

➤ **People are scattered.**

Some of the people interviewed noted that as a result of the conflict in South Sudan, community members are now scattered in different countries for example others in Kenya, Uganda, Congo, and Ethiopia. As such, meeting them is hard and this makes the practice of the traditional justice mechanisms hard, as community input is essential.

Related to this, another respondent added that the traditional leaders are also scattered. To this end, they stated that *“it is hard to perform our traditional practices as many of the elders or indigenous people who are knowledgeable about the traditional systems are not in the country they are scattered in different countries.”*

Another respondent to the interview added, “*Minority communities have been scattered to different locations or countries and it as such become hard to perform some of the rituals.*”

➤ **Uganda’s laws.**

The people interviewed and those at the research validation noted that this is a major hindrance to them in the application of their traditional justice mechanisms. One noted that every country has its own laws and constitution, which they are currently following. Under this constitution, they don’t have any right of practicing their culture and as such, the application of these traditional justice mechanisms has been greatly affected.

Others also pointed out the main ways of conflict resolution under the Ugandan laws *begin from LC1 up to the highest level*. This is different from they were using and their traditional justice mechanisms are not given chance.

➤ **Death.**

According to the different people heard from through the interviews and research validation, many of the leaders were killed as a result of the conflict. These include the elders who are revered as the knowledge sources on the application of these traditional justice mechanisms in the different communities. This has therefore made the application of these traditional justice mechanisms difficult.

Related to this, another respondent added that that there has equally been no storytelling due to the loss of grandparents. As such, the younger generation is not knowledgeable on the different traditional justice mechanisms.

➤ **Influence of religion.**

Some of the people interviewed pointed out that many people have neglected the traditional practices and have taken religious affairs seriously as a result of the conflict and displacement. This has made it hard to practice some of these traditional justice mechanisms as the people are taken up with their religious beliefs and have little to no regard for the traditional justice mechanisms.

## **Whether there is any traditional justice mechanisms used in South Sudan that is not being used here in exile?**

As earlier established, the different communities in South Sudan are richly blessed with different traditional justice mechanisms that they have used over the years. However, due to the conflict and displacement many South Sudanese have spread across different regions and countries, and as result, the application of some of their traditional justice practices may have been hindered. This exploration delves into whether there are traditional justice mechanisms that were prevalent within South Sudan are no longer being utilized by these communities while here in exile.

➤ **Fines**

These are used by many communities in South Sudan in many different scenarios to try and resolve different issues. However, during the interviews, the different respondents observed that these were no longer being applied within the settlement in resolution of different issues. One respondent went on to observe that *“the fines that are given to a wrong party in marriage who denies conjugal rights to one couple are no longer there. In the settlement NGOs talk about women rights and in case a woman denies the conjugal rights to the husband in South Sudan she pays a fine of a goat and flour to the family of the husband who do eat it before both couples units in their marital houses. But now due to the civil rights rendered to women such a thing looks like exploitation of women by some NGOs and now some couples don’t report such a conflict which in the long run turns into violence in the family.”*

➤ **Initiation ceremonies.**

This is basically the traditional naming of children and according to the respondents *“it is done by elderly women is no longer happening.”* As pointed out earlier, these initiation ceremonies are crucial in resolution of different issues affecting the community as a whole and the people within the same community. However, they are no longer being applied in the settlement where they are currently living.

➤ **Slaughtering of animals.**

According to the respondents, *“.....slaughtering of animals as a sign of peace and reconciliation...”* is no longer being used in the settlements. As earlier established, some communities have attachment to such activities in the process of dispute resolution. However, given they had to leave their homeland as a result of the conflict in the country, these are no longer being applied in the settlement where they are currently living.

➤ **Compensation**

The respondent pointed out that in their community this takes the form of both *“humans and animals.....”* However, they observed that since moving to Uganda, these mechanisms are no longer being used by the people from the said community. One of the respondents stated that *“....compensation is no longer being practiced, things are taken according to the law.”*

➤ **Traditional rain makers**

Some communities turn to rain makers in times of drought to try and pray for them to the gods for rains, especially for their crops. This activity brings people together to come and appease the gods. According to the respondent, *“...if there was no rain, they come together and make practices and rain would come immediately.”* The respondents pointed out that these are no longer being used in the settlement by people from the same communities.

