

# **'PANKAR CONSULTATIVE MEETINGS'**

**A SERIES OF TWO MEETINGS TO ADDRESS  
THE RISING TREND OF INTER COMMUNAL CONFLICT  
IN THE LAKES AREA OF BAHR EL GHAZEL REGION  
AND MVOLO COUNTY**

16<sup>th</sup> - 20<sup>th</sup> of SEPTEMBER, 2002 & 30<sup>th</sup> - 31<sup>st</sup> of OCTOBER, 2002

YIROL COUNTY, NEW/SOUTH SUDAN



## 1. INTRODUCTION

A special consultative meeting was convened in Yirol County on the 16<sup>th</sup> of September (2002) to bring together community, traditional and civil administrative leaders in six neighbouring counties in the sub region of Bahr el Ghazal (Lakes) and Mvolo County. The meeting took place at the lake side in Pankar where a conducive environment for over 40 participants was created to accomplish the following objective:

**"identify the causes of conflict presently affecting the six counties of Awerial, Cuelbet, Mvolo, Rumbek, Tonj and Yirol; and recommend practical measures to build and maintain peace within the respective communities"**

In recent years, the frequency of violent conflict occurring between sections and clans of the Dinka communities, and with other neighbouring groups in the sub region, has become the cause of alarming concern for the public and the administrative authorities. Despite previous efforts to arrest this trend, the problem is enduring, and generating a growing and outspoken demand for swift and decisive action to bring security and peace back to the areas. As a result of these widespread concerns, a consultative meeting was called to provide a platform for officials and representative civil groups to meet and openly discuss what measures could be taken in response. The meeting aimed to develop;

- *a shared analysis of the causes and aggravating factors to the conflicts, assessing cases within and between counties;*
- *the identification of opportunities for bringing and building peace;*
- *an agreed programme for follow up action.*

The meeting was officially opened by the presiding chair, Cdr Daniel Awet (Commission of Internal Affairs). "We are here to search our own hearts," he said, and went on to encourage the participants to speak openly about the causes and solutions to the conflict so that the crisis can be brought to a halt. "Up until now," he continued, "we have been trading counter accusations between the chiefs and the SPLA as to who is to blame: it's time to stop this and work together for peace.". The SPLM Directorate for Religious Affairs was also represented by Mr Issac Makur Buoc who pledged cooperation and support for all religious groups in pursuit of peace.

The programme was organised and facilitated by the New Sudan Council of Churches (NSCC). The Yirol based NGO, SURDA, provided amenities and services for the meeting. County representatives presented an analysis of conflict in their areas and the wider group identified common themes related to peace and conflict. Finally, participants went on to propose actions to address the causes of conflict and build upon opportunities for peace. It is anticipated that this meeting will be the first in a series, both within and between the counties of the sub region, as part of a longer term follow up programme to bring improved security, stability and governance in the areas.

## 2. IDENTIFYING THE CAUSES OF CONFLICT IN THE SUB REGION

The consultative meeting quickly agreed on the necessity to first understand the origins and the nature of the conflict occurring in the counties before any remedies could be proposed. The presentations identified i) common causes and aggravating factors of conflict; ii) specific cases of conflict between counties; and iii) incidents particular to each county. The following section selects representative comments made by community and traditional leaders on why they believe the internal security situation has deteriorated (2.1). Problems being faced by recently formed counties are highlighted in 2.2. And finally, the main causes of conflict identified by each county are summarised in 2.3 while fuller individual county reports are found in Appendix I (attached).

### **2.1 Examples of the observations and comments made by traditional and community leaders:**

*Rumbek Chief:* our conflict comes from the lack of organization in our system. Responsibility falls with the local authorities. In the past, there was only one commissioner in Wau who administered the whole region: what is happening now? Conflicts of today were successfully managed in the past through our traditional ways. Our problem is not the lack of law, but confusion in our system.

*SPLM official:* We are here because we are angry in our hearts

*Woman Tonj:* the situation in Lakes has been neglected by our leaders: we have not done our job. Can only be a leader *with* people: it is for us therefore to challenge our leaders and ask them why. We must correct the wrongs.

*Woman Yiro:* the HQs of the regional authorities is very near where these incidents (of conflict) took place: yet they didn't respond. We are disappointed that there are no regional officials at today's meeting

*Rumbek Chief:* powers are with the same people and not distributed out properly. There is an unhealthy monopoly among some families who control administrative areas. The administration is subdivided in a confusing manner. Despite the separation between the military and civil authorities, the military are still interfering and undermining the work of commissioners.

*Rumbek Chief:* Those who joined the movement in the beginning are still there in their areas, destabilizing the community. The movement has not changed them or sent them to the front line: are they acting as agents to higher authorities? The same soldiers and commanders are seen as benefiting from corrupt practices and having so many wives. There are cases of SPLA officers intimidating those not armed. Traditional courts are not respected by the army.

*Woman Awerial:* those educated and those without are not in harmony - there is a conflict. But those educated are also in conflict with themselves. Judges are not respecting the decisions of senior judges. The military are interfering with civilian authorities. They don't support each other. Authority given to relatives and friends, and not to who is competent.

*Rumbek Chief:* tension will always remain if justice is not seen to be done. Weak administration is the cause of the problem.

*Tonj Chief:* root causes of the problem go back to the split in the movement when the youth were armed to protect their lives and property. Youth became a gang of power and disrespected the elders and chiefs.

*Awerial Chief:* when people are at war and there is a vacuum, troublemakers come to confuse the people. They steal and spread rumours. SPLA can't focus its efforts on the war only, but on the problems facing the people also. Arrest the trouble makers and peace spoilers. Before the war, these were the people begging in our towns and villages. Now, they have acquired guns and are harassing us.

*Rumbek Chief:* in Rumbek, civilians in conflict were disarmed except for the relatives of the commander. Root of the conflict therefore is seen to be injustice coming from the administration (which is responsible for law and order) in the region.

*Rumbek Chief:* loitering and roaming guns given by the SPLA need to be called back. Our young people are not in control. Arms are not being controlled. Is the power of our leaders in BeG being interfered with from above that you can't intervene and implement it?

*Tonj Chief:* civil authorities will be a handle without an axe unless the senior commanders who are a part of the problem become part of the solution. We must also address the peace spoilers.

