STATE BUILDING AND CHALLENGES OF FRAGMENTATION:
A CASE STUDY OF SOUTH SUDAN

BY

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RESEARCH PROJECT SUBMITTED TO THE INSTITUTE OF DIPLOMACY AND
INTERNATIONAL STUDIES (IDIS) IN PARTIAL FULFILMENT FOR THE
AWARD OF THE DEGREE OF MASTER OF ARTS IN DIPLOMACY
UNIVERSITY OF NAIROBI

DECEMBER, 2012

DECLARATION

I, the undersigned, declare that this is my original work and has not been submitted to any other college, institution or university for an academic credit.

Signed..   **Date..**

Achuoth Philip Deng

DECLARATION BY SUPERVISOR

This research project has been submitted for examination with my approval as the appointed lecturer.

Signed..   **Date....................................**

DEDICATION

This research project is dedicated to everyone who taught me the values of life, knowledge, respect, integrity, hard work, and self-improvement and to those who taught me to simply stand up when I fall, to be all good to people, and always encouraged me to dream and work hard towards my dreams.

ACKNOWLEDGEMENT

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LIST OF ABBREVIATIONS

AU:	African Union
CAR:	Central African Republic
CDCS:	Country Development Cooperation Strategies
CPA:	Comprehensive Peace Agreement
DAC:	Development Assistance Committee
DDR:	Disarmament, Demobilization and Reintegration
DOP:	Declaration of Principles
DUP:	Democratic Unionist Party
GOSS:	Government of Southern Sudan
GRSS:	Government of the Republic of South Sudan
IDPs:	Internally Displaced Persons
IGADD:	Inter-Governmental Authority on Drought and Development
IMF:	International Monetary Fund
INGOs:	International Non-Governmental Organizations
JIPU:	Joint Integrated Police Unit
LRA:	Lord's Resistance Army
NCP:	National Congress Party
NDA:	National Democratic Alliance
NIF:	National Ignition Facility
OAU:	Organization of African Unity
OECD:	Organization for Economic Co-operation and Development
PLO:	Palestinian Liberation Organization
QDDR:	Quadrennial Diplomacy and Development Review
RSA:	Republic of South Africa
SPLM/A:	Sudan People's Liberation Movement/ Army
SPP:	Southern Political Party
SSAF:	South Sudan Armed Forces
SSAS:	Sub-Saharan Africa States
SSIM/A:	South Sudan Independence Movement/ Army

SSPS:	South Sudan Police Force
SSR:	Security Sector Reform
TOA:	Trade Ordinance Act
UN:	United Nations
UNMDG:	UN Millennium Development Goals
US:	United States
USAID:	United States Agency for International Development
USIP:	United States Institute of Peace

ABSTRACT

The overall objective of the study was to analyze, interrogate and determine what were the inclusive aspects of state building and challenges of fragmentation in the Republic of South Sudan. This research identified solutions that were less understood in areas of contentions and interventions practices of creating and consolidating South Sudan state in the modern context. The specific objectives of the study were to investigate major themes in state building paradigms, identify and assess generally the evolutions, current debates and emerging trends strengthening intra-national bonds to help promote political, economic, and social and security structures needed to consolidate the state. The study employed both phenomenological and critical methods of research investigation applying empirical and theoretical approaches. An effort of nation state building was conducted during war (1983-2005), in the interim period (2005-2011) and in the first year of independence (2011-2012) and was projected for the years to come. The hypothesis of this research was that efforts of reconstruction seemed to focus on state-building and less on nation-building of which was highly being doubted to make any legitimate progress in helping to promote the types of institutions and structures needed to stabilize the state or reduce the obstacles. Primary data was collected through the interview with political actors, decision-makers and institutions involved in nation building such as government institutions, development partners and the larger civil society groups that had crucial stake in South Sudan's future. Observation on the state of affairs and possible focus group interviewed and special interview to elicit critical view was conducted with concern persons and groups involved in issues of governance in South Sudan. Depth interviews with special informants, focus group discussions and observation proved very apt methods applied in the research for data collection in the post secession Republic of South Sudan. Methods of generating secondary data included the internet for more information from the reliable internet home pages concerning interaction amongst South Sudan stakeholders both inside and outside South Sudan. Newspapers and other relevant articles focusing on the nation-building projects was another source. Frequencies and content analysis were employed to analyze primary data. The study concluded that state-building did not seek to universalize the state form - as in the period of decolonization - but rather concealed the disintegration of this form under the interventionist pressures of the post-Cold War international order. The promise that 'state-building' held out was that of relieving country predominant elites from the need to legitimize and clearly articulate the new hierarchy of domination revealed by the collapse of the UN Charter framework of state sovereignty and non-intervention. In a world where the Great Powers had more confidence in themselves and were able to coherently project a sense of purpose, it was unlikely that there would be such a demand for distance and the perceived need to create fictional 'partners' and phantom states to bear the responsibility for policy outcomes. Since the Government of South Sudan inherited a fragmented region and was itself deeply divided as it started to take up its governance responsibilities and the South's unity has come with a

price tag; the embryonic institutions of South Sudan's state have developed into fully fledged instruments of patronage. Scores of political positions were given in reward or created for those in need of accommodation and co-optation, including the incorporation of past insurgent militias into the SPLA. While this was crucial in building the desired measure of post-conflict stability, the focus on establishing and maintaining inclusive elite buy-in has resulted in bloated and largely dysfunctional civil and security services, the salary costs of which are estimated to account for around 40% of the country's budget, the GoSS therefore needs to streamline its government so as to ensure that most of its resources is not wasted on salaries and other things that are not fundamental to state building, but it should ensure that everything is concentrated to state building and whole inclusion.

CHAPTER ONE
INTRODUCTION TO THE STUDY

1.1 Background of the Study

State Building and the Challenge of Fragmentation in the Republic of South Sudan were the core and nature of this research. The leadership in Juba concentrated on accommodating individuals and interest groups by distributing posts in government, administration and the security apparatus, thereby losing the ability to take and enforce decisions that were vital for the new republic prosperity. The subject of the study was based on the enduring struggles in self-determination for political freedom and the current reconstruction efforts in the after mast of war. Some of the key individuals stated the following about the new nation of South Sudan:

"Congratulations South Sudan but significant challenges lay ahead", Hilary Clinton-US Secretary of State, 9 July 2012.

"No challenge in international relations today is more pressing or more difficult than that of supporting a weak state", Koffi Annan.

"South Sudan, the world youngest nations wracked by border wars with the Sudan, internal violence and the shutdown of its vital oil production", The Telegraph, 9 July 2012.

"We have not met the expectations of our people because of the unforeseen difficulties we got ourselves in", Dr. Riek Machar, Vice President 9 July 2012.

"God wants to make South Sudan prosperous and peaceful", Desmond Tutu, 9 July 2012.

As different commentators weighed in on the debate of governance and government options for South Sudan stabilization and consolidations, the crucial issue was that management of the transition to its own form of government, appropriately suited to its own contextual challenges of mineral rich resource, spatial vastness with the new republic diverse cultural communities that defined politics and large border with Sudan. A reoccurring source of conflict in most African states had been the problem of competing ethnic identities; that was often resource based in grazing and communal land management and other benefits, which

resulted in decades of the conflicts that erupted. Security for the state, both internally and externally for the citizens and for the state was of upmost importance. The prosperity of South Sudan was tied to how it was able to make governance affairs that were open, accommodating and representatives of the diverse voices, views and its own convictions on the road to state building[1].

The ascend of South Sudan into an independent state was a hard won political accomplishment, gained from the remarkable result of a 99.9% secession vote[2]. The Republic of South Sudan had many complexities with roots causes dating back to the nineteenth century[3]. Its trajectory to independence was marred by many agreements dishonored by the then Government of Sudan and a continuing myriad of challenges in the changing world driven by politics of interest. These combined together made the prior peace agreements implementation signed in 2005 impossible to implement the critical issues that became dominant in the post secession[4]. Sustaining the achieved independence posed serious challenges for a modern state given the strong centrifugal forces of politics, economics and socio-cultural issues working to pull the society apart[5].

After the role back of colonial York throughout Africa, emerging African states efforts in state building and political integration emerged as the most challenging affairs[6]. The ascendency of the South Sudan as a modern state was the product of two agreements which were the Addis Ababa Agreement of 1972 and the Naivasha Peace Agreement of 2005 within the old Sudan[7], both products of theoretical concepts, international policy and political

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[1] Hartley (2012)

[2] Ibid (pg. 25)

[3] International Crisis Group Report (2011)

[4] Ake (1967)

[5] Collins (2005)

[6] Ake (1967)

[7] Malok (2009, pg.78)

consideration of postcolonial North-South tension in the old Sudan. In retrospect, these two peace agreements guaranteed independence to the new Republic of South Sudan[8].

The concept of State building was a clear agenda for South Sudan however and the political assumptions and strategies sometimes were very controversial[9]. Building or rebuilding the state from below was held as a fundamental step towards establishing a sustainable democratic process and society. However, this process was interpreted in different ways. Arising from various schools of thought, differing from on non-critical assumptions externally driven reconstruction that draw extensively on resources to reconstruction ideas that called for or did not call for endogenous initiatives.

The most noteworthy of commonalities across Africa of countries relapsing to civil war was because one people or a few wanted to rule the rest with self-style so-called freedom fighters than a support from a democratic means[10]. The power struggle that ensued was the principle held by one or few rulers that those who brought the so-called independence had the right to rule or go to war to gain the political power to rule[11].

Understanding the history leading to the independence of South Sudan was important because it was one of the elements that shaped the nature and character of state building. The study captured a view of the dynamics of socio-economic formation, their reconfigurations and transformation within the new nation[12].

The state was the central locus of politics and therefore the major determinant of the direction of the societal prosperity[13]. Sustainable post-conflict initiatives served as a crucial factor for ensuring peace when they reflected transparency or openness in public affairs. This

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[8]Ibid (pg. 109)

[9] Nyaba (1997 pg.18)

[10]Ibid (pg. 45)

[11] Ibid (Pg.50-53)

[12]Hartley (2012)

[13] Ross (1957)

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capacity was possible when citizens remained the ultimate authority for vetting leadership and policies, and retained incumbents in public office or elected new ones.

However, the implementation of these common tenets of state building varied in interpretation, often producing profound disagreements. This was the permanent tension between democracy as an ideal and the realities in heterogeneous society where political equality and the working out of ethnic representation in actual public institutions in a republic was the continuing challenge.

The long war fought between the then Government of Sudan and the Sudan People Liberation Movement/Army started in 1983 and however was largely a continuation of the First Sudanese Civil War of 1955 to 1972 according to the available literatures[14]. The conflict took place, for the most part in southern Sudan. It was one of the longest lasting and deadliest wars of the later 20th Century.

Roughly over two million civilians were killed[15] in southern Sudan. More than 4 million had been forced to flee their homes at one time or another during this time. The civilian death toll was one of the highest since World War II. That long conflict officially ended with the signing of a comprehensive peace agreement in January 2005 that included a provision for referendum allowing for the secession votes forming an independent Republic of South Sudan in July 2011. In reality, fighting never stopped but continued to the present day as South Sudan adjusted itself in to a republic with elements of the modern state. The post-independence and secession issues, ethnic discontents on access to opportunities, the unresolved issues – including location of borders and revenue sharing of resources – saw hundreds of thousands remain internally displaced inside the new Republic.

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[14] Hartley (2012); Alier (2006); Deng (2010); de Waal (2008)

[15] de Waal (2008)

Conflicts such as these, in different African states, took up a sizeable portion of time and effort that could have been devoted to post conflict state building in South Sudan[16]. The uniqueness of South Sudan represented the dual challenge of post conflict reconstruction and the transition from post liberation movement of the SPLM as ruling party to opening up space for a democratic process of multiple political party involvements. This was not easily accomplished. The tension initially between the ideologies that the war fought for the sake of self-governance, and the reality that the protraction and monopoly of leadership in the post liberation parties was seen in many post-colonial independent African countries such as Libya, Uganda, Ethiopia and Zimbabwe[17].

While there was the euphoria of change, the reality was that state building required detailed engagements with albeit less noticeable and likely to be neglected aspects of governance toward the importance of citizens in the rebuilding of the nation state. The purpose of this research, however, was to develop and provide the Republic of South Sudan state building stakeholders (Government of South officials, Members of South Sudan Legislative Assemblies, academic/research institutions and civic/citizen groups) a variety of findings, conclusions and recommendation to state building. It provided extensive, qualitative and quantitative data about the causes, constraints, and challenges in the new republic in the world where the concept of state in African needed re-examination[18]. The legacy of postcolonial states in Africa was variously termed as bifurcated, weak, fragile, collapsed and renter[19].

1.2 Statement of the Problem

The concept of state building in the Republic of South Sudan posed a serious problem, most questionable and at best the efforts of South Sudan Government and its development partners appeared to be heavily focused on "state building" that was externally driven other than

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[16] Hartley (2012, pg.37)

[17] Collins (2008)

[18] Shivji (2009)

[19] Mamdani (1996); Hyden (2006); Callaghy (1984); Bates (1981); Migdal (1988); and Bayart (1996)

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based on the efforts of the citizens themselves". The big question was on how to create understanding to turn the young state into an inclusive modern state in which all South Sudanese saw themselves represented, possessed capacity and ability to utilize their power and determined the way the society was governed.

The different theories of post-conflict state building shared a common ideal during their struggle for freedom and diversion ensued from that ideal after the achievement of the political goal. The benchmark of the vision was always for a government with free and equal opportunities for all to participate in[20]. The predictable diversion parted ways from the ideal of justice, liberty and prosperity governance when the political power was seized by the few. If democracy and the Rule of Law were meant to stabilize the country, to curb individual greed through constitutional means, the safeguards of a state in places like South Sudan, was still at infancy stages at best non-beginning or not a priority in the mind of the few ruling elites.

Western democracies were perceived to be mature and should be copied, although any close evaluation of the current state building plans raised serious questions. A post conflict state presented bold and innovative approaches to development, one that emphasized the need to customize governing bodies to suit local custom and the capacity to localize institutions where African states did not emulate the western model of governance[21]. The chasm between the ideal and the practice to achieve a successful and sustainable post-conflict state was not easy to bridge. In fact, existing formulas hindered rather than helped the process[22].

But there was a question of the limits of their involvement in the processes of governance. State building required an educated population, which understood its responsibilities and its willingness to monitor governance. The conceptual variations on what self-determination and sovereignty rested in a people meant was conditioned by the people's ability to grasp the

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[20] Wyeth (2010)

[21] OECD (2010b)

[22] OECD (2010d)

concept and work towards it being a lived-reality[23]. State building on a larger scale than a family unit required the practice of delegated power through local or national assemblies. This immediately limited personal participation since the individual's power was delegated to a representative. In a post-conflict era seemingly gave away one's freedom seemed to be a withdrawal from freedom. As noted above even Western democracies were always living with the tension of whether the citizens could trust their elected officials to act in their best behalf. The balance between participating in a state building and the necessary limits of delegation of authority in practice seemed to constitute a serious problem in new emerging states such as the Republic of South Sudan.

South Sudan was coming into existence after a long war of liberation, inherited poor infrastructure and volatile political climate, limited capacity of governance, weak state institutions, financial crises, violent ethnic divisions, and uncertain regional and international political atmosphere. For some time thus, it likely was driven more by its practical abilities as a state and thus this study will examine the challenges of rebuilding a fragmented state of South Sudan.

1.3 General Objective

The overall objective of the study was to analyze, interrogate and determine what were the inclusive aspects of state building and challenges of fragmentation in the Republic of South Sudan. The perceptions of the contextual concerns and issues of South Sudan from both the Government and development partners should not heavily focus on state building through the elites and less on the side of citizens. This research strived to identify solutions that were less understood in areas of contentions and interventions practices of creating and consolidating South Sudan state in the modern context.

1.4 Specific Objectives

The specific objectives of the study were to investigate major themes in state building paradigms, identify and assess generally the evolutions, current debates and emerging trends

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[23] Wyeth (2010)

strengthening intra-national bonds to help promote political, economic, and social and security structures needed to consolidate the state.

1.4.1 Investigate and analyze major attempts for state building and challenges of fragmentations; the current constraints on creating an environment and culture of a functioning state.

1.4.2 Find and recommend appropriate models of success in state building taking into consideration the challenges of fragmentations and visible complexity characterized by historical, social and political constraints.

1.5 Literature Review

A state, as defined by international law, includes four significant qualifications: a permanent population; a defined territory; an effective government; and capacity to enter into relationships with other states[24]. The first qualification - a state's permanent population - centered on the legal understanding that states were both territorial entities and constituted by individuals and thus required a permanent, but not immobilized, population. The second qualification – a defined territory – required the effective governance of a coherent territory[25]; numerous examples of disputed border claims disproved the notion that a state required defined boundaries to constitute statehood. The third qualification – an effective government – necessitated the existence and role of an authority to effectively exercise government functions and represent the entity in international relations"[26].

Malanczuk identified two components to effective governance: "the capacity to establish and maintain a legal order in the sense of constitutional autonomy and the ability to act autonomously on the international level without being legally dependent on other States within the international order"[27]. The fourth and final qualification – the capacity to engage

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[24] O.A.S. (1934)

[25] Schoiswhol (2004)

[26] Ibid

[27] Malanczuk (1997), reprinted in Schoiswhol (2004: 15)

in relations with other states – underscored the state's ability to use its political, technical, and financial means to conduct foreign relations. However, it was important to distinguish this particular qualification as less of a prerequisite for statehood and more as a consequence of statehood: the international community's willingness to engage a particular state, whether formally recognized as such or otherwise, depended on international politics as much as the capacity of the state in question.

These four qualifications detailed above create an apparent paradox within the international legal framework of the state: satisfying the Montevideo criterion does not guarantee any territory's formal recognition as a state. As this paradox only emerged when discussing those territories outside of the internationally accepted community of 'states,' it is imperative to first examine the competing theories on statehood, followed by the two theoretical categories that stood outside of the statehood definition provided in the Montevideo Convention: failed states and secessionist regions.

Given its own internal lessons on constitutional development and state consolidation, the new republic of South Sudan was on a tough journey to match gaps in governance, rule of law, human rights and peace building after it exited from the secessionist to a failed state[28].

1.5.1 Complex Issues of State Building in South Sudan

In order to understand the complex issues of state building in the post-conflict states in general and in the Republic of South Sudan in particular it was important to assess the enduring search for self-determination and identity that took more than two decades of violent conflicts. This study reviewed pieces of work by South Sudanese scholars and among others included Dr. Jok. In his work, Jok analysed the question of Diversity, Unity and Nation Building in the post secession independent Republic of South Sudan, and argued the efforts of South Sudan development partners that tended to focus more on state building driven externally and less internally as the core of the development agenda[29]. Jok explicitly

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[28] Deng (2010)

[29] Jok (2011)

stated that state building rather than nation building was only the preoccupation of donor community but however ignored in South Sudan Sudan's own peril of nation building.

Many academic works including (Fukuyama, 2004; Rotberg, 2003; Dobbin, 2003; Wally, 2000; Alexandrov 2003; Johnson, 2005; and Hartley, 2012), term state building was a vague concept including among historically oriented political scientists before and; in the 1950s and 1960s. It was argued in many post-colonial states, nation building was considered expunging ethnicity with result that "real nation" were superseded by "non-state" and their histories, cultures, and languages were regarded as tribal, backward and irrelevant to development. African states experts dismissed the modernization and Marxian conception of ethnicity as inadequate and argue for the adoption of African perspectives that treated ethnicity as a form of African identity.

