



Clingendael

Netherlands Institute of International Relations

South Sudan

From Fragility at Independence
to a Crisis of Sovereignty

Lauren Hutton

CRU Report



Clingendael

Netherlands Institute of International Relations

SOUTH SUDAN

From Fragility at Independence
to a Crisis of Sovereignty

Lauren Hutton

March 2014

March 2014

© Netherlands Institute of International Relations Clingendael.

All rights reserved. No part of this book may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without the prior written permission of the copyright holders.

About the author

Lauren Hutton is a Research Fellow with the Conflict Research Unit at the Clingendael Institute. She has worked on peace and security in sub-Saharan Africa for the past ten years with think tanks and with development and humanitarian organisations including the Institute for Security Studies in South Africa, Saferworld and the Danish Refugee Council. Lauren holds a Master's Degree in Political Studies from the University of the Western Cape.

About the Conflict Research Unit (CRU)

CRU is a knowledge group within the Netherlands Institute of International Relations conducting research on the nexus between security and development with a special focus on integrated/ comprehensive approaches on conflict prevention, stabilization and reconstruction in fragile and conflict-affected situations.

Clingendael Institute
P.O. Box 93080
2509 AB The Hague
The Netherlands

Email: info@clingendael.nl

Website: <http://www.clingendael.nl/>

Table of Contents

Executive summary	4
Preface	5
1. Introduction	6
Framing thoughts	7
2. The search for legitimacy	10
The dichotomy of the movement	10
The didactic of centralised political power	12
The existence of multiple exclusive hierarchies	13
The problem of participation	15
3. The search for security	18
Legacies of insecurity	18
The crisis of security sector reform	21
Justice, accountability and the rule of law	25
Duality and the traditional justice sector	27
4. The search for economic growth and development	29
The façade of the formal economy	29
Income-generation challenges	31
The political economy of conflict	32
5. South Sudan as a regional actor	37
South Sudan, the Nile and links to the Arab world	39
South Sudan as an East African neoconservative	42
Conclusion	46

Executive summary

What started as a political conflict in South Sudan in December 2013 has created a community security crisis drawing in a range of uniformed, community and foreign security actors. At the heart of the crisis, are fundamental questions about democratic values, about accountability and justice, and about overcoming narratives of marginalisation, impunity and ethnic bias.

This conflict is a contest between social orders in which the authority of the prevailing order is being challenged. The relevance of the systems through which resources are accumulated and dispersed is also being challenged. This is a crisis of the legitimacy of the state. The state represents the formal expression of a range of highly subjective interfaces and partnerships through which power is shared and order finds expression.

This paper outlines some of those interfaces and partnerships, and the dynamics that affect them. It is by no means an exhaustive analysis but rather a tracing of threads of interaction at local, national and regional levels as a way of mapping some of the webs that connect across space and time in South Sudan. The overall approach is one that seeks to understand how South Sudan moved from fragility at independence to a full-blown crisis of internal and external sovereignty in December 2013. The paper is divided into sections addressing different aspects of state behaviour – the search for internal legitimacy; the search for security; and the search for economic growth and development. These sections provide an overview of the domestic context and key dynamics determining the national agenda. After the internal focus, the paper provides an overview of regional relationships that affect South Sudan's internal and external political behaviour.

The main argument presented here is that the current crisis in South Sudan is the result of challenges to the internal legitimacy of the SPLM as part of the state formation process and the expression of sovereign authority. The current configuration of power in Juba has proven an astute capacity to build and break alliances across different interests and to dominate the narrative in a way that limits response options. This is not a nascent government anymore but one which is demonstrating how it wants to run internal affairs and how it will exercise sovereign authority. The narrative of this internal legitimacy is based on overcoming the threat of rebels and a coup; it is a narrative firmly rooted in the politics of ethnicity and the focused use of coercion, and which seeks to reinforce the centrality of the party as liberator and guarantor of order. But for the South Sudanese state (and by extension the ruling SPLM), the ability to exercise sovereign authority remains dependent on managing increasingly competitive external relations.

When the dust has settled on this latest crisis, the question that remains will be one of the level of violence which is acceptable for a state to employ against its citizens under extreme circumstances. The current crisis in South Sudan is reshaping not only internal relationships between the organs of state and the people but also the parameters of relationships between the government and international actors in the region and beyond. These are highly lucrative relationships at all levels leaving much still to be fought over. This crisis has become a civil war in which the state is beginning to deal with its legitimacy and sovereignty issues within a deeply fragmented country and highly competitive regional political economy.

Preface

In September 2013, during a visit to Juba, I had a lunch-time conversation with an acquaintance working there. Using an analogy of planets, he told me there was a risk that the state-building planet could knock the peace-building planet right off its orbit. Just months later, the country descended into violent chaos. Trying to understand and explain what has happened in South Sudan over the last few months has become both a personal and an emotive task for many international actors who have been involved with the country for a long time. That is not to diminish the profound impact of the crisis on South Sudanese people, but to recognise that, for all the weaknesses of international intervention, there are committed individuals and efforts pure in intention, though they suffer continually from the effects of unintended negligence and are constantly confronted with the nature of unintended consequence. Most of the time, choices are made not based on evidence or theories of what the impact will be but on heuristics and assumptions of what would happen if the intervention did or did not occur. International intervention is flawed in its humanity.

It would be arrogant to assume that international humanitarian or development intervention could have prevented the current crisis in South Sudan, although the financial contribution of Western states sometimes demands that type of accountability. Whether it is the state-building project that has thrown the peace-building project off its axis is a question ultimately concerned with the way in which power finds expression and organisation within a society, and with the relationships that provide checks and balances on the use of power a determining factor. This paper explores these dynamics in South Sudan, attempting to present a meta-narrative, not of the current crisis or how to intervene but rather to present a view of South Sudan. It is an outsider's view and will no doubt, given the complexity of South Sudan, be full of gaps and generalisations. That is the weakness of the narrative. The strength of the narrative is in trying to provide nuance; trying to look at the space that is South Sudan and identify some of the threads that define the interactions that occupies that space.

1. Introduction

Between 16 and 18 December 2013, more than 600, mainly ethnic Nuer, were killed in Juba, South Sudan as a dispute within the ruling party enflamed tensions within the security forces leading to ethnically targeted violence and the emergence of a rebellion.¹ What started as a political crisis within the South Sudanese People's Liberation Movement (SPLM) has brought the country yet again into civil war – its first real challenge as a sovereign state attempting to consolidate authority and establish a monopoly on the legitimate use of force. Since then, violence has spread from Juba and engulfed Bor, Malakal and Bentiu with pro-government and anti-government forces clashing repeatedly. In the other areas of Jonglei, Unity and Upper Nile, fighting has been intense, with sporadic incidents also occurring in Central and Eastern Equatoria, Warrap and Lakes states. The newly independent state has fractured, pitting communities against each other, splintering the factionalised security forces and setting up a dichotomised political space in which hard boundaries have been drawn between pro- and anti-government camps.

Within this complex tableau, hundreds of thousands of South Sudanese have fled from their homes, with more than 75,000 people seeking protection from the United Nations Mission in South Sudan (UNMISS), more than 710,000 people fleeing to areas in the country not affected by violence, and 160,000 people seeking refuge in neighbouring states.² The scale and intensity of the violence has been extreme and UN officials and international actors have expressed concern that human rights abuses have been perpetrated by both sides. With neighbours in the region actively engaged in mediation and the defence of the state, there is hope that this crisis can be resolved and that the people of South Sudan can once again return to the tiresome task of rebuilding.

This paper provides a narrative to the current crisis. The overall approach is one that seeks to understand how South Sudan moved from fragility at independence to a full-blown crisis of internal sovereignty in December 2013. International actors have invested significantly in peace-making, peacekeeping, humanitarian support and development assistance. However, international partners need to re-assess their support and evaluate whether the crisis represents a fundamental crossroads or if, after this crisis has abated, policies and programming in South Sudan can continue as before December 2013.

1 Both the government of South Sudan and SPLM In Opposition have used the terminology of 'rebels' and 'rebellion', which has implications of disobedience, refusal to obey orders or actions to destroy or seize authority. An alternative would be to talk of 'revolution' or 'liberation'. Liberation is obviously tied to Africa's colonial history. Revolution would imply a change in political programme or organisation. Language frames our interpretation and from the start this crisis has been interpreted as disobedience, a refusal through arms to cede to the authority of the government without certain leaders/elite interests present, and as an attempt through force to seize power.

2 Office for the Coordination of Humanitarian Assistance (OCHA) South Sudan. Online at <http://reliefweb.int/report/south-sudan/south-sudan-crisis-situation-report-20-february-2014-report-number-21>.

Framing thoughts

This paper is based on the recognition that, in general, the international community missed what was going on in South Sudan. On the whole, international actors were programming on their definition of the South Sudanese context, which underestimated the likelihood and potential impact of fractures at the highest levels of political alliances (personalised as Kiir-Machar and Kiir-Garang but intimately concerned with Dinka-Nuer unanimity in the SPLA). The potential negative impacts of the state-building agenda were largely overlooked.³ There was a general bias towards objective and formalised programming, ignoring the inherent limitations of what can be achieved through formal institutional mechanisms. International interventions underestimated the importance of the range of subjective relationships and partnerships that provided stability. Political stabilisation was not pursued as an engagement priority and was largely subsumed within other programming aspirations, particularly through formal governance processes,⁴ community-driven development, capacity-building and service delivery.

We missed the importance of the range of formal and informal relationships that found expression in the political space and that were necessary to maintain the stability of the ruling order.⁵ We missed the importance of the informal political economy and the depth of the informal (and/or illicit) economic networks that permeate the country and region. From gold in Kapoeta to land sales in Unity, from guns and cattle in Gambella and Karamoja to local taxes charged during migration in Northern Bahr el Ghazal, market trader taxes in Mayom, and cattle and livestock markets in Agok and Rumbek – there are massive networks of trade and economic activity across South Sudan and linking into the region.⁶ Across the national borders of Kenya, Uganda, Ethiopia and Sudan, people share language, identity and interests that both transcend and manifest themselves in national and local politics. The focus

3 This is probably partly due to a lack of realism and a liberal distaste for dealing with the politics of power and disorder. Robert D. Kaplan commented in *The Revenge of Geography: What the Map Tells Us About Coming Conflicts and The Battle Against Fate* (2012) that realism is not exciting; it is respected only after the lack thereof has made a situation demonstrably worse.

4 For example, the constitutional review and 2015 elections dominated governance and democratisation programming, especially within the UN system. In the same book, Kaplan also observes that realists value order above freedom; freedom only becomes important after order has been established.

5 We used here refers to the broader international community made up of UN agencies, non-governmental organisations and research institutions. 'We' is the sum total of the international presence in South Sudan aiming for liberal interventionism in some form. The terms international actors, international community and international interventions are used throughout this paper. The author adopts an inherent bias of interpretation of the international community as largely 'Western' in orientation and history regardless of the large numbers of personnel making up these institutions being drawn from former Third World states.

6 There is also some evidence, though little, of a limited, yet growing, trade in marijuana and hashish in Eritrea and Sudan. It seems to be mostly local production and consumption and/or linked to other smuggling networks; across the Sinai, hashish smuggling networks operate alongside or associated with other illicit activity. Hashish and marijuana use is more common amongst young, single men than older, married individuals, thus providing a potential common demographic with other networks. A Sudanese man was arrested in the Philippines in January 2014 carrying 22 grams of hashish and a small supply of Diazepam. Philippine authorities claimed he was linked to the new African Drug Syndicate, different from the more common west African networks. A study on agriculture in Kafia Kingi has reported on hashish farming in the area since the 1950s – valued at about US\$47 million a year, as last assessed in 1994. Investors from Darfur were involved in the trade, which was linked to important commercial networks in South Darfur towns with small links to Libya and Egypt. See <http://riftvalley.asialtd.com/publication/kafia-kingi-enclave>, <http://www.philstar.com/nation/2014/01/06/1275759/african-drug-syndicate-testing-waters-baguio>, and http://sustech.edu/staff_publications/20091023060049998.pdf.

on the formal economy and formal politics created a set of assumptions about wealth and order that are culturally and factually flawed.⁷ We underestimated the importance of the local geographies and regional geopolitics.

Furthermore, there are three important social lenses that inform views of South Sudan:

1. *The flexibility of time and the importance of space*: There is a tendency for international actors working in or on South Sudan to frame actions and/or incidents within a pre-defined context – i.e. first civil war, second civil war, Comprehensive Peace Agreement (CPA) period, and post-independence. However, time should be viewed three dimensionally, with actors behaving now in response to actions in the past and with a view to positioning themselves in the future. Similarly, there are intricately linked yet anarchic relations between spatial geographies and localities of power. This crisis is appearing (or not appearing) in particular areas for specific reasons. Space and geography are other important dimensions of cultural expression bearing significant symbolism.
2. *The depth of militarisation*: Militarisation dominates decision-making spaces and tendencies in South Sudan. Whereas politics is concerned with the sharing or allocation of resources, militarisation is concerned with the domination of resources. There is an overall lack of broad constituency bases, poor long-term visioning and few articulated ideological underpinnings. Social groupings within and outside the state prioritise (and are defined by) the capacity to organise for and respond to violence. There is also a major gap between the language of politics (e.g. democracy, human rights) and the practical application of power.
3. *Webs of obligation and duty*: South Sudanese societies, across ethnic groups, display high levels of social cohesion, solidarity and autonomy. Individuals function within complex webs of duty and obligation that define who they are in the world and how they relate to the world around them.

These points are reflected throughout this paper and demonstrated in different ways. Regarding the recognition that ‘we missed it’: this is a generalisation but a valid one nonetheless. There were just too many actors and projects in South Sudan, many of which were sound in principle but perhaps just suffered from a lack of ontological relevance.⁸ Seeking such relevance has become a technical exercise related to context specificity and evidence bases, but somehow international interventions seem to lack, on the one hand, an overall logic based on locally relevant assumptions of reality and, on the other, a level of detail that translates into truly locally specific programme action. Reasons for these gaps include a failure to recognise the flexibility of time, the importance of space, the depth of militarisation and the complexity of networks of obligation and exchange within South Sudanese societies.

⁷ In *Warfare in Independent Africa* (2013), William Reno points out that for some African states, like South Sudan, sovereignty is a façade behind which the successful warlord can organise commercial dealings.

⁸ Rocky Williams used a similar expression in relation to civil-military relations in Africa when considering limitations in Western intellectual traditions as applied in African contexts. His work emphasised the importance of alliance, agreements and accommodation as the core of stable civil-military relations. See, for example, <http://archive.lib.msu.edu/DMC/African%20Journals/pdfs/political%20science/volume3n1/ajps003001003.pdf>.

There are weaknesses, not in the amount of information that exists, but in translating that into a narrative of South Sudan and then into specific programming concepts. The choices of narratives and concepts tend to favour subjective biases, such as: global biases towards the positive impact of the extension of state authority and state-building; personal biases towards or opposed to particular personalities or locales; experience biases towards certain types of projects; and epistemological biases towards the formal and recognisable. Perhaps recognising our own biases should be the first step towards context specificity.

As a political scientist, I am biased towards an interest in social order and how social orders are established, sustained and changed. My focus is on order, which finds expression in institutions but is more concerned with how the totality of actors' capacities (and potential capacities) and structural constraints (including history and geography) can determine paths of action. This particular conflict in South Sudan can then be seen as a contest between social orders in which the authority of the prevailing order is being challenged. The relevance of the systems through which resources are accumulated and dispersed is also being challenged. This is a crisis of the legitimacy⁹ of the state due to the breakdown of subjective relationships. The state, after all, represents the formal manifestation of a range of highly subjective relationships through which power is shared and order finds expression.

This paper outlines some of those interfaces and partnerships that find expression in the state, and the dynamics that affect them. It is by no means an exhaustive analysis but rather a tracing of threads of interaction as a way of mapping some of the webs that connect across space and time in South Sudan. The paper is divided into sections addressing different aspects of state behaviour – the search for internal legitimacy; the search for security; and the search for economic growth and development. These sections provide an overview of the domestic context and key dynamics determining the national agenda. After the internal focus, the paper provides an overview of regional relationships that affect South Sudan's internal and external political behaviour.

