**Brothers at Arms: Salva Kiir, Riek Machar & the Search for a Lasting Peace in South Sudan**

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Introduction

Sometimes, the most destructive conflicts we can experience as human beings occur with those we consider our closest friends, family, and confidants. For instance, in his article, *Building Circles of Trust*, Prof. Sukhsimranjit Singh recalls the story of Raj and Shiri, two friends who moved from India to the United States in the 1980s to pursue the “American Dream.”[[1]](#footnote-1) Over the course of nearly a decade, Raj and Shiri managed to accumulate enough wealth to purchase homes and marry, and proceeded to do business with one another for the next fifteen years.[[2]](#footnote-2) As their community grew, Raj and Shiri identified a need to establish a place of worship, in this case an Indian temple.[[3]](#footnote-3) Raj took the initiative to achieve this goal, leveraging his financial resources and connections to do so, and in turn sought to cement ownership of the temple in his own name.[[4]](#footnote-4) This created a direct conflict between himself and Shiri, who desired collective ownership of the temple by the community.[[5]](#footnote-5) Ultimately, the temple congregation divided into camps loyal to either Raj or Shiri on the issue of temple management, culminating in threatened litigation and two failed attempts at community-based mediation before Prof. Singh’s intervention finally helped the parties reach a long-term, mutually satisfactory agreement.[[6]](#footnote-6)

The story of Raj and Shiri closely mirrors another political rivalry between two men who at one time would have considered themselves, if not friends, then at least allies in pursuit of a common endeavor: Salva Kiir and Riek Machar, President and Vice President, respectively, of the Republic of South Sudan (“South Sudan”), who assumed leadership of the country following the attainment of independence from the Republic of Sudan (“Sudan”) on July 9, 2011.[[7]](#footnote-7) Independence brought with it high hopes for the young country’s future, even as the new government inherited several major problems it would have to overcome.[[8]](#footnote-8) Unfortunately, the initial jubilation was not long to last: in December 2013, the political rivalry between Kiir and Machar escalated into full-fledged civil war as forces loyal to the ethnic Dinka president clashed with those of the ethnic Nuer vice president, resulting in the deaths of tens of thousands of people and the displacement of millions more.[[9]](#footnote-9) Despite the signing of a peace agreement in August 2015, fighting resumed in July 2016 and continued until the signing of a “revitalized” peace agreement in September 2018, according to which “[t]he government and most armed opposition groups agreed that they would form a unified national army, create a transitional government by May 2019, and prepare for elections in December 2022.”[[10]](#footnote-10) Elections were subsequently pushed back to “late 2023,” and “the transitional government was formed in February 2020, when M[achar] returned to Juba as first vice president.”[[11]](#footnote-11) As of now, “implementation of the peace agreement has stalled as the parties wrangle over power-sharing arrangements, contributing to an uptick in communal violence and the country’s worst food security crisis since independence, with 7 of 11 million South Sudanese citizens in need of humanitarian assistance.”[[12]](#footnote-12)

Because South Sudan has already experienced two rounds of civil war since gaining independence, and because the underlying tensions that led to that violence continue to pervade the young country’s politics, one could imagine a third round of fighting breaking out between Kiir and Machar’s competing factions absent a true and lasting reconciliation between the two leaders. With that in mind, this article proposes and evaluates several key elements of a potential future mediation between Kiir and Machar based on the model Prof. Singh applied to resolve the conflict between Raj and Shiri. Part I analyzes the personal backgrounds of Kiir and Machar to identify relevant interests, motives, and desires a mediator should be cognizant of to most effectively engage each party during mediation. Next, Part II explores the critical role language can play in intercultural mediations in general and in a Kiir–Machar mediation in particular, including the need to ensure any interpretive services used are competent for the task at hand. Finally, Part III touches on the double-edged sword of geography, which can serve as both the cause of intercultural conflict and a vehicle for resolving it (if leveraged properly). Though not an exhaustive blueprint in and of themselves, the elements discussed in this article are critical components a mediator should consider in designing and implementing a potential future mediation between Kiir and Machar. Hopefully, doing so will maximize the probability that the next mediation will be the last one required to achieve a true and lasting peace in South Sudan.

1. Kiir and Machar: Protagonists, Antagonists, or Something in Between?

Near the beginning of Prof. Singh’s mediation of the Raj–Shiri conflict, it “became very important for [him] to understand the dynamics at play and whose temple it was.”[[13]](#footnote-13) In the Kiir–Machar conflict, the equivalent of the “temple” would be the country of South Sudan. Prof. Singh went on to explain he “had to become a student of this culture,” requiring him to “get[] to know the personalities of the individual congregants, including Raj and Shiri.”[[14]](#footnote-14) To that end, the following subsections begin the discussion of a potential future mediation between Kiir and Machar by reviewing their respective personal backgrounds, not only as representatives of certain ethnic and political groups, but as human beings on an individual level. As discussed below, exploring the respective life journeys of these two men at the forefront of the conflict in South Sudan yields fascinating insight into their interests, motives, and desires, and informs best practices for designing a potential future mediation between them.

