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Contents

THE UKRAINIAN REVOLUTION:
OVERVIEW AND CAUSES

Alexandra MIHALI

Abstract. *The purpose of this paper is to give an overview of the events that took place in Ukraine in the latest months and, based on that, to identify and analyze the triggers that led to the escalation of the conflict, as well as the structural causes that influenced the current situation. Moreover, the article is meant to establish whether the Ukrainian revolution does in fact constitute an international crisis and the link between crisis and conflict in this particular case study.*

Keywords: *Ukraine, international crisis, conflict, protests, triggers, structural causes, timeline, war, strategic importance, revolution.*

Alexandra MIHALI
research assistant,
Conflict Studies Center
Email: alexandra.mihali@fspac.ro

Introduction

Ukraine has recently been on everyone's lips, especially on those of journalists, politicians, international relations specialists and policy makers. In order to understand this complex situation, it is very important to identify and analyze the triggers that led to the escalation of the events. Furthermore, the conflict cannot be understood without an analysis of the main (structural) causes that generated it.

There have been many opinions voiced, many positions taken on the issue, but whether they are pro-Western or pro-Russian, the first step is to provide an objective timeline of events, that will serve as basis for the analysis on triggers and causes.

Timeline of events

It all started on November 21st, 2013, when Ukraine's president Viktor Yanukovych an-

nounced the abandonment of a trade agreement with the European Union. Since 2008, the EU has negotiated a Deep and Comprehensive Free Trade Agreement (DCFTA) with Ukraine. The DCFTA was meant to be part of a future Association Agreement, which would replace the present Partnership and Cooperation Agreement between the EU and Ukraine (which dates from 1998) (European Commission website, 2014). The signing of this agreement was thought to be directed at pulling Ukraine out of Russia's orbit and bringing the country closer to the Western states (Traynor&Grytsenko, 2013).

By November 30, public support for pro-EU anti-government protesters grew and on December 1st, 2013, more than 300,000 people were protesting in Kiev's Independence Square. A month later, anti-protest laws were passed and the first victims arose from the protests. In the meantime, Russian President Vladimir Putin announced plans to buy $15bn in Ukrainian government bonds and a cut in cost of Russia's natural gas for Ukraine. On January 28, Mykola Azarov resigned as Ukraine's prime minister and the parliament repealed anti-protest laws that caused the demonstrations to escalate in the first place. As the parliament stalled passing constitutional reform to limit presidential powers and comply with protesters' demands, the latter took back government buildings. The deadliest day of the crisis was February 20, when government snipers shot protesters from rooftops, leading toover 70 deaths. The following day, protest leaders, the political opposition and Yanukovich agreed to form a new government and hold early elections. Yanukovich's powers were slashed. The parliament voted to free YuliaTymoshenko, the former Prime Minister, from prison, and Yanukovich fled Kiev after protesters took control of the capital. Further on, Ukrainian politicians voted to remove Yanukovich and assign presidential powers to its new speaker, Oleksandr Turchinov, an ally of Tymoshenko. On February 24, Ukraine's interim government drew up a warrant for Yanukovich's arrest, as pro-Russian protesters rallied in Crimea against the new Kiev administration. Crimean Tartars supporting the new Kiev administration clashed with pro-Russia protesters in the region and, by the end of February, Pro-Kremlin armed men seized government buildings in Crimea. The Ukrainian government vowed to prevent a country break-up as Crimean parliament set May 25 as the date for referendum on region's status. In this time, Yanukovich was granted refuge in Russia. The situation got worse when armed men in unmarked combat fatigues seized Simferopol international airport and a military airfield in Sevastopol and the Ukrainian government accused Russia of aggression. The UN Security Council held an emergency closed-door session to discuss the situation in Crimea. After this, the US warned Russia of militarily intervening in Ukraine. At this point, the international community got involved in the crisis. Russia responded that military movements in Crimea were in line with previous agreements to protect its fleet position in the Black Sea.

The first of day of spring came with bad news for the region, as the situation worsened in Crimea: local leaders asked for Russian President Vladimir Putin's help. The Russian upper house of the parliament approved a request by Putin to use military power in

Ukraine. The next day, a convoy of hundreds of Russian troops headed towards the regional capital of Ukraine's Crimea region, a day after Russia's forces took over the strategic Black Sea peninsula without firing a shot. Arseny Yatsenyuk, Ukraine's new Prime Minister said his country was on the "brink of disaster" and accused Russia of declaring war on his country. NATO stepped up with a statement saying that Moscow was threatening peace and security in Europe. In the same time, the Russian position was that the country reservedits right to use all means to protect its citizens in eastern Ukraine (Al Jazeera, 2014).

By March 5, the involvement of the international community was more visible. US Secretary of State John Kerry sought to arrange a face-to-face meeting between Russian and Ukrainian foreign ministers. However, Sergey Lavrov refused to talk to his Ukrainian counterpart, Andriy Deshchytsia. Meanwhile, NATO announced a full review of its cooperation with Russia. Additionally, the US announced visa restrictions on Russians and Ukraine's Crimean inhabitants who it said were "threatening the sovereignty and territorial integrity of Ukraine". Meanwhile, Crimea's parliament voted unanimously in favor of joining Russia. Hours later, the city council of Sevastopol in Crimea announced joining Russia immediately. In response, Ukraine offered to hold talks with Russia over Crimea, but on the condition that the Kremlin withdrew troops from the autonomous republic. This time, top Russian politicians met Crimea's delegation with standing ovation and expressed their support for the region's aspirations of joining Russia (Al Jazeera, 2014).

On March 11, the EU proposed a package of trade liberalization measures to support Ukraine's economy and the Crimean regional parliament adopted a "declaration of independence". Also, US President Barack Obama met with Yatsenyuk at the White House in a show of support for the new Ukrainian government and declared the US would "completely reject" the Crimea referendum (Al Jazeera, 2014).Two days later, German Chancellor Angela Merkel warned Moscow of potentially "massive" long-term economic and political damage if the crisis was not resolved. By mid-March, UN Security Council members voted overwhelmingly in support of a draft resolution condemning an upcoming referendum on the future of Crimea as illegal. Russia vetoed the action and China abstained. Still, partial results from Crimea's referendum showed 95 percent of voters supported the union with Russia, according to the Russian state news agency RIA. On March 17th, the EU and the US announced sanctions like travel bans and asset freezes against a number of officials from Russia and Ukraine (BBC News, 2014).

Methodology

This paper aims at identifying the main triggers and causes of the Ukrainian revolution, as well as offering an overview of the events that led to the current situation. In doing so, the main research method is document analysis. Starting with a detailed analysis of news articles for the timeline of events and then analyzing reports, opinion articles and

international reactions in order to identify the triggers and causes, I then applied The International Network for Education in Emergencies (INEE) model of conflict analysis to the crisis in Ukraine. The model was not applied entirely, but shaped for the case study in discussion and for the purpose of this paper.

Profile and strategic importance

Ukraine is a very important state in terms of geopolitical and strategic significance. Currently, the population of Ukraine is one of the largest in Europe, with more than 44.6 million people, and it is also one of the biggest countries in the world and the second largest country in Europe, after Russia. Its dimensions make it an important market for both EU and Russian goods (Adusei, 2014).

Ukraine is also a major transit point for oil and gas coming from Russia and Central Asia to the EU. Most of the gas and oil pipelines carrying hydrocarbon products to the EU from Russia pass through this country. In 2004, for example, more than 80% of Russian gas exported to Europe came through Ukrainian pipelines. And currently more than 70% of Russian gas enters Europe through Ukraine. These pipelines consist of 36,720 km for gas, 4,514 km for oil, and 4,363 km which carry refined products. Any disruption of these pipelines or the flow of petroleum products will bring untold suffering to millions of Western Europeans who depend on gas coming from Russia (Adusei, 2014).

But Russia's interests in Ukraine go beyond the economic sphere. Ukraine is also important for military reasons; the Ukrainian city of Sevastopol is the headquarters of Russia's Black Sea Fleet. Ukraine's strategic location as a borderland between Russia and Europe and its proximity to Russia's own breadbasket and economic heartland in the Volga region make the country key to Russia's geopolitical strength and, ultimately, its survival (European Dialogue, 2011). Ukraine shares a 1,576 km-long border with Russia in the east, making it a strategic country especially for the US and its Western allies who want to prevent Russia from expanding its influence westwards. In terms of security, Russia's topography is flat and often considered indefensible because of the lack of geographical barriers. Therefore, Ukraine serves as a "buffer zone" and can slow down any military expansion directed at Russia. Ideologically speaking, Ukraine can be seen to be at the core of Russian identity, because it united the lands of modern Russia, Belarus, and Ukraine (Caspian Report, 2014).

Some say that Ukraine is of great importance for any power that wants to undermine the Russian Federation (Caspian Report, 2014).

Triggers

There are several events and actions that can be considered triggers of the Ukrainian crisis. The latest developments in the country are the result of a four-month-long standoff between protesters and the Yanukovych government.

The protests erupted on November 21ˢᵗ, when President Viktor Yanukovych backed down from signing a trade agreement with the European Union. The setting for this agreement is given by the importance of Ukraine as a commercial partner of the EU. Ukraine's primary exports to the EU are iron, steel, mining products, agricultural products, and machinery, whereas EU exports to Ukraine are dominated by machinery and transport equipment, chemicals, and manufactured goods (European Commission website, 2014). According to the European Commission website, the Free Trade Agreement is designed to cover all trade-related areas (including services, intellectual property rights, customs, public procurement, energy-related issues, competition, et cetera). The free trade area between the EU and Ukraine is meant to deepen Ukraine's access to the European market and to encourage further European investment in Ukraine.

As we can see, a straightforward conclusion would be that the EU wanted more Eastern European economies to enter into their trade agreements, while Ukrainians longed for stronger relations with the more modern and productive Western economies. Although it appeared to be a "win-win" situation at a first glance, the desire for economic reform was not enough (Curran, 2014). Some say that this sudden change in Yanukovych's approach was actually in favor of Russia. When the deal with the EU was considered last year, the Ukrainian President began to capriciously voice doubts in the final stages about signing the EU's proposed association agreement. This was a clear sign for the Ukrainian people that the rejection of the agreement would be in favor of Russia. And so, a few days later, President Yanukovych accepted a new deal from Russia in the form of $15 billion in aid and other economic benefits.

This retreat under the wing of Russia immediately triggered a response from the Ukrainian people. Only hours after the rejection of the EU proposal, thousands of protesters took to the streets of Kiev to express their disagreement with the president's decision and to call for economic reform (Curran, 2014).

The second trigger actually consists of the response the Ukrainian governmental forces gave to the peaceful protests. The Ukrainian government began to carry out aggressive action. Riot police, armed guards, and military personnel quickly descended on protest sites throughout Ukraine in order to shut down the opposition. Tensions between the two groups quickly escalated, with online videos showing protesters throwing Molotov cocktails at riot police and armed guards tormenting opposition prisoners. By mid-February, when the number of victims was increasing, the chance of a resolution between the opposition and President Yanukovych seemed unlikely (Curran, 2014).

Unable to contain the revolt spreading through hostile regions, Yanukovych tried to use yet more lethal force in Kiev. Violent escalation, including random killings of protesters by snipers, only served to reinforce the impression of absolute power gone wild and strengthen the key motivation for opposing it. With two remaining options – ordering mass bloodshed or surrendering his powers – Yanukovych recognized the limits of his

loyal troops and signed a deal with the opposition to shift most of his formal powers to parliament. This also sealed his fate. The moment the agreement was finalized, the coercive basis of his rule crumbled (Kudelia, 2014).

According to the polls conducted over the last three months, two-thirds of protesters consistently named the government's harsh repression of protesters as the main reason for their own decision to protest. Less than a fifth named authoritarianism or integration with Russia as motives (Kudelia, 2014).

In addition to the violent response of the Ukrainian government, another aspect that could be considered a trigger is the Russian response to the crisis. After the opposition had taken over Kiev and the Ukrainian President fled to Russia, unmarked guards started to appear at the Ukrainian-Russian border. More than this, Russian President Vladimir Putin ordered an urgent drill meant to test the combat readiness of the Russian armed forces across the west of the country. This drill involved more than 100,000 troops, many situated in proximity of the Ukrainian border. Although Russia said that the exercises were not linked to the events in Ukraine (Gutterman, 2014), this gesture raised concerns in the international community regarding Russia's possible military intervention in Ukraine. Also, many believe that President Putin's deliberate show of force sent the message that Russia was prepared to go to war with Ukraine (Curran, 2014). After this drill, the unmarked soldiers quickly began to enter the Ukrainian province of Crimea and, pretty fast, President Putin received approval from the parliament to send more troops to Ukraine.

As we can see, all these actions and events contributed to the rapid escalation of the Ukrainian crisis. What started as peaceful protests against the decision of President Yanukovych, became a violent conflict because of the aggressive response of the Ukrainian governmental forces and also due to the controversial Russian reaction to the situation.

Causes (structural causes)

For the purpose of this paper, the structural causes that led to the current situation in Ukraine will be analyzed. In short, structural causes are pervasive factors that have become built into the policies, structures and fabric of a society and may create the pre-conditions for violent conflict. There are several causes that can be identified in the Ukrainian society and policy making and which stand at the origins of the revolution.

On December 8th, 2013, the statue of Lenin from Kiev was vandalized. The presence of this statue was symbolic in Ukraine and meant strong and unbreakable ties with Russia (Wolczuk&Wolczuk, 2013). But, as Lenin fell, the feeling that the refusal to sign the trade agreement with the EU was just the straw that broke the camel's back became a certainty.

Ukraine's foreign policy has been characterized, since its independence in 1991, by a single central feature: a reluctance to commit to one side or the other. However, the

international situation shows that this option will no longer be available to Ukraine. And the choice is simple: associating with the EU or joining Russia, because they are, as things stand, mutually exclusive. Turning to Russia meant the exclusion of the European option – hence the fury in Kiev (Tucker, 2013).

Probably the most obvious cause of the Ukrainian conflict is the dissatisfaction of the people. There is no doubt that many Ukrainian people were deeply unhappy with the regime in power and with Yanukovych. This has been going on for many years. In September 2010, a few months after Yanukovych's election, he pushed for a return to the presidential system (Ukraine had had a mixed system), which formalized his dominance over the legislature and the executive branch. It seemed, at that time, that the criteria for government appointments were either ties with the president's native Donetsk or personal ties to his family. The situation got worse and, by September 2013, officials from Donbas, the metropolitan area that contains Donetsk, controlled half of all government ministries, including the lucrative energy ministry and the interior ministry, and occupied high-ranking positions in two-thirds of the country's oblasts (Kudelia, 2014). Gradually, key businessman and politicians became loyal to Yanukovych. This might seem surprising, since betrayal by insiders was the leading cause for the fall of regimes in the last decades. But it is a widely spread opinion that the reason why Yanukovych managed to hold his regime together for so long was, in fact, the clientelistic web of personal dependencies and individual insecurities that he had learned to exploit so well. Economic collapse could have sped up the collapse of his regime, but with support from Russia he managed to control this aspect, too (Kudelia, 2014).

Taking this into account, it is no surprise that the Ukrainian people are dissatisfied. What they want is prosperity, safety, the rule of law, business opportunities, and the means for personal, social, professional and spiritual development. Basically, they want what every human being wants: decent living conditions. Some of them see the EU as the best hope of achieving this goal, while others see a participation in an economic union with Russia, Belarus, and Kazakhstan, as a much better option (Vineyardsaker, 2014).

Another relevant cause, which is strongly linked to the previous one, is national division. With the risk of oversimplifying the issue, it is not unfair to split Ukraine into a mostly Europe-leaning, Ukrainian-speaking west and a mostly Russia-leaning, Russian-speaking east. In terms of sociocultural identity, Ukraine could almost be considered two different countries, and this is reflected in its politics (Simms, 2014). In 2004, after a decade of government incompetence, corruption and a disastrous economy, the year's presidential elections would inevitably be close. Viktor Yushchenko suffered a mysterious poisoning that left his face disfigured. Viktor Yanukovych claimed victory over his opponent, Viktor Yushchenko, in a run-off, until reports of fraud and rigged elections came in, prompting massive, peaceful street protests in Kiev, dubbed the Orange Revolution. The protests managed to get the original vote annulled, the nation's Supreme Court called

a new election, and Yushchenko beat Yanukovych with 52% of the vote (Yuhas&Jalabi, 2014). As time passed by, reforms seemed more and more unlikely due to corruption and economic problems, and by the 2010 election, dissatisfaction with Yushchenko's failure to reform the economy and get closer to Europe, helped his opponent, Viktor Yanukovych, win the elections (Yuhas&Jalabi, 2014).

