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Significance of societal customs in the South Sudan civil war resolution

Abstract (150 words)

The South Sudan's intermittent conflicts and civil wars have attracted national, regional and international interventions. Dominated by politically-led conventional ideologies of peace approaches that revolve around suppression, negotiation and mediation, such approaches have not achieved sustainable peace in the region. The case for societal customs presented here demonstrates a contrary view. Historically, the Nilotic Lwo ethnic groups of South Sudan, i.e. Dinka and Nuer, have fought each other but have also utilised their customs in conflict resolution. The use of societal customs has prevailed at the grassroots level in the face of intermittent inter-ethnic conflicts, which feed into civil wars. This article explores the potential of societal customs in delivering sustainable peace even at a civil war level. It highlights a way of exploring further the themes of customary laws and practises and promotes thinking about how/why/when these can be useful in meeting local interests, values and perspectives in the civil war resolution.

Keywords: South Sudan, Custom, Ceremonies/Rituals, Inter-ethnic Conflicts, Civil War, Sustainable Peace.

Introduction (6794)

This article explores how societal customs are useful at inter-ethnic levels and relevant in the civil war resolution. This work explores the bewildering sustainable peace ideology concerning indigenous mechanisms and their relevance in modern conflicts (Adebayo et al. 2014). It focusses on how indigenous or customary peace practices in South Sudan can be useful in the civil war resolution. Analysis on grass-roots peace approaches in the region (Belay 2015b; Bradbury et al. 2006; Leonardi et al. 2010; Simonse and Kurimoto 2011) have majorly focussed on customary arbitration, negotiation, mediation, the role of elders and largely ignored societal customs (customary institutions and ceremonies/rituals). For instance, the current peace process by the Intergovernmental Authority on Development (IGAD) focuses on the conventional top-down negotiation and mediation (Iyob and Khadiagala 2006; de Waal 2017) that excludes societal customs or traditional methods (Belay 2015b). Although authors (Jeong 2005; Mansell et al. 1995) argue societal customs are limited, others, (Adebayo et al. 2014; Bradbury et al. 2006; Jeong 2005) indicate how indigenous, customary or community-based peace mechanisms are prevalent and successful. Adebayo et al. (2015:1), in particular, indicates '...cultural traditions are both the hallmark of conflict transformation and peacebuilding, while at the same time, they are largely illusionary.' Leonardi et al. (2010) suggest the need to understand locals' customs to prevent premature conceptualisation of conflict management. Thus, this work explores customary institutions and/or ceremonies/rituals, customs and practices of South Sudanese major ethnic group, the Nilotic Lwo. Most specifically, its largest ethnic groups (Dinka and Nuer).

This work argues **<PULLOUT>customary institutions and ceremonies/rituals are essential not only in inter-ethnic conflict resolution but at national levels<PULLOUT>**. Unlike top-down methods, societal customs are both technical (use arbitration, adjudication, negotiation and mediation) and practical (use of ceremonies/rituals) requiring those knowledgeable in the local customs during implementation (Zartman 2007). Implementers of ceremonies/rituals are the Nuer Kuar Kwac 'spiritual leaders' and the Dinka Bany Bith 'priests' or chiefs, women and herbalists (Manyok 2017; Schwabe 1987). Against this backdrop, this article seeks to address three questions. First, what approaches do the Dinka and Nuer have to address inter-ethnic disputes and their resolutions? Second, are these approaches operational at a state level? Three, to what extent are these approaches relevant to the civil war situation?

In answering these questions, the structure is as follows. First, it gathers primary data on what constitutes societal customs (i.e. customary institutions, peace approaches or practices). Secondary data supplements discussions on what these customs are, why they matter and their relevance and ways of applying them to the civil war. Both interviewees and peace literature indicate conflicts have persisted despite numerous conventional interventions, but Dinka and Nuer communities have utilised local customs in reconciliation. The article shows how features of societal customs (i.e. customary laws and practices) address locals' interests, values and perspectives of peace. Findings and discussions suggest that, by applying customary institutions and ceremonies/rituals to the civil war peace processes, core issues such as security and well-being, unity and togetherness, leisure and productivity, contribute to sustainable peace. Conclusively, this article's main contribution is an exploration of how customary laws and practices are used to resolve inter-ethnic conflicts. Locals' interests, values and perspectives in security and well-being, unity and togetherness, and leisure and productivity should be met to allow civil war resolution and deliver sustainable peace in the region.

Methodology

To explore societal customs' potential in the current South Sudan conflict resolution requires a cultural-based approach. Both primary and secondary data were collected. As regards primary data, ethnographic and anthropological aspects of face-to-face focus group interviews (see table 1) were used. The purpose of focus groups was to explore what approaches the Dinka and Nuer have to inter-ethnic disputes and their resolutions, their operational ability and relevance at the state level or civil war situation? Key information generally focussed on interviewees' cultural peace practices, war stories, experiences, knowledge and perspectives. Dinka and Nuer were chosen because, as communities, they have fought each other or experienced intermittent inter-ethnic conflicts and civil wars, are the majority ethnic groups and have well-structured and functional conflict management institutions in South Sudan.

The informants are refugees in the Diaspora and peace actors with experience in the region. A Leeds Sudanese Community Centre was identified in Leeds. Participants regularly attend the centre, were found knowledgeable in more than 2-3 South Sudanese peace cultures and had experienced ethnic conflicts or civil war. Interviews took place in 2013 and 2015.

Focus groups were chosen because they provide 'anonymity' to participants (Fern 1982:1). The need to explore Dinka and Nuer experiences of peace approaches, inform research and peace actors of their significance at community and civil war level necessitates focus groups (Kitzinger 1994:104). Moreover, using focus groups uncovers information, (i.e. the themes: customary laws and practices), that can be explored at depth to provide new ways of thinking about how/why/when these can be applied to local's interests, values and perspectives in a civil war resolution.