*Border Chief, Tonj:* the problem is with border conflicts. There are so many authorities but we don't know who is who (judges, commanders, commissioners). In a society where there are monsters and small people, only weak emissaries are being sent to deal with monsters: it should be monsters against monsters.

*Woman (Payam Admin.) Tonj:* who are the soldiers accountable to: the commissioner or a commander far away?

*Rumbek Chief:* payam courts seem specially created for the benefit of judges. Small cases that were once ours, are now taken away. Corruption in the judiciary is the root cause of this problem. Nepotism is practiced. Peace will be found if we select good people for our judiciary (we know who can do a good

job). Some judges have no qualifications or experience or a sense of justice, yet we are sidelined as children. I blame the SPLM: if you know there are stupid people disturbing us, why don't you just take them away?

*Woman (Payam Admin.) Tonj*: inconsistency in the judiciary. One judge says you are 'disturbing the peace,' the next says you deserve capital punishment. The system is messed up. Chiefs from afar used to be invited to assist with tricky cases. We need to go back to our spiritual leaders. Now, no justice, only incentives for judiciary to make money.

*Awerial Chief*: judges who are not trained should not be appointed. Cases involving cattle should not be dealt with by judges.

*Woman Rumbek*: miscarriage of justice is not because of (poor) laws, but the administration of justice, tarnished by self interest.

*Woman Rumbek*: we have a quarrel with you men. Ask God to let women be men and men be women. Then all will see.

*Court President, Yiroi*: women should be represented in the courts to share their thoughts and decisions, so that the blame is not with the chiefs alone.

*Youth Cueibet*: elders are telling us straighten our backs, but they are bent because we are imitating you. We are illiterate and need help from you the educated ones.

## **2.2 Identifying the causes of conflict in the six counties:**

The following table summarises the causes of conflict *initially* recognised by each participating county at the beginning of the meeting. However, after the themes were discussed and developed, the number of causal factors identified expanded and in many cases were seen to be cross cutting and applicable in most of the counties present (see section 3).

Causes cited during county presentations	Awri	Cubt	Mvto	Rumk	Tonj	Yirol
Grazing practices	◀			◀	◀	◀
Animal and human access to water areas/points		◀			◀	◀
Outbreak of animal disease		◀				◀
Salt Licks					◀	◀
Access to fishing grounds	◀					
Crop destruction (by cattle)			◀		◀	
Transhumants disregarding local customs and laws					◀	◀
Cattle owners relationships with non cattle owners (fisher-folk, blacksmiths, agriculturalists)						◀
Inequitable spread of resources/services by NGOs	◀		◀			
Boundary demarcations	◀		◀			
Border disputes	◀		◀			
Land ownership and occupation		◀				◀
Cattle theft	◀	◀		◀	◀	◀
Robbery		◀	◀			
Murder	◀	◀		◀	◀	◀
Idle youth in cattle camps (especially during the time of feeding practices)						◀
Defaming songs (especially during wrestling contests)	◀	◀				◀
Rumours		◀				◀
Wealth sharing within families		◀				
Gender imbalances within society			◀			
Suitors, unplanned conception and elopement	◀	◀			◀	◀
Adultery	◀	◀	◀			◀
Weaknesses in the civil and native administration (law and order systems)						◀
Imbalance in the sharing of power among families (administration or chief positions held by one family)		◀				◀
Insensibility of the governing system to the people						◀
Weak capacity among the judiciary staff					◀	
Poor, delayed or no investigations of a crisis					◀	◀
Court decisions either delayed or not implemented					◀	
Miscarriages of justice						◀
Revenge as a result of unresolved court cases		◀			◀	
Unregulated number of weapons in the possession of untrained users/ civilians					◀	◀
Armies left in one place for a long time						◀
Families of soldiers not taken care of						◀
Defectors with guns						◀

### 2.3 Special problems facing recently created counties:

The particular difficulties being faced by Mvoto County were raised and the meeting agreed that it be given attention and recommended follow up action. As a new county (established in January, 2002), it lacks capacity and resources to meet the needs of its people. The severe impact of river blindness on the county was highlighted. In the past, there has been suspicion and hostility between the Dinka and the ethnic groups of the county. It was agreed that these issues be

followed up in detail at another peace meeting. In addition, an appeal for competent NGOs was made to support the local authorities and communities in their endeavours to address poverty in the area. Awerial County also made an appeal for assistance from the administration of neighbouring counties and from qualified NGOs. Awerial is also a new county and facing huge challenges to meet the needs of the people.

### **3. THEMES COMMON TO THE SIX COUNTIES**

From the broad analysis given, a pattern emerged from issues which were repeatedly cited. The most common and urgent of these themes were highlighted and additional time allocated to examine them in more depth.

The primary themes associated with conflict were identified as follows:

**GOVERNANCE** the status of the system of governance and administration being practiced within the region was recognised to be an underlying and common theme, and linked to most of the county presentations on conflict and peace. Cases of corruption and a lack of accountability were frequently cited. Weaknesses or interferences in the manner the affairs of the public are being administered, was seen a root cause underlying many of the outbreaks of violence and conflict.

**JUDICIARY** a key aspect to a good system of governance is the manner in which justice, law and order are administered. The participants commented at length on the state of the judicial system in the counties, identifying its weaknesses as a major source of conflict.

**MILITARY** the supervision of military affairs and relationships with the community was also given substantial attention. Criticism was voiced over the conduct and practices that have become associated with elements of the military in the counties - linking it as a cause of conflict and instability in the areas.

**WEAPONS** there was much debate and high consensus on how the proliferation of unregulated small arms among the civil population was causing instability and perpetuating conflict in society.

**COMMONS** the management of access to key natural resource (grazing, fishing, water, salt licks, etc.) was also cited as a key source of tension and conflict.