Strongly linked to political division, there is a strong economic division. As is the case with much of post-Soviet Russia, Ukraine, too, saw the rise of an oligarchical class who quickly captured former state assets, and then got involved in politics to protect their economic gains. While these oligarchs span the political spectrum, they have mostly been a conservative force in Ukrainian politics, fearing that closer integration with the EU could damage their standing. The allegations of corruption surrounding these oligarchs, along with the dire economic situation in Ukraine, have combined to fuel much of the discontent of recent months (Simms, 2014).

The last structural cause we will analyze is the need for reform in the country. Of course, the subject has already been tackled in the previous paragraphs and will not be insisted upon. One thing is clear: the Ukrainian people want and have wanted better economic and living conditions for a long time now. And in the light of the President's sudden refusal of tightening relations with the European Union, this need has been amplified.

Ukrainian Revolution – is it a Crisis?

This part of the article will try to establish whether the situation in Ukraine is an international crisis.

The concept of crisis has a wide variety of meanings. Indeed, it is used in various fields, such as medicine, economics, management, public administration, communications, history, psychology, political science, and international relations.

In social relations, crises are chaotic situations that might be experienced by people, states, governments, organizations, etc. The word 'crisis' means disorder; in other words we can explain that crisis is a situation which is not normal or stable. This term means an urgent situation that suddenly happens and breaks the routine processes of any system (Işyar, 2008). If we take this definition into account, the Ukrainian revolution can be, in fact, considered a crisis. The protests in Ukraine broke suddenly, at only a week after the abandonment of the trade agreement with the European Union. It is, obviously, a situation that influenced the stability of the country.

In order to prove that the Ukrainian revolution is in fact a crisis, the events that took place in the last months will be included in the four stages of an international crisis.

The first phase is called the "pre-crisis phase" or the warning phase. At this point, the initial signs of the crisis are detected, but the main decision makers are bound to not respond, because the problems caused by the crisis do not vitally influence the go-

vernment. Also, at this stage, the government makes decisions based on habit. We can identify this phase of a crisis with the period immediately after Yanukovych refused to sign the trade agreement with the EU. The protests began soon after this decision, but the crisis broke only days later, on December 1ˢᵗ, when about 300,000 people protested in Kiev's Independence Square and the city hall was seized by activists.

This leads to the second phase, the crisis phase, when the crisis has definitely begun and the government administration tries to become a control center. The decision making process is highly influenced by the events, which occur very fast and change day by day. The leader has a vital role in managing a situation. Returning to Ukraine, after the beginning of December, the rapid decisions of the government can be easily noticed. A month after having seized the City Hall in Kiev, the protesters received a firm reaction from the government, as anti-protest laws were passed and quickly condemned as "draconian". This is the perfect example of a rapid decision due to the dynamics of the situation. Another incident is the resignation of Mykola Azarov as Ukraine's Prime Minister. The examples are numerous and all in support of the idea that what is happening in Ukraine is a crisis. The revolution claimed its first victims and the government took another crisis measure, passing on January 29 an amnesty bill for arrested protesters if seized government buildings were relinquished.

The third phase of the crisis is called abatement. In this phase, if the government cannot find a solution to the crisis, its credibility might be damaged and this could lead to losing prestige in the political landscape. Has this happened in Ukraine? Well, on February 21, protest leaders, the political opposition and Yanukovich agreed to form a new government and hold early elections. This was the first sign that Yanukovich's power and credibility was damaged by the crisis. The parliament voted in favor of releasing YuliaTymoshenko, the former Prime Minister, from prison. Soon after, Yanukovich fled Kiev after protesters took control of the capital.

The last phase of a crisis is called post-crisis. Of course, Ukraine has not reached this phase yet. The crisis is still ongoing, especially considering the latest events in Crimea, which further complicated the already difficult situation.

Conclusions

This paper has analyzed the triggers and causes of the conflict in Ukraine and whether or not the situation there can be called a crisis. At a first glance, these two concepts, crisis and conflict, seem very different. As considered by the general literature on crisis, there is a direct relationship between international conflicts and international crises. But international crises are often focused on specific matters and therefore have a narrower spectrum than conflicts. Of course, we can argue that, very often, international crises appear within the time of protracted conflicts. But it can happen the other way around also and what starts as a crisis can easily turn into a conflict. This is, in my

opinion, what happened in Ukraine. It started as a peaceful protest, turned into a crisis due to the inappropriate response of the government and, considering the latest events in Crimea, has the chances of becoming an international conflict.

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THE AFGHAN ENDGAME: COMPARATIVE ANALYSIS OF THE SOVIET AND THE COALITION WITHDRAWAL FROM AFGHANISTAN

Mircea PLĂCINTAR

Abstract. *As the final date of the Coalition military withdrawal from Afghanistan approaches, two interconnected questions become increasingly urgent. The first refers to the nature of post-2014 Western involvement in Afghanistan if, of course, the two sides actually agree to maintain any form of functional cooperation or partnership. The second fundamental question is considerably more complex, despite the fact that its answer depends heavily on the first question, namely: what will be the evolution of the current regime in Kabul following the impending military extraction? Afghanistan's incredible political history does, in fact, provide a similar precedent under the form of the 1989 Soviet withdrawal, though it would be superficial of us to analyze the NATO withdrawal as a part of a repeating historical pattern that began with the British retreat of 1842 and continues with its modern analogues. The regional and international context, the actors and, consequently, the results, differ, though the example of the Soviet withdrawal can be used to underline some of these differences and develop an in-depth understanding of the two events.*

Keywords: *military withdrawal, military operations, political indicators, state of insurgency, conflict.*

Mircea PLĂCINTAR
associate researcher,
Conflict Studies Center
Email: mircea.placintar@yahoo.com

There is very little value in adopting an analogical interpretation of the upcoming withdrawal, beyond simply perpetuating the less than accurate "Graveyard of the Empires" stereotype. On the other hand, comparing two parallel sets of clearly defined characteristics does provide the opportunity to enhance our understanding of both events. This particular phase of combat is especially complex due to long-term consequences produced by the actions of the actors. The comparison of the withdrawal phase of the war with a chess endgame is

not by any means accidental: the pieces have been exchanged during the middle game, the number of potential moves has boiled down to one or two winning variations and hundreds of losing ones, each move becoming a committal decision due to the extensive echoing of its effects for the rest of the game. In a similar fashion, the withdrawal phase of the Soviet and the Coalition intervention in Afghanistan is characterized by the gradual replacement of short-term tactical objectives with long-term strategic calculation.

The analysis will start with the very concrete (1) logistical and tactical challenges posed by the military operations and will continue with (2) the state of the official regime and (3) the state of the contesting faction(s).

The Military Operations

Although it has often been compared with the War in Vietnam, the Soviet invasion of Afghanistan was completely different from the American experience in South-East Asia. In Vietnam, the United States forces have conducted a high-intensity form of warfare that involved a multi-divisional approach to both strategic and tactical operations. At the apex of the war, American military presence reached approximately 550,000 soldiers while the Soviet forces in Afghanistan were never raised beyond 120,000. The size of the theatre of operations is also very relevant for the evaluation of the conflict; the United States army fought in a country that measured approximately 330,000 square kilometers while the relatively smaller 40th Army of the Soviet Union was canvassed over 650,000 square kilometers of arid deserts or mountainous regions, poorly connected by merely 19,000 kilometers or road, 75% of it being unreliable dirt road. In order to control this vast territory, the units of the 40th Soviet Army were dispersed among the 29 most important urban or industrial centers, making it very difficult to control the countryside, where the Mujahideen movement recruited new members, consolidated their influence and interfered with the communication between the country's economic centers. Coordinated offensives, troop re-arrangements, supply lines or, indeed, any form of movement were made very difficult for the Soviet units by very mobile, small and well adapted guerilla groups.

On the other side of the barricades, the Mujahideen fought a war based on the principle of economy of force. Throughout the war, the insurgency provided no clear targets for the enemy who, as we have seen in numerous post-Second World War conflicts, was better prepared for conventional warfare than for asymmetric warfare. The anti-governmental forces were organized into small, cohesive groups of 20 to 100 men, generally members of the same clan or tribe. They afforded to attack their enemy's positions when they displayed any tactical weakness and withdraw before their target had the chance to regroup.

Initially, the Limited Contingent of Soviet Forces (LCOSF) consisted of approximately 55,000 military personnel: two motorized armored divisions, an airborne division, an air assault brigade and two additional motorized rifle regiments. There was a general

sense among the Soviet military leadership that the mere presence of the USSR forces within Afghan borders would limit much of the insurgency's willingness to fight, as it did in most of its Eastern European satellites, but this new environment, as well as the socio-cultural background, allowed active resistance on the part of the native population. (Grau, Gress, 2002, pp. 17-18). During the first part of the 80s, the Mujahideen movement became increasingly complex as it adjusted to the strategies and plans of the Soviets and the Democratic Republic of Afghanistan (DRA).

During the first phase of the war, brute force was employed to expel the insurgency. By 1985, the Soviet military presence was raised to 150,000 in order to keep up with the growing security challenges raised by the Mujahideen factions, though, gradually, the main strategic goal became to prepare the Afghan army to assume the main military responsibilities while the LCOSF was to act exclusively as a source of logistical, technical and military support. Once Mikhail Gorbachev became Secretary General, a clear shift in the approach to the Afghan War took place, focusing more on the so called "Afghanization" of the conflict than on the direct attack on the opposing factions. Unfortunately for Moscow and the PDPA, the communication and trust between the LCOSF and the Afghan security forces were constantly disrupted by Mujahideen infiltration as well as a generalized tendency towards lack of discipline and effectiveness among the Afghan security forces. The coalition forces have failed in a similar fashion to forge a stable partnership with elements from within the Afghan society, though there are certain subtle differences. The relation between the PDPA and the USSR was one of asymmetric domination; without Soviet aid, the PDPA had no concrete authority or influence over their citizens, with the exception of a very small class of urban intellectuals and bureaucrats. On the other hand, Soviet representatives found it very hard to find any additional allies besides the PDPA membership. While there was a traditional rivalry between the Pasthun south and the multi-ethnic north, it was cast aside by the Mujahideen in order for them to fight the Soviet invaders and the government in Kabul more effectively. This does not mean that there were no frictions between the various Mujahideen factions, but they achieved a level of cooperation that allowed them to operate in concert during the first phases of the war. On the other hand, today, the United States has succeeded in establishing a very fruitful cooperation with certain ethnic minorities, especially the Tajiks and the Uzbeks of the former Northern Alliance areas. This association is, of course, based on a mutual interest to implement a pluralistic and democratic political system in Afghanistan. The Tajik, the Uzbek, the Turkmen and the Hazara minority groups, which together form approximately 60% of the country's population, are afraid of a potential resurge of Pashtun nationalism hidden under the religious coat of the Taliban movement. On the other hand, the cooperation between the United States and the government of Afghanistan has been rather ineffectual for exactly the same reason the unofficial partnership with ethnic minorities has proved so fruitful. Hamid Karzai, despite proving to be a level-headed politician throughout his career, working as a fund-raiser organizer in Pakistan during the anti-Soviet war

and supporting the Northern Alliance during the Afghan Civil War, is forced to find an uncomfortable balance between the nationalist tendencies of his Pashtun supporters and the fears of the ethnic minorities and the Coalition forces in an attempt to maintain the strength of his government. This makes him a far less cooperative or predictable ally when compared to the members of the PDPA. The recent political developments have shown that the current president of Afghanistan is not willing to play the role of the docile native partner. By trying to take the initiative in negotiating with the Taliban, the government is attempting to avoid the occurrence of another Geneva Accord, were the Najibullah government did not have a real place at the negotiating table and the insurgency was not contacted at all.

The insurgency grew exponentially after the invasion, covering the agricultural regions while the regime in Kabul became increasingly isolated in urban bastions. Despite repeated attempts on the part of the government and the Soviet forces to gain footholds in the countryside, they simply lacked the necessary human resources. Very often, small, platoon-sized garrisons would be left behind in villages from which the Mujahideen were forced out only to return the moment the garrison was removed. In fact, one of the greatest advantages held by the insurgency was their ability to blend among the local population, mainly due to the fact that they were often part of the local population or had the support of local networks of influence. It was clear that the Soviet High Command and the Politburo were faced with very concrete problems that could not be solved through purely military or purely political means. In order for social stability to be re-established, the Mujahideen movement had to lose its emotional hold over the population. This is not unlike the current rationale of the Coalition forces. While the insurgency was able to fight a modern war due to external material aid, coming especially from Pakistan, they were tactically effective because of popular support. If this element could have been eliminated, then the anti-governmental groups would no longer be able to operate with the same mobility and would regenerate slower after a defeat. Great efforts were made to win over popular support, both on the part of the Afghan government, especially during the Karmal and the Najibullah eras, and on the part of the Soviet representatives. First of all, there was an attempt to "correct" the main point of disagreement between the Mujahideen movement and the government, namely the atheistic communist ideology, by making it more acceptable to the conservative majority. Paradoxically, the Soviet authorities have traditionally perceived the expansion of the Marxist-Leninist ideology in Afghanistan with greater conservatism than the Afghan communists themselves. Their belief was that a purely communist regime would not be sustainable in a country that was profoundly religious and had an extremely high illiteracy rate. That is why, during Mohammed's regime, USSR was content to allow a nationalistic leader stay in power while the Moscow-led PDPA would infiltrate the government and the state bureaucracy. Their inclination towards a cautious approach to the Afghan political situation was also shown by the fact that they prepared the more

moderate Parcham faction within the PDPA rather than the radical Khalq. Considerable efforts were made, with different degrees of intensity, to include part of the religious elite within the state apparatus, to soften agricultural and social reforms, to re-include theocratic elements in the Afghan political system and establish a functional power-sharing relationship with opposing political organizations.

The USSR was less successful in gaining popular support than the Coalition forces, though we are merely comparing two shades of failure. It was the ideological "baggage" of the USSR and the PDPA that made sincere adhesion to the government almost impossible from the part of a population that was and is deeply religious. The fact that the regime in Kabul and its backers in Moscow were perceived as "Godless" is perfectly complementary with the jihad narrative utilized. The fact that the United States promoted a political system that was somewhat akin with the traditional Pashtun way of governing was quite helpful for establishing a more solid relation with the native population, as well as the fact that the Coalition forces were very tolerant of the Afghan people's religious beliefs. If, in the case of the Soviet occupation, the war was very much about cultural survival, in the case of Western occupation, the narrative of the Taliban is less convincing when it uses cultural argument, though these continue to hold considerable weight in Southern Afghanistan. Ethnic undertones are being increasingly felt within the context of the current Afghan conflict, tendencies which were present during the Soviet occupation as well but did not openly manifest themselves until the retreat of the foreign troops in 1989.

The more recent experience of the International Security Assistance Force (ISAF) and the U.S.-led Coalition forces is quite similar. Again, an advanced conventional force invades a large country with difficult terrain, undeveloped infrastructure and a dispersed and divided population without being able to isolate and eliminate the armed opposition. Again, the insurgency creates footholds in the rural areas of the southern Pashtun area and attacks the governmental and international forces only when damage could be inflicted without any being sustained. While the basic elements are similar, there are important differences which have influenced the military effectiveness of the insurgency and the cost of maintaining a presence in the region. The Mujahideen and the Taliban are both technologically inferior to the Red Army and the Coalition forces, making a conventional conflict impossible for them, but the developmental distance between the actors differs considerably. The Mujahideen, for instance, were able to attack Soviet armored vehicles and helicopters due to the fact that they were armed and trained in the use of the FIM-43 Redeye and the FIM-92 Stinger, personal portable surface-to-air missile. The introduction of these weapons not only enhanced the Mujahideen's capacity to inflict considerable damage to the units of the 40th Soviet Army, but it also signaled a more direct involvement on the part of the United States in the conflict. The ability to damage armored vehicles and helicopters meant not only that the pro-governmental forces would have difficulties coping with the insurgency in sections of the battlefield where normally they should be completely dominant, like the

open field and the air, but also that the human and the material cost of the war would be far higher than if the technological gap between the opposing factions would have remained larger. Foreign support for the resistance was enormous and included states like the United States, the People's Republic of China, Saudi Arabia and Pakistan. The United States alone funded the Mujahideen movement with approximately 3 billion dollars during the initial phase of the war, and Saudi Arabia constantly matched the American investment. In comparison to the Soviet Afghan experience, the Coalition forces have maintained a larger technological gap between themselves and the Taliban, partly due to a much smaller foreign support.