1.5.1.1 Ethnic Questions

State building in the Republic of South Sudan gave adequate understanding on the ethnic questions to avoid any suffering that most African states had endured in subsequent decades of misrule and deadly conflicts. In the host of literatures analyzed, it examined the positive aspects of ethnicity[30]. It was found out those well guided, enlightened debates served in various constructive objectives such as mobilizing resources to do away with oppressive rule and assisting in economic development. Modern societies often equated with functioning states, although pre-modern social associations were conceptualized differently[31].

1.5.1.2 National Integration

But states were actually very common as existing social and political forms, even in this modern era. They may have been wide spread as imagined communities, or as aspirations, but their existence as jurisdiction for social and political practice was much over-stated. Its main proponents included the American Declaration of Independence. French Declaration of the Rights of Man and Citizens included founding fathers of independent African states

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[30] Meyer et al., (1997)

[31] Gidden (1984); Habermas (1989); and Meyer et al., (1997)

ushered in an age of nationalism that led to the conscious creation of states[32]. Although the creation and reconstitution of states around the world continued throughout the years from 1886-2011 when South Sudan got its independence. The concept described the process of national integration and consolidation of state power that created a modern state.

It was distinct from various forms of traditional rule such as feudal and dynastic states, theocracy or religious states or empires. State building was a complex process of consciously structuring a society in the same way that architects, engineers, carpenters and the like engaged in to create a building. As many analysts warned, State building was not only a conscious process initiated by leaders but was a complex process that involved the societal change. South Sudan independence carried the question of whether the historical experiences that had long united the old southern Sudan would endure in the new south Sudan, enabling the young country to become a unified political, cultural, and social-in short, a state. Many things kept worrying political analysts that unity of purpose that kept the South Sudan together as a political entity was, in a sense a mechanic unity, driven by opposition to North Sudan. It was believed that if there was no war between the North and the South Sudan after separation, there were high chances that the old ethnic discord within the country would rear its head once again[33].

1.5.1.3 Traditional vs. Modern Society

The traditional, pre-modern society in case of South Sudan and world over history of state was built from isolated communities with parochial cultures at the bottom of the society. In African states during colonial time and in post-independence the regional levels there were aloof governmental structure at the top, distant and largely made up of foreign elements for the collection of taxes and maintenance of communal order. The attainment of the independence in July 2011 in South Sudan from the North was both an opportunity to build a

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[32] Deng (2010)

[33] Jok (2011)

modern state that could provide for it citizens' needs, but also a challenge that required education and inclusive political participation with the goal of cultural unification[34].

The ability of the cultural elites in whom the power to create the new state was underestimated. There were many signs of this, as the relative calm that had prevailed since the 2005 truce between the North and the South started to run out of steam, revealed by the many rebellion against Juba government[35]. They had to envision the development and enrollment of public institutions. They had to enable the development of systems of mass media to communication and education of the people near and far. They had to educate and build confidence at all levels that could generate an inclusive identity with the working political system supported by masses. Active participation from the grass roots up was needed in order to expand the administrative structures of the state for the public welfare and the development of health, education and economic systems that would promote sustainability[36]. All of this was required for the forming of properly designed policies that would be equally applied in all areas for the growth of a stable, thriving state. The literature around state building often was occupied with social cleavages of various kinds: divisions between burgers and peasants; nobles and commoners; elites and masses. It virtually ignored ethnic diversity[37].

1.5.1.4 Cultural Groups

The dominant view in state building was the assimilation of small cultural groups into larger society. Implementation of this concept was fragile and however could ultimately produce more state destroying than state building. In the case of South Sudan no "larger society" existed. If it did in the past it was the Arab North dominated by Khartoum that was resisted by the southern tribes for well over many years[38].

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[34]Deng (2010, pg13)

[35] Jok (2011, pg10)

[36] UNDP Report (2011)

[37] Meyer et al., (1997)

[38] Ibid

Maintaining ethnicity and state building was not given, but was social and political constructions. Theories of state building did not necessarily make it inevitable that ethnic identity would automatically transform ones nationalism. The conversion of cultural differences into the bases for political differentiation between people arose only under specific circumstances. Many scholars considered ethnicity as intrinsically related to specific types of interactions between the leadership of the centralizing states and elites from ethnic groups. The theory presented the options of cultural/ethnic elites' as the basic dynamic, which precipitated ethnic mobilization either to remain separate or to move towards a one state. The former led to fragmentation and the later to state building if, as leaders, their intended goal was to attain the twin goals of peace and stability then their legitimacy would enhance[39].

1.5.1.5 Peace Building

Discussing peace building and state building was thus not merely theoretical or academic navel-gazing but of immediate and lasting relevance to the countries concerned[40]. In an ever more interconnected world, whether peace building and state building succeeded or failed was also significant in its implications for regional and international security more broadly.

Post-conflict peace building and state building posed significant challenges for many developing countries[41], yet, it also was, and remains, an issue for more developed countries[42]. Herein lay a significant opportunity that informed discussions and advice based on the comparative analysis of a wide range of experiences in different historical, cultural, socio-political and geographic contexts exists[43]. Current processes of peace building and state-building was thus benefiting from lessons of success and failure elsewhere[44].

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[39]Smith (1986, pg 7-12)

[40] Maravcsik (1993)

[41] World Bank Report (2012)

[42] de Waal (2008)

[43] UNDP (2011)

[44] Ashworth (2012)

1.5.2 Challenges and Dilemmas that Face Post-Conflict South Sudan

The state building "task list", the process for building peace and a stable and legitimate state after years of conflict posed a highly complex challenge to both domestic and external actors alike[45]. Central to these tasks was the state capacity and its relationship to peace'. Sustainable peace and sustainable states may well depend on crucial institutional choices as to how to incorporate a whole range of different actors into transitional and more permanent governance processes[46].

There are several inter-related factors and dynamics: security, including the issues of disarmament, demobilization and re-integration of former combatants (DDR), security sector reform (SSR); a functioning system of law and order, including questions of redress for past crimes; refugee and internally displaced persons (IDPs) return and reintegration; a sound economic and fiscal policy; educational reform; and the incorporation of local and civil society actors. All of these form part of peace-building and state building processes and have an effect on both the nature of the state that was being built and the sustainability of peace within it[47].

1.5.2.1 Limits of Iinstitutional Engineering

Put differently, while there was now a clear acceptance in the principles of peace-building and state building; there were obvious 'limits of institutional engineering alone' in achieving peace after conflict. Institutions remained the core component of post-conflict state building[48]. Institutions were the main tool for post-conflict state building. Formal institutions were modified and adapted to suit specific needs and circumstances more readily than other entities that influenced the risk of resurgent conflict, such as the level of economic development or the cultural and ethnic make-up of societies[49]. At the same time, however, these 'other factors' were crucial to the sustainability of both peace and states[50].

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[45]World Bank Annual Report (2011)

[46]Ake (1967)

[47]Hartley (2012)

[48]Deng (2010)

[49]Ibid (pg. 25)

Privileging institutions in this way assumed that peace and states were indeed 'designed'. The underlying assumption here was that peace could be facilitated through an institutional bargain that established macro-level structures through which micro-level rewards were provided to elites and their supporters. The strategy was to provide them with incentives to resolve their differences by political and non-violent means[51]. Without neglecting this important dimension of agency, state building "need(s) to focus on those dimensions of stateless that were manipulated and consolidate peace and state building in post-secession South Sudan." Here there were no universally agreed upon definitions of either state building or peace building, nor was there agreement on the compatibility of peace building and state building[52]. However, there was a tangible trend to view them as compatible in post conflict environments[53]. In his works, Jok warned that South Sudan must cautiously respond to ethnic demands by equitably distributed national resources in order to ensure economic and social justice. He further warned that states that ignored or failed to accommodate ethnic claims were almost certainly doomed to political instability and total collapse[54].

The administrative structure in South Sudan was very rudimentary. At the beginning of the century at the time of colonial era, groups like *Shiluk* and *Zande* stood for social structure headed by the kings but today South Sudan consisted of segmented tribal societies without centralized power[55]. Chiefs used to function as mediators between colonial administrators and population collected taxes and acted as judges.

State building was widely viewed as a reconstruction or constructions of the post conflict state through actions of international parties aimed at developing the capacity of state institutions to maintain stable and sustainable government. State building in post conflict states included demilitarization and security sector reform, the rule of law, human rights, and

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[50]Jok (2011, pg.3-7)

[51]Ibid (pg. 9)

[52] Deng (2010)

[53] Collins (2005; 2008)

[54] Jok (2011)

[55]Pritchard (1969)

democratization a long side the neo liberal policies and new public management approach to governance, the development assistance that prioritized financial management[56].

State building was not devoiced from the post 1980s in which direction of development aid was put towards democratic assistance and thus prescriptive, challenges the emancipator potential embedded in citizens' expectations toward state building. Recently, there were growing attempts to expand state building from purely technical capacity to introduce the participation of citizen engagements in the state building[57]. Perhaps this view of state building as a product originated from within the state and without external origins pointed to growing views in certain quarters that international organizations and government begun to see themselves more as facilitators than initiators in the process of state building.

This may stem from a greater understanding that in post conflict situations, the subject of state building could not be delineated from the participatory efforts[58]. However the concepts of state building and state stability met where there was recognition of the real need for the state to derive reconstruction agenda without compromising the expectation of it citizens. For unique post conflict South Sudan, a working post conflict reconstruction was interwoven with the need to create a new vibrant state avoiding the mistakes of the state building throughout the rest of Africa, which has flown back into fierce violent conflict due to exclusion[59].

1.5.2.2 South Sudan State Building

South Sudan represented perhaps the greatest state building challenge in the world today and therefore offered a robust testing ground for some of the ideas set out in the policy guidance on supporting fragile states[60]. Many of the tensions and contradictions highlighted in the process at the heart of the state building enterprise were evident in the ongoing effort to

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[56] Wyeth (2010)

[57] OECD (2010c)

[58] Fukuyama(2004)

[59] Alexandrov (2003)

[60] Jok (2011); and Alexandrov (2003)

enhance the capacity, institutions and legitimacy of the Government of South Sudan (GOSS) while recognizing the political, social, economic, and conceptual barriers which stood in the way of success.

The task of integrating the guidance of state building was more complicated in others. On the one hand, elements of the local discourse reinforced points made in the policy level of the SPLM[61]. Both documents of the SPLM inspirations emphasized the value of 'whole of government' approaches that integrated efforts not only within but also between governments and other international development partners. Both existing reports highlighted the need to focus more narrowly on core development activities, the importance of engaging with a range of state and non-state actors at the national and local level, of attracting the right staff for a functioning bureaucracy, particularly at senior levels, and devolving more responsibility to the local levels including traditional chiefs. Both reports identified the need for results focused approaches and better evaluation procedures[62]. Many of the ideas were already being implemented in the development of which emphasized the need for setting tightly defined goals based on solid on-the-ground analysis, and closer cooperation with other international partners.

On the other hand, the guidance explored themes which received less attention in the national ideas which could sharpen local thinking as it approached the task of state building in South Sudan was diverse. First, the local expectation placed the search for state legitimacy at the center of the state building enterprise. Many argued that all development efforts should have been undertaken with this central objective in mind. The state building policy also emphasized that fact that purely technical approaches to state building would fail unless they were accompanied by a genuine attempt to understand the motivations and constraints faced by the national actors upon whom the development community is forced to rely. Finally the

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[61] Jok 2011

[62] Ibid

state building policy warned against exaggerating the role of outside actors in state building, making the obvious but important point that it was an endogenous process[63].

The international community aligned its development objectives to fit with those set by the host government, in consultation with its citizens. This warning was particularly pertinent to South Sudan, where the lack of capacity and expertise within the GOSS tempted outsiders into taking the lead but where at the same time the scale of the development challenge dwarfed the ability of the international community to meet it[64].

1.5.2.3 The Challenges of South Sudan Fragmentations

South Sudan came a long way since the signing of the Comprehensive Peace Agreement of 2005. After independence the foundations of a government were in place, development was gathering pace and the post secession peace deal had remained fragile largely[65]. The referendum of January 2011 went more smoothly than anyone could have hoped and finally set South Sudan on a course towards it independence. These achievements should not be underestimated. But there were enormous outstanding challenges and South Sudan was a weak state for many years of its independence[66].

Indeed, the challenges were of such magnitude that there were dangers in applying lessons learned from other state building exercises to South Sudan. In many ways South Sudan stood in a category all by itself. First of all, it had never been a state. So the task facing international partners was not to help rebuild a fragile state, but rather to help support building from scratch and win its acceptance among a people who may struggle to conceptualize the very idea of the state.

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[63] Deng (2010)

[64] OECD (2010b)

[65] de Waal (2008)

[66] Deng (2010)

Second, in developmental terms South Sudan was starting from such a low baseline that it resisted meaningful comparison with other countries. Internationally recognized benchmarks on development such as the UN Millennium Development Goals were essentially irrelevant[67]. South Sudan's health indicators were among the worst in the world. Nearly four in every ten children died before their first birthday. Only a quarter of people had access to clean water, barely a tenth had sanitation. Socially, an entire generation went without education during the second civil war with the North, from 1983-2005. Literacy was just 15 percent and just one in 50 children completed primary school[68]. A majority of the working-age population did not possess the skills to perform basic jobs, having spent their productive lives employed as full-time warriors instead of workers. There was no domestic private sector to speak of.

The GOSS was ill equipped to meet these challenges. It was still struggling to make the psychological transition from a rebel group used to issuing orders to a government that was accountable and responsible to its citizens. It suffered from a chronic shortage of human and technocratic capacity outside of a small group (perhaps as few as 50) of senior officials[69]. This capability gap was even more worrisome given that independence meant taking on even more technical responsibility, such as running a fully functioning public services[70].

Economically, the South Sudan remained one of the poorest corners of world. Outside of Juba, there was an almost complete absence of infrastructure. The cost of linking the main towns in South Sudan with the basic roads essential for economic development was estimated to be at least $7 billion; a cost that was far beyond the ability of the government to meet, even with the oil revenues upon which it was so hopelessly dependent. The 2009 budget for GOSS was a mere $1.44 billion[71].

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[67] Ylönen (2012)

[68] Lacher (2012)

[69] Machar (2011)

[70] Paris and Sisk (2007)

[71] Ylönen (2012)

On top of the development challenges, the security situation in South Sudan remained precarious. The independence took some of the heat out of tensions with the North, for the time being at least, but the external threat posed by Khartoum remained real. Other external threats included the Lord's Resistance Army (LRA), which had plagued communities in Western Equatorial. The North-South border remained chronically unstable and had yet to be fully demarcated. Abyei was a permanent source of tension. The Darfur conflict had the potential to drag South Sudan into war with Sudan North[72].

The security situation internally was perhaps even more volatile. South Sudan was a violent place, awash with arms, internal administrative boundaries were disputed by rival ethnic groups; access to water, grazing land and other natural resources was a constant source of tension. Land tenure was unclear, leading to frequent tensions and scaring away potential investors. Cattle-raiding was endemic in states like *Warrup, Jonglei*, *Unity* and *Lakes*. The ability of the security apparatus of the state to impose itself on this situation was extremely limited[73].

The SPLA remained the primary enforcer of law and order, a role it was ill suited for. As a result it was a primary instigator of violence against civilians. The South Sudan Police Service had made great strides in a short time but did not penetrate below the county level and was unlikely to do so for many years to come. For most people, security was not provided by the central state but by informal groups within their community, under the leadership of traditional chiefs[74].

1.6 Justification of the Study

This research will have an academic and policy making relevance. The study's finding will generate debates and conversations that highlight issues of post secession that will guide the

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[72] OECD (2011)

[73] Ibid

[74] Ibid

future relations of the people and those entrusted with the role of governance in the new Republic of South Sudan.

The study will also be of importance to other countries that are trying to form a state by gaining independence. The results of the study will not only highlight the challenges of forming a state but will offer recommendations on how these challenges can be overcome.

Finally, the study will add to the current research that is highlighting the challenges of forming states and the reconstruction of failed nations and thus will offer a foundation for future researchers that would take on the topic. The study has focused on South Sudan.

1.7 Hypothesis/ Working Assumptions

1. There was a positive relationship between the nature of the bonds that forged the unifying sentiment of the national identity, defining its limits and the span of the heterogeneity of its membership which was central to state building
2. One option of the impact of transition after the conflict on state building was a relapse to war.
3. The manner in which the state was governed and particularly in terms of pluralism and accountability could both be a source or prevention of conflict

1.8 Theoretical Framework of the Study

Traditional conceptions of state building correctly emphasized the importance of effective government partners. However, recent experience taught that a broader coalition that included non-state partners was even more effective. Newer understandings of state building acknowledged that governance was broader than the state alone and that the alternative to the state was not lawlessness - as implied by the term "ungoverned," sometimes used in reference to areas not controlled by state actors - but in many cases traditional practices, informal governance, or hybrid forms that linked informal practices to state institutions[75].

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[75] Jok (2011)

Among the most progressive elements of contemporary thinking on state building included the importance of legitimacy in state-society relations, the role of non-state actors, and the recognition of context-specific policy solutions[76]. The means by which state capacity was built varied according to a particular state's needs, conditions, history, and politics. To determine how to achieve sustainable outcomes in fragile contexts, therefore, international actors needed to acquire a deep understanding of this history, domestic stakeholders, the limits of formal governance, and the non-state entities governing the periphery, those indigenous state building efforts already employed, and the values upon which a more effective social contract could be built[77]. These were the things that put constraints upon state formation in general and the ability of international actors to influence state formation in practice.

A select number of characteristics were attributed to all states in the world. First, the state must maintain sovereignty over its territory and people. Sovereignty was predicated on the premise of authority, meaning that it must have the ability to dictate and regulate rules, activities and issues; sovereignty did not imply that the state must be able to enforce such rules[78]. Two forms of sovereignty explain a state's control over its people: positive sovereignty expresses the ability to implement laws and make decisions, as well as make exceptions to such rules; negative sovereignty, disproportionately prevalent throughout Africa, signified support from and noninterference by other states, implying that a nation did not exhibit necessary control over its territory and people and was instead propped up by outside forces. Second, the state was an administrative and bureaucratic entity that was both separated from society and bound by specific territorial limits[79]. This institutional power permits the state to preside over and regulate all aspects of society and helped determine its relationship with the citizenry. The state's primary source of revenue (whether taxation or

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[76] Giddens (1984)

[77] Dobbin (2003)

[78] Jok (2011)

[79] Deng (2010)

exploitation of a natural resource) dictated this bureaucracy's responsiveness to society's demands. And third, the state must exhibit control over the monopoly of violence.

Crucial to this definition was the exploration of the state as the product of class consensus. De Waal, a prominent western scholar and expert on both South Sudan and Sudan argued that the state should also be perceived as an agreement on a political economy based predominantly on productive activities, creating a consensus over the distribution of key resources[80]. De Waal explored this further through Africa's post conflict states, highlighting the relative consensus of resource sharing in old Sudan that versus the neo-patrimonial distribution of wealth and power in South Sudan as a key determinant in their respective potential successes and failures, ensuring the success of any government stemmed from a balance between the state and the key economic sectors.

