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South Sudan: International State-Building and its Limits

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South Sudan: International State-Building and its Limits

After becoming independent on 9 July 2011, South Sudan is in the process of becoming the international community's next big state-building project. The EU has allocated €260 million in development aid for the new state in the 2011–13 period, and the United States is planning to invest a sum of that magnitude every year. The UN Mission in South Sudan (UNMISS) in turn, which is supporting and overseeing the state-building process, will cost triple that every year. The key objective of external support is to stabilise a state that is emerging from decades of civil war, riven by internal conflict and marred by underdevelopment. Donors are hoping to prevent South Sudan from imploding under its internal tensions and to preclude further destabilisation of the conflict-ridden region spanning the Sahel, the Great Lakes and the Horn of Africa. In addition, foreign assistance is also aimed at reducing the potential for conflict with Sudan, where intricate interdependencies offer numerous points of friction.

It is obvious that South Sudan faces enormous challenges. Even under a strong development-oriented leadership and with effective international assistance, progress in state-building would likely be slow. The new state faces a number of mutually reinforcing structural obstacles that can only be overcome in the long term, such as a lack of basic infrastructure, the weak development of markets, and the lasting legacy of insecurity left by the civil war. However, the political conditions are far from constituting a favourable context for state-building. The facade of a powerful governing party – the Sudan People's Liberation Movement (SPLM) – and an army – the 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 and institutions are being used primarily to build clientelist structures based on ethnic groups, tribes and clans.

What are the chances of success for external assistance in state-building in this context? Donors' experiences to date suggest that international support for state-building and stabilisation in South Sudan has not only failed to achieve its goals, but has often had unintended or even counterproductive consequences. For example, external aid in the health and education sectors represents an indirect subsidy to the government, thereby allowing it to concentrate its own resources on funding clientelist structures in the administration and security apparatus. Maintaining this approach without qualifications would in fact impede the establishment of a network of public services. The decentralised administrative and political structures created with donor support are costly and function above all as patronage instruments. In addition, the donor-backed decentralisation strategy implemented by the government has contributed to an escalation of conflicts along ethnic and tribal lines. At the root of the overall failure of post-2005 international assistance for state-building in South Sudan are the discrepancies – in many cases considerable – between donors' objectives and interests on the one hand, and those of the local political elite on the other. This is clearest in the security sector, where external support aims at reducing the size of the security apparatus and placing it under democratic civil control – goals that are by no means shared by key local actors.

Juba's apparent unwillingness to clamp down on endemic corruption and serious human rights violations by the security forces raises pressing concerns as to whether generous support from the international community is appropriate at all. To date donors have been trying to address both problems by means of technical assistance in the security and rule of law sector. They should insist much more strongly on anti-corruption and human rights. Further bilateral and multilateral support should be made conditional on progress in both areas. At the same time, the ability of donors to exert influence on both issues should not be overestimated, as oil revenues grant the government a considerable degree of financial independence.

In view of the frail prospects of success and unpredictable consequences of external support, donors should significantly scale down their ambitions in South Sudan. Smaller projects with predictable outcomes are likely to be more appropriate than large-scale international state-building. It is certainly important to support the development of health, education and state infrastructure. But this should be made conditional on South Sudan gradually taking over these services and their costs. This would require Juba to move away from primarily funding patronage networks. More generally, donors should tie their assistance much more closely to improvements in the human rights situation and more vigorous action against corruption.

The Predicament of State Weakness

South Sudan became independent on 9 July 2011, after a transitional period that began in 2005 with the signing and implementation of the Comprehensive Peace Agreement (CPA). The CPA ended a Sudanese civil war that had raged for all but eleven years since 1955. The agreement granted Southern Sudan far-reaching autonomy and turned the Sudan People's Liberation Movement/Army (SPLM/A) into the South's governing party and army respectively, as well as giving the SPLM a role in the Government of National Unity (GNU, central government) in Khartoum. The CPA provided for a referendum on independence, and as the transitional period began it quickly became apparent that the SPLM leadership in the regional capital Juba was throwing its weight behind that goal. When the vote was held in January 2011, the population of Southern Sudan chose independence by an overwhelming majority.

However, structural conditions place rigid constraints on the South Sudanese state's capacity to act. To some extent, government development strategies and outside support can influence whether and how quickly these constraints change. However, even in the best-case scenario, current economic conditions, external dependencies, a legacy of state weakness and the absence of historical precedents for national identity will severely restrict the possibilities for state-building for decades to come. Regardless of how internal conflicts develop and how successful the government's policies prove to be, South Sudan will remain a weak state: that is, a state capable of maintaining only a very limited presence outside provincial capitals, let alone exercising effective control over its territory and population; a state capable of mobilising only limited resources and able to invest even less in its administration or public services. The structural causes of state weakness are mutually reinforcing.

Economic and Social Structures

South Sudan possesses rich natural resources. Of pre-secession Sudan's 6.8 billion barrels of proven oil reserves (the third-largest in Sub-Saharan Africa), three quarters are in the South, along with largely untapped deposits of gold and other minerals. Although 90 percent of the land is fertile, with half classified as prime agricultural land, only 1 to 2 percent is actually farmed. The country also has rich water resources and fish stocks.[1] However, prevailing economic and social conditions make it difficult for the new state to mobilise resources for state-building and development. The overwhelming majority of the population remains stuck in subsistence farming, since access to markets is difficult and production too low to generate any significant surplus. Among livestock-herding communities, which are estimated to account for 50 to 60 percent of the South Sudanese population,[2] commercial considerations are only very slowly taking root. The traditional understanding of cattle as primarily representing a source of social status and economic security is still predominant.[3] The South Sudanese economy is only superficially integrated into markets and monetised exchange. Accordingly, there is limited potential for the state to raise taxes on markets and transactions.

Urbanisation processes have accelerated since the 2005 peace agreement, as refugees returned and former fighters settled down. In the capital Juba, particularly, this has led to fast and uncontrolled growth. Nonetheless, the great majority of South Sudan's population, 84 percent, is still rural.[4] In addition to the low level of urbanisation, inadequate or non-existent rural infrastructure impedes integration between towns and their hinterlands. With urban markets exerting little attraction on rural production,

1 *BP Statistical Review of World Energy 2011* (London, 2011), 6; USAID, *Expanding Agriculture and Food Security Activities in Southern Sudan* (Washington, D.C., 2009), 4.
2 Dan Fahey, *The Political Economy of Livestock and Pastoralism in Sudan*, IGAD LPI Working Paper 06-08 (Brighton, 2007).
3 Anne Walraet, "Governance, Violence and the Struggle for Economic Regulation in South Sudan: The Case of Budi County (Eastern Equatoria)", *Afrika Focus* 21, no. 2 (2008): 53–70; World Bank, *Sudan: The Road toward Sustainable and Broad-Based Growth* (Washington, D.C., 2009), 135.
4 Government of Southern Sudan (GoSS), *Statistical Yearbook for Southern Sudan 2010* (Juba, 2010); estimated population from FAO and WFP, *Special Report, FAO/WFP Crop and Food Security Assessment Mission to Southern Sudan*, 12 January 2011.

the shift from a subsistence economy to commercial production will proceed but very slowly.

Furthermore, the rural population is largely outside the reach of the state. With around 9.2 million inhabitants distributed across an area almost the size of France, South Sudan has a mean population density of 14 per square kilometre. Even in the most fertile and densely populated state, Central Equatoria, the average only reaches 26 per square kilometre. By way of comparison, the figures for Ethiopia and Uganda are 80 and 139 respectively. With many livestock herders seasonally migrating and virtually no paved roads anywhere in the country, registering and taxing the population and supplying public services are an expensive business for the state.

In view of these challenges, the state's oil revenue is a key factor. During the CPA period, the central government in Khartoum and the Southern government shared the profits, and oil revenues represent an essential resource for the leadership in Juba. Oil revenues amounted to a total of $9.5 billion between 2005 and 2010, and accounted for about 98 percent of the Southern government's total revenues between 2009 and 2011.[5] Such heavy dependency on a single resource makes South Sudan vulnerable to price fluctuations, as a fiscal crisis provoked by the collapse of oil prices demonstrated in 2009. Since 2005, the influx of oil revenue has set into motion two main processes of socio-economic structural change: the number of state employees has exploded and imports have grown.[6] Neither of these processes are likely to boost the development of local agriculture or the private sector. On the contrary, both suggest that resources are being diverted away from productive activities.