1. Kiir

Kiir, of the Dinka tribe—South Sudan’s largest ethnic group at 35% of the population—served as an officer and second-in-command of the Sudan People’s Liberation Movement/Army (SPLM/A), the “main rebel movement and army in South Sudan.”[[15]](#footnote-15) Kiir was “popular within the military wings of the movement” and “held a strong vision of an independent South Sudan,” though this latter trait “was in stark contrast to the late John Garang de Mabior, the charismatic SPLM leader who envisioned a united Sudan where South Sudanese had equal political and economic rights along North Sudanese.”[[16]](#footnote-16) After Garang perished in a helicopter crash in 2005, Kiir succeeded him as leader of the SPLM and Vice President of Sudan, and ultimately became President of South Sudan.[[17]](#footnote-17) Observers note Kiir’s general reputation for “calm, mild[-]tempered, and rather emotionless public appearances,” but also his “thirst for formal authority and power[,] which he has expanded with stamina within the SPLM and South Sudanese state institutions over the past decades.”[[18]](#footnote-18)

It is interesting to note here a peculiar character trait Kiir shares with Raj from Prof. Singh’s mediation, turning on each man’s use of clothing to signify status: Prof. Singh notes that, in contrast to Shiri, who “looked like any other congregant,” Raj “was always dressed [in] a suit and tie” and “liked being different”;[[19]](#footnote-19) Kiir, in a similar vein, is “[a]lways seen in public with his trademark cowboy hat.”[[20]](#footnote-20) That hat was “possibly a gift from [U.S. President George W. Bush], who presented the South Sudanese liberation leader with a large cowboy hat in a 2006 visit to the White House.”[[21]](#footnote-21) Kiir’s persistence in wearing the hat in public “may reflect his gratitude for Bush’s commitment to South Sudan’s independence and his administration’s role in brokering the landmark 2005 Comprehensive Peace Agreement, which set the stage for the country’s independence referendum in January [2011].”[[22]](#footnote-22) On the other hand, because Kiir “lacked the charisma of his predecessor [Garang]” as leader of the SPLM, it is also possible the hat is “part of his attempt to give himself a clear image.”[[23]](#footnote-23) Just as Raj initially displayed reluctance to participate in Prof. Singh’s mediation process because he “[did not] wish to risk losing his well-established control over the temple . . .,”[[24]](#footnote-24) Kiir may hesitate to fully participate in a potential future mediation with Machar if he feels the process may result in his removal from power. With that in mind, a precursor to mediation would be to assure Kiir his position as President of South Sudan is secure for as long as constitutionally appropriate.[[25]](#footnote-25) Doing so would alleviate a considerable amount of tension that has characterized the political rivalry between Kiir and Machar, opening more mental and emotional bandwidth to discuss issues of substance relevant to the future governance of the country.

Additionally, a mediator may find success in engaging Kiir on a spiritual level. The President has been described as “[a] committed Christian, . . . regularly speak[ing] at the Roman Catholic cathedral in Juba, the capital [of South Sudan].”[[26]](#footnote-26) Moreover, the South Sudanese government once posted on its website that “[m]any political analysts and opinion leaders worldwide describe [Kiir] as the Biblical Joshua who took the mantle of leadership from Moses just as the Israelites were on the verge of entering Canaan and capably established the then[-]fugitives in the Promised Land.”[[27]](#footnote-27) Given Kiir’s strong connection to his religious faith, he may be particularly open to mediation with Machar if the discussion is framed in terms that resonate with this aspect of his identity. As Prof. Singh writes, referencing the former nun Karen Armstrong, “[e]ach faith . . . has its own version of the Golden Rule: ‘Always treat others as you would wish to be treated yourself.’”[[28]](#footnote-28) Although “[t]here is no calculated quid pro quo in the admonition” and “[i]n the Bible, the Golden Rule is meant to be heeded in human intercourse for spiritual, rather than monetary, wealth,” a “link between spiritual and material advantage makes doing the generous deed prudent on multiple levels.”[[29]](#footnote-29) Appealing to this fundamental guideline could serve to initiate discussions between Kiir and Machar on a positive note, emphasizing the parties’ mutual interest in being treated fairly. This would also allow the parties to discuss non-spiritual matters after the proverbial ice has been broken with an introduction grounded in spirituality. In fact, religion-based mediation between Kiir and Machar—who also identifies as a Christian—is not unprecedented, having been conducted in 2019 in Vatican City under the auspices of His Holiness Pope Francis.[[30]](#footnote-30) Similarly to how the factions in the Raj–Shiri conflict came together to share a meal that ultimately led to a mediated solution,[[31]](#footnote-31) the parties in the Vatican mediation “live[d] there and [ate] together during the retreat.”[[32]](#footnote-32) While the effect of the Vatican mediation on moving the South Sudanese conflict forward is unclear, it was at least successful in bringing Kiir and Machar to the same location and affording them an opportunity to discuss their issues face to face, a result that a potential future mediation could recreate by employing similar mechanisms.

1. Machar

Machar, of the Nuer tribe—South Sudan’s second largest ethnic group at 16% of the population—served as a “regional commander under Garang’s leadership in the SPLM during the 1980s.”[[33]](#footnote-33) Similarly to Kiir, Machar preferred South Sudan to be wholly independent rather than an autonomous region of Sudan.[[34]](#footnote-34) This basic commonality of opinion concerning the identity of the country could serve as the lynchpin of a potential future mediation by appealing to both leaders’ shared interest and the experiences that characterized their pursuit thereof. Moreover, it is worth noting how Machar “complained about Garang’s authoritarian leadership”[[35]](#footnote-35) because after Kiir terminated Machar from the position of Vice President in July 2013, Machar would go on to accuse the President of “dictatorial” behavior in turn,[[36]](#footnote-36) reflecting the same kind of grievance Machar felt toward Garang’s leadership. Ultimately, although Machar did become Vice President of South Sudan following Garang’s death,[[37]](#footnote-37) he revealed his presidential ambitions when “[a]t the time of his sacking[,] Machar said he would challenge Kiir for the leadership of the ruling party so that he could run for president in the 2015 election.”[[38]](#footnote-38)

Hailing from a minority ethnic group and being terminated from his position as Kiir’s deputy, Machar likely felt threatened, a sense of inferiority to Kiir and the President’s majority ethnic group, and a consequent need to save face by asserting his political strength in a way that ultimately spiraled into countrywide violence.[[39]](#footnote-39) An application of Hofstede’s dimension score of “Power Distance Index,” which “refers to the extent to which less powerful members of a culture expect and accept that power is distributed unequally in a culture” and “is defined from the viewpoint of the less powerful members of a culture,”[[40]](#footnote-40) supports this hypothesis. Barkai notes that “[s]tatus is an important issue in a high[-]Power Distance culture.”[[41]](#footnote-41) Accordingly, South Sudan may be characterized as a high-Power Distance culture, given the central role that leadership of the country has played in the political rivalry between Kiir and Machar. The Power Distance score assigned to East Africa—the closest categorization to South Sudan available—supports this hypothesis.[[42]](#footnote-42) This being the case, a potential future mediation between Kiir and Machar should be conducted in a way that ensures each leader perceives he is respected in his position of authority, and particular attention should be paid to Machar in this regard given his secondary position in the executive leadership and membership within a minority ethnic group.