This definition of the state enabled us to analyze how statehood was not only disrupted but also shaped and influenced by participatory citizens. Tangible relations can be drawn between the state and key stakeholders in any geo-political context, including the populous, non-state actors (both domestic and international) and other nations. Exploring these relations during specific time periods helped us determine a nation's degrees of statehood, thus consisting of a fundamental component of the subsequent analysis.

Clear conception on models of state building were distinct features of establishing enduring state by macro political strategies that was via institutional arrangements, rules based, strong administrative mechanisms, procedures, sometime including the use of force in the aftermath of a conflict to underpin an enduring state[81]. However, practice showed that bottom up approaches to state building had better chances of success if it was originally founded on a bottom up approach including timing of elections. The literature on state building was also largely divided depending on alternative assumptions about state. Several authors[82]

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[80] de Waal (2008)

[81]Dobbins (2003)

[82] Zartman (1995); and Chesterman et al., (2004)

considered the concept of state to be the bedrock of international systems and therefore the entity of the state stability should be preserved at all cost. Other theorists argued that new states could emerge that more accurately reflected prioritizing local engagement[83].

Democratization was the core objective of state building. Central to this process was the planning and conduct of democratic elections and from experience timing varied. Interestingly, there was very little debate in the literature over what types of state the international community should contexts[84] try to build in a fragile state. The normative assumption was that a state was a liberal market democracy spread over a geographic territory. According to this interpretation, state building was actually a transfer of western values, institutions and norms, which was what exposed to the accusations of neo-imperialism. Proponents of state building argued that this sort of neo-colonialism was unlike previous incarnations in that it was more altruistic, it was more multi-lateral, it involved the nongovernmental sector and interventions advocated early existed[85].

Historically, philosophers ranging from Plato, Aristotle, Thomas Hobbes, John Lock and Jean Jacque Rousseau, Machiavelli; and Karl Marx, Max Weber, Emile Durkheim, John Stuart Mill and John Dewey among others strongly held variety of views about the definition of the state, its formation, consolidation and its functions. To them, state building was both idealistic and realistic. It was idealistic in the sense that state was international identity in international law and international relations. It was realistic because state was the most practical way to give prosperity to the citizens in which country satisfaction and aspiration were rooted in a properly constituted state. However, the model that emerged as the basis of today's world order was that of state as espoused by Max Weber during 1918 Bavarian Revolution and the First World War. Weber defined the state as *a human community that*

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[83] Brock (2001), and Ottaway (2002)

[84] Samuel (2004)

[85] Paris (2002)

claimed a monopoly on the legitimate use of force within given territory,[86] and noted the intimate relationship between the state and violence.

In the perspectives of developed world against the developing world under the guise of development partners such as Britton Woods Institutions like the World Bank, International Monetary Fund (IMF) and development aid providers asserted that Weber articulated a clear functional view of the state. They have described its 'basic functions' as legislature, the police and the judiciary and the various branches of the civil and military administration and did not talk about economic development as a key role of the state[87]. In the Republican view, state institutions were distinct from civil society, having their own interests, preferences and capacities.

The evolution of the state building paradigms over the past decades, the issue of state fragility and state building as a response to it had become a major area of interest for the donors, peace building efforts and collective security groups. They made a shift that 'markets' (the theoretical term then was structural adjustment) could solve these problems. Given these conceptions, various interventions by the international community took place in Afghanistan, Bosnia, Liberia, Sierra Leon, Haiti, Iraq and old Sudan then with nation-state building perceived as the dominant 'solution' for places deemed to have strife[88]. However, still variety of definition existed, which encompassed 'failed', 'weak', or 'fragile' but there remained vague and sometimes a blurring of distinctions between these conceptions.

Since the 1990s, the concept of nation-state building became the tool and means by which interveners attempted to tackle nation-state building, nation state failures and fragility. The 'ideal' referred to when attempting to do this theoretically, empirically and conceptually or in great practice had been that of classic work of nation-state as developed by Max Weber.

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[86]Beetham (1991, pg. 78-80)

[87] Ottaway (2002)

[88]Huntington (1996, pg.38)

1.9 Research Methodology

This research sought to analyze and explore the causes, enduring challenges for the nation-state building in the Republic of South Sudan. All relevant materials were studied accordingly including interviews and group discussions in the context of other studies and evaluation. Secondary sources of opinions ranged from newspaper editorial, news coverage in the local media, debates on the internet discussions forums, public lectures and debates, government policy briefs, and a host of other government document pertaining to its vision, development plans, and programs aimed at addressing the myriad of challenges that daily confront South Sudan.

The study employed both phenomenological and critical methods of research investigation applying empirical and theoretical approaches. An effort of nation state building was conducted during war (1983-2005), in the interim period (2005-2011) and in the first year of independence (2011-2012) and was projected for the years to come. The hypothesis of this research was that efforts of reconstruction seemed to focus on state-building and less on nation-building of which was highly being doubted to make any legitimate progress in helping to promote the types of institutions and structures needed to stabilize the state or reduce the obstacles.

Primary data was collected through the interview with political actors, decision-makers and institutions involved in nation building such as government institutions, development partners and the larger civil society groups that had crucial stake in South Sudan's future. Observation on the state of affairs and possible focus group interviewed and special interview to elicit critical view will be conducted with concern persons and groups involved in issues of governance in South Sudan.

Whenever an opportunity to meet respondents directly lacked, structured questionnaires were distributed to them. Depth interviews with special informants, focus group discussions and observation proved very apt methods applied in the research for data collection in the post secession Republic of South Sudan.

Methods of generating secondary data included the internet for more information from the reliable internet home pages concerning interaction amongst South Sudan stakeholders both inside and outside South Sudan. Newspapers and other relevant articles focusing on the nation-building projects was another source. Frequencies and content analysis were employed to analyze primary data.

On the other hand, explanation about the changing methods of the post-conflict South Sudan challenges was sought by applying the theories of nation building in a compulsory way. Reviewing of large volume of literature that existed on South Sudan was continuously assessed throughout the entire study.

1.10 Chapter Summary

Chapter one took on introduction and general orientations. The focus included political development in South Sudan, and the outlining of the structure of the thesis. It was also in this chapter that the hypothesis and theoretical assumptions underlying the efforts and strategies of nation-state building was discussed.

Chapter two delved into historical understanding and conceptual framework surrounding the nation-state building efforts and presented a review of literature that addressed important information about the topic in political, economic, socio-cultural and security including the research question posed.

Chapter three gave facts based case study findings used to compare against the research question. This dealt with conceptual framework of the study; with key focus on state building mechanism and programs analysis and different theories discussed, understood and written on. Appropriates means of research methods for data collection based on selected situations applied for the success of the research.

Chapter four analyzed critical issues at this level and focused on the analysis of the finding of the study.

Chapter five concluded the study with specific recommendations and further areas of potential investigation; reason for success in some cases and failures in other and advanced the possible solutions to other success of nation state building in a comprehensive approach.

CHAPTER TWO
STATE BUILDING AND CHALLENGES OF FRAGMENTATIONS

2.1 Introduction

A key question facing countries emerging from civil conflict such as the Republic of South Sudan is how best to deal with the painful legacy of the past - and in many cases all too recent - violence, while at the same time maintaining the fragile social harmony that often characterizes it post-conflict past.

South Sudan is the area comprises of Bahr-el-Ghazel, Equatoria and Upper Nile regions which is about 400,000 square miles or twice the size of the state of Texas in the United States[89]. South Sudan has a kaleidoscopic population of more than 10 million of which major ethnic groups are the Dinka, the Nuer, the Azande, the Bari speaking, the Otuho- speaking, the Toposa-speaking, Luo-speaking, the Muru-speaking and the Maban-speaking (Chai). South Sudan is bordered by the so called Arab and Muslim North Sudan, Chad and Central Africa on the West, Zaire and Uganda on the South, and Kenya and Ethiopia on the East[90].

Although South Sudan is a heterogeneous political culture, sociologically, historically, culturally, and politically constitutes a nation-state. Sudan and South Sudan have been locked in recrimination and rising tensions for much of the latter's short existence. When the two split in July 2011, following a decades-long civil war, the south took two-thirds of Sudan's oil fields with it, but Sudan retained much of the processing and transport infrastructure[91].

Understanding South Sudan's complex of conflicts is an essential step in establishing the linkages between conflict and stability in the region. South Sudan's history of marginalization has produced a complex web of dynamics that often provokes conflict. There are varying views on the causes that relate to all conflicts in South Sudan. Therefore, it is

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[89] Dagne (2011)

[90] Tadesse (2012)

[91] USIP (2011)

important to underlay some general issues, which relate to all conflicts in South Sudan, and there are specific factors underlying some particular conflicts[92].

Historical methods of conflict mitigation and resolution by respected tribal leaders, where negotiation of land, grazing and water rights need to be shared, have fallen foul to the manipulation of armed malevolence for personal gain[93]. In addition, too many people, particularly the young people in villages, are in possession of small arms. Rule by the force of a gun has replaced rule by respect for values and by the decree of those in authority, whether it is the judge, the chief, the parents or the policeman or woman. Given the years of interim periods, many people, particularly in rural areas, feel they are distanced from the normal services provided by the government in general and their security and rule of law institutions in particular[94].

In politics, the situation is also exacerbated by ambiguity over the separation of powers between the law enforcement organs and the fact that most civilians are armed. The presence and uncontrolled use of firearms by civilians remains a serious concern. The issue of protracted war has brought a culture of violence and proliferation of small arms, which in turn is perpetuating more violence[95]. Like any systematic change, removing firearms from one community while allowing the neighbor to keep theirs may not reduce violence but bring it about – such plans need careful negotiation and implementation, with appropriate measures to overcome any real or perceived imbalance of security in either community until the disarmed new context becomes accepted all round[96]. With Sudan and South Sudan relations, disputes over transit fees subsequently led the south to halt production in January 2012, despite the fact that oil remains of massive significance to both countries' economies.

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[92] Tadesse (2012); USIP (2011)

[93] Dagne (2011)

[94] USIP (2011)

[95] Hsiao (2012)

[96] Attree (2012)

2.2 Historical Background of South Sudan

2.2.1 British Colonial Rule

The British colonial rule in Sudan administered the Arab and Muslim North and the South separately as a result of acute and irreconcilable geographical, political, cultural distinctions between the two regions of the then Anglo-Egyptian Sudan. For the British, per se, the Anglo-Egyptian Sudan was not a colony to say the least. The North and South were administered separately. The North was ruled in the British colonial policy pattern developed in the Egypt and the Middle East (West Asia)[97].

On the other hand, the South was ruled through the indirect rule that was predominate policy in imperial Britain African colonies devised by Lord Henry Lugard in the Northern Emirates of Nigeria in 1898. Thus, to ensure the effectiveness of separate administration, the British colonial administration enacted the Closed District Ordinance Act in 1920. In 1922, the Passport and Permit Ordinance Act was promulgated[98].

In essence, these ordinances strictly chartered the course for complete separate educational, socio-economic, political development as well as required strict code on the issue of passports and permits for travelling between the North and South Sudan. The immigration policy between the North and South was further consolidated by the issuance of Passports and Permits to the Arab traders in South Sudan[99].

In almost sixty years of British rule in the then Anglo- Egyptian Sudan, South Sudanese were never educated at Gordon College (now University of Khartoum). They were educated in British East Africa and Southern Africa. In fact, educational syllabi were equal to those found in British East Africa. So, any curious mind would enquire, what the hell in the world

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[97] Varma (2011)

[98] Fadlalla (2004)

[99] Tadesse (2012)

the British adjoined South Sudan and the predominantly Arab and Muslim North Sudan in 1947[100].

More importantly, prior to granting political independent to Sudan, the British colonial administrators were wondering of what to do about South Sudan. Most of them who knew dawn well that the South and North are distinct ethnic groups and nationalities, with diametrically opposed social, cultural, linguistics, and religious differences as well as historical animosities retrospect to the period of the ivory and slave trade period without proper safeguards would tantamount to political suicide to admix[101]. Nevertheless, to their dismay, they were let down by the Civil Secretary in Khartoum and the British Labor government of Prime Anthony Eden. The decision of the civil Secretary to unify the North and South contributed first to a total sale out and betrayal of the African people of South Sudan that precipitated the ongoing chronic 40 year old civil war that has no end in sight and scrapped the so called "British Southern Sudan Policy". Moreover, the issuance of passports and permits between the Arab and Muslim North and South Sudan strengthened and protected the very existence of South Sudan cultures and heritage[102].

Furthermore, they strengthened the inter-state commerce and Trade Ordinance Act (TOA) enacted in 1925. For instance, any Jallabas (Arabs) doing business in the South must and ought to have proper permits to conduct business in South Sudan. It is worth mentioning that South Sudanese were not encouraged to become merchants and producers rather consumers. British policy was to keep African people of South Sudan were discriminated against in all spheres of political economy[103]. Thus, even the ongoing treacherous civil war is a British creation in South Sudan. Had the British colonial administration provided equal opportunity in education, economics, management and administration as well as social services today, the South would not be at its current precarious situation which it has been now for the past forty

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[100] Ibid

[101] Attree (2012)

[102] Breidlid et al., (2011)

[103] Tadesse (2012)

years. In 1970s- 1980s when South Sudanese asserted themselves in business and education, the ongoing civil war broke out against and thus disrupted the anticipated gains in these endeavors[104].

Finally, but not least, the British colonial government enacted a language policy at the Rejaf Language Conference in 1928. The Rejaf Language Conference approved English as the official language and the indigenous South Sudan languages such as Dinka, Nuer, Bari, Latuka, Shilluk and Zande as lingua franca. Arabic language was completely rejected. Thus, the ordinances coupled the language policy were designed to maintain the South as separate political entity from the Arab and Muslim North. In actual fact, colonial governors in South Sudan had nothing to do with North Sudan and used to conduct official business with British East Africa[105]. Given, the preceded synopsis and analysis, one would not hesitate to enquire prophetically, what on earth united the North and South Sudan in the first place? What happened with the so called "Southern Sudan Policy" in the post-war era? Was it a racial conspiracy against the African people of South Sudan? Thus, today the ongoing armed struggle is an inalienable democratic, legal and political right to demand the right of self-determination without any questions from North Sudan. Succinctly, imperial Britain had drawn the lines for separate development between the North and South.

2.2.2 Arab North Activities in South Sudan

The North-South divides has been characterized by the ivory and slave trade in which millions of Africans were exported to the slave markets in the Middle East and across the Atlantic to the New world[106]. North Sudanese participated as intermediaries on behalf of the Turko-Egyptians and neiy tin boor (Europeans) in the lucrative ivory and shameful slave trade against the African people. Slavery although abolished by international laws, including the United Nations Charter and other subsequent human covenants still goes on in the then

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[104] Boddy (2007)

[105] Reid (2012)

[106] Khalid (2003)

Sudan. The 13 year Jihad (Holy war) waged by the brutal extremist Islamic regime in Khartoum against Christians has given slavery a comeback.

Many young boys and girls mostly of the Dinka and Nuer ethnic groupings as well as those in the marginalized areas were raided, abducted and exported to the North to work as indentures workers and young girls are being exploited as concubines. Many other were auctioned off in the markets. The price is determined by supply and demand. In 1989, a woman or child could be bought for $90 per head. In 1990, as the raids increased, the price fell to $15 per head. Not only are their bodies in bondage, but also they are stripped of their cultural, religious and personal identity[107]. In the former French colony of Mauritania where slavery was ended-on paper-in 1980, like Sudan still practices slavery. The Arab and Muslim North have continued to ravaging and plundering South Sudan for slaves, ivory, gold and ostrich feathers. For instance, Professors Ushari and Baldo documented the extend of this inhumane, degrading and humiliating practices in a work entitled "El-Dha'ain Massacre", (University of Khartoum, 1988) where slaves from the South were sold for as cheap as $1.00 per head in the market.

During the period of Sudanization from 1953-5, the Arab and Muslim North cheated the South in the process. For instance, there were more than 1,200 senior posts occupied by the British colonial administrators, only six (6) posts were allocated to the South and as a result created serious animosity. South Sudan leaders perceived the denial of equal representation in the political economy and administration as a concrete evidence of the Arab and Muslim North deliberate decolonization of the South[108].

As regard to the issue of national identity, the North and South remain divided. The Arab and Muslim North assert that the Sudan is an Arab country and should develop on Arab and Islamic path. On the other hand, the South asserts that Sudan is an African country and should develop on Euro-African traditions. Certainly, Sudan is an African country and not

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[107] Khalid (1990)

[108] Khalid (2003)

Arab as it is claimed by the Arabized and Islamized North. In actual fact, over 62% of its population is of African stock, 34% of mulattoes Arabs and 4% of conspicuous classification and origin. Sudan membership in Arab League is also a fraud which Egypt should accept the blame. Thus, the then conflict in Sudan was found in the Afro-Arab schism[109].

Hence, the war was triggered by the superimposition of forced Arabization and Islamization through the state apparatus. It is worthwhile to mention that all the partially elected governments and military dictatorships, including the concurrent extremist Islamic regime led by the international Islamic guru Dr. Hassan el-Turabi, have perpetuated such diabolical policies of Arabization and Islamization. For instance, Sudan strongman General Gaffar el-Numeieri superimposed Islamic law (Shari'a) to be the law of the land and thus relegated non-Muslim in Sudan and South Sudan in particular to be second class citizens in the land of their birthright[110].

In the sphere of socioeconomic development, South Sudan remains underdeveloped despite its great potential to be the "bread basket" of Africa and the Middle East. In the late 1970s strategic mineral resources, including oil were discovered in the South. As a result of these new discoveries, Khartoum policy had been to keep the South backward in all spheres of socioeconomic development[111]. As the vast oil fields had been discovered in the heartland of the Nuer country, including the Renk Agricultural schemes, Khartoum did not hesitate to annex them to the North. Instead of building a refinery in Bentiu in 1982 which is the source of the black gold, the regime decided that it should be built in Kosti more than 600 miles away from the source of the black gold which dominated the international political and economic relations in the 1970s through the 1980s. Suddenly, the regime again scraped such a plan and decided that the new national refinery should be moved to the Red Sea Port of

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[109] Tadesse (2012)

[110] Collins (2008)

[111] Khalid (2003)

Port Sudan a distance of approximately 3,500 miles from the oil belt in Liech State (Bentiu), Western Upper Nile in Unity State[112].

Perhaps, one of the most unprecedented policy, the regime unilateral decision-making excavation of the Jongeli Canal without any thorough feasibility studies, its impact on the Nuer and Dinka people and tangible benefits for these displaced people from their local habitat. More importantly, South Sudan lagged behind in infrastructures, developmental and educational schemes. There is extreme disparity in education excess between the North and South. Although the people of the South are highly taxed particularly the Nuer and the Dinka nations, they are provided with the least an unequal education. This represents "taxation without representation".

2.3 Key Role of International Community
2.3.1 The Right to Self-Determination for the South Sudanese
South Sudan before succeeding from the Sudan North in July 2011 has been the victim of Islamic fundamentalism for two hundred years. Thus, the objective of the war in South Sudan was the right of self-determination-meaning complete separation of the country into two independent and sovereign states[113].