Table 1: Summary of face-to-face interviews

Focus Groups	Number of participants	ethnic group	Customary Institutions/Peace approaches and ceremonies/rituals	Implementers	Words associated with 'peaceness' or peace cultures
Youth	5	Dinka Nuer	Mabior, Cieng	Chiefs/priests/spiritual leaders/women or herbalists	Security, leisure, provision, togetherness and rituals.
Women	5	Dinka Nuer	Mabior, Cieng	Chiefs/priests/spiritual leaders/women or herbalists	Norms, values, obligations, unity, productivity, well-being, rituals, songs, poems and mediation.
Male	6	Dinka, Nuer, Acholi and Other	Mabior, Cieng, Mato Oput	Chiefs/priests/spiritual leaders/women or herbalists	Truth, leisure, consensus, compensation, family, kinship and rituals negotiation.
Total	16				

Due to cultural sensitivity on mixing up the youth, women and men, and the need to obtain views across all gender and age, these three focus groups with a total of sixteen interviewees were found representative. Reasons for the mixed Dinka-Nuer focus groups were that: they originate from a common ethnic group, practice very similar peace cultures and community-building exercise. Participants of 2013 were not necessarily in the 2015 focus groups, but categories stayed the same and revealed similar data. This sample is small and may not reflect individual or views of all the Dinka and Nuer or South Sudanese.

Open-ended questions were suitable in allowing interviewees to tell their stories spontaneously. These are:

1. What approaches do the Dinka and Nuer have to inter-ethnic disputes and their resolutions?

2. Are these approaches operational at a state level?

3. To what extent are these approaches relevant to the civil war situation?

In answering these questions, members discursively narrated their peace and conflict resolution stories, experiences as well as cultural practices at inter-ethnic levels. From their narratives, words that frequently cropped were:

1) Youth Focus Group (YFG) - security, leisure and provision.

2) Women Focus Group (WFG) - norms, values, songs, poems, obligations, unity, productivity, well-being and rituals.

3) Male Focus Group (MFG) - compensation, truth, consensus, family and kinship (Focus Groups 2015).

As Clandinin, (2006:xv) indicates, analysis of the above data focussed on '…common themes, metaphors, plotlines and so on to identify general themes or concepts.' Thus, data were coded, and three common themes emerged, i.e. customary laws, beliefs and practices. In an attempt to be exhaustive, this article concentrates on only two aspects of societal customs: customary laws and practices, discussed throughout this article.

The researcher conducted grass-roots peace research in the region earlier, so it fits well for all focus groups to be facilitated by the researcher. Audio recording and field notes were transcribed. Issues raised were expounded to give meaning, understanding and highlight the potential of societal customs in delivering sustainable peace in the conflict-stricken South Sudan (Connelly and Clandinin 1990).

Secondary data sources include newspapers, media talks, research reports and academic literature. Discussed within the sphere of conflict resolution, peace-building and sustainable peace, both. Personal stories and literature on societal customs highlight the need for South Sudanese political leaders to draw from their histories and cultures, Adebayo et al. (2015), and that peace actors recognise the role of ordinary people and their cultures in transforming civil war situation.

Societal customs

What are societal customs?

Societal customs are obligatory community laws and practices that have been derived by the community, from individual's and community's economic, social and political experiences to guide the society (Jok et al. 2004). Some societal customs are local agentive norms with a

potential to enable peace in deeply divided communities and contemporary conflicts (Adebayo et al. 2015). Their core aim is to ensure peace in all sections of society and as such, govern members' lifestyles. Such laws cover domestic, community, leadership requirements, and extend to inter-ethnic conflicts such as pastoralists-farmers relationship (Jok et al. 2004). In Belay (2015b:2) study, Societal customs' 'importance and utility…strives to restore balance and peace, settle conflicts or eliminate disputes and maintain social harmony…facilitate ownership, strengthen group unity, and have greater resonance in societies than Western conflict management approaches'

For example, the Abyei area is a land occupied by the Ngok Dinka (a section of Dinka groups) for the past two centuries. It has good pasture and streams of rivers, such as Bahr el Arab, Bahr el Ghazal and Kiir in the Northern Bahr al-Ghazi, flowing through it (Salman 2014). Seasonally, the Misseriya Baggara Arabs pastoralists travel south into this Ngok Dinka farmers' territory for pasture. Likewise, Lou Nuer pastoralists, a section of Nuer often cross into Dinka land to graze their cattle (Brewer 2010). Conflicts over its use cause intermittent inter-ethnic conflicts that feed into civil wars. Often the Sudan Arab-government backs Misseriya Baggara Arabs and bombs the Ngok Dinka, thus intensifying the conflicts. Historically, however to prevent inter-ethnic conflicts, Ngok Dinka create passage routes and design laws to manage potential conflict with others. Such laws address issues on, encroachment, destruction of property including other forms of misconduct and compensation (Baines 2007; Belay 2015b). However, Jok (2011) indicates the 2005 Comprehensive Peace Agreement (CPA) decided to create a permanent boundary to resolve the conflict. Not only does this prevents the proper economic use of land but alienates local laws instead of embracing and enhancing them. More recently, a peace-building attempt to include local women from Misseriya and Ngok Dinka communities to tell their 'stories, poems and sing songs', (attributes of societal customs usually associated with economic activities and peace), was a step in the right direction (WFG 2013). At the intensity of the Sudan second civil war, similar story-telling was a significant part in reconciling the Dinka and Nuer (Wunlit 1999). Societal customs' laws and practices accord respect to disputants' economic practices. **<PULLOUT>When it comes to compensation, cattle forms the economic base and are most acceptable in reconciliation<PULLOUT>.**

Societal customs feature customary laws, beliefs, and practices (Belay 2015b; Focus groups 2013: Jok et al. 2004) influence institutional setup, functionality and conflict management approaches of each ethnic community (Machar 2015). Thus, we can begin to think more creatively with what/why/how these societal customs are relevant and can apply to conflict management and resolution of the civil war. To answer 'what' questions, we draw from institutions and spiritual rituals such as Cieng 'reaching out', Mabior 'a young white bull' and Mato Oput 'Drinking bitter herbs', usually performed by chiefs/priests/spiritual leaders/women or herbalists (Belay 2015b; Focus Groups 2013; Latigo 2008; Wunlit 1999). These institutions and ceremonies/rituals are commonly practised by the major Nilotic Lwo ethnic communities such as Dinka, Nuer, Anuak and Acholi to resolve intra and inter-ethnic conflicts (Jok et al. 2004; Machar 2015). In their practice, the whole community's 'peaceness' is the focus. In this article, 'peaceness' implies, peace between people and their environment. That is spirits, animals and the environment, thus, societal customs' essential role is to 'reach out' mitigate disputes, promote and re-establish relationships between humans and the environment (Mbiti 1970). Their economic, social and political significance in ensuring sustainable peace is articulated in focus groups that state:

Ceremonies/rituals are parts of the Dinka and Nuer lifestyle. An elder/spiritual leader male or female decides on a suitable ceremony/ritual and notifies the community. All members are summoned to attend. Each person is required to reveal what they know. After this, a bull is slaughtered, perpetrators drink and are sprinkled with blood. The meat is cooked and shared. Perpetrators are warned by the chiefs never to repeat such offences. In the end, the communities are sprinkled with the remaining blood to cleanse them of anger, bad luck, diseases, misfortunes, potential conflicts. The 'chiefs make prosperity wishes', and regular interaction resumes after the event (Focus Groups 2013).