Table. 1: Soviet Casualties in Afghanistan
(Grau, Gress, 2002, p. 44)

Year	Total Casualties	Officer Casualties
1979	150	15
1980	2.800	320
1981	2.400	300
1982	3.650	400
1983	2.800	300
1984	4.400	500
1985	3.500	380
1986	2.500	300
1987	2.300	280
1988	1.400	130
1989	100	15
Total	**26,000**	**2,990**

Table. 2: Coalition Casualties in Afghanistan
(Source: ICasualties.org, 2014)

Year	Coalition Casualties (including US)	United States Casualties
2001	12	12
2002	70	49
2003	58	48
2004	60	52
2005	131	99
2006	191	98
2007	232	117
2008	295	155
2009	521	317
2010	711	499
2011	566	418
2012	402	310
2013	160	127
2014	17	14
Total	**3,426**	**2,315**

There are clear parallels that can be drawn from the past Soviet experience and the on-going war. In both cases, we have overwhelming conventional forces unable to defeat an enemy that attacks successfully without offering any targets, a regime that is militarily and economically dependent on foreign backers and unsuccessful campaigns to "win the hearts" of the local population. In both cases, Afghanistan resembles a Gordian knot; waning popular support fuels the insurgency which causes an increase in aggressive military intervention which, subsequently, adds to popular disgruntlement. There are, however, major differences between the end results of the two military campaigns. The difference between the two death tolls is representative of the complete disaster caused by the War in Afghanistan to the Soviet military and the relative nuisance it has been for the Coalition forces.

Despite numerous claims on the part of the critics of both campaigns, both the Soviet High Command and their American analogues were fully aware that there was/is no military solution to the conflict. Even so, simply recognizing that the foundation of the insurgency's effectiveness is social and cultural in nature is far from sufficient. Changing the socio-cultural landscape of a country that is so resistant to the penetration of modernity is an impossible task within any reasonable timeframe. Since the United States have been allocating financial support to Afghanistan, both in order to develop its military and police capabilities and to improve infrastructure and the standard of living, considerable changes have been registered. The GDP of Afghanistan increased from 6,622 million dollars in 2005 to 18,949 million dollars in 2011. The problem is that this reasonable economic development has been sustained with the help of enormous foreign investment, with approximately 100 billion dollars being spent by the United States alone on non-military projects in Afghanistan. This is more than Washington has paid for any other reconstruction project, including the Marshall Plan. The Soviet Union also invested a great deal of financial resources in the development of Afghan institutions, infrastructure and the training of its specialists. During the first 6 months following the 1979 coup d'état, approximately 14 billion dollars have been attributed to the Afghan government by the USSR and various other COMECON states. The difference is that during the Soviet war in Afghanistan, the financial aid never transposed into economic development, as in the case of the current war (Saikal, 2004, p. 190).

In conclusion, both wars have seen superior forces invading an economically under-developed, technologically backward and politically unstable state. In both cases, the dimension of the territory under occupation has disallowed effective control, which enabled the insurgency to increase its influence in the rural regions and apply continuous pressure on the governmental or foreign held urban strongholds. Going further, efforts have been made during both campaigns to win over the sympathy of the natives but, beyond limited and unreliable tribal alliances, no sustainable support has been

acquired. Despite all of this, the Coalition forces have been more effective in combating the Taliban than the Soviets have been in fighting the Mujahideen. This is mainly due to a less impressive international backing of the Taliban and to a greater gap in technological development between the ISAF and the insurgency. In both, the political situation was influenced by the military standings of the main factions, but it has not been the only factor. Without a social and political foundation, the structural changes performed by the non-Afghan actors would be dependent on constant military backing, which no external force is willing to provide.

The State of the Afghan Government

When assessing possible scenarios regarding the development of the situation in Afghanistan, the correct evaluation of governmental stability is essential, especially in relation with the contesting faction's strength. During the Afghan endgame, both the Soviet Politburo and the United States government had to ensure that the government in Kabul is able to sustain itself, preferably with as little external aid as possible. The "Afghanization" of the war is a theme present in both withdrawal plans and it is based on two very simple arguments: (1) the insurgency will outlast domestic support for the war and (2) the presence of foreign troops fuels the insurgency's ability to recruit new members. Under these circumstances, military withdrawal coupled with establishing a stable political system protected by a responsible executive is the ideal scenario. From a political point of view, the differences between the communist Afghan government and the current Afghan government are quite acute (Aidan, 2007).

We should start by considering the way the two political systems came to power. Mohammed Daoud was toppled with the help of a small number of Khalq supporters within the Afghan military, and not due to any form of popular support for the PDPA's ideology. Beyond anything else, the People's Democratic Party of Afghanistan was a mainly bureaucratic organization that had limited support among the people. The main quality held by the Afghan communists was that they have been allowed, during Daoud's regime, to populate the main state institutions, including the army and the secret police. Beyond this and the support received from the USSR, there was nothing recommending this disorganized communist party as a unifying force for the eclectic Afghan macro-society. The current government, however, has been formed through an armed popular struggle followed by open constitutional negotiation. While initially, the idea of a democratic government that excluded the Taliban was mostly supported by the ethnic minorities of the Northern Alliance, the government of Hamid Karzai, functioning according to the Constitution of 2004, was clearly designed to appease the Pashtun majority. Instead of a parliamentary regime, which would have favored the smaller ethnic groups, the Constitution describes a presidential democracy based on conservative Islamic values. Hamid Karzai's election by the Loya Jirga as the president

of Afghanistan was the result of a correct political calculation. While the Northern Alliance did have the support of the Coalition forces, it was clear that a Pashtun leader was necessary in order to maintain the stability of the new regime. Most important political positions, with the exception of the presidency, were occupied by members of the Northern Alliance, including the strategically important Defense, Interior and Foreign Affairs Ministries. Despite this, a strong executive leader that was popularly voted clearly advantage the Pashtun ethnicity in the long-term, though it also gives the minority groups some capacity to influence political decision-making.

In any case, the current government is the product of trans-ethnic negotiation that, while not being always completely transparent or free, did create a hybrid-system that tries to accommodate most of the relevant Afghan political forces as well as the requirements of their external backers. The process through which the current government came into power also followed, to some degree, the tribal democratic tradition of Afghanistan, which prescribes that all new rulers must be validated by the leadership of the major tribes. In comparison to the Karzai government, the PDPA was completely removed from the country's political and ideological tradition. Furthermore, the internal divisions of the communist party go far deeper than those that of the Karzai government.

The PDPA has proven to be a self-cannibalistic organism, unable to organize except when faced with a common enemy, in which case a temporary and unstable alliance was usually forged. In the approximately one year since it has acquired complete control over Kabul, there have been three violent transfers of power within the organization's hierarchy. The internal divisions only exacerbated popular opposition to the regime. If the macro-society initially accepted the communist regime with the same lack of interest it accepted most leadership changes, once the regime started imposing aggressive reforms and supporting them through force, a growing sense of repulsion with Kabul became more and more apparent. The population was rejecting the communist regime due to the incompatibility between the two entities. Fikrat Tabaeev, the newly appointed Soviet ambassador to Afghanistan in December 1979, stated the following regarding the situation in the country: "There was a real danger of a counter-revolutionary coup under the banner of Islamic fundamentalists. They had accumulated great strength by then. On the contrary, Kabul had been weakened. The Army after Amin's purges and reprisals was decapitated. The clergy had been alienated. The peasants were against the regime. So were the tribes, who had suffered under Amin. There were just a handful of sycophants left around Amin who, like parrots, repeated after him various idiocies about 'building socialism' and 'the dictatorship of the proletariat'. The so called Kunar grouping of the insurgents created in the east was capable of capturing Kabul within 24 hours." (Snegirev, 2000, p. 224).

The communist government was so alienated from the people it had to govern that, before the Soviet military intervention, entire divisions from the Afghan army deserted and joined the insurgency. While corruption and infiltration are widespread among the present day Afghan security forces, there has never been an instance in which large military formations have joined the Taliban. The anti-communist revolt itself was comprised of an extremely diverse number of movements ranging from that of the Sunni Mujahideen and the Shiites of the Hazarajat and Kabul to the violent student movements. Never before has opposition to the government mobilized such diverse groups. Traditionally, the government has always been challenged by a specific interest group, either the ulema or a coalition of tribes excluded from power, but in the case of the anti-communist revolt, resistance seemed universal. Unusual associations were forged in an attempt to organize against the government. In Herat especially, one of the most important focal points of the revolt, we see a collaboration between Sunni and Shiite, urban inhabitants and rural inhabitants, Maoists and Mullahs, all directing their efforts against Kabul. In other regions, like the Hazarajat, the Shiite religious elite and the economically oppressed khans took the initiative and organized the anti-governmental movement, targeting state institutions and functionaries. The student movement, more or less restricted to Kabul, was divided into two groups, the pro-Islamic group and the secular Maoist group, yet despite ideological inconsistencies they also succeeded in collaborating against the new Parcham regime.

While the Parcham regime was somewhat more stable internally than the Khalq, they were just as incapable to acquire the loyalty of the general population. Karmal came to power by promising a general reconciliation and the destruction of the "torture machine" created by Amin and his colleagues, the establishing of democratic institutions and free elections, the legalization of political parties and the creation of a new constitution. Many of these reforms did not come to fruition, but some of the more controversial measures taken by the Khalq government were withdrawn, including women's rights, the land reform, and the tricolor flag was reinstated in place of the communist red flag. The actions of the regime were also encumbered by its uncertain legal framework, still based on Daoud's 1977 Constitution. In order to at least partially remedy this situation, the Parcham regime improvised a 10 point document meant to act as a provisional constitution, which in fact allowed the PDPA to exert almost discretionary power. Of course, the actual limit to the power projected from Kabul was restricted by the armed resistance conducted by the Mujahideen, so we may speak of only a relative totalitarianism. After the fall of the Khalqis, the moderates from within the PDPA were not inclined to abuse the power the legal chaos provided them. In many ways, Karmal's policies were the sign of an official recognition that the Marxist ideology was fundamentally incompatible with

the Afghan Islamic culture. The Najibullah regime, which succeeded Karmal with the aid of the Soviet authorities, continued its policy of ideological re-alignment in order to become closer to the conservative preferences of the majority of the population and to negotiate with the insurgency.

Unfortunately for the Afghan communist, none of these efforts produced any concrete results. Despite the new government's departure from the communist ideology in 1990, when Afghanistan became an Islamic Republic, the insurgency continued to activate with the same energy, having the military support of the United States and Saudi Arabia. Besides the Junbish self-defense unit, which was an Uzbek paramilitary organization led by Abdul Rashid Dostum, the greater part of the population remained in opposition to the "over-night" Islamic government. This meant that the government in Kabul continued to be highly dependent on Moscow for support against the Mujahideen since it was unable to form a strong internal network of influence. While material support was still granted to Kabul by the USSR, the process of Afghanization of the conflict was suddenly accelerated when the last Soviet troops withdrew from the country in February of 1989. Immediately after the governmental military was left to fend on its own, the Mujahideen shifted once more from asymmetric warfare to conventional warfare when they attacked the city of Jalalabad. The battle of Jalalabad was a humiliating defeat for the Mujahideen, which have lost their reputation of invincibility.

There are several important points to be made here. When the LCOSF had left Afghanistan, the Mujahideen had the human and material resources to organize an open confrontation with the governmental forces. At that point in time, the Hezbi-i Islami forces, led by Gulbuddin Hekmatyar, the main candidate for the post-communist rule of Afghanistan, were able to field approximately 10,000 men against the defense of the city of Jalalabad. Most military analysts have stated that the only reason the Hezbi-i Islami was defeated was that the governmental forces possessed a considerable Soviet arsenal, which included SCUD missiles. Today, it is highly improbable that the Taliban forces would be able organize such a convincing direct attack against the Karzai government. Also, the current government continues to have the support of the Northern ethnic minorities, not because of any real sympathy shared between them and the government, but rather because they realize that the Pasthun nationalist agenda of the Taliban is far more radical than that of the government in Kabul. In addition to this, throughout the years, the Karzai government has made consistent efforts to improve its standing with the Pasthun community, sometimes at the expense of its relations with the United States. Karzai has been very careful to dissociate himself from the Coalition forces by criticizing much of their conduct, especially when it comes to their interaction with civilians, in order to gain credibility as an independent leader.
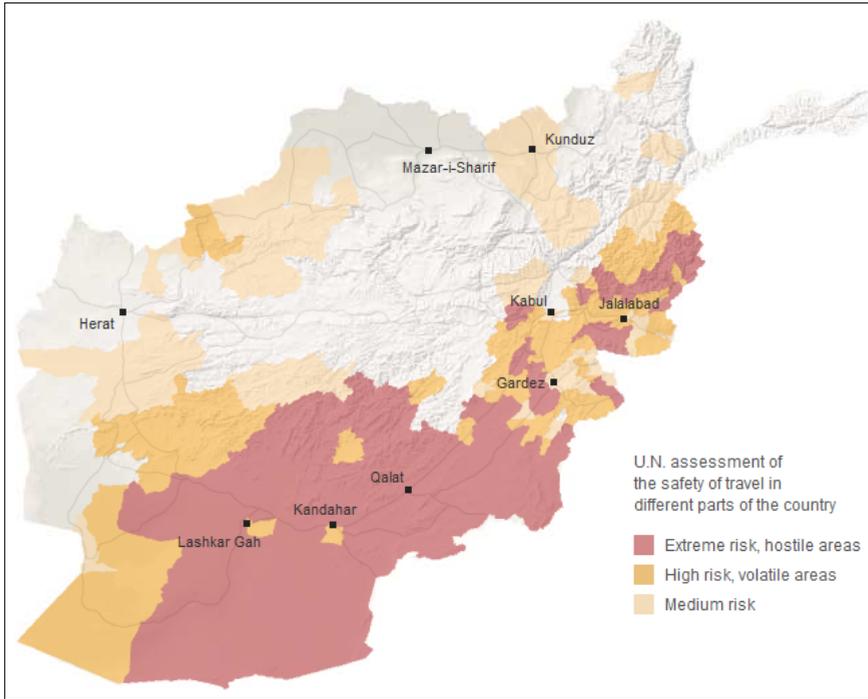
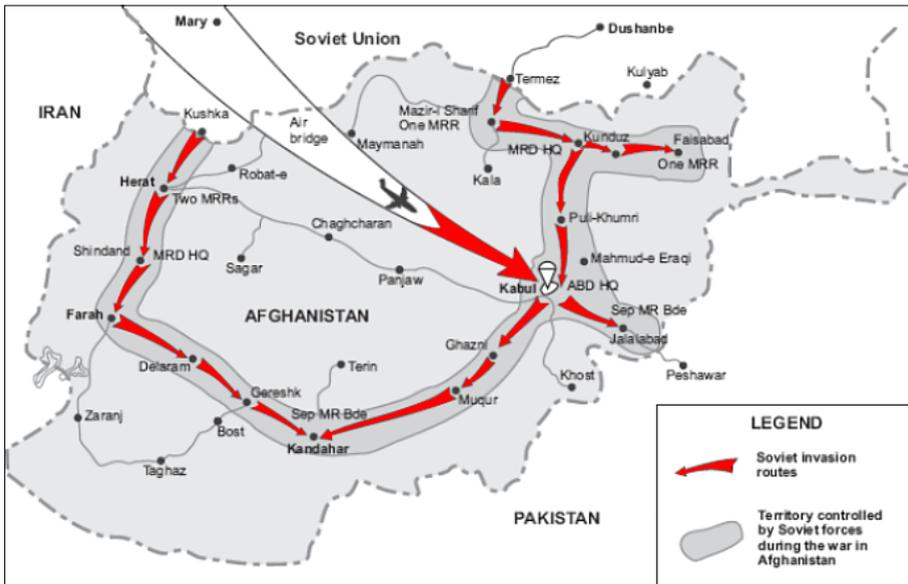Fig. 1: Taliban activity in Afghanistan in 2010
(Source: http://www.nytimes.com)

Fig. 2: Soviet control of Afghanistan (1979-1989)
(Source: http://www.cgsc.edu/)

Returning to an earlier point, the ideological and political basis of Karzai government is far more solid than that of the Najibullah government. Democracy, in a rudimentary form, has existed in Afghanistan since before the formation of the Durrani Empire in 1747. The Loya Jirga is one of the country's oldest political institutions, dating back, under a different form, to the time of the first Aryan tribes moving to the region. It was essentially a council of tribal leaders, religious figures and elders that discussed issues of importance to the nation and often voted on important matters. It is not hard to imagine how this political tradition can be quite easily transposed to a democratic system. Mohammad Najibullah was the definition of a communist insider; between 1980 and 1985, he led the KHAD, the most well paid and indoctrinated component of the Afghan state apparatus. Under these circumstances, his shift from communism to conservative Islam was not convincing at all and did little to improve his negotiation position with the Mujahideen.