Physical Barriers: Weak Infrastructure

The low level of infrastructure impedes both economic development and state-building, as well as limiting the state's reach. South Sudan has virtually no transport network. According to World Bank estimates, the country's entire road network amounts to 12,600 kilometres, of which only 4,000 kilometres are passable year-round.[7] The network of paved roads is probably less than one hundred kilometres, almost all in the capital Juba. USAID is currently constructing the first asphalted overland route, from Juba to Nimule on the Ugandan border. But road-building in South Sudan has transpired to be more expensive than expected with road of this kind costing $1.6 million per kilometre (60 percent more than the African average), principally because materials and equipment have to be imported at great cost.[8] USAID has therefore decided not to fund any more major infrastructure projects and is hoping for greater involvement by multilateral donors like the World Bank.[9] Currently no such projects are planned. In addition, the annual rains already cause considerable damage to the existing road network, requiring substantial investment in repairs every year.

In view of the high costs involved, the government will need decades to make tangible progress in expanding the road network. This, in turn, will place major constraints on the state's presence outside the towns. The limited mobility of the security forces means they are unable to react rapidly to local conflicts and crime in remote areas – which, given the lack of roads, means most of the country. In terms of development, poor transport infrastructure restricts access to markets and reduces the incentives for rural regions to develop commercial agriculture and livestock herding.[10] And apart from one road to Uganda, South Sudan lacks the transport links required to export anything other than oil. Although the government often talks about spending billions on rail links to the Kenyan coast and to Tororo in Uganda, no concrete plans have emerged.

Major deficits also exist in all other forms of infrastructure. Unlike the North, South Sudan possesses almost no irrigation systems, which would be most needed for expanding agriculture in the northern half of the new state. Nor is there any public water supply. Electricity is restricted to a few towns and even there supply remains unreliable. These factors add enormously to the cost of developing the country's natural riches of fertile land, water and mineral resources.

5 UNMIS, *CPA Monitor* 7, no. 66 (2011): 22; GoSS, *Approved Budget 2011* (Juba, 2011), 2.

6 The number of employees on the government's payroll was estimated at 300,000–400,000 in 2011. Matthew Benson, "Making Tax Work in South Sudan", *African Arguments*, 14 November 2011, africanarguments.org/2011/11/14/making-tax-work-in-south-sudan-by-matthew-benson/.

7 World Bank, *Project Information Document: South Sudan Rural Roads Project*, Report No. AB6832 (Washington, 2011).

8 "Wirtschaftlicher Neubeginn im Südsudan", *Neue Zürcher Zeitung*, 20 January 2011.

9 Interview with a USAID representative, Juba, January 2011.

10 World Bank, *Sudan* (see note 3), 137ff.

Statehood and Administration

In view of its low population density, weak infrastructure and predominantly subsistence economy with marginal surpluses, it comes as no surprise that administrative structures in South Sudan are rudimentary at best. When the region was colonised at the beginning of the twentieth century, some smaller groups like the Shilluk and the Azande stood out for their social structures headed by a king, but the overwhelming majority of what today is South Sudan consisted of segmentary tribal societies without centralised power.[11] The British exercised indirect rule by appointing tribal chiefs – often in ethnic groups with no history of such an institution – who functioned as mediators between the colonial administration and the population, collected taxes and acted as judges.[12] After independence in 1956 they were retained as a low-cost administration, even after President Jaafar Nimeiri attempted unsuccessfully to abolish them in 1971.[13]

During the second civil war, from 1983 to 2005, the SPLM/A relied on tribal leaders (and sometimes appointed its own) to mobilise supplies and recruits for the rebel army, to maintain law and order, and to collect taxes. In 1994 the SPLM/A national convention decided to integrate "traditional authorities" into its civil administration, which was de facto subordinate to the military and largely restricted to the level of the counties.[14] The more local levels of districts (payams) and villages (bomas) continued to be left largely to their own devices.[15] After the CPA, governmental and administrative structures were set up at the level of the ten states, as well as the regional government in Juba, but the local level remained neglected.

The Local Government Act of 2009 confirmed the role of "traditional authorities", stating that they were to operate as "semi-autonomous authorities at the State and local government levels" and represent the principal source of authority in the villages; chiefdoms are also to be established in all the counties and towns through which "through which the people shall rule themselves".[16] As in the judicial system, this created a parallel structure that must largely finance itself and stands in the tradition of "indirect rule". The process of building a more efficient administration and public service at the local level is made considerably more difficult by the absence of precursors and the associated lack of trained civil servants. Moreover, the Juba government has little incentive to strengthen administrative penetration due to its access to oil revenues and external aid, particularly as tax revenues are likely to remain low in any scenario.

Identity and State Legitimacy

Large parts of South Sudan knew no statehood until the colonial era. Since then the presence of the state as administrator and service provider has been largely restricted to the provincial centres, and the experience of state authority associated above all with armed conflict. Consequently, until the CPA, state formation did not lead to the emergence of a political identity tied to the state entity. Ethnicity, tribe and clan, on the other hand, are central to the definition of political identity.[17]

Although the fight against the central government in Khartoum acted as a unifying element within the SPLM/A, South Sudanese identity became defined principally in opposition to the North. This is reflected in the way the governing elite in Juba sets itself sharply apart from the North in cultural terms, for example by imposing English as the language of government and education. But in the provinces, the elite's efforts to distance themselves from the North and create a South Sudanese identity based on the independence struggle faces difficulties. The SPLM/A was by no means supported by all parts of the population, and some ethnic groups formed militias that fought against the SPLA. The border regions, in particular,

11 Edward Evans-Pritchard, *The Nuer: A Description of the Modes of Livelihood and Political Institutions of a Nilotic People* (Oxford, 1969); idem, *The Azande: History and Political Institutions* (Oxford, 1971).
12 Douglas Johnson, *The Root Causes of Sudan's Civil Wars* (Oxford, 2003).
13 Cherry Leonardi, "Violence, Sacrifice and Chiefship in Central Equatoria, Southern Sudan", *Africa* 77, no. 4 (2007): 535–57.
14 Adam Branch and Zachariah Mampilly, "Winning the War, But Losing the Peace? The Dilemma of SPLM/A Civil Administration and the Tasks Ahead", *Journal of Modern African Studies* 43, no. 1 (2005): 1–20.
15 Øystein Rolandsen, *Guerrilla Government: Political Changes in the Southern Sudan during the 1990s* (Uppsala, 2005).
16 GoSS, *Local Government Act* (Juba, 2009), 11, 56f.
17 Jok Madut Jok, "Which Way South Sudan? Cultural Diversity and the Fundamentals of Nation-Building", *African Arguments*, 28 March 2011, africanarguments.org/2011/03/28/which-way-south-sudan-cultural-diversity-and-the-fundamentals-of-nation-building.

still have close social, cultural and economic ties to the North.[18]

Historically speaking, the development of a South Sudanese identity is still in its infancy. In a situation defined by ethnic power struggles, the emergence of a broadly accepted identity that would facilitate state control will be a long and difficult process.

State Authority and Control

The exercise of state power is subject to structural constraints that can only be changed in the long term. This is partly because of the factors described above, such as lack of infrastructure and weak statehood, but above all it is a long-term consequence of the civil war. The conflict led to a proliferation of small arms among the civilian population and produced a multitude of armed groups formed in most cases along ethnic and tribal lines.[19] The spectrum of these groups ranged from tribal self-defence militias through to proxy forces of the Sudanese Armed Forces (SAF). After the peace agreement many of the militias were integrated into the SPLA, into Joint Integrated Units of the SPLA and SAF (JIUs), or into other units (police, prisons, wildlife services). But militia structures still persist within the security sector or could be restored,[20] and the SPLA remains susceptible to new armed groups breaking away. This was illustrated by the rebellions against the South Sudanese government that broke out in 2010/11, led by senior army officers like George Athor in Jonglei and Peter Gadet in Unity.