The risk of Machar feeling alienated in the mediation process could spell disaster for peace efforts in South Sudan. In 1991, dissatisfied with Garang’s leadership of the SPLM, Machar created a splinter group called the SPLM-Nasir faction, which went on to massacre “thousands of civilians belonging to the ethnic Dinka, Kiir’s tribe,” in the town of Bor.[[43]](#footnote-43) The massacre resulted in “reprisal attacks.”[[44]](#footnote-44) Notably, “the legacy of this ethnic violence remains largely unresolved and unaddressed” and “continues to be a source of latent distrust and suspicion that [is] exploited by political rhetoric and manipulation.”[[45]](#footnote-45) In 2012, Machar publicly apologized for the role he played in the Bor massacre,[[46]](#footnote-46) emphasizing the effective role apology can play in achieving national reconciliation for future generations.[[47]](#footnote-47) Deborah L. Levi writes that “[b]y apologizing, the offender acknowledges her diminutive moral stature and asks for restorative forgiveness,” and that “[s]he also acknowledges the existence and importance (to both parties) of the moral register itself.”[[48]](#footnote-48) Moreover, “[w]hen the apologizee gestures to acknowledge that meaning, he closes the circle of performance, thus establishing a new moral equilibrium.”[[49]](#footnote-49) Of course, “[l]ike other important rituals, an apology is worthless unless the required gestures are filled with meaning.”[[50]](#footnote-50) Here, assuming Machar genuinely meant the apology he offered for his role in the Bor massacre, that action could serve as the beginning of reconciliation efforts by offering Kiir the moral high ground to accept or decline on his terms as a representative of the Dinka community.

Even as Kiir and Machar differ on certain points, they do share much in common.[[51]](#footnote-51) For example, “both [have] always seen South Sudan’s future as that of an independent nation,” with the main challenge being “agreeing on how to organi[z]e, distribute[,] and cooperate within a nation that consists of dozens of ethnic groups and sub-tribes, different livelihoods, and cultural links across neighbo[]ring countries.”[[52]](#footnote-52) Kiir and Machar clearly “see themselves and their ethnic communities as the main heirs of the nation,” and view themselves as “each hold[ing] a legitimate claim to leadership,” with these claims “nurtured through the relative population share of both groups and their role in the war with Sudan, largely due to their settlement areas along the South Sudan–Sudan border.”[[53]](#footnote-53) As such, a potential future mediation should note these points of commonality from the outset and emphasize the integral role Kiir, Machar, and their respective communities can play in jointly leading their country into its second decade of independence and beyond.

1. Juba Arabic as the Proposed Lingua Franca of a Kiir–Machar Mediation

Carter and Watts write that all components of a mediation, whether ethical or procedural, rely on “clear communication between parties and mediators.”[[54]](#footnote-54) Moreover, they acknowledge that “language plays a central role in mediation and when participants speak different languages, it becomes more difficult to uphold a quality process.”[[55]](#footnote-55) Consequently, “[w]hen language presents a barrier in mediation, the mediator’s role becomes even more important toward ensuring an ethical and effective process.”[[56]](#footnote-56) In his mediation of the Raj–Shiri conflict, Prof. Singh “found [himself] simultaneously switching between English, Punjabi, and Hindi,” using English to “gain the trust of the young professionals in the room and to gain control of a session,” Punjabi to engage the “older generation that hailed from Punjab,” and Hindi to engage “the rest.”[[57]](#footnote-57) Ultimately, he spoke “*their* preferred language to connect with different age groups and with differing expectations.”[[58]](#footnote-58) Language would certainly play a substantial role in a Kiir–Machar mediation as well, both as a potential obstacle to overcome and a bridge that can bring each faction together on a level playing field.

Approximately sixty languages are spoken in South Sudan, by “dozens of ethnic groups in a population of around 13 million.”[[59]](#footnote-59) Notably, the majority of South Sudan’s population also speaks “Juba Arabic,” a “dialect far removed from standardized Arabic and named for the South Sudanese capital.”[[60]](#footnote-60) However, because the Arabic language evokes a negative association with oppressive policies imposed by the northern government in Khartoum on what is now South Sudan, the latter “embedded in its new constitution a declaration that English, not Arabic, would henceforth be the country’s official language, while ‘all indigenous languages of South Sudan are national languages and shall be respected, developed[,] and promoted.’”[[61]](#footnote-61) The subsequent replacement of Arabic as a language of instruction in the South Sudanese education system had a markedly negative impact on students’ learning abilities.[[62]](#footnote-62) Moreover, language in general became a vehicle for fueling intercultural tension in South Sudan during the period of civil war.[[63]](#footnote-63) Given the pitfalls Carter and Watts forewarn about when parties to a mediation do not share the same language,[[64]](#footnote-64) a potential future mediation between Kiir and Machar should be conducted in a common language decided on before the mediation occurs, and that language should be Juba Arabic.