Why societal customs?

National peace cannot happen unless peace exists at local levels. Jok (2011:2) indicates South Sudanese have a '…stronger sense of citizenship in their tribes than in the nation.' To deliver lasting peace and stability in South Sudan, the Dinka Cieng ritual (Deng 1980; 2000; Mbiti 1970), which implies unity or togetherness, could be very useful. This is because the success of Cieng, Mabior and Mato Oput depend on community members (men, women, youth, children and their customary practices) involvement (Jok et al. 2004; UNISFA 2017). It is this holistic approach that is largely lacking and should be incorporated. Evidence by many authors indicates that local, bottom-up or participatory peace and reconstruction approaches seem to be more efficient in delivering change than the conventional top-down approaches (Lederach 1997; Mansuri and Rao 2004). Aall and Crocker (2017:3) indicate the need for a 'concerted action' in peace building. Currently, the United Nations Development Program agenda seeks to prevent conflicts and promote sustainable peace through government institutions, officials and community members (UNISFA 2017). As such, the United Nations Development Programme (UNDP), (2016:26-27), recognises the significant contribution customs will make and therefore state:

'Societies like that of South Sudan emerging from violent conflict, are characterized by weak institutions, deep divides, destroyed infrastructure, a lack of rule of law, and more often than not, a deeply distressed economy. Amidst all this, they are faced with the daunting tasks of rebuilding the country, dealing with the violence of the past; combatting impunity; addressing war-related trauma; reconciling the nation; and building a shared national vision. As violence has touched all levels of society, all levels of society will be required to restore the broken relationships and rebuild the country.'

Thus, it is essential that the Dinka and Nuer ethnic communities utilise rituals that unite, work towards sustainable peace and rebuilding of South Sudan through their customs. Moreover, further understanding into the potential for societal customs can be traced to the historical inter-ethnic conflicts and their resolution, the South Sudan justice system and the political peace dialogues.

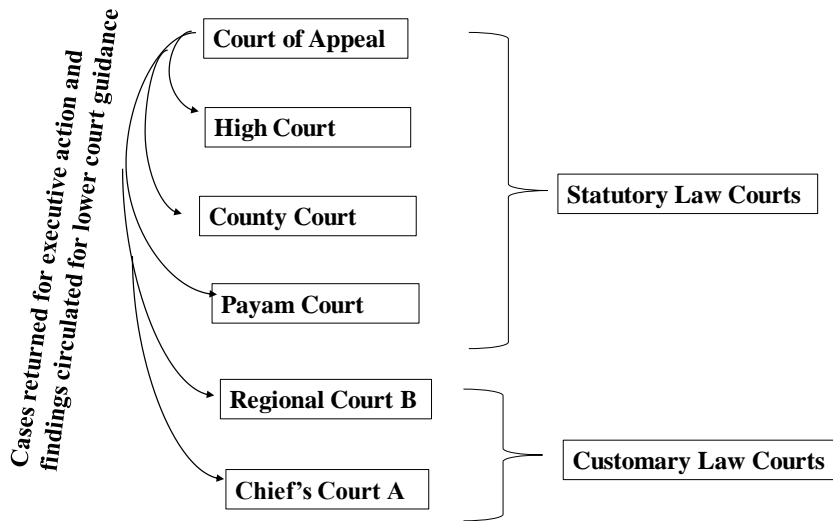## Historical inter-ethnic conflicts

Before the civil wars and as far back as the 13th century, intermittent inter-ethnic conflicts existed between the various Nilotic Lwo ethnic groups and others (Belay 2015b). The Nilotic Lwo communities have a common ancestry, but have had historical disagreements and engaged in deadly battles (Crazzolara 1950; Jok et al. 2004). Although these communities have interacted in economic, social and political spheres, it appears that they have continuously pursued incompatible goals (Belay 2015a:3). Wolff (2004) indicates these communities interpret inter-ethnic conflict causes and potential resolution through a lens of real and perceived ethnic marginalisation. The Dinka and the Nuer, in particular, view each other and are viewed by others as aggressors due to their cattle raiding habit (Jok et al. 2004; Kamwaria and Katola 2012). Disagreements over livelihoods or the tangible needs such as