Rebellions are only the most visible security problem. The South Sudanese government has failed to curb the availability of small arms. Several forcible disarmament initiatives between 2006 and 2009 caused an escalation of tensions.[21] Among the rural population, there is little willingness to give up weapons in the absence of substantial improvements in the security situation. Ethnic or tribal militias continue to exist in many areas, and armed conflicts over property, land and water rights are widespread because the state is unwilling or unable to protect and enforce these rights. Especially where land questions are concerned, state institutions have proven incapable of creating a clear legal framework and guaranteeing legal security. In the provinces, large-scale raiding and livestock theft are a regular occurrence, behind which the interests of senior military officers and politicians are suspected.[22] Civil war and the formation of militias have politicised ethnic and tribal identities in a process further exacerbated in recent years by ongoing conflict and ease of access to small arms. Rivalries and vendettas between tribes and ethnic groups have thus become a source of conflict in their own right.

The security sector itself presents a range of additional obstacles to improvements in the security situation. The SPLA not only lacks the necessary mobility and infrastructure to quickly quell local conflicts. Impartial intervention in conflicts is also made difficult by dominant tribal loyalties within many SPLA units.[23] At the level of the rank-and-file, SPLA units often resemble irregular armed groups, with poorly paid and undisciplined men left to fend for themselves, including through arbitrary requisitioning and illegal taxation. At the officer level too, the SPLA's guerrilla past is still very present, as witnessed by attempts to end disputes over land and political representation through harsh military repression. In many cases, severe human rights violations instead pro-

18 Mareike Schomerus and Tim Allen et al., *Southern Sudan at Odds with Itself: Dynamics of Conflict and Predicaments of Peace* (London, 2010).

19 The Small Arms Survey (SAS) estimates that there were about 720,000 small arms in the hands of the South Sudanese civilian population in 2009 (as against about 200,000 in the possession of the security forces), or eight guns per hundred civilians. The actual figure could be a good deal higher. See Sudan Human Security Baseline Assessment (HSBA), "Arms Holdings", http://www.smallarmssurveysudan.org/facts-figures-arms-holdings.php.

20 Richard Rands, *In Need of Review: SPLA Transformation in 2006–10 and Beyond*, Small Arms Survey HSBA Working Paper 23 (Geneva, 2010).

21 Adam O'Brien, *Shots in the Dark: The 2008 South Sudan Civilian Disarmament Campaign*, Small Arms Survey HSBA Working Paper 16 (Geneva, 2009); International Crisis Group (ICG), *Jonglei's Tribal Conflicts: Countering Insecurity in South Sudan* (Brussels, 2009).

22 Walraet, "Governance, Violence and the Struggle for Economic Regulation" (see note 3), 62; Claire McEvoy and Emile LeBrun, *Uncertain Future: Armed Violence in Southern Sudan*, Small Arms Survey HSBA Working Paper 20 (Geneva, 2010), 23; Andrew Athiba, "Conflict over Resources among Rural Communities in Southern Sudan", in *Land Tenure Issues in Southern Sudan: Key Findings and Recommendations for Southern Sudan Land Policy*, ed. USAID, section E (Washington, D.C., 2010).

23 Øystein Rolandsen, *Land, Security and Peace Building in the Southern Sudan*, PRIO Paper (Oslo, 2009).

voked a further escalation. Retaliatory expeditions in Shilluk areas in 2010 and 2011 are a case in point.[24]

Capacity deficits are even greater in the police force, whose personnel were largely recruited from demobilised militia members and SPLA soldiers without a scrap of police training. The police are unable to provide security outside the towns, and are regarded as incompetent and corrupt by the population.[25] These challenges mean that, for the foreseeable future, the state will be unable to provide anything more than islands of security in the provinces. Moreover, the army and security forces continue to represent a threat to the civilian population.

In recognition of the government's inability or lack of willingness to establish security, the Security Council in July 2011 explicitly mandated the UN Mission in South Sudan (UNMISS) to protect "civilians under imminent threat of physical violence, in particular when the Government of the Republic of South Sudan is not providing such security".[26] Attacks by Lou Nuer militias on villages and towns of the Murle community in Jonglei in December 2011 constituted a major test for UNMISS's ability to fulfil this part of its mandate. Following these incidents, UNMISS was heavily criticised by local actors and international observers.[27] The ensuing controversy over the responsibility for the civilian casualties during the incidents highlighted the risk that the UNMISS presence could allow the government to deflect blame for its inadequate response to local conflicts, and could further reduce the government's incentives to effectively tackle such issues.

External Vulnerability

External vulnerabilities in the economic, geopolitical and security domains represent further structural causes of state weakness in South Sudan. This factor arises largely out of the state's landlocked situation, as well as the intricate links and points of friction with the Republic of Sudan, the neighbour towards which dependencies and vulnerabilities are greatest. The contours of post-secession North-South relations remain vague because the two states have yet to reach agreement on key issues, including transit fees for oil exports, citizenship, cross-border movement of people and goods, and land use by nomadic groups.

South Sudan's external vulnerability is particularly clear with regard to the state's lifeline, its oil revenues. Oil exports grant the South Sudanese government financial independence from donors, but at the same time render it dependent on the North, which controls the export infrastructure. Both states have an interest in cooperating over oil exports, but the South is significantly more financially dependent on the ensuing income. Whereas oil accounted for about 98 percent of the South's total state revenues in 2009–2011, the figure for the central government in Khartoum was only about 50 percent.[28] The government's decision to suspend oil production in January 2012, aimed at increasing pressure on Khartoum in negotiations over a new agreement on transit fees, could therefore easily prove self-defeating. South Sudan has been seeking to use its leverage over companies and governments with a vested interest in the oil sector to exert pressure on the Khartoum government in the negotiations. Chinese pressure on Khartoum was the main reason why oil continued to flow between July and November 2011 in the absence of any agreement, with all revenues reverting to Juba, while the Khartoum government's fiscal position worsened rapidly. From mid-November 2011 onwards, however, Sudan altered its stance, repeatedly blocking shipments of crude oil and diverting part of South Sudan's production as a unilaterally imposed transit fee.[29] The fact that the South Sudanese government in response reverted to such a desperate measure as shutting down oil production underlines its vulnerability. Although Juba has announced plans to reduce its dependency on the North by building a pipeline to the Kenyan coast, experts dismiss this as wishful thinking. The economic viability of such a pipeline depends on discoveries of substantial additional oil reserves, and

24 SAS, "SPLM/A-Shilluk Conflict in Upper Nile", April 2011, http://www.smallarmssurveysudan.org/pdfs/facts-figures/armed-groups/southern-sudan/emerging/HSBA-Armed-Groups-Shilluk-Conflict.pdf.

25 Alfred Lokuji, Abraham Abatneh, and Chaplain Wani, *Police Reform in Southern Sudan* (Ottawa, 2009).

26 UN Security Council, *Resolution 1996 (2011)* (New York, 2011), 4.

27 "Jonglei Clashes: South Sudan Declares a Disaster", *BBC News*, 5 January 2012; "Murle MPs Blame SPLA, UN for Pibor Attacks", *Sudan Tribune*, 1 January 2012, http://www.sudantribune.com/Murle-MPs-blame-SPLA-UN-for-Pibor,41146.

28 International Monetary Fund, *Sudan: Second Review under the 2009–10 Staff-Monitored Program* (Washington, D.C., 2011), 20.

29 "Oil Interests Push China into Sudanese Quagmire", *Washington Post*, 25 December 2011.

therefore is far from certain.[30] Moreover, unless major new fields are discovered, production could halve by 2020, which would imply that the government's current fiscal policies are unsustainable even if production resumes after an agreement is reached.[31]

Dependencies exist in other sectors too. Leaving aside existing links with the North, South Sudanese import infrastructure is orientated almost exclusively towards Uganda, there being no adequate transport link to Kenya (the road via Kapoeta to the Kenyan town of Lokichoggio and on to Nairobi is in poor condition and often unsafe). High prices for goods imported from southern neighbours make South Sudan heavily dependent on imports from the North. Because of the dismal state of its internal transport infrastructure, this applies especially to the northern states of South Sudan, whose connections to the North are significantly better than to Juba. However, the northern regions have suffered food shortages and substantial price hikes while Khartoum has blocked most trade since May 2011 as part of its negotiating tactics.[32]

The South is also vulnerable with respect to security. Although accusations by Juba that Khartoum was behind some of the rebellions and ethnic conflicts in South Sudan since 2005 have not been independently confirmed, there can be no doubt that the Northern security apparatus is capable of destabilising South Sudan, given its longstanding relationships with former militia leaders there. Meanwhile, the Southern government is suspected of supporting Darfur rebel groups, as well as former SPLA forces in the states of South Kordofan and Blue Nile, which are waging an insurgency against the Khartoum government.[33] This somewhat evens out the balance of forces, but has also further raised tensions between the two states. For the moment Khartoum and Juba are unlikely to find permanent solutions for major points of contention such as control of the disputed Abyei region and other border areas claimed by both sides. Therefore, North-South relations are likely to remain tense in the medium term, and the South will continue to be exposed to northern attempts at destabilisation.