 Beyond being “the language spoken by more South Sudanese than any other,” Juba Arabic is “a tongue that had grown up alongside the country, the witness and stenographer to its difficult history,” with “much the same origin as the country—a messy, plucky thing pulled up from the wreckage of conquest and colonialism.”[[65]](#footnote-65) As such, independent of one’s tribal affiliation, it serves as a potential common ground on which mediative communication can grow. Kiir is “[m]ore comfortable speaking Juba Arabic than English,”[[66]](#footnote-66) and indeed upon returning from peace talks in Khartoum in August 2018, he “addressed the crowd who had gathered to meet him at the Juba Airport not in English, but in Juba Arabic.”[[67]](#footnote-67) On the other hand, Machar “was awarded a PhD in philosophy and Strategic Planning from the British University of Bradford in 1984,”[[68]](#footnote-68) suggesting he may have more comfort with English as a medium of communication than Kiir—who lacks a similar education—does. Carter and Watts note that “[l]anguage affects not only the parties’ ability to understand one another, but their power to advocate for themselves and make decisions, which takes on added importance when the mediation involves one or more parties from a traditionally underrepresented or disadvantaged group.”[[69]](#footnote-69) Interestingly, though Kiir hails from South Sudan’s majority ethnic group, *he* would find himself at a disadvantage—linguistic, in this case—vis-à-vis Machar if English were selected as the language of a potential future mediation. Because of (1) this power imbalance; (2) the desire to avoid any potential miscommunications that might result from using different languages in mediation, even with the aid of translators—who are not infallible[[70]](#footnote-70); and (3) the unifying power of Juba Arabic as a medium of communication for South Sudan as a country,[[71]](#footnote-71) a potential future mediation between Kiir and Machar should be conducted in Juba Arabic.

Moreover, that mediation could serve as a symbolic moment that prompts the country overall to adopt Juba Arabic as an official lingua franca, bolstering national identity in addition to one’s more specific tribal identity. Attempts to establish linguae francae as national languages in other countries have proven successful on several notable occasions.[[72]](#footnote-72) However, not all efforts to do so have gone as smoothly as governing authorities may have desired.[[73]](#footnote-73) Of particular interest, Juba Arabic’s roots as a trade language[[74]](#footnote-74) may tip the scales in favor of successful adoption as an official lingua franca the way other trade languages have been successfully adopted in the past.[[75]](#footnote-75) Indonesia, for example, implemented its lingua franca via an “aggressive education campaign by the government and advantageous timing, because the initial adoption of the language was during a period when post-colonial nationalism was running high.”[[76]](#footnote-76) Tanzania similarly “invested in linguistic education” and “[t]oday, Tanzanians’ mastery of the so-called purest form of Swahili . . . is endowed with a sense of national pride.”[[77]](#footnote-77) Accordingly, an initiative to implement Juba Arabic as an official lingua franca in South Sudan should be accompanied with a well-equipped education campaign to ensure all citizens have equal access to the language, and the government can leverage the initiative as a means to reinforce South Sudan’s identity as an independent country. Overall, if South Sudan were to successfully adopt Juba Arabic as a lingua franca—ideally on a voluntary basis, not via coercion—it would find itself not as an outlier, but as a member of a community of international peers with similar experiences.

If, however, the parties disagree on using Juba Arabic as a lingua franca, and that disagreement would be a non-starter to mediation, the service of interpreters should be incorporated with certain precautions, namely: ensuring the interpreters (1) are “qualified in [the cognitive tasks that must be simultaneously performed to accurately interpret a party’s words], as well as knowledgeable about the process of mediation, to accurately convey the thoughts and feelings of a party”[[78]](#footnote-78); (2) have an “appropriate level of distance from the conflict” to mediate without bias;[[79]](#footnote-79) (3) have “familiarity with the dialect and formal and informal versions of the party’s language”[[80]](#footnote-80); and (4) “commit to investing the additional time for the sake of a quality process.”[[81]](#footnote-81) Whether the parties to the mediation choose to communicate in one or multiple languages, the mediator should regularly monitor the process to ensure all parties’ intentions are being clearly understood.[[82]](#footnote-82) Of course, the mediator should ensure adequate funding is provided for interpretive services,[[83]](#footnote-83) perhaps from government financial resources given the parties to the mediation would be government actors and the national interest in achieving a lasting peace. The aforementioned safeguards in the provision of mediative interpretive services should minimize avoidable barriers to interparty communication that might otherwise derail the conversation’s focus on substantive matters.

1. Ramciel: A New Capital for a New South Sudan

In the final stage of the Raj–Shiri mediation, Prof. Singh initially planned to convene the parties in his office; however, the morning of the meeting, he learned the parties wanted to meet at the temple instead.[[84]](#footnote-84) Flexibly, he obliged the parties’ wish, “observed as everyone prayed,” and witnessed the priest “provide[] the participants his blessings for a successful mediation.”[[85]](#footnote-85) The temple, at the center of Raj and Shiri’s dispute, provided a fixed place in space that both parties had obviously imbued with significant value, a value that arguably helped encourage them to attempt mediation as a worthwhile endeavor. A Kiir–Machar mediation should similarly account for the important role physical space—in this case, geography—can play in exacerbating or resolving an intercultural conflict, and tailor the proceedings accordingly to maximize symbolic value for the long-term benefit of all parties.[[86]](#footnote-86)

Geographically, South Sudan comprises three “greater” provinces, namely “the Upper Nile in the northeast, Bahr el Ghazal to the northwest, and Equatoria in the south.”[[87]](#footnote-87) Juba “sits firmly in the center of Equatoria.”[[88]](#footnote-88) This has resulted in calls to move the capital to a more central location to alleviate regional tensions, a goal that John Garang himself promoted before South Sudan formally gained independence.[[89]](#footnote-89) The new capital is to be named Ramciel, a site has reportedly been chosen in a more central location in the country for the city, and work has started in order to turn it into an operative center of government.[[90]](#footnote-90)

A country’s decision to move its capital city is not unprecedented, having occurred on at least eight occasions across four continents.[[91]](#footnote-91) Capitals may be constructed in central positions in their respective countries because they “need to be seen as representative and accessible.”[[92]](#footnote-92) This was the case with Abuja, Nigeria’s capital since 1991, which was built as “a brand[-]new, geographically central city to signify the unity of a nation divided along religious and geographic lines.”[[93]](#footnote-93) It is also partly why Indonesia recently decided to move its capital from Jakarta, on the island of Java, to a new location on the more centrally located island of Borneo.[[94]](#footnote-94) Capitals may also be the product of compromise, as was the case with the United States’ capital at Washington, DC.[[95]](#footnote-95) Finally, capitals may be established to symbolize the beginning of a new era in a country’s history following a period of turmoil, as South Africa considered doing following the end of apartheid in the 1990s.[[96]](#footnote-96)