9 Legitimacy is used in this paper in reference to a system of government. For example, the SPLM-IO is contesting the legitimacy of the SPLM leadership, meaning that the system of government being exercised by the current ruling regime is under threat.

2. The search for legitimacy

Current practices and interpretations of legitimate politics in South Sudan have their roots in the Comprehensive Peace Agreement (CPA). The various periods preceding that were characterised to different degrees by discriminatory policies that marginalised the southern areas and created cycles of resource depletion through the targeting of civilian livelihoods and the destruction of communities.

The civil wars of 1956-72 and 1983-2005 were fought over the legitimacy of political, economic and security decisions emanating from Khartoum. This imbalance was to be corrected through the CPA. An inadvertent outcome of the process was that the SPLM was legitimised as the representative liberation movement of the south regardless of its significant internal legitimacy deficits. The SPLM emerged in the post-colonial era demanding equal rights for African people through armed struggle.¹⁰ The legitimacy of the SPLM is based on the liberation of South Sudanese from Arabic Sudanese rule. The movement (and by implication one's relation to the movement) is the single most influential determinant of access to political and economic power in South Sudan.

The dichotomy of the movement

However, in contrast to the seemingly firm grip on external legitimacy as the guarantor of the liberated state, the SPLM has traditionally struggled to mobilise widespread grassroots support, largely due to:

- *Lack of unity of purpose*: The SPLM/Army (SPLM/A) was pro-New Sudan in its original formulation, which resulted in bloody internal divisions within the southern movement; their lack of direction contributed to the continuation of the civil war. There remains contestation about who gets to wear and use the label 'liberator'.
- *Human rights abuses*: The SPLM/A, during the civil war and in the years since, has a poor track record on accountability and has been characteristically hard on communities – relying on violence to overcome discipline and ideology deficits.
- *Perceived ethnic biases*: Due to internal divides on issues of unity, leadership structures and practices, and to community abuses, the SPLM/A has long been perceived by many southerners as being Dinka-dominant and discriminatory towards minority ethnic groups. There remains a lack of trust in the SPLM/A's ability and willingness to equitably share resources and provide services.
- *Lack of local administration*: Even throughout the war and since independence, the SPLM/A has not prioritised and resourced local development and administration.¹¹ At worst, governance and administration has tended to be extractive, corrupt and often

¹⁰ See John Young, 'Sudan: The Incomplete Transition from the SPLA to the SPLM', in J. de Zeeuw (ed.) 2008, *From soldiers to politicians: Transforming rebel movements after civil war*.

¹¹ This is also due to the lack of local government services available before the war and the decades of marginalisation that preceded SPLM rule. Lack of capacity, infrastructure and skills have been significant obstacles to local government development.

violent,¹² manipulating traditional authorities and fuelling tensions between communities.¹³ At best, local administration is characterised by a lack of capacity and resources while faced with seemingly insurmountable developmental, political and security challenges and crippling relational inequalities.¹⁴ The geography of South Sudan and the lack of infrastructure present significant obstacles to governance and administration.

- *The dominance of the military*: The SPLM/A was an armed rebellion that lacked a coherent ideological basis and failed to develop civilian governance and accountability structures. There is a historical bias towards achieving political change through military means and dealing with ideological differences¹⁵ through confrontation and violence.
- *The existence of alternative security and political options*: The SPLM/A was never the only politico-security force in South Sudan and legitimacy is spread amongst a variety of non-state actors including local militia, cattle guards and armed community self-defence units, religious and traditional leadership as well as the government. South Sudanese societies tend to be highly independent, decentralised and tribal in character, making unity of purpose and unified command and control difficult. Additionally, the military successes of the SPLA during the civil wars were largely due to external support. Unlike armed liberation movements in Uganda and Eritrea, the SPLM/A never militarily dominated their opponents but rather fought for and controlled patches of territory through a combination of force, alliance, coercion and co-option.

The SPLM has struggled to transform itself from an armed rebellion into a liberation movement and then into a popular government.¹⁶ This dynamic is further complicated by the fact that the SPLM/A has delivered liberation, and therefore opposition to the party, as in many post-liberation contexts, is seen as opposition to independence and the sovereignty of the state; language that is used widely by the Government of the Republic South Sudan (GRSS). The SPLM has worked through the election, a referendum and independence to carve a narrative of liberator and to seal in people's minds the links between living independently of violent Arab rule and the SPLM. This is not dissimilar to the relationship of the African National Congress (ANC) to the electorate in South Africa: regardless of criticism that can be levelled against the ANC government, it maintains the moral high ground of liberator from apartheid and the party sharpens that narrative well. Even in more established democracies in Africa, the electorate tends to stay loyal to the liberator, entrenching a form of single-party hegemony.¹⁷

12 Alex de Waal notes that SPLM/A administration "represented benevolent paternalism, at worst it was violent and extractive". See Alex de Waal, 1997. *Famine Crimes: Politics and the Disaster Relief Industry in Africa*. Oxford: Currey, p 196.

13 See John Young, 2012. *The Fate of Sudan: The origins and consequences of a flawed peace process*. London: Zed Books, pp 69-74.

14 Inequalities between regions; between areas and capitals; between states and Juba; between local government partners and international agencies funding and implementing service delivery; and between the expectations of the community and the capacity to deliver.

15 Ideological is used here to refer to differences in the way people see, explain and understand the world around them – a conscious and unconscious body of beliefs that guides personal, group or institutional behaviour.

16 For more information, see International Crisis Group, *Politics and Transition in the New South Sudan*, Africa report No. 172, 4 April 2011. Online at <http://www.crisisgroup.org/~media/Files/africa/horn-of-africa/sudan/172%20-%20Politics%20and%20Transition%20in%20the%20New%20South%20Sudan.pdf>.

17 See Khabele Matlosa, 2003. *Electoral System Reform, Democracy and Stability in the SADC Region A Comparative Analysis*. Electoral Institute of Southern Africa. The sub-regional case studies found significant trends of liberation parties becoming *de facto* one-party states, noting a "pervasive trend of an entrenched dominant party system which, although not synonymous with a one-party state, does ensure the continued hegemony of ruling parties and constrains open political competition." Online at <http://www.content.eisa.org.za/pdf/rr1.pdf> p 14.

Realistically, the CPA period could not have dealt with both Sudan–South Sudan issues as well as south–south issues but there has been a shared failure to emphasise political engagement and building an inclusive base over technocratic state-building in the period since.¹⁸ President Kiir has used inclusion efforts to create a ‘big tent’ government typically through integration into the SPLA. But for many the SPLA is still not representative of a new independent South Sudan armed force and there is a constant struggle for non-partisanship of a national army still – very symbolically – called after its political party name.

Efforts at inclusion and dialogue characteristic of the Kiir regime during the CPA and immediate post-independence period have gradually given way to more centralised tendencies in order to overcome the instability caused by the factionalism that is so typical of South Sudanese societies.

The didactic of centralised political power

Since the debate on the Transitional Constitution, President Salva Kiir has been dogged by allegations of centralising political power within the executive. Similar perceptions of highly personalised power were characteristic of SPLM/A under John Garang and were the cause of splits within the movement (most particularly by Riek Machar and Lam Akol in 1991) and tensions within senior leadership (such as when Kiir challenged Garang in 2004). This same tendency towards centralised power, aligned with ethnic bias, is a legacy of the SPLM, which was created as an armed rebellion often conflating national security with individual/group interests and seeing all challenges to authority as clearly defined antagonistic dichotomies of ‘us’ versus ‘them’. This ideological legacy has merely moved from being an internal movement dynamic to being a challenge to the very state itself.

The party has become conflated with the state and the executive functions as head of state and party with fine and often blurred lines between.¹⁹ The tone set within central government in relation to the exercise of executive power has been repeated at local level. For example, in Lakes State, the caretaker governor has ignored normal decision-making procedures, issuing harsh and restrictive decrees, threatening law-makers and swearing in state cabinets without consultation with the legislature.²⁰ Sustained infringements of constitutional rights and democratic procedures have pushed the limits of what is an acceptable level of executive authority; this is a core issue for opposition voices and democratic activists.

The tendency towards centralisation and executive control became more prevalent throughout 2013 with the dismissal in July of the whole cabinet and the vice-president. Using narratives of anti-corruption and improved technical capacity for service delivery, President Kiir managed to convince international partners that this move was not undemocratic or unconstitutional but was rather taken in the interests of the extension of the state and development. In hindsight, however, this can be seen as part of a series of moves since 2012 to isolate certain dissenters and to control the highest levels of political space.

18 Bennett, J., S. Pantuliano, W. Fenton, A. Vaux, C. Barnett and E. Brusset, 2010. *Aiding the Peace: A multi-donor evaluation of support to conflict prevention and peacebuilding activities in Southern Sudan 2005-2010*. ITAD Ltd, United Kingdom, p xv.

19 For example, when planning for the SPLM National Convention that was due for February 2014, the President instructed state governors to appoint delegates instead of the SPLM state coordinators. State governors are presidential appointees; SPLM state coordinators are party appointees.

20 Jok Madut Jok, *South Sudan and the risks of unrest*, 5 December 2013. Sudd Institute: South Sudan. Online at <http://www.suddinstitute.org/publications/show/south-sudan-and-the-risks-of-unrest/>.

The Kiir regime has undergone a change in its central composition over the last 18 months, with the President increasingly viewed as isolated from other parts of the political apparatus and surrounded by advisers perceived to be Khartoum loyalists (such as Tilar Deng, Riek Gai, Bona Malwal Madut and Abdullah Deng Nhial) and hardened security specialists (such as Kuol Manyang, Paul Malong, Aleu Ayeny Aleu and Obuto Mamur Mete). This, in effect, has isolated powerful individuals from the former Garang loyalists (including Rebecca Garang, Pagan Amum, Gier Chuang Aluong, Deng Alor and Oyai Deng Ajak) who suddenly found themselves aligned with former SPLA-Nasir and some South Sudan Defence Force (SSDF) loyalists (including Riek Machar, John Luk Jok, Taban Deng, Peter Gadet and Joseph Koang). This split has created a whole range of new alliances of opportunity, uniting former enemies and making enemies of former allies. The GRSS remains a 'big tent', but some of those who helped put up the tent suddenly find themselves on the outside.

Unfortunately, the shifts that were occurring to reorient the SPLM from being a military to a political actor are being undone in this crisis as the military and security spaces are once again dominating the narratives with a lack of a broad-based domestic political agenda. In the initial years (2005-12), the Kiir regime actively avoided alienating powerful dissenters through creating and sustaining alliances amongst competing loyalists (Garang, Kiir, Machar, and the amalgamated SSDF). But these fragile alliances have had to deal with ambitious leaders, a perception that Kiir was politically weak²¹ and an inevitable creation of spoilers as he broke down the core of Garang personal loyalists and replaced them with his own group of advisers, governors, civil servants and guards. The status quo was further altered by the environment of austerity and the increased competition of an upcoming election. Taken all together, too much pressure mounted and the uneasy alliance between the Garang, Kiir and Machar cores broke down, spiralling out of control into a battle for the areas east of the Nile.

Perhaps in future years, 16 December 2013 will be remembered as the day of reckoning in which the path was set to decide which group would dominate the SPLM.²² This is very much an ideological crisis in which fundamentally different interpretations of reality and views of the country are trying to prove their dominance through a combination of narratives and actions seeped in violence.

For now, the outcome cannot be readily predicted.

The existence of multiple exclusive hierarchies²³

Part of the problematic of political legitimacy in South Sudan lies in the existence of multiple exclusive hierarchies functioning within and across geographic spaces each with their own leaders, revenues, rules and often security forces. Social groups have their own conscious

21 Compared to Garang, who was charismatic and controlling, Kiir has been viewed by many commentators as more reconciliatory and consultative, mostly due to his focus on achieving southern independence.

22 In 2008, John Young wrote: "Nonetheless, the day of reckoning to decide which group will dominate the SPLM/A, or whether the organization will divide into two or more groups, is assuredly coming closer, and the outcome cannot be easily predicted." Young, 2008. 'Sudan: The Incomplete Transition from the SPLA to the SPLM' in Zeroun de Zeeuw (ed), *From soldiers to politicians: Transforming rebel movements after civil war*. United Kingdom: Lynne Rienner Publishers, Inc. pp 157-178.

23 I came to the idea of exclusive hierarchies from a discussion on warlordism and state-building at the University of Nijmegen on 20 January 2014. William Reno discussed exclusive hierarchies in relation to the social organisation of armed conflict looking at the interaction between armed groups and social orders. He observed the existence of exclusive hierarchies which exercise layered control that is not purely territorial but provides choices of patronage for contexts in which multiple identities exist.

and unconscious beliefs and views of the world which are prone to both alliance and competition. Heterogeneity means that there is a lack of uniformity across these groups, and stability – in mainstream political science – requires the management or ironing out of these differences between groups. There is a relationship between order and social cohesion, and the seeking of order through the imposition of a dominant ideology. Until 2011, that dominant ideology was the desire for independence and liberation from violent discrimination.²⁴ At the moment, ideological differences have appeared as ethnic and identity divides, pitting exclusive hierarchies against each other and compelling people with multiple identities to make explicit patronage choices within deeply embedded webs of social obligation.

As explained by Matthew LeRiche:

“In South Sudan any leader has a major obligation to his or her community or tribe. These obligations are often satisfied by including large numbers of extended family or fellow tribesmen in offices in government or as drivers, advisers, guards, etc. Most of the figures involved have bodyguard forces largely from their home areas and tribes that radiated around them. This nepotistic approach has created a situation where the main supporters and physical defenders of individual leaders took on more or less exclusive ethnic constructions.”²⁵

The existence of exclusive hierarchies is related in many ways to the factionalism of the politico-security space, the fluidity of alliances of opportunity and the situational complexity. Accountability is practised vertically and not horizontally, which means that responsibility and obligation towards those outside of your hierarchy is limited. Additionally, the culture of Nilotic transhumant communities means that they are highly cohesive in identity but are anarchic, opportunistic and competitive for survival.

There is an element of spatial importance for South Sudanese societies, with social groups displaying close links between ethnicity and area. This is most particularly evidenced by the way in which people in Juba live in largely exclusive ethnically divided areas and in displacement, communities tend to settle by village or larger social group. Solidarity has a spatial logic²⁶ that is both conscious and unconscious. Exclusive hierarchies find expression in territories which are highly symbolic and full of meaning. Networks of solidarity and obligation find expression in locales in which egalitarian relationships, reciprocity and communal ownership of assets can flourish. This sense of localised autonomy has a deep impact on behaviours and attitudes towards others. For many exclusive hierarchies in South Sudan – be it tribe, clan or age-set – there is no social obligation to people from other groups.

Part of the structural contribution to the current conflict lies within the inherent contradiction of state-building and the imposition of order through the establishment of strong state structures and institutions within a governance system suffering from major internal accountability and legitimacy deficits. These processes almost naturally produce violence and

²⁴ Even though the 1991 split and the Rumbek meeting in 2004 were also conflicts over the basic ideology of the movement, there has always been an imbued sense of liberation from Arab rule that has underwritten the SPLM and southern campaign against Khartoum.

²⁵ Matthew LeRiche, *South Sudan: not just another war and another peace in Africa*. Posted on African Arguments, 28 January 2014. Online at <http://africanarguments.org/2014/01/28/south-sudan-not-just-another-war-and-another-peace-in-africa-by-matthew-le-riche/>.

²⁶ Fabienne Le Houerou, 2005. 'Diasporas in Cairo: Transit territories and the transient condition' in *Journal on Moving Communities* Volume 5, Number 1, p 47.

even more so when combined with the particularities of ethnicity and pastoral communities. These tensions undermine the potential for robust state-society relations and often end up reinforcing existing exclusive hierarchies, thereby linking local socio-cultural or resource-based conflicts with national political elite interests. For international interventions, a focus on building formal institutions with legitimacy and accountability deficits also means a lack of focus on informal arenas in which collective action problems are being negotiated.