In this predicament Juba is relying on support from the West, especially the United States, and to a lesser extent from its southern neighbours, Uganda and Kenya. The SPLM leadership holds great expectations concerning Western development aid. During the CPA period South Sudan was already one of the biggest recipients of U.S. development aid, and the EU has allocated €260 million for the years 2011–2013, while total commitments by the EU and its member states for support to food security and agriculture in the same period exceed €900 million.[34] But most of all Juba sees the United States and other Western states as allies in talks and disputes with the North. This raises the danger that the South Sudanese government might not undertake everything in its power to resolve conflicts with the North. The negotiations on an oil transit agreement are a case in point: southern Sudanese officials have hinted that they expect increased foreign aid – principally from the UN, US and EU member states – to partly compensate for the shortfall in revenue incurred by the government's decision to shut down oil production. If Western

30 The cost of such a pipeline would be considerably smaller and its chances of realisation greater if it could be connected to a new pipeline from Uganda to the Kenyan coast. But the latter pipeline remains in the planning stage and is subject to similar doubts over its economic viability. Interview with an international expert working in the South Sudan oil sector, Juba, January 2011. See also Luke Patey, "Pipe-dreaming over oil in South Sudan", *African Arguments*, 6 February 2012, http://africanarguments.org/2012/02/06/pipe-dreaming-over-oil-in-south-sudan-–-by-luke-patey/

31 IMF, *Regional Economic Outlook: Middle East and Central Asia* (Washington, D.C., October 2011), 15.

32 "Southern Sudanese Brace for Food and Fuel Crisis", *Sudan Votes*, 22 May 2011, http://www.sudanvotes.com/articles/?id=764; "Roads Still Closed, Food and Fuel Crisis Grows", *Sudan Votes*, 1 June 2011, http://www.sudanvotes.com/articles/?id=785; "Inflation, Challenges Mount in Newborn South Sudan", *Reuters*, 22 December 2011.

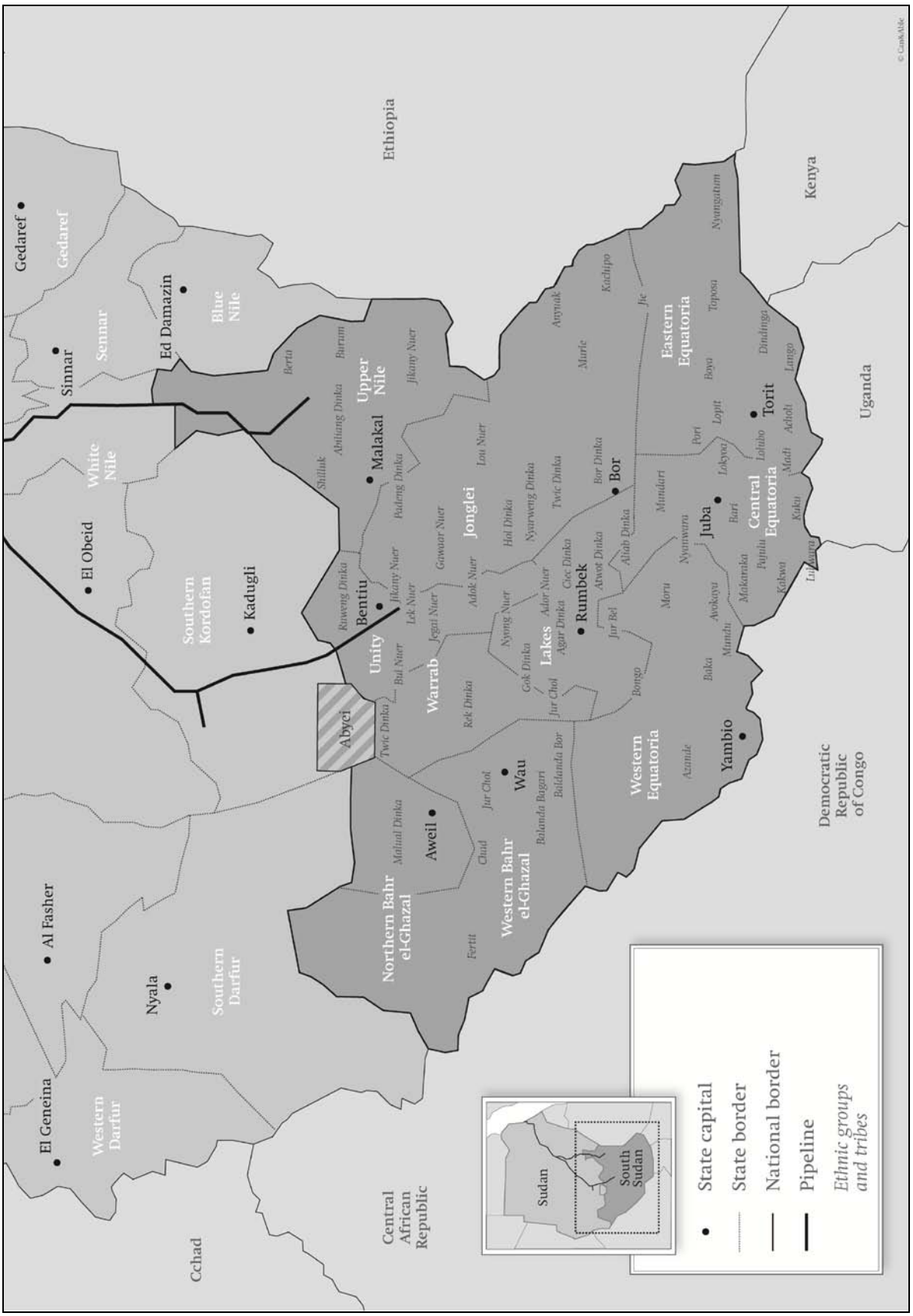
33 Jérôme Tubiana, *Renouncing the Rebels: Local and Regional Dimensions of Chad-Sudan Rapprochement*, Small Arms Survey HSBA Working Paper 25 (Geneva 2011), 55ff.; "US Warns South Sudan on Support to SPLM-N", *Sudan Tribune*, 21 November 2011, http://www.sudantribune.com/US-warns-South-Sudan-on-support-to,40796.

34 From 2005 to 2010 the Republic of Sudan as a whole was the third-largest recipient of U.S. development aid after Afghanistan and Iraq, a large proportion of which flowed to Southern Sudan. U.S. Official Development Assistance Database, "U.S. Official Development Assistance (ODA) Fast Facts: CY 2009", usoda.eads.usaidallnet.gov/data/fast_facts.html; "EU Development Cooperation with South Sudan", *Europa*, 14 December2011, europa.eu/rapid/pressReleasesAction.do?reference=MEMO/11/908&format=HTML&aged=0&language=EN&guiLanguage=en; Federal Ministry for Economic Cooperation and Development, "Deutschland begrüßt EU-Zusage über 80 Millionen für Landwirtschafts-/Ernährungssicherungssektor im Südsudan", http://www.bmz.de/de/presse/aktuelleMeldungen/2011/dezember/20111221_eu_suedsudan/index.html.

donors were to meet such expectations, this would further encourage the government to engage in brinkmanship, and make an agreement more difficult.

The CPA phase established a pattern of behaviour where the South Sudanese government sought to exert pressure on Khartoum via its Western partners. As a result, Sudan does not regard Western states as neutral intermediaries in North-South matters. With South Sudan independent, European governments have an opportunity to at least partially revise this pattern, which represents an obstacle to the emergence of stable North-South relations.

Map
South Sudan: States, state capitals, ethnic groups and tribes



The Emerging Regime: One-Party State, Military Junta or Clientelist Network?