<b>BORDERS</b>	numerous examples were given of clashes between communities that border one another, whether between counties or regional neighbours.
<b>SOCIAL SERVICES</b>	the scarcity of basic social services in the counties, and the inequitable distribution of services that exist within the sub region/counties, was also given prominence by the participants as a source and aggravating factor to conflict.
<b>CULTURAL SOCIAL</b>	among the issues cited linking conflict and peace to social and cultural behaviour were: the lack of respect by visiting or transitory groups of local customs and practices; unhelpful or destructive cultural or social practices; the culture of revenge; the breakdown of positive traditions and practices (that used to regulate conflict).
<b>GENDER</b>	another feature to social and cultural practices to receive attention in the analysis of conflict and peace was the question of the relationships between women and men in the community.
<b>RELATIONSHIPS</b>	a frequently mentioned aspect to the themes of gender and cultural behavior was the regulation and norms governing sexual relationships between women and men (unplanned conceptions, elopement, etc.), and their association with violence and unrest.
<b>YOUTH AFFAIRS</b>	the lack of opportunities for the youth of the region to be productive and participate more fully in decision making and society in general, was raised as another aggravating factor to conflict.
<b>PEACE SPOILERS &amp; BUILDERS</b>	throughout, the participants referred to individuals who were spoilers of peace, identifying people in their communities but also placing much responsibility on the unhelpful role of some commanders and senior officials in causing conflict. Individuals and organizations promoting peace building were also identified and encouraged.



The meeting agreed to focus on what were believed to be the priority issues raised, though it was acknowledged that any remaining issues will be later dealt with through the relevant authorities in each county (peace committees, women's groups, County Secretary's office, etc.). The core themes selected were:

- a) **Governance Systems**
- b) **Judiciary System**
- c) **Civil Disarmament & Military Conduct**
- d) **Border Conflict Management & Resolution**
- e) **Common Natural Resources Management**

Working groups were established around these themes and their conclusions and recommendations are summarised below:

#### **a) GOVERNANCE SYSTEMS**

**Question posed for discussion:** *i) What practical Short and Long Term Measures should be Undertaken to Make the Governing and Administrative System in the County/ Counties more Efficient, Effective and Accountable, and better able to Manage Conflict in the area?  
ii) How should Powers and Responsibilities be Distributed between Civil Authorities, Traditional Leaders, the Military and Civil Society?*

#### **Recommendations:**

1. womens' proportional representation must be put in place in all areas of decision making and implementation. If women are not involved, good governance can't take place. County Secretaries must take a lead on this. Additional training will be required for officials and NGOs;
2. training and upgrading of civil authority officials and administrators is essential and needed for improved systems of governance;
3. all executive chiefs, their courts and members should be closely monitored by the SPLM Secretaries so that all official public servants are working in a collaborative manner for the people they serve;
4. key law enforcement agents should not be employed to work in their own home areas so that family affairs don't interfere with the administration of law and order. The Regional Secretary is responsible for this initiative;
5. the army should be kept in a specific place (barracks), outside and away from the community. County Secretaries and local Commanders are responsible for this;

6. the police should be managed under SPLM Secretary's office only;
7. those who are sentenced (imprisoned) should serve their terms and produce enough food for their families and themselves. The County Secretary should provide land for this purpose;
8. traditional leaders and Payam Administrators should ensure that the system of *Benywuut* (cattle camp leader) be encouraged and reinforced;
9. Country Secretaries should be given clear and appropriate powers to assist them in executing their responsibility for the welfare and protection of the citizens (and be able to over-rule any decisions clearly *not* in the interests of the people);
10. if serious conflict breaks out, the local authorities should automatically seek the advice of notable persons from other counties/regions, so that solutions can be quickly found;
11. the Regional Army Commander must ensure that the leadership of the army at the county level should come from another county or area. Soldiers/officers should be discouraged from showing preference to their families;
12. if there is any fight or conflict, the perpetrators must be arrested *immediately* - the responsibility of the County Secretaries and Regional Secretary;
13. a public war must be waged against corruption at all levels in the administration and in society. It is the responsibility of all to make the corrupt know they are corrupt;
14. the responsibility of the Regional and County Secretaries to ensure that all the SPLM structures are functioning and strengthened (such as the Boma and Payam liberation councils), so that checks and balances can be put into the system;
15. the practice of giving a dowry should be regulated or other forms of wealth creation encouraged;
16. all citizens should be encouraged to be productive;
17. difficult to bring development without knowing the breakdown within your society (men, disabled, widows, youth, women, orphans, etc.). A population census can and should be done by using the chiefs knowledge;

18. local authorities must work with all sections of the community in developing strategic plans for the development of the counties;
19. full job descriptions are required for all SPLM and county workers so that everyone will know what their responsibilities are;
20. while it is the responsibility of governments to look after the people, it is the people who should also help provide the resources to do it. Every administration must make an annual budget and present it publicly;
21. once people know what will be done with their taxes, they will be more willing to contribute. Taxes must be designed to meet annual budget needs;
22. all revenue should be collected by the payam administrators and carefully documented so that the citizens can see what has been contributed;
23. annual audit of accounts should be undertaken and the report distributed to all the Liberation Councils in the county;
24. financial management training is essential for all administrative workers and those involved in revenue collection and expenditure;
25. all revenue collected must go to a central place (through the police, goal leaders, sub-chiefs) and receive official receipts;
26. key staff who are employed to administer the county should be paid through the taxation revenue in order to discourage corruption;
27. if the County Secretary or Executive Officer makes all the decisions, and does all the tasks, then the system won't work. Decisions must be shared and administrative staff to be employed to assist in getting the work done;
28. radio connections are essential between administrative staff and in order to make contact with established border posts and other counties;
29. awareness raising of the public is essential to creating an environment for peace;
30. recommended that BYDA & NSCC bring together the youth of the sub region to get their views on why there is internal fighting and what can be done about it;

31. the County Secretaries must call together his or her administration to explain the recommendations of this consultation and make an implementation plan with various county actors;

In summary, the meeting agreed that to improve the system of governance, there needs to be fairness, more democracy and justice. This, it was recommended, can be done;

- by initiating greater dialogue (hear what the people have to say), greater inclusiveness, and by showing greater respect and tolerance of each other;
- by waging a war on corruption;
- by promoting peace and civic education (difficult to achieve good governance if people are not aware of their rights);
- by encouraging respect for the rule of law and order;
- by ensuring there is a genuine separation between the functions of the military and the affairs of the political and administrative institutions of the region<sup>1</sup>.

There were repeated requests from the chiefs that the laws that were functioning before the war should be revived, as they will help resolve the local conflicts of today.

## **b) THE JUDICIARY**

**Question posed for discussion:** *1) What Short and Long Term Measures should be undertaken to Strengthen The Rule of Law in the Counties and Improve the Judicial System?*

**Recommendations:** *short term proposals*

1. integration of traditional chiefs with presiding judges over major cases that involve ethnic or clan fighting. Very often, a judge will settle a case without addressing the root causes of a problem. Invariably, these issues will resurface and unrest will continue.
2. the responsibility of the county authorities is not to interfere with the court system, but to oversee that complex cases are being administered fairly and members of the judiciary are doing their task in an honest way.