land, resources, profits, political powers, flare into civil wars (Aall and Crocker 2017:3; Belay 2015a:4). Fuelled by revenge, hatred and strong animosity, these inter-ethnic conflicts, described by Wolff (2006) as traditional minorities' type of conflicts, have become more frequent and have fed into the numerous civil wars in Sudan and South Sudan. Despite these communities' socio-cultural linkages through intermarriages and proximity Kok (2011), their conflict encounters have escalated into mass and brutal killing of the vulnerable (children, disabled, women and the elderly), since the 1970s. The Dinka and Nuer being the most active in this region's inter-ethnic conflicts and civil wars, Belay (2015a, 4), the conflict is characterised by '…armed conflict…, short-lived rebellions, actions by militias, armed gangs, bands … and … freedom movements…' (Wallensteen 2004:131). For instance, the Dinka and Nuer youth who went to Bilpam with the motive to train and fight the Khartoum government (the common enemy to both Dinka and Nuer), resorted to fighting each other's villages and the chiefs could neither disarm nor control them (Bedigen 2017). Whereas community leaders/elders from either contacted the other for inter-ethnic conciliation, in the top-down approaches, it is the political leaders who are invited for dialogues. The claim that these customs are relevant is based on the fact that historically and to date, the Dinka and Nuer fight but reach out to each other through Cieng, Mabior, Mato Oput, and Spear Master 'swearing an oath' rituals (Belay 2015b:7; Machar 2015).
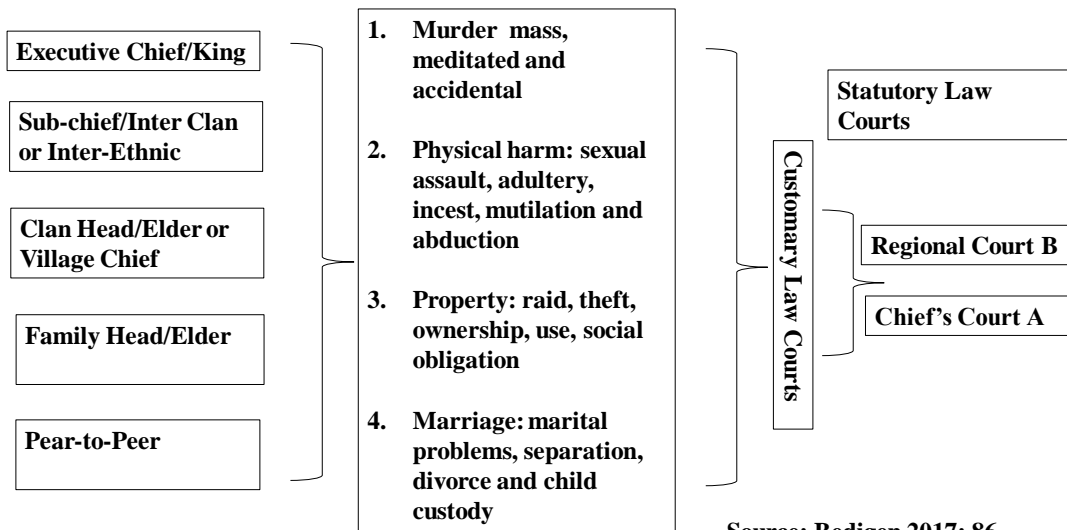
The South Sudan justice system

The South Sudan justice system provides more understanding of the arguments for societal customs' relevance to civil war resolution. South Sudan has a dual legal system (Jok et al. 2004; Leonardi et al. 2010). Figure 1 shows the Judiciary comprises a six-tier court system, government customary law courts utilise customary laws in case judgement (Jok et al. 2004:46). However, for reasons of relevance to this article's core arguments, discussions will focus on the lower or customary law courts (see figure 2) (Bedigen 2017:86). Figure 1 portrays smooth operation between community-based customary institutions, statutory customary and law courts. Jok et al. (2004) indicate 90% of South Sudanese utilise customary courts in resolving all disputes including murder, rape, mutilation, abduction, property rights, and ownership. However, statutory court procedures follow colonial legal system so are confusing to the locals who commonly withdraw their cases from the state justice system and revert to customary institutions and ceremonies/rituals, outside the justice system (Belay 2015b; Jok et al. 2004; Leonardi et al. 2010). More, the customary institutions are free unlike the statutory courts that require the payment of some fees the majority cannot afford. Moreover, customary courts operations within state justice system, do not promote the level of interaction through 'ceremonies, dance and food sharing' present in customary institutions but majorly utilise services of customary leaders in case judgements (Women Focus Group 2013; Latigo, 2008). Just like IGAD negotiation and mediation (Iyob, and Khadiagala 2006; Machar 2015), the system 'delegitimises' the local's socio-cultural peace practises (MacGinty and Richmond 2013:126). Thus, this article argues the holistic inclusion of local institutions and ceremonies in the civil war peace process should not be underestimated, for the inter-ethnic crimes are similar to civil war crimes and local practices 'assert value consensus and social cohesion' vital in peacebuilding (Belay 2015b:3). Also, where wars flare from minor land disputes (Jok 2011; UNISF 2017), it is reasonable to point out that societal customs are a premature peace tool at the national level. **<PULLOUT>This implies statutory customary court, as it is, does not contribute to future inter-communal unity and civil war resolution<PULLOUT>**. Relevant international laws, most especially the humanitarian laws could enhance them.

Figure 1: New Sudan Judicial System –Court Hierarchy

Cases returned for executive action and findings circulated for lower court guidance

Court of Appeal

High Court

County Court

Payam Court

Statutory Law Courts

Regional Court B

Chief's Court A

Customary Law Courts

Source: Jok et al. 2004: 46

Figure 2: Customary institution court hierarchy, disputes/crimes and the New South Sudan Justice System

Executive Chief/King

Sub-chief/Inter Clan or Inter-Ethnic

Clan Head/Elder or Village Chief

Family Head/Elder

Pear-to-Peer

1. Murder mass, meditated and accidental

2. Physical harm: sexual assault, adultery, incest, mutilation and abduction

3. Property: raid, theft, ownership, use, social obligation

4. Marriage: marital problems, separation, divorce and child custody

Customary Law Courts

Statutory Law Courts

Regional Court B

Chief's Court A

Source: Bedigen 2017: 86

Political peace dialogues

The political body that is responsible for the South Sudan peace dialogue is the Intergovernmental Authority on Development (IGAD) (Iyob and Khadiagala 2006; Wol 2014). In 2005, IGAD involvement led to the Comprehensive Peace Agreement which granted autonomy to South Sudan and recognised societal customs as the basis of its governance (Jok 2011). Its provisions state that '...the people of Sudan share a common heritage and aspirations…religion, customs and traditions are a source of moral strength and

inspiration...' And that an establishment of a democratic system of governance would promote 'the cultural, ethnic, racial, religious and linguistic diversity and gender equality of the people of Sudan.' (Yearbook of Islamic and Middle Eastern Law Online n.d: 305). Majority South Sudan delegates to (IGAD), Iyob and Khadiagala (2006), are political leaders from Dinka and Nuer ethnic groups (Sudan Tribune 2018). Their involvement provides an opportunity for them to draw from their customary peace cultures (Bedigen 2017) rather than apply unfamiliar top-down negotiation and mediation approaches (de Waal and Flint 2005). Authors Jok et al. (2004), Leonardi et al. (2010), Machar (2015) indicate other South Sudanese ethnic groups use similar but less known customs, and support major political groups, i.e. The Sudan People's Liberation Movement (SPLA/M)-predominantly Dinka and The Sudan People's Liberation Movement-in-Opposition (SPLA/M-IO)-predominantly Nuer. Thus, applying Cieng, Mabior and Mato Oput mediation, negotiation and cleansing rituals at a national level is contextual, logical and should be understood by 're-conceptualisation' of peacebuilding at national levels (MacGinty and Richmond 2013:102). But how might societal customs be applied?