A brief comparison between the territory under the control of the current government (Fig. 1) and the territory under the control of the Najibullah government (Fig. 2) shows that the communist regime was relatively unsuccessful in gaining any reliable control over the countryside. The 40th Army focused on keeping the urban belt of the country, formed of Herat, Farah, Kandahar and Kabul, under their control while the Mujahideen had close to free range on the territory outside of the belt. Today, the government has a firm grip on the northern part of the country due to the support of the Tajik, Uzbek, Hazara and Turkmen minorities, though the Pasthun south remains dangerous. Even so, the immediate areas around the main southern urban centers remain under the direct control of the Coalition forces. Under these conditions, president Karzai's strategy of trying to adopt a more pro-Pashtun approach to policy by criticizing some of the actions of the Coalition forces could help gain him favor with the population of the southern regions. It is also important to note that the current government has consistently asked the Coalition to withdraw its military forces while Najibullah wanted to maintain Soviet occupation. It is highly doubtful that the governmental forces would be able to resist Taliban aggression without military material aid from the United States, but the Karzai government probably wishes that a combination of arsenal superiority, pro-Pashtun lobby in the South and the support of the northern ethnic minorities will be able to force the Taliban into some form of power-sharing.

This strategy takes the form of a dangerous gambit, a calculated risk that may initiate a process of stabilization or accelerate the fall of the government depending on several variables, including the trust of the ethnic minorities' leaders that Karzai or the future Afghan president will maintain a balance between the Pashtun and the non-Pashtun groups, the nature of Pakistan's future support for the Taliban and the reaction of the southern Pashtuns to the withdrawal. It is difficult to imagine how a deeply corrupted state bureaucracy incapable of providing effective social reform and served by an un-reliable military can control all of these factors. Also, divisions between the parliament

and the government are likely to increase during the post-withdrawal period. The result of the 2014 presidential elections is also an important factor in the equation, since the new president will have to continue Karzai's policy. In any case, most indicators would show that the current government has greater chances to reach some form of social stability than the former communist government. This, of course, does not spare it of all of the issues of an underdeveloped state (Niedringhaus, 2011).

The State of the Insurgency

Until now, we have seen that costs of the two wars and the political stability of the local governments differ considerably, giving the United States a reasonable edge over the performance of the Soviet Union. The characteristics of the insurgency are also very different, posing different challenges for the pre-withdrawal negotiation process. In both cases, the Afghan governments have attempted to include certain components of the insurgency in a power-sharing system but, at least in the case of the Soviet war, it has failed. There are several factors which are relevant for the negotiation process, such as the effectiveness of the insurgency during the war, the credibility of the government, the ideological compatibility between the insurgency and the government and the nature of post-withdrawal external support, all relevant in establishing the negotiation position of the state relative to the insurgency. It is highly probable that the Karzai government has a better negotiating position than the Najibullah government, but this still does not guarantee that the Taliban will be willing to enter any form of political cooperation with the official government. Throughout their activity, they have proven to be very pragmatic and less than trustworthy, especially since any compromise with the government would mean the abandonment of the Taliban's ideological substance.

This was partially true for the Mujahideen as well, but in that case we saw that the group itself was more of a collection of religious-motivated, anti-governmental organizations rather than a unitary body as in the case of the Taliban. Very often, conflicts took place within the movement, especially between the Jamiyat-i Islami and the Hezbi-i Islami forces. In many cases, different Mujahideen groups would compete for foreign support as well as achieving ethnic objectives. There are two very important factors that must be taken in consideration when analyzing the motivating components of both the Mujahideen and the Taliban: (1) the religious frame of the conflict and (2) the ethnic affiliation of the different factions.

The relevance of the concept of *jihad* in the Afghan culture becomes especially apparent when taking into account the general lack of political or ideological knowledge dissipated among most of the population. While political struggle is regarded with a certain degree of indifference, at least when specific tribal or ethnic interests aren't at play, jihad gains a completely different dimension within the popular imaginary. It is not seen as a Machiavellian competition for power and influence, but as the moral duty to

correct a moral sin. Thusly, the Mujahideen saw themselves mainly as agents of divine will rather than political actors, a view that was shared by most of the population. An entire cult revolved around the insurgency with all the trappings of martyr adoration, a ritual that was deeply integrated in the religious tradition of the country since "in pre-war Afghanistan, martyrs were not distinguished from other holy men whose tombs were the objects of visitation" (Dorronsoro, 2005, p. 107). The stories of their endeavors against the infidels remain preserved in the collective memory of the Afghan people. Even to this day, stories of the bravery of the Mujahideen that have fought the British in the XIXth century are still being told. The ulema, constituted as a disciplined network of interests capable of coordinating complex actions over large distances, became the natural spiritual leadership of the Mujahideen movement. The strong bond between the *alem*, the religious teacher, and the mentor who assigned him his *ijaza*, his license to teach, goes beyond factional loyalties. They are master and apprentice, one shaping the other's core system of belief. A similar relationship is formed between the alem and the *taliban*, the student of the madrasa. This net of interconnected loyalties put into the service of a unique religious dogma makes the ulema an especially efficient political actor. Even in those regions where members of the ulema have not assumed the role of commanders of the Mujahideen, they have continued to play an essential role in the anti-governmental struggle because of the influence they had wielded over the rural population. The religious service very often contained elements of propaganda directed against what was perceived to be a "Godless" and illegitimate regime, the aim being to mobilize those that were undecided in favor of the uprising. In fact, all of these organizational capabilities have already been proven by the ulema in their coordination of the violent actions against the state in the 1929 rebellion. The jihad has two main functions: either to drive out the infidels that have occupied the Muslim country or to topple a government that does not respect the laws of Islam. In the case of the PDPA, we see a coupling of these two objectives due to the fact that the Marxist ideology was completely foreign to the Afghan culture and the party was also clearly supported by the Soviet Union.

The breakdown of state structures at the end of the 70s unavoidably produced the emergence of new structures of power directed by a new elite. The main criteria that determine the selection of the leadership of the Mujahideen is generally the number of combatants one can mobilize and direct in battle. The class of the commanders was generally comprised of two categories of men: those that possessed religious authority and those that possessed secular authority. The first category, which was more dominant in Ghazni, the north of Helmand, in the Hazarajat and in Badghis, was comprised of members of the ulema, of mullahs, pirs and sadat. The pirs had a structural control mechanism very similar to that of the ulema. They were considered by the Sufi community to be not only spiritual leaders, but holy men whose function is to reveal the message and teachings of the Divine to those willing to learn; in other words, they were

perceived as intermediaries between Allah and the faithful. Again we see powerful ties between the pir and his murids, his spiritual students, which makes these religious communities such effective organizations.

The secular group was generally formed of the class of the khans, which were the tribal aristocracy, and the university trained intellectuals. The influence of the khans depends mainly on their financial power rather than from the residual authority tribal customs offer them. They base their influence on the circle of clients from among the community, who depend on them with their material welfare, among the beneficiaries being religious figures also. Because of the economic changes of the XXth century, but also because of concerted efforts from the part of the Afghan state, the tribes have lost, as we have seen, a considerable part of their political prominence. While at the level of its capacity to define collective identity, the tribe remains an essential element, its aristocratic hierarchy has lost much of its traditional authority. The communist regime viewed them as their main class enemies, condemning many of them to unjust imprisonment. Part of the ulema also had a nuanced approach to these modern feudal lords, sometimes accusing them of exploiting the peasants. Yet, despite the loss of their customary status, the khans retain their role as leaders of the community through their acquired wealth. The Afghan intellectuals, on the other hand, generally gained their position as leaders due to their capacity to read and write; qualities rarely found among the Afghan people. Of course, besides their literacy, the intellectual commanders of the Mujahideen also had influential connection either to a political movement or to a powerful clan without which they could have never asserted themselves. (Stenersen, 2010).

The way these battle groups organized varied from region to region and from commander to commander. The tendency was for two types of organizational models to become prevalent: (1) the partisan organization, in which the leadership was formed of the commander's immediate family, clan members or colleagues and in which the group rarely interfered in the lives of the citizens under their power, and (2) the shadow-state organizations, which imitated the functions of the state on the territories under their control. In the case of the partisan organizations, the situation is quite clear; the members are interested in accomplishing purely military objectives, any judicial or social problems that might appear among those that are under their authority are directed towards the local mullah or alem. The relation between the members of partisan organizations is informal, a minimal distinction being made between the leaders and the followers.

The case of the shadow-state organization is especially interesting for the ethnic character of the intra-insurgency conflicts. Because these organizations were geographically defined, at least to some degree, they started adopting a behavior that is similar to that of states. They became attached to their territorial possessions, became proficient in mobilizing the local populations and formally imposed a set of rules in order

to regulate social conduct. The fact that these organizations existed throughout the Soviet war and the Civil War that followed it only contributed to the pre-existing tensions between the northern minorities and the southern Pashtuns. The appearance of the Taliban on the Afghan scene came as a response to the lawlessness which dominated the post-communist Afghanistan. The Peshawar Accord was a failure because of Gulbuddin Hekmatyar's unwillingness to share power with the northern Mujahideen or Ahmad Shah Massoud. Due to the overwhelming support he received from government of Pakistan and the United States, Hekmatyar and the Hezbi-i Islami forces believed that they could govern without the rest of the partisans and unite Afghanistan by force instead of doing so through negotiation. This triggered several years of brutal internal war which was in fact the continuation of the latent inter-ethnic conflict that was simply postponed by the anti-communist struggle. Once the uniting principle of the Mujahideen was removed, the movement regressed to the tribal chaos characteristic of the early XIX century Afghan society.

In fact, the initial appeal of the Taliban ideology consisted in its attempt to address the main societal issues faced by Afghanistan at that time: the deep chaos and lawlessness that reigned within its borders after the fall of the Najibullah regime in 1992 and the almost complete lack of social and cultural unity. After the almost complete breakdown of central authority, the local warlords, no longer motivated by a religious cause, took direct control of land, property and people. This very often led to severe human rights abuses which prepared the way for the Taliban to start growing as an organization that is distinct in its conduct and objectives from other military groups. They made themselves known not only through acts of violent justice, like the assassination of abusive warlords or helping the unfortunate, but also through the medium of the madrassa, the religious school. The core of the Taliban's raison d'être was in fact the reintroduction of order in a space that lacked it completely and it was this factor in particular made them popular among the Pashtun population and not necessarily their religious doctrine. The basis of this ideology is an unusual mixture between a violent and deeply anti-modern brand of Sunni fundamentalism and the Pashtunwali, which is a set of normative rules or a code of honor that governs the behavior of the Pashtun tribes. The Taliban credo was a departure from the more moderate, more inclusive Islamism promoted by the Mujahideen and the Northern Alliance in the sense that it promoted a type of prohibitive culture that some say surpassed the actual text of the Qur'an. The message of the Taliban was received enthusiastically, first in the Kandahar area, the cradle of Pashtun culture, and then throughout the southern region of Afghanistan. Part of the reason was that the their political project was a return to the original state of moral perfection represented by the Prophet and his generation, a return that would not be individual and voluntary, but imposed by the state upon the collective. This was particularly appealing due to general lack of social order and due to the fact that the Taliban organization had very little ties with the Mujahideen movement, which has lost much of its credibility.

Initially, most Taliban members were students in the madrassa, the religious schools, and did not participate in the anti-communist war, making easier for them to project themselves as different.

Mullah Omar, the founder of the Taliban movement, reportedly was a non-talkative Islamic teacher who was known to have fought against the communist regime with the Mujahideen until 1989. Very little is known about the leader of the Taliban, the image that has been presented by most media outlets being in fact false. Born in a family of landless peasants, in the relatively small Hotak tribe, Omar did not rise within the Afghan society through the use of the normal tribal networks, but by ascending up the religious hierarchy. The rise of a member of the ulema to the position of leader of a military faction was, as we have seen, not uncommon. Still, Omar is part of a slightly different category of clerics which the British called "mad mullahs", during their occupation of Afghanistan; these men did not consider themselves merely servants of God, but rather His direct instruments, claiming to have access to one form or another of Divine revelation. His modest background made him more independent from the traditional structures of authority, a quality which later became an important advantage since he could more easily navigate through tribal politics from the posture of "holy man" rather than tribal aristocrat. The Taliban were formed in the first part of 1994 and initially consisted of around 30 poorly armed members, most of them students or teachers of the madrassa. They rapidly gained popularity and support among the people of the Kandahar province in the context of the deeply chaotic environment ensued from 1992 onwards. After the almost complete breakdown of central authority, the local warlords took control and imposed their will through armed force. This very often lead to severe human rights abuses which the Taliban then used to fashion themselves as distinct from other military groups.

The second very important component of the Taliban ideology is, as in the case of the Hezbi-i Islami and several other Mujahideen groups, the predominance of the Pashtun ethnic group within the organization. While the main message of the Taliban is one of solidarity behind a fundamentalist and revivalist interpretation of the Qur'an, there is also an underlying ethnic motivation behind the movement. The Taliban is not purely a religious movement; it is also a reflection of the Pashtun ethnic group's general wish to secure their dominance over Kabul and the rest of the country. The great majority of its members and supporters are Pashtun and they have generally been more successful in maintaining their influence over Pashtun majority areas. The main difference between the Taliban and certain warlords that have also used the Pashtun hegemonic ambition in to recruit members is that the Taliban reject traditional tribal authority. Mullah Omar, not being part of the tribal nobility, has presented himself as a promoter of centralization under the banner of religious authority as opposed to the centrifugal tendency of the many tribes and clans of Afghanistan.

In conclusion, there are two facets to the Taliban credo: on one hand is their fundamentalist religious belief system whose main aim is to recreate the perceived purity of the Prophet and his followers and on the other is the objective of Pashtun control over governmental structures. This is why most ethnic minorities, despite being receptive to the religious message, are unwilling to trust the Taliban and will, most likely, remain loyal to the government in Kabul as long as it will oppose the re-instatement of the Taliban power. Paradoxically, their ideological cohesion and uncompromising political views greatly reduces their ability to disrupt the state, since they rely solely on the support of the Pashtun nation and have made enemies of the other ethnic groups. The organizational and ideological discipline that enabled them to take power at the beginning of the 90s now increases the influence of the government. However, the relative internal cohesion of the Taliban will make it very difficult for the government in Kabul to find an opportunity for sincere cooperation, at least as long as Mullah Omar remains the undisputed leader. While some divisions have been identified within their ranks, it is highly improbable that they will surface before or during the withdrawal, when the insurgency will suddenly have the opportunity to strike against a poorly motivated army with some chances of success.

Conclusion

If we take into account the main political indicators, it would seem that the current Afghan government will have a greater chance of surviving the withdrawal of its foreign supporters than the former. This is due to the reduced military effectiveness and the relatively smaller financial support received by the insurgency, the greater popular support the government receives from the population, especially the northern regions, and the greater compatibility the democratic system of governance has with the Afghan socio-cultural ecosystem.

Even so, the challenges facing the current and future governments of Afghanistan are enormous. During the inter-regnum period between 1992 and 2001, the multitude of factions fighting for control of country have contributed to the destruction of the Afghan economy, of the state institutions, of the rule of law and of millions of lives. Disunity, fear and chaos are the main characteristics of the national political environment today, as the Coalition forces, the most important element of cohesion, are preparing to withdraw. The inefficient security forces that must replace the ISAF troops do not seem, as of this point, well prepared for the task at hand, despite vast investments being made in their training and equipment. Social solidarity can hardly exist without some sense of a collective identity that can bind a group of individuals together, despite class, ethnic and religious differences. The challenges of the new government are in fact an accumulation of all past efforts; the Afghan state must be reformed from top to bottom and it will need more time than the 12 years the Coalition forces have resided within the country's borders. The principles of democracy have, until now, produced modest

effects for the Afghan people, the reason most likely being their difficult application in such a vast country with such little infrastructure and little respect for the rule of law. It is still to be seen if reaching a point of stability within the next few years is achievable.