Ramciel, as a new capital for South Sudan, would play a similar role as the aforementioned examples in helping to bridge the divides among the various sectors of the country’s society. The new capital would be equally accessible to the three major regions via its location in the geographic center of the country; it would symbolize the country’s unity by serving as a tangible central reference point that the rest of the country emanates from; and its establishment would mark the beginning of a new era in South Sudan’s history, having occurred during the era of independence. Though currently inoperative as a full-fledged center of government, the site of Ramciel would nevertheless serve as a prime location to host a potential future mediation between Kiir and Machar, convening these representatives of South Sudan’s two largest ethnic groups in the same symbolic location to agree on the best path forward for their country together.

Conclusion

Ultimately, Prof. Singh was able to successfully guide Raj and Shiri to an agreement regarding the conflict over temple management, whereby Raj agreed to ultimately step down as president and appoint a successor from Shiri’s party.[[97]](#footnote-97) Arguably, this result would not have been achieved if Prof. Singh had not dedicated the time, energy, and resources necessary to meaningfully understand the parties to the mediation and tailor the process accordingly to reach them on a human level.

Similarly, a potential future mediation between Salva Kiir and Riek Machar on the future of South Sudan should approach these individuals the same way Prof. Singh approached Raj and Shiri. In particular, crucial elements for a successful mediation would include evaluating Kiir and Machar’s personal backgrounds to understand their respective interests, motives, and desires. Additionally, a mediator should recommend the use Juba Arabic as the lingua franca of mediation, reflecting the language’s common use in South Sudan; if the parties cannot agree to do this, then the mediator should at least ensure interpretive services are provided competently and with adequate safeguards to ensure the substance of communications is not literally lost in translation. Finally, the mediator should consider hosting the mediation on the site of Ramciel, the proposed new capital for South Sudan, in order to maximize the symbolic value of the mediation as a new beginning in the young country’s history.

Hopefully, with all these elements in place, the next mediation between Kiir and Machar will be the last one needed to secure a final, comprehensive, and lasting peace for South Sudan, and the parties will be able to move together into a future that is brighter than the past they leave behind.