This is similar to the findings of a 2012 research paper by the German Institute for International and Security Affairs which noted:

“The façade of a powerful governing party – the Sudan People’s Liberation Movement (SPLM) – and an army – Sudan People’s Liberation Army (SPLA) dominating the political scene is misleading. Both, like the political elite as a whole, are riven by internal divisions and divided into competing interest groups. In its quest for stability, the South Sudanese leadership is vulnerable to the demands of innumerable rival groups for political inclusion and access to the resources of the state. This makes it next to impossible for the government to pursue consistent development policies and enforce difficult decisions. Instead, state resources are being used primarily to build clientist structures based on ethnic groups, tribes and clans.”²⁷

The resulting environment is one in which state legitimacy is still emerging within the context of factionalised and contested authorities. The current conflict is about political representation and control over the state and its material resources.²⁸ The administration of South Sudan is always going to be challenged by an inherent tension between perceptions of dictatorial and authoritarian control and a terrain and socio-cultural context that demands a large amount of local autonomy. Decentralisation and community-based development were some of the means used to address these tensions but they have had to grapple with a lack of capacity at local government level, poor-quality international programming²⁹ and lack of political prioritisation. Within the South Sudan context, it is very difficult to generate and maintain platforms for inclusive processes.

The problem of participation

Although there have been opportunities to increase public participation in policy processes – such as the South Sudan Development Plan, National Security Policy consultations and the United Nations Development Programme (UNDP) community safety processes – these have somehow not added up to a sense of national ownership of government beyond Juba or to a sense of unified vision for the future of the country. The main failings of these processes relate to: a lack of sustained effort; piecemeal and ad hoc processes that fail to build coherence; a lack of depth of consultation prone to elite capture; and too much focus on output needs within technocratic internationally-determined processes.

²⁷ Wolfram Lacher, 2012. *South Sudan: International Statebuilding and its Limits*, German Institute for International and Security Affairs, p 5.

²⁸ Goitom Gebreluel and Kjetil Tonvoll, 12 March 2014. ‘South Sudan’s Post-Secession Crisis in a Comparative Perspective’, in *Yale Journal of International Affairs*. Online at <http://yalejournal.org/2014/03/12/south-sudans-post-secession-crisis-in-a-comparative-perspective/>.

²⁹ In particular, the community-driven development projects in South Sudan have tended towards largely technocratic processes fulfilling unrealistic project demands with time-intensive yet rather superficial community engagement processes.

The Constitutional Review Process was the most recent effort towards political reconciliation and cohesion-building. The National Constitutional Review Commission (NCRC) was tasked with conducting public consultations on constitutional issues and creating an inclusive process to review the Transitional Constitution. The establishment of the NCRC was contentious and was defined, as so many processes in South Sudan are, by the need for visible inclusion and political accommodation at the expense of efficiency. Coupled with budgetary and logistics problems, the NCRC was left dependent on international assistance to get off the ground (overwhelmed by too much international assistance perhaps?³⁰) and somehow never moved from the very elitist political space to a forum for national consensus-building. Indeed, some national and international observers commented that any text produced by the NCRC would be an 'SPLM constitution'.³¹ The NCRC process was intended to overcome criticism of the Transitional Constitution process, which was perceived to have been closed within the office of the president and to have resulted in the skewing of constitutional powers in favour of the executive.³²

The problem of political participation in South Sudan is complicated by the heavily militarised nature of South Sudanese politics,³³ very much defined through the war experience. However, South Sudanese in general remain highly committed to the national project of an independent state – so openly shown with their overwhelming support for independence in the 2011 referendum and the ability to prioritise self-determination and self-rule above other needs during the CPA period.³⁴

Since the start of the crisis, South Sudanese opposition parties and civil society actors have been calling for broader consultations and more inclusion in response processes. The irresponsibility of leadership has been highlighted and the divide between the interests of leaders and the nation have been blown wide open. A survey from June 2013 undertaken by the International Republican Institute noted that 71% of South Sudanese agreed with the statement that 'the government does not care what people like me think' and 58% of people interviewed said it was not acceptable to talk negatively about the government in public.³⁵ The room for accommodation may decrease as the government and SPLM continue to use language that provides no space for dissenting opinions and to publicise the consequences for those who oppose them. The proposed Non-Governmental Organization Bill, with provisions almost directly copied from restrictive laws in Sudan and Ethiopia, provides another example of how the GRSS has chosen to deal with meaningful civil society participation.

However, this crisis has also pulled the South Sudanese together and started a much-needed debate that moves from a position of national unity (i.e. the existence of a state) towards a

30 See Jenn Christian, *Is time running out for South Sudan's new Constitution?*, Enough Project, July 2012. Online at <http://www.enoughproject.org/publications/time-running-out-south-sudan%E2%80%99s-new-constitution>.

31 *Ibid.*

32 See, for example, Augustino Ting Mayai, *Understanding the emergence of South Sudan's current violence*, Sudd Institute: Juba, 22 January 2014, p 2.

33 The South Sudanese civil society group Community Empowerment for Progress Organisation (CEPO) noted that the engagement of active military officers in national politics has made it hard to separate politics from the military and that individuals with political aspirations use military approaches to buy a political seat through military alliances. See <http://www.cmi.no/file/2558-CEPO-on-Juba-Incident-of-16th-December-2013-1.pdf>.

34 The most striking example of which was the lack of response from the government after the driving out from Abyei of the Ngok Dinka in May 2011 just weeks before independence.

35 See <http://www.iri.org/sites/default/files/2013%20July%2019%20Survey%20of%20South%20Sudan%20Public%20Opinion,%20April%2024-May%2022,%202013.pdf>.

process of deciding how that national unity finds expression (i.e. the type of state). Since before independence, a struggle has been emerging over the future of the SPLM, over political dispensation in the new state and over the banner of liberator itself.³⁶ This struggle continually finds expression in the debate over national reconciliation, which is profoundly about who gets to use the labels 'liberator' and 'victim'. Riek Machar tried to use the rhetoric of national reconciliation in 2013 and was quickly shut down by Kiir, who understands that the goals of justice may be served only through breaking down social orders that are a product of large-scale violence, asset-stripping and illicit trade. This shows how important it is to control the opening of Pandora's Box; truth may be told but it depends on whose truth it is.

There is an opportunity to build on the innate pride and fiercely independent spirit of the South Sudanese to address this crisis and build political stability. The ability of the GRSS to provide the space for different views, beyond superficial accommodation, will be a key decider. The politics of the new state bear the stigma of the shared legacies of an undemocratic past³⁷ but it is a shared legacy that can form a solid basis for a unified future, if the political leadership is willing and able.

This crisis is a fundamental ideological challenge to the type of state that South Sudan wants to be. The SPLM has an opportunity to put forward a democratically viable vision of that state but that would require abiding by certain international norms and realising that sovereignty also has responsibilities.³⁸

36 Matthew LeRiche, *South Sudan: not just another war and another peace in Africa*. Posted on African Arguments, 28 January 2014. Online at <http://africanarguments.org/2014/01/28/south-sudan-not-just-another-war-and-another-peace-in-africa-by-matthew-le-riche/>.

37 Marie-Joelle Zahar, 'A journey of a thousand steps: the challenges of state and nation building in South Sudan', *Middle East Report* 259 Summer 2011, pp 36-39.

38 This is in relation to responsibility for both domestic and international obligations – domestic obligations on human rights and the protection of civilians, for example. International obligations include, for example, the need to respect the sanctity of UN personnel and assets.

3. The search for security

Because of its northern neighbour, Sudan, the security of South Sudanese citizens and their property is closely tied to the security of the South Sudanese state. For many communities in South Sudan, independence has not translated into living free from fear. The continuing strategies of conflict that target communities and their assets has reinforced inequalities, stunted development and contributed to an environment of fear and paranoia, resulting in cycles of community self-defence and revenge.

The primary security challenges in South Sudan relate to inter-communal violence, rebel movements and local militia. These strands of violence are often intimately linked with similar dynamics of youth mobilisation and localised and nationalised grievances; they are also intrinsically ethnic and communal in nature. But also, perpetrators of violence – be they in uniform, urban criminal gangs or cattle rustlers – have a shared understanding of the weaknesses in the justice and security sectors that allow for impunity. This has been exacerbated by the extent to which the government has been involved in exclusionary practices that allow ethnic backgrounds, rather than national policy interests, to influence decision-making.³⁹ Additionally, ethnic narratives are deeply constructed on masculine identities of heroism and bravery. As history constantly repeats itself, without the explicit management of inclusion, national unity and collective identity, the ethnic composition of South Sudan is a risk to the stability of the state.

Legacies of insecurity

This internal (in)security legacy is the product of both a long history of violent suppression, trauma and vulnerability and a lack of trust between communities and between communities and various politico-security armed actors. This deep-seated hostility finds easy expression as groups constantly position themselves, with a realistic pessimism, for the seemingly inevitable return to violence. Heightened levels of fear and suspicion sit alongside survival needs for alliance. Thus it is common practice to find intermarriage at local levels, for example, along with a lack of congruence between political factions and ethnicity at national level. Similarly, throughout this current crisis, horrific tales of ethnic targeting sit alongside experiences of inter-ethnic cooperation, with neighbours often providing safe havens for each other.

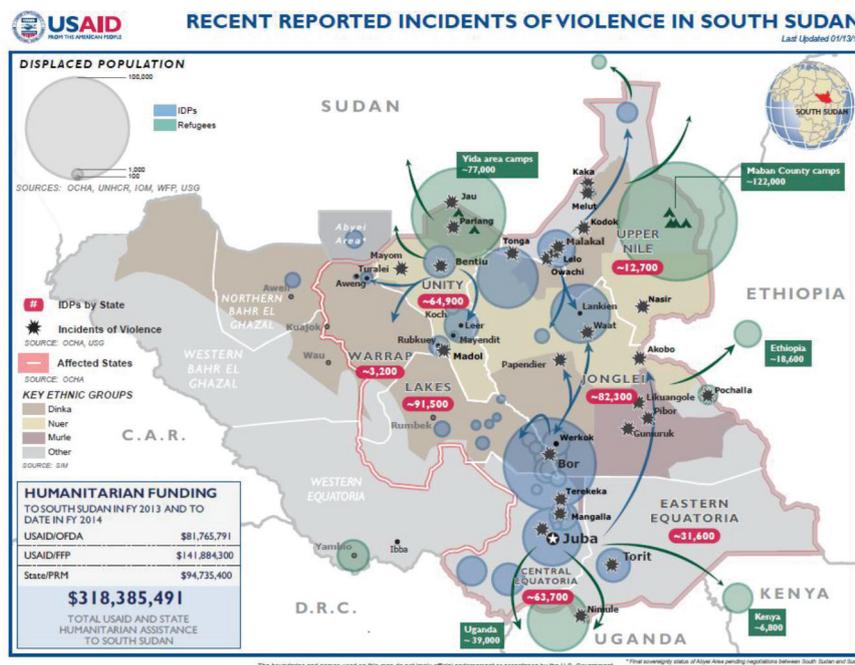
Complex webs of obligation and duty provide the means for both peaceful coexistence as well as for easy mobilisation of grievances. The real problem is that the abuses seen in Juba, Bor, Malakal, Leer and other areas have taken on an inherently ethnic and revenge-driven character. As the conflict continues and deepens, ethnic divides are increasingly hardened and ethnic groups increasingly polarised – building on the incredibly destructive narratives of 1991.

There is a particular ethnic-geographic dimension to this conflict that bears remarkable similarities to other inter-communal violence in South Sudan. There seems to be an unconscious belief in the sanctity of Dinkaland and Nuerland as exclusive ethnic constructs

³⁹ Jok Madut Jok, 2011. *Diversity, unity and nation building in South Sudan*, United States Institute of Peace, p 3.

east and west of the Nile, with Unity State playing a pivotal strategic role.⁴⁰ Similarly, in Upper Nile, the coexistence of the Dinka, Shilluk and Nuer has created an uncomfortable – and easily shifting – balance of power where stability is dependent on exclusive hierarchies maintaining significant strategic advantage.⁴¹ Local grievances about resource allocation, particularly in Jonglei, Unity and Upper Nile states, quickly link to bigger national issues on the distribution of power because of the delicate balance of inter-ethnic relations that was at the centre of the alliance between warring factions (SPLM-Kiir/Dinka-Dinka, SPLM-Machar/Dinka-Nuer and SSDF/Dinka-Nuer/minorities).

Map 1: Map of displacement from 13 January 2014⁴²



Produced by USAID

40 Unity State lies mostly east of the Nile and is the only area in the east that is dominated by Nuer. But the divides between (and within) the Bul Nuer and other Nuer groups has created a certain fluidity of allegiance and cause, especially in Mayom, Abiemnhom and Rubkhona. There are at least seven distinct Nuer sub-groups in Unity and their allegiances have been split between interest groups throughout the civil wars and into independence. Also, there is only one county in Unity, Pariang, that is Dinka dominant. Unity has a strategic positioning for both internal and external security and has for a long time been the loci of intense political and security competition for internal and external power seekers/influence peddlers.

41 The Dinka in Upper Nile find themselves with powerful Nuer heartlands in Nasir and Ulang to the south-west and the Shilluk Kingdom to the north-east. But most of Melut and Manyo are Dinkalands, which include the presence of oil installations. The Meban contend that the Dinka forced them off that land and have previously demanded reparations from oil companies. The Shilluk have fought on both sides of the Dinka-Nuer divide in Upper Nile and key Shilluk leaders are found in both government and opposition forces. The Shilluk Kingdom is often targeted for revenge strikes by one side or the other.

42 Online at <http://www.usaid.gov/sites/default/files/documents/1866/01.14.14%20-%20Recent%20Reported%20Incidents%20of%20Violence%20in%20South%20Sudan.pdf>.

A 2006 study on local peace processes led by the Rift Valley Institute found, *inter alia*, that:⁴³

- Violent conflict at local level cannot be separated from the wider armed conflict and politics of the country.
- Local disputes reflect competition for representation at the centre.
- Local agreements are limited in the extent to which they can address structural factors underlying the war.
- Local peace processes need support from representative government at national level.
- Making peace can be a precursor to waging war.
- There is the risk that material support for local peace processes may feed the conflict they were meant to resolve.

These outcomes remain relevant not just as lessons needing to be learned for programming purposes but as fundamental foundations of our understanding of South Sudan.

The SPLA has been central to maintaining or breaking these alliances. There is a long history of grievances in the military leading to splits from within the military while local communities that are unable to rely on formal security forces create their own defence forces. The problem for many communities is that armed forces in South Sudan are characteristically hard on communities; the geography does not enable easy resupply and logistical manoeuvre, while the nature of violence has tended towards ethnic bias, targeted livelihoods destruction and large-scale looting. South Sudan's history is a narrative of victimhood, politically refashioned over time to make a case for dissent by aggrieved areas.⁴⁴ The SPLM response has been a mixture of armed confrontation, amnesty and accommodation. Neither the government nor opposition to the government has ever been able to conquer and contain opponents but rather selectively uses violence to further their personal or group ambitions for future political (and economic) accommodation.

The challenge with the latest round of violence is whether there is still space for accommodation and if not, then how does the government deal with the armed opposition? Amnesty and strategic power-sharing do not seem to be part of the GRSS strategy at the moment. There is a distinct lack of leadership from either side on what a workable political solution to this crisis could look like.

Lastly, the internal security dynamics in South Sudan have been characterised by the legacy of widespread availability and use of small arms and light weapons. This has resulted in some inconsistent government policies on disarmament and a targeting of civilians carrying weapons. But those efforts have made only the slightest impact on the overall security context, with many communities relying on their own weapons and security in light of deficits in GRSS security service delivery. With both pro- and anti-government forces displaying new uniforms, equipment and weapons in media images, an increase in weapons is expected to

43 Mark Bradbury, John Ryle, Michael Medley and Kwesi Sansculotte-Greenidge, 2006. *Local Peace Processes in Sudan: A Baseline Study*. Rift Valley Institute, pp9-15. Online at http://southsudanngoforum.org/wp-content/uploads/2011/05/Rift-Valley-Institute_2006_Sudan-Local-Peace-Report.pdf.