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TRADITIONAL APPROACHES
IN ALTERNATIVE DISPUTE RESOLUTION:
A BRIEF OVERVIEW

Adrian POP

Abstract. *The Western culture is not the only one using alternative dispute resolution mechanisms. Other cultures have developed a large array of conflict resolution tools, as a mean of maintaining harmonious relationships. The study will present an evolution of the ADR methods in the Western culture and will identify some traditional and indigenous conflict resolution systems, in order to allow a comparison between the two.*

Keywords: *traditional conflict resolution, indigenous alternative dispute resolution, mediation.*

Adrian POP
PhD Student,
Faculty of Sociology
and Social Work
Email: adrian.pop@fspac.ro

Introduction

When humans organize into communities and build social structures, conflict is inevitable. Regardless of the culture or civilization conflict occurs in all forms for which every society has developed its own system of conflict resolution. In Western countries, these systems have evolved, following patterns set by classical Greek and Roman writers and influences from Christianity, into elaborate sets of legislation and the great variety of institutions involved in interpreting, enforcing and applying the law (Walker & Daniels, 1995). Other societies, spread all over the world, have also developed a functional mixture of conflict resolution mechanisms. Most of them are specifically designed to satisfy the needs of some small communities, but in most cases they coexist or even replace the legal system imposed by the Western civilization.

In the broader field of conflict resolution different scholars have discovered a large array of legal systems, even within a given society, all meant for resolution of conflicts. The literature classifies these methods of conflict resolution into a number of categories: avoiding conflicts, accepting another party's claim, coercion, bilateral negotiation, mediation, arbitration and adjudication (Taieb, 2008). Such methods can broadly be divided into formal and informal legal systems. Formal legal system, represented by adjudication, is the characteristic feature of modern states. In adjudication the authority relies on the rules and regulations that govern similar cases and the nature of evidence and arguments and then pass on a judgment (Levinson & Ember, 1996, p. 244). Typically this is a win-lose situation.

State is not the only source of mandatory norms because there are also other means of exerting social control, prevalent across the world in different shapes. The informal institutions for conflict resolution provide the more permanent and lasting solutions than the formal ones, mainly because their solution is more consensual and, therefore are more likely to be accepted by both parties (Taieb, 2008).

This study will focus on the informal institutions for conflict resolution, namely the ADR methods. First, there will be defined the main theoretical items that will be used across the study, followed by a brief presentation of the evolution of the ADR mechanisms in the Western civilization. Later, will be introduced some traditional conflict resolution systems, encountered in more "exotic" cultures. The final discussion will be centered on a comparison between the traditional informal mechanisms of conflict resolution and the ADR methods, widely accepted by the Western society.

Theoretical Framework

Alternative Dispute Resolution

Negotiation, mediation, arbitration and a range of other less-known methods are grouped under the acronym ADR – alternative dispute resolution – (Chereji & Pop, 2014) which is described as „a range of procedures that serve as alternatives to litigation through the courts for the resolution of disputes, usually involving the intercession and assistance of a neutral and impartial third party" (Brown & Marriot, 2012, p. 12).

The simplest form of ADR is *negotiation*. Fundamentally, negotiation can be defined 'as to people simply talking about the problem and attempt to reach a solution boat can accept' (Barrett & Barrett, 2004, p. 1).

Mediation, at its core, is a negotiation "that includes a third party who is knowledgeable in effective negotiation procedures, and can help people in conflict coordinate their activities and to be more effective in their bargaining" (Moore, 1996, p. 14). Mediation emphasizes the participant's responsibility for making decisions that affect their lives.

Mediators encourage integrative and facilitated problem-solving negotiation that seeks a mutually agreed decision among disputants (Walker & Daniels, 1995).

Like judicial decision-making, *arbitration* is a form of adjudication (Goldberg, Green, & Sander, 1985). Basically, arbitration is a 'settlement process in which disputants present their issues to a neutral third party who listens to arguments, reviews evidence, and renders a decision' (Cooley, 1986, p. 246). There are many types of arbitration, including binding, non-binding, interest, inal offer, and grievance arbitration. Generally, the arbitration process assumes that the disputants give all decision making authority to the arbitrator and agree to abide by the decision the arbitrator makes (Walker & Daniels, 1995).

There is also another ADR approach, largely used when the disputes are more complex and involve a significant number of parties, like public policy or natural resource disputes. In these cases, the conflict management depends less on mediation-assisted negotiation and more on a procedure that promotes collaboration and problem-solving dialogue *facilitation* is the appropriate tool (Susskind & Cruikshank, 1987). Facilitation represents third party interventions in which the disputants are the decision makers, but differ somewhat from mediation in its emphasis on process and outcome. A facilitator manages the process of dialogue, assisting the parties to have a constructive discussion while a mediator helps parties construct a joined acceptable settlement to their dispute (Walker & Daniels, 1995).

Traditional and indigenous conflict resolution

Roger Mac Ginty is using the terms traditional and indigenous peace-making when describing dispute-resolution and conflict-management techniques that are based on long-established practice and local custom (2008, p. 145). We will follow his conceptualization but we consider that conflict resolution instead of peacemaking is more appropriate for our approach, as it combines both notions of dispute resolution and conflict management:

"Common features of traditional and indigenous peace-making are, and were, consensus decision-making, a restoration of the human/resource balance, and compensation or gift exchange designed to ensure reciprocal and ongoing harmonious relations between groups. Many traditional societies developed and maintained sophisticated mechanisms for non-violent dispute resolution and constructed complex conceptions of peace. These versions of peace were far removed from versions of peace introduced by colonial powers or sponsored by elements of the international community in the contemporary era" (Mac Ginty, 2008, p. 149).

Traditional and indigenous, despite their common characteristics, are not necessarily substitutable. Traditional assumes that a norm or an activity has a long heritage, while indigenous suggests that a practice or a norm is inspired and spread only in a particular

geographical area. Indigenous norms or activities do not need to be also traditional (Mac Ginty, 2008).

While the debate of who are "indigenous" is not without controversy, the definition recommended by the International Labor Organization (ILO) in the indigenous and Tribal Peoples Convention No. 169 has wide support by Indigenous Peoples, governments, and other actors. The Convention de ines tribal and indigenous peoples as:

"(a) tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or

(b) peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions" (Whiteman, 2009, p. 102).

The Perception of Justice

The common ground for all the different cultures, when speaking about conflict is the call for '*justice'*. Justice can be perceived from the point of view of the fairness of the distribution of outcomes (distributive justice), of the fairness of procedures for decision making (procedural justice), and also of the fairness of the interpersonal and informational aspects of encounters between actors (interactional justice). All affect the degree to which parties accept or resist decisions and whether they engage in cooperation, withdrawal or conflict (Greenberg & Colquitt, 2005).

The perception of justice is influenced also by the cultural environment. Indigenous approaches to justice, as opposed to Western culture, develop holistically from deep-seated beliefs of the interconnectivity of all life forms. Indigenous peoples commonly derive their collective and individual identity from the natural environment and are rooted in these local ecologies (McCaslin, 2005). While all indigenous cultures are unique, many share this general approach to relationships across social, ecological, and spiritual dimensions (LaDuke, 1999). Injustice is addressed through healing and a rebalancing of relationships (McCaslin, 2005). The goal of justice may not be, from an indigenous perspective, the punishment of the person but rather correcting action and restoring harmony across the community.

There is also the *traditional law* which de ines the appropriate mechanisms for conflict management in a particular culture. According to McCaslin:

"Law is embedded in our ways of thinking, living, and being. For Indigenous Peoples, law is far more than rules to be obeyed. Law is found within our language, customs, and

practices. It is found within the carefully balanced relations of our clan systems and our extended families. It is also found in ceremonies and rituals. Law is a whole way of life. Through countless means, our traditions teach us how to be respectful of others and mindful of how our actions affect them. In other words, to exist as Indigenous Peoples is to live our law, which holds us in balance ... The closer we stay to our traditional ways, the more we internalize our law and its values, so that they exist among us as a natural, everyday expectation of what it means to 'be a good relative' – not only with each other but with all beings" (2005, p. 88).

Evolution of ADR in Western culture

In the Western culture, the history of ADR can be traced back to the ancient Greeks. The mythology offers one famous story of arbitration. The goddesses Aphrodite, Juno, and Athena could not agree on who was the most beautiful and they asked Paris, the royal shepherd, to decide. Thus, Virgil's The Aeneid, one of the classics of Western literature, can be read as a long re lection on the consequences produced by an arbitration gone wrong (Barrett & Barrett, 2004).

For the ancient Greeks ADR was not only a matter of mythology. As Athenian law courts became crowded, the city-state introduced sometime around 400 B.C. the position of public arbitrator. The service as arbitrator was mandatory for all Athenian men during their sixtieth year. Their job was to hear all kind of civil cases in which the parties were reluctant to present the dispute to the slower and more formal court system (Harrell, 1936). While the decision to take the dispute before an arbitrator was voluntary, the choice of being an arbitrator was not. The arbitration process set up by the Greeks was remarkably official. The arbitrator was chosen by lottery for a given case and his first duty was to attempt to resolve the matter amicably. If this first attempt failed, he would ask for submission of evidence in writing and could call witnesses. The parties often engaged in elaborate schemes to challenge the arbitrator's decision or postpone rulings. An appeal could be brought before the College of Arbitrators, which would refer the matter to the traditional courts.

ADR existed also during the Middle Ages when the king was called to make justice. Even if essentially ADR is a nonviolent process, in these early stages this was a matter of degree. Duels or trial by combat were viewed as a mean to obtain God's judgment, especially by the noblemen. In this case God is not seen as a judge but as the most impartial arbitrator of all. For the common people, other forms of trial were also available, including placing the burning iron into the hands of the disputants, plunging a child from each side in cold water or the process of extracting a tiny ring from boiling cauldron (Barrett & Barrett, 2004).

Later in the Middle Ages arbitration became widely use in commercial matters. Although no official law was involved, in many European cities, it was known as the law merchant,

because this ADR process was developed and enforced by merchants. The legitimacy of the arbitration was given by understanding that in commercial relations mutual bene its, fairness, and reciprocity where profitable for all sides. These first steps in arbitration established some rules that are still in use today: the disputants could choose their own arbitrator, arbitration results were recorded in a state court, and the court was involved in enforcing the arbitrated outcome (Barrett & Barrett, 2004).

The other forms of ADR, namely negotiation and mediation, where developed as an alternative to war by the evolving class of diplomats. Initially, the diplomats were merely special messengers, but by the 15th century the medieval Venice established a network of permanent embassies abroad and the other Italian states followed, including papal nunciatures. As papacy assumed more and more a political role and with no army of its own the popes used frequently diplomats to negotiate agreements, mediate or arbitrate disputes between European leaders, gather information and seek political allies.

It is worth mentioning the influences that other cultures means of settling disputes had over the Western civilization. During the discovery era, the early colonists had the opportunity to observe and interact with "exotic" governance and dispute resolution processes. As an example, the word *caucus* is a Native American derivative, underlying the Indians long tradition of talking matters through (Barrett & Barrett, 2004).

The new diplomatic ideal provided its first great success by the Pace of Westphalia, which ended the Thirty Years War. As Jerome Barrett and Joseph Barrett note "making the peace in 1648 would require patience, a willingness to compromise, and a conciliatory attitude" (2004, p. 25). Later on, during the modern ages permanent negotiations maintained the balance of power between the European states. When diplomacy failed, war was inevitable. But even so, the peace set after the First World War was a result of discussions and mutual agreements and established a favorable environment for developing the Woodrow Wilson's dream, the League of Nations.

ADR mechanisms became accessible or for the large public alongside with the development of the human rights. When treating workers as slaves was no more an option, the employers had to rely on softer means to persuade the employees. From this labor relation, starting with the 1920', ADR became largely available for settling individual and social conflicts in the Western world.

Traditional ADR

Religious roots

All the main religions played a significant role in developing early ADR practices including negotiation, mediation, arbitration, and ecclesiastical courts. The main purpose was to establish peaceful relations within their followers and to maintain harmonious communities.

Christianity has a long tradition in using ADR as a mean of avoiding violence for resolving disputes. There are numerous biblical references, including that of King Solomon who used arbitration in order to settle a dispute between two women over a newborn child. In terms of practice of practicing ADR, the village priest often served as arbitrator or mediator on an array of issues involving his parishioners. The cases handled by the priest went far beyond the spiritual life and regarded more materialistic everyday disputing situations (Barrett & Barrett, 2004). Both Catholic and Orthodox churches where deeply involved in "making justice", as a substitute or more often as an annex of state courts.

The Jewish religion also encourages ADR, the idea of compromise in dispute resolution being highly valued. Based on the Torah and Talmud, Jewish tradition strongly urges the disputants to solve their differences informally in bitzua (mediation) or p'sharah (arbitration), before appearing in front of a rabbinical judge (Goldstein, 1981). The Hebrew managed to maintain their own informal justice system, resembling arbitration, long after the Romans occupied the Holy Land. This made possible for the Jews to avoid Christian courts of law and to prevent to testify under an oath identifying Jesus Christ (Barrett & Barrett, 2004).

ADR has a long history in the Arab world. From the earliest days of Islam the prophet encouraged the practice of tahkim, a variety of arbitration (Moussalli, 1997). During the first period of Islam there were no formal courts and the Prophet assumed the role of judge, arbitrator, and mediator and acted based on divine inspiration and specific revelations send down from the Lawgiver (Azad, 1994). Once to revelations and practices of the Prophet and his companions developed into formal institutions and Islam spread into the Arab world, the local law was amended to include arbitration (Moussalli, 1997).

The role of group or community is more important in Islamic culture, regarding dispute resolution, then the role of the individual. The struggle inside the Islamic tribes and villages to avoid conflict between its members developed a large array of dispute resolution processes. Most of them have been identified in dedicated studies by Rashid (2004) and Abdul Hak *et al.* (2011): *nasihah* (counseling), *sulh* (good faith negotiation, mediation/conciliation, compromise of action), *mushawarah* (consensus building though deliberation), *tahkım* (arbitration), Med-Arb (hybridized mediation and arbitration), *muhtasib* (Ombudsman), *mazalim* (special tribunals for redress), *fatwa al-muftı* (expert determination or non-binding evaluative assessment), and *qada* (court adjudication) (Oseni, 2012). Many types of conflicts, including even criminal act, were solved using one of these ADR technics in order to achieve restorative justice and diminish revenge that one family or group might use against another. Thus, the Islamic tradition of dispute resolution used of all three original forms of ADR (Chereji & Wratto King, 2013).

Influences of culture over ADR – Chinese mediation

ADR as an institutionalized practice is always culturally formulated. Chinese mediation is a good example of how culture can influence the ADR mechanisms. Mediation in China is not functionally or semantically equivalent with the concept of mediation in the Western culture. Chinese mediation's primary goal is to prevent conflict and not to respond to it only when it breaks out. Thus, W. Jia argues that: "Chinese mediation is a continuous process of being vigilant against any potential threats to harmony, even after the harmony has been built" (2002, p. 289).

Culturally speaking, mediation in China includes the trinity of *lianmian* (face – mixture of the symbolic and material resources that constitute social statuses and moral identities of the members), *renqing* (giving favor – humanizing feelings), and *guanxi* (interrelation – interdependence among members is the precondition for human communication), and the concepts of compromise, tolerance, pardon, and gentlemanhood (Jia, 2002). The Chinese culture is the culture of three where there is always the teacher (Pang, 1997). In the case of mediation, the mediator is the teacher. Thus, the Chinese culture emphasize the role of the group, considering the culture of two (face to face negotiation) incomplete and the culture of one, the individual, as less desirable. Instead, the Western culture focuses on individualism, based on the permanent competition between individuals. Basically, the Chinese culture leaves no room for individualism (Sun, 1991).

The predilection for mediation and the avoidance of negotiation or litigation is deeply in embedded in the Chinese culture and originates in the teachings of Confucius (Fingarette, 1972). Shenkar & Ronen (1987) have identified three reasons that explain the preference for mediation in the Chinese culture, over litigation or face-to-face negotiation. First, the social hierarchy rules the interpersonal relations and negotiation as equals is not a likely option in the Chinese society. Second, negotiation implies defending one's interests and the ability to express apology when needed. This kind of behavior can be regarded in China as face losing and selfish. Third, the Chinese tends to get very emotional in conflict situations preventing them from conducting reasonable negotiation.