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<sup>1</sup> Role of the army was affirmed and supported by the meeting, but requested that their management and tasks be set clear in the future, that discipline be imposed, and that they be removed to designated areas and called upon for service when required. Acknowledged that there are times when the army will be required to solve security issues. However, they shouldn't collect taxes as is the case in some counties. Recommended by the meeting that there be a dialogue between the army and the civilians on this sensitive issue.

Court decisions can be badly judged or implemented, or experience long delays, which leads to further conflict.

3. court decisions should be implemented immediately, without delay.
4. payam courts should be left under the responsibility of the local civil administration, like other lower courts, until such time a the judiciary can be trained and do their job properly.
5. need to renovate detention cells or build new ones so that there is proper custody facilities for the police and prison officers.
6. all our forces must reflect our national character and be regionally and ethnically mixed. Similarly, within a county, the administration should not come from just one clan but be mixed. This should be effected immediately by SPLM authorities.
7. there is an unfair distribution of traditional powers. This needs an immediate review and follow up (i.e. a restructuring of traditional leadership structures to ensure a fair distribution of powers among the communities).
8. provision of transport and communication systems (by international agencies of goodwill and the SPLMs authorities) to the police and county authorities is required if they are to track, manage and resolve conflict.
9. the top authorities seem to ignore the conflict happening around them. There is a need for an immediate response by the authorities to any information given to take appropriate measures to either neutralize or prevent such an incident.
10. traditional values are not being appreciated. Is a need to revive positive traditional and cultural values found in the communities of the lakes area and Mvolo. Empowering traditional leaders will require further discussion This is the responsibility of civil society and the civil authorities, at various levels.
11. refund or compensate for looted cattle or property. During any conflict resolution process, parties should be asked to return the exact amount stolen or looted, or equivalent.
12. immediate disarmament of civil population in all the region must be carried out, with the exception of front line communities such as the Aliap people of Awerial County and the people in other contested areas of northern Bahr el Ghazal.

13. little has been done by the SPLM authorities to educate people on peace. There should be a peace enlightenment campaign within each county. This should be carried out by SPLM and assisted by civil society groups.

*long term proposals*

14. the judiciary is the custodian of the people's laws, yet they often use laws to punish the people unjustly. The sector needs reform as its weaknesses are causing conflict. Need for immediate harmonisation of currently operating SPLM laws with the SPLM legislature and leadership. Stop delays in the judiciary system.
15. there should be a code of conduct to guide the conscience and conduct of judges when sitting in the court.
16. training the capacity of judges should be done in association with the development of local customary laws.
17. introduce salaries to SPLM/A institutions as a remedy for corruption.
18. once the civil security forces are weak (police/prisons), then the army will interfere. Often causes conflict. Necessary therefore to recruit and train police, prisons and other organized forces. Should be conducted by SPLM authorities with technical and material support from specialist international organizations.

*further recommendations*

19. undertake a reorientation of SPLA forces towards a national objective.
20. provide training for community leaders (and chiefs), and court clerks, in legal affairs.
21. provide physical protection (security) for community leaders adjudicating at cases by recruiting and training court retainers (guards), otherwise, major conflicts can arise if chiefs are killed.
22. repatriation and resettlement of internally displaced people is recommended so that they can live peacefully, as full members of society.
23. need to provide clean water (and other services) to bring peace and stability locally.

24. female education must be given maximum attention to ensure their full and active participation. Once better educated, women will participate more in decision making.

### c) CIVILIAN DISARMAMENT AND MILITARY CONDUCT

- Question posed for discussion:**
- i) *is the time now ready for civilian disarmament in the region? Why?*
  - ii) *what are the obstacles that will be faced and how will they be overcome?*
  - iii) *what measures should be taken to organize and streamline the presence and behavior of the military in each county?*

There was intensive debate on this subject. A minority at first opposed disarmament on security grounds, while others were clear it had to happen immediately.

#### *The case against disarmament*

1. there is no peace while we are still at war: our enemies are still holding their guns.
2. GOS soldiers and Arab militias raid and burn villages and kidnap and kill women and children.
3. the NIF government has armed Nuer and Mundari militia who break into villages looting.
4. if the people disarm, those at the borders will be exposed.
5. the Dinka and Nuer meet at water points with their cattle during the dry season. If the Dinka do not carry weapons, the Nuer will be tempted to attack them and steal their cattle.
6. SPLA deserters rob and raid the local population between jurisdictions. They only exercise restraint when they see the civil population carrying their guns.
7. Armed young men not only protect the rear of SPLA forces, they also play an effective role in the liberation of towns and villages (such as Rumbek, Tonj and Yirol).

The discussion went on to highlight that the *danger* of guns in the hands of civilians is when they are not regulated or controlled. The following provisions were suggested

8. Everyone who carries a gun must have a license.
9. No gun should be transferable to a non-owner. If a transferred gun causes an accident the owner must take responsibility. The transfer cannot be made to non- trained individuals. Assistance is required to help those who handle a gun.

10. The leaders of cattle camps (Gelweng) are responsible for the safe keeping of all guns in their party.
11. No one should ever carry a gun about in public gathering places, such as dances, wrestling matches, markets, etc..
12. Guns should not be used for 'Kep'. Firing during festivals or random shooting should be made illegal as this exposes the lives of innocent people to danger.
13. If anybody kills another person with a gun, he should pay for his life and the gun will be confiscated.
14. In the case of a fight where rifles are used, the ringleaders should face a firing squad.
15. Anyone allowed to carry a gun must be taught how to handle a gun so that it does not pose a danger to others.

*The case for disarmament*

The presentation on the case for disarmament brought passionate responses. While there was concession for the Aliap people (from Awerial) to retain weapons under special circumstances, the majority argued forcible for civilian disarmament. Some argued that Yirol be given exemption as well. Participants proposed that communities who were deemed to be particularly vulnerable to threats from outside the region, could be licensed to retain weapons, but otherwise, the recommendation was for across the board civilian disarmament. Comments included: "go and arrest the guns and put them in custody; keep them away from us."; "let the gun be handed back to the owner who gave it to us in the first place."; "let the army control the borders."; and "spears will harm us less." etc..