➤ **Roka na ta’do**

According to one of the respondents, *“the roka na ta’do is not longer working in exile.”* This is practiced among the Kakwa community and is very critical in trying to reconcile parties to disputes as highlighted earlier. Their movement to Uganda for refugee has made it difficult for them to continue applying these mechanisms.

➤ **Role of chiefs and traditional leaders**

Different communities from South Sudan do attach much value to the role of chiefs and the different traditional leaders in resolving of disputes. This takes various forms like; the

traditional courts, mediations, dialogues among other things. However, according to the respondents, these are no longer being used and recourse is being made to the LCs and police instead. One of the respondents stated that *“in South Sudan cases are resolved through elders and chiefs in Uganda are resolved by the LC1 upto the police”*

➤ **Performing of rituals.**

These are done by different communities in South Sudan to try and cleanse people in instances of certain offences in the community. *“Traditional norms are not performed like rituals programs are not done here,”* this was the view of one of the people interviewed. Another added that *“places of performing traditional ways are not here...”*

## **Whether as citizens of South Sudan they believe these traditional justice mechanisms can bring back peace and reconciliation in the country?**

Under this, we sought to examine the effectiveness of traditional justice systems in bringing about peace in South Sudan with a particular emphasis on the widespread belief that these procedures can aid in reconciliation. The study takes into account the opinions of dissenters who question the application of conventional processes in the region's complicated geopolitical terrain, even though the majority view tends to be in favour of their potential for peace building. The views are therefore presented below as follows:

### **Yes.**

These were the majority and largely believe that indeed these traditional justice mechanisms can bring back peace in South Sudan due to a number of reasons that they went on to highlight.

#### **Inherent nature**

The respondent believes that indeed these traditional justice mechanisms can bring back peace and reconciliation because *“their final intention is to reconcile different parties and bring harmony in between them.”* This is at the heart of all the different traditional justice mechanisms highlighted earlier; they seek to ensure that the different conflicting parties not only sort their grievances out, but they are equally reconciled together and can live peacefully thereafter. For this reason, the respondent believes that these traditional justice mechanisms can go a long way in bringing back peace in the country.

#### **Bringing different traditional leaders together**

Some respondents pointed out that these traditional justice mechanisms can be used in the realization of peace if the traditional leaders are brought together to discuss their differences and these are resolved amicably, as result, peace will be brought in the nation.

Yes, it will bring peace because the main aim of the elder and chiefs is to insure that there is peace and reconciliation among the community members.

#### **Provide platform to share ideas**

According to the people interviewed, *the traditional ways of solving problem give any citizen the right to talk and share ideas*. This is important in realization of long-term peace as it ensures that all views are taken into account in reaching the final outcome, as such, this will help in the realization of peace and reconciliation in South Sudan.

### **Tackling the root causes of the conflict**

Reliance on the traditional justice mechanisms according to the respondents *will enable communities from different ethnic groups to have a voice and dig out the truth about what is affecting their communities and come up with a permanent resolution that can let to peace and reconciliation*. As described earlier by the different people, these traditional justice mechanisms usually aim to address the root causes of the conflicts at hand through dialogue and community input which ensures that all parties are involved and conversant with the final decision, which in turn ensures harmonious living within the community.

Those dialogues can help the citizens express their differences with different communities during the traditional celebrations

### **NO.**

These were the minority and stated that these traditional justice mechanisms cannot be applied to bring back peace in South Sudan due to the reasons that they went on to also highlight.

### **Traditional leaders are fueling the conflict**

Some of the respondents believe that the traditional leaders through *the council of elders are the ones fueling the conflict in South Sudan*, as such, there is no way the nation can rely on these traditional mechanisms to try and realize peace and reconciliation in South Sudan.

### **What other ways they believe South Sudan can achieve peace?**

This part of the study explores the varied perspectives that South Sudanese citizens have on the ways that peace might be restored. The study examines a variety of political, social, and cultural perspectives in order to provide light on the intricate web of peace building in this region. It does this by examining a range of opinions.

### **Representative democracy**

The different people interviewed pointed out that South Sudan could achieve peace through the implementation of *“representative democracy as opposed to nepotistic appointees.”* This basically points to the current leadership structure in the country where people from certain regions feel left out and has fueled the conflict within the nation. As such, some people believe that by implanting representative democracy whereby people from the different regions will all be ably represented, the people in South Sudan will in turn achieve peace as they all feel represented.