As a process, Chinese mediation treats the conflict as being evil, and undesirable, unlike the Western approach that considers the conflict as a natural phenomenon that can be potentially productive. Thus, a Chinese mediator will act in such a manner that will not only avoid conflict between parties but also resolve it and help rebuild a harmonious relationship. Instead, a Western mediator would focus more on managing conflicts rather than permanently resolve them. To continue the comparison, the Chinese mediator is at the same time counselor, pacifier, educator, problem solver, unifier, arbitrator, negotiator, litigant, consultant, and therapist. A Western mediator is supposed to ensure constructive and peaceful communication through which the parties are expected to find their own solution and not to teach disputants to solve their conflict (Jia, 2002).

As a synthesis, Chinese mediation encompasses the three Western concepts of mediation arbitration and litigation. As Ren points out, "In China, mediation has a place not only in the process of arbitration but also in the process of litigation" (1987, p. 396).

Indigenous ADR

The following section of this study will present some ADR methods used in what it could be consider "exotic" indigenous cultures. Even if these dispute resolution techniques are used only in limited geographic areas, they show in a much larger perspective the potential of the ADR.

The pacifying force of fire

The term Bedouin generally describes all Arabic-speaking nomadic tribes from the Middle East. At its origins, Bedouin described those who herded camels but now the name refers to the inhabitants of the Negev region who form a distinct linguistic, political, and national group. Even if there are some Christian Bedouin the vast majority is Muslim (Marks, 1974). The social structure is patriarchal and gender roles are strongly embraced. Pride and family honor are the center of the Bedouin life and the collective is valued over the individual (Hall, 1976).

The Bedouins are using a unique ritual to solve various types of dispute, the *Bisha* (ordeal by ire). Fire has a large spectrum of symbols among indigenous populations and in the case of the Bedouins it is a revealer of truth (Abu-Khusa, 1993). The ritual involves the licking of red-hot metal as an undisputable means of validating an accusation or erasing a stain of shame upon an individual, family, or tribe (Kazaz, 1989). The Bedouin usually apply the *Bisha* ritual to civil or criminal disputes or in situations where there is a suspicion of offence (Abu-Khusa, 1993).

Performing *Bisha* includes several steps. First, the Mobasha (the man who administers the Bisha) listens to both parties and tries to convince them not to request the ritual. Then, if he concludes that the reconciliation is not possible, he pronounces that *Bisha* will be performed and that both parties must accept its results (Apshtin, 1973). Al Krenawi and Graham (1999, p. 167) describe as follow, the ritual: "Necessary conditions for the *Bisha* are ire, a group of people as witnesses, and a ladle about four inches in diameter with a long iron handle. The ladle end of the tool is inserted into a hot, well-stocked ire. Before taking the tool from the ire, the Mobasha gives the accused some water. The accused rinses his or her mouth and spits the water onto the ground. He or she then pokes his or her tongue out for general inspection to show there is nothing on it, and that it is in its natural state. The Mobasha takes the metal tool from the ire and shows the witnesses that it is red hot. He orders the accused to put his or her tongue out, and the accused must lick the metal tool. The tongue is then examined by the Mobasha. If he inds it harmed, he declares the accused guilty; but if the metal tool has left the tongue unharmed, the accused is declared not guilty."

From the societal level the ritual reflects the need for a justice system within the Bedouin community, as long as the formal legal process is not considered appropriate for the community's internal affairs. *Bisha* may be considered the last step in a dispute resolution cycle. The ritual involves a third party and does assume that previous softer methods have been used and failed (Al-Krenawi & Graham, 1999). From an individual perspective the ritual can be consider as a sort of psychotherapy. Participation can modify a person's social status and the relationship with the other tribe members. Also provide the opportunity for ventilation and communication of feelings, acting as catharsis (Rando, 1985).

The role of elders in conflict resolution

The Yoruba are one of the biggest African ethnic groups and they live mainly in Nigeria. They have a rich culture which developed an efficient way of dealing with conflicts. The Yoruba consider that presenting a dispute in court is a mark of shame as it proves that the disputants are no good people who favor reconciliation (Barrett & Barrett, 2004).

The focus on the Yoruba conflict resolution process is on the *agba*, commonly known as an elder person from the Yoruba community. Actually, the term outbound de ines more than a senior person. As Lawrence Bamikole (2013, p. 146) observes: "As an attribute, *agba* suggests the quality of being re lective in the sense that data presented are not just accepted hook and sinker but put into the court of reason, looking at the pros and cons and asking questions about the motive of the person who presents the data and the possible consequences which the data might have for the person or other persons or the society at large." Other qualities are also needed for a person as referred as *agba*: courage, kindness, tolerance, sel lessness. Consequently, agba is a model for the community and a leader in the Yoruba society. An interesting aspect is that the ancestors can also be regarded as *agba* and evolved into the conflict resolution process, as they are considered to be wiser, having experienced the knowledge of both the living's world and the thereafter (Bamikole, 2013).

The conflict resolution procedure involves the head of the family and the head of the village. Each party to the conflict is usually invited to state his/her own side of the story without interruption from the other party. It is believed that the persons will speak truthfully, but when in doubt they could be asked to swear on certain deities. The parties concerned can present themselves before the elders because of "their confidence in the elders for their steadfastness, shrewdness, integrity, and the length, breadth, and depth of their wisdom" (Bamikole, 2013, p. 147). The actual process of dispute resolution starts from the introduction of the parties and the elders' sitting in council. Each of the elders would begin to review the case, in turn, starting from the "junior elders" until the most "senior elder". During the review of the case each elder makes use of proverbs, wise-sayings, and other artistic expressions that are contextually relevant to the case.

By the time the head of the village, who is the most senior elder, finishes his submission, each party to the conflict would have known what will be the resolution. In most cases, the objective of the elders it is not to blame responsibility, but to strike a balance in the case so that the parties are reconciled. The elders have an arsenal of techniques for reaching a settlement: proverbs, persuasion, precedent, subtle blackmail, and even magic. The only real power behind the elders' decisions is cultural: they can threaten social excommunication or use emotional blackmail (Barrett & Barrett, 2004). In the unlikely event that one or both parties is/are not satisfied with the decision of the *agba*, the elders will reconstitute the council; but this time the ancestors would preside and their decision is always regarded as final by both parties to a conflict (Achebe, 2002).

Talking through conflict

The Semai Senoi, a group of Malaysian Aborigines, are one of the least violent societies known to anthropology. Nowadays there are around 15,000 Semai leaving in the forested mountains of the Malay Peninsula. They are scattered in small groups of no more than 100 persons, all linguistically related. Each band has a headman who has no real authority over the group but his own powers of persuasion. The society supports gender equality; some of the headmen are actually women. The Semai have a particular view about the world considering it a hostile and dangerous place. They make a clear distinction between band members and the rest of the world, between kin and not kin (Robarchek, 1997).

They are a peaceful society but sometimes conflicts occur. It can be about divorce, infidelity, land claims or other matters of vital interest for the community. If this is the case, a *bechara* is put in place and the individuals' conflict becomes the concern of the entire band. A *bechara* is a formal assembly with the role of solving the dispute. It takes place at the headman' house and involves the main parties and also their kindreds. Everyone has the occasion to present a case, to ask questions, to express a personal point of view or to offer an opinion or an observation. Robarckek (1997, p. 55) describe better the process: "This discussion may go on for several hours or, more likely, continuously for several days and nights. The headman's household provides food, and participants catch a few hours' sleep on the floor from time to time, and then arise to rejoin the discussion. All the events leading up to the conflict are examined and reexamined from every conceivable perspective in a kind of marathon encounter group. Every possible explanation is offered, every imaginable motive introduced, every conceivable mitigating circumstance examined. Unresolved offenses and slights going back many years may be dredged up and reexamined". When no one has anything to say anymore the headman presents his judgment which is, in fact, the consensus that emerged during the discussion.

There is no mean to impose the community's decision since there isn't any institution of control and follow up. The parties have to voluntarily accept the decision with all

its repercussions. If a participant to the *bechara* refuses to comply with the group consensus risks alienation from his kindred and also from the band. This means that he will have to face on his own the hostile world outside his psychological security area (Robarchek, 1997).

The entire process of bitch around facilitates an emotional catharsis. The feelings generated by the conflict situation are repeated the over and over and they are symbolically re-experienced until all of their emotional meaning is gone (Robarchek, 1979).

Drinking as a mechanism of dispute resolution

The Kingdom of Tonga is a Polynesian society that stresses the ideal of social harmony and the importance of strict measures of social control (Goldman, 1970). Today Toga is a Christian nation, under the influence of the European, especially British, culture, education, legal system and commerce. A key aspect of the Tongan social interactions is the respectful behavior in regard with a person of a higher social status (Olson, 1997).

Togan society has found a particular mechanism for social control and violence prevention: drinking kava. Kava is an indigenous alcoholic drink made of pounded roots of the pepper shrub Piper methysticum and water. While drinking other alcoholic beverages, as commercial or home-made beer is a source of violence and maintains a conflictual climate and it is viewed highly negative by the community, kava is a social lubricant.

Drinking kava is a social event. According to Olson (1997, p. 81): "Most evenings in the Tongan village include at least one kava party. The kava drinking party, or *faikava*, is predominantly a male activity in that it consists of males sitting cross-legged on the floor and being served the brownish liquid from a large wooden bowl supported by short legs made of the same material. Ideally, there is a female server, the tou'a, who sits on the floor next to the bowl and ills coconut half-shells with the liquid; each shell is then passed to the individual recipient. Each member of the circle in turn receives his own coconut shell of liquid, which he then consumes at once in a single lifting of the shell to the lips".

Faikava, the kava party, allows unrelated persons of various statuses within the social hierarchy to socialize. "Kava symbolizes the ethos of hierarchy, status, latent competition, rivalry, and exclusion" (Rogers, 1975, p. 415) and faikava parties are a "fairly controlled forum for individuals to safely compete actively against their cohorts and rivals for the good of the community" (Olson, 1997, p. 83). Being a male dominated activity, *faikava* can be also a setting for courtship competition (Lebot, Merlin, & Lindstrom, 1992).

The essential ingredient of *faikava* is humor. Stories, jokes or amusing insults are the main weapons of the men competing. Also talking is an important element when considering faikava conflict management process. Voicing of opinions allows the involvement of elders, peer groups, family members. Basically, "the kava party is an informal arena

for individuals – through joking, teasing, and scolding – to express conflict in a manner that allows for some dissipation or resolution" (Olson, 1997, p. 86).

Discussion

The examples presented in this study show that the Western civilization does not have the monopoly on dispute resolution instruments. An attempt to compare the ADR mechanisms used in the Western civilization with those encountered in more traditional societies should take into consideration at least two elements: process and objective. The Western ADR is clearly more formalized, embedded in structural rules and included in a way or another into the official legal system. There is a clear delimitation between the ADR components. From the point of view of the people involved in this process, there is a clear specialization of roles (e.g. negotiator, mediator, and arbitrator) with little flexibility in altering the attributes.

Traditional ADR holds no clear distinction neither regarding the elements of the process and neither regarding the roles of the facilitator. The boundaries are elusive and the rules are dynamic. For example, in the case of the Semai Senoi is unclear if *bechara* is mediation, facilitation or arbitration. Often there is also no difference between informal and formal process because traditional ADR does not always function within the framework of a structured legal system.

The main purpose of the Western ADR is to settle a dispute between two entities as close to full resolution as possible. The focus is on individual, regardless if it is a person or group. On the other hand, the traditional ADR seeks to maintain the social harmony. The process involves often the whole community and the focus is on the greater good.

By traditional and indigenous ADR we do not imply a better ADR, just a different approach of dispute resolution methods. The differences between the two systems are clearly a result of their historical and social evolution. Western ADR has to address to a much larger public and therefore does have the force to contain the conflicts of holistic communities. As opposed traditional ADR is particular to a certain limited geographical area and so, it can afford the luxury to aim for the community social well-being.

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THE SOUTH SUDAN COUP:
A POLITICAL RIVALRY THAT TURNED ETHNIC

Ciprian SANDU

Abstract. *South Sudan, the newest state in the World, faces its first major crisis after just two years of existence. The current crisis was shaped around two tribe leaders, but also around two leaders of the same army and political party. At first it was about a political feud between President Kiir and former vice-president Machar; it continued with the supposition of a coup d'état, led by Machar, and now the whole crisis is taking the form of an inter-ethnic civil war between the two dominant tribes in South Sudan, the Dinka and Nuer. The following article will be a conflict analysis of the current situation in order to determine the drivers of the conflict and how they influenced the parties' course of actions. Being a conflict analysis, it uses official and informal sources never used in the same place until now, together with the author's opinion about the con lict, along with that of our fellow colleagues who studied the situation, in order to present a detailed and complex description of this new crisis in South Sudan.*

Keywords: *South Sudan, coup d'état, Dinka, Nuer, Sudan People's Liberation Army, SalvaKiir, Peter Gadet, RiekMachar.*

Ciprian SANDU
Mediator, Transylvanian
Institute of Mediation
Email: sandu@ultrasilvam.ro

Historically, conflict within South Sudan has taken three forms: the liberation wars in which the South fought the North in the old Sudan for independence, ethnic feuds over resources, especially among cattle herding communities mostly between Dinka, Nuer and Misseriya, and rivalries between political leaders. With the independence of South Sudan in 2011, the liberation wars against the North are now over. Ethnic feuds remain relatively easy to reconcile in the context of traditional cultures, and are often confined to the ethnic groups directly involved and rarely affecting the rest of the country, at least until now (Jok, 2014). Despite the accumulated grievances throughout history,

circumstantial factors do not directly trigger violence; there should be active protagonists who take advantage of this grievances by channeling them into the road to war (Chereji&Wratto, 2013). The most devastating form of conflict is the political one among various leaders fighting for power, whether at the national or state level. Unfortunately, sometimes politicians play the ethnic card, drawing their tribes into conflict against the other. In this sense, the last two trends, the ethnic composition of the country and the political rivalries, are interlinked, and they are at the root of what has been happening in Juba and South Sudan since December 15, 2013.

Briefly, because the story was covered by all the national and international media, there were reported clashes breaking out in the Munuki neighborhood late on December 14, in South Sudan's capital, Juba, between members of the presidential guard. President Kiir also claimed that the fighting began when unidentified uniformed personnel started shooting at a meeting of the SPLM. Former Minister of Higher Education Peter Adwok said that on the evening of December 15, after the meeting of the National Liberation Council had failed, Kiir told Major General Marial Ciennoung to disarm his soldiers of the "Tiger Battalion", which he did. Adwok then controversially claims that the officer in charge of the weapons stores opened them and rearmed only the Dinka soldiers. A Nuer soldier passing by questioned this and a fist fight erupted between the two and attracted the attention of the commander. Unable to calm the situation, more soldiers got involved and raided the stores. It culminated with the Nuer soldiers taking control of the military headquarters. The next morning, he said that Sudan People's Liberation Army (SPLA) reinforcements arrived and dislodged the mutineers. The military headquarters near Juba University was then attacked with fighting continuing throughout the night. President SalvaKiir spoke on national television on December 16, having abandoned his traditional suit and cowboy hat for military fatigues (a clear message towards the mutineers, probably forgetting that in this sort of situations it is best to use Confidence Based Measures – CBM's), and said, while surrounded by government officials, that the coup had been foiled and that it was orchestrated by a group of soldiers allied with the former vice president Machar.

Machar spoke for the first time since the crisis began on December 18th, saying he was not aware of any coup attempt, but instead blamed Kiir for fabricating allegations of a coup in order to settle political scores and target political opponents. He also said the violence was started by the presidential guard, which was founded by Kiir and told to report directly to him instead of the military. Despite government claims of having repealed the alleged coup, a further center of ighting erupted on December 17th near the city of Bor. On December 19th, a Nuer militia led by Peter Gadet, the defected former 8th Division commander, claimed control of it. On January 2nd, 2014, South Sudanese rebels loyal to Machar seized control again of Bor, after the SPLA forces had gained control of it at the end of 2013. On the same day, Kiir declared a state of emergency in

Unity and Jonglei states, where Machar rebels controlled the capitals. On January 15th, ighting continued on the streets of Malakal with both sides claiming to control the town as the con lict entered in its second month. Civilians left town, and at least 200 drowned when their overcrowded boat sank as they tried to lee across the Nile (The Guardian, 2014). One civilian was killed and dozens of civilians and a security of icer were wounded inside the Malakal UNMISS base by gun ire from outside. On January 16th, Uganda's President Yoweri Museveni, and Uganda People's Defence Force (UPDF) spokesman Lieutenant Colonel Paddy Ankunda said that UPDF troops had joined the SPLA in the ight for Bor (Al Jazeera, 2014). On January 17th, South Sudanese troops said it had lost contact with forces in Malakal, which both rebels and the government claim to control. On January 18th, the joint SPLA-UPDF force recaptured Bor. A spokesman for the rebel forces said that theirs was only a "tactical" withdrawal. Fighting continued in and around Malakal. On January 23rd, South Sudan's government and opposition forces signed a cessation of hostilities agreement in Addis Ababa, Ethiopia. A second round of talks was held on February 11th. The first round of talks between the government and the rebels had ended with two agreements: one calling for a cessation of hostilities, and the other dealing with the status of political detainees held by the South Sudan government. The second round of negotiations focused on the political process to take South Sudan forward after weeks of fighting.