44 Jok Madut Jok, 2011. *Diversity, Unity, and Nation Building in South Sudan*. US Institute for Peace. p7. Online at [http://www.usip.org/sites/default/files/Diversity,%20Unity,%20and%20Nation%20Building%20in%20South%20Sudan%20\(Jok\).pdf](http://www.usip.org/sites/default/files/Diversity,%20Unity,%20and%20Nation%20Building%20in%20South%20Sudan%20(Jok).pdf).

be problematic for long after the crisis is resolved.⁴⁵ Similarly, with heightened levels of fear of government and/or rebel reprisal attacks, many communities – especially in key strategic locations – could choose to remain armed in ‘community police’ or similar self-defence mechanisms.

A key factor in the extent of militarisation is the increasing power that weapons and the reliance on weapons provides to the youth, militia and self-defence units within communities. Reports from Jonglei during the 2011/12 violence noted a shift in power from the hands of the chiefs to the youth, enabling them to act without seeking sanction from community leaders.⁴⁶ Youth exercising violent initiatives outside of leadership structures undermines the ability of community leadership to seek accommodation with more powerful external forces; sometimes even resulting in stern disciplinary measures being enforced from above. The harshness of GRSS responses to insecurity on entire communities exemplifies this. Similarly, in expressing a form of communal sovereignty through collective action, youth leaders seek alliances with leadership within and outside their communities who can advance their interests, thereby adding a further diffusion of grievance and motivations. It is the complexity of these communal dynamics that makes the South Sudanese conflict so difficult to understand and the search for singularly definable ‘root causes’ so inconsequential.

The crisis of security sector reform

The diversity of politico-security actors, the partisanship of uniformed forces and the serious obstacles to accountability have created a crisis for security sector reform (SSR) in South Sudan. This comes on top of a situation in which internal and external security challenges have precluded, over the past years, the possibility of robust, thorough SSR.⁴⁷

The SPLA is a central institution in South Sudan on which many people depend for salaries and services. The SPLA proudly carries the label ‘liberator’, entitled to the bulk of the national coffer and acting as if above the laws of the land. It is also a central pillar of strength within the state and one of the biggest preoccupations of the state (and the international community). The ruling party is biased towards the ideology of armed rebellion and military leaders make up the highest echelons of society from the capital to the villages – the tangible power of the men with guns, so to speak. This has presented challenges for SSR and, in particular, for encouraging meaningful legislative oversight, strengthening civil society engagement and rebuilding state-society relations based on accountable, effective and equitable security service provision.

During the CPA period, the focus of SSR efforts was not on the civilian oversight elements mostly due to dealing with the immediate deadline-driven security needs of the election and referendum and with integration and demobilisation. Efforts to enhance the national security

⁴⁵ Far more consideration is needed on the weapons situation in communities and in particular the links between the procurement of weapons and the raiding of cattle. In 2012, a report by Saferworld noted that the price for guns just across the Ethiopian border from Akobo had dropped from 15 cattle per weapon in 2011 to 1-3 cattle in 2012. This would indicate a dramatic increase in not only demand but also supply. See Richard Rands and Matthew LeRiche, 2012. *Security responses in Jonglei State in the aftermath of inter-ethnic violence*. Online at <http://www.cmi.no/file/2147-Saferworld-Security-responses-in-Jonglei-State.pdf>.

⁴⁶ Rands and LeRiche, 2012. *Security responses in Jonglei State in the aftermath of inter-ethnic violence*, p 10. Online at <http://www.cmi.no/file/2147-Saferworld-Security-responses-in-Jonglei-State.pdf>.

⁴⁷ John A. Snowden, *Work in progress: Security Force Development in South Sudan through February 2012*. Small Arms Survey. June 2012, p 7.

decision-making architecture, especially through the National Security Policy processes, were only in 2013 starting to gain real traction within the government. But even then, the highly politicised and fragmented nature of the security sector in South Sudan prevented any efforts from achieving the levels of systematic reform required and the short time since independence has prevented the cumulative effects of SSR efforts to be fully realised.

The current violence presents a serious challenge for the future, as several worst-case scenarios have emerged, in particular: mass desertions; ethnic mobilisation and recruitment, including of child soldiers; mass deployment internally and fighting within and between communities; widespread looting and destruction at the hands of uniformed forces; breakdown of rudimentary command and control structures; forced partisanship; increased government spending on security; centralised decision-making in the executive, and a lack of parliamentary or judicial oversight.

Due to the weaknesses of an integrated SPLA in terms of command, control and professionalism, elements of the SPLA have always been a threat to the executive. This is reflected, for example, in a lack of trust from senior leaders and the continued dependence on ethnically recruited armed forces – such as by former governor of Unity State Taban Deng and the reinforcing of the Presidential Guard by Kiir⁴⁸ – as well as changes within the security decision-making structures. The national security decision-making architecture has taken on an increasingly civilian (i.e. no longer in uniform) nature with more influence falling on the National Security Services (NSS) and decision-making becoming a closed process within an insulated executive. The depth of acknowledgement of the SPLA's weaknesses is also shown by the speed with which Kampala was able to intervene to bolster Kiir's security and the mobilisation of the regional intervention force. The SPLA is still an important social construct but it cannot be trusted to maintain security.

Security service provision and the make-up of security forces are highly localised. Increased recruitment at this time while the entire armed forces are occupied with an internal conflict can only further destabilise the military and complicate the post-crisis defence reform agenda. The lack of cohesion within the SPLA is in large part due to its inability to exercise control over South Sudan during the war and the necessary reliance on reconciliation and integration with other armed groups. The numbers in the SPLA have swelled since the end of the war, with some estimates ranging from 50,000 in 2005 to more than 200,000 in 2011. This is largely due to the regularising of salaries since the signing of the CPA, the signing of the Juba Agreement, which enabled the integration of otherwise outlawed armed groups, and the continued integration of rebel groups. Much of the deficit in SPLA's internal cohesion can be traced to the CPA and Juba Declaration and the manner in which the South Sudan Defence Force (SSDF) was first denied a seat at the main table – that is, outlawed and then absorbed, not into a new national army but into either the Sudanese Armed Forces (SAF) or the SPLA. This left few choices for commanders and soldiers who did not agree with the SPLA but were not necessarily pro-Khartoum either.

48 President Kiir has admitted to recruiting a personal force from the Greater Bahr el Ghazal area numbering approximately 5,000 soldiers in June/July 2013. This number could be higher than 10,000 with increased recruitment since the start of the crisis. Media reports also noted active recruitment of more than 10,000 people in Eastern Equatoria State. Meanwhile, the national parliament reported estimates that up to 70% of the SPLA have defected to the rebel side. See <http://www.sudantribune.com/spip.php?article50004>; <http://www.sudantribune.com/spip.php?article49561>.

The legacy of not being able to create a new national defence force is evidenced by the ease with which disaffection spreads from within the SPLA and by the lack of other avenues for redress. For example, the South Sudan Liberation Army (SSLA), through the Mayom Declaration in April 2011, cited problems with defence transformation and conditions within the SPLA as grounds for starting a new insurgency.⁴⁹ Some senior leadership later gave up the struggle for reintegration and promotion.⁵⁰ The current composition of the SPLA provides a fertile breeding ground for fragmentation and armed rebellion but, somewhat ironically, the weaknesses of the SPLA and the lack of alternative sources of income, services and status means that integrating into the SPLA is the only route away from insurgency. The fragmented nature of the SPLA has meant that it has been easy for the SPLA to be drawn into highly partisan situations, with allegations of leaders building militia within the national army and a tendency towards warlordism being levelled against them.⁵¹

The failure of demilitarisation, demobilisation and reintegration (DDR) programmes⁵² in combination with the continued conflict posture of the SPLA has meant that defence transformation – while achieving results in some of the more technical and policy areas (e.g. improvements in infrastructure and equipment and the White Paper on Defence) – has not been able to address core issues of force composition, cohesion, command and control. Similarly, having to constantly deal with internal insecurity has meant that the SPLA has been deployed within communities with little or no accountability and with internal weaknesses – thus further undermining local legitimacy and creating grievances.

The crisis of SSR in South Sudan is that internal political dissent has overtaken achievements in the security sector; it remains an environment in which dissent is met with force and recipients respond with force.⁵³ The unseen part of the crisis is a shift in power within the GRSS potentially away from the assumed power of the SPLA towards a more nuanced civilianised version that remains primarily militarised but seeks gain through a combination of ‘hard’ and ‘soft’ security measures ranging from intimidation, harassment, and the restriction of rights and freedoms to targeted killings and forced physical relocation.

Loyalty will remain a fragile commodity in South Sudan, determined by a combination of opportunism, personal/group ambition and continued underlying conditions for dissent – including political and economic marginalisation, SPLA abuses, and tensions

49 See <http://www.sudantribune.com/spip.php?article38605>. Nuer youth groups also claim that Gadet chose to split in 2011 after discrepancies in the allocation of benefits; he was apparently denied the chance to travel for medical leave after leading the SPLA against SAF in Abyei in 2008. The same groups report that Simon Gatwec Duel was instrumental in bringing Gadet back into the SPLA. See <http://www.southsudannation.com/nuer-youth-demand-the-release-of-maj-gen-simon-gatwec-duel/>.

50 Peter Gadet was integrated into the SPLA in 2012 and split again with the latest rebellion. Bapiny Monytil became the leader of the SSLA after Gadet and had by November 2013 reached agreement with the GRSS on integration and accommodation, which crucially included the appointment of his relative Joseph Monytil as governor of Unity State in the place of Taban Deng Gai.

51 See for example, Community Empowerment for Progress Organization, *Juba 16th December 2013 Political Crisis*, December 2013.

52 According to Small Arms Survey, the SPLA was disengaged from the DDR programme; the DDR programme had no discernible impact on security; and there was a lack of willingness to deal with downsizing the SPLA. Sudan Issue Brief, *Failures and Opportunities: Rethinking DDR in South Sudan*, Number 17, May 2011.

53 In a Small Arms Survey paper on December 2006, the authors warned: “There is a real danger that achievements in the security sphere will dissolve under the weight of internal dissent. Given the SPLA’s past tendency to respond to dissent with force, and for the recipients to respond aggressively, such a scenario could prove disastrous for South Sudan.” Online at <http://www.smallarmssurveysudan.org/fileadmin/docs/issue-briefs/HSBA-IB-02-SSDF.pdf>.

over land ownership. This is made even more problematic by the SPLA's arming and use of ethnic militias against rebel threats. For the Greater Equatoria region there seems to be a combination of mobilising energies focused at communities seeking loyalty for the government or rebel cause and a somewhat more neutral Equatorian cause.⁵⁴ Self-defence for minority ethnic groups is exercised through patronage choices.

The manner in which these dynamics find expression in the Greater Bahr el Ghazal area, and in particular in Northern Bahr el Ghazal (NBeG), requires further examination. Former governor Paul Malong has been actively engaged at high levels in the pro-government campaign; youth are being mobilised to join and fight for the greater Bahr el Ghazal Dinka cause; and there have been at least three incidents of senior SPLA commanders from NBeG being killed in and around Juba. As NBeG has the highest number of returnees but is largely ignored in national political and economic calculations,⁵⁵ some NBeG interest groups seem to have made a choice of patron and would be expecting some future return on their investment.

This latest round of violence has reinforced existing perceptions and fears of ethnic targeting and has negatively affected civilians' perceptions of the government's ability to protect them. This is not to say that the government is not providing security but rather that security service provision is highly selective in approach. The GRSS has shown a keener ability to instil order and provide security services in areas east of the Nile; perhaps this is due to more closely aligned power interfaces between national and local interests and less violently contentious power relations between centres of power. There is still violence but GRSS responses have been swifter and seem to carry fewer high-level political implications.

There was a concerted effort to bring rebel leaders into the government last year with the successful negotiation of agreements signed in November 2013 between major factions from Unity State under Bapiny Monyтуil and the Skilluk militia under Jonhson Olony. Both Monyтуil and Olony have been fighting alongside government forces in Unity and Upper Nile, often exerting significant influence on the outcome of the battles. However, none of these forces have been fully integrated into the SPLA. They are still fighting under their former rebel commanders and are participating in very localised conflict, fighting for their home areas as much as for Kiir.

⁵⁴ The Greater Equatoria conference in January 2014 called for greater regional balance in the armed forces and each of the three states committed to mobilising 5,000 new recruits for the SPLA. This is, on the one hand, a pro-government move but also a way to ensure that Equatorians are armed and ready to defend their own areas and avoid being further drawn into a conflict that some do not recognise as their own. Anyanya II leaders, the majority of whom were Equatorian, suffered greatly at the hands of Garang and the SPLA in the early 1980s. There is still the potential for Alfred Ladu Gore and others to mobilise an Equatorian Defence Force and to play a more visible role in this conflict. The Equatorian region is significant for its border access to Kenya and Uganda, its food production and its natural resource extraction, for example the gold deposits outside Kapoeta.

⁵⁵ NBeG, being a largely peaceful state, did not attract as much international attention or funding as other areas in South Sudan. The area has been badly hit by flooding over the last two years, further stressing communities that are trying to rebuild without investment from the national government. The perceived sacrifice of Mile 14 and the loss of cross-border trade revenue due to border security agreements originally provided a sense of grievance against Juba. There is now a resurgence of Dinka unity (and nationalism against unconstitutional changes in power) in the greater Bahr el Ghazal area.

Justice, accountability and the rule of law

The GRSS has been under pressure from the international community, human rights advocates and donors to hold security forces, especially the SPLA, accountable for abuses. The culture of abuse and impunity characteristic of the manner in which the military has engaged with communities – often rooted in ethnic biases – has undermined the ability of the government and its security forces to establish a monopoly on the legitimate use of force and also undermined internal legitimacy, thereby weakening the already fragile social contract between state and citizen.

The SPLA's administering of southern territory before 2011 by force left a legacy of an imposed order in the absence of formalised accountability and the rule of law.⁵⁶

Indeed, questions of justice and impunity are at the heart of many internal conflicts in South Sudan.⁵⁷ Although efforts have been made in recent months to address impunity within the security forces,⁵⁸ there has been little more than public statements about perpetrators being arrested and investigations being launched. In a society that depends on retributive justice, not addressing abuses continually fuels dissent and grievance which, coupled with high youth unemployment, the easy availability of arms and perceptions of marginalisation, continually gives rise to armed mobilisation. This applies as much to pro-government as to anti-government forces. The tendency to favour the integration of armed actors into the SPLA has created a revolving door of impunity for those who choose violence.

With internal insecurity problems and weaknesses in policing, sentencing and judicial capacities, the GRSS has at times relied too heavily on the suppression of dissent for the maintenance of law and order. This was particularly evident in Lakes State following inter-communal clashes within the Dinka community in late 2012-early 2013. Between February and July 2013, more than 130 civilians were unlawfully detained and ill-treated during security forces response to armed violence in Lakes State.⁵⁹ Following violent protests in Wau in December 2012, judicial processes against people allegedly complicit in the violence, including members of the security forces, were set up in 2013. However, reports of intimidation of witnesses and defence counsels by security forces gave rise to concerns about government interference in judicial processes.⁶⁰

In 2013, the South Sudan Law Society (SSLS) authored a comprehensive report on the judicial system in South Sudan calling for more accountability and the strengthening of the rule of law. The report found that although there have been reform efforts since 2005 to improve access to justice, fundamental problems of accountability remain. The SSLS found

56 International Crisis Group, *Jonglei's Tribal Conflicts: Countering insecurity in South Sudan*. 23 December 2009, p 2. Online at <http://www.crisisgroup.org/en/regions/africa/horn-of-africa/south-sudan/154-jongleis-tribal-conflicts-countering-insecurity-in-south-sudan.aspx>.

57 David Deng and Elizabeth Deng, *An integrated response to justice and reconciliation in South Sudan*, 8 January 2014, Online at <http://www.newsudanvision.com/sudan/2779-toward-an-integrated-response-to-justice-and-reconciliation-in-south-sudan>.

58 Such as the arrests of SPLA for atrocities committed in Pibor during the forced disarmament and counter-insurgency operations of 2012/3 and the personal visits of Lt Gen James Hoth Mai to field locations to insist on non-partisanship and respect for human rights. However, there has not been public follow-up on the arrests and outcomes of human rights investigations by GRSS and the SPLA.