Another respondent added, *“Election of their leaders will help the citizens or every community elect the right person who will respect the citizens views or opinions or voices.”*

### **Equal distribution of resources**

South Sudan is blessed with different resources notable among these is oil. However, some tribes feel neglected in the distribution of resources by the government and this has further fueled the conflict in the nation. As such, some of the people suggested that through “equal distribution of national resources without nepotism or discriminations” South Sudan could achieve the peace that has for long eluded it.

### **Mediation by regional bodies**

Some of the respondents to the interview pointed out that South Sudan can achieve peace and reconciliation through the intervention of blocs like African Union, IGAD acting as mediators among the different groups. It is important to observe that the intervention of these regional bodies was instrumental in reducing the conflict that broke out in the country in 2013. So the implementation and willingness of the parties to abide by the outcomes of these mediations will be fundamental in the attainment of peace and reconciliation in South Sudan.

### **Respect of traditional leaders.**

*“The government of South Sudan must respect the traditional leaders,”* according to some of the people interviewed, the government disregards most of the traditional leaders yet these are deeply respected within their communities. As such, the government needs to respect all the different traditional leaders in order to realize peace and reconciliation within the nation.

### **Civic education**

Some of the respondents noted that peace and reconciliation could also be achieved *through civic education, which can be done by all stakeholders like religious, political, and cultural leaders.* This is aimed at sensitizing people on the importance of peace and reconciliation within the country and what they can do to contribute to realize this.

Related to this, other respondents added that *both the leaders and the citizens should be educated on human rights, peace and justice.* This will help in ensuring peace and reconciliation as some of the causes of the conflict revolved around violations of fundamental human rights by both the government and the citizens.

### **Involvement of everyone in the peace process**

During the interviews, some of the people noted that *South Sudan can also achieve peace when opportunity is given to the religious leaders, traditional leaders, women leaders, youth leaders and citizens are allowed to be part of the peace process.* The restoration of peace is not entirely a preserve of the government, as such it should ensure that all stakeholder are fully involved and engaged in the peace process which hasn't been the case in the past in South Sudan. It is therefore time to take a new approach and involve all

the different groups in the peace process such that they own it and hold the different parties accountable too.

### **Collection of guns**

The gun issue in South Sudan has been critical in the prolonging of the conflict in the country. As such, some of the people interviewed pointed out that for the realization of peace in South Sudan, “*guns should be collected and left only to the military and police.*” This will help in restoration of governance and peace within the nation and peace in the long run.

### **Prevalence of justice**

Peace and reconciliation in South Sudan can be realized “*when justice prevails in the country*” as, stated by some of the respondents. To the respondent, the prevalence of justice manifests through *building of strong institutions that can foster rule of law*. Therefore, to achieve peace and reconciliation in the nation, these need to be established by the government.

## **Conclusion**

First and foremost, the exploration of individuals' perceptions of peace and justice reveals a nuanced understanding that extends beyond the mere absence of conflict. Participants in this study emphasize that true peace encompasses three main aspects that are absence of violence, a harmonious coexistence where equity, respect, and fairness prevail in all aspects of life and lastly freedom to enjoy some of their rights. Justice, too, is seen as a fundamental pillar of peace, addressing grievances, ensuring truth telling, fairness equality with all this aimed at providing a platform for healing and reconciliation. These findings underline the need for a holistic approach that not only mitigates conflicts but actively fosters an environment where human rights are upheld, inequalities are challenged, and collective well-being is advanced, ultimately leading to a more enduring and meaningful state of peace and realization of justice.

Secondly, this research has illuminated the diverse range of traditional justice mechanisms employed by various communities from South Sudan to facilitate the restoration of peace. The findings underscore the rich cultural tapestry of the nation, revealing how different groups have drawn upon their unique indigenous practices to address conflicts and foster reconciliation. This variety of approaches highlights the importance of recognizing and respecting the traditions of each community in the pursuit of sustainable peace. Therefore, it is important to figure out how best to harness the collective wisdom of these diverse methods and how they can be applied to foster intercommunity understanding, peace and reconciliation among the communities in Uganda and equally within South Sudan as a whole.