Findings and discussions: Applying societal customs to civil war

Societal customs, entrenched in the local people's traditions aim to achieve sustainable peace and development through consensus in cultural tenets. Societal customs allow 'social decision-making' (Zartman 2007:8). Interviewees indicate core issues in meeting locals' interests, values and perspectives include: 'security and well-being', 'unity and togetherness', and 'leisure and productivity' (Focus groups 2015). This article identifies these three as core peace-building blocks in societal customs, but are not being met by conventional top-down peace processes. As such, in applying societal customs to the civil war, there is a need to contextualise interests, values, and perspectives in any given peace process that seeks to deliver sustainable peace (Belay 2015b:1). Asante (2003) indicates this Afrocentric or contextualised-based approach should be at the core of problem-solving. Likewise, Francis highlights that 'Peace anywhere must be made by the people who live there' (Francis 2004:43). Moreover, Galtung, expounds on this ideology of sustainable peace, by indicating that peace culture should embrace language, art, ideology, and religion, to guarantee permanent and lasting peace-building (Galtung 1996). Societal customs are significant because they consist of conflict resolution peace approaches that are 'grounded in the local social context' (Belay 2015b; Machar 2015:3). For example, customs such as Cieng, Mabior and Mato Oput are part of Dinka-Nuer daily lifestyles. There is a greater need to know 'when' the local's interests, values, and perspectives can be welcome in a civil war situation. The question is whether the current top-down peace initiatives view societal customs as a necessity in the initial stages of civil war peace processes. Based on context-based approach, top-down methods should involve all community members' interests, values and perspectives on start.

Security and well-being

Applying societal customs to the civil war situation considers both the victims' and perpetrators' interests, values, and perspectives (WFG 2013). During the second civil war, government aerial bombings on civilians disregarded the locals' security interests and worsened conflicts (Reeves 2012). In turn, civilians and community armed groups mounted attacks on government infrastructures and personnel. As indicated by de Waal (2014), the targeted attacks of the second civil war (1983-2005) are similar to the 2013 civil war. The consequence was, the majority of local people lost trust in the government's ability to meet

their security needs, continued to draw from their valuable cultural practices to govern themselves as well as mediate conflicts through customary institutions. Women's and men's focus groups reveal that before negotiations, chiefs order combatants to stop fighting to ensure communities' security. In the post-conflict peace-building for instance, 'well-being of victims (women and children) are catered for by formalising abductors-abductees marriages' (Focus Groups 2015). Such Community-based negotiation produce 'outcome durability' (Zartman 2007:2). For, revenge attacks that flare into civil war can occur if victims are not settled this way. For example, during the Wunlit Dinka-Nuer negotiation, women abductees' interest to stay with their abductor husbands, influenced by the value accorded to marriage and stigmatisation of single/unmarried returnees were met. The chiefs' decisions on 'compensation, resettlement' and formalisation of marriages of abductees to perpetrators were essential (MFG 2015). It helped achieve the societal customs' aims of conciliation and co-existence (Jabs 2014; Belay 2015b:3). By utilising Mabior ritual to cleanse the perpetrators and abductees (Schenkel 2015; Wunlit 1999), relative peace was achieved. Although the CPA provided an interim constitution, emphasising that its source should be in the values of South Sudan's ethnic communities, the Dinka-Nuer conciliation and co-existence perspective on security and well-being appear contrary to the conventional/international law. For instance, in handling the civil war perpetrators, International Criminal Court (ICC) labelled perpetrators criminals, and threats of arrests furthered disintegration between communities (ICC 2015; Macdonald 2017). Thus, some warlords like Joseph Kony, the Lord's Resistance Army (LRA) leader launch fresh attacks on civilians (Macdonald 2017). It is imperative peace actors seek to understand locals' interests, values and perspectives about security and well-being before intervention.

Further, given the high level of continuous devastation, conventional methods appear to be insensitive to the local people's plight. They are reliant on 'linear' protocols that, since the first Sudan civil war (of 1955), have contributed to fragile peace agreements such as the 1972 Addis Abba agreement and the 2005 Comprehensive Peace Agreement (CPA) (Belay 2015a; MacGinty and Richmond 2013:4). The CPA did grant South Sudanese autonomy but did not end the war at inter-ethnic levels. It helped found political positions for war Lords whose interests were not in working toward sustainable peace for future development. Wol (2014, 3), highlights the 2013-2014 IGAD inefficient peace process and says that 'There was no occasion where the IGAD-led mediation allowed the warring parties to sit and discuss the root causes of the conflict' The act of sitting to talk with locals could help reveal perspectives on peace, security and well-being. The question remains why international perspectives take priority on perpetrator-victim handling at national levels. This article seeks to argue that even though limitations exist within societal customs, Jeong (2005), for example in the handling of 'victim's rights' as seen in adductor-abductee marriages, they are still viable in delivering sustainable peace as such unions prevent retaliation (Jok et al. 2004; Leonardi et al. 2010). Interviewees indicate the Acholi of both South Sudan and Northern Uganda utilised Mato Oput to cleanse and reintegrate both victims and perpetrators, and Cieng was utilised by Dinka and Nuer to disarm, cleanse and reintegrate ex-combatants.

Unity and togetherness

Mbiti (1970) indicates that the African concept of humanity is constituent of two principles: unity and togetherness. In the context of this work, this implies the local people, family, community or neighbourhood and their creations – such as conflict resolution methods. Mbiti's work further shows that humanity and its environment are a collective identity. For instance, during peace-making, humans utilise animals, herbs and may hold cleansing ceremonies/rituals in the forests. These two principles are embedded in the Dinka and Nuer

ethnic community's belief of itself. For instance, interviewees indicate that the Dinka refer to themselves as the 'people of the people', and the Nuer or Naath as they prefer to be called refer to themselves as Diel 'clan or unit' (Focus groups 2013). As such, these two principles run through the community's political, religious, economic, philosophic and social (family, lineage and clan association) systems. Jabs (2014) explain that the concept of togetherness is the ideal of human relationships, family and community as well as integrity and dignity. Togetherness puts emphasis on harmony and interdependence, in that what affects an individual is believed to affect the whole family and community. Kamwara and Katola (2012) indicate that unity is doing things together as a family, blood relations, or demonstrating oneness. While unity implies combining the victim's and perpetrator's societal customs in an inter-ethnic conflict resolution process, togetherness is the cooperation in doing so. Thus, these principles call for all men, women, the young and opposition to forget the evil past and commit to peacebuilding, for a common benefit (Bedigen 2017).