However, the connection between having effective institutions of law and order with a well disciplined army, and requesting civilians to turn in their weapons, was stated (the strengthening of the former will encourage the latter). For that reason also, the following was recommended:

*Military discipline and conduct*

16. The fighters should be assembled and confined to their bases or barracks, where they will be supplied with their basic needs (dry rations, bulls and other necessities).
17. Fighters should never interfere with civilian functions such as overseeing cases, collecting taxes, or used to execute a judicial order.
18. Any fighter on leave must carry a Department Order detailing the number of days he or she can stay with his/her family.
19. Similarly, anyone who goes on mission must carry a document stating the purpose and approximate length of time allocated to complete the task.
20. fighters should not collect their own food or bulls. That is left to the civil administration.



21. if on a mission, soldiers should always find the place of the Executive Chief or his deputies for assistance with accommodation.
22. if during their trip they come upon a cattle camp, soldiers should look for the camp leader who will take care of their accommodation and needs.

#### **d) MANAGEMENT OF ACCESS TO COMMON NATURAL RESOURCES**

**Question posed for discussion:**;) What practical actions can be taken (short and long term) to better, regulate the use of scarce natural resources (soil, rivers, lakes, salt-licks, timber, etc) by the communities in the sub-region?

When discussing how best to manage resources that are shared in common, the working group identified three contentious areas that frequently provoke conflict, namely: lick salts areas; grazing lands during dry seasons; and fishing grounds. The need to identify a list of who is affected and during what times of the year was requested.

##### **Contentious lick salt areas:**

- Baar in Yiról County quarrel between the Lou, Ador, Atuot of Y/C and with the Nuer of Wun and the Agar of Rumbek County
- Lolkou, Alou of R/C causes problems in the payams of R/C and Cueilbet County
- Wut-Bull of Maper Payam Ananatak Payam and Gok and Luanyjang Payam usually causes dispute

##### **Contentious fishing grounds:**

- Shambe has a lot of fish and this creates problems between Upper Nile and the Adior of Y/C.
- Ciir Kou (Nile) Gut-thom Tombek. These fishing areas cause disputes between Aliap people, the Bor of Upper Nile and the Cier of Terekeka County
- Padiot, Abeth and Baar raaantok, generally called Relkou, cause dispute between the Gok people of Agaz Payams.
- Goro and Joo fishing ground of Caok people cause disputes between (Waar and Pany) of Cueilbet county and (Manuer and Kaak) of Maper Payam
- Agaar in Luanyjang of T/C causes conflict between Luac people and Pakam people of R/C

##### **Contentious grazing grounds:**

- Mvolo County has a good ground for grazing which attracts the Agar of R/C, Atuot of Y/C, Mandan of T/C cattle owners to go there in winter. Cattle when grazing destroy crops and beehives get stolen. Such practices cause disputes with Mvolo people.

- Pelkou is a good grazing ground. It belongs to the Gok and it attracts the Agar of Maper and Malek payams of R/C. This place brings much dispute.
- Ciirkou (Nile) of Aliap of A/C and Adior of Y/C attracts Aluot, Lou of Y/C and can also be a place for disputes.
- Didar around Tony-Cok and Wau county attracts Gok Pakam, Muok, Luanyjang etc.. There the cattle destroy crops and honey is stolen belonging to the Bongo and the Biel. These cause disputes or crises.

### **Recommendations:**

#### *Lick salts*

1. Lick salts periods to be twice a year, i.e. from June to August and from November to December every year for regulation purposes.
2. Movement of cattle to lick salt areas to be controlled by government through the PA, chief of the Boma and the Banywuot of respective cattle camps.
3. Regulation of lick salts areas to be done by shifts to avoid concentration of cattle in the area i.e. movement to such places have to be by Payams or counties
4. Banywuot to be directly in charge with how to control their youth during grazing or when cattle are taken to lick salt areas. It will be their duty to report to the government whenever a crisis occurs. They shall be employed to apprehend troublemakers and bring them before the rule of law.

#### *Fishing grounds*

5. Families have controlled fishing spots for generations. The group recommends that this system remain and all people should adhere to the traditional practices. It will be the traditional authority to announce when a particular spot is to be fished.
6. No traditional authority can allow people of his own choice to fish the river or pond without the community's consent.
7. All types of fishing tools can be used except those the community think are a threat to small fish e.g. makino.
8. The fisheries department rules are administrative and are to continue as before.
9. Violation of the above laws or standing orders should be the responsibility of the traditional leaders and the fisheries department together.

#### *Long terms Regulations*

10. The long term solutions need to be addressed through dialogue with the bordering counties within and across the regions.
11. The Mvolo grazing ground case needs a conference to be held in the future between SPLM Secretaries bordering the county; Rumbek, Aliap, Yirol, Cueibet and Mvolo to decide on the best use of that grazing land without causing destruction or theft to crops without consent.

12. The Didar case of Tonj and Wau counties is causing dispute between the Bongo and Dinka cattle owners. It has to be corrected by SPLM Secretaries of Wau and Tonj in a conference.
13. The problems of Aliap, Bor & Mandari also needs a formal gathering to assist them resolve their issues.

## **e) CONFLICT ACROSS BOUNDARIES AND BORDERS**

**Question posed for discussion:** *What actions should the civil authorities, traditional leaders, the military, civil society take to resolve the conflict on the borders of each country?*

### *Settlement of outstanding cases (short term)*

1. Anatak P., Tonji County v Naper P., Rumbek C.
2. Dunny P. Cuibet C.
3. Malek P. R/C
4. Tacony P. R/C
5. Thiet P. T/C vs Ana P. T/C
6. Cases not yet resolved or cleared will be dealt by appointment. A conscientious and competent judge needs to be identified with six other experienced traditional leaders from a far place away from the conflict. Reconcile should take place through the spiritual leaders.
7. Immediate execution of already resolved cases by the judiciary with support from the SPLM C/Secretary

### *Longer term measures*

8. Appointment of traditional leaders by the civil authorities to try cases of conflict either within a county or between a county.
9. Civil society organisations should be empowered by the civil authorities to participate in the settlement of conflicts that involve them.
10. The C/Secretary or SPLM R/Secretary can call on the military forces to separate the fighting that has intensified among local communities whether in a county or between counties.
11. Revival of previous centers for peace and reconciliation between the borders of the counties or regions.