The referendum was a long time coming and demand since 1953; the British ceded the predominantly Christian and African south to the predominantly Arab-Muslim north. This granted the uncomfortably-united country of Sudan independence from colonial rule, but not on its own terms. Under the British, both areas were autonomously governed, and after independence the smaller population in the South worried about domination by the north, a fear that turned out to be justified. For the next twenty years, military dictatorship and civil war gripped the country, ending in an unsteady agreement in 1972 with the South retaining some level of autonomy[114]. This agreement was later undermined by the government in the

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[112] Reid (2012)

[113] Tadesse (2012)

[114] Varma (2011)

North, and the resulting civil war from 1983-2005 caused at least 2 million deaths, and millions more were displaced.

The right of self-determination has been eloquently championed and articulated nationally and internationally by the SPLM/A in all it political negotiations, has a democratic and an inalienable right to all people as well as a mechanism for conflict resolutions. The National Democratic Alliance (NDA) an umbrella of the traditional Northern political parties, the SPLM/A and the National Islamic regime in Khartoum were all asthmatic to concept of the right of self- determination[115]. However, South Sudan demands for self-determination continues in many front including, The Frankfurt Declaration on January 25th, 1992; Abuja I Peace Talks on May 1992; the Washington Declaration on October 23rd, 1993; Intergovernmental Authority on Drought and Development (IGADD) Common Agenda for Peace Talks on January 6th, 1994; the Seventh Pan-African Congress, Kampala, on April 6th, 1994; the International Seminar on the Rights of Minorities in the Arab World; and the IGADD Declaration of Principles (DOP), May 17th, 1994; the Bonn Conference in 1995 by the opposition groups and the recent National Democratic Alliance (NDA) Conference in Asmara, Eritrea, June 1995, fully endorsed the right of self- determination as a democratic and political right for the people of South Sudan. Thus, the acceptance of the right of self-determination by the NDA, including the Democratic Unionist Party (DUP) was a new beginning and the right step forward and a tremendous departure from the traditional status quo which would require new sociopolitical and philosophical analysis[116].

Certainly, the adoption of the right of self-determination by the NDA would have a set precedence for the South to continue the armed struggle even after the overthrow of the fatalist and brutal Islamist regime in Khartoum. However, if it is the usual political and flattering of the traditional Arab and Muslim North politics play by any opposition parties once they are outside of political arena, would have to remain to be seen. Therefore, saying is one thing and implementing what is being said is another side of the equation. In essence, the

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[115] Tadesse (2012)

[116] Attree (2012); Breidlid et al., (2011)

Southern political party, SSIM/A gave the Asmara initiative a new impetus of a wait-and-see-situation[117].

For generations it has been impossible for the North and South to coexist as one heterogeneous state because of historical animosities such continue to prevail today such as slavery, genocidal war and the inculcation of religion into the political theater of a diverse, multi-ethnic, multi-political, multi- religious an multi-political society. Actually, it was found out that it would be far better off for them to live apart in more than one heterogeneous state, even if this necessitates population transfers[118]. In other words, separating the antagonists-partition - is an option increasingly recommended for consideration where groups are territorially concentrated.

As far as South Sudan view point is concerned, partition is a fait accomplish that Africa and the world community should understand its inevitability with only Arab and Muslim North would be opposed to it because it infringes its direct interest in the question as in the cases of Ethiopia, Vietnam, Ireland, Germany and India. Thus, the establishment of a new nation-state sovereign and independent South Sudan was politically a sine qua non to peace and security on the Nile Valley, the Horn, East Africa and beyond[119]. The right of self-determination was a principle which is inalienable to all people which guarantees them the right to freely determine their political status and freely pursue their social, economic and cultural development.

The United Nations General Assembly Fourth Committee, the African Charter on Rights of peoples, and the then OAU turned AU Charter do fully recognize the right of self-determination of any peoples. The rise of African nationalism in the post-war era was based on the right of self-determination. The OAU Cairo Resolution of 1964 on the preservation of the inherited colonial boundaries should be legally declared as legally null and void.

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[117] Varma (2011)

[118] Khalid (2003)

[119] Reid (2012)

Moreover, the UN Charter on "sovereignty" needs to be revisited in the contemporary international geopolitical changes since the breaking down of the Berlin Wall in 1989 and the demise the Soviet Union[120].

Thus, the ongoing chronic armed struggle in South Sudan is a demand from the oppressor (the Arab or Jallabas) by the oppressed (Southerners) to grant them their basic fundamental human rights in the land of their birth right. The first 17-year old civil war from 1955-72 by the defunct Anya-nya I and by Any-anya II insurgencies from 1975-83, were fought on the principle of the right of self-determination--meaning the establishment of an independent and sovereign state in the South[121].

Previously, South Sudan parties a long side SPLM/A were waging the war for total separation of the South from the North. This position was non-negotiable. Given, the Islamic extremism, jihad and genocide as well as ethnic cleansing in Sudan, it would be unfair and without any justification for black Africa and the world community not to support the partition of Sudan into two separate political entities. Sub-Saharan Africa should support the right of self-determination for the people of South Sudan in the mannerism that they supported the anti-colonial liberation movements in Africa, including anti-apartheid groups in the Republic of South Africa[122].

Since 1983 till 2005, the regimes in Sudan has introduced "Islamic racism" which to many South Sudanese they are the victims that is no worst or different from the past Anglo-Franco colonial rule atrocities and exploitation in Africa. For instance, since the 1960s up to the release of President Mandela from prison, Africa boycotted all political, economics, trade and commerce, social, scientific and cultural cooperation with the Republic of South Africa (RSA) because of apartheid. It was viewed unprecedented for Africa to remain aloof on the Sudan crisis while they were supportive of correcting the inhumanity of man against his

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[120] Bereketeab (2012)

[121] ISS (2012)

[122] An-Na'im and Deng (2006)

fellow man throughout black Africa and in the world at large[123]. The then Sudan crisis deserves special attention from the Heads of state and government of the AU, the United Nations Security Council and the IGADD countries on Sudan conflict resolution. Additionally, Africa campaigned internationally to isolate South Africa participation in international political fora, sport tournaments, the United Nations and its specialized agencies and the Organization of African Unity (OAU) because of apartheid policy[124].

Moreover, in the Arab-Israeli Six-Day War in 1967, black Africa in particular severed all socioeconomic and political relations with the tiny Jewish state at Africa's expense though it was a strong ally of Africa during the struggle for decolonization in the continent in favor of the terrorist organization such as the Palestinian Liberation Organization (PLO). What would be Africa's foreign policy towards the Islamic regime in Sudan and South Sudan in particular? While Africa was vocal against colonialism, human rights violations, apartheid and ostracized their Afrikaners brothers from the African community in the past because of what they perceived was social injustice and isolated the tiny Jewish state in the sea of Arab nation-states because of the territories it captured during the Arab-Israeli Six-Day War in 1967 and Yom Kippur War of 1973, it would be unethical, unjust able and without any high moral ground for the world community and black Africa in particular not to apply the same cruel and unusual principles against RSA and Israel on the human tragedy in Sudan[125].

The late African-American Civil Rights leader in the United States, Dr. Martin Luther King, Jr., said, that "an injustice in one place breeds injustice everywhere". Thus, gross injustice in Sudan is equal to any injustice anywhere in the world. Therefore, with all due respect, it was very hypocritical for black Africa and the world community to have isolated and condemned the Afrikaners and Israelis brothers as the bad boys on the block while their hands are tied off on the Islamic tyrannical domination and exploitation of the African people in South Sudan. In my opinion, however, it was fair and just for black Africa to reciprocate the same

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[123] Bereketeab (2012)

[124] ISS (2012)

[125] Dagne (2011)

measures that they judged the Jews and Afrikaner brothers as the bad boys on the block, by bestowing the same judgment on the terrorist Islamic and racist regime in Khartoum[126].

The golden rule of constructive is to render due process across the aboard that is in compliance with adage that "Judge not and be not judged. For whatsoever measures you give is what you get". On the other hand, the golden rule also says, "Do unto others as they would do unto you" and that "what you sow is what reaps". Thus, these golden rules were applied on the terrorist Islamic regime in Khartoum as black Africa once isolated and critically judged both the Afrikaners and Israelis because of social injustice. The right of self-determination by the people of South Sudan was not in any way having any impact on the inherited political boundaries in Africa[127]. The partition of Sudan, Africa's largest country (approx. 1 million square miles) into two nation-states will not alter the political boundaries of any of the neighboring African nation-states of Ethiopia, Kenya, Uganda, Zaire, Central African Republic and Chad.

As a matter of principle, in the longer run, it would produce viable socioeconomic prosperity, peace and stability to the Horn, East Africa and beyond. The neighboring African nation-states and particularly those bordering South Sudan (Eritrea, Ethiopia, Kenya, Uganda, Zaire, Central African Republic (CAR) should support positively the eventual secession of South Sudan as prudence and authentic political and legal action to resolve the Afro-Arab conflict and socioeconomic development and political instability in the region[128].

2.3.2 Justification and Implication of South Sudan Secession

South Sudanese supporters of secession wave regional flags and pro-separation placards upon the arrival of President Omar al-Beshir at Juba airport on January 4. As Southern Sudan prepares to vote in the secession referendum on January 9, the question on the lips of most

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[126] ISS (2012)

[127] An-Na'im and Deng (2006)

[128] Varma (2011)

observers was whether a vote for secession would spur more secessionist tendencies on the continent of Africa[129].

According to a brief by the United States Institute of Peace (USIP) "Secession and Precedent in Sudan and Africa" written by Jon Temin, a senior programme officer in USIP's Centre for Mediation and Conflict Resolution, such a scenario is unlikely. First, Africa's borders are largely accepted. Secondly, most secession movements in Africa are weak and few stand a real chance of success, or have the international support they would need to advance their cause[130].

In 1993, when Eritrea was planning to secede from Ethiopia, Sam Kiley wrote in the *Times* of April 23: "A 'yes' vote could… stimulate ethnic secessionist movements from Cairo to Cape Town… the impact of their new status may be catastrophic elsewhere on the continent, where secessionist tendencies have hitherto been held back by the international community's refusal to recognize new nations." In *The Independent* of May 25, 1993, Richard Dowden also wrote: "Independence will encourage secessionists in other African countries. Angola, Cameroon, Senegal and South Africa all face potential splits." According to the brief by Mr. Temin, Libyan President Muammar Gaddafi is quoted as warning, "What is happening in Sudan could become a contagious disease that affects the whole of Africa." On another occasion, he predicted "the beginning of the crack in Africa's map[131]."

It is not lost on observers that the late Libyan leader has been at the forefront of campaigning for a vote for unity in Sudan as have other Arab league members. But Mr. Temin argues that predictions of disaster following Eritrea's secession were overstated - the Ethiopia-Eritrea war that followed was catastrophic, but there was no subsequent surge in secessionist efforts elsewhere in Africa[132].

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[129] Khalid (2003)

[130] Ibid

[131] Reid (2012)

[132] Ibid

Any secession in Africa challenges the long-held norm of accepting borders drawn up by colonial powers, illogical as some of them may be. This principle of *uti possidetis* (Latin for "as you possess") was enshrined by participants in a meeting of the then Organisation of African Unity in 1964, whose final declaration "solemnly declares that all Member States pledge themselves to respect the borders existing on their achievement of national Independence." In the 1960s this made sense: African states were brand new, weak and looking to ensure their very existence[133].

When Biafra (in Nigeria) and Katanga (in the Democratic Republic of Congo) tried to break away from their mother states in the 1960s, it was prudent to discourage their secession given the weakness of those states and the confusion that could have resulted from their secession, given that other African states were only then coming into existence. At the time, it was important to establish the principle that colonial borders would stand. But 50 years later, the context is different. Most African states are well-established and their borders are accepted. By and large, the map of Africa is settled. The borders governing just a few states however are persistently problematic, none more so than Sudan. South Sudanese secession votes were the most significant redrawing of African borders since decolonization[134].

2.4 Conclusion

The right of self-determination was a legal and political right to all people South Sudan. The armed struggle in South Sudan was a demand for the right of self-determination to any people to determine their own political destiny, economic well-being and cultural development. The international community and the neighboring African states have supported the right of self-determination for South Sudan. The North and South cannot co-exist and the only viable option was secession given the irreconcilable political and cultural positions. Displacement of many people from their local habitat was considered a crime against humanity in international law.

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[133] Varma (2011)

[134] ISS (2012)

Therefore, Sub-Saharan Africa States, the AU and the United Nations were very vigilant with human tragedy in Southern Sudan. In allowing secession against AU policy, Sub-Saharan Africa states exercised a moral stand against the brutal NIF regime denial of the right of self-determination and its gross human rights violations in Sudan particularly South Sudan. African nation-states and international community politically and economically pressured Khartoum until it accepted the right of self-determination for the people of South Sudan, stop genocide and ethnic cleansing in South Sudan.

It would have be a contradiction for black Africa to remain aloof in Sudan case whilst they were very vocal in similar situations around the world. The policy of forced Islamization and Arabization in South Sudan, including the marginalized areas such as the Nuba Mountains and Ignessena Hills, is contrary to normal process of religious conversion and flagrant human rights violations. The resolution of the Afro-Arab in the then Sudan would allow the only safety valve for the emergence of political stability and the realization of inflow of foreign investments and economic prosperity in the Horn and East Africa and beyond.

CHAPTER THREE
SOUTH SUDAN'S CASE STUDY

3.1 Introduction

As South Sudan embarked on a period of state building, the country sought to design an electoral system that took into account its unique political and social characteristics. South Sudan was a state in it post conflict transition, it was highly ethno-diverse, characterized by interethnic economic and political rivalries, with the Sudan People's Liberation Movement (SPLM) dominating the political space[135]. Alternatively and more conversely, South Sudan had a unique opportunity to build its institutions so that they were accessible to all citizens and to avoid implementing a system of politics that marginalized South Sudanese.

South Sudan as an independent nascent sovereign state did not come by accident or as a surprise. This event of independence was a result of decades of relentless struggle by the marginalized people of South Sudan. With the material, moral and political support they received from the region, in Africa and the friends in the international community, against the impact of colonial status south Sudan found it enduring self-determination marginalized when the Sudan implemented self-government act in 1954. In a nutshell the struggle was therefore for restoration of the human dignity of people which suggested that each and every person in South Sudan was visible and participated in the social, cultural, economic and political engineering leading to the development and emergence of a modern state in South Sudan spear headed by the SPLM as a political course[136].

South Sudan emerged as an independent country before the completion of the state formation processes. Many of its people still lived outside the state; politics had not been sufficiently emancipated from the person, and by extension the ethnic community from which hailed the person, exercising authority. The economy was dominated by the traditional sector in agriculture and animal husbandry while commerce, trade and social services remained

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[135] Tadesse (2012)

[136] Collins (2008)

informal to the extent that South Sudan had no organized tax system and the government lost to unauthorized persons, billions of South Sudanese Pounds. The oil sector that had been providing the revenue for running the government since 2005 was the source of the state's survival.[137]

It can be said with confidence that the challenges, or rather the threats that impinged on the chances of this young republic becoming a viable and robust state were enormous and tricky. The greatest challenge perhaps was that the SPLM had not woken up to the reality that it was the ruling party and that had to stamp its vision on every policy statement on social, economic processes in South Sudan. As it was public policy remained a matter of personal effort. There was no collective action geared towards state building, there was no party blue print for transforming its vision into social and economic plans for implementation by the government. It did that but only after liberating itself from the legacy of militarism that characterized it during the armed phase of the struggle. State building in the post-independence South Sudan requires different attitudes, methodology and skills on the part of the political leadership[138]. The SPLM therefore needed to go back to the drawing board to identify the gaps and weak points in its system and to rectify the mistakes.

3.2 South Sudan State Building Strategy

3.2.1 The SPLM Policy Agenda

The case for "fragile states" paradigm was at an important stage in the South Sudan journey towards state building and the country carefully assessed itself in that direction. Western policy makers during the 1990s came to recognize that fragmented countries with fragile governance institutions lay at the core of much of the world's instability. Collective security conflicts within fragile states were understood not only as threatening to the citizens within their own borders, but as having spillover effects to their neighbors and at times more far-

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[137] Wirsing and Stoll (2012)

[138] Jok (2013)

reaching implications such as terrorism, transnational crime, refugee flows, and infectious diseases[139].

In the turn of the century, and especially after the terrorist attacks of September 11, 2001, "state building" had become both a development and strategic imperative, intended to benefit not only people within fragile states and neighboring countries, but the broader international community as well. It was argued, especially among developed world thinkers, that fostering the development of strong, well run, democratic states that served their citizens with transparency and accountability played a stabilizing role, and helped prevent or mitigate the effects of conflict at the local, national, regional, and international levels.[140]

The state building agenda was pursued by a range of international actors operating in conflict, post-conflict, crisis, and disaster-affected environments such as in the Republic of South Sudan. The paradigm had been tested sufficiently that South Sudan's record of success or failure was increasingly under scrutiny both by the citizens of South Sudan and South Sudan development partners. The developing analysis and record showed mixed results[141]. There had been real successes in fostering institutional development, but progress in addressing less technical issues, such as the power imbalances that drove much of the fragility, had been less impressive in most cases[142].

Development agencies in South Sudan had been enthusiastic adopters of the state building agenda. Important features of modern states included supplementing economic and social programs with broader attention to capacity building, institutional development, accountability, financial management, governance, and democracy. Formative experiences in places such as Afghanistan and Haiti, however, and the evolving global power landscape in

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[139] Richmond (2003)

[140] Richmond (2003)

[141] Wirsing and Stoll (2012)

[142] Varma (2011)

general provided some impetus to redefine what South Sudan state building meant to development and other international actors[143].

The Development Assistance Committee (DAC) of the Organization for Economic Co-operation and Development (OECD) and the United States Agency for International Development (USAID) had both undergone processes of self-reflection for their foreign policy towards South Sudan in which they grappled with some of the critical issues that South Sudan faced. The development partners, with broad input, included from USAID, had developed new guidance on state building.[144]

The increased attention to these challenges which South Sudan experienced suggested that the state building and development agendas stood at a critical juncture. Whether these efforts asked the right questions, or went far enough in their answers, was the topic of this research. It was argued that it was important for state building professionals and both government-citizens in general to recognize the reality of non-state actors and hybrid governing institutions, especially at the local level. Such actors, whether benign community groups or malign power brokers, and hybrids, such as participatory process and warlord-bureaucrats had the potential in some cases for constructive engagement and in others to be spoilers[145].

Likewise, it was important to recognize that development and state building were fundamentally political activities: they changed incentive structures and power balances or imbalances. If done naively, therefore, development and state building could risk destabilizing an already fragile society, so they should always be undertaken strategically, to account for, and constructively interact with, local and national politics. Comprehensively, all good things could not be accomplished at once. Development or reconstruction plans with long lists of "essential" tasks or objectives, without guidance on prioritization or sequencing,

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[143] Collins (2008)

[144] USAID and the State Department Development Review

[145] Richmond (2003)

could do harm in the interest of doing good, by raising, and dashing, expectations, or by stretching limited resources too thinly across too many lines of activity[146].