The new state is dominated by the military elite that fought the civil war in the South, whether within the SPLM/A or in the ranks of its South Sudanese adversaries. This elite is strongly fragmented and marked by competing clientelist networks structured largely along ethnic and tribal lines. The dominant actors are the SPLA, which the peace agreement transformed from rebel group to army of the South (since independence officially the South Sudan Armed Forces or SSAF),[35] and its former political arm, the SPLM, which has been the de facto ruling party of the South since 2005. However, both institutions are in reality forums for a multitude of rival factions, which strongly curtails their ability to act.

While these diverging interests are kept in balance by a small group around President Salva Kiir, the regime is susceptible to the demands of the many competing groups and thus open to corruption and clientelism. This political constellation makes it difficult for the South Sudanese leadership to pursue a consistent development policy.

The Political Leadership

President Kiir, his Vice-President Riek Machar and their immediate circle form the uncontested centre of decision-making. There are no rival centres of power in the regime. The SPLM and SPLA are riven by too many different interest groups and too tightly integrated into the structures around the president to be able to operate as autonomous institutional political actors. The influence of parliament on legislation and government policy is negligible.

Kiir is a Rek Dinka from the state of Warrap. He assumed the posts of South Sudanese president and commander-in chief of the SPLM/A following the death of the legendary John Garang in a plane crash shortly after the signing of the CPA in 2005. Since then Kiir has succeeded in consolidating his position step by step by accommodating former adversaries and acting as an arbitrator between rival groups.

Even the immediate circle around Kiir comprises competing factions. This applies both to the historical leadership of the SPLM/A around Kiir and beyond this core group. Vice-President Machar represents the most important counterweight to Kiir within the political leadership. Whereas other ethnic groups have always regarded the government, party and army of South Sudan as Dinka-dominated, Machar is the most influential representative of the second-largest ethnic group, the Nuer, specifically of the Adok Nuer who compete with other Nuer groups and the Ruweng Dinka for control of the oil-rich border state of Unity. Machar is also a senior representative of the militia leaders who sometimes fought for Khartoum against the SPLA.[36] Divisions going back to the civil war continue to play an important role, and Machar is still regarded with great mistrust by the historical SPLA leadership around Kiir.[37] Tensions between the two escalated shortly before independence in an open power struggle over the new constitution where Machar tried – but failed – to curb presidential powers.[38] Former militia leader Paulino Matiep, since

35 For the sake of simplicity this study follows the common practice of using the designation SPLA for the pre-2005 rebel group as well as for the armed forces of Southern Sudan (during the CPA phase) and post-independence South Sudan.

36 Machar, then SPLA commander for Upper Nile, broke in 1991 with the SPLM/A to form the SPLM/A-Nasir faction (later called SPLM/A-United) together with Lam Akol and Gordon Kong. In 1995 Machar founded the South Sudan Independence Movement (SSIM); in 1997 he signed a peace agreement with the North and became commander-in-chief of the South Sudan Defence Forces (SSDF, a proxy force of the SAF), and presidential adviser. He resigned from the Khartoum government in 2000 and returned to the SPLM/A in 2002.

37 In mid-2010 close associates of Kiir spread a rumour that Machar was responsible for a rebellion that broke out in the state of Unity after his wife Angelina Teny suffered electoral defeat at the hands of the official SPLM candidate Taban Deng. Teny's candidacy against Deng could be plausibly interpreted as an indirect power struggle between Machar and Kiir. Interviews with international observers, Juba, January 2011; Maggie Fick, "Southern Sudan's Post-Election Flashpoints", 29 April 2010, http://www.enoughproject.org/publications/southern-sudan's-post-election-flashpoints.

38 "Salva Kiir Exposes His Rift with Machar over South Sudan Transitional Constitution", *Sudan Tribune*, 9 June 2011, http://www.sudantribune.com/Salva-Kiir-exposes-his-rift-with,39153.

2006 Deputy Commander-in-Chief of the SPLA and thus formally superior to Chief-of-Staff James Hoth Mai, has also clashed repeatedly with leading SPLM figures.[39]

The President's advisers represent a spectrum of competing tribal and political interest groups, as illustrated by John Garang's powerful widow Rebecca Garang de Mabior or Telar Ring Deng.[40] The President's circle has also included former militia leaders like Lieutenant General Alfred Ladu Gore, Sultan Abdel Bagi Ayii or Ismail Konye, who had only restricted influence on decision-making processes but were included to maintain stability.[41]

The Military Elite

Although the presence of former military leaders in the government and the proportion of the state budget spent on defence might suggest that the army was in control, the idea that the emerging regime is a military junta is misleading.[42] The SPLA is not a monolithic actor and therefore cannot exert influence as an institution. The military elite is deeply divided and includes, as we have seen, numerous factions that fought against the SPLA during the civil war. That said, former fighters dominate the political arena in numerical terms. Eight of the ten state governors elected in April 2010 have a military background, as do many ministers and parliamentarians. One reason for this is a widespread conviction among the ruling elite that the former rebels have a right to play a leading role in the new state – or at least to a well-remunerated retirement in parliament. An individual's military rank and war record are important aspects in everyday political business, as well as the allocation of government posts. Another factor behind the accommodation of military men in the political system is their capacity to cause instability, whether by continuing to maintain their own militias or through their ability to mobilise armed civilians from their own group or parts of their former SPLA units.[43] Rather than representing the army as an institution, the former soldiers dominating the political arena

39 Matiep, a Bul Nuer from Mayom in Unity, fought on the side of Khartoum with his South Sudan Unity Movement (SSUM); in 1998 he was promoted to the rank of major general in the Sudanese army. Matiep's militias played a decisive role in the fighting for the oil fields in Unity. In 2002 Matiep was appointed chief-of-staff of the SSDF militias controlled by Khartoum. After the SSDF and SPLM/A negotiated the Juba Declaration of 2006 he led the process of integrating a large part of the militias into the SPLA and was made Deputy Commander-in-Chief. In 2009 clashes broke out between Matiep's private militia and forces of the governor of Unity, Taban Deng. "Governor Taban Denies Plot against General Paulino Matip", *Sudan Tribune*, 17 October 2009, http://www.sudantribune.com/Governor-Taban-denies-plot-against,32810.

40 Rebecca Garang is seen as a leading member of a circle close to the late chairman of the SPLM/A. Telar Deng joined Machar and Akol's Nasir faction in the 1991 split, but resigned from the splinter group in 1992. In 2005, he became SPLM state minister of justice in the first Government of National Unity (GNU), but lost his ministerial post and was suspended from the SPLM Political Bureau in December 2007 following a power struggle with SPLM Secretary-General Pagan Amum. He was reinstated in the SPLM in November 2009. After having lost out in the bid for the SPLM gubernatorial candidate nomination in Lakes State, he was appointed caretaker governor in the state by Kiir during the electoral campaign, and subsequently became a presidential advisor. "Sacked SPLM Ministers Say Salva Kiir Not Qualified to Dismiss Them", Sudan Tribune, 7 December 2007.

41 Alfred Ladu, a leading member of the Bari from Central Equatoria, broke in 1993 with the SPLM/A and founded the Patriotic Resistance Movement/Army, but rejoined the SPLM in 2006. In the 2010 elections he stood as an independent but was beaten by the official SPLM candidate Clement Wani, a senior Mundari figure, militia leader and onetime ally of Khartoum. After being compensated with an advisor position, he was named Minister of Environment in the post-independence government. Sultan Abdel Bagi (Dinka tribal notable and militia leader, Northern Bahr el-Ghazal) and Sultan Ismail Konye of the Murle (during the civil war militia commander and major general of the Sudanese army) were dropped as presidential advisers after the 2010 elections. Konye was among twenty people hand-selected by Kiir to sit in the Council of States established after independence. Abdel Bagi, who fought on the side of Khartoum in the civil war, joined the SPLA in 2006 but launched a rebellion against the South Sudanese government in March 2011 and sought to join with other renegades, before responding to a presidential amnesty and returning to Juba in October 2011. "Ex-Presidential Advisor Responds to Amnesty after Rebellion", *Sudan Tribune*, 2 October 2011, http://www.sudantribune.com/Ex-presidential-advisor-responds,40307. For background, see John Young, *The South Sudan Defence Forces in the Wake of the Juba Declaration*, Small Arms Survey HSBA Working Paper 1 (Geneva, 2006).