<PULLOUT>Unity and togetherness cultivate a sense of belonging and satisfaction in members as well as guide the communities' interests, values, and perspectives throughout the peace process<PULLOUT> The success of conflict causes' 'investigation and resolution lies in unity and togetherness' (MFG 2015). These two principles are inbuilt in Cieng practice that expects all members to participate (Deng 1980; 2013). Thus, the interrogation process is inclusive of all actors in the conflict (Belay 2015b). For example, both passive and active actors or individuals, family, extended family, clan, community members, friends, and neighbours are all interrogated to establish facts. The advantages of these principles are that no one is left uninformed, nor isolated from any aspects of the society and harmonious relationships, irrespective of their past actions or social affiliation (Belay 2015b). Adding, Jabs (2014) indicates customary approaches emphasise an individual's responsibilities and obligations to their family, kin, village or community to which they are part. As such, a community in unity demonstrates their deeper aspirations for peaceful living through voluntary participation in matters of concern (Adebayo et al. 2014; Gatkuoth 2010). Because peaceness is inclusive of all humans and their environment, refusal to participate is believed to attract illnesses or misfortunes that not only affect an individual but the whole community. For example, Mato Oput and Mabior rituals involve 'stepping on an egg' and 'washing of feet' to cleanse perpetrators, victims and non-intended crimes such as those abductees ordered to kill (Latigo 2008; Wunlit 1999). Adding, Kamwaria and Katola (2012) indicate that the Dinka concepts of health and illness encapsulate Cieng cleansing rituals, whose aims are conflict-prevention and peace-making that is only possible to achieve through unity and togetherness. This perspective of unity and togetherness during arbitration can be seen to be insensitive, lacking in quality and concern in human rights as the justice process appears un-strategic, coercive and prolonged (Mansell et al. 1995).

Also, societal customs can be contradictory as 'customary laws require men to unite and work together in providing security' to their family/community (YFG 2013). At times, this security role can be overstepped. During the civil war, for example, Dinka and Nuer community guards transformed into militia groups that caused violence within their communities (Kok 2011). On a positive note, the Dinka Cieng assumption that conflict affects all community members means it is sensible to be inclusive (Kamwara and Katola 2012). Unlike top-down approaches which involve mainly political leaders, exclude community members and isolate perpetrators throughout trial and imprisonment.

Leisure and productivity

Conventional methods are concerned with the streamlined protocol that starts with the legal classification of war before the intervention (Pantuliano 2009). Once the intervention has taken place, peace actors become involved in lengthy negotiations, which exclude 'work-leisure' activities and ultimately delays 'productivity' (WFG 2015). The current IGAD negotiation excludes Cieng and Mabior practices (Jok 2011) where work-leisure activities, such as 'hunting', 'fishing', 'harvesting', 'dancing' and 'visitations' are part of resolving disputes and rebuilding relationships (YFG 2015). After the Wunlit conference, chiefs encouraged members to visit each other's communities and be involved in these kinds of social activities (Wunlit 1999). Wunlit kept communities in peace for nearly a decade. This is contrary to killings, property destruction, abductions, and all other war-related forms of suffering that continue despite the conventional politically-led negotiations (Prunier 2005). For instance, since 1983, various pro-western conflict resolution attempts have taken place at the national level. To pursue a resolution, the United Nations (UN), African Union (AU) and regional governments through IGAD (de Waal 2017; Iyob and Khadiagala 2006), have led and implemented conventional methods of conflict resolution, such as Torit conference (Simonse and Kurimoto 2011). At local levels, foreign-led youth and elders' peace training workshops, seminars and conferences have taken place (Simonse and Kurimoto 2011; Wunlit 1999). However, such top-down approaches that require locals to learn new peace-building skills and knowledge rather than build on the existing have not delivered sustainable peace in South Sudan. Inserting local peace-building leisure and productive activities in the conventional top-down style civil war resolution should provide a better resolution process/outcome. This claim is made on the basis that, leisure and productivity encourage creativity in peace-building, co-existence and eventually prevent the greater impact of famine and war.

Although locals' interests and values can be met through careful consideration of their perspectives on security and well-being, unity and togetherness, leisure and productivity, this article recognises that limitations exist in applying societal customs to the civil war situation. In a full-blown conflict, it might be too slow as it takes time to identify and organise suitable ceremonies/rituals (Mbiti 1970; Ogot 1999). Adding, these ceremonies are considered divine (Belay 2015b; Mbiti 1970) and must be spear-headed by a spiritual, customary leader, and the lead-perpetrator must be present. Interviewees indicate 'the Acholi community in South Sudan cannot perform all aspects of Mato Oput rehabilitation ritual while Kony, LRA leader is absent' (MFG 2014). Likewise, Mabior or Cieng cleansing rituals cannot come to completion while both the SPLA/M and SPLA/IO are still fighting. Societal customs encourage a peace process to start once fighting and bloodshed has ceased. Based on this, and where western or conventional theories emphasis 'linear and logical' reconciliation processes, merging both top-down and bottom-up approaches might prove a challenge but possible and beneficial to IGAD negotiations (Pantuliano 2009:135). This raises questions on what an ideal peace approach is and how different actors should understand it. While trajectories remain different, researchers are indebted to explore context-based peace approaches further, highlighting possibilities of their inclusion.

Conclusion

This article demonstrates societal customs prevalence, significance, and relevance in the South Sudan civil war situation. There is a general concern (in particular among locals) that the manner in which inter-ethnic and civil war crimes are subject to conventional top-down peace process cannot reconcile deeply divided communities and produce sustainable peace. As a consequence of this general concern – a few have started to engage versions of societal customs that would ultimately shape, if not alter the current socio-political reality. Moreover,

when customary laws and practises are excluded from national peace processes, achieving conciliation through a regional politically-led version of a conventional top-down peace process proves even more difficult. As seen in the 2013 civil war causes (de Waal 2017; Machar 2015), the absence of local peace approaches at the IGAD-led peace process not only encourages inter-ethnic violence but also constitutes neglect of communities' interests, values and perspectives. Ultimately, this slows the transition process and delays the much needed sustainable peace. If societal customs are the basis upon which the Dinka and Nuer, and other South Sudanese reconcile, Jok et al. (2004:2011), ignoring them hinder the essence of community involvement in peace processes.