Many experts of state building had evolved in their thinking on these issues over the past few years, and in many ways their most recent publications presented some cutting-edge and rather hard-nosed perspectives. However, they questioned the degree to which either institution was dedicated to, or capable of, the enormous intellectual, cultural, and institutional changes necessary to turn critical perspectives into reality[147]. Variations on different warnings and "best practices" had been circulating in the development field for years, yet the institutions that engaged in development and state building had in many cases made only marginal improvements in implementing them. Whether South Sudan development partners were capable of reforming its policies and practices remained to be seen in the case of South Sudan. After analyzing some of the evolution of thinking on these critical issues of State Building, many scholarly works tended to offer some modest suggestions to nudge the path in state building[148].

Traditional conceptions of state building correctly emphasized the importance of effective government partners. However, recent experience had taught the conception of state building that a broader coalition that included non-state partners could have been even more effective in establishing enduring state. Newer understandings of state building acknowledged that governance was broader than the state alone and included in many cases traditional practices, informal governance, or hybrid forms that linked informal practices to state institutions. The alternative to the state was not lawlessness as implied by the term "ungoverned," sometimes used in reference to areas not controlled by state actors.

Among the most progressive elements of contemporary thinking on state building included the importance of legitimacy in state-society relations, the role of non-state actors, and the

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[146] Wirsing and Stoll (2012)

[147] Attree (2012); Breidlid et al., (2011); Collins (2008); Jok (2013)

[148] Breidlid et al., (2011)

recognition of context-specific policy solutions. The means by which state capacity was built varied according to a particular state's needs, conditions, history, and politics. To determine how to achieve sustainable outcomes in fragile contexts, therefore, international actors needed to acquire a deeper understanding of this history, domestic stakeholders, the limits of formal governance, the non-state entities governing the periphery, those indigenous state building efforts already in train, and the values upon which a more effective social contract could be built. These were the things that put constraints upon state formation in general and the ability of international actors to influence state formation in practice.[149]

In preparing its new guidance, South Sudan development partners recognized the significance of these points in its very definition of state building: "an endogenous process to enhance capacity, institutions, and legitimacy of the state driven by state-society relations[150]." At its core, this concept was not far removed from the traditional conception of state building, in which external actors were believed capable of encouraging state formation by, for instance, mediating disputes and building the capacity of formal institutions, into which non state structures were then expected to be subsumed. What had changed, however, was the explicit recognition, likely based on an evaluation of the success of the former model, that state formation occurred mainly through internal processes rather than external assistance, and that state-society relations were among the core factors. The developing literature for South Sudan's case therefore acted as a bridge to the more forward-leaning conceptualizations of state building.

The policy for South Sudan state building defined it as a fragile state by reference to both what South Sudan had which included patronage structures, elite competition, and multiple political systems, and what South Sudan lacked which was rules, procedures, and institutions. State building, many analysts argue, should build from the ground up, beginning with what already existed. Because this was largely an internally driven process, external actors, many

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[149] Richmond (2003)

[150] Wirsing and Stoll (2012)

research suggested, necessarily played a secondary role, mainly to support the strengthening of institutions, capacity, and legitimacy[151].

To translate these insights into a broader state building strategy for South Sudan state building, the many advisors offered fundamental baseline considerations for international actors, encouraged them to recognize context and domestic state building efforts, the responsibilities of local actors in defining state building objectives, the role of local partners both within and outside of government, and potential regional and global implications. Building on this, the policy set out a model for program design that included working, to the degree it was constructive, with government and non-state actors to ascertain the most urgent sectors to address, to create integrated programs that strengthened the social contract between government and its various constituencies, and help prioritize efforts that prevented destabilization[152].

Although development partners in South Sudan explicitly addressed both program development and aid delivery, the value of the existing policy came mainly in planning for development, particularly as it encouraged pragmatism in the definition of objectives and mechanisms for achieving them. Many efforts had opportunities, then, to translate this conceptual guidance into programs on the ground.

3.2.2 Basis and Criticism of South Sudan State Building

South Sudan both internal and external perspective envisioned development and state building as mutually reinforcing processes. It suggested that aid could be most effective if linked with state building, specifically because effective governance helped aid agencies address societal needs more comprehensively. "Effective states," it stated, "mattered for development." For its part, it had recognized that development aid could be used to support

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[151] Varma (2011)

[152] Richmond (2003)

state building, and its "Democracy and Governance" portfolio worked not only to build state capacity in general, but capacity to undertake poverty alleviation in particular[153].

For some years, advances in state building had recognized that governance and development activities took place even in the midst of crisis and conflict, that it was limited as an external actor in what it accomplished in such environments, and so needed to partner more with local actors who had a better understanding of the history, culture, and context, and were better placed to clarify development objectives. South Sudan State building partners had argued in favor of working more closely with some non-state actors, mainly civil society organizations, local communities, private businesses, and international nongovernmental organizations (INGOs). Many, such as the USAID's policy program on democracy and governance worked hard to build the capacity and influence of civil society.[154] But neither institution clearly acknowledged that it was occasionally necessary to work with some rather less savory non state actors as well, namely the strongmen, warlords, and power brokers who controlled urban neighborhoods or large rural territories outside of central control, or who held government posts but governed mainly through their patronage networks or private militias[155].

It was probably a bridge too far at this point in their institutional thinking to suggest that South Sudan development partners recognized as well that some of these less benign non state actors did not in all cases play unconstructive roles in development or state building. State formation almost by definition went through a phase in which such actors played a key role. The failure to account for the realities of power relations during state building program implementation, as such figures could make or break a project's success, or to shape the incentives of such actors to nudge them toward institutionalizing their power which was a key step in state formation was a mistake development professionals should be encouraged to avoid. The interagency took note of this and now placed key actors as a component of its

[153] Tadesse (2012)

[154] Jok (2013)

[155] Collins (2008)

conflict assessment tool. While more work remained, this was an important step toward accounting for these realities[156].

In the case of South Sudan, USAID had traditionally worked with government partners to implement "big push" programs. These programs were designed to achieve fundamentally important goals, but were not always appropriate to the needs of the recipient, especially in terms of scale: many of its programs were simply too large to be sustainable. The insight it derived from the state building guidance was to consider coupling these large-scale, top-down development projects with smaller, more sustainable projects aimed at incremental change. And in fact, USAID was moving in this direction with its call for contextualized, individualized solutions in the QDDR and USAID Forward[157].

In broad strokes, the United State policy for South Sudan envisioned development as an equal pillar with diplomacy making up U.S. civilian power (Department of State/USAID 2010). It envisioned USAID as the lead agency carrying out "high-impact" development, "shifting from aid to investment (Department of State/USAID 2010)." This was a significant challenge for an organization that has been weakened rather than strengthened in recent years[158]. The US strategy for South Sudan set out the substantive development priorities on six key areas: sustainable economic growth, food security, global health, climate change, democracy and governance, and humanitarian assistance. To work effectively in these areas using the new methods, it recommended context-specific development strategies that highlighted those issues that were most relevant and necessary in particular countries. The US recognized partnership as the core of USAID's work, including not only with other U.S. agencies but with recipient governments, other donors, non-state actors, and private development actors as well.

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[156] USAID and the State Department Development Review

[157] Jok (2013)

[158] USAID and the State Department Development Review

The State building efforts from development partners offered some innovative thinking, but there was a clear gap between its innovative ideas in the diplomatic sphere and those in development. For instance, the US policy on South Sudan recognized the emerging role of non-state actors, but that recognition appeared in the diplomacy section of the report, not the development section. USAID rectified this in part through innovative efforts such as the USAID Forward and the Development Innovation Ventures Awards, through which the Agency provided grants for cutting-edge scalable development projects[159].

A key precondition to USAID being capable to fulfill the tasks set out for it in the QDDR and President Obama's Directive on Global Development, and to changing its overall approach to development in line with some of the more innovative items on the new state building agenda, was building its own capacity. This included not only appropriate staffing, but ensuring that the Agency had sufficient technical expertise to carry out its new responsibilities, especially with regard to fragile contexts. The existing attempts to address these practical shortcomings, focused on implementation and procurement reform, talent management, rebuilding policy capacity, strengthening monitoring and evaluation, rebuilding budget management, science and technology, and innovation.[160] These key areas of reform were a means by which USAID sought to build the credibility necessary to function more freely in its policy space toward South Sudan.

It was important to acknowledge that South Sudan had significant challenges ahead as it tried to take up the expanded role it envisioned for itself. Over the past two years, it suffered a loss of independence as well as cutbacks that had fundamentally changed its way of working. Between interim periods and the second anniversary of independence, for example South Sudan lost nearly all efforts consolidating state building. Those particular capacities were now back in the form of the Bureau for Policy, Planning and Learning and the Office of Budget and Resource Management. USAID continued to rebuild its broader capacity while

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[159] USAID and the State Department Development Review (2010)

[160] Ibid

pushing forward toward its future role. In his Policy Directive for Global Development Policy, the President on his part articulated his commitment to this.

Whatever reforms USAID believed were necessary, it was important to acknowledge that USAID was not the only U.S. government actor in the field. The Foreign Assistance Act of 1961 sought to redress this issue by consolidating American economic aid under USAID, but as of 2008 the Agency accounted for only 45 percent of foreign aid. This stemmed from two central problems. First, the objectives of foreign assistance were not clearly defined. According to one source, there were 33 competing goals, 75 priority areas, and 247 directives.[161] Second, American foreign assistance was spread among 12 departments, 25 agencies, and nearly 60 offices.[162]

USAID remained under-funded, under-staffed, and generally underutilized as a strategic tool in American foreign policy to the extent that a number of lawmakers essentially recommended defunding USAID (Jordan 2011). The disjointed nature of foreign assistance challenged the ability to create a government planning and implementation strategy, a critical component for state building. If the Agency was to link development policy to realities on the ground, it needed a broader coalition of support within the U.S. government than it currently had. The QDDR and USAID Forward were, in part, efforts to rectify these challenges.

In addition, it was important that state building not be defined by recent experiences in Afghanistan and Iraq. It was likely that new development and policy priorities emerged to replace the precedents created by these two experiences and that they were seen as sui generis. It was more likely that state building occurred not in contexts of occupation and war, but in fragile states where such an intervention prevented or mitigated an escalation of conflict. When so much of the Agency's resources were being focused on two countries, it was tempting for the bureaucracy to shift its work to accommodate those situations.

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[161] Oxfam America (2008)

[162] House Foreign Assistance Committee (2009)

Contemporary interactions and political dynamics were shaped by history and affected both formal and informal actors and institutions. History, cultural interactions, ethnic relations, non-state actors, social cleavages which was essentially a country's context mattered. These factors were fundamental to the success of development policies. They demonstrated that assessment was critical and that local ownership was necessary for success in state building, and many of these factors were considered first principles,[163] principles for Good International Engagement in Fragile States and Situations.

All these factors were adequately acknowledged, if not addressed in detail, in the QDDR. The purpose of that report was not to provide a detailed blueprint for USAID as much as to set out a general guide for future work. The greater imagination and focus on diplomacy left unanswered questions about development. OECD/DAC had offered some guidance on how it might flesh out some of the aspirations identified in the QDDR. To some degree, it questioned deep-seated assumptions about state building, namely the concept of top-down, one-size-fits-all approaches that plagued previous discourse on the subject.

First, therefore, USAID aggressively pursued a better understanding of how non state centers of power that most development professionals referred to as corrupt might affect program design and implementation. A study of the role of "malign actors", which was used to refer to corrupt power brokers in Afghanistan in state formation through history, was used as the basis for figuring out how USAID projects could be used to nudge such actors toward more formal mechanisms of governance[164].

Second, USAID should abandon the laundry-list approach to development planning. Of course fragile states had a wide array of unmet basic human needs, as well as tenuous governance structures. But that fact often meant as well that the government and society did not have the capacity to absorb large amounts of aid all at once. USAID activities should be

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[163] OECD/DAC (2007)

[164] USAID (2010)

sequenced, with a series of modest intermediate objectives so that later projects could build on the successes of earlier projects, and could be sustained by local capacity[165].

Finally, development strategies should be designed in a way to better account for how foreign aid changed power dynamics in recipient societies. Instead of claiming that development assistance was intended to be politically neutral, it should be used in a way that nudged politics toward more constructive balances of power[166].

There was no question that the QDDR offered a more sophisticated understanding of development that more strategically focused it in those areas where the United States had the greatest impact. It narrowed its objectives simply to those it maintained. The next step was translating these efforts through implementation. What now needed to happen was an evaluation not of the agency, but the agency's implementation of its mandate. OECD/DAC's work on state building offered one important source of guidance in that effort.

Southern Sudan represented perhaps the greatest state building challenge in the world and therefore offered a robust testing ground for some of the ideas set out in the OECD/DAC policy guidance on supporting fragile states. Many of the tensions and contradictions highlighted by the DAC which lie at the heart of the state building enterprise were evident in the ongoing effort to enhance the capacity, institutions and legitimacy of the Government of Southern Sudan (GOSS) while recognizing the political, social, economic, and conceptual barriers which stood in the way of success[167].

The task of integrating the DAC guidance into USAID strategy in Southern Sudan was straightforward in some areas, more complicated in others. On the one hand, elements of the DAC paper reinforced points made in the QDDR. Both documents emphasized the value of 'whole of government' approaches that integrate efforts not only within but also between

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[165] Ibid

[166] Ibid

[167] OECD/DAC (2007)

governments and other international development partners. Both reports highlighted the need to focus more narrowly on core development activities, the importance of engaging with a range of state and non-state actors at the national and local level, of attracting the right staff, particularly at senior levels, and devolving more responsibility to chiefs of mission. Both reports identified the need for results-focused approaches and better evaluation procedures. Many of these ideas were already being implemented in the development of USAID Country Development Cooperation Strategies (CDCS), which emphasized the need for setting tightly defined goals based on solid on-the-ground analysis, and closer cooperation with other international partners[168].

On the other hand, the DAC guidance explored themes which received less attention in the QDDR; ideas which could sharpen U.S. thinking as it approached the task of state building in Southern Sudan. First, the DAC placed the search for state legitimacy at the center of the state building enterprise. It argued that all development efforts should be undertaken with this central objective in mind. The DAC guidance also emphasized that fact that purely technical approaches to state building failed unless they were accompanied by a genuine attempt to understand the motivations and constraints faced by the local actors upon whom the development community was forced to rely[169].

Finally the DAC warned against exaggerating the role of outside actors in state building, making the obvious but important point that it was an endogenous process. The international community aligned its development objectives to fit with those set by the host government, in consultation with its citizens. This warning was particularly pertinent to Southern Sudan, where the lack of capacity and expertise within the GOSS tempted outsiders into taking the lead but where at the same time the scale of the development challenged dwarfs the ability of the international community to meet it.

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[168] OECD/DAC (2007)

[169] Ibid

3.3 South Sudan Post Secession Critical Issues

There were still key issues that needed to be ironed out in the newest African state. The challenge that the post-independence South Sudan issues brought was immense and the strategies to address that challenge were complex and slow. The main protagonists in the referendum from both the NCP and SPLM had not agreed yet on several post-referendum issues including citizenship, Abyei, oil revenues, Nile water sharing, and borders among others.

3.3.1 Citizenship

The complex part was that the CPA did not clearly spell out the fate of Southerners living in the North after separation. There were southerners in the North and there were also northerners in the South. It was estimated that there were over two million Southerners living in the North[170]. With the referendum on January 9, 2011 there was naturally the fear of the unknown as to what would happen to southerners in the North since the South boldly voted for independence. Outcry from prominent northern leaders denied southerners in the North basic services if the South chosen independence had not yet come true[171].

It stood to reason that NCP predictably argued that Southerners in the North would forfeit their Sudanese citizenship; hence rights of employment, ownership, residency and entry to North Sudan were all revoked. More so the critical challenge was with regards to the many Southern citizens who were employed by various state institutions particularly in the military and police force. How the status of Southern citizens was to be settled and what the mechanisms that to adopted by both the NCP and SPLM to overcome some of these and other associated issues were questions that remain unanswered. In addition, many political and military leaders were now coming back to Southern Sudan after years of working in the North or abroad[172]. The way in which the SPLM-led government handled this entire process to a large degree defined the nature of the post-independence state in Southern Sudan.

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[170] Natsios (2012)

[171] Guarak (2011)

[172] Baas (2012)

The proposed agreement affirmed that no person's nationality or citizenship would change during the CPA period, regardless of the referendum outcome[173]. Citizens were entitled to live anywhere in the country, and their rights as such would remain intact. In the event of secession, a person's status would not be determined until a new state was established in the South after the end of the CPA interim period in July 2011, new citizenship and nationality laws were established in that state, and existing laws were clarified in the Northern state[174]. After these conditions were met, a constitutionally protected transitional period ensued in which a person freely chose to retain or acquire citizenship in either nation.

The text was largely compatible with a previous SPLM proposal and grounded in state practice and international law. The NCP instead proposed that any person deemed eligible to vote in the referendum would be limited to Southern citizenship and would lose citizenship rights in the North. The question was what might such a policy mean for Northerners in the South? Since the policy appeared inconsistent with existing citizenship laws, was it not a slippery slope with potential implications for many groups in the North?

Therefore, it would be helpful for the international community to monitor the treatment of southerners in the North and the treatment of northerners in the South. Above all it should be part of the undertaking that the North and the South agreed on the safety and welfare of all Sudanese. Dual citizenship may perhaps be considered as a solution. The danger here, however, was that people divided loyalty in contrast to being a citizen of only one country. It may be argued that when southerners in the North were given dual citizenship this may not alter their loyalty to the South and so southerners in the North may still suffer harassment[175].

On the other hand dual citizenship may improve North-South relations in the long term. Another solution was for the North and the South to have special relations. This meant that northerners in the South did not need to take southern citizenship but would be treated

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[173] Ibid

[174] Ibid

[175] Natsios (2012)

equally with their southern counterpart. This should also apply to southerners in the North. In the special relations northerners and southerners may not need a passport to cross their common international borders either by air, land or sea. As part of the special relations peaceful co-existence which should be for dividends to the North and the South.

Finally, the North and the South had a lot to gain by being good neighbors in harmony with each other. People needed to move on from conflicts of the past to the future of opportunities to turn the region into a land of prosperity for all. The masses both in the North and the South had the same basic needs for a better and higher standard of living. This was the challenge to the North and the South. Nonetheless it was hoped common sense would prevail.

3.3.2 Abyei

Located between Northern Bahr al Ghazal, Warrap and Unity states to the South and Southern Kordofan to the North, Abyei was geographically, ethnically and politically caught between North and South. It was home to the Ngok Dinka, while Misseriya nomads migrated seasonally through the territory. The Misseriya belonged to a group predominantly Arab Muslim, named Al Baggara. The Dinka Ngok belonged ethnically and racially to the South, and was predominantly Christian[176]. Abyei had long been and remained a flash point, where land, nomadic grazing rights, security and oil contributed to volatility. By way of a protocol, the CPA granted the disputed territory special administrative status under the presidency and its own January 2011 referendum to decide whether to continue that status within the North or become part of the South which was now postponed indefinitely[177]. Just as Abyei threatened to spoil CPA negotiations in 2004, it became clear the issue might prevent an agreement on post-independence arrangements if left unresolved.