1. See generally Sukhsimranjit Singh, Building Circles of Trust, in Stories Mediators Tell: World Edition 229 (Lela P. Love & Glen Parker eds., 2017). Further references to this source appear on a 1–9-page scale reflecting a PDF version of the article used in a cross-cultural conflict resolution course the author took in 2022. [↑](#footnote-ref-1)
2. Id. at 1. [↑](#footnote-ref-2)
3. Id. [↑](#footnote-ref-3)
4. Id. at 1–2. [↑](#footnote-ref-4)
5. Id. at 2. [↑](#footnote-ref-5)
6. Id. at 2–3, 8. [↑](#footnote-ref-6)
7. South Sudan’s Decade of Independence: A Timeline, Al Jazeera (July 9, 2021), https://www.aljazeera.com/news/2021/7/9/south-sudans-bloody-first-10-years. [↑](#footnote-ref-7)
8. See Peter Martell, After Independence, What Next for South Sudan?, Afr. Renewal (Aug. 2011), https://www.un.org/africarenewal/magazine/august-2011/after-independence-what-next-south-sudan (acknowledging post-independence optimism among South Sudanese while also recognizing continuing problems such as poverty, underdeveloped infrastructure, “lowest routine immunization coverage in the world,” high child and maternal mortality rates, ethnic rivalries, lack of satisfactory jobs, and ongoing tension and violence with Sudan); see also A Concise History of South Sudan: New and Revised Edition 344–47 (Anders Breidlid, Avelino Androga Said, Astrid Kristine Breidlid, Anne Farren & Yosa Wawa eds., 2d ed. 2014) (reviewing challenges the South Sudanese government faced at independence, including conflicts with Sudan over territory and oil-revenue distribution, difficulties transitioning from the SPLM’s military-style governance to grassroots democracy, inability to pay civil servants’ salaries, high food prices, official corruption, underutilization of the country’s arable land for agriculture, low primary/secondary school enrollment, and high infant mortality rate) (internal citations omitted). [↑](#footnote-ref-8)
9. See The World Factbook: South Sudan, Cent. Intel. Agency, https://www.cia.gov/the-world-factbook/countries/south-sudan/ (last updated Nov. 14, 2022). [↑](#footnote-ref-9)
10. Id. [↑](#footnote-ref-10)
11. Id. [↑](#footnote-ref-11)
12. Id. [↑](#footnote-ref-12)
13. Singh, supra note 1, at 3. [↑](#footnote-ref-13)
14. Id. [↑](#footnote-ref-14)
15. Carlo Koos, Kiir and Machar: Insights into South Sudan’s Strongmen, The Conversation (May 10, 2022, 9:55 AM EDT), https://theconversation.com/kiir-and-machar-insights-into-south-sudans-strongmen-182522. [↑](#footnote-ref-15)
16. Id.; see also Profile: President Salva Kiir, Al Jazeera (Dec. 29, 2013), https://www.aljazeera.com/news/2013/12/29/profile-president-salva-kiir (“An independent South Sudan was Kiir’s long[-]cherished dream—far more so than Garang, who favo[]red greater rights for southerners in a united Sudan.”). [↑](#footnote-ref-16)
17. Koos, supra note 15. [↑](#footnote-ref-17)
18. Id. [↑](#footnote-ref-18)
19. Singh, supra note 1, at 3. [↑](#footnote-ref-19)
20. Salva Kiir: South Sudan’s President in a Cowboy Hat, BBC News (June 21, 2018), https://www.bbc.com/news/world-africa-12107760. [↑](#footnote-ref-20)
21. Colum Lynch, Where Did Kiir Get His Ten-Gallon Hat?, Foreign Pol’y (Sept. 26, 2011, 10:27 PM), https://foreignpolicy.com/2011/09/26/where-did-kiir-get-his-ten-gallon-hat/; see also Noah Pitcher, Salva Kiir Mayardit: The Cowboy Hat-Wearing President and Military Leader of South Sudan, Today News Afr. (Apr. 3, 2022), https://todaynewsafrica.com/salva-kiir-mayardit-the-cowboy-hat-wearing-president-and-military-leader-of-south-sudan/ (“Salva Kiir is widely recognized by a large cowboy hat on his head. He first received a [S]tetson hat as a gift from U.S. President George W. Bush when he visited the White House in 2006. The piece of attire has since grown to become his signature look.”); Reid J. Epstein, Sudan Leader’s Hat Tip to Bush, Politico, https://www.politico.com/story/2011/07/sudan-leaders-hat-tip-to-bush-058697 (last updated July 11, 2011, 2:13 PM EDT) (“Bush gave Kiir the black Stetson in 2006, according to the blog of the Middle East Institute. The hat instantly became Kiir’s trademark, and the institute said he has not been photographed without it since.”). See Dunn, infra note 23, for a citation to the Middle East Institute blog post referenced in the Epstein source listed in this footnote. [↑](#footnote-ref-21)
22. Lynch, supra note 21. [↑](#footnote-ref-22)
23. Michael Collins Dunn, Salva Kiir’s Black Stetson, Middle East Inst.: Ed.’s Blog (Jan. 20, 2011, 12:26 PM), http://mideasti.blogspot.com/2011/01/salva-kiirs-black-stetson.html. [↑](#footnote-ref-23)
24. Singh, supra note 1, at 4. [↑](#footnote-ref-24)
25. See Fred Oluoch, South Sudan Talks Endorse a Two-Term Presidency, The East African (Nov. 14, 2020), https://www.theeastafrican.co.ke/tea/news/east-africa/south-sudan-talks-endorse-a-two-term-presidency-3021080 (discussing 2011 interim South Sudanese constitution’s lack of presidential term limits; 2020 National Dialogue conference’s unanimous decision to adopt limit of two five-year terms; and Kiir’s eligibility to run for office because conference’s decision marks “new beginning,” in words of delegate Chol Diel). [↑](#footnote-ref-25)
26. Salva Kiir: South Sudan’s President in a Cowboy Hat, supra note 20. [↑](#footnote-ref-26)
27. Id.; see also Christopher Tounsel, Chosen Peoples: Christianity and Political Imagination in South Sudan 119 (2021) (noting how “[i]nterestingly—and perhaps not coincidentally—Kiir chose Israel as one of the sites for his first presidential visits” and “in addition to sharing that South Sudan and Israel ‘shared values’ and conquered ‘similar struggles,’ . . . made sure to note his enthusiasm to—representing all South Sudanese—'set foot in the Promised Land.’) (internal citations omitted). [↑](#footnote-ref-27)
28. Sukhsimranjit Singh, Best Practices for Mediating Religious Conflicts, Am. Bar Ass’n, https://www.americanbar.org/groups/dispute\_resolution/publications/dispute\_resolution\_magazine/2018/fall2018/best-practices-for-mediating-religious-conflicts/ (last accessed Nov. 26, 2022). [↑](#footnote-ref-28)
29. Lela P. Love & Sukhsimranjit Singh, Following the Golden Rule and Finding Gold: Generosity and Success in Negotiation, Faculty Research Paper No. 378, at 7 (Jan. 2013). [↑](#footnote-ref-29)
30. See Philip Pullella, Vatican Tries “Retreat Diplomacy” as South Sudan Peace Deal Falters, Reuters: World News, https://www.reuters.com/article/us-pope-southsudan/vatican-tries-retreat-diplomacy-as-south-sudan-peace-deal-falters-idUSKCN1RM1XU (last updated Apr. 10, 2019, 7:37 AM). [↑](#footnote-ref-30)