59 Human Rights Watch, *South Sudan: 'Rough Justice' in Lakes State*, 24 June 2013. Available online <http://www.hrw.org/print/news/2013/06/24/south-sudan-rough-justice-lakes-state>.

60 Report of the Secretary-General on South Sudan S/2013/366, 20 June 2013, p 11.

that South Sudan has not yet established a justice system that affords predictable and reliable legal protection for the poor and marginalised and that meets the basic requirements of justice for its people. To develop such a justice system, the GRSS needs to overcome a number of challenges, including widespread impunity for inter-communal and politically motivated violence and pervasive injustices in the customary and statutory courts.⁶¹ In self-reinforcing cycles, lack of capacity in the justice sector creates an accountability gap that is easily exploited by those using violence and which then further undermines the capacity of the justice sector.

Looking forward, an agenda for National Reconciliation is again being discussed as a way to overcome some of the accountability deficits and to promote healing through dialogue and truth-telling. The question is how to deal with criminal responsibility for politically motivated violence – the perennial reframing of the justice versus peace debate⁶² – and how to deal with victims and perpetrators when there is no outright winner and each side has its own explicit narrative of violence and victimhood.⁶³ With most South Sudanese directly affected either by the civil war, inter-communal violence since the war or the current crisis, many people are suffering from large-scale repeated trauma.

The way in which the requirement for justice is treated will in many ways be the foundation for how the state views its commitments to accountability and the rule of law in the future. For many, avoiding these difficult discussions now will simply ensure more violence in the future.⁶⁴ However, rule of law remains a highly subjective concept practised through relationships of power. At the moment, those in power are showing a particular bias: for example, the four arrested opposition leaders face open court charges and yet those who committed abuses in Juba have yet to be seen.⁶⁵ Additionally, it was reported that 120 of the accused had escaped detention during the unrest in Juba on 5 March 2014.⁶⁶

Another apparent bias is that towards controlling of spaces for dissent. South Sudan has been working on developing a sound legal framework and judicial system that functions to protect basic rights and freedoms and which balances the power of the executive and security organs. However, since independence there has been a steady erosion of public spaces in which dissent can be expressed and a lack of protection against the state forces of coercion, increasingly by the civilian intelligence service. This has been evidenced by the almost routine harassment of journalists⁶⁷ and civil society groups, leading in some instances

61 David K. Deng, *Challenges of Accountability An Assessment of Dispute Resolution Processes in Rural South Sudan*. March 2013 Pact South Sudan. Online at http://www.pactworld.org/sites/default/files/Challenges%20of%20Accountability_FINAL%20May%202016.pdf.

62 With the additional implication that justice delayed is justice denied.

63 A similar argument was made by Thabo Mbeki and Mahmood Mamdani in an op-ed for the *New York Times* on 5 February 2014. Online at http://www.nytimes.com/2014/02/06/opinion/courts-cant-end-civil-wars.html?_r=1.

64 See Matthew LeRiche, *In South Sudan courts and justice are essential for peace: A reply to Mbeki and Mamdani*, African Arguments. Online at <http://africanarguments.org/2014/02/19/in-south-sudan-courts-and-justice-are-essential-for-peace-a-reply-to-mbeki-and-mamdani-by-matthew-leriche/>.

65 Although the GRSS has indicated that 100 soldiers have been arrested for abuses that occurred in Juba in December 2013, there has been no indication of the justice process that they will be subject to. Yet there is a full court hearing ongoing since 10 March 2014 for those arrested at the start of the crisis and facing allegations of treason.

66 <https://radiotamazuj.org/en/article/120-suspected-army-rights-violators-%E2%80%98escape%E2%80%99-juba-military-prison>.

67 See Human Rights Watch, *South Sudan: Stop Harassing, Detaining Journalists*, May 2013. Online at <http://www.hrw.org/print/news/2013/05/03/south-sudan-stop-harassing-detaining-journalists>.

to more extreme measures. International aid workers have faced similar pressures, with even UNMISS human rights officials being targeted and other international aid workers being forced to leave the country. The consistent infringement of rights to privacy and freedom of movement has undermined the ability of civil society to develop and engage in a non-partisan manner and has revealed how thinly veiled democratic sentiment has been.

Since independence international actors and national civil society dealing with issues of democratisation, governance and human rights have found themselves at odds with the government. The assumed mutually supportive relationships that characterised the CPA period have fallen away as it is no longer the actions of Khartoum but of Juba that are facing uncomfortable scrutiny. Civil society and international projects that support and advance service delivery, and which operate as an extension of the state, are well supported by the SPLM-led government, but when they are perceived to be undermining or threatening fragile power interests, the government has not been sparing in its response. The recent scathing public attack on UNMISS by the President is evidence of this.

This presents a difficulty for international actors who should be calling for more government accountability, but publicly challenging the government on offences is quickly turned into a narrative of victimhood and unfair treatment. Vice-President James Wani Igga denounced both Western states and the UN system as being colonial in intention due to the lack of acceptance of the coup narrative, the perceived conditionality on humanitarian aid and the Ghanaian weapons debacle.⁶⁸

Duality and the traditional justice sector

The justice sector in South Sudan is characterised by duality and multiplicity. First, there are dual systems of formal and traditional mechanisms for dispute resolution that exist alongside each other, with often blurred lines separating the two.⁶⁹ Second, ethnic diversity means there are a multiplicity of traditional justice mechanisms and norms established sometimes across ethnicity and tribe (such as harmonisation within Dinka law and inter-ethnic migration agreements) and sometimes operating uniquely within (such as within minority tribes in the Equatorias). As with politics and administration, the terrain and cultures of South Sudan allow for a large degree of local autonomy, which exists uncomfortably alongside increased interaction with centralising authorities. Even though reform efforts had begun to improve the coordination of formal and traditional justice in South Sudan, the justice sector remains characterised by hybridity and mutability, by an amalgamation of principles and procedures, rather than by a clear distinction between separate legal spheres.⁷⁰

Citizens make choices about paths for redress. Additionally, the depth of moral code, honour and obligation within ethnically cohesive communities provides a deeply embedded framework for determining levels of acceptable behaviour. However, the obligation for respect is towards one's own support network (and towards biases within one's own support network, for example towards women's rights) and there are limited social obligations

68 See <http://www.sudantribune.com/spip.php?article50256>.

69 For example, during the civil war, the SPLA supervised the work of customary courts, sometimes operating as a mediator and other times as an imposing of order. See Douglas H. Johnson, *The root causes of Sudan's civil wars* Revised Edition 2011, p 105-107.

70 Leonardi, C., L. Moro, M. Santsch and D.H. Isser, *Local justice in Southern Sudan*. 2010. United States Institute of Peace and Rift Valley Institute, p 7. Online at <http://www.usip.org/sites/default/files/PW66%20-%20Local%20Justice%20in%20Southern%20Sudan.pdf>.

towards people from other areas. Choices for access to justice is highly subjective and is a choice of certain networks of obligation or sources of patronage.

The traditional justice sector has an important role to play in overcoming inter-communal violence, as it provides a mechanism for dialogue and the reaching of agreement. As explained by David Deng:

“By increasing accountability for violent crimes through public prosecutions and trials, the government can ease the burden of response on political and military institutions. Legal interventions are an appropriate entry point for reforms because they are not implicated in conflict systems in the same manner as political and military institutions. A justice-based approach would prioritize long-term and sustainable solutions based on the fair and transparent application of the rule of law. When residents of rural areas see justice being done, it limits the likelihood of reprisal attacks and contributes to stability in rural areas.”⁷¹

While there are real opportunities to consider the role of traditional courts to address inter-communal violence, especially in light of the current violence, this cannot be realised without more focus on inherent weaknesses in the customary system. The major strength lies in the ability of traditional authorities to respond to changing social dynamics, but this remains embedded in exclusive hierarchies with highly subjective biases towards sustaining and extending certain types of order.

Of particular importance in South Sudan has been the relationship between formalising the rule of law and changing subjective dynamics at local level in relation to access to resources and land. Processes to standardise and regulate change the nature of relationships and partnership, potentially creating spoilers and local grievances.

71 David K. Deng, 2013. *Challenges of Accountability An Assessment of Dispute Resolution Processes in Rural South Sudan*, p2. Online at http://www.pactworld.org/sites/default/files/Challenges%20of%20Accountability_FINAL%20May%202016.pdf.

4. The search for economic growth and development

With South Sudan occupying the lowest rungs of most development indices from illiteracy levels to maternal mortality, the imperatives for economic growth have been linked to meeting people's post-independence expectations. Economic growth was also linked to stability requirements, with narratives of peace dividends and the need to overcome inter-communal tensions often related to scarcity, high youth unemployment and pastoralism. Lack of development has been interpreted as a cause of conflict in South Sudan and violence reduction was implicitly linked to extending services and providing for basic needs. However, despite this being a dominant paradigm, the link between delivering services and abating violence has not been found in South Sudan.⁷² After 2011, international development programming has focused more on institution-building and local governance development as the key to advancing service delivery, with economic growth being a consequence of improved education, access to healthcare, etc.

However, a combination of the levels of need and the continued requirements for humanitarian support (especially due to high levels of food insecurity and conflict-related displacement) has meant that moving from basic needs and subsistence to actual economic growth has been limited across most parts of the country. Pockets of measurable economic growth have been restricted to the formal sector, to those with access to employment in the government or aid sectors, and to those able to benefit from natural resource extraction and other regulated revenue streams. This growth has therefore been highly fragile, with the formal sector being the most dramatically affected by the oil shutdown which caused gross domestic product (GDP) to fall to -55.68 percent in 2012.⁷³

What is interesting, though, is the lack of visible impact that austerity had on South Sudan. Juba continued to expand and the number of Land Cruisers continued to grow. This brought home the reality that the formal part of the economy is probably the least developed and perhaps even the least significant. A diplomat once commented that the notion of a national budget in South Sudan is mythological. In 2012, The World Bank reported that South Sudan published details of only 50 percent of its expenditure.⁷⁴

The façade of the formal economy

The 2009 South Sudan Household Survey is one the most commonly cited sources for quantitative data on South Sudan. Regardless of potential methodological deficits in the quality of the data, the survey provides interesting insights into the economic stratification of South Sudanese societies. First, the statistics support the interpretation of the superficiality of the formal economic sector, with only 12 percent of the population depending on wages and salaries as their main livelihood and less than 4 percent of the population engaged in

⁷² Bennett, J., S. Pantuliano, W. Fenton, A.Vaux, C.Barnett and E. Brusset, 2010. *Aiding the Peace: A Multi-donor Evaluation of Support to Conflict Prevention and Peacebuilding Activities in Southern Sudan 2005-2010*. ITAD Ltd., United Kingdom, p xv.

⁷³ See <http://www.tradingeconomics.com/south-sudan/gdp-growth-annual>.

⁷⁴ See www.worldbank.org/en/country/southsudan/overview.

entrepreneurial activity.⁷⁵ This is further broken down into 49 percent of the urban population finding employment in the formal sector and 6 percent of the population in rural areas.⁷⁶

Second, even amongst the wealthiest segment of society, the household survey finds that an astonishing 50 percent depend on crop farming as their main source of livelihood.⁷⁷ There are two remarkable observations that follow from that statistic. The first stems from the reality that there is little to no evidence of a thriving domestic crop production market in South Sudan. Food imports are the primary source of nourishment. This could mean that even the wealthiest segment of society as identified in this report are living close to or below the poverty line.

The second observation is about visible wealth and identifying where it comes from. Only 27 percent of the wealthiest segment of society depend on waged income; this would include government officials, business owners and employees of international agencies. Observations of the excesses of wealth in Juba, the ability of the ruling elite to maintain families and properties outside the country⁷⁸ and the continued accumulation and expansion of cattle herds, all indicate that there are entrenched alternative sources of income and exchange. Anecdotal evidence of the lack of processes at the Central Bank, the fluidity of cash reserves and the role of the black-market currency exchange illustrates a largely informal economy based on highly personal and subjective exchanges. In an economy where cash is king and capital is cows, looking at the formal sector overlooks the majority of economic exchanges taking place on a daily basis.

For foreign companies investing in South Sudan, the operational difficulties are immense: the labour force is largely poorly educated and technically unskilled; infrastructure is poor (South Sudan has the lowest road density in Africa) and transport costs are high; there are complex administrative processes, and limited access to credit and reliable banking services.⁷⁹ Although there has been international support for promoting foreign direct investment (the last of which was the 10 December 2013 investment conference), these efforts seem to be out of sync with the political and economic context and the GRSS needs to show commitment to providing a conducive operating environment. The consistent insecurity and uncertainty will promote the interests of those businesses more willing to take on higher levels of risk, which may mean opening the system to even less public accountability and more corruption.

75 National Bureau of Statistics, 2012. *National Baseline Household Survey 2009*, p32. Online at <http://snbs.org/storage/NBHS%20Final%20website.pdf>. The Anti-Corruption Resource Centre country information on South Sudan notes also that South Sudan is one of the most expensive places in the world to start a company, costing an average of 250 percent of per capita income to open a business in the formal sector. More than lack of education, such a capital-intensive requirement forms a significant structural obstacle to conducting business through formal and regulated channels.

76 *Ibid*, p 33.

77 *Ibid*, p 34.

78 In February 2012, then VP Riek Machar declared his net worth to the Anti-Corruption Commissioner including houses, land and vehicles overseas. Rebecca Garang and Barnaba Benjamin also declared their assets. See <http://www.sudantribune.com/spip.php?article41605> and <http://www.sudantribune.com/spip.php?article41773>

79 The World Bank, 2013. *Interim Strategy Note for South Sudan 2013-2014*, p 6.

The absence of formal institutional processes and regulations increases reliance on personal contacts⁸⁰ and in this case, personal contacts within factions of the GRSS and SPLA. It is not too surprising then to find that Epic Exploration, an Australian mining company, has entered into a memorandum of understanding (MoU) with the SPLA to conduct mining exploration in areas of Upper Nile.⁸¹ According to the Australian mining magazine *Paydirt*, the MoU offers legitimate protection because the SPLA is very organised and was the “best funded group during the civil war”.⁸²

With the GRSS struggling to implement systems for effective macro-economic planning and the high levels of politicisation in decision-making,⁸³ there has been little movement since independence towards overall economic stability. It is also increasingly evident that part of the problem lies in an approach to economic development dependent on foreign investment and large-scale projects prioritising resource extraction. This brings the GRSS into further conflict with communities: there are a range of socio-political and economic competing interests between transhumance and resource extraction.

What economic improvements there have been were overshadowed by the oil shutdown, with its related austerity and inflation, and the breakdown of the IMF deal due to the currency devaluation debacle. The GRSS has shown their willingness to increase the population’s economic suffering in the face of political victories and personal or group gain; at the time of the shutdown, oil revenue was about \$400 million per month in a country where 80 percent of the population has no access to toilets. Whether by chance or design, the lack of macro-economic coherence has meant that elites have managed to protect and advance their interests to the detriment of widespread long-term growth. From the GRSS perspective, this incoherence is also due to the variety of international interests at play and the role of the international community as being too demanding on South Sudan – “too many cooks”, as an SPLM spokesperson was quoted by Al Jazeera.⁸⁴

Income-generation challenges

The primary source of revenue for the formal South Sudanese economy is oil – before the 2012 shutdown accounting for 98 percent of income. However, the revenue stream created by oil has been substantially reduced since the January 2012 shutdown, even after production resumed in April 2013, and before this violence, production was not predicted to reach optimal levels until mid-2014. The GRSS committed to supplementing the revenue from other sources of taxation, but these sources were largely limited to increasing the operational

80 Personal contacts are important not only for building relationships of access: in 2009, according to the National Bureau of Statistics, only 4 percent of the population owned computers; 22 percent of people in rural areas had radios and even mobile phone use had penetrated only 10 percent of the rural population. Connections between people are local, based on face-to-face communication and historical or ethnic ties, inherently mistrustful of outsiders, and operating from single streams of information with reinforcing messages. What we often see as the exception is very much the norm for the majority of South Sudanese.