Moreover, Misseriya feared that secession of the South possibly including Abyei could result in a loss of grazing rights, thereby threatening their way of life that was practiced for centuries. Some in Khartoum had stoked such concerns and encouraged the Misseriya to

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[176] Guarak (2011)

[177] Ibid

fight for participation in the Abyei referendum. The conflict involved the Dinka Ngok ethnic groups supported by the SPLM and the Misseriya ethnic groups supported by the government of Khartoum. The two groups competed over who had rights to the territory and essentially the right to grazing and water resources[178].

While conflicts between these groups were managed relatively successfully in the past through customary land tenure systems, this was less and less the case today as a result of larger herds, reduced water and pasture, instability and prejudices stirred up by the war, and a proliferation of arms among herders. In addition, patron-client politics, weak natural resource management and development policies, and top-down government institutions encouraged ethnic polarization and social divisions[179].

Moreover, the Abyei issue was considered the key point to a lasting peace between North and South Sudan. Abyei was a fertile region that had oil deposits between North and South Sudan. However, Abyei's future was very much up in the air, and observers worried the region could again erupt in civil war. Fear was pushing the Ngok Dinka, the town's dominant ethnic group, to consider declaring Abyei part of the South, even though they knew that such a move would provoke the North to try and take Abyei by force.

If Abyei's status was left unresolved, the area would be caught between two nations, possibly triggering a return to conflict in Sudan. The 2005 peace agreement, which ended the war, promised the people of Abyei their own referendum on whether to be part of the North or South. The Abyei referendum was supposed to be held simultaneously with the main Southern referendum[180], but the two sides failed to agree on who was eligible to vote. As a result, the Abyei referendum was postponed indefinitely.

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[178] Ibid

[179] Guarak (2011)

[180] Baas (2012)

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Currently, the situation in Abyei has the potential to degenerate into conventional armed confrontation with increased force mobilization by the armed forces of the North and South. However, there was real concern that the conventional forces could be drawn into a stalemate position and militias and other spoilers were being used by both Khartoum and Juba to perpetrate violence in an effort to influence the political situation[181].

There was still a lot of uncertainty regarding the possibility of holding the referendum in Abyei. The Dinka Ngok held a meeting and issued a statement according to which they would organize their own referendum if it did not take place and they would not allow Misseriya groups to use grazing lands. In parallel, the Misseriya decided to set up their own government[182]. These developments were described as very worrying. Similarly, it was feared that a separate resolution or agreement between the parties on the referendum in Abyei outside of the CPA would create a precedent to deal with other CPA items separately. These potential tensions required close monitoring and contingency planning by the African Union (AU) early warning bodies in close coordination with relevant regional and international bodies' ensured early warning and early action is it humanitarian, security, technical, political or economic. Increased clashes pushed relations between NCP and SPLM to breaking point. As the single most volatile post-independence issue between the two CPA parties, the Abyei dispute blocked or derailed the negotiations.

Following clashes in January 2011 between Missiriya militia forces and a Joint Integrated Police Unit (JIPU) that left over 30 dead, two meetings were organized to improve the situation[183]. The first was held on January 13, 2011 between Missiriya and Ngok Dinka elders to discuss migration routes through the area. The elders agreed in principle that the Missiriya would be allowed to pass through Abyei in search of pastures as long as blood compensation was paid for Ngok Dinka deaths that occurred during the last migration season and migration routes through the area. As at the beginning of March 2011, the Misseriya had

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[181] Natsios (2012)

[182] Natsios (2012)

[183] The EU and Sudan Report (2011)

offered to pay the compensation, but there was no agreement on the grazing routes[184]. Despite this, Missiriya had continued entering Abyei and were currently grazing their cattle around the Ragaba es Zarga, a river running through the territory, approximately 30 km from Abyei town. As they pressed further south, the absence of a grazing agreement became increasingly problematic.

Furthermore, nothing guaranteed the ethnic groups involved in the Abeyi case could not be mobilized to secede from South Sudan and create yet another new state, especially since the southern population hoped that secession would bring about a quick improvement in the quality of life and expectation present in most secessionist regions but one the very young and inexperienced South Sudanese government would find impossible to meet. The conflict between the ethnic groups, government and militias was fuelled by the significant oil reserves developed by foreign companies. This exacerbated the conflict as the huge potential profits increased the incentives for control of the land, resulting in all kinds of human rights violations.

3.3.3 Border Areas in Dispute

Five major border areas were in dispute. The first, and perhaps most potentially explosive, was around the oil-producing region of South Kordofan, Blue Nile and Abyei[185]. The region had yet to decide in a separate referendum whether to join the South or the North. The Permanent Court of Arbitration at The Hague outlined the borders in a July 2009 ruling but demarcation had stalled. At the same time, the northern Misseriya community, largely drawn out of Abyei under the new borders, had denounced the ruling[186].

According to SPLM secretary-general, Pagan Amum, four other areas were in dispute: the northern-most border separating rank county in Upper Nile from the north's White Nile state, the borderline running north-south between the South's Unity State and the North's Southern

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[184] Ibid

[185] Human Rights Watch Report 2009

[186] Natsios (2012)

Kordofan, this would determine who controlled the Heglig oil field, whether the Bahr al-Arab river formed the exact border between the South's Bahr el-Ghazal and Darfur in the North, and which river forms the exact western-most dividing line between Western Bahr el-Ghazal and Southern Darfur.

It was estimated over 80 percent of the oil fields were in the South, depending on where the border was drawn. The sole export route for the landlocked South was a pipeline running to the north to Port Sudan on the Red Sea. Under the CPA, the two sides divided proceeds from oil pumped in the south. They had to negotiate how to share oil revenue, as well as any user fees levied against the south for using the pipeline and refineries. The two parties also negotiated how to honor current oil contracts[187].

Nonetheless, governments of Sudan and South Sudan signed an agreement in October 2011 over border security, stipulating the establishment of 10 border corridors to ease the movements of citizens between the two countries. The Sudan Minister of Defence, Abdul Rahim Mohammed Hussein told journalists, after meeting with his South Sudanese counterpart that that was the first time for the two countries to sign an agreement over the borders since South Sudan independence in July 2011. The Minister disclosed that establishing the corridors aimed at easing the interconnection between the people of the two countries, affirming that the concerned parties in both countries would continue their work in the demarcation process[188]. For his part, the South Sudanese Minister of Defense described the meeting as successful adding that it was the first meeting between the two countries to discuss the bordering issues, stating the good relations between the two nations.

3.4 South Sudan Governance Challenges

Sudan had come a long way since the signing of the Comprehensive Peace Agreement of 2005. The foundations of a government were in place, development was gathering pace and the peace deal remained fragile but largely intact. The referendum of January 2011 went

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[187] Guarak (2011)

[188] Natsios (2012)

more smoothly than anyone could have hoped for and set Southern Sudan on a course toward independence in July. These achievements should not be underestimated[189]. But there were enormous outstanding challenges and Southern Sudan was a weak state for many years after independence.

Indeed, the challenges were of such magnitude that there were dangers in applying lessons learned from other state building exercises to Southern Sudan. In many ways Southern Sudan stood in a category all by itself. First of all, it had never been a state. So the task facing international partners was not to help rebuild a fragile state, but rather to help support building from scratch and win its acceptance among a people who struggled to conceptualize the very idea of the state. Second, in developmental terms Southern Sudan was starting from such a low baseline that it resisted meaningful comparison with other countries. Internationally recognized benchmarks on development such as the UN Millennium Development Goals were essentially irrelevant. South Sudan's health indicators were among the worst in the world. Nearly two in every 10 children died before their first birthday. Only a quarter of people had access to clean water, barely a tenth had sanitation. Socially, an entire generation went without education during the second civil war with the North, from 1983-2005. Literacy was just 15 percent and just one in 50 children completed primary school. A majority of the working-age population did not possess the skills to perform basic jobs, having spent their productive lives employed as full-time warriors instead of workers. There was no domestic private sector to speak of[190].

The GOSS was ill-equipped to meet these challenges. It was still struggling to make the psychological transition from a rebel group used to issuing orders to a professional government that was accountable and responsible to its citizens. It suffered from a chronic shortage of human and technocratic capacity outside of a small group, perhaps as few as 50, of senior officials. This capability gap was even more worrisome given that independence meant taking on even more technical responsibility, such as running a fully independent

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[189] Baas (2012)

[190] Breidlid et al., (2011)

central bank. Economically, the South remained one of the poorest corners of world. Outside of Juba, there was an almost complete absence of infrastructure. The cost of linking the main towns in Southern Sudan with the basic roads essential for economic development was estimated to be at least $7 billion; a cost that was far beyond the ability of the government to meet, even with the oil revenues upon which it was so hopelessly dependent. The 2009 budget for GOSS was a mere $1.44 billion[191].

On top of the development challenges, the security situation in Southern Sudan remained precarious. The peaceful staging of the referendum took some of the heat out of tensions with the North, for the time being at least, but the external threat posed by Khartoum remained real. Other external threats included the Lord's Resistance Army, which had plagued communities in Western Equatoria. The North-South border remained chronically unstable and had yet to be fully demarcated. Abyei was a permanent source of tension. The Darfur conflict has the potential to spill into parts of the South. The security situation internally is perhaps even more volatile. The South was a violent place, awash with arms. Internal administrative boundaries were disputed by rival ethnic groups. Access to water, grazing and other natural resources was a constant source of tension. Land tenure was unclear, leading to frequent tensions. Cattle-raiding was endemic in states like Warrup and Lakes. The ability of the security apparatus of the state to impose itself on this situation was extremely limited. The SPLA remained the primary enforcer of law and order, a role it was ill-suited for. As a result it was a primary instigator of violence against civilians. The Southern Sudan Police Service had made great strides in a short time but did not penetrate below the county level and was unlikely to do so for many years to come. For most people, security was not provided by the central state but by informal groups within their community, under the leadership of traditional chiefs[192].

Faced with such a formidable array of pressing and interlinked challenges, international development agencies and their partners had struggled to prioritize and too often succumbed

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[191] Jok (2013)

[192] Natsios (2012)

to the temptation to take on too much. The ability of the GOSS to absorb ill-directed assistance had been exhausted. Money had been wasted and some had been lost through corruption because the local institutions of accountability were not robust enough. Too many projects had been centrally directed top-down initiatives relied too heavily on a small circle of state officials. In the same way that the surfaced roads tended to disappear within a few miles of the Juba city limits, the reach and relevance of development projects tailed off the further one moved away from the capital. Development practitioners struggled to come up with ways of balancing and strengthening both state and traditional authorities.[193]

The picture was not overwhelmingly negative. The months leading up to the referendum witnessed a greater unity of effort and purpose from the international community. Donors coalesced around achieving a focused and urgent goal, dividing up labor and devoting significant resources to getting the voting process on track. The results were impressive. For the most part, however, donor organizations struggled to translate development theory into working solutions on the ground. The value of the OECD/DAC guidance was that it addressed this central problem of why development plans so often come unstuck when applied to the messy reality of life at the operational level. By defining the core objective of state building as the quest for state legitimacy, it was easier to identify the various barriers which stood in the way of state-society relations and to come up with ways of overcoming them. The DAC paper identified three critical aspects of state-society relations which influenced state building: the political settlement, the capability and responsiveness of the state to fulfill its functions, and the social expectations of the state and what it should do[194]. Understanding how these relationships played out in South Sudan helped to illuminate the challenges of shaping an effective state building policy there.

3.4.1 The Political Settlement

The political settlement in South Sudan was an elite bargain. The SPLM was the power broker, its position as the dominant force in the South enshrined by the Comprehensive Peace

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[193] Dagne (2012)

[194] OECD/DAC (2007)

Agreement, cemented by victory in the April 2010 elections and sealed by its role in presiding over the referendum process, which led the South to independence in July 2011. The SPLM's primacy may be acknowledged but it does not go unchallenged. The SPLM was not a monolithic organization, more an ever-shifting alignment of rival ethnic groups[195]. Loyalty could not be guaranteed. Demands were rising on the SPLM to repay the faith people had shown in it.

Political opponents of the SPLM agreed to come under the umbrella in a show of unity during the run-up to the referendum. But this was a shallow unity and divisions were likely to re-emerge once the unifying goal of independence was reached. Rebel leaders like George Athor still commanded large militia groups, and many believed they would not hesitate to return to violence in order to extract concessions. For external actors like USAID, inserting themselves into the political process was hazardous and risked tipping the balance in favor of one faction over another[196]. This was particularly the case during the period leading up to independence, which was likely to witness a power grab in the GOSS.

It was vitally important that development funds were applied evenly, to not distort the balance of power, and that effective ways were found to disperse resources outwards from the center in order to avoid an overconcentration of wealth and power in Juba. Attempts were made to do this by focusing on public accountability, transparency and anti-corruption mechanisms in the GOSS, and by prioritizing the need for economic diversification, which helped reduce rent seeking in Juba. However, the good governance mantra eventually hit the wall of political reality. It must be assumed that the decisions of senior GOSS officials were determined by political calculation just as much as a desire to advance good governance, bureaucratic competence and accountability[197].

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[195] McNamee (2012)

[196] Dagne (2012)

[197] Natsios (2012)

Donor demands for increased transparency, merit-based appointments and professional conduct inevitably confronted the fact that Southern Sudan's leaders had to juggle a wide range of interests including the need to maintain the political settlement by paying off rivals through the provision of goods or sinecures, and balancing the tribal composition of the leadership. While such behavior could be classified as corrupt, it helped keep the peace. Building strong institutions would in the long term help weaken this informal system and development agencies were right to pursue this objective. But in the short term, compromises had to be made at the expense of these long-term goals[198].

Another effort to broaden the political settlement was to encourage the GOSS to proceed with a policy of decentralization or de-concentration. This was a laudable aim. But as the OECD guidance suggested, decentralization was not a silver bullet. In some instances, it had brought the state and the people into closer contact with each other and strengthened accountability mechanisms. Equally, there were signs that pushing money and authority out to the state level without the accompanying institutions to manage them could lead to the establishment of authoritarian ethnic fiefdoms which replicated the worst elements of the government in Juba. For this reason, building up the strength of non-state authorities -- whether traditional leaders, civil society groups or churches, became very important.[199]

3.5 South Sudan's External Vulnerabilities

As many analyst pointed out, there were several key capabilities that were common to all effective states. Without them the legitimacy of the state, and by extension the state building project, was put in jeopardy. These capabilities included security, rule of law, and the provision of public services such as schools, clinics, roads and employment opportunities. The GOSS was light years away from being able to provide these essentials, even with the sustained efforts of the international community, it did not priorities necessarily align with those expressed by its citizens. Besides, a prerequisite for legitimacy was that citizens associated service provision with the state rather than international donors. It was unlikely

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[198] Ibid

[199] McNamee (2012)

that the presence of the GOSS would be felt below county level for a long time to come. This required a realistic evaluation of what the state could reasonably be expected to provide, combined with efforts to position the state in a more realistic way in the minds of citizens: as just one of several potential providers of goods and services, alongside traditional authorities, community groups and, for a period of time, the international community[200].

The number one priority for South Sudan remained the provision of security, without which public services could not be developed. While security provision did not primarily fall within the remit of organizations like non state actors, a lack of security hindered its efforts to pursue the core objective of helping the government develop and deliver public services. There was a danger that people would quickly lose faith in the state if their basic security could not be guaranteed. Until that point was reached, communities were less likely to participate in disarmament campaigns because it remained the fact that for many people, their gun remains their sole source of security. Indeed, disarmament efforts themselves had been a focal point of violence, with communities subjected to brutal treatment from the SPLA soldiers who carried them out and from rival communities who had not been disarmed simultaneously.[201]

For all these reasons, Security Sector Reform was closely aligned with the development strategy in South Sudan. This included such diverse activities as conducting conflict analysis assessments, forming community conflict prevention programs, developing conflict early warning systems, building the capacity of the South Sudan Police Force (SSPS), providing an effective border force, and reforming the SPLA. The latter task was perhaps the most important challenge of all. It illustrated the interlinked nature of the state building project in South Sudan. The SPLA had to be downsized because paying the salaries of its soldiers consumed an unsustainable chunk of the national budget. Yet downsizing was a politically risky strategy as long as the external threat from Khartoum remains real. The SPLA served an important political function, both as a repository of patronage and a way to keep rival

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[200] McNamee (2012)

[201] Natsios (2012)

forces in the fold. Downsizing also carried a potent safety threat unless there were jobs or pensions for demobilized soldiers[202].

The interlinked challenges of providing security in South Sudan remained at the top of the agenda for a long time to come, with clear implications for the legitimacy of the state. South Sudan development partners reflected this reality, ensuring that its development activities were closely coordinated with efforts by other international partners such as the UN to address security challenges in South Sudan through Disarmament, Demobilization and Reintegration (DDR) programs.

3.5.1 Social Expectations of South Sudanese Citizens

Aligning citizens' expectations of what the state should provide with what the state was actually capable of providing was the critical element of South Sudan state building. This was crucial in the context of South Sudan, where there was a large gap in expectations. In addition, the very idea of the nation state was a challenged concept. Many people continued to see their identity first and foremost in terms of ethnicity, rather than as citizens in a nation state. A history of predatory government or lack of formal government meant people were distrustful, even hostile of the state, as represented by the GOSS[203].

The CPA interim period was widely viewed by South Sudanese as having failed to deliver a 'peace dividend.' People expected things to be different now that independence had been achieved and fruits of independence were within touching distance. Expectations of what the state was willing and able to provide had soared. Before the independence there was an inevitable 'honeymoon' period of celebration once secession was confirmed but it did not last long. There was a palpable sense of impatience with the GOSS and rising demands that it started acting not like a government and a provider of services. Layered on top of this were public perceptions, many of them justified, that corruption and incompetence are rampant within the GOSS and those goods and services were distributed according to ethnic

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[202] Jok (2013)

[203] McNamee (2012)

preferences. Unless expectations were carefully managed, this sense of impatience and suspicion would quickly turn to resentment, loss of faith in the government, and even violence. So far the GOSS failed to clearly formulate the message that it could not be expected to provide schools, clinics, roads, and jobs overnight. Getting that message across was crucial, particularly in the months that followed while there was still an opportunity to ride the wave of national feeling associated with the independence and challenges of state building. The international community could do more to help the GOSS do this, both by assisting with its communications strategy and by promoting civic engagement and education projects[204].

Another important way of institutionalizing society's relations with the state was by teaching citizens about their own responsibilities toward the state; for example that they would in the future be expected to pay taxes in return for services. Citizens should also be empowered to play their full part in the life of the state. Political participation must be fully opened so that credible alternatives to the SPLM could develop People should be consulted on a new constitution and the international community had a role to play in ensuring that this consultation process was truly inclusive, bringing in civil society actors, churches, and other important stakeholders. The announcement of the referendum result by then provided a timely opportunity for the GOSS to lay out a national vision, a blueprint for the future which would go a long way toward helping cement the concept of the state. The international community could not guide this process but it had an important role to play in facilitating the discussion and providing advice. In this area, learning from countries, which had gone through the state building process was useful. One forum for this dialogue was the International Dialogue on Peace building and State building, where fragile and post-conflict states have exchanged ideas, knowledge and advice about their state building experiences.[205]

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[204] Natsios (2012)

[205] Berhanu (2011)

3.5.2 Government and Civil Society Relations

Combining the country's strategy on supporting state building with some of the challenges facing this effort in South Sudan, and the enduring question would be what were some of the strategic priorities which would shape the South Sudan state building approach and inform the development of that process?