It is unjust to judge traditional conflict resolution methods by international standards, for the reason that the two cannot compare**.** This is because doubts over customary peace approaches' capability at a state level and the extent to which they are relevant to the civil war situation rest upon the dominant Eurocentric ideology that African nations are incapable of resolving their problems (Gebre et al. 2017). One could argue the absence of customary institutions and ceremonies/rituals at the national peace processes make achieving sustainable peace even harder. Lack of a platform where victims, perpetrators and other community members can tell their stories and participate in the peace-building socio-economic activities foster sentiments that flare inter-ethnic conflicts into civil wars.

This exploration strengthens earlier views by the United Nations Development Programme that '…all levels of society will be required to restore the broken relationships and rebuild the country' (UNDP 2016:27). The challenges towards this goal include the regional-led and political context in which South Sudan civil war peace processes are run, difficulty in choosing suitable customs and capable customary-based leadership. Moreover, considering the humanitarian crisis, Aall and Crocker (2017), and the internationally-sponsored IGAD peace processes, one questions if societal customs will ever be a priority?

Also, the role societal customs should play in the resolution of a civil war remains under-researched and has to be implemented by various grassroots actors involved in peace work. Arguments provided here may be premature to resolve the ongoing conflict but provides crucial information that can be useful to the current peace processes. Also, the justice system constitutes of societal customs, and that majority prefer it in resolving all disputes, a deliberate insertion of these customs into IGAD peace processes may produce a better outcome.

To conclude, this exploration has shown what societal customs are, their position in the national system, capability in inter-ethnic conflicts and relevance in the civil war situation. The Dinka and Nuer have mostly utilised Cieng, Mabior and Mato Oput institutions, customary laws and practises in the resolution of inter-ethnic crimes similar to civil war crimes, and the maintenance of peaceness. While this is undeniably a significant role societal customs play, this article argues its potential at civil war resolution is mostly unexploited. The absolute absence of locals and their cultures at IGAD peace processes can have a disempowering impact on the communities and the nation at large. It alienates the locals and their cultures in constructing the socio-cultural and national identity that help keep sustainable peace. This work highlights a way of exploring further the themes (customary laws and practises) and of thinking about how/why/when these can be applied to local's interests, values and perspectives in the local conflict management and civil war resolution. **<PULLOUT>Thus, by taking note of localised customs that shape peace culture in the region, we can begin to employ more creatively with the critical 'relevance' question**. **<PULLOUT>**

References

Aall, P. and Crocker, C.A. 2017. eds, The fabric of peace in Africa: looking beyond the state. McGill-Queen's Press-MQUP.

Adebayo, Akanmu G., Jesse J. Benjamin, and Brandon D. Lundy, eds. 2014. Indigenous Conflict Management Strategies: Global Perspectives. Lanham, MD: Lexington Books. https://rowman.com/ISBN/9780739188040

Adebayo, A.G., Abdallah, M., Adesina, O.C., Adéyẹmí, O., Agena, J.E., Agbor, S.O., Ajibade, G.O., Amadi, L., Asogwa, F.C., Brewoo, S. and Danso, S.O. 2015 eds, Indigenous conflict management strategies in West Africa: Beyond right and wrong. Lexington Books.

Baines, E. K. 2007, The haunting of Alice: Local approaches to justice and reconciliation in Northern Uganda. International Journal of Transitional Justice, 1(1), pp. 91-115.

Belay T, 2015b, Conflicts, Conflict Resolution Practices and Impacts of the War in South Sudan. International Journal of School and Cognitive Psychology S2: 013. Doi:10.4172/ijscp.S2-013.

Belay T. 2015a, Armed conflict, violation of child rights, and implications for change. Journal of Psychology and Psychotherapy, 5 (4), 202. Doi: 10.4172/2161- 0487.1000202.

Bedigen, W. 2017, Traditional Conflict Resolution. The Nilotic Lwo of South Sudan. [PhD Thesis]. Leeds Beckett University. UK.

Brewer, C. 2010, Disarmament in South Sudan. Case Study No. 7 in Complex Operations Case Studies Series.

Bradbury, M., Ryle, J., Medley M. and Sansculotte-Greenidge. K. 2006, Local Peace Processes in Sudan: A Baseline Study. London, Rift Valley Institute.

Clandinin, D.J. 2006 eds, Handbook of narrative inquiry: Mapping a methodology. Sage Publications.

Connelly, M. and Clandinin J. D. 1990, Stories of experience and narrative inquiry. Educational Researcher, 19(5), pp. 2-14.

Crazzolara, J. P. 1950, Lwoo Migrations. Verona, Italy, Missioni Africane.

de Waal, A. D. & Flint, J. 2005, Darfur: A Short History of a Long War. Zed, London.

de Waal, A. 2017, Peace and the security sector in Sudan, 2002–11, African Security Review, 26:2, 180-198, DOI: 10.1080/10246029.2017.129758.

Deng, F. M. 1980, The Dinka Cosmology. London, Ithaca Press.

Deng, L. A. 2013, The Power of Creative Reasoning: The Ideas and Vision of John Garang. Bloomington, IN, iUniverse.

Fern, E.F. 1982, Why do focus groups work: A review and integration of small group process theories. ACR North American Advances.

Francis, D. 2004, Rethinking War and Peace. London, Pluto Press.

Galtung, J. 1996, Peace by Peaceful Means. London, Sage.

Gatkuoth, R. P. 2010, The Nuer Traditional Time: Social Life and Culture. <http://www.southsudannewsagency.com/opinion/articles/the-nuer-traditional-time-social-life-and-culture> [Accessed: 19 December 2013]

Gebre, Y.G. and Ohta, I. 2017, African Virtues in the Pursuit of Conviviality: Exploring Local Solutions in Light of Global Prescriptions. African Books Collective.

International Criminal Court. 2015, The Prosecutor v. Dominic Ongwen. <https://www.icc-cpi.int/en_menus/icc/situations%20and%20cases/situations/situation%20icc%200204/related%20cases/ICC-02_04-01_15/Pages/default.aspx> [Accessed: 19 December 2015]

Iyob, R. and Khadiagala, G. M. 2006, Sudan: The Elusive Quest for Peace. Boulder, CO, Lynne Rienner Publishers.

Jabs, L. B. 2014, 'No monkey destroys his forest': A review of traditional African interpersonal conflict management. Journal of Global Peace and Conflict, 2(1), pp. 1-24.