81 David K. Deng, Paul Mertenskoetter and Luuk van de Vondervoort, April 2013. *Establishing a Mining Sector in Postwar South Sudan*, United States Institute of Peace, p15. Online at <http://www.usip.org/sites/default/files/SR330-Establishing%20a%20Mining%20Sector%20in%20Postwar%20South%20Sudan.pdf>.

82 Quoted in Deng, Mertenskoetter and van de Vondervoort, 2013. *Establishing a Mining Sector in Postwar South Sudan*, United States Institute of Peace, p 15.

83 The USIP report quoted in note 78 talks of military institutions and individual officers negotiating deals with foreign companies, high-level government officials pursuing mining deals, and public sector malpractices.

84 *South Sudan declares itself open for business*, 12 December 2013. Online at <http://www.aljazeera.com/indepth/features/2013/12/south-sudan-declares-itself-open-business-2013121163038495720.html>.

costs of international actors and enforcing more stringent controls on cross-border traders. The structural anomalies of non-export market driven/non-commercial pastoralism and subsistence agriculture means that there is a limited local tax base from which to build a developmental state. Local systems for tax collection, for example, in town markets and on cross-border migrations operate within and outside formal structures. There exists, therefore, a dual system of national tax deficits and highly exclusive taxation systems at local level. Centralising taxation within the GRSS involves disrupting local systems of exchange and reciprocity and overcoming the structural obstacles of taxing productive activities that are not linked to the formal, largely extractive, economy.

Other factors hindering the development of a national tax base and the provision of services are the lack of infrastructure, low levels of population density, and transhumance.

To survive the oil shutdown in light of its failure to implement the austerity budget, the government had to take out loans at very high interest rates and short repayment schedules.⁸⁵ The loans have an estimated value of SSP4.5 billion (nearly US\$1 billion), which will cripple future economic growth. The GRSS is writing cheques that they cannot cash and the current war effort will be a costly endeavour requiring friends with deep pockets. With a lack of transparency on where the loans have come from, the overspending by GRSS was met with public outcries and even more stringent questions being asked of the SPLM leadership. This conversation has been delayed by the current crisis but there is an economic cliff ahead which will test new alliances, old alliances and commitments. The GRSS has compromised the economic independence of South Sudan by making too many promises and by committing resources that are not even within their monopoly of force or capital to competing interests across global divides.

The collection of revenues has also been negatively affected by corruption. In May 2012, President Kiir sent letters to 75 senior officials suspected of defrauding the government of several billion dollars of revenue. The South Sudan Auditor-General has confirmed that the government could not account for at least \$1 billion in revenues in the financial year 2012.⁸⁶ By 2012, there was an estimated \$4 billion in oil revenues unaccounted for – nearly one-third of all oil revenue earned between 2005–2012. The seemingly never-ending construction of Juba airport is a visible reminder of the inefficiencies in government revenue and expenditure streams. Urban legends about how the money for the airport buildings have been whisked away abound in Juba, all tied to perceptions of high-level collusion.⁸⁷

The depth of informality in the South Sudanese economy is rarely realised.

The political economy of conflict

Part of this current crisis, as with other conflicts in South Sudan, is about competition for resources. At the highest level, it is about access to and the distribution of resources. At community level, it is a resource conflict in which civilians are systematically targeted in asset-stripping raids of intense inter-personal violence. This is not only about fighting for political power and control of the SPLM. An objective of the war effort on both sides

⁸⁵ Jok Madut Jok, December 2013.

⁸⁶ Lauren Ploch Blanchard, *Sudan and South Sudan: Current Issues for Congress and U.S. Policy*, Congressional Research Service, 5 October 2012, p 18.

⁸⁷ One version includes the disappearance of money in coffins carried across the Ugandan border.

includes the forced displacement and subjugation of communities of different ethnicities. Displacement, looting, cattle theft, crop destruction, and the murder, rape and torture of civilians are not only the consequences of political struggle but are the means through which the political struggle finds expression. Civilian casualties and social disruptions are objectives and not mere outcomes of fighting between organised forces.

The scale and intensity of abuses shows that civilians are not simply caught in the crossfire. Both pro- and anti-government forces have deliberately pursued civilian targets in Leer, Panyijar, Baliet, Akobo, Juba, Bor, Malakal and Bentiu. The sheer numbers of people (and their ethnic composition) seeking refuge in UNMISS bases attests to the purposeful targeting of civilians.

Looking back at the civil war, this element of the conflict has clear historical precedent. Douglas Johnson wrote about the civil war as having economic and territorial objectives⁸⁸ with a less-defined political programme, particularly on the part of the SPLA. The 1998 famine was, in his view, an intended consequence of fighting as was the massive displacement and destruction of rural communities and economies. This crisis has assumed a similar and familiar pattern with the purposeful driving out of groups from certain areas (the Nuer from Juba, the Dinka from Bor) and the devastation of infrastructure, services and homes to discourage return. This serves multiple purposes: forcing people to choose loyalties; making assets more vulnerable to capture; manipulating the delivery of aid; and depleting communal resources for recovery.

There is a political economy of this crisis that requires further attention; those who wield the means of destruction must control some means of production. With most targeting of civilians occurring in cattle-keeping communities during dry season movements, the potential loss of assets is immense. For rebel forces occupying areas so close to the porous border of Ethiopia, there is the potential to translate looted cattle into weapons. A 2012 report by Saferworld commented on the cross-border cattle and arms trade in Jonglei and noted that trading cattle across the border with Ethiopia for weapons and ammunition has become a significant business. Estimates, at that time, were of 1-3 cows per rifle, down from 15 cows in 2011.⁸⁹

The rebel war effort requires financing in many ways similar to the position of the SPLM/A during the civil war, and community (and aid) assets are those available to them. This is predatory but with limited resupply options; livestock and looted items will remain one of the major sources of income for weapons and the remuneration of combatants. This is payment for loyalty as well as the sending of messages through destruction of the costs of patronage choices.

Targeted asset-stripping also reinforces or undermines the mobilisation potential of opposing forces: either providing a powerful disincentive for engagement or weakening their ability to challenge power. Resource allocation at very local levels are being re-shaped and this will have long-term implications for the organisation and expression of political and economic power in these areas – particularly in Jonglei and Unity. While forced displacement is about changing demographics, forced asset-stripping is about changing the political and economic power of communities. If forced displacement and asset-stripping are objectives of the crisis

88 Douglas H. Johnson, *The root causes of Sudan's civil wars*, Revised Edition 2011, p 143-166.

89 Rands and LeRiche, 2012. *Security responses in Jonglei State in the aftermath of inter-ethnic violence*, p 23. Online at <http://www.cmi.no/file/2147-Saferworld-Security-responses-in-Jonglei-State.pdf>.

(each side trying to force the other into subjugation), then communal recovery needs to be an objective of the peace. This has moved well-beyond the sphere of a political struggle for power at national level and includes local political economies and their mobilisation potential both now and in the future. This bears a rather striking resemblance to the previous conflicts in the region; in 1993 Mark Duffield wrote:

“A shrinking resource base and a decline in formal economic opportunity has seen an increasing transfer of assets from the weak to the politically strong. This local transfer is integrated with a parallel regional economy. In the case of Sudan, different aspects of this economy come together in the state where they are controlled and contested by sectarian political interests. It is an inherently authoritarian, violent and disaster producing structure.”⁹⁰

Replace Sudan with South Sudan and interpret sectarian as factional or intolerant, and this explanation seems resoundingly accurate for South Sudan today: the oil shutdown; austerity; parallel regional economies with important powerful partners in Sudan, Uganda, Kenya and Ethiopia; a contested and factional state; and authoritarian and violence-producing structures.

An example can be drawn from the mining sector. Mineral potential in South Sudan has already caused tensions, particularly in the Equatorias, between communities, state and national government. In August 2013, there were an estimated 60,000 gold miners working in Eastern Equatoria’s Kapoeta region producing more than \$660 million of gold per year.⁹¹ Most of this money is traded for goods from Kenya and bartered for low prices in the market in Kapoeta town. Especially during the oil shutdown, informal cross-border economies such as this played an essential role in purchasing foreign currency and import goods. This built off networks of exchange across the border established during the war and deeply related to both the SPLA and the local distribution of power between tribes.⁹²

With the introduction of the Mining Act in March 2013,⁹³ artisanal miners are expected to give way to larger companies investing critical infrastructure and formalising the business to direct revenues towards Juba. The oil shutdown and austerity created a push towards the diversification of revenue, including accelerating progress towards the exploration and extraction of minerals. The GRSS position emphasised that “the Government is all out to lure investors”,⁹⁴ prospecting should occur “under Government supervision”⁹⁵ and the shifting of revenues by regularising the sector and collecting taxes would enable the

90 Mark Duffield, ‘NGOs, disaster relief and asset transfer in the Horn: political survival in a permanent emergency’, *Development and Change* 24, 1993, p 140.

91 Hannah McNeish, ‘Panning for gold in South Sudan, a gram at a time’ published by National Public Radio 21 August 2013. Online at <http://www.npr.org/blogs/parallels/2013/09/15/213579620/panning-for-gold-in-south-sudan-a-gram-at-a-time>.

92 See Douglas Johnson, 2003, *The root causes of Sudan’s Civil War* for an explanation of how tensions between the SPLA and Toposa during the war were related to the control of gold in Toposaland.

93 The Act was drafted in 2012 and signed by President Kiir in March 2013. Regulations for the operationalisation of the Act were expected in October 2013.

94 Dr Andu Ezbon Adde, Ministry of Petroleum and Mining, Republic of South Sudan, May 2013 presentation. Online at <http://www.cbglobal.org/images/uploads/library/Sudan.pdf>.

95 Hon. Elizabeth James Bol, Deputy Minister Ministry of Petroleum and Mining, Republic of South Sudan, presentation at the Oil Investment Conference, March 2012. Online at <http://cwisummits.com/uploads/SSISMar2012/Session%205/Ministry%20of%20Petroleum%20and%20Mining.pdf>.

sector to “immediately produce substantial revenues”.⁹⁶ However, the expansion of GRSS into unregulated economic frontiers is also an intrusion into well-established networks of relationships which are disturbed and reconfigured through regulation and formalisation.

The case of Epic Exploration provides an interesting example again here, as Major General Simon Gatwec Dual was originally listed as Epic’s contact person for the original application for a mineral title. Simon Gatwec was arrested in October 2012, accused of planning an attempted coup linked somehow to the rebellion of David Yau Yau. At the time of the attempted coup, Kiir,⁹⁷ Machar and James Hoth Mai were all out of the country and Deputy Minister of Defence Majak Agoot was in charge as acting president. Majak is now facing treason charges in court in Juba for the alleged coup of December 2013. At the time, Kiir warned that anyone attempting a coup would not get any international support.⁹⁸ This alleged coup had been preceded by rumours of coups being planned by Rebecca Nyandeng, Mabior Garang and Dinka Bor loyalists earlier that year.

The arrest of Simon Gatwec had also been preceded by the detention of Majors General Gabriel Tangginye and Mabor Dhol and Brigadier General Gatwec Joak in what was perceived by some as a removal of senior Nuer leadership from the SPLA under the guise of rebellion allegations. The Nuer community mobilised in Juba and the diaspora to lodge complaints against the Kiir regime, warning that, “Tribal hatred is now on the rise in South Sudan because the SPLA C-in-C⁹⁹ has endorsed a policy which targets Nuer community. The Nuer are being regarded as enemies of the state who have no constitutional rights.”¹⁰⁰ Nuer youth warned in October 2012 that Nuer pacifism was being seen by the Dinka community as weakness and that the Nuer-Dinka war was the end of South Sudan.¹⁰¹ Perhaps the Nuer mobilisation in Jonglei throughout 2011/12 was not only part of a local need to expand resources and settle historical inter-ethnic tensions but also a statement of intent and show of force to Juba. Nuer columns marched straight past the SPLA and UNMISS, highlighting their (GRSS, SPLA and UNMISS) inherent weaknesses and emphasising the strength of Nuer alliances without ever having to engage directly with them.

Additionally, the alleged coup was staged just weeks after the September 2012 agreements were reached with Khartoum; those focused on trade and economic relations, including agreement on cooperation on central banking issues, division of assets and liabilities, and the facilitation of post-service benefit payments.¹⁰² This agreement was witnessed by former President Mbeki and Ethiopian President Dessalegne.

A further manifestation of the divergence of interests between the formal and informal lies in the manner in which land rights and mining rights have been regulated. The 2009 Land Act reinforces the primacy of communal ownership of land. The Transitional Constitution provides

96 Inga Petersen, Adam Smith International consultant to the Ministry of Petroleum and Mining, comments in ‘South Sudan: mining act passed but nation too must benefit’, *The Guardian*, online at <http://www.theguardian.com/global-development-professionals-network/adam-smith-international-partner-zone/south-sudan-mining-act-adam-smith-international>.

97 President Kiir and James Hoth were in Uganda at the time. Riek Machar was in the US attending UN meetings.

98 See <http://www.sudantribune.com/spip.php?article44238>.

99 Commander-in-Chief.

100 Nuer Youth Executive Council, Press Release 20 October 2012. Online at <http://www.southsudannation.com/nuer-youth-call-for-antigovt-mobilization-as-lead/>.

101 <http://www.southsudannation.com/nuer-youth-demand-the-release-of-maj-gen-simon-gatwec-duel/>.

102 The Cooperation Agreement between the Republic of Sudan and the Republic of South Sudan, Addis Ababa, 27 September 2012.

that “rights over all subterranean and other natural resources throughout South Sudan, including petroleum and gas resources and solid minerals, shall belong to the National Government”,¹⁰³ and the Mining Act centralises the authorities to decide on the use of subterranean resources under one institution. GRSS officials quoted a 2013 United States Institute for Peace report – note how they need to explain to communities that investors have been granted access to resources in the ‘national interest’, otherwise community leaders would not ‘understand’.¹⁰⁴ Violence is one of the ways in which communities are being shown the costs of not understanding the ‘national interest’. As during the civil war, that position creates a particular challenge for humanitarian aid; being focused on providing life-saving support means alleviating the effects of the disaster-producing activities of their main counterpart¹⁰⁵ and doing so unintentionally reinforces the control being exerted by the dominant economic and political groups.¹⁰⁶

103 *Transitional Constitution of the Republic of South Sudan*, 2011, Chapter 2, 170 (4).

104 Deng, Mertenskoetter and van de Vondervoort, 2013, *Establishing a Mining Sector in Postwar South Sudan*, United States Institute of Peace p 8.

105 Douglas H. Johnson, *The root causes of Sudan’s civil wars*, Revised Edition, 2011, p 145.

106 *Ibid*, p 157.

5. South Sudan as a regional actor

South Sudan is a product of both the times and the environment. The country was born into a world in which global forces are clashing along religious, ideological lines imbued with deep inequality grievances challenging the very legitimacy of the ruling order. As during the Cold War, African states are tied to global interests¹⁰⁷ and the greater Horn of Africa remains embroiled in a series of complex regional and international relationships. Additionally as emphasised by John Young, the SPLM has, since its inception, been characterised by a dependency on international support.¹⁰⁸ Young predicted in his 2012 book that the SPLM would endeavour to strengthen its economic and political ties with the Western-aligned East African countries explaining further:¹⁰⁹

“An early indication of the desire of the SPLM to win Washington’s favour and participate in its regional security nexus was Salva’s announcement that his government would establish an embassy in occupied Jerusalem...Having expended countless lives in a struggle ultimately devoted to achieving independence, at the end of the peace process South Sudan’s sovereignty was being undermined by SPLM relations with the US, its allies and client states in East Africa.”

A study on the impact of secession has found that two-thirds of states created from secession experienced a relapse into domestic conflict, but there was a high degree of association with third-party involvement, ethnic heterogeneity and low income levels.¹¹⁰ These are three variables in which South Sudan stands at the top of most lists, providing an even higher probability of conflict and even deeper challenges to her sovereign authority.