Southern Sudan was an incredibly diverse and complex territory, with complex problems to match. It was a place, which did not lend itself to generalizations. Local context was all-important and the challenges of state building varied enormously from place to place regarding South Sudan's own context. There was no substitute for solid on-the-ground analysis, which means deploying qualified people on the ground in sufficient numbers and ensuring that they receives basic conflict and political analysis training. Development partners that engaged in South Sudan case must spend more time out of Juba, which is not typical of the South[206]. Understanding a place as complex as South Sudan required a depth of knowledge that could only come through extended deployments. Building relationships with local actors was crucial to getting a firm understanding of the political and social dynamics. State building must take a long-term approach that tried to cultivate expertise on South Sudan by encouraging local dialogues and more continuity.

The state building effort in South Sudan could not succeed without efforts to bolster both state and non-state institutions, at both the central and local level. The reality in South Sudan was that the authority of the GOSS would not extend throughout the territory for many years to come. At the same time, traditional leaders lost much of their authority during the civil war and could only play a limited, albeit important role. At the moment, half of the development community's programs were geared toward extending the authority of the state while the other half tried to buttress local and traditional authorities[207]. A more coherent way had to be found of joining these two halves and looking for practical ways for them to operate successfully together. To this end, efforts had been made in the justice sector to meld

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[206] McNamee (2012)

[207] Dagne (2012)

customary and statutory law. These were moves in the right direction but it was necessary to be careful to avoid Western institutional assumptions that the customary had to be subservient to the statutory.

Increasingly, actors in state building were advised to look at the bigger picture, which was particularly pertinent to Sudan and the Horn of Africa, which were interlinked to a large extent. This was particularly true of the security situation, which was characterized by weak border controls enabling a steady flow of arms, militia groups such as LRA, and, when humanitarian crisis struck, refugees. Layered on top of this picture was the tendency of the countries in the region to interfere in each other's conflicts. State building strategies which did not take account of developments in South Sudan's six neighbors, most notably the North, which had the obvious potential to play a spoiler role, would be limited[208].

3.6 Conclusion

In terms of operational priorities for South Sudan development partners, their report raised a number of important lessons, which could be applied to the state building effort in South Sudan. Some of them, including the need to prioritize objectives and coordinate more effectively with other international partners, were already being incorporated into South Sudan's state building process.

State building efforts called to prioritize support for those state functions that were strategically important for state building was particularly pertinent to South Sudan, where choosing priorities was difficult due to the simple fact that there were so many for the GOSS to grapple with. The development partners were obliged to follow the GOSS lead but at the same time it tried to encourage it to become more effective and responsive to the demands of its people for public services. One strategically important area in which they played a role was in opening more effective channels of communication between GOSS and the public, facilitating a discussion on the future of the state. The process of establishing a new constitution provided an opportunity to conduct such a discussion. Ensuring that the voices of

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[208] Berhanu (2011)

non-SPLM political parties, civil society groups, and women were included in this debate would serve an important purpose, helping to broaden the political settlement in South Sudan, and thereby boosting the legitimacy of the state.

Development partners had to constantly remind themselves of the limited absorptive capacity of the GOSS. This would not change substantively for many years to come because of the time it took to educate and train the large numbers of South Sudanese needed to run an effective bureaucracy. Coordinating and consolidating efforts with other international partners is crucial if the GOSS was not to be completely overwhelmed. This meant speaking with one voice, as far as possible, through bodies like the Inter Donor Coordination Forum, and trying to bring on board other partners who tended to act independently, such as Kenya and the African Union. The same lesson applied to the various agencies of the U.S. Government working in Southern Sudan. In light of the US existing policy call for leaner, cheaper and more focused overseas engagements, collaboration and resource sharing made sense from a budgetary as well as a strategic perspective. The recommendation that coordination should be extended to the use of pooled funding mechanisms needed to be carefully considered in the Sudanese context given the well-documented problems with the Multi Donor Trust Fund in Southern Sudan.

Measure outcomes rather than inputs was a crucial call for a more results-focused approach to state building and was echoed by the development partners profoundly as well. In South Sudan, this meant looking less at whether the capacity of the GOSS was strengthened and more at whether increased capacity had led to improved government performance.
The guidance on South Sudan state building identified hazards associated with state building. One was the need to avoid the temptation to lead in which the state building guidance emphasized the importance but frequently forgotten point that, state building was an endogenous process. In South Sudan, outside actors resisted the urge to direct the GOSS in spite of its obvious shortcomings, and respected their host's desire to select its own goals and methods for achieving them. South Sudan could not become a legitimate state in the eyes of

its people unless it was clear that the GOSS was the lead agency in making strategic decisions about the country's future.

U.S. Relations with South Sudan, which was rooted in years of American activism included disaster relief to the south during the civil war, remained close, though there have been signs of strain in 2012. The United States was the country's largest bilateral donor, but the Administration had expressed concern over certain actions taken by leaders in Juba who had, in its view, further aggravated the relationship between the Sudan and the economic situation in both countries.

CHAPTER FOUR
REAL ISSUES AND IMPLICATIONS OF STATE BUILDING

4.1 Introduction

Strengthening local Governments and improving local governance arrangements through some form of decentralization was a policy priority for many post conflict countries. A variety of political settings and various attempts had been made to issue guidelines to steer the decentralization process in both developed and developing countries. The Charter on Local Self-Government, adopted by the Council of Europe in 1985, aimed to guarantee the political, administrative and financial independence of local authorities; it adopted the concept of "subsidiary" by which decisions were made closest to affected communities at the lowest possible level of Government. Strengthening and developing local administrations.[209]

Government was seen as fundamental to increasing the quality and coverage of services to citizens, fostering local development and strengthening participatory governance at the local level. 80 percent of the World Governments are thought to be implementing some form of decentralization and steps had been undertaken towards the adoption of a World Charter or a set of international guidelines on decentralization.

Strong local governments and inclusive local governance arrangements were also increasingly seen as essential building blocks of the peace building process in post-conflict environments. However, while early support to strengthening some form of local government was crucial for delivering peace-dividends, international support to local governments and other local development actors, backed by sufficient field presence, had not always been timely and commensurate. UNDP South Sudan's spending figures confirmed that lack of attention. In 2008/2009, 70 percent of expenditures in non-fragile countries were spent on local governance. In contrast, in fragile countries expenditures for local governance was only 14 percent, of which the largest portion of 29 percent was spent on law and justice

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[209] International Conference (1996)

reforms.210 That picture now changed as witnessed in various state and peace building processes in Nepal, Aceh Indonesia, Timor Leste and Sierra Leone for instance. Strengthening local level governance structures emerged as a key instrument for both national and international partners in managing the implementation and the long-term consolidation of peace and stability.

Local governments were increasingly considered to have a key role in responding to the socio-economic needs of affected populations in both the immediate post-conflict humanitarian/ early recovery phase and in the long term, as part of the consolidation of peace and State-building. Local Government authorities were viewed as pivotal in bringing formal state institutions into direct contact with their citizens and thus played a crucial role in establishing inclusive patterns of post-conflict governance, responsively providing services to divided populations and consolidating resilient law and order.

Furthermore, attention to local governance gave voice to the local population, and enhanced their participation in the reconstruction and peace building efforts and thus alleviated tensions based on social exclusion, polarization and regional disparities that were often at the origin of conflicts. It was also an essential means for increasing national capacities and ownership to lead recovery efforts across all the key phases, from the identification of needs, to planning, programming, implementation and monitoring. But the challenges of South Sudan were immense. Countries emerged from violent conflict to make critical choices between the often momentous task of responding to the aspirations of different populations and the need to quickly reconstitute a semblance of government at local and national levels; between rapid economic development and longer-term peace consolidation and sustained development, and hence, the importance of addressing the root causes of conflicts.211

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[210] World Development Report (2011)

[211] Berhanu (2011)

There were risks. Strengthening local Government was usually associated with some form of power shift, transfer of competencies and fiduciary responsibility from central to lower levels of government. Hence, policy choices fundamentally related to the structure, size, mandate and resources of the different tiers of sub-national government as well as to the powers sharing arrangements between different groups within local constituencies.[212] This included both issues of representation, the extent to which local decision making bodies were genuinely representative, inclusive, and processes for direct participation. The central question of how resources were managed and how those power-sharing arrangements were administered was determent for the decentralization option selected and conditioned the link between effective state-building and successful peace-building. If the arrangements and mechanisms of decentralization replicated and reinforced social patterns of exclusion and inequity, and furthermore do not allow for the representation and empowerment of marginalized groups, local governance arrangements were likely to fail as a peace building tool.

This research provided an overview of the experiences and challenges associated with local governance, decentralization policies and the strengthening of local governments within contexts of peace building, state-building and post conflict. It underlined that harnessing the potential of local governance in sensitive and volatile peace building processes required addressing a series of significant challenges and in particular recognizing the dynamics of each conflict along with the concomitant power struggles involved. Failure to do this adequately led to mixed results. There were cases where policies designed to address local governance and strengthen sub-national Government units ended up in exacerbated tensions and/or fostered continued or renewed conflict[213]. Discourse on local governance and decentralization in support of peace and state building in a fragile environment was populated with numerous terms that were often used interchangeably or that existed in different variations depending on the specific country's context.

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[212] Arnold (2012)

[213] Berhanu (2011)

4.2 Real Issues in South Sudan State Consolidation

The process of State building efforts all revealed a number of important challenges that needed to be taken into consideration when assessing the link between local governance reform and conflict management, peace building, state building and recovery. Firstly, in all cases there were severe hampering factors that curtailed or limited the potential benefits of local governance and decentralization. In South Sudan, the emphasis was not even on long term support but simply on the use of active local government structures to support recovery. Even where local governance and decentralization reforms had been ongoing for around a decade such as Sierra Leone or Macedonia, they remained very much work in progress. A similar picture emerged in a number of countries in Asia where components of the decentralization policies were delayed or not implemented[214].

In essence, two issues emerged clearly from the various examples above: first, strengthening local governance for peace and state building was not a quick fix and required time, commitment and resources; secondly, effective post conflict local governance interventions required carefully addressing a series of key issues.

4.2.1 Addressing the Root Causes

To maximize the potential value of sub national units in managing conflict and peace, a clear understanding was needed of the context in which local governance reforms took place and of the root causes of the conflict. Based on a thorough assessment of those conditions, a strategy on how to harness local governance reforms for the consolidation of peace and or post conflict state building needed to be developed with involvement of all stakeholders concerned[215].

4.2.2 Peace Building, State Building, Recovery and Service Delivery

The role of local government in basic service delivery lies at the nexus between peace building, state building, and recovery. Frequently in post-conflict settings, the overwhelming

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[214] Ovseiko (2005)

[215] Arnold (2012)

humanitarian needs, coupled with the inability of governments to respond, obstructed the move towards sustaining potential peace dividends obtained in the early recovery process. Hence, in such fragile situations, the possibility of a relapse to conflict was real, in particular when the most basic needs of the population were not being met. An added concern and possible obstacle to the recovery and development process was the potential dependency on humanitarian assistance, as witnessed in a number of countries such as Uganda and Somalia. If grasped in a timely and appropriate manner, basic service delivery in post conflict environments contributed substantively to the peace building agenda.

The consolidation of peace dividends for example, was heavily dependent on the legitimacy of the state and a semblance of normalcy for the returning populations.[216] In the absence of a minimal presence of government, to respond to the most basic needs of the local population, peace building, including the reconciliation of broken communities and enhancement of social cohesion, became a real challenge. Improved and equitable access to basic services such as education, water and health was an important means of legitimizing and strengthening local government institutions as part of the peace building effort.[217]

This legitimacy was further enhanced with the real participation and leadership of local government in the local level early recovery processes. As shown in the Lebanon case, the ability of local governments to respond to the popular calls for increased crisis response and the partnership with international agencies bolstered the role of municipalities and the way they were perceived by the local population. As Lebanon also showed, commencing with the work of humanitarian and recovery actors, local government authorities, based on their knowledge of the local contexts ensured that basic service delivery for the local populations responded to the needs and priorities of the local communities and that community members were engaged in the decision making processes that affected their lives.[218]

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[216] Wennmann (2012)

[217] Commonwealth Secretariat (2007)

[218] Lonergan (2013)

Local authorities were closer and better placed to identify those needs, bring communities together and coordinate or implement recovery programmes that addressed the most pressing challenges at the local level. For example, following the violent conflict in Georgia, local authorities worked with UNDP in one of the affected regions, Shida Kartli, to support the restoration of community-based infrastructure and livelihoods.

The programme proved crucial for the region's farming industry and family incomes. In Bosnia and Herzegovina, early Warning system systematically measured improved popular satisfaction with local governments.[219] In Somalia, which remained one of the most challenging programming environments in the world, state building process quietly focused its work on early recovery, service delivery, local development and livelihoods planning, in partnership with local authorities. Somali authorities placed communities at the centre of local development to ensure that the services provided by the local councils responded to community needs and were delivered in an equitable manner.

The authorities sought to guarantee that the local councils were accountable and transparent in the delivery process. The state building must commit and support and these policies, hence targeting mainly local communities, but also county and regional councilors and leaders, as well as any others working in relevant central government institutions, in particular the ministries responsible for local government, planning, public works and finance.

4.2.3 Local Government Reform and the Overall Peace Dynamics
Strengthening or reforming local governance was not in itself sufficient for managing conflict, consolidating peace or achieving reconciliation. The dynamics of the peace process, central-local power relationships and party politics all dictated the pace and ability of local governance reform to contribute to the overall peace building and recovery effort. In practice, decentralization was often conceived and implemented through a "top-down" reform process whereby a set of norms and rules were designed to govern local institutions and their

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[219] Wolchik and Curry (2011)

interaction with other stakeholders[220]. These rules and norms were then followed by an implementation process consisting of capacity development programmes for local government officials, sensitization meetings for civil society and study tours. As a result, local governance reforms and decentralization efforts were often stalled either for political, capacity or financial reasons. [221] In the Philippines case, the attitude of the Congress to hold back funding for the peace process in Mindanao and the decision by the President to dilute the substantive provisions of the Peace Agreement and suspend funding for the establishment of transitional structures stalled the negotiations. In Zambia, after launching the decentralization policy in 2004, the government realized that devolving further power to the local level would allow the opposition to control economically important urban areas such as the copper belt.

The decentralization process stalled. As a result, local councils did not have functions, authority and resources and were unable to provide basic social services. They depended on the goodwill of central Government political dynamics which resulted in sectoral funding for recovery allocated to line ministries not systematically finding its way to finance the reconstruction of local infrastructure; thus, whilst large infrastructural projects were undertaken, the rebuilding of the necessary infrastructure for socio economic development and much of the local economic infrastructure received less attention. In Sri Lanka, following the Tsunami, all but a handful of the local governments were in the hands of the opposition hence pushing the government to channel all recovery funding through the District and Division offices of the central government.[222]

4.2.4 Decentralization and Peace Building Contradictions

Although attention to local governance and decentralization was a critical approach in overcoming fragility and conflict and in supporting the construction of a post-conflict, responsive state, there were a number of issues that warrant caution and careful

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[220] Lonergan (2013)

[221] Blanc, Hylland and Vollan (2006)

[222] United Nations Human Settlements Program (2007)

consideration. In Bosnia and Macedonia, the local governance and decentralization process ended up segregating communities and undermined a key priority of the respective peace building strategies, namely the establishment of new, post-conflict, multi ethnic democratic States.[223] In other words, there was a contradiction between the emphasis on strengthened local Governance and the key objectives of the peace building efforts.

4.2.5 Accountability and 'Elite Capture'

In the absence of a strong Central State with clear, institutionalized accountability frameworks, decentralization led to local elite appropriation and interregional conflict around the allocation of resources.[224] Under these conditions, decentralization did little more than push corruption down through the State structure to the lower units and reinforced divisions that may have caused the conflict in the first place. The issue of corruption was of particular concern during reconstruction efforts that involved significant amount of financial resources whilst the recreation of societal tensions can completely destroyed fragile peace dividends.

In order to address these concerns, a number of activities assisted in strengthening local governance from "below" and safeguarding greater levels of accountability, legitimacy and participation. An example of such activities was in relation to promoting local abilities to peacefully resolving disputes, ensuring representation of women and groups with diverse social backgrounds in decision-making and oversight functions, and developing the skills of local authorities to broker consensus-building and participatory policy-making processes. These types of activities were effective entry-points for working with local authority associations, which themselves served as bridge-building forums across divided communities.225

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[223] Hodge (2006)

[224] Crawford and Hartmann (2008)

[225] Barenstein and Leemann (2012)

4.2.6 Traditional Elites

In many countries traditional elites and Chieftains played an important role in conflict mediation, local security, and property adjudication including the re-integration of returning refugees, IDPs and demobilized soldiers and related land issues.[226] An important question arose on whether to continue relying on such traditional structures while state building efforts aimed for creation of new State structures that helped to overcome existing conflicts and tensions.

Clear-cut answers on this matter were elusive and depended on an analysis of power relations in the country and on the degree of legitimacy of the traditional power base. As the case of Sierra Leone above highlighted, redefining the power dynamic between the "modern" State and traditional power brokers was a highly problematic issue and remains a major challenge for post conflict state building and governance arrangements in this African country.[227] In Timor, nearly 5 years after independence, a new local governance system had been designed and piloted while in Rwanda the opposite decision was taken with traditional elites given a recognized role in government. The development of transitional or hybrid institutions based upon an analysis of the local conflict dynamics, its roots and cultural –historic factors, provided important peace dividends to the case of South Sudan before formal state structures took root.

After the comprehensive peace agreement between the North and the South of Sudan was signed Switzerland facilitated a political economy analysis conducted by a number of southern Sudanese intellectuals. Their analysis pointed to the fact that violent conflict was likely to erupt in Southern Sudan as, following the peace agreement there was no longer a "common enemy" to be used as the unifying factor around which Southern Sudan's multiple identities and cultural diversity could be gathered. Moreover, after 40 years of civil war

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[226] Ansari (1986)

[227] Okafor (2000)

hardly any formal institutions had remained and traditional structures assumed an important social and political role.[228]

The analysis concluded that the multiplicity of conflicting issues in South Sudan such as access to water, grazing land, territory and changing alliances during the war could only be contained if traditional authorities were given a platform where these issues could be discussed. While this approach was first strongly opposed by the SPLA under John Garang's leadership it got encouraging support under Salava Kir and Riek Machar's reign. Using conflict prevention mechanisms that predated the colonial period, an institutional design was set up whereby in all twelve states a "traditional leader's forum" would meet on a regular basis to discuss potentially conflict sensitive issues. Regardless of the size or importance of a particular tribe in an area, all tribes were equally represented in this forum. The decentralization policy that was drafted under the new public administration in South Sudan then took into account these institutions and integrated them in its local government architecture.[229]

4.2.7 Local Government and Donors

As Afghanistan highlighted, external support for local governance reform or decentralization had limits in a polymorphic governance tradition where these concepts were not always well understood or seen as irrelevant in the local context. Hence, efforts to support decentralized governance, as in the case of Afghanistan, was often seen as being mainly driven by external development actors.[230]

Research to date suggested that donor partners should be careful with entry points such as "democratic reform" and increased "tax revenue". Democratic reform was generally thought to be a potentially divisive, conflicting, competitive system, which was not always the right solution to quell conflicts and tensions. In similar vein, newly obtained resource mobilization

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[228] Berhanu (2011)

[229] Jenkins and Gottlieb (2011)

[230] Segura-Ubiergo, Tareq and Bhattacharya (2005)

capacity encouraged secessionist desires and strengthened societal divisions in the absence of other national unifying processes.