This path to regime breakdown and potential civil war is not unique to South Sudan. Chad was in the same situation in the case of the Chadian civil war between Habre and an insurgency led by his former chief of staff Deby in 1989; Libya had a similar episode with the Libyan civil war between Samuel Doe and Thomas Quiwonkpa's deputies that also broke out in 1989, and Congo in the case of Africa's Great War in the Democratic Republic of Congo between Laurent Kabila's regime and his former allies from Eastern Congo and Rwanda,which began in 1998 (Roessler, 2013).

The same thing also happened in the South Sudan case. In 1991, Machar launched a failed coup to overthrow the dead leader of the SPLA, John Garang. The failed coup triggered an intra-SPLA civil war and large-scale violence along ethnic lines. Machar was prominently involved, mobilizing support from his Nuer co-ethnics and targeting Dinka co-ethnics of John Garang, including in the notorious Bor Massacre in November 1991, in which it is estimated at least 2,000 people were killed. Over the next decade, Machar allied over and over again with the central government in Khartoum and continued to fight against the SPLA until he reconciled with Garang and rejoined the SPLM in 2002. Last year things seemed again to follow the same path. The SPLM was supposed to hold its general convention in 2013 to elect a chairman and the party's presidential nominee for the 2015 election. The holding of the convention would help to regulate the competition for power that was building among top regime elites. If it were to reconfirm Kiir's leadership of the party, it could also go a long way toward consolidating Kiir's

power vis-a-vis his rivals (Roessler, 2013). But Kiir feared the possibility that the party might not reelect him as party chairman and would instead support his political rivals, Machar or Amum, the secretary general. In the face of such a possibility, Kiir took some decisions to undermine the party's institutions. For example, he refused to call to order party departments in which he might be outvoted, such as the SPLM's political bureau. He also tried to manipulate the convention rules to prohibit the secret ballot. Finally, he dismantled party structures and postponed the convention indefinitely. In a move that surprised many among the senior leaders of the ruling SPLM party, on November 15th, 2013, South Sudan's president revealed he had dissolved all the structures of the party and declared he would appoint an interim body to prepare for a national convention (Roessler, 2013). These structures include the highest executive organ, the Political Bureau (PB) and the National Liberation Council (NLC).Kiir, who communicated the verbal decision while opening a new of ice for the party leadership, said his action was prompted by the fact that the party national convention, which was supposed to elect new leaderships since last May had delayed.

Leaving aside this wheel of history, which tends to be rounder in this part of the world than in others, the current conflict has three main dimensions, namely a political dispute within the ruling party – the SPLM, a regional and ethnic war and a crisis within the army itself.

The political dispute is long-standing. Since before the independence, in July 2011, the SPLM leadership had been split on several decisions, including over whether to confront the government of Sudan in Khartoum or cooperate with it, in addition to the long-lasting disputes for distribution of power and wealth within South Sudan itself. The South Sudanese President Salva Kiir preferred good relations with Khartoum as a way to secure the oil revenues – South Sudan's oil exports depend on the pipeline through North Sudan to the Red Sea. But other party leaders took the opposite view, arguing that South Sudan should take the opportunity to change the regime in Khartoum by supporting Northern rebels and seizing disputed areas by force (Waal and Mohammed, 2014).

As if that were not enough, Kiir and Machar differed on domestic policies and on who should lead the party into the next election in 2015. It is important to explore the problems within the ruling party as part of the genesis of the current crisis, especially the reaction of Kiir's government to the calls for reforms that were made by the party leaders he had fired from both the party leadership and the SPLM government last year. These officials, many of them members of the party's highest structure, the Political Bureau, had been demanding President Kiir to organize a meeting of the Political Bureau to sort out the differences between him and over two-thirds of its members. These leaders held a press conference on December 6th, 2013, in which they accused the president of running the party in ways that do not respect the constitution. But instead of responding to what seems like a legitimate constitutional right of the people who

held the press conference, the president instructed his deputy, Vice President James WaniIgga, to issue a very crude response in which he outright dismissed their claims and accused them of being "disgruntled" for their loss of power (Waal and Mohammed, 2014). When the current crisis began, maybe not knowing how to use Confidence Based Measures (CBM's), the president did not help the situation and the image of his government when he appeared in military fatigue to deliver his statement in the wake of the revolt, signaling his readiness for a military confrontation.

Many local analysts and people in the media have been reflecting on these events and have been able to tease out some of the signs that the intense competition for political power within the ruling SPLM was bound to spark violence, as it was likely to touch the wounds of the last three decades of liberation wars during which this South Sudanese leaders had turned guns against one another over leadership of the movement (Jok, 2014). One of such moments was the 1991 split in the SPLA, in which Riek Machar and Lam Akol Ajawin, then senior deputies to John Garang, attempted a coup against the latter and sparked massacres in Jonglei state. Machar, then SPLA commander for Upper Nile, broke with the SPLM/A to form the SMLM/A-Nasir faction together with Lam Akol. This revolt happened in the midst of war against the government in Khartoum, and led to a prolonged and destructive conflict within the South. During this episode Machar ordered massacres against the Dinka of Jonglei state, which gave rise to a protracted Dinka-Nuer conflict for the following seven years (Jok, 2014). In the end, and despite the reunification of the SPLA, no one was held accountable for this incident, and many others similar to it, and there was no compensation to the affected citizens, which led to a continuous discontent from the people who suffered during the last two decades. This set the precedent for the kind of politics whereby the political ambition of the individual or small groups of individuals translates into efforts to gain power by force.

The problem in South Sudan is that the SPLM never functioned as a real party, or even as a liberation movement. In its early years, during the 80's, the SPLM was only an army. Its goal was to fight and change the regime in Khartoum, and its politics was handled exclusively by John Garang. In 1991, the war between the SPLM's ethnic groups split the movement, and even though the SPLM survived, it did so as a profoundly dysfunctional coalition. It never developed institutions and never had a political, economic, or social agenda for the areas under its control (Waal and Mohammed, 2014).

Throughout the period, the SPLM concealed its lack of any practical agenda for internal social change under the rhetoric of fighting the external oppression of the North. And, unlike other national liberation movements, which established literacy programs, land reforms, and local democracy, the SPLM simply put all the minimum social welfare in the hands of the international humanitarian agencies (Waal and Mohammed, 2014). It also drew on foreign advisers for many elements of its diplomatic strategy, called on the United Nations to dispatch the peacekeeping operations immediately after gaining

independence and put all the areas of development in the hands of country donors, as I presented in my previous article. It is hard to avoid the conclusion that South Sudan's ruling elite were more interested to consolidate their power than in doing the hard work of nation building. Instead of looking to the marginalized people of the South and developing some social and economic programs, the first act of the new government was to distribute power among the many military factions, the ones who were responsible for the success of the CPA, with the first prize going to Kiir and the second one to Machar. Up to a point, I can agree that a political leader wants even greater power once he reached the top, it is in our blood, and in South Sudan we also have a proper catalyst for this behavior – the oil ields. But why would you want to have more power instead of consolidating the one you already have on a real foundation – especially considering the people of South Sudan, who had fought for the last half a century to be independent. As if that wasn't enough, other military leaders became governors of the ten states into which Southern Sudan had been partitioned by the North. Later in the article we will see why it happened like that.Machar, who was not happy with his reward, made his intentions known right after the independence in 2011, to run for presidency of the party and state in 2015.

Another source of the present political struggle is the fact that the lines between government and opposition, loyalists and renegades, are very fluid, governed by changing alliances. Kiir tolerated regional strongmen who had been fighting in alliance with Kartoumn against the South, like Clement Wani and Taban Deng, only because of their potential to cause problems for the new state. They represent counterweights for the government in Juba and could bring about more rebellions than what happened in the past two months. Like the SPLM, the renegades and opposition groups are divided along tribal and ethnic lines – the uprisings in Unity state are dominated by Bul Nuer, with Machar being their most active and prominent representative. We will discuss more about Unity state later on in the article.

The second dimension to the current conflict is ethnic and regional. Despite Garang's talk of building a socially equitable Sudan, the SPLM relied too heavily on racial and ethnic solidarity (Waal and Mohammed, 2014). That approach backfired disastrously when the movement split along ethnic lines in the early '90s. The sad truth of the war in South Sudan during those and these days is that most of the fighting was southerners against southerners, and that the troops of the contending factions showed just as much disregard for human rights as their enemies – the militiamen and jihadists of the North. Not only did the internal wars kill thousands, they threatened to tear the social fabric of South Sudan beyond repair (Waal and Mohammed, 2014).

The situation is the same in the present. Rather than by a coherent ideology, the followers of the SPLM/A have largely been motivated by anti-Arabism and anti-Islam and a strong affirmation of their African character and cultures. While John Garang preached

notions of common struggle with people in the North and claimed to be fighting for a united "New Sudan", this had little resonance among the Southern people who simply wanted to become independent (Waal and Mohammed, 2014). The absence of a common national ideology means that the motivation for a struggle was often reduced to racist denigration of the Northerners and alliances along tribal and ethnic lines.

Politics in the South is shaped by the tribes and from this perspective the legitimacy of the SPLM/A is sometimes cast into doubt, since it is perceived to be dominated by the Kiir's tribe – the Dinka. The fears of small tribes of being politically marginalized by larger tribes are an important factor to take into account in post-settlement setting, mostly because the entire history of the area was a continuous struggle for the smaller and weaker groups against the bigger ones (South vs. North, Nuer vs. Dinka, Misseriya against Dinka and Nuer).

The thing, though, is that South Sudan is actually pretty ethnically diverse, with more than 50 different ethnicities. South Sudan, like a number of other countries in Subsaharan Africa, has borders that have very little to do with the actual people there. The past unified version of Sudan had been shaped, in part, by European and especially British colonialism, back in the 19th century. The long-running conflict between the North and the South was, like many wars in post-colonial Africa, partly a consequence of European cartographers having forced disparate groups into artificial borders (Fisher, 2013). Splitting Sudan in two helped to ease the tension created by these borders but didn't solve it. The southern ethnic groups had been united by a common enemy – the North – but that's no longer bringing them together because people in South Sudan don't identify that strongly with their nationality. The idea of South Sudan is too new for most people, while old unified Sudan was too hated, like the case of North and South Korea in the '50s. Without a common vision and national ideology, the majority of people have separated in ethnic or tribal identities.

The present crisis also represents the crisis of the army, and a source of it. The SPLA has been the dominant armed insurgent movement in Sudan since the beginning of the second civil war in 1983. It has, however, been challenged by various different actors on its claim to represent the people of the South, oppressed, Sudan. The SPLM/A roots are here, in Southern Sudan. Even if in the beginning it drew much of its support from the various Dinka tribes, today it has a wider support base including most Nuer (since the end of the war with the North) and, increasingly, people from most of the Equatoria tribes. The movement has a legacy of authoritarianism and violent actions, and many Southern clans hold strong grievances against it for its brutal treatment of civilians. Although Garang has been the strong leader of the movement and this has caused several internal power rivalries, the central leadership wasn't able to control completely the way local commanders conducted the war. Some commanders have, for instance, been more brutal than others. While some have been more concerned with protecting and

helping the civil population, others have ruthlessly exploited it, like Peter Gadet, Bapiny Monytueil or James Gai Yoach. The SPLM/A appeared and developed in times of war, and its actions were in accordance with the war realities. In times of war it was very efficient, for tens of years it fought against the best soldiers of the North and determined Bashir to agree with the CPA in 2005. In times of peace, the SPLM/A didn't know what to do or how to behave, mostly because it remained a military organization. It has little experience in the democratic governance and most importantly, it has no experience in a peaceful time. Maybe it sounds very harsh, but this is the reality.

Since the eruption of the armed conflict with the North, the SPLM/A leadership remained in the hands of its former chairman and Commandant in Chief John Garang. Later, Garang pursued a centralized system ruling the movement. Garang dominated the Southern politics up to his death, in 2005. Salva Kiir, who was appointed by Garang as the SPLM/A deputy assumed the SPLM/A leadership. Kiir, a Dinka, come like Garang from Bahr El Ghazal. He is among those who remained loyal to the movement in spite of the differences he had with the late chairman. Kiir, as well as the entire SPLM/A, obviously have to continue with the implementation of the CPA as expected. However, as a different person and leader, Kiir, the new chairman of the SPLM/A and first Vice President of the republic, had his own clique within and outside the SPLM/A. Though much has not been said and seen, the SPLM/A is divided along the lines of those who were close to Garang and those with Saliva Kiir, in particular those Dinka from Bahr el Ghazal. These are people who for one reason or another were opposed to the previous style of leadership. As a result, many tactics, strategies and devastating weapons were used by each party. These included but were not limited to the use of proxy militias.

In this process, most of the civilians in Southern Sudan have acquired light weapons for protection, mostly against cattle riders. As a result, light weapons have proliferated and can be found everywhere in the Southern Sudan. They pose a security challenge as they are frequently used in individual and domestic conflicts. Without a proper demobilization policy and related programs, the communities in the South may not experience any peace. The militias groups were not included in the peace process that culminated in the signing of the CPA. These groups are formed mostly of former SPLM/A combatants from Southern Sudan who have in one way or the other fallen from the SPLM/A ranks, especially during the split of the SPLM/A in the '90s (Berghof Foundation for Peace Support, 2006). They were used and regrouped by the government of Sudan in order to assist the army in the fight against the SPLM/A. There are some of them who (for one reason or another) could not join the government militias and operated in between the two main parties to the conflict. Though the security arrangements in the CPA provide that these groups have the freedom to choose either to join and get incorporated in the SPLM/A or the North forces, some of them are still between the two parties, having direct – mostly economic – interest in both the North and the South. The leaders of these

armed groups started threatening the SPLM/A leadership that unless they were given their share in the political power and in the armed forces, they would not allow the SPLM/A to enter the areas they claimed to be under their control (Berghof Foundation for Peace Support, 2006). There is a danger that these armed groups/militias in the South may not accept any demobilization if they are not assured of their positions and roles in the Southern Government structures, army, and other security institutions. The South Sudan Defense Forces (SSDF) lead by Gadet, have the military capacity to undermine the peace process and unless the SPLM/A is willing to share power it is likely that the SSDF will try exactly that. These armed groups are ethnically oriented. Many times they use ethnicity as a means of achieving personal interests.

Furthermore, the main factor uniting the diverse tribal and political groups in the South was the opposition to the National Congress Party (NCP). The disappearance of this common enemy might very well undermine the fragile state of relative consensus. This is especially problematic since the tendency of tribalism in the South is a source of division.

The SPLM/A has also posed serious challenges regarding social cohesion and national unity across ethnic lines, something the stability of the country cannot be ensured without (Jok, 2014). It has shown fragility of the democratic processes, the result of which is that when some politicians fail to gain an of ice, they still have the capacity to use violence and attract the other members of the tribe to their side. This was unsurprising due to the absorption of large militia forces from the many rebellions in Greater Upper Nile into the SPLA. Striking peace deals with these militias was the only immediately viable way forward. On the other hand, inviting all of them into the national army meant compromising on the demand to professionalize the armed forces, as many members of these militias were young people with no military training (Jok, 2014).The result was that the army was made up of an amalgamation of previously warring factions, with no common vision to which all soldiers subscribed. Or did they indeed share a common vision or interest?