42 Between 2006 and 2011 the Ministry of SPLA Affairs accounted on average for 32 percent of total government spending. See GoSS, *Approved Budget 2011* (Juba, 2011). This includes neither spending on other branches of the security forces (police, wildlife protection) nor off-budget items such as the purchase of about one hundred T-72 tanks since 2007. Interviews with international experts in the security sector, Juba, January 2011.

43 Both points apply to the former militia leaders Riek Machar, Paulino Matiep, Ismail Konye and Clement Wani. See McEvoy and LeBrun, *Uncertain Future* (see note 22), 32.

since 2005 are pursuing their own personal power, interests and clientelist networks.[44]

The SPLA is far from having a clear, centralised command structure, with its formal hierarchy undermined by tribal loyalties and legacy militia structures.[45] During the civil war this led to numerous splits from the SPLA and constantly changing alliances between breakaway leaders, the mainstream SPLA and the central government.[46] When an estimated 50,000 militia members joined following the Juba Declaration of 2006 this further complicated the SPLA's internal structures, as the integration of former adversaries into the hierarchy triggered tensions over the distribution of ranks.[47] Although efforts were undertaken to break up former command structures by dispersing members of particular militias among different units, some of these structures persist.[48]

The extent of factionalism within the SPLA is demonstrated by the numerous rebellions occurring since the April 2010 elections and intensifying after the independence referendum. Their leaders have included both breakaway officers from the hard core of the SPLA, like former Deputy Chief-of-Staff George Athor, as well as former militia leaders with a history of frequently changing alliances, such as Peter Gadet.[49] Renegade forces recruit in the civilian population as well as among soldiers and militia members, and have been known to maintain close ties with sympathisers within the SPLA. Such manifold internal divisions and rapidly changing loyalties make it impossible for the army to operate as an institutional force, and harder for the government to control and deploy it.

The SPLM

The political arm of the former rebel movement possesses a virtual monopoly of political offices in independent South Sudan. Following the appointment of the post-independence government in August 2011, the SPLM controlled twenty-six of the twenty-nine ministries, 94 percent of the seats in parliament and nine of the ten governorships. Yet the new state is not a single-party system that needs to be levered open to opposition groups. For although the movement has always been regarded as Dinka-dominated, the SPLM actually represents no clearly defined social forces or ethnic groups,[50] nor does it possess any proper political programme to speak of, now that its main goal – self-determination – has been achieved. Rather, the SPLM is comparable to a forum for competing individuals and groups interested primarily in control of the resources and clientelist structures that come with posts in the state apparatus. One reason for this diversity are the party's intricate links with the similarly divided SPLA; another its integration since 2005 of numerous defectors from the Sudanese ruling National Congress Party (NCP) and its satellites, which heigh-

44 Interviews with international experts in the South Sudanese security sector, Juba, January 2011.
45 Interview with a former SPLA captain, Juba, January 2011.
46 Douglas Johnson, "The Sudan People's Liberation Army and the Problem of Factionalism", in *African Guerrillas*, ed. Christopher Clapham, 53–72 (Oxford, 1998).
47 See note 41 and SAS, *Allies and Defectors*, Small Arms Survey Issue Brief 11 (Geneva, 2008).
48 See Rands, *In Need of Review* (see note 20), 13ff.
49 Athor had entered into rebellion after having lost the 2010 Jonglei governor elections against the official SPLM candidate, LtGen Kuol Manyang Juuk. His forces repeatedly clashed with the SPLA in Upper Nile and northern Jonglei until Athor was killed under mysterious circumstances in December 2011. Members of his faction vowed to continue their rebellion. "South Sudan Rebel George Athor 'Killed'", *BBC News*, 20 December 2011. Gadet was one of the top commanders in Paulino Matiep's SSUM, a militia recruited above all from Bul Nuer that fought on the side of Khartoum. In 1999 he broke with Matiep and took his troops to the SPLA, but switched back again to Khartoum's side in 2002. After the Juba Declaration of 2006 his forces were integrated into the SPLA, where Gadet held several senior positions before deserting in March 2011 to found the rebel South Sudan Liberation Army (SSLA) whose Mayom Declaration of April 2011 calls for the overthrow of the government in Juba. Gadet's forces were involved in major clashes with the SPLA in Unity state during April and May 2011. In August, Gadet signed a ceasefire and an amnesty with the government, with some of his forces being moved to an assembly site for integration into the SPLA, while others rejected the amnesty and split from him. See "The Mayom Declaration", *Sudan Tribune*, 18 April 2011, http://www.sudantribune.com/The-Mayom-Declaration,38605. Mayank Bubna, "South Sudan's Militias", March 2011, http://www.enoughproject.org/files/SouthSudanReport.pdf; SAS, *Fighting for Spoils: Armed Insurgencies in Greater Upper Nile*, Small Arms Survey Issue Brief 18 (Geneva, 2011).
50 Complaints of "Dinka dominance" of SPLM, army and government posts are widespread, both within the state apparatus and among the population. Interviews with civil servants and former officers, Juba and Malakal, January 2011. See also Anne Walraet, "Le Sud-Soudan dans l'attente du referendum: Un regard sur la formation de l'etat par le bas", *Politique Africaine* 119 (2010): 189–205; and Branch and Mampilly, "Winning the War, But Losing the Peace?" (see note 14).

tened the SPLM's character as an assemblage of widely disparate groups.[51]

Struggles within the SPLM are far more intense than those between the party and opposition forces. This became most clear in the context of the 2010 parliamentary and governorship elections, where more than three hundred SPLM members stood as independents against official SPLM candidates after the SPLM politburo's selection process encountered stiff resistance in many places. In seven of the ten states independents from the ranks of the SPLM stood for governor against party candidates; five of them were former high-ranking military commanders. The voting was marred by many instances of intimidation and vote-rigging and in the end only one independent governor and five national deputies succeeded in beating their official party opponent.[52] Independents were more successful in the state parliaments, winning 19 percent of the seats in Unity and 17 percent in Upper Nile.[53]

The SPLM leadership stood by its official candidates but did not carry out its threat to expel those who stood as independents.[54] In fact, many defeated independents were compensated with posts.[55] Three launched armed rebellions: the unsuccessful governor candidate Lieutenant General George Athor; Colonel Gatluak Gai, who supported Angelina Teny in Unity and had been counting on a county commissionership; and David Yauyau, a candidate for the state parliament of Jonglei. Altogether the SPLM leadership had its work cut out keeping internal rivalries in check during the course of the elections. As the record of arrests and assassinations reveals, the power struggles continued after the vote, too.[56]

So the SPLM is neither a programme-led political force nor an all-powerful institution, and its members' dominance of the South Sudan executive and legislature does little to enhance the government's ability to implement its plans. The complaint by a deputy governor of Upper Nile is symptomatic: local SPLM deputies show too little willingness to cooperate and seem to have forgotten that they belong to the same party as the state government.[57]

Regional Strongmen, Renegades and Opponents

The lines between government and opposition, loyalists and renegades are fluid, governed by ever-changing alliances and networks. Juba tolerates regional strongmen who had formerly been allied with Khartoum, like Clement Wani in Central Equatoria and Taban Deng in Unity, because of their potential to cause trouble. They represent counterbalances to the central government and could rebel if Juba were to move to strip them of their power.

Like the governing elite, renegade and opposition groups are internally divided along tribal and ethnic lines. The uprisings in Unity are dominated by Bul Nuer, and parts of the Shilluk have been in conflict with the government in Upper Nile since May 2010. In addition to political ambitions or grievances, competition for resources also plays an important role in such conflicts. The case of the Shilluk territories illustrates both.

51 "Jonglei Opposition Minister, MPs Join SPLM", *Sudan Tribune*, 15 December 2009, http://www.sudantribune.com/Jonglei-opposition-minister-MPs,33471; "Senior NCP Official Joins SPLM, Saying He Will Vote for Separation", *Sudan Tribune*, 10 January 2011, http://www.sudantribune.com/Senior-NCP-official-joins-SPLM,37562; "Eastern Equatoria: 37 NCP Members Defect to SPLM", *Sudan Tribune*, 2 January 2011, http://www.sudantribune.com/Eastern-Equatoria-37-NCP-members,37462.

52 The results in Unity and Central Equatoria were especially controversial. See Fick, "Southern Sudan's Post-Election Flashpoints" (see note 37).

53 Marc Gustafson, "Analysis of Sudan's State Assembly Elections Results", *African Arguments*, 27 June 2010, africanarguments.org/2010/06/27/analysis-of-sudan's-state-assembly-elections-results/.