### *Potential cases for future settlement*

12. These cases should be solved by either SPLM C/S or R/S through a committee of traditional leaders and be reconciled by spiritual leaders.
13. Thefts and robbery should be dealt by the civil authorities, both the SPLM Regional Secretary or the SPLM county secretaries and the military Cdr.s in the area.

14. Deserters from front line who loot should be dealt with by the direct Commands of the Regional Fronts, whenever the civil authority requests it.
15. Criminals who desert from prison is the direct responsibility of the prison officers and guards with the help of the SPLM County Secretaries. Traditional leaders are expected to assist in capturing them back to prison.
16. Whenever there is a border dispute with one region, it is the two SPLM C/Ss, plus traditional leaders, who will call a conference to resolve the differences at an early stage. But between regions, it is the SPLM R/Ss to call a conference to find a solution.
17. Those responsible for carrying out gossiping at the boma, payam and counties must be detected by the police and people of good will, and must be brought to justice by the SPLM County Secretaries in the region.
18. With the implementation of greater accountability and transparency, bribery must be eliminated by civil authorities at all levels (boma, payam, county, region and national levels): through good policies, conducting political rallies, seminars and workshops, mass enlightenment and civic education.
19. Cattle wrestling must be discouraged by both civil authority and community leadership

#### **4. 'FOLLOW UP' RECOMMENDATIONS**

Many important issues were raised by the consultative meeting in Pankar. The challenge of how to follow up was discussed and a number of proposals recommended.

##### **4.1 Recommendations of the consultative meeting on the follow up process**

- The recommendations should be subdivided into different categories for follow up action, such as policy issues at the level of the leadership; regional issues for the Regional Secretary's office; border issues and matters *between* counties; common resource issues; issues *within* counties.
- Regional issues should be shared by the 6 County Secretaries without delay. Recommended that the SPLM authorities should give a full mandate to the county authorities and the security agencies under them, to directly deal with the prevailing situation of unresolved conflict as well as future threats to conflict. Recommended that the SPLM authorities (and goodwill agencies) assist and facilitate County Secretaries with communication facilities to ensure improved coordination.

- Recommended that the dissemination & implementation of the meeting's resolutions be the direct responsibility of County SPLM Secretaries and Peace Committees in the counties (with the full backing of the regional authorities). However, it was also recommended that one of the primary target groups to be informed after the meeting are the traditional leaders and prominent community leaders. Where possible, traditional and community leaders should be encouraged to take co-responsibility with the authorities in implementing and monitoring the recommendations. A meeting will be required for this purpose.
- The 6 County Secretaries should call together a larger gathering of representative community leaders to share the recommendations of this consultation and move the process forward to the next step. Preferably, this should be done before the end of October 2002. Structures to assist in the management of the process will also be decided at that meeting.
- Recommended that in the spirit of the meeting, the County Secretaries continue to keep in touch with one other on matters of mutual concern for stability in the area. Recommended that there must be peace building groups or committees formed in each county (using the Cueibet experience as an example), to deal with peace issues generally and to monitor the implementation of the resolutions. Recommended that County Secretaries make full use of existing (or new) committees for consultation with the elders, intellectuals, church leaders, women leaders etc., on building peace.

#### **4.2 Tentative outline for developing a peace building programme/process for the sub Region**

Based on the consultative meeting's deliberations, the following tentative plan is proposed for further discussion, development and endorsement at a second follow up Lakes meeting to move the process of conflict resolution and peace building further along:

##### **i). Lakes Planning Meeting for Peace and Good Governance**

This follow up meeting should focus on the priorities listed below:

- General **dissemination** plan of first consultative meeting with a broader representation from the grassroots;
- Consensus on a **general programme of action** for peace building in the sub region. A draft structure for this programme needs to be worked out in advance (presenting a wider process, and possibly reflecting the suggested headings below for additional follow up meetings, as a guide);
- **Disarmament** approval and plan of action (strategy, preparation, stakeholders, targets, implementers, monitoring, etc.);
- As a matter of priority, the consultative meeting requested that the **outstanding incidents of conflict** in the sub region be quickly and

systematically resolved. This will require the cooperation of a number of stakeholders at a senior and local level. The meeting recommended the development of an action plan with an overall management and monitoring system which will detail timelines, stakeholders, management, monitoring, feedback, etc. ;

- Agreement on **management and monitoring systems** of the Lakes Peace and Good Governance programme at the regional and county levels (Lakes Task Force for Peace and Good Governance; Disarmament Task Force; County Peace Committees; NSCC, CBOs and SINGOs, Sudan Peace Fund, etc.).

The remaining priority areas raised at the first consultative meeting will also need to be addressed as part of a proposed 'Lakes Peace and Good Governance Programme' (see Addendum for further elaboration) For example:

#### **ii). County Peace Plans**

The basis or underlying foundation for a wider peace building and good governance programme will be the specific plans and organization that each county puts in place. These must be developed through a participatory process that involves the principal actors in each county.

#### **iii). Special meeting for Mvolo and Awerial Counties**

The specific issues raised by Mvolo county were viewed by the meeting as deserving of a special follow up. This may also include the concerns raised by Awerial County (as a relatively new county).

#### **iv). Wunlit Peace Process**

The Panakar meeting focused on internal issues currently causing instability in the counties, and did not include the issues associated with the communities displaced from Upper Nile and regulated under the Wunlit peace agreement. However, it was acknowledged that this agreement is a part of the sub region's overall strategy for keeping the peace and preserving unity. For this reason, the monitoring and implementation of the agreement will require further review and support as part of a wider, sub region plan.

#### **v). Managing Border Conflicts**

The regulation of border areas was recognized as a key component to managing conflict and maintaining peace. Specific measures will need to be identified to support border chiefs, police and courts.

#### **vi). Management of Access to Shared Natural Resources**

Special meeting required to develop practical ways the Toic and other natural resources commonly used by the people, can be sustainably and equitably managed.

**vii). Governance and Administrative systems (including the Judiciary and the conduct of the military)**

At both the county and regional level, specific measures are required to be put in place to improve the system of justice and strengthen the system of administration and governance. This includes civil and traditional administrators as well as civil society. In addition, protocols governing the relationship between the army and civilians needs to be devised and include mechanisms for enforcement. A special meeting is required to develop a strategy for these objectives.