Jeong H-W. 2005, Peacebuilding in Postconflict Societies. London, Sage.

Jok, A. A., Leitch A. R. and Vandewint, C. 2004, A Study of Customary Law in Contemporary Southern Sudan. Rumbek, South Sudan, World Vision International

Jok, J.M. 2011, Diversity, unity, and nation building in South Sudan. Washington, DC: US Institute of Peace.

Kamwaria, A. and Katola, M. 2012, The role of African traditional religion, culture and world-view in the context of post-war healing among the Dinka community of Southern Sudan. International Journal of Humanities and Social Science, 2(21), pp. 49-55.

Kitzinger, J. 1994, The methodology of focus groups: the importance of interaction between research participants. Sociology of health & illness, 16(1), pp.103-121.

Kok, L. F. 2011, Nuer-Dinka animosity: Tension between Nuer and Dinka is nothing new. South Sudan News. Sudan.

Latigo J. O. 2008, Northern Uganda: Tradition-based Practices in the Acholi Region. Stockholm, International Institute for Democracy and Electoral Assistance.

Lederach, J. P. 1997, Building Peace: Sustainable Reconciliation in Divided Societies, Washington, DC: United States Institute of Peace Press.

Leonardi, C., Moro, L. N., Santschi, M. and Isser, H. D. 2010, Local Justice in South Sudan. Peaceworks Number 66. Washington, DC, United States Institute of Peace.

Macdonald, A. 2017, 'In the interests of justice?' The International Criminal Court, peace talks and the failed quest for war crimes accountability in northern Uganda, Journal of Eastern African Studies, 11:4, 628-648, DOI: 10.1080/17531055.2017.1379702.

Mac Ginty, R. and Richmond, O. P. 2013, The local turn in peace building: A critical agenda for peace. Third World Quarterly, 34(5), pp. 763-783.

Machar, B. 2015, Building a Culture of Peace through Dialogue in South Sudan. Juba, South Sudan, The SUUD Institute.

Mansell, W., Meteyard, B. and Thomson, A. 1995, A Critical Introduction to Law. London, Cavendish Publishing Limited.

Mansuri, G., and V. Rao. 2004, 'Community-Based and Community-Driven Development: A Critical Review.' World Bank Research Observer 19(1). Oxford University Department of Economics. Pastoral Areas of Ethiopia', Addis Ababa: Unpublished report.

Manyok, P.T. 2017. Cattle Rustling and Its Effects among Three Communities (Dinka, Murle and Nuer) in Jonglei State, South Sudan.

Mbiti, J. S. 1970, Concepts of God in Africa. London, SPCK.

Ogot, B. A. 1999, Building on the Traditional: Selected Essays 1981-1998. Nairobi, Anyange Press Ltd.

Pantuliano, S. 2009, International engagement in fragile states: lessons from Southern Sudan (Vol. 135). Overseas Development Institute.

Reeves, E. 2012, *Sudan: Aerial Military Attacks on Civilians and Humanitarians: 'They Bombed Everything that Moved', 1999* – 2012. African Arguments. <http://africanarguments.org/2012/01/18/they-bombed-everything-that-moved-aerial-military-attacks-on-civilians-and-humanitarians-in-sudan-1999-2012-by-eric-reeves/> [Accessed: 21 March 2014]

Salman, S.M. 2014. Water resources in the Sudan North-South peace process and the ramifications of the secession of South Sudan. Water and post-conflict peacebuilding.

Schenkel, M. 2015, Uganda: The thin line between victim and perpetrator. Mail&Guardian. 16 February. <http://mg.co.za/article/2015-02-16-uganda-the-thin-line-between-victim-and-perpetrator> [Accessed: 12 December 2015]

Schwabe, C.W. 1987. Dinka" Spirits", Cattle and Communion. Journal of Cultural Geography, 7(2), pp.117-126.

Simonse, S. and Kurimoto, E. 2011 eds, *Engaging 'Monyomiji', Bridging the Gap in East* Bank Equatoria: Proceedings of the Conference 26-28 November 2009. Nairobi, Pax Christi Horn of Africa.

Sudan Tribune. 2018, South Sudan's planned election violates peace process: Amum <http://www.sudantribune.com/spip.php?article65259> [Accessed:31 December 2018]

United Nations Development Programme (UNDP). 2016, 'Breaking the Vicious Cycle of Conflict in South Sudan: A Call to Action'; United Nations Development Programme; South Sudan.<https://reliefweb.int/report/sudan/ngok-dinka-and-misseriya-women-support-peacebuilding-efforts-abyei> [Accessed: 18 January 2017]

United Nations Interim Security Force for Abyei (UNISFA). 2017, Ngok Dinka and Misseriya women support peacebuilding efforts in Abyei.

Wallensteen, P. 2004, Understanding Conflict Resolution: War, Peace and the Global System. London, Sage.

Wol, D. M. D. 2014, South Sudan Conflict: IGAD fights, mediates and negotiates. Sudan Tribune. 10 September. <http://www.sudantribune.com/spip.php?article52349> [Accessed: 19 December 2014]

Wolf, M. 2014, Women Take Role in South Sudan Peace Talks. Voice of Africa.

Wolff, S. 2006, Ethnic Conflict: A Global Perspective. Oxford University Press.

Wunlit Peace and Reconciliation Conference. 1999, Appendix: Wunlit Recommendations on Abductions. From the Dinka Nuer West Bank Peace and Reconciliation Conference in Wunlit, March 1999. <http://southsudanfriends.org/wunlit/index.html> [Accessed: 10 December 2013]

Yearbook of Islamic and Middle Eastern Law Online, E., The Comprehensive Peace Agreement between The Government of The Republic of The Sudan and The Sudan People's Liberation Movement/Sudan People's Liberation Army Sudan. Yearbook of Islamic and Middle Eastern Law Online, 10(1), pp.303-308.

Zartman, I.W. 2007, Negotiation and conflict management: Essays on theory and practice. Routledge.

List of focus groups cited in the article

-Men Focus Group, Members of LSCA. Leeds Sudanese Community Centre in Leeds 2013 and 2015.
-Women Focus Group, Members of LSCA. Leeds Sudanese Community Centre in Leeds 2013 and 2015.
-Youth Focus Group, Members of LSCA. Leeds Sudanese Community Centre in Leeds 2013 and 2015.
-Focus Groups, Members of LSCA. Leeds Sudanese Community Centre in Leeds 2013 and 2015.