54 "SPLM Allows Independent Candidates to Contest in Elections", *Sudan Tribune*, 4 February 2010, http://www.sudantribune.com/spip.php?page=imprimable&id_article=34021.

55 Such as Alfred Ladu (see note 41). Riek Machar's wife Angelina Teny stood as an independent in Unity. After long wrangling over the count she accepted defeat and was appointed to chair a commission considering how to deal with legacy contracts in the oil sector; the independent parliamentary candidate Dhieu Mathok Diing Wol became head of the Southern Sudan Employees' Justice Chamber; and Peter Adwok Nyaba, who withdrew his bid for the governorship of Upper Nile before the election, became Minister of Higher Education in Juba. Interviews with Angelina Teny and Dhieu Wol, Juba, January 2011.

56 "Two Killed in Assassination Attempt against Senior SPLM Official in Warrap", *Sudan Tribune*, 5 April 2011, http://www.sudantribune.com/Two-killed-in-assassination,38495; "Kiir Summons N. Bahr el Ghazal Governor over Return of Political Rivals to Prison", *Sudan Tribune*, 31 March 2011, http://www.sudantribune.com/Kiir-summons-N-Bahr-el-Ghazal,38447.

57 Interview with the deputy governor of Upper Nile, Malakal, January 2011.

On the one hand, government officials have frequently accused Lam Akol's predominantly Shilluk SPLM-Democratic Change (SPLM-DC), which split from the SPLM in 2009, of being behind the tensions.[58] The government's temporary annulment of the election of four SPLM-DC parliamentarians in April 2010 spurred the conflict, and the situation escalated when grave human rights violations were committed during an SPLA campaign against alleged SPLM-DC militias in Shilluk territories.[59] On the other hand, unresolved land conflicts are an important factor, with Dinka accused of illegally taking land in Shilluk areas.[60] The conflict worsened after March 2011, when Juba failed to respond to corresponding complaints.

As such cases demonstrate, rivalries within the ruling elite and between opposition and central government often run along ethnic and tribal lines.[61] These are complex and dynamic in nature, because the competing units are not the ethnic groups as such (Dinka, Nuer, Murle, etc.), but clans and networks representing sub-groups, such as the Bul Nuer, Ruweng Dinka and western Jikany Nuer in Unity, or clans within these sub-groups. If more factions were to follow the SPLM-DC in splitting from the SPLM, or new opposition parties were to emerge, these would in all likelihood recruit from a particular ethnic or clan base. There is no sign of emerging opposition parties based on political programmes.

58 Akol (see note 36) had returned to the SPLM/A in 2003.
59 Human Rights Watch, "South Sudan: Improve Accountability for Security Force Abuses", 8 February 2011, http://www.hrw.org/en/news/2011/02/08/south-sudan-improve-accountability-security-force-abuses.
60 For example, Robert Gwang, who in 2010 led a group of armed Shilluk in Fashoda County, claimed rights to land on the eastern banks of the White Nile. Interviews with senior officials, Malakal, January 2011.
61 Schomerus and Allen, *Southern Sudan at Odds with Itself* (see note 18).

Challenges for Government and Donors

The above analysis highlights several crucial challenges for South Sudan's government and the donors supporting it. The leadership is likely to prioritise accommodating a wide range of political actors to stabilise its precarious position. Western partners are also increasingly calling for such a process – which, however, runs the risk of cementing the clientelist political logic. Resources that are urgently needed to develop the administration and public services could instead seep away into patronage structures. Similar risks are also involved in security sector reform and administrative development itself, both of which are top priorities for international donors. Economic diversification and agricultural growth are also key development objectives, but in the current context measures to promote private-sector growth run the risk of fomenting conflict and encouraging illicit enrichment. In all of these areas, there are great discrepancies between donors' plans and the objectives of local political actors.

Political Accommodation and Its Costs

The South Sudanese leadership has put great efforts into post-conflict stabilisation since 2005, accommodating rivals by granting them posts in government, administration and army. From 2006 onwards, militias formerly allied with Khartoum were integrated into the SPLA, and after the 2010 election there were attempts to provide losers with posts and amnesty renegades. In view of recurrent rebellions, donor governments and NGOs alike are increasingly calling on the government to expand its political base. NGOs criticise inadequate opposition participation in the reworking of the interim constitution and demand greater efforts to integrate rebel militia leaders.[62] Diplomats from donor states say they would like the government to be more inclusive, with some of them calling for ethnic proportionality in government appointments.[63] Juba has responded to these demands. At a conference of South Sudanese parties in October 2010 President Kiir promised that the post-independence government would include all political forces.[64] While opposition representation in the government turned out to be weak, the constitutional review commission appointed in January 2012 did include numerous representatives of political parties and civil society organisations.[65] Such gestures are addressed equally to domestic actors and foreign donors.

Government efforts to integrate potential rebels and reward allies by appointing them to senior, lucrative or symbolic posts have consumed a large proportion of the state budget since 2005, with the number of ministries, commissions and agencies growing apace. Parliaments at the national and state levels serve above all as instruments of patronage.[66] Salaries alone accounted for 40 percent of Juba's budget between 2006 and 2011, much of which was for the SPLA as its ranks were swelled by the integration of the militias.[67] The proportion is even higher in the states: in Upper Nile it is about 80 percent.[68] Civil servants complain that governors often appoint

62 Carter Center, "Carter Center Urges Inclusive Transition Process in Southern Sudan", press release, 17 March 2011, http://www.cartercenter.org/news/pr/sudan-031711.html; Bubna, "South Sudan's Militias" (see note 49).

63 Interviews with diplomats from EU member-states, Juba, January 2011.

64 All Southern Sudanese Political Parties' Conference, *Final Communiqué* (Juba, 2010).

65 The commission, which nevertheless remains dominated by SPLM members, is charged with revising the transitional constitution to produce a permanent one. "Kiir Names Constitution Review Team", *New Nation*, 12 January 2012, http://www.thenewnation.net/news/34-news/293-kiir-names-constitutional-review-team.html.

66 Most controversial debates in the National Assembly are associated with questions concerning individual appointments, which by nature affect the interests of the clientelist factions competing with each other in parliament. See, for example, "Rift in Parliament Over Committee Leaderships", *The Citizen*, 14 September 2011, http://www.thecitizen.info/politics/rift-in-parliament-over-committee-leaderships/; "South Sudan Parliament Approves New Cabinet Amid Reservations", *Sudan Tribune*, 31 August 2011, http://www.sudantribune.com/South-Sudan-parliament-approves,40009.

67 GoSS, *Approved Budget 2011* (Juba, 2011).

68 Interview with the deputy governor of Upper Nile, Malakal, January 2011.

advisers without visible function, and provide them with expensive vehicles. Accusations that ministers fill posts with members of their own clan are also widespread.[69] Corruption is an integral component of this patronage system, but even in the most spectacular cases no high-ranking politician has yet been prosecuted, indicating that the government tolerates such practices for the sake of stability.[70] A parliamentary investigation into a high-profile grain scandal began in June 2011, but as of January 2012 has not yielded any results; it also remains to be seen whether a similar investigation launched in November 2011 into fiscal mismanagement during 2005/6 will lead to the prosecution of former senior players.[71]

Southern independence further increased the costs of political accommodation. Under the interim constitution, the former South Sudanese members of the National Assembly in Khartoum were appointed as members of the National Legislative Assembly in Juba, thereby increasing the latter's membership by more than half. Besides, a Council of States was created to accommodate the former South Sudanese members of the equivalent institution in Khartoum, in addition to thirty representatives appointed by the president.[72] Furthermore, disbandment of the Joint Integrated Units added 14,000 men to the SPLA's payroll who had hitherto been paid by Khartoum. As of November 2011, another two thousand members of recent rebellions against the Juba government were awaiting integration into the SPLA.[73] Further accommodation of opposition parties or rebel groups would raise patronage-related spending yet further, with even less funds available for investment in infrastructure, administration and public services. Amnestying and reintegrating renegades involves other risks too, potentially giving other oppositionists an incentive to take up armed struggle to improve their own negotiating position. The deals struck with Peter Gadet, Robert Gwang and David Yauyau between April and August 2011 are likely to do just that, with two of the three former rebels receiving substantially inflated ranks in exchange for their integration into the SPLA.[74]