**4.3 Further Recommendations made by the consultative Meeting**

- Recommended that all existing SPLM structures be implemented/activated and used to strengthen the system of governance by operating in a transparent and democratic manner.
- Recommended that chiefs at the border work with each other when there is a problem. They should write to their county secretaries on the status of the problem and seek their support.
- Recommended that spiritual leaders be called from other counties to attend to either murder cases or reconciliation.
- Recommended that a war on corruption start as soon as possible
- Recommended that law enforcement agencies and administrators be transferred Recommended that steps be taken to make the separation between the military and civilians more complete;
- Recommended that Registration of census
- Recommended that Financial management system for county and region for better accountability.
- Recommended that the training of administrators (police, financial officers etc.) start as soon as possible
- Recommended that SPLM structures be completed and strengthened as a tool for checks and balance.
- Recommended that public infrastructure be improved



## **5. CONCLUSION**

The meeting concluded positively and it was observed that "talking has taken away our fear, we can now go with a more healthy mind". As stated, the consultative meeting is expected to be the first of a series, and follow up work will need to be done at the policy, regional and grassroots level to ensure the recommendations become operational. It was agreed at the meeting that the Commissioner of Yirol would review the final report on behalf of the participants. Once approved, it was also agreed that the report will be given to the Regional Secretary for Bhar el Ghazal and Cdr Danial Awet (Commission for Internal Affairs) for further circulation to the leadership of the Movement. Finally, every effort will be made to make the recommendations known to the various communities.



## **APPENDIX I**

The following points were raised by each county when presenting the problems facing their respective areas. The issues raised are expected to form part of the particular plans county peace committees will make for conflict management and peace building in the counties.

### **AWERIAL COUNTY**

#### Sources of conflicts

1. Unauthorized entry into 'toic' pastures
2. Rustling of prized cattle or herds
3. Abduction of newly married wives
4. Elopement of girls whose dowry has been paid by a different suitor
5. Composition of defamation songs
6. Antagonistic behaviour during wrestling matches
7. Occasional conception of girls

#### Border Problems

1. Conflict over fishing in the Nile lakes
2. Conflict over Nile farmlands
3. Alteration of borders with Terekeka County (5 miles within Awerial border)
4. Problems created by lack of NGOs services: water, health

### **CUIEBET COUNTY**

#### Identification of problems

1. Elopement / adultery of girls and women
2. Theft of cattle
3. Lack of water (for humans & animals)
4. Outbreak of animal diseases (e.g. rinderpest)
5. Composition of personal defaming songs
6. Injustice in courts
7. Rumours & gossiping
8. Injustice in family wealth sharing
9. Robbery
10. Imbalance in the sharing of traditional powers (chieftaincy ship)
11. Revenge on old unresolved cases

#### Existing problems and locations in Culebet county:

1. Murder case; between Pan-Dut & Pan-Awur-Duony Payams [Jan.1986 – revenge 31/8/2002]
2. Extortion; Padhol & Pacuer- Lang. Dit payam [March 2000]
3. Envelopment of girl Pan-Awur & Pajul. Abiriu / Duony payams [17/11/1995]
4. Murder; Panyar & Waat(sections) Citcok-Pagoor Payams
5. Elopement; Pan-Luk & Pagak (JothWaat section) Abiriu-Pagoor payam [2/12/01]

#### Existing problems between Cuiebet and other counties

1. Disputes over lands (settlements and cattle camps)
2. Water and lick salt

#### Aggravating factors

1. Delay in court cases
2. Injustice
3. Agitation (abatement of crimes)
4. Revenge

### **MVOLO COUNTY**

1. The 'Black Fly' is a major problem in Mvolo county. It causes widespread blindness to the people.
2. We have nine months since the announcement of Mvolo county. No single NGO is operating in Mvolo
3. Demarcation of borders by neutral committee
4. Marriage settlement
5. Commitment of adultery
6. Conflict of blood feud (dia) or compensation dead person especially with neighboring counties
7. Intended theft by our neighbours towards our properties e.g. beehives, tobacco, forceful owning of our fishing ponds and cattle camps
8. Unlawful driving of cattle by cattle owner of our neighbouring counties without respect to our farms in the villages and along the rivers by destroying our crops, such as cassava, grain, tobacco and vegetables
9. Non respect to our cultures and customary laws
10. Conflict areas: Wulu, Kokori, Wowo, Bhr Grind, Lessi in Yeri payam, Keumeri, Billing etc.
11. Gender inequalities in development and lack of justice for equal opportunities. Lack of gender balance in the duties of administering family affairs

## RUMBEK COUNTY

### Identification of the problem

1. Maper payam R/C v Ananatak Payam T/C

This dispute started in 1998, by a young man of Jalwa who impregnated the girl of Pakam. Jalwa man failed to marry the girl whose father decided to give her to somebody that gave 80 cows and Jalwa man followed until the fight erupted to today without finally legal decision and reconciliation.

2. Maper Payam R/C v Pagor Payam C/C  
Pakam v Waat  
Nyang v Pathiong

It was a mere play between the youth of Pakam and Gok. Gok boy was beaten, finger swelled, resulted to death. Gok citizens deliberately killed 5 Pakam citizens in cold blood, and the issues is not yet solved or reconciled.

3. Malek Payam R/C

Youth fought after cows in grazing area during day time. By night one section Bor decided to attack Tik section in which they both killed themselves that is not solved.

5. Akot R/C v Aluakaluak Payem Y/C

4. Pacong Payam R/C v Mvolo County

This is only suspicion that the Biel poisoned cows in water pots during the dry season (which is an unproved allegation which needs to be qualified)

## TONJ COUNTY

Ananatak and Maper Payam conflict started in 1998

Cause: girl conceived by Ananatak youth (man)

Tonj and Malouper Payam started in year 2000

Cause: local 'cricket' play during which a young man from GoK was hit on the head.