4.3 The Need for South Sudan International State Building

The current international context and debate on peace and security, pointed to the growing role of local governance arrangements as a core pillar for effective conflict management, peace building and post conflict State building in South Sudan.[231] Since 1992 the nature of conflict shifted towards internal armed conflicts, with a consequent rise in violence and state failure at the sub-national levels. Although 2010 registered the lowest absolute number of conflicts in over two decades, many countries that had only recently emerged from armed conflict were now facing an upsurge in generalized violence, worsened levels of transnational crime and, potentially renewed armed conflict.

In others, sub-national tensions and violence persisted long beyond the signature of national peace deals. Hence, the fragility of some 40-60 states remained an issue of concern; half of the current conflicts were continuing for more years than expected. State-building, the development of international regulatory mechanisms aimed at addressing cases of state 'collapse' or at shoring up 'failing states' was commonly held to be the most pressing problem facing global security. According to Francis Fukuyama, 'state-building was one of the most important issues for the world community' and 'rose to the top of the global agenda'.[232] Robert I. Rotberg argued that state-building 'became one of the critical all-consuming strategic and moral imperatives of our terrorized time'.[233] As the 2002 US National Security Strategy stated: 'America was now threatened less by conquering states than we were by failing ones. It seemed that no international policy or strategy document was complete without the focus on state building as a key objective: in August 2004 the US government established a state-building department; the Office of the Coordinator for States

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[231] Krause and Mallory (2011)

[232] Fukuyama (2008)

[233] Raue and Sutter (2009)

was not designed to be an independent political subject in anything but name and was a façade without content.

4.3.1 Potential of State Collapse

States without sovereignty technically had sound governance and administrative structures on paper but the atrophied political sphere hindered attempts to cohere post-conflict societies and overcome social and political divisions. The states created which had international legal sovereignty but ceded policy-making control to international institutions, were phantom states because their lack of self-government prevented them from being recognized or legitimized as embodying a collective expression of their societies. The states of Afghanistan, Iraq, and Bosnia, for example, had formal sovereignty and elected governments but their relationship of external dependency meant that the domestic political sphere could not serve to legitimize the political authorities or cohere their societies. This form of state building was, in fact, even more corrosive of the authority of the non-Western state than earlier policies, which sought to bypass or marginalize the state.[234]

Bosnia was possibly the clearest case of a new type of state being built through this process of distancing power and formal accountability. To all intents and purposes Bosnia was a member of the European Union; in fact more than this, Bosnia was the first genuine EU state where sovereignty had in effect been transferred to Brussels.[235] The EU provided its government; the international High Representative was an EU employee and the EU's Special Representative in Bosnia and had the power to directly impose legislation and to dismiss elected government officials and civil servants.

However, even if the High Representative's office was closed-down, as planned for the end of 2006, this made little difference as EU policy and 'European Partnership' priorities dominated the legislative agenda and were overseen through the EU-supported office within the Bosnian state, the European Directorate for Integrations. The EU also ran the police

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[234] Castillo (2009)

[235] Frucht (2004)

force, taking over from the United Nations at the end of 2002, and the military, took over from NATO at the end of 2004, and managed Bosnia's negotiations with the World Bank.[236] One look at the Bosnian flag, with the stars of the EU on a yellow and blue background chosen to be in exactly the same colours as used in the EU flag, demonstrated that Bosnia was more EU-orientated than any current member state. However, in case of South Sudan state building, UN distanced itself from any accountability for the power it exercised over South Sudan. South Sudan was an independent state and not a member of any regional grouping such as the East African Community and a long way off meeting the requirements of EAC membership.[237] After immediate years of state-building in South Sudan there was now a complete separation between Sudan and South Sudan although issues of post secession still held them together.

4.4 Conclusions

State-building did not seek to universalize the state form - as in the period of decolonization - but rather concealed the disintegration of this form under the interventionist pressures of the post-Cold War international order. The promise that 'state-building' held out was that of relieving country predominant elites from the need to legitimize and clearly articulate the new hierarchy of domination revealed by the collapse of the UN Charter framework of state sovereignty and non-intervention. In a world where the Great Powers had more confidence in themselves and were able to coherently project a sense of purpose, it was unlikely that there would be such a demand for distance and the perceived need to create fictional 'partners' and phantom states to bear the responsibility for policy outcomes.

The lack of willingness of major Western states to take up the responsibilities of power, to be held to account for their interventions in the international arena, resulted in a highly destabilizing process where power and accountability were increasingly separated. Opposition to these new, more coercive yet less visible, mechanisms of intervention needed to highlight the real relations of power and argued against the mystifications of the state

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[236] Sloan (2005)

[237] Viljoen (2012)

building discourse. It was only on the basis of clarifying the corrosive consequences of external regulation that a new case for self-government and political autonomy made maximizing the potential of local Governance for peace building and State building processes require addressing a series of political, technical and financial challenges.

Failure to implement local governance reforms exacerbated tensions and fostered renewed conflict. As the various examples underlined, established and strengthened local governance successfully as part of a peace building and; State building framework which required a thorough analysis of the root causes of a conflict, its dynamics, power struggles as well as the grievances and challenges that underlined it. Work on governance issues, including Peace building and State-building in post-conflict contexts needed to be better integrated to strengthen local Governance in post conflict and or volatile settings, which required marrying support to the capacities of local government units and the development of a strategic framework with Central Government authorities fostered a sustainable, long-term relationship.

A simple emphasis on service provision without also supporting the institutional capacity development for local authorities and sectoral ministries should be avoided; holistic approaches are needed for developing a local governance reform process and combining it with post conflict peace building processes, which should be a nationally driven process. Given the importance of supporting local governance interventions early in the post conflict contexts and dedication of adequate and sufficient resources needed to be secured.

CHAPTER FIVE
CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

The overall objective of the study was to analyze, interrogate and determine what were the inclusive aspects of state building and challenges of fragmentation in the Republic of South Sudan. This research strived to identify solutions that were less understood in areas of contentions and interventions practices of creating and consolidating South Sudan state in the modern context. The specific objectives of the study were to investigate and analyze major attempts for state building and challenges of fragmentations; the current constraints on creating an environment and culture of a functioning state and find and recommend appropriate models of success in state building taking into consideration the challenges of fragmentations and visible complexity characterized by historical, social and political constraints.

5.2 Conclusions

The government of South Sudan was seen as fundamental to increasing the quality and coverage of services to citizens, fostering local development and strengthening participatory governance at the local level. Strong local governments and inclusive local governance arrangements were also increasingly seen as essential building blocks of the peace building process in post-conflict environments. However, while early support to strengthening some form of local government was crucial for delivering peace-dividends, international support to local governments and other local development actors, backed by sufficient field presence, had not always been timely and commensurate.

Strengthening local level governance structures emerged as a key instrument for both national and international partners in managing the implementation and the long-term consolidation of peace and stability. Local governments were increasingly considered to have a key role in responding to the socio-economic needs of affected populations in both the immediate post-conflict humanitarian/ early recovery phase and in the long term, as part of

the consolidation of peace and State-building. Local Government authorities were viewed as pivotal in bringing formal state institutions into direct contact with their citizens and thus played a crucial role in establishing inclusive patterns of post-conflict governance, responsively providing services to divided populations and consolidating resilient law and order.

Furthermore, attention to local governance gave voice to the local population, and enhanced their participation in the reconstruction and peace building efforts and thus alleviated tensions based on social exclusion, polarization and regional disparities that were often at the origin of conflicts. It was also an essential means for increasing national capacities and ownership to lead recovery efforts across all the key phases, from the identification of needs, to planning, programming, implementation and monitoring.

The challenges facing South Sudan were that strengthening local Government was usually associated with some form of power shift, transfer of competencies and fiduciary responsibility from central to lower levels of government. Hence, policy choices fundamentally related to the structure, size, mandate and resources of the different tiers of sub-national government as well as to the powers sharing arrangements between different groups within local constituencies.

Local authorities are closer and better placed to identify needs that bring communities together and coordinate or implement recovery programmes that address the most pressing challenges at the local level. For example, following the violent conflict in Georgia, local authorities worked with UNDP in one of the affected regions, Shida Kartli, to support the restoration of community-based infrastructure and livelihoods.

The authorities need to guarantee that the local councils are therefore accountable and transparent in the delivery process of state building and they must also commit and support these policies, by not only targeting local communities, but also county and regional councilors and leaders, as well as any others working agent relevant to the central

government institutions, in particular the ministries responsible for local government, planning, public works and finance.

The local councils do not have functions and authority over resources and were unable to provide basic social services. They depended on the goodwill of central Government political dynamics which result in sectoral funding for recovery allocated to line ministries not systematically finding its way to finance the reconstruction of local infrastructure; thus, whilst large infrastructural projects are undertaken, the rebuilding of the necessary infrastructure for socio economic development and much of the local economic infrastructure received less attention.

In the absence of a strong Central State with clear, institutionalized accountability frameworks, decentralization has led to local elite appropriation and interregional conflict around the allocation of resources. Under these conditions, decentralization has done little more than push corruption down through the State structure to the lower units and reinforced divisions that have caused the conflict in the first place. The issue of corruption is of particular concern during reconstruction efforts that involve significant amount of financial resources whilst the recreation of societal tensions can completely destroy fragile peace dividends. In order to address these concerns, a number of activities have assisted in strengthening local governance from "below" and safeguarding greater levels of accountability, legitimacy and participation. The promotion of local abilities to peacefully resolving disputes, ensuring representation of women and groups with diverse social backgrounds in decision-making and oversight functions, and developing the skills of local authorities to broker consensus-building and participatory policy-making processes have served as bridge-building forums across divided communities.

State-building did not seek to universalize the state form - as in the period of decolonization - but rather concealed the disintegration of this form under the interventionist pressures of the post-Cold War international order. The promise that 'state-building' held out was that of relieving country predominant elites from the need to legitimize and clearly articulate the

new hierarchy of domination revealed by the collapse of the UN Charter framework of state sovereignty and non-intervention. In a world where the Great Powers had more confidence in themselves and were able to coherently project a sense of purpose, it was unlikely that there would be such a demand for distance and the perceived need to create fictional 'partners' and phantom states to bear the responsibility for policy outcomes.

The lack of willingness of major Western states to take up the responsibilities of power, to be held to account for their interventions in the international arena, resulted in a highly destabilizing process where power and accountability were increasingly separated. Opposition to these new, more coercive yet less visible, mechanisms of intervention needed to highlight the real relations of power and argued against the mystifications of the state building discourse. It was only on the basis of clarifying the corrosive consequences of external regulation that a new case for self-government and political autonomy made maximizing the potential of local Governance for peace building and State building processes require addressing a series of political, technical and financial challenges.

Failure to implement local governance reforms exacerbated tensions and fostered renewed conflict. As the various examples underlined, established and strengthened local governance successfully as part of a peace building and; State building framework which required a thorough analysis of the root causes of a conflict, its dynamics, power struggles as well as the grievances and challenges that underlined it. Work on governance issues, including Peace building and State-building in post-conflict contexts needed to be better integrated to strengthen local Governance in post conflict and or volatile settings, which required marrying support to the capacities of local government units and the development of a strategic framework with Central Government authorities fostered a sustainable, long-term relationship.

A simple emphasis on service provision without also supporting the institutional capacity development for local authorities and sectoral ministries should be avoided; holistic approaches are needed for developing a local governance reform process and combining it

with post conflict peace building processes, which should be a nationally driven process. Given the importance of supporting local governance interventions early in the post conflict contexts and dedication of adequate and sufficient resources needed to be secured.

5.3 Recommendations

To date, there have been relatively few deliberations on the future of the state in South Sudan in the domain of policy research. The most obvious reason is that the country only very recently acquired formal statehood. The 2005 Comprehensive Peace Agreement (CPA) officially concluded 22 years of North-South war, and granted the South far-reaching autonomy and the right to self-determination after a six-year interim period. In a plebiscite held in January 2011 an overwhelming majority of southerners voted to break away from Sudan and found their own state; their desire was enacted six months later.

Prior to independence, political space to debate the option of secession and its implications for governance and development in the South was limited. The signatories of the CPA had pledged their commitment to the unity of Sudan, making it difficult to anticipate and explore any other scenario without risking derailing the process.

Thus, captive to a limited horizon of political futures and preoccupied with more immediate security crises in the wake of a shaky peace deal, donors and experts working on South Sudan largely avoided scrutinising the nature of and prospects for the territory's nascent system of governance.

Ahead of Sudan's division, fundamental questions about how the world's newest sovereign polity would take shape started to surface. Following their break-up, however, Sudan and South Sudan quickly moved to the brink of a new war, which yet again forestalled this debate. The following are recommendations that can be used by South Sudan during its time in state-building:

Following the signing of the CPA, the former rebel leaders of the Sudan People's Liberation Movement/Army (SPLM/A) were faced with the task of implementing peace across a territory roughly the size of France that had enjoyed little or no modern development since the outbreak of war. At the start of this interim period, formal political and administrative structures in South

Sudan was either weak or non-existent. The SPLM needs to gain a modest governing experience has to change gears to oversee a civilian population rather than a military apparatus.

Since the SPLM and its armed wing, designed to wage guerrilla warfare, has to be transformed into a regular army, while a professional police and law enforcement sector needs to be built from scratch. South Sudan's infrastructure network is poorly maintained and restricted to only a few urban centers and its approximately eight million inhabitants lack access to even the most basic social services. The government of South Sudan has to start its state-building from the very basics of governing rule to construction of infrastructure.

Due to its subsistence economy, the country is devoid of any notable market activity and less than 1% of land suitable for farming is under cultivation. To add to its woes, the signing of the CPA has triggered the immediate return of hundreds of thousands of internally displaced people and refugees to their former homes, placing an additional burden on the already stretched resources of recipient communities. The state of South Sudan needs to provide food subsidies and lessons for its people to become independent and learn about cultivation as they build infrastructures that will facilitate the implementation of becoming independent.

In the eyes of most donor and aid organisations, the CPA interim period was perceived as a six year window in which they could kick-start post-conflict reconstruction and support the authorities of South Sudan in tackling their development challenges. However, the political leaders that assembled as the newly formed, SPLM dominated Government of Southern Sudan had other, more immediate concerns. The SPLM leaders need to concentrate on the

development of their nation by allowing donors to help them build the necessary structures that the country desperately needs.

Unable to trust that the mere act of signing a peace deal had ended North-South hostilities once and for all – a legacy of previous experiences with agreements that had been broken – the GoSS has to approach the interim period essentially as a lull in fighting. At the same time, the GoSS needs to be prepared for a return to war if events take a turn for the worse. For both reasons, South Sudan's perceived priority needs to be able to act in unity.

The GoSS inherited a fragmented region and was itself deeply divided as it started to take up its governance responsibilities. Throughout the 1983-2005 war relations among southern elites had been seriously damaged by disagreements over whether to pursue a unionist or secessionist agenda; accusations of authoritarian leadership; and a perception of favouritism towards the Dinka, the South's largest tribe, to which SPLM/A chief John Garang belonged. South Sudan's political elites have been quite successful in containing internal divisions and quelling potential opposition in the volatile early post-war years, they need to maintain this string of success to eventually receive the ultimate reward of a truly independent and united nation.

The South's unity has come with a price tag; the embryonic institutions of South Sudan's state have developed into fully fledged instruments of patronage. Scores of political positions were given in reward or created for those in need of accommodation and co-optation, including the incorporation of past insurgent militias into the SPLA. While this was crucial in building the desired measure of post-conflict stability, the focus on establishing and maintaining inclusive elite buy-in has resulted in bloated and largely dysfunctional civil and security services, the salary costs of which are estimated to account for around 40% of the country's budget, the GoSS therefore needs to streamline its government so as to ensure that most of its resources is not wasted on salaries.

South Sudan's state has become the private property of its dominant political class, putting the business of governance and the benefits it generates well beyond the reach of the vast majority of citizens. The GoSS should focus its effort and capacity to expand its territorial footprint beyond the capital city of Juba and start delivering basic services to the South Sudanese population for the people of the state to feel as part and parcel of the government.

The initial excitement over South Sudan's sovereign status quickly faded as the enormous task ahead for the new Government of the Republic of South Sudan (GRSS) became apparent. The self-determination referendum was one of the few CPA provisions that had been implemented in time and in full. As a result Sudan and South Sudan still has to resolve many outstanding issues before it can formally close the chapter on partition.

With nearly the entire oil infrastructure based in Sudan, while around 75% of the active oilfields are located in South Sudan, both parties (North Sudan and South Sudan) are condemned to work together and they have to work together if they wish to maximise the profits from the resource wealth of their border regions.

Besides having to manage the separation from Sudan, the GRSS is struggling to monopolise the use of force and maintain order at home. Decades of war soured inter-communal relations, damaged the effectiveness of traditional conflict resolution mechanisms, and confused roles and responsibilities in dealing with violence within and between communities. SPLA – renamed the South Sudan Armed Forces (SSAF) following independence – is incapable of remedying this unsafe environment and therefore it direly needs to reform beyond trying to match its military capabilities with those of Sudan.

Despite certain improvements since 2005 the army still largely resembles a patchwork of militias. There is need for SSAF to professionalise the army; this may entail a significant reduction in the current number of around 250,000 troops. In the absence of private sector jobs or other livelihood alternatives for former combatants, any such downsizing will meet

resistance but the Goss needs to reform the SSAF without alienating some of its roughly 800 generals.

South Sudan's state structures appear to have emerged by default rather than by intentional design. Today, these structures primarily serve the necessary but narrow objectives of consolidating an elite settlement and maintaining a military apparatus that can effectively deal with external security threats. The GoSS needs to ensure that the longevity of its system of governance primarily depends on two factors: South Sudan's tense relationship with Sudan and the ability of the GRSS to pay the bills of patronage.

It is safe to assume that South Sudan's relationship with the Khartoum government will continue to be volatile in every conceivable scenario in the short to medium term. This has profound implications for the prospects for governance in the coming years. The existence of an antagonistic neighbor should serve to justify a policy in which keeping Sudan in check takes precedence over generating development and providing security domestically.

Oil has served as the principal glue in uniting South Sudan's fractured political establishment and has enabled the GRSS to maintain the umbrella role for the new nation state that it worked hard to acquire. The GoSS should come up with policies that will ensure the unity of South Sudan is maintained even with the recent shutdown of oil in the country.

South Sudan is exploring alternative export routes for its oil so as to lessen its dependence on Sudanese pipelines, which it perceives as a de facto hostage situation. One option under consideration is the construction of a pipeline, road and railway from Juba to the coastal city of Lamu in north-eastern Kenya. The GoSS should continue looking for alternatives like these to ensure that the country's source of income is not shut down to a complete halt.

The abundance of oil revenues in the early post-war years allowed South Sudan's leaders to disregard other opportunities for raising revenues, such as capitalising on the country's agricultural potential or seriously investing in private sector development. With fiscal

reserves estimated to diminish with time, the GoSS needs to invest in alternative sources of revenue so that it does not collapse as a result of improper planning.

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