Although there is a lack of comprehensive synthesised data, one of the areas in which the complexity of regional relationships that challenge sovereign authority is visible is within the regional arms trade. There is a widely recognised relationship between countries in the sub-region and militia groups in other territories operating as political or security proxies of some form. But these are networks – exclusive hierarchies in themselves – pursuing a range of economic, political and ideological interests. As explained by Mike Lewis in a 2009 Small Arms Survey paper, the arms transfers within Sudan and South Sudan are linked to wider networks of military assistance and supply grounded in government alliances and based on military, ideological, diplomatic and economic common interests.¹¹¹ However, these politicised government transfers often depend on a more diverse and international set of private,

107 African states are not only affected by external power dynamics but also actively participate in and pursue alliances of global power to shore up internal legitimacy deficits, increase their range of influence or unite ethnic, identity and self-interests.

108 John Young, 2012, *The Fate of Sudan: The origins and consequences of a flawed peace process*, p 349.

109 John Young, 2012, *The Fate of Sudan: The origins and consequences of a flawed peace process*, p 351.

110 Quoted in Gebreluel and Tonvoll, 12 March 2014, ‘South Sudan’s Post-Secession Crisis in a Comparative Perspective’. <http://www.saxafinews.net/index.php/english-news/somaliland/opinion/item/1710-south-sudan-s-post-secession-crisis-in-a-comparative-perspective>.

111 Mike Lewis, 2009, *Skirting the Law: Sudan’s Post-CPA Arms Flows*, Small Arms Survey, Geneva, p13. Online at <http://www.smallarmssurveysudan.org/fileadmin/docs/working-papers/HSBA-WP-18-Sudan-Post-CPA-Arms-Flows.pdf>.

commercial actors “not fundamentally dissimilar to the diffuse, international configurations of illicit and grey-market arms traffickers”.¹¹²

The Justice and Equality Movement (JEM) is an interesting example of survival through regional alliances having drawn on support from Eritrea, Libya, Chad, South Sudan and Uganda at different (and probably overlapping) times.¹¹³ JEM functions across an important strategic corridor linking western Sudan/Darfur and the Chadian borderlands through Northern Bahr el Ghazal, Abyei and South Kordofan into Unity State. This corridor is heavily occupied by migratory communities and is intensely militarised, providing an abundance of licit and illicit trade opportunities. Additionally, the years of conflict in Darfur have substantially changed the political economy of local markets; political affiliation plays an important role in terms of access to trade, forcing some traders out of business and giving preferential treatment to members of political/rebel movements to move commodities through areas controlled by their factions.¹¹⁴

In April-May 2011, Peter Gadet and his inner circle spent most of their time in Khartoum; his spokesperson confirmed that Khartoum was one of several sources of arms and ammunition. A Small Arms Survey report notes that there are several possible means of bringing weapons to militias, including deliveries by land and air directly from Khartoum, supplies from local SAF commanders in militia air bases in South Kordofan and Blue Nile, sales from Missiriya traders in South Kordofan who receive weapons from SAF, and deliveries from third parties in the region, most notably Eritrea and beyond.¹¹⁵ The same report highlights the use of ammunition by George Athor identical to that supplied by Eritrea to the Ogaden National Liberation Front (ONLF) in Somalia. Athor reportedly visited Asmara at least three times in 2010-11 and also bought weapons and ammunition from Nuer leaders of the Asmara-backed Ethiopian United Patriotic Front operating in Gambella. The UN Monitoring Group on arms embargo against Eritrea have reported in 2011 that Peter Gadet was part of a “military logistical relationship” between Sudan and Eritrea. China and Iran are Sudan’s top two suppliers of weapons. Khartoum has also been suspected of providing arms to anti-government rebels in Syria and to non-state armed groups in Libya.¹¹⁶ Sudan’s foreign policy seems to maintain links across the Sunni and Shi’ite divide intimating that there may be an alternative set of relationships (and calculations) that define Islamic loyalty in the region.

It is sometimes easy to forget that South Sudan occupies a position of strategic significance: until 2011, it was part of the Islamic pariah state of Sudan. With independence, South Sudan became a frontier in the war on global order almost schizophrenically linked into both Islamist and neoconservative power blocs. The Islamic sphere of influence extends reach from Somalia, Eritrea and Sudan into Egypt but links also to the Central African Republic, Chad and Libya. Within Kenya, Uganda and Ethiopia an African neo-conservatism has developed linking former leftists with a renewed conservative agenda showing a low tolerance for

112 *Ibid*, p 13 and p 16.

113 See Meike Meerpohl, *Libya, Chad and Sudan – An Ambiguous Triangle?*, Zentrum für Mittelmeerstudien Working Paper Series Number 5. Online at http://www.zms.ruhr-uni-bochum.de/mittelmeerstudien/mam/downloads/zms_-_wps_-_5.pdf.

114 Margie Buchanan-Smith and Dr Abduljabbar Fadul, 2008. *Adaptation and Devastation: The impact of the Conflict on Trade and Markets in Darfur*. Feinstein International Center. Online at <http://fic.tufts.edu/assets/Adaptation-and-Devastation-2008.pdf>.

115 Small Arms Survey, April 2013. *Reaching for the gun: Arms flows and holdings in South Sudan*. Sudan Issue Brief Number 12. Online at <http://www.smallarmssurveysudan.org/fileadmin/docs/issue-briefs/HSBA-IB-19-Arms-flows-and-holdings-South-Sudan.pdf>.

116 See <http://www.nytimes.com/2013/08/13/world/africa/arms-shipments-seen-from-sudan-to-syria-rebels.html>.

diplomacy, a readiness to use military force, an emphasis on unilateral action and a disregard for multilateral institutions, especially the United Nations.¹¹⁷

This crisis is occurring while massive shifts are taking place across the sub-region. Within a couple of years, the East African 'Tigers' could be economically independent for the first time ever, finally throwing off the vestiges of colonial pasts and emerging to play a major role in global energy production. The Greater Horn of Africa is rising and this movement is bringing new political, economic and social orders to the region: namely, African neo-conservatism; extractive oil and natural gas industries; and the aggressive modernisation of pastoral livelihoods and migratory ways.

There are also, of course, international non-African actors that have a bearing on both sides. South Sudan is managing the pressures of these sets of global and regional forces while being intricately linked into the social, political and economic networks that maintain and extend these forces.

South Sudan, the Nile and links to the Arab world

In East Africa and the greater Horn of Africa, the Nile is the link that tethers Arab North Africa to the sub-Saharan. Regional tensions regarding the use of Nile waters for development have accelerated over the last years pitting Sudanese and Egyptian interests against the development aims of Ethiopia and Uganda. Major regional tension has been created by the forging ahead by Ethiopia with the Grand Renaissance Dam, heedlessly ignoring protestations from Cairo, which pulled out of diplomatic processes in January 2014 citing Ethiopian intransigence on accommodating their interests.¹¹⁸ Sudan is stuck in the middle, facing a complicated relationship with Cairo that includes links between the security services as well as between different Islamic groups; these relationships are sources of alliance and antagonism for both regimes. Efforts by Ethiopia and Uganda to use the Nile waters for their own development purposes has pulled Egypt's focus back to Africa and it is a focus that includes Sudan and South Sudan.¹¹⁹ South Sudan for the first time attended an Arab League meeting on 11 March 2014. The outcomes of deliberations with Egypt included commitment to the sharing of the Nile waters for the benefit of all parties, Egyptian commitment to send

117 To my knowledge, neo-conservatism has never been applied as a lens to explain African political behaviour.

This is a line of thought that requires more development but seems to link the new extractive industry presence with political behaviours that are increasingly offensive towards Western engagement and are expressing a more aggressive form of sovereign authority. It is a pattern of political action that is highly conservative in behaviour (exemplified by the fight for gay rights in Uganda); less dependent on acquiescence with internationally enforced sanctions (for example, the African shift in attitude towards the ICC and similarities with the US attitude to the ICC); and the favouring of a military-industrial complex that finds expression in force and the control of dissent. It is also a pattern of political behaviour that is taking the political liberation from colonialism and domination (Arab domination for South Sudan; Ethiopian domination for Eritrea; Somali domination for Somaliland; white domination for Kenya and Uganda; proving Ethiopian cultural superiority for Ethiopia) through to the practising of political and economic sovereignty. Being economically independent is the lynchpin. The rise of African neo-conservatism is related to a transnational American neo-conservatism with common religious, political and economic interests.

118 See <http://america.aljazeera.com/opinions/2014/2/egypt-disputes-ethiopiarenaissancedam.html>.

119 A 2011 report on land investment in South Sudan noted a deal in Unity State granting an Egyptian private equity firm called Citadel Capital a 25-year lease on 105,000 hectares of land paying a US\$125,000 per year stipend to the state government. The deal was negotiated through Taban Deng as governor of Unity at the time. See The Oakland Institute, 2011. *Understanding Land Investment Deals in Africa, Country Report: South Sudan*. Online at http://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/OI_country_report_south_sudan_1.pdf.

troops to South Sudan in support of the latest peace efforts, and South Sudanese support to get Egypt reinstated in the African Union.

Minister of Foreign Affairs Barnaba Benjamin said that South Sudan “is looking forward to the injection of more investments from Egypt and Arab [states] in South Sudan to assist the development of the state and the private sector to provide more job opportunities”.¹²⁰ Coming so soon after his failed diplomatic engagement in the UK, where interest groups and Western governments failed to find sympathy with the coup narrative and continued to press for human rights investigations, the powerful Arab coalition in surrounding countries provides a new range of strategic alliances for Juba. There are enough indications that the GRSS of today has a desire to be free from a certain type of external influence in ways not too dissimilar from Eritrea and Sudan. The West may still see itself as the midwife of the South Sudanese state but its mentors, peers and patrons could lie elsewhere.

A dramatic *Human Rights Watch* report in February 2014 outlined complex and highly irregular links between state security officials and human trafficking networks operating across Eritrea, Sudan and Egypt, with one individual involved claiming profits of \$200,000 in less than a year.¹²¹ The smuggling network functions deep into the Sinai peninsula linking right to the Rafah border crossing with Israel.¹²² Sudan is also host to a large Eritrean refugee population and serves as an important transit area for access to European, Israeli and the Middle Eastern labour markets. Harsh restrictions on refugee rights in Sudan mean that for many Eritreans staying there is difficult, with few employment opportunities in the formal sector.

On 24 January 2014, President Omar al-Bashir paid a visit to Asmara; this was followed by a delegation from Juba in February. The first week of March 2014 saw a visit to Asmara from a Norwegian delegation to discuss South Sudan, followed within days by another delegation from Juba.¹²³ Asmara is the only regional player not directly involved in the Intergovernmental Authority of Development (IGAD) process; keeping Eritrea in the loop seems to be taking a significant amount of attention though.

Khartoum and Juba have been pulled closer together by the South Sudan crisis with a series of high level meetings taking place between the capitals. This crisis poses a significant challenge for Khartoum, which is also looking towards an election in 2015 under severe economic pressures and with seemingly unending insecurity in the peripheries. On 10 February, Sudanese Foreign Minister, Ali Karti, committed Sudan to playing an unbiased role in the South Sudan conflict, providing humanitarian assistance and potentially providing technical support to the oil fields, should the security situation improve. Interestingly, the closeness between Juba and Khartoum has enabled agreement to be reached on various important issues for South Sudanese people – including the opening of the border for trade and activating the four freedoms agreement on residence, movement, work and ownership.

The relationship between Sudan and South Sudan remains central to power dynamics and relationships within the region. The economic ties remain crucial, especially for Khartoum. Speaking at a Security Council meeting on 9 February 2011, Osman Taha, speaking on behalf

120 See more at: <http://www.dailynewsegypt.com/2014/03/11/south-sudan-backs-egypt-bid-african-union-reinstatement/#sthash.g3hUYTDb.dpuf>.

121 See <http://www.hrw.org/reports/2014/02/11/i-wanted-lie-down-and-die>.

122 See route map at <http://www.hrw.org/node/122893/section/2>.

123 See <http://www.madote.com/2014/03/roundup-of-eritrean-diplomatic-news.html>.

of Kerti warned that ‘economic stability for the North means stability for the South’ and that ‘there is no greater threat than difficult economic circumstances in either part of the Sudan.’¹²⁴ Unfortunately, post-independence, the economic relief that Khartoum was expecting did not materialise: debt relief and removal from the list of states that sponsor terrorism fell aside in the face of atrocities in South Kordofan and Blue Nile and the continuation of the Darfur crisis. Khartoum had just not done enough to find favour with the West. Interestingly in the same Security Council meeting, the representative from South Africa called on the international community ‘to ensure that we live up to the expectations of North and South Sudan alike in making their continued journey mutually rewarding’.¹²⁵ Sudan and Eritrea find commonality in the hypocrisy of the international system which acts as a powerful prophylactic against certain types of international engagement.

The UN Monitoring Group on Eritrea reported in July 2013 about “Eritrean military intelligence and financial operations in Kampala and Juba. Eritrean and intelligence sources in both Kampala and Juba confirm that Eritrea’s ruling party have fronted a number of business operations, from restaurants and hotels in Kampala and Juba, to water distribution and food and beverage imports in Juba, often working closely with Ugandan and South Sudanese businessmen as silent partners.”¹²⁶ The UN Monitoring Group also notes the “systematic subversion” of government institutions in Asmara by a small group of elites who “choose to conduct the affairs of the state via informal and often illicit mechanisms”.¹²⁷ After allegations surfaced that the rebels were being armed by Eritrea, Eritrean businesses in South Sudan were targeted and looted. President Isaias Afwerki was also reported as saying to a Dubai-based television programme that Eritrean-Sudanese relations are “people-based and strategic”, calling the cessation of the South the outcome of a “political mistake and external interference”.¹²⁸ On 13 March 2014 the same website reported the expanded cooperation agreements between Khartoum and Asmara, which included a joint electrification project and made mention of other regional electricity cooperation linking Sudan with Egypt and Ethiopia as part of the Nile Basin Initiative.¹²⁹ In November 2013, President Isaias declared that Sudanese investments in Eritrea will be given “special privileges and incentives” as part of a plan to increase cooperation between the two states.¹³⁰

The importance of Eritrea was underlined by American fragilista¹³¹ Hank Cohen in December 2013 advocating for “bringing Eritrea in from the cold”, including terminating sanctions and normalising relations with the US.¹³² Cohen argues that there is no “real or fabricated” intelligence linking Eritrea to the arming of Al-Shabaab in Somalia since 2009. That is counter to reports from the Sanctions Monitoring Group, who reported to the Security Council in 2011 of links between the Eritrean intelligence and security apparatus and an attempt to disrupt

124 United Nations Security Council S/PV.6478, 9 February 2011, Online at <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Sudan%20SPV%206478.pdf>.

125 United Nations Security Council S/PV.6478, 9 February 2011.

126 Quoted in Martin Plaut, March 2014, *South Sudan: new battleground for Ethiopia and Eritrea?* Online at <http://martinplaut.wordpress.com/2014/03/08/south-sudan-new-battleground-for-ethiopia-and-eritrea/>.

127 UN Monitoring Group, S/2011/433, p 13.

128 *Ibid.*

129 See <http://www.tesfanews.net/eritrea-sudan-power-interconnection-project-to-commence/>.

130 See <http://www.tesfanews.net/relations-between-eritrea-and-sudan-improve/>.

131 See Nassim Nicholas Taleb, 2012, *Antifragility: things that gain from disorder*, p 9-10: “The fragilista (medical, economic, social planning) is one who makes you engage in policies and actions, all artificial, in which the benefits are small and visible, and the side effects potentially severe and invisible.”

132 Hank Cohen, 2013, ‘Time to Bring Eritrea in from the Cold’, *African Arguments*. Online at <http://africanarguments.org/2013/12/16/time-to-bring-eritrea-in-from-the-cold-by-hank-cohen/>.

the African Union summit in Addis Ababa in January 2011, warning, “the means by which the leadership in Asmara apparently intends to pursue its objectives are no longer proportional or rational. Moreover, since the Eritrean intelligence apparatus responsible for the African Union summit plot is also active in Kenya, Somalia, the Sudan and Uganda, the level of threat it poses to these countries must be re-evaluated.”¹³³ In January 2014 Cohen also promoted the exceedingly patronising idea that South Sudan should be placed under UN trusteeship until they prove the ability to govern themselves.¹³⁴

South Sudan as an East African neoconservative

A new factor in the regional situation is that Ethiopia, Uganda and Kenya are experiencing the early days of an oil boom, and the exploration and extraction of vast amounts of oil and natural gas are expected to begin within months. Potential revenue could run into multi-billion dollars and will cut across the livelihoods of rural and pastoral communities in the region. These communities on the frontiers of national power are deeply involved in cross-border trade networks that have created and sustained the activities of ruling elites cross the region. But now there are massive lucrative oil and natural gas sitting beneath their lands. Oil is no longer just part of the Sudan-South Sudan conflict dynamic.