### General causes

1. Resources, such as grazing lands, water points, destruction of crops by cattle
2. Pakam people while in Jalwa areas or Luanyjuang areas, undermining local and traditional authority laws
3. Last special court decision passed on the Thony & Gok sections were not implemented
4. Special court for Jalwa and Agar Pakam but case not completed.
5. Cattle theft and murdering of people
6. Availability of fire arms with the public
7. Weakness of the members of special courts fuel up further conflicts
8. When crisis occurs, proper investigations do not take place
9. Conception and elopement is the most common problem (but these can be managed by the local leaders)

## **YIROL COUNTY**

### Reasons for conflict

1. Grazing lands
2. Land ownership
3. Adultery
4. Feeding practices in cattle camps
5. Elopement
6. Pregnancy
7. Suitors spending nights with girls
8. Cattle rustling/ raiding/ theft
9. Water points
10. Challenging songs concerning wrestling
11. Chiefs remaining in one family (192 years)
12. Fishermen & blacksmiths (treated as 2<sup>nd</sup> class citizens)
13. Administrative weaknesses
14. Insensitivity of government
15. Armed men (not trained)
16. Migration
17. Miscarriage of duties by the judiciary
18. Armies in one place for a long time
19. Families of soldiers not taken care of
20. Defecting soldiers participate in corruption to survive (causing tribal fighting)

### Between Neighbours

1. Border disputes/ thefts
2. Rumours, war of nerves, inter-county thefts, and allegations that people are coming to attack.
3. Traders of Yiroi ambushed / killed. Followed by revenge attacks
4. Migration of Tonj to escape conscription, poll tax, etc.
5. Gangs formed to loot people and rape women/girls.
6. Salt licks in Yiroi magnet to cattle owners. Lack of control. Violence erupts
7. Differences in fines in different counties(adultery, theft etc)
8. County authorities who cover up crimes, ignore reports, defend criminals or favors criminals
9. Outbreak of cattle diseases



## APPENDIX II

Participants proposed the following table as a means for planning further follow up. It will be revised with additional material after the next planning meeting:

ACTIVITY	DISSEMINATION	IMPLEMENTATION	MONITORING
Governance	SPLM Regional Secretary SPLM County Secretary Payam Administrator Boma Administrator Chiefs	SPLM County Secretary Payam Administrator Boma Administrator Chiefs	SPLM Regional Secretary SPLM County Secretary Payam Administrator
Judiciary	SPLM Regional Secretary SPLM County Secretary Chief Justice	SPLM County Secretary County Courts Police Prisons	SPLM County Secretary High Court County Court
Disarmament	Commissioner of Law Enforcement agencies SPLM County Secretary 3 <sup>rd</sup> Front Cdr	SPLM County Secretary Chiefs Beny Wuot	SPLM Regional Secretary SPLM County Secretary 3 <sup>rd</sup> Front Cdr
Border Cases	SPLM Regional Secretary 3 <sup>rd</sup> Front Cdr	High Court County Judge Chiefs Police Prisons	SPLM County Secretary Police County HQs Judiciary
Management of common resources	SPLM County Secretary	Payam Admin. Chiefs Police Beny Wuot	SPLM County Secretary
Others			

## APPENDIX III

### List of participants attending the meeting:

#### Yirol County

- |                        |                               |
|------------------------|-------------------------------|
| 1. Rin Tueny Mabor     | SPLM County Secretary         |
| 2. Sarah Yar Mabel     | Women Association             |
| 3. Rebecca Aluel       | Women Association             |
| 4. Bahon Mabor Deng    | Regional Court President      |
| 5. Reecdit Anyieth     | Regional Court President      |
| 6. Zande Cuor Yol      | Payam Administrator, Abang    |
| 7. Abednego Akol Ayung |                               |
| 8. Reech Anyieth       | Court President               |
| 9. Garang Manyang Jok  | Court President               |
| 10. Mayan Arier Biliu  | Executive Chief               |
| 11. Rin Gach Agom      | Executive Chief               |
| 12. Deborah Yar        |                               |
| 13. Nadima Bahon       | Paramount Chief, Abang Payam  |
| 14. Dr. Pauline Riak   | Director, SURDA - Abang Payam |
| 15. Bullen Kot         | Yirol County Hospital         |

#### Culebet County

- |                          |                        |
|--------------------------|------------------------|
| 1. John Lat Zakaria      | SPLM County Secretary  |
| 2. Anyijong Manyang Dior | Abrieu Payam           |
| 3. Macar Maper           | Chairman, Abrieu Payam |
| 4. Mangar Marial         | Executive Chief        |
| 5. Martha Cawat Akat     | Women Association      |
| 6. Makoro Jer M.         | Executive Chief        |

#### Tonj County

- |                       |                         |
|-----------------------|-------------------------|
| 1. Kuol Deng Kuol     | SPLM County Secretary   |
| 2. Peter Malou        | Payam Court             |
| 3. Gum Mading Acubeny | Court President, Jalwan |
| 4. Yiel Deng Deng     | Border Chief            |
| 5. Mary Nyibol Arou   |                         |
| 6. Chol Malok Deng    | Executive Chief         |

#### Rumbek County

- |                            |                               |
|----------------------------|-------------------------------|
| 1. Gabriel Anyar Madut     | SPLM County Secretary         |
| 2. Elizabeth Agok Anyijong | Women Association             |
| 3. Alek-wei Dal Koc        | Women Association             |
| 4. Maker Rokuot            | Vice President Regional Court |
| 5. Maker Watrut            | Chief                         |
| 6. Majak Agak Malol        | Executive Chief, Pacong Payam |

### **Awerial County**

- |                      |                         |
|----------------------|-------------------------|
| 1. Isaac Kon Anor    | SPLM County Secretary   |
| 2. Mangar Nhial      | Payam Court, Alep       |
| 3. Maciek Robo       | Regional Court, Alep    |
| 4. Mariam Paulo Jibi | Women Association, Alep |
| 5. Wec Thoc Wel      | Chief, Atak Payam       |

### **Mvolo County**

- |                        |                            |
|------------------------|----------------------------|
| 1. Isaac Deng Agok Tur | SPLM County Secretary      |
| 2. Charles King Alfred | SRRA Education Coordinator |
| 3. Michael Taban       | SRRA County Administrator  |

Cdr. Daniel Awet Akot  
Isaac Makur Buol

SPLM Leadership  
Religious Affairs Desk, SPLM

Jok Ayom Majak

BYDA

### **NSCC Staff**

- |                       |  |
|-----------------------|--|
| 1. Telar Deng         | Peace & Advocacy Coordinator                           |
| 2. Awut Deng Acuil    | Women Peace Mobilizer, Bahr el<br>Ghazal Region        |
| 3. Riak Gok Majok     | Assistant Communication Facilitator                    |
| 4. Grace Maina        | Peace & Advocacy Desk                                  |
| 5. Monica Nyalong Bol | Radio Voice of Hope Reporter, Bahr el<br>Ghazal Region |

### **Facilitation**

1. Paul Murphy