The findings of the research underscore the profound impact of conflict and displacement from South Sudan on the application of traditional justice mechanisms within the refugee settlements. The study has illuminated how the disruption of societal structures and the different factors have hindered the seamless implementation of these traditional justice approaches. As a result, these once-effective mechanisms are facing challenges in maintaining their authenticity and effectiveness

in addressing conflicts and promoting reconciliation among the displaced community, this has resulted into continual conflict and made the justice gap even wider for the refugees. Acknowledging these challenges and exploring ways to adapt and reintegrate traditional justice practices in the new environment is crucial for nurturing a sense of identity, fostering healing, and restoring a semblance of cultural continuity for these refugees. This requires efforts from the host community, the refugees and their different leaders, the OPM, implementing partners and all other key players.

This study has also drawn attention to the South Sudanese traditional justice systems' extensive use in their own country and the current restricted use in Uganda currently where almost none of the said mechanisms are being applied. As has been the case, the effectiveness of these native practices in fostering peace and settling conflicts within the communities has been undoubted. These methods have the ability to promote healing and solidarity among the different refugee communities, but they are no longer in use, which is a wasted opportunity. As such, there is need to acknowledge the significance of these traditional justice mechanisms and find the best ways to support these communities on how they can apply them here like they did back home.

Equally, the study's findings show that traditional judicial systems in South Sudan are widely acknowledged as having the capacity to be extremely important in bringing about peace. The majority of respondents' agreement highlights the importance that society and culture place on these native methods. A few voice their skepticism, but the general consensus is that combining modern approaches with traditional justice practices might provide a complete and well-balanced framework for fostering long-term peace in the country. What this points to is therefore the need for the government and all other key stakeholders to look at how to incorporate these traditional justice mechanisms and bring about peace in the nation. The current transitional mechanisms suggested by the different actors in the peace agreement did not make any regard to these mechanisms, as such, the international community are also called upon to apply particular mechanisms in each country other than transplanting things from different jurisdictions. Different countries have different beliefs and ways of doing things and these have to all be taken into account going forward.

Lastly, this inquiry sheds light on the diverse set of viewpoints South Sudanese citizens hold regarding the reestablishment of peace. The wide range of opinions highlights the complexity of the country's problems and goals, emphasizing the necessity for inclusive measures that take cultural, political, and socioeconomic factors into account. Recognizing and incorporating these various viewpoints could open the door for a more comprehensive and successful strategy to achieve enduring peace as South Sudan works towards a peaceful future. For a while now, the views of the citizens have not been incorporated within the peace process and it is high time they are given consideration.

## Recommendations

### South Sudan government

- Coordinate with traditional leaders at all levels to realize peace within the country.

- Need to urgently engage the citizens in the peace realization process and collect their opinions on how best the nation can realize this peace.

#### To the Ugandan government

- Allow refugees to use their traditional justice mechanisms alongside formal justice mechanisms especially in matters between people of South Sudanese origin as long as they do not violate human rights within the settlements. This may involve developing mechanisms such as RWC courts
- There is a need to ensure that the refugees are allocated to stay within the same zones as those from their tribes or province. This will make the practice of traditional justice mechanisms easier as there is a common understanding of how conflicts are resolved in the said community.
- There is also need to empower the different tribal traditional leaders from the different communities in South Sudan to freely exercise their mandates when it comes to matters within their threshold.

#### To the South Sudanese both in Uganda and in South Sudan

- The elders need to teach the younger generations the various informal justice mechanisms and how they are carried out, this is to ensure continuity of the mechanisms. This can be through storytelling and other cultural activities.
- There is also need to advocate for the use of these mechanisms by the locals themselves to the different key stakeholders within the settlement.

#### To UNCHR and all international organizations

- There is a need to sensitize the refugees on the importance of informal justice mechanisms like traditional justice mechanisms and the roles they play in conflict resolution and ensuring peaceful co-existence.
- Advocate for the application of these traditional justice mechanisms within the settlements. This can be through workshops and seminars involving policymakers.

#### To donors

- Increase funding to projects that promote conflict resolution and peaceful co-existence among refugees and in their countries of origin whilst relying on traditional justice mechanisms, as these are easier for the refugees to understand.