Many feared a Southern civil war following the peace with the North. But Kiir, newly installed in 2005, reached out to the SSDF leadership and other militia commanders to offer them membership in both the army and government. The prize was not just internal peace, but a share in oil revenues (Waal and Mohammed, 2014). The SPLA payroll expanded to well over 200,000 names. Fully, 55% of the South's budget was spent on defense – and more than 80% of that on salaries. Over time, the payout created insurmountable obstacles to army reform and professionalization. The army was little more than a coalition of ethnic units tied together by money – the common interest. Because of that, a lot of analysts say that the army commanders who have now rebelled against the government were most likely acting on their own account, with the wheel of history continuously turning with the same shifting between the militias. For the last two months, Machar has given the impression that they all act under his

command. Maybe it is true, but the army commander, who seized Bor in December 2013, Maj-General Peter Gadget, is a notorious militarist, whose allegiances cannot be relied upon. He led a rebellion against the government in Juba, in which Machar was the Vice-President. It was only after he was given amnesty in 2011 that he agreed to be integrated into the SPLA.He was rewarded by Kiir by being put in charge of 8th Army Division of the SPLA based in Bor.

During the last two months of fighting, there were more actors involved in the crisis, others than Kiir and Machar, with their own interests and backgrounds. One militarist not yet spoken for in this present round of military and political struggles is David YauYau, who had campaigned in the elections in 2010 in the Pibor County of Jonglei State. He had led a Murle insurrection against the Government of South Sudan in 2010 and was later given amnesty at the time of independence, back in 2011. YauYau signed a cease fire with the Government of South Sudan in June 2011, which integrated him and his militia with the SPLA. In April 2012 he defected again, and has been leading a Murlemilitia in the South Sudan. Hundreds of people have been killed, their properties robbed, and thousands of others displaced from their homes in Pibor County, Jonglei State. In 2013, prior to the new political and military struggles, David YauYau was again granted amnesty so that he would not be open to an alliance with the Machar forces. The contradictions between his youth army and the forces of Machar's White Army have compounded the political battle lines since Machar is now fighting on two fronts, against the central government and against the youths of David YauYau.

Another person to watch is Dr. Lam Akol, who together with Machar broke away from the SPLA/M in 1991 and signed a separate deal with the Khartoum Government. DrAkol, like Machar, changed sides frequently. In 1994 after having split with Machar he formed his armed movement, SPLM/A-United, in 2009. Although Akol's party is represented in Parliament, he went into self-exile in Kenya and was not present at the Independence celebrations in July 2011. But he has been back since July 2013 after he received amnesty from Kiir. He seems to have been conspicuously silent on the current political crisis, perhaps waiting to see the outcome of the power struggle between his former colleagues. By January 7, 2014, he emerged as one of the leaders of the SPLM government delegation in the IGAD talks in Addis Ababa.

As a conclusion to this discussion about the SPLA and some key figures, Dr. Peter Nyaba, a South Sudanese leader and former Minister of Higher Education and Scientific Research, offered the most insightful analysis of the genesis of the current crisis. He distinguished, and I totally agree with his view, between the "movement" and the "army" and critiqued both. The "M" (for Movement) in the SPLM/A was always nominal. It did not have a life of its own ... The militarists rigidly identified and dedicated the liberation process to armed struggle and made their political fate totally dependent on it, thereby producing the militarist elite whose existence and survival became linked with the continuation

of war. [...] The "A" was the dominant and the strategic factor in decision making. This inadvertently reduced, with serious consequences, the capacity of the SPLM/A to absorb, organize and assimilate the then available intellectual and material resources, especially after 1989. The SPLM/A used to behave like Siamese twins joined at the head such that any surgical operation to separate them could have resulted in their death" (*NYABA*, 1997). Whereas the political party is in need of reforms, the army also needs to be restructured. From the beginning the army was composed of loosely structured militias that were fused together to form the current army. With each integration of former adversaries, the army became larger without being internally reformed. Those 55 percent of South Sudan's budget that was spent on defense (*Waal and Mohammed,* 2014) could be used in other sectors such as education, health, infrastructure and social welfare. Key commanders retained loyalty to their former armies and the process of disarmament, demobilization, and reintegration (DDR) has been plagued with failures. The consequence: only 10,000 have been demobilized,out of an estimated 150,000 former militia. The government of SalvaKiir had argued, quite convincingly, that absorbing these militias and rewarding their leaders with high ranks in the army was a reasonable price to pay for the stability of the country (Jok, 2014). But this policy of trying to gain peace by accommodating every militia force quickly started to appear much more costly than was anticipated, especially on two accounts. First, the „positive discrimination" by promoting into the army ranks people from one ethnic group, the Nuer, who make up over 50% of the total national defense force. Second, it made the SPLA officer corps very unhappy with the placing of former rebel leaders above them in rank. This policy was also criticized for arguably weakening the military professionalism that was already challenged by the SPLA's background as a guerrilla army trying to transform itself into a professional one.

The post-war and post-independence security situation in the country put the government in a serious bind. On the one hand, the multiplicity of militia forces from Unity and Jonglei states particularly meant that the new state would not have an opportunity to build peace, reconcile its people and focus on developing its resources for the bene it of its population that had been long affected by war and violence. Striking peace deals with these militias was the only immediately viable way forward. But on the other hand, inviting all of them into the national army meant compromising the professionalism of the soldiers.

The most intense fighting was in Unity State, with the Bentiu town being disputed for weeks. Tensions in Unity increased after President Kiir dismissed the state governor, Taban Deng Gai, in July 2013, amid allegations that the governor supported the former vice-president, RiekMachar, who also hails from Unity. SalvaKiir appointed Joseph NguenMonytuel as governor, partly as a concession to the South Sudan Liberation Movement/Army (SSLM/A), whose forces accepted an amnesty offer from

the Government of the Republic of South Sudan (GRSS) in April 2013. Fighting in Unity first broke out on December 19, at an operating base of the Greater Pioneer Operating Company – the joint operating company responsible for oil extraction in the state – and continued on December 20, at the TharJath oil field, in Leer county. Sixteen people died in what Mabek Lang, the deputy state governor, claimed were targeted attacks on Dinka employees.

Fighting continued on December 20 in Bentiu and Rubkona, as the SPLA 4th division, which is based in Bentiu, began to break up along factional lines in anticipation of clashes. On the evening of December 20, MSF reported that the Bentiu Ministry of Health Hospital received 42 wounded. Fighting continued on December 21 in both towns. On December 24, the South Sudanese Red Cross reported that they had collected 34 bodies in Bentiu and 82 in Rubkona. On December 21, the BulNuer commander of the SPLA's 4th division, James Koang Chuol, defected from the army, named himself governor of Unity, and appointed an interim administration the next day.

Unity state is a special area in the economy of the new crisis in South Sudan. Unity state is confronted with a set of difficult challenges in South Sudan. Some exemplify concerns that register across the emerging republic; others are unique to the state. Situated along multiple frontiers, its socio-political, economic and security dilemmas make for a perfect place for violence to emerge. Recent rebel militia activity has drawn considerable attention to the state, highlighting internal fractures and latent grievances (International Crisis Group, 2011). But the fault lines in Unity run deeper than the rebellions. A governance crisis has polarized state politics and sown seeds of discontent. Territorial disputes, cross-border tensions, economic isolation, development de icits and a still tenuous North-South relationship also fuel instability, each one compounding the next amid a rapidly evolving post-independence environment. Unity is a predominantly Nuer homeland. Its most Northern counties are also home to sections of the Dinka tribe, though they number far fewer than the Nuer. Historically, Misseriya nomads also use parts of the territory to graze large herds of cattle, though traditional migration practices were complicated during the war and have been in a tense hiatus for several seasons.

The present-day Unity state was among the areas that suffered the worst of the 22-year conflict, not least due to the strategic value of its oil fields (International Crisis Group, 2011). During the latter stages of President Nimeiri's rule (1969-1985), Khartoum began arming militias with the aim of pushing the border further south. Militias and irregular security forces, especially those recruited among nomadic Baggara tribes in Northern border-states, were the central instrument of this policy. Brutal raids displaced Dinka and Nuer communities southward, thereby asserting government control over coveted territory and resources and securing a wider buffer zone. The policy was sustained during the past three decades by the Sadiq al-Mahdi and Omar al-Bashir administrations and expanded to employ pro-government Nuer militias as part of a divide-and-rule strategy intended to allow Khartoum to extend and accelerate oil development.

A period of violent conflict, evolving alliances, and power plays within and among Southern forces and communities resulted, at the center of which was what some have called the "Nuer civil war", during which divisions were formed along ethnic or sub-regional lines, but almost as often around prominent personalities, personal interests and short-term tactical objectives (International Crisis Group, 2011). A clear signal of popular discontent was delivered in April 2008, when delegates to the SPLM state party congress elected Joseph MonytuielWejang (a BulNuer) as their chairman and a supporting secretariat. Because governors held party chairmanships in all other states in South Sudan,the vote was a clear rebuke of Taban. The governor in effect rejected the outcome, and the seeds of party division were sown. Parallel party structures emerged, signaling ade facto split, and the two sides began working at cross purposes. Meanwhile, because Wejang is perceived to have ties to Vice President Machar (Machar recommended Wejang for health minister in 2008 and again pushed for him to be appointed into a ministerial position following the 2010 elections), the state party election drew attention from further a field.

The rift came into even sharper focus in advance of the 2010 national elections, as the candidate selection process,including the gubernatorial nomination, commenced. In December, an extraordinary meeting of the state liberation council – opened by Vice President Machar – was convened and a statement subsequently issued to the press that announced Wejang as the party's nominee but in the end, the bureau named Taban the official SPLM nominee. Wejang stepped aside, and the state minister for energy and mining in the Government of National Unity in Khartoum, Angelina Teny (the wife of Vice President Machar), left the SPLM to stand as an independent candidate. Teny was one of eight independents who contested gubernatorial races despite objections from the SPLM, an indication of the desire for greater political space in South Sudan, not only between parties but within its dominant party. Teny inherited many of Wejang's supporters and enjoyed the support of the vice president, despite the fact that his party had officially endorsed Taban (International Crisis Group, 2011). Teny's supporters erupted in protest after results in favor of Taban were announced prematurely over the local radio station, absent endorsement of the National Elections Commission and amid investigation into allegations of rigging. Three protestors were killed by state security forces. Despite the ensuing standoff, Taban was declared the winner. This difficult election period brought considerable attention not only to divisive party politics in the state, but more specifically to ongoing competition between the governor (and his backers) and those of Vice President Machar.

The best conclusion for the article and for the present situation in South Sudan is given by the words of Peter Greste, the international correspondent of Al Jazeera: "The fault lies not in the DNA of the South Sudanese tribes. It lies with the political leaders who use ethnic patronage to build their power bases; or who incite their ethnic kin to carve out a geographic or political niche". South Sudan is at a crossroads. President Kiir, trying to

make good on his usual pronouncements about commitment to peace and avoidance of a return to war, made a first step by inviting Machar to attend peace talks. Riek Machar has done the same thing, but on conditions that seem either unworkable or extremely difficult to meet from the opposite side of the table, like the possibility for Kiir to leave his of ice, the release of political detainees and a power-sharing arrangement. Out of the three, until the end of February, only the second was just half successful after a sec-ond cease- fire meeting between the two sides. Machar's demands for power-sharing will surely make the government fall in the same trap as the leaders of armed militias have been over the years as we explained early in the article. To object to it on grounds that politicians should not be rewarded with power after using violence means a risk of pushing Machar toward the route to civil war. But to bribe him back with a share in government means the risk of encouraging the trend whereby failed politicians have to revolt against the state, kill people, destroy property, and then get rewarded with power and resources for their deadly actions.

The country is in serious crisis, with its two biggest nationalities, the Nuer and the Dinka, severely divided and in conflict, its oil production (the country's primary source of revenue) currently under threat, foreign reserves depleted, with difficulty in honoring its obligations to its citizens, and with foreign donors likely to take one step back with their financial aid. With all of that needing immediate attention it might be the case that the government will have to negotiate a deal that will indeed reward Riek Machar's unconstitutional and deadly political actions, at least until 2015. Any temptations that the current government leaders might have to punish Mr. Machar could well be the start of unraveling of the gains the country has made since its independence.

What the people of South Sudan now need is shelter, hospitals, schools, roads and clean water. These services have hardly existed for over the last sixty years in which Sudan has been at war with itself. The lack of infrastructure has serious consequences for the economic development and rebuilding of South Sudan. In the most serious way, Southern Sudan doesn't have a transportation network. The whole network of roads measures around 13,000 km, of which only 4,000 are available throughout the year, due to the rainy season, again, out of which only 100 km are paved in the Juba capital. What does this lack of infrastructure mean? First of all, it means little or no control of the territory and population. Limited mobility of the security forces, for example, means they are un-able to react promptly and effectively in case of local conflicts or very serious offenses. If we look carefully above, that means most of the country. The humanitarian situation in South Sudan has deteriorated rapidly since fighting broke out in mid-December, causing not only the loss of life and displacement, but also disrupting agricultural development and humanitarian activities crucial to the survival and future livelihoods of millions. The impacts on diversified livelihoods in four of South Sudan's ten states are generating an alarming risk of food insecurity and malnutrition. "Even before the recent fighting, which has displaced more than 352,000 people, an estimated 4.4 million people were

already expected to be facing food insecurity in South Sudan in 2014. Of those, 830,000 were estimated to be facing acute food insecurity," said Dominique Burgeon, Director of FAO's Emergency and Rehabilitation Division.

And this is also caused by lack of infrastructure and institutions. An estimated 78 percent of South Sudan's rural population relies on various aspects of agriculture for their livelihoods, including cropping, livestock, forestry, fisheries and agriculture-related wage labor. The conflict is affecting the major supply routes, displacing traders and leading to rising food and fuel prices, along with the breakdown of local markets which are crucial to rural farmers, fishers, and livestock-dependent populations. But here there is another problem: of the 90% of fertile land, of which over half were classified as first-hand, only 1-2% is cultivated; most of the population still practicing subsistence agriculture motivated firstly by the difficulty to access markets and secondly because of the weak production that generates a very small amount of surplus. As for cattlemen, progress collides with long-lasting traditions. A staggering percentage of 60% of South Sudan population is represented by cattlemen who do not even take into account the economic considerations of their work; for them the number of animals is considered a source of social status. A problem immediately arises: if everyone only produces for their own consumption, what happens with the markets? Nothing! A "nothing" that translates into the inability to impose taxation for this activity. This means that the population of the ten South Sudan states will wait for the 2% of oil revenues promised by the CPA.

Another problem is that there is only limited activity at the track 2 and track 3 peace-building levels. The civil society in the South has been under the control of the SPLM/A for quite long. Since the SPLM/A is mainly a military movement, the civil society has to generally conform to its codes of conduct. There were no effective civil society groups in the liberated areas until 1996 when the SPLM/A accepted a dialog with the churches and sat down to draw lines of responsibilities. At that same time pressure was mounted by the international community on the movement to not only establish a civil administration in the liberated areas but to allow the traditional civil society structures such as the traditional courts to operate.

Sometimes the civil society has been manipulated by the SPLM/A and by the different militia groups. They have been mobilized and used by these leaders to achieve their self-interests. This was apparent when the leadership of SPLM/A was hit by a crisis in the early '90s. There were devastating fights between the different tribal groups, instigated by the SPLM/A leaders almost in all parts of the South. It was then that the churches, assisted by the international community, intervened with peacebuilding and conflict transformation programs, so that this phenomenon was somehow minimized. Recently, civil society groups mushroomed in the SPLM/A liberated areas. Some of their activities helped in making peace among the communities which lived in hostilities for quite a long period of time, while other CSOs deal with skills and capacity building. The New

Sudan Council of Churches (NSCC) has successfully used the traditional mechanisms for conflict resolution in the People to People Peace Process that resolved the long-standing feuds between the Nuer and Dinka tribes in both Bahr el Ghazal and Upper Nile regions. This process involved traditional leaders. Though most of the civil society groups in the South are new, they have already played a significant role in influencing the peace discussions that ended in the CPA by making presentations to the parties on issues such as inclusion of human rights in the CPA. Currently the International NGOs and CSOs in the South are carrying out civic education trainings in governance and good governance, democracy and participation in public live, human rights, rule of law, gender etc. During the war in Sudan,none of the parties could militarily win straight away.

This new conflict and its consequences are neither about Salva Kiir or Riak Machar, nor about the Dinkas or the Nuers; after all, there are more than 50 different ethnicities within the borders of South Sudan and out of the eleven politicians who were arrested following the coup attempt but now released, six are Dinkas, two Nuers, while the remaining three are from different ethnic groups. It is about a continuous political struggle for power and resources between charismatic tribe leaders who use their tribes and influence to their own bene it.

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