Map 2: East African oil infrastructure plans from Africa Oil Corp.



Source: Africa Oil Corp. Corporate Presentation January 2014

133 UN Monitoring Group S/2011/433, 2011, p 13.

134 Hank Cohen, 2014, ‘South Sudan should be placed under UN trusteeship to aid development of viable self-government’, *African Arguments*. Online at <http://africanarguments.org/2014/01/06/south-sudan-should-be-placed-under-un-trusteeship-to-aid-development-of-viable-self-government-by-hank-cohen/>.

The Lamu Port, South Sudan, Ethiopia Transport Corridor (LAPSSET) project was launched in March 2012 through the signing of a cooperation agreement between then presidents Kiir, Kibaki and Meles Zenawi. Various aspects of the construction have already begun but the port construction, railway, pipeline and refinery have all been delayed largely due to a critical decision being required from the South Sudanese government. South Sudan had conducted a feasibility study comparing on the viability of exporting oil via pipeline connections to Lamu or Djibouti. According to the East African investment magazine *Ventures*:

“The results (of the feasibility study) have not been made public, but reportedly, the study found both technically viable, so now South Sudan has to make a decision on the basis of cost, terrain and other aspects. The route to Djibouti would be 1,600km, and to Lamu 2,100km. The longer distance requires more pumping for the oil to reach the export terminal and also more oil to fill the pipeline. Economically, the pipeline to Djibouti through Ethiopia would be cheaper, but both Kenya and Uganda now want a pipeline following the discovery of commercial oil deposits around Lake Albert in Uganda and the discovery of oil in Turkana County in north-western Kenya. Shared petroleum infrastructure makes sense for Kenya and Uganda.”

For South Sudanese infrastructure, the LAPSSET project includes linking Juba to Gulu and then providing transport links from Juba to Torit and then on to the Kenyan border. This essentially moves the important oil export infrastructure from Upper Nile and Unity towards the Equatorias; regional revenue-sharing moves from Sudan to Kenya; and the security-political-economic axis moves from Khartoum and Addis to Kampala and Nairobi.

Africa Oil Corp, a Lundin Group Company, calls the region the “world’s top exploration spot”, with four separate petroleum systems creating the impetus for an infrastructure build-up in East Africa.¹³⁵ Africa Corp has started 2014 with “cash in excess of US\$500 million” and no debt to pursue an “aggressive exploration strategy” through “one of the largest holdings of exploration acreage in Africa with operated and non-operated interests in multiple production sharing contracts encompassing more than 230,000 square kilometres in Kenya, Ethiopia and Puntland, Somalia”.¹³⁶ There are links between Africa Oil and companies operating in Sudan and South Sudan, including those like Lundin that have been connected to allegations of human rights abuses in the Sudanese civil war as well as more recently in the Ogaden region of Ethiopia. The same ONLF Somali-Ethiopian separatists allegedly supported by Eritrea and linked to the weapons trade across the Ethiopia/South Sudan border have levelled accusations of human rights abuses against the Ethiopian government, as people have been forced off their land to make way for oil extraction.¹³⁷ The potential oil and natural gas installations across the four countries (South Sudan,¹³⁸ Kenya, Uganda and Ethiopia) falls across pastoral areas that have seen intense inter-communal clashes for years – the Toposa-Turkana-Dodot fault lines of Karamoja, for example – which link local, national and international political and economic pressures that often manifest as insecurity. The warrior mentality of pastoralists thriving on the peripheries of power will no doubt push

¹³⁵ Africa Oil Corporation Corporate Presentation January 2014. Online at http://www.africaoilcorp.com/i/pdf/Corporate_Presentation_January_2014.pdf.

¹³⁶ Africa Oil Corp online profile <http://www.africaoilcorp.com/s/project-overview.asp>.

¹³⁷ See <http://allafrica.com/stories/201402230077.html>.

¹³⁸ Of particular importance for South Sudan is expanding the oil concessions outside of the currently productive fields in Unity and Upper Nile, which have a limited life-span of under 20 years. The opening up of concessions in Jonglei links directly into the greater regional economic plan.

against modern development that comes at such a high cost to all forms of the transhumant social order.

There is a long history of military support from countries in the region. This has taken the rather characteristic form of external support for militia and rebel groups as seen in other parts of the Horn of Africa as well as direct engagement, mostly from Sudan, Uganda and Ethiopia. Ethiopia remains committed to military support through the deployment of more than 3,000 troops in Abyei and for the border monitoring and verification teams working on the Sudan/South Sudan border.

Uganda has been heavily involved in South Sudan throughout the civil war and in the current crisis. The Ugandan People's Defence Force (UPDF) has maintained a military presence in South Sudan focused on countering Lord's Resistance Army operations in Western Equatoria. There are also significant trade interests, with South Sudan dependent on Uganda for food imports and cross-border trade of up to US\$400 million per year. The UPDF engagement in the current crisis has been controversial as they were very quickly on the ground and fighting alongside pro-government forces lending critical air support for offensive operations and providing resources for the defence of strategic points around Juba. Uganda is a member of the IGAD who are mediating the crisis while actively fighting alongside government forces. There is no perceived neutrality of Ugandan interest (economically, security and politically) and the presence of their troops in South Sudan continues to cast shadows over negotiations.¹³⁹ During a parliamentary debate on the UPDF deployment, UPDF chief General Katumba Wamala argued that Uganda has "an obligation to see South Sudan stand as a nation", adding that an ungovernable South Sudan was a threat to Ugandan security.¹⁴⁰

The delicate regional balance of power is being threatened by Museveni's show of force, which may not be expansionary in ambition for territory but is an extension of his economic and political ambitions in the sub-region. For international actors, such as the US and UK who have also called for the withdrawal of the UPDF, the presence of Ugandan forces tips the balance of power and makes finding a negotiated settlement more difficult.

Ethiopian Prime Minister Hailemariam Desalegn has publicly called for the withdrawal of foreign forces from South Sudan, noting with concern that the presence of Ugandan forces could draw in other states to protect their interests.¹⁴¹ Ethiopia has for a long time also objected to the perceived interference of Asmara in South Sudan. During a visit in April 2011 from a Norwegian delegation, then Deputy Prime Minister and Minister of Foreign Affairs Desalegn accused Eritrea of "manoeuvring and intervening in the affairs of South Sudan".

South Africa's engagement in South Sudan also has a long history with ties between the ruling liberation movements extending back into the 1990s. South Africa has engaged diplomatically through the Mbeki panel as well as providing troops in Darfur, technical assistance to the SPLM political party transformation and support to police transformation through a trilateral arrangement with Sweden. South African interests stretch much further than that: one of the first foreign companies in South Sudan was the brewery operating with South African capital investment and South African management. South African mining

¹³⁹ Rebels say the presence of the UPDF in South Sudan may derail the peace process. See http://www.sudantribune.com/spip.php?iframe&page=imprimable&id_article=49865.

¹⁴⁰ See Sudan Tribune http://www.sudantribune.com/spip.php?iframe&page=imprimable&id_article=49575.

¹⁴¹ See Sudan Tribune http://www.sudantribune.com/spip.php?iframe&page=imprimable&id_article=49919.

companies also have major interests in South Sudan. There are two main pushes factors encouraging South African interest in South Sudan: firstly, the resources sector in South Africa, although still the bastion of the economy, have been struck hard by years of labour unrest and an increasingly nepotistic and corrupt political elite. Secondly, the South African post-apartheid state has grown into the role previously occupied by the apartheid state as an expansionist, capitalist political economy. This is a role that in South Sudan is exemplified through the appointment of Cyril Ramaphosa, liberation stalwart and multimillionaire, as Presidential envoy in 2014. Shaking off the shackles of apartheid, South Africa is increasingly pursuing a policy of political and economic engagement in Africa embodied most clearly in the recently articulated plan for the completion of the Durban to Cairo railway.¹⁴² The vision of Cecil John Rhodes and the colonial empire has found rebirth in the African Renaissance; and not too surprisingly, the only missing link in the railway is the Sudan-Uganda piece.

Interestingly, KRL International,¹⁴³ the public relations firm hired by the SPLM in March 2014 to bridge communications with the West during the crisis, extends its reach into Africa through a strategic partnership with investment firm, africapractice. Board members of africapractice include Wiseman Nkuhlu former economic advisor to President Mbeki who holds directorships in AngloGold Ashanti, Datatec, Metropolitan Limited and Kagiso Tiso Investments. Another character to arrive on the scene in March 2014 was Erik Prince of Blackwater infamy. As executive chairman of DNV Holdings, Prince purchased a 49 percent share in Kenyan aviation firm Kijipwa Aviation and has an \$85 million cash outlay 'to aggressively grow its African aviation services business', including unmanned aerial vehicles.¹⁴⁴ Their surveillance and logistical capacities are specifically targeted towards companies doing major mining and infrastructure deals in Africa.¹⁴⁵

This crisis is fundamentally about the realigning of regional alliances and the emergence of a powerful regional political economy. The rising of East Africa, no doubt on the back of Western energy interests, faces two main obstacles: the pacification and aggressive modernisation of pastoralists and dealing with pariah states in the region (i.e. Eritrea and Sudan). This is the battle for the sovereignty of South Sudan.

142 See for example the speech of Minister of Foreign Affairs 18 March 2014. Online at <http://www.gcis.gov.za/content/newsroom/media-releases/media-briefings/foreign-18mar2014>.

143 KRL International is run by Riva Levinson, a Washington lobbyist and public relations specialist who received federal funds to drum up pre-war support for the Iraqi National Congress and now helps companies open doors in Iraq, according to the *LA Times*. See <http://www.informationclearinghouse.info/article6489.htm>. Levinson also helped Ellen Sirleaf Johnson win her previous election and was closely aligned with UNITA and Jonas Savimbi during the Angolan war. She also successfully lobbied for investment restrictions to be applied by US government body, Overseas Private Investment Corporation, against Ghana in 2003 when she represented a company involved in contentious energy investment negotiations with the government of Ghana. See <http://www.ghanaweb.com/GhanaHomePage/NewsArchive/artikel.php?ID=185989>.

144 Washington Gikunju, 'US war contractor lines up 25 planes for Kenya airstrip' for *Business Daily* 18 March 2014. Online at <http://www.businessdailyafrica.com/Corporate-News/US-war-contractor-lines-up-25-planes-for-Kilifi-airstrip/-/539550/2247922/-/wcofkxz/-/index.html>.

145 Washington Gikunju, 'US war contractor lines up 25 planes for Kenya airstrip' for *Business Daily* 18 March 2014.

Conclusion

The official GRSS position since the outbreak of violence has been an explicit narrative of an attempted coup and armed insurgency. There has been no room for questioning this narrative – although substantive evidence of an attempted coup has not been presented. Prominent South Sudan analysts have cautioned that Kiir may have been pre-emptive, as the way in which the armed rebellion began does suggest there was some form of network that could threaten the state.¹⁴⁶ National and international stakeholders who question the narrative face serious consequences and the GRSS has shown its willingness to act swiftly against any individual or organisation perceived to be collaborating with the rebels. The SPLM General Secretariat also called a meeting of all political parties on 8 January 2014, which resulted in a statement from the opposition parties in support of the GRSS and warning that the people of South Sudan and the international community should “correctly understand that the December 15th 2013 coup plotters should be dejected and condemned”.¹⁴⁷ Interestingly, however, one of the representatives at the meeting called for greater cooperation between political parties instead of opposition parties being called together simply to help ‘bail out’ the SPLM in times of crisis.

The GRSS quickly established a Crisis Management Committee (CMC) tasked with assessing the political, social, security and diplomatic impact of the crisis as well as providing strategies for mitigation and community consultations. The language of the CMC focuses on controlling the narrative of the coup, enlightening communities and international partners about the failed coup, and raising awareness of the realities of the attempted coup.¹⁴⁸ The CMC is also particularly exclusive: a close circle of Kiir loyalists complemented by a few SPLM cadres and one representative from Juba University.

There is a worrying turn towards propagandist control of the narrative coupled with a securitised approach to dissent. This has extended well beyond diplomatic messaging, as seen during the visit of the Minister of Foreign Affairs to the UK. The level of organisation and orchestration of civic demonstrations around the country expressing distrust of UNMISS serves as another example of the pervasiveness with which pro-government narratives are being put forward. The GRSS has shown a capacity to organise for and stage a war on public opinion showing that it is serious about doing business its own way.

With economic pressure already building on South Sudan after the oil shutdown and austerity, the crisis has caused the GRSS to re-open its coffers – reportedly providing financial support for the UDPF engagement, increasing the SPLA budget by SSP500 million (approximately US\$160 million) and providing SSP249 million (approximately US\$83 million) to the CMC for humanitarian response and mobilisation.¹⁴⁹

¹⁴⁶ See Sudan Tribune online http://www.sudantribune.com/spip.php?iframe&page=imprimable&id_article=49906.

¹⁴⁷ Suggestions by South Sudan Political Parties on Linkages, Coordination with and Outreach to Crisis Management Committee and the Public, 8 January 2014.

¹⁴⁸ See, for example <http://www.sudantribune.com/spip.php?article49514>.

¹⁴⁹ Reported by Radio Tamazuj, 17 February 2014. Online at <https://radiotamazuj.org/en/article/south-sudan-parliament-says-majority-spla-defected-opposition-december>.

What Juba has proven is its capacity to build and break alliances across different interests and to dominate the narrative in a way that limits response options from outsiders. This is not a nascent government anymore but one which is demonstrating how it wants to run internal affairs and how it will exercise sovereign authority. The SPLM is being forced to be more inclusive of opposition parties and is making a more concerted effort at grassroots mobilisation and, in essence, the creation of a movement enjoying widespread legitimacy – although clearly on its own terms. The narrative of this legitimacy is based on overcoming the threat of rebels and a coup; it is firmly rooted in the politics of ethnicity and the focused use of coercion, and has reinforced the centrality of the party as liberator and guarantor of order. This crisis has provided an incentive for the government to develop a political programme of engagement and for the party to build structures and an agenda. However, these processes are so inter-linked now that the future of the party and the stability of the state may be indistinguishably connected.

This crisis is far from over and negotiations are barely achieving any results. There are serious questions about the desired outcome of negotiations, as neither side seems able to articulate a political response. With power sharing an untenable outcome for many and surely an unsustainable and rather backward-looking option, there have been limited narratives of compromise from either side. Actions rather point towards a more entrenched conflict in which alliances and access to resources will determine the intensity of fighting and humanitarian need will overcome most forms of international programme intervention. Areas of South Sudan not consumed by violence require sustained development and service delivery assistance, but operating dual programming may be difficult for many actors facing staff reductions, insecurity, movement restrictions and massive pressure to scale-up humanitarian operations within limited budget baskets.

The current crisis is in so many ways a continuum of the violent processes of state consolidation experienced by Sudan since independence. It is similar to many post-colonial regimes in the sub-region where the failure of an elite compact to consolidate its control over the state has not changed the seemingly fundamental dominance of a small elite class over the politics of the state. What we are seeing now is very much a violent process of state consolidation. But for the South Sudanese state (and by extension the ruling SPLM), the ability to exercise sovereign authority remains dependent on managing increasingly competitive external relations.

There is a very real possibility of continued instability and violence.

When the dust has settled on this latest crisis, the question that remains will be one of the level of violence which is acceptable for a state to employ against its citizens under extreme circumstances. The current crisis in South Sudan is reshaping not only internal relationships between the organs of state and the people but also the parameters of relationships between the government and international actors in the region and beyond. These are highly lucrative relationships at all levels leaving much still to be fought over. This crisis has become a civil war in which the state is beginning to deal with its legitimacy and sovereignty issues within a deeply fragmented country and highly competitive regional political economy.