31. See Singh, supra note 1, at 7–8. [↑](#footnote-ref-31)
32. See Pullella, supra note 30. [↑](#footnote-ref-32)
33. Koos, supra note 15. [↑](#footnote-ref-33)
34. Id.; see also Profile: South Sudan Rebel Leader Riek Machar, Al Jazeera (Jan. 5, 2014), https://www.aljazeera.com/news/2014/1/5/profile-south-sudan-rebel-leader-riek-machar [hereinafter Profile: Riek Machar] (“In contrast [to Garang], Machar was always calling for self-determination for the south. After falling out with Garang in 1991, he split from the SPLM/A and formed his own splinter group, SPLA-Nasir.”). [↑](#footnote-ref-34)
35. Koos, supra note 15. [↑](#footnote-ref-35)
36. See South Sudan’s Decade of Independence, supra note 7; see also A Concise History of South Sudan, supra note 8, at 348 (“In July 2013[,] President Salva Kiir . . . dismissed his Vice[]President Riek Machar and all the ministers. This incident did not appease the dissident members of the party who claimed that there was an increasing concentration of powers in the hands of the President. Riek Machar said that the dismissals were a step towards dictatorship and that he would challenge Salva Kiir for the Presidency.”). [↑](#footnote-ref-36)
37. Koos, supra note 15. [↑](#footnote-ref-37)
38. Profile: Riek Machar, supra note 34; see also A Concise History of South Sudan, supra note 8, at 348 (Machar saying his dismissal, among others, were a “step towards dictatorship” and that he would “challenge Salva Kiir for the Presidency”). [↑](#footnote-ref-38)
39. See Clémence Pinaud, War and Genocide in South Sudan 145 (2021) (“Not standing up for the Nuer being massacred in Juba and other locations [in December 2013] would cause him to lose face and would mean his political death. It was not so much that he had something to gain from a rebellion; it was more that he thought he had nothing to lose and that he had little choice.”). [↑](#footnote-ref-39)
40. John Barkai, What’s a Cross-Cultural Mediator to Do? A Low-Context Solution for a High-Context Problem, 10 Cardozo J. Conflict Resol. 43, 63 (2008) (internal citations omitted). [↑](#footnote-ref-40)
41. Id. [↑](#footnote-ref-41)
42. Id. at 64, 78 (East Africa having a Power Distance Index score of 64, greater than both the World Average of 43 and World Mean of 39). [↑](#footnote-ref-42)
43. Koos, supra note 15. [↑](#footnote-ref-43)
44. Id. [↑](#footnote-ref-44)
45. Id. [↑](#footnote-ref-45)
46. Profile: Riek Machar, supra note 34. [↑](#footnote-ref-46)
47. South Sudan VP Confirms Apology for Bor Massacre, Sudan Trib. (Apr. 3, 2012), https://sudantribune.com/article41540/ (“‘Giving an apology is the best way of bringing in peace. We don’t want to pass these painful things to our children. We want them to be living in a peaceful and democratic state in South Sudan,’ said Machar.”). [↑](#footnote-ref-47)
48. Deborah L. Levi, The Role of Apology in Mediation, 72 N.Y.U. L. Rev. 1165, 1178 (1997) (internal citations omitted). [↑](#footnote-ref-48)
49. Id. (internal citations omitted). [↑](#footnote-ref-49)
50. Id. at 1177–78 (internal citations omitted). [↑](#footnote-ref-50)
51. See Koos, supra note 15. [↑](#footnote-ref-51)
52. Id. [↑](#footnote-ref-52)
53. Id. [↑](#footnote-ref-53)
54. Alexandra Carter & Shawn Watts, The Role of Language Interpretation in Providing a Quality Mediation Process, 9(2) Contemp. Asia Arb. J. 301, 303 (2016). [↑](#footnote-ref-54)
55. Id. at 303–04. [↑](#footnote-ref-55)
56. Id. at 304. [↑](#footnote-ref-56)
57. Singh, supra note 1, at 6. [↑](#footnote-ref-57)
58. Id. (emphasis in original). [↑](#footnote-ref-58)
59. Laura Kasinof, For South Sudan, It’s Not So Easy to Declare Independence from Arabic, Foreign Pol’y (Nov. 14, 2018, 8:49 AM), https://foreignpolicy.com/2018/11/14/for-south-sudan-declaring-independence-from-arabic-is-not-so-easy-language-politics-juba-khartoum-english/. [↑](#footnote-ref-59)
60. Id. [↑](#footnote-ref-60)
61. Id. [↑](#footnote-ref-61)
62. Id. (“University of Juba professors have found that students who had gone to Arabic-speaking schools that switched to English following independence, particularly those just entering high school at the time, are now struggling to keep up at university because they essentially lost their high school education due to poor English comprehension and instruction.”). [↑](#footnote-ref-62)
63. Id. (“Periods of political tension tend to cement an us-versus-them mentality, and South Sudan is no exception. In such fraught times, language and the way one speaks it becomes a loaded act, signifying a specific identity. In recent years, the emphasis on Nuer language has coincided with the prevalence of Dinka on Juba’s streets as the civil war has ground on. Both groups are retreating into linguistic cocoons, with little to unite them under the umbrella of common national identity.”). [↑](#footnote-ref-63)
64. See Carter & Watts, supra note 54, at 309–10 (highlighting importance of mutual comprehension among mediation participants to ensure maintenance of parties’ self-determination, mediator’s impartiality, and confidentiality). [↑](#footnote-ref-64)
65. Ryan Lenora Brown, Voice of a Nation: How Juba Arabic Helps Bridge a Factious South Sudan, Christian Sci. Monitor (Nov. 6, 2018), https://www.csmonitor.com/World/Africa/2018/1106/Voice-of-a-nation-How-Juba-Arabic-helps-bridge-a-factious-South-Sudan. [↑](#footnote-ref-65)
66. See Salva Kiir: South Sudan’s President in a Cowboy Hat, supra note 20. [↑](#footnote-ref-66)
67. Brown, supra note 65. [↑](#footnote-ref-67)
68. See Profile: Riek Machar, supra note 34. [↑](#footnote-ref-68)
69. Carter & Watts, supra note 54, at 310. [↑](#footnote-ref-69)
70. See id. at 311 (“It is often assumed in the judicial system that any bilingual person can serve as an interpreter; however, an interpreter has to perform several cognitive tasks simultaneously in order to accurately interpret the words of a party. It is imperative that the interpreter is qualified in these skills, as well as knowledgeable about the process of mediation, to accurately convey the thoughts and feelings of a party.”) (internal citations omitted). [↑](#footnote-ref-70)
71. See Brown, supra note 65 (“‘It’s the language that connects us whether we are Dinka, Nuer, Bari, whatever,’ [Joseph Abuk, one of South Sudan’s leading actors and playwrights,] says.” [↑](#footnote-ref-71)
72. See, e.g., Kasinof, supra note 59 (reviewing various examples, including: (1) Indonesia, which successfully adopted Bahasa Indonesia, a lingua franca used among traders in costal Southeast Asia; (2) Tanzania, whose first post-independence president, Julius Nyerere, “pushed his countrymen to learn and speak [the pre-European-colonialism regional trade language] Swahili while downplaying tribal affiliations, a move that is credited with unifying the nation and helping pacify the sorts of tribal tensions that continue to exist in neighboring East African nations”; and (3) Turkey, whose first president, Mustafa Kemal Atatürk, “shifted modern Turkish from Arabic to Latin script in its written form and purged the language of many words that were of Persian or Arabic origin and replaced them with Turkish equivalents.”). [↑](#footnote-ref-72)
73. See, e.g., id. (noting: (1) opposition the Indian government faced from Dravidian-language-speaking groups after Hindi was adopted as the country’s official language; (2) forcing of Native Americans to “enroll in English-language schools in the United States”; (3) post-revolutionary France “[seeking] to stamp out minority languages like Breton and Occitan through standardized schooling in French”; and (4) Chinese authorities “slowly erod[ing] minority languages within their borders such as Tibetan and Uighur—and . . .  [trying] to do so with Cantonese—by promoting Mandarin through education and the media, ostensibly for the sake of national unity, though also as part of an effort to curtail the political power of ethnic groups that are viewed as a threat to the state.”). [↑](#footnote-ref-73)
74. See Brown, supra note 65 (“To South Sudanese, Juba Arabic was a language for deciding the price of vegetables and haggling for a taxi.”). [↑](#footnote-ref-74)
75. See Kasinof, supra note 59 (noting Indonesia’s and Tanzania’s successes in adopting trade language as lingua franca). [↑](#footnote-ref-75)
76. Id. [↑](#footnote-ref-76)
77. Id. [↑](#footnote-ref-77)
78. Carter & Watts, supra note 54, at 311 (internal citations omitted). [↑](#footnote-ref-78)
79. Id. at 311–12. [↑](#footnote-ref-79)
80. Id. at 312 (internal citations omitted). [↑](#footnote-ref-80)
81. Id. [↑](#footnote-ref-81)
82. Id. at 312–13 (including tactics such as having interpreters on standby to deploy as needed, using knowledge of second language to check interpreters’ competency, checking in regularly with parties regarding quality of interpretation, and rephrasing questions to elicit information from parties) (internal citations omitted). [↑](#footnote-ref-82)
83. See id. at 313. [↑](#footnote-ref-83)
84. See Singh, supra note 1, at 7. [↑](#footnote-ref-84)
85. Id. [↑](#footnote-ref-85)
86. See Phyllis E. Bernard, Finding Common Ground in the Soil of Culture, in Rethinking Negotiation Teaching: Innovations for Context and Culture 34 (Christopher Honeyman & James Coben eds., 2009) (“[N]egotiators may wish to reconsider the symbolic message of their venue. Does the location favor the interests of one side or another? Does the chosen building site evoke a sense of responsibility without undue pressure? Do easy chairs arranged in club[-]room style suggest the gravitas of chairs around a table?”) (emphasis in original). [↑](#footnote-ref-86)
87. Robert O’Connor, The World’s Youngest Country Wants to Build a New Capital in a Former Rhino Sanctuary, VICE: World News (July 9, 2021, 9:07 AM), https://www.vice.com/en/article/3aq539/south-sudan-the-worlds-youngest-country-wants-to-build-a-new-capital-in-a-former-rhino-sanctuary. [↑](#footnote-ref-87)
88. Id. [↑](#footnote-ref-88)
89. See id. (Koang Pal Chang, director of news at Eye Radio, which broadcasts out of Juba, saying: “The intention has been to finally unite the South Sudanese. Communities have been fighting along tribal lines for centuries. John Garang, our revolutionary leader, reali[z]ed the only way to start to fix it was to bring the capital city into the middle of the three regions. That way nobody could claim the ownership. It would belong to all people.”). [↑](#footnote-ref-89)
90. See id. (“The site picked out for the new capital sits in this central location, at the crossroads of South Sudan’s three provinces. It has been provisionally named Ramciel, and as of 2017 the project had reportedly secured funding to begin work from the government of Morocco, following Juba’s successful courtship of the head of state, King Mohamed, during a visit earlier that year. A further deal is in place with engineers from South Korea to begin infrastructural planning. That task in itself promises to be gargantuan; despite its sensible location, Ramciel currently has no roads or provisions for electricity.”). [↑](#footnote-ref-90)
91. See Eight Countries That Moved Their Capitals, BBC News (Mar. 14, 2015), https://www.bbc.com/news/world-31877909 (Nigeria, Myanmar, Russia, Pakistan, Brazil, Kazakhstan, Tanzania, and Ivory Coast (Côte d’Ivoire)). [↑](#footnote-ref-91)
92. Capital Cities: How Are They Chosen and What Do They Represent?, BBC News (Dec. 6, 2017), https://www.bbc.com/news/world-42258989. [↑](#footnote-ref-92)
93. Id. [↑](#footnote-ref-93)
94. See Kate Lyons, Why Is Indonesia Moving Its Capital City? Everything You Need to Know, The Guardian (Aug. 27, 2019, 00.39 EDT), https://www.theguardian.com/world/2019/aug/27/why-is-indonesia-moving-its-capital-city-everything-you-need-to-know (“‘The location is very strategic—it’s in the cent[er] of Indonesia and close to urban areas,’ [Indonesian President Joko Widodo] said in a televised speech. ‘The burden Jakarta is holding right now is too heavy as the cent[er] of governance, business, finance, trade[,] and services.’”). [↑](#footnote-ref-94)
95. Capital Cities, supra note 92 (“Unlike the deeply divided Washington of today, the founding of the [U.S.] capital in Washington[,] DC[,] in 1790 was grounded in political compromise. Alexander Hamilton and the northern states wanted the federal government to take on states’ debts and struck a deal with Thomas Jefferson and James Madison, who wanted the capital in the South. George Washington chose the exact spot on the Potomac River and the rest is history.”). [↑](#footnote-ref-95)
96. Id. (“The branches of [South Africa’s] government are split between Cape Town (legislative), Pretoria (administrative)[,] and Bloemfontein (judiciary), though the Constitutional Court is in Johannesburg. This dates back to the creation of the Union of South Africa in 1910 after four British colonies were unified and agreement could not be reached on where the capital would be located. In 1994, after apartheid ended, there was a movement for a new capital to be created à la Canberra or Brasilia—to allow a fresh start, but this never happened.”). [↑](#footnote-ref-96)
97. See Singh, supra note 1, at 8. [↑](#footnote-ref-97)