Dilemmas for Donors

Given the precarious security situation, the South Sudanese leadership has little choice but to integrate former militia leaders, expand patronage networks and tolerate corrupt practices. But for donors, this political logic is problematic. External aid to the

69 Interviews with civil servants, Juba and Malakal, January 2011.

70 This was the case in the scandal involving the Nile Commercial Bank, which was founded in 2003 by influential members of the SPLM and financially backed by the government from 2005. The Bank became temporarily insolvent in 2009, probably because of high-ranking politicians and military leaders failing to repay loans. The President of the Bank of South Sudan, Elijah Malok, threatened to publish the names of the miscreants, but no further action ensued. Instead the state bailed out Nile Commercial Bank. The South Sudanese Finance Ministry and the Anti-Corruption Commission have repeatedly declared their intention to crack down on self-enrichment by high-ranking officials but have never carried through on the threat. There are also credible reports of large bribes being paid for contracts in the oil sector. Interviews with international experts in the oil sector, Juba, January 2011. "South Sudan Rescues Nile Commercial Bank, Restructures Management", *Sudan Tribune*, 26 August 2009, http://www.sudantribune.com/South-Sudan-rescues-Nile, 32255; "South Sudan Pressured to Combat Corruption", *Sudan Tribune*, 18 February 2011, http://www.sudantribune.com/South-Sudan-pressured-to-combat,38038.

71 "South Sudan Parliament Calls for Action Against Corruption", *Sudan Tribune*, 16 January 2012, http://www.sudantribune.com/South-Sudan-parliament-calls-for,41312. The grain scandal concerned government contracts for grain supplies and silo construction. In 2009 about $200 million (more than 10 percent of the Southern Sudanese budget) was paid to shell companies for doing nothing. The total volume of contracts for 2009 was 3.6 billion Sudanese pounds (about 175 percent of the budget), but most payments were stopped after the fraud was uncovered. The scandal resulted in a cabinet reshuffle and the sacking of the finance minister, but to this day no prosecution has been opened despite suspicions that governors and Finance Ministry staff were behind the scheme. "Grain Contracts May Have Played Role in Removal of S. Sudan Minister", *Sudan Tribune*, 8 October 2009, http://www.sudantribune.com/Grain-contracts-may-have-played, 32672; "South Sudan Ministers Invited to Answer Questions on $2 Billion Missing Grain Scandal", *Sudan Tribune*, 18 June 2011, http://www.sudantribune.com/South-Sudan-ministers-invited-to,39246.

72 GoSS, *The Transitional Constitution of the Republic of South Sudan* (Juba, 2011), 18f.

73 SAS, *Fighting for Spoils* (see note 49).

74 Ibid. Gwang and Yauyau were both awarded the rank of major general – in Yauyau's case despite his lack of prior military experience. In addition, in July 2011 Gatluak Gai, a rebel leader in Unity, was promised the rank of lieutenant general in the SPLA – shortly before being shot dead in mysterious circumstances. "Update: South Sudan Rebel Leader Gatluak Gai Killed in Mysterious Circumstances", *Sudan Tribune*, 24 July 2011, http://www.sudantribune.com/Update-South-Sudan-rebel-leader,39615.

government in sectors like education, health and infrastructure can end up indirectly subsidising patronage structures by freeing up resources for salaries that would otherwise have to be invested in public services. Leading donors are indeed expressing increasing concerns about corruption.[75] But for Juba, concerns that clamping down on clientelism and corruption would exacerbate security problems are likely to weigh much more heavily than donors' admonishments. In the foreseeable future, technical assistance to improve the effectiveness of fiscal control mechanisms and institutions like the anti-corruption commission are unlikely to substantially change the predominant political logic. Indeed, the prevalence of clientelism raises fundamental questions about the prospects of external efforts to build administrative capacities. If the administration's functions and the selection of civil servants are determined primarily by the criterion of ensuring political stability through political accommodation, there is little prospect of technical support creating transparent and effective structures.

Donors are facing other questions, too. Whose integration should they be calling for? The discussion here revolves around the roles played by opposition parties and representatives of ethnic groups. By calling for accommodation, donors risk missing the heart of the problem, or even cementing ethnic and tribal divisions. As outlined above, opposition parties stand not for alternative policies, but for narrow-based interest groups; even the largest opposition force, the SPLM-DC, can be said to represent at best parts of an ethnically-defined constituency (the Shilluk). The SPLM's dominance is due not only to its popularity and its connections with the state and army, but also to the fact that most political actors prefer to compete for influence within the party, rather than going into opposition. In this context, promoting inter-party competition would be unlikely to alter the character of South Sudanese politics. Rather, particular clienteles would merely move from the SPLM into opposition parties. Demands that opposition parties be represented in government or bodies such as the constitutional review commission are therefore likely to miss the point.

The argument that ethnic proportionality in appointments is required to rectify the alleged predominance of Dinka in government, army and SPLM is equally questionable.[76] As the prominence of Nuer and representatives of many other groups in leading positions demonstrates, the ethnic balance of power already plays a major role in politics. As outlined above, conflicts in South Sudan are not ultimately about identity but mostly concern access to resources and the distribution of power between representatives and factions of sub-groups. A system of ethnic proportionality would do nothing to eliminate those tensions. On the contrary: Formal or unwritten rules for distributing posts in government and the army could cement ethnic and tribal rifts, and thereby prevent the emergence of policy-based politics, as well as boosting the already common practice of staffing ministries from the minister's own clan. Moreover, there would be no guarantee that appointees from particular ethnic factions would adequately represent their respective group.

Instead of risking counterproductive consequences by pressing for the inclusion of supposedly excluded actors, donors could call for the resolution of specific problems, such as land disputes or the neglect of state infrastructure and public services in particular geographical areas. Tangible moves to resolve such problems would show the respective population group that its interests were being addressed.

The Security Sector

As the South Sudanese budget shows, the security sector enjoys undisputed priority. Between 2006 and 2011 the official military budget averaged about one third of government spending (without including spending on police, prisons and wildlife forces).[77] Security is also one of the most important areas supported by external donors – and one where the goals and interests of the South Sudanese government diverge considerably from those of key donors. As a result, the progress expected by donors has largely failed to materialise, and increasing external support is unlikely to help donors achieve their objectives. This

75 "Prosecute corrupt officials, UN tells South Sudan President Kiir", *Sudan Tribune*, 28 September 2011, http://www.sudantribune.com/Prosecute-corrupt-officials-UN,40273; "Clinton Warns South Sudan of 'Resource Curse' With Oil Wealth", *Reuters*, 14 December 2011, http://www.reuters.com/article/2011/12/14/us-sudan-south-develoment-idUSTRE7BD1UW20111214.

76 But shared by many diplomats from donor states. Interviews, Juba, January 2011.

77 GoSS, *Approved Budget 2011* (Juba, 2011).

applies to all major challenges in the security sector: the disarmament, demobilisation and reintegration programme, which aims to make the bloated security apparatus economically viable; capacity-building and training; as well as strengthening public and civil control of the security sector.

Disarmament, Demobilisation and Reintegration

Efforts to reduce the size of armies and militias and help former combatants to return to civilian life – disarmament, demobilisation, reintegration (DDR) – have become a standard part of international support for post-conflict states. Under the Sudanese DDR process laid out in the 2005 peace agreement, the Sudanese Armed Forces and the SPLA were each to shed 90,000 members, although this decision was taken without reliable estimates of the overall size of the SPLA and the southern militias. International actors hoped that the programme would contribute to confidence-building between Khartoum and Juba and reduce the risk of conflict flaring up again. As the transitional period progressed, the financial benefits of DDR came increasingly to the fore. The South's tight fiscal situation makes right-sizing critical to cut the defence budget and free up resources for other sectors. However, the government's dilemma is that massive demobilisation could create even greater insecurity if the former fighters fail to find alternative employment.

The programme initiated by the CPA was conducted by DDR Commissions in the Republic of Sudan and South Sudan. They cooperated with a DDR unit within the United Nations Mission in Sudan (UNMIS), in which the UN Development Programme (UNDP) played a leading role. After a long start-up phase, the programme was designed to run from 2009 to 2012 with a budget of $430 million for North and South together, of which donors were to supply $385 million.[78] By the end of 2010 about $105 million had been spent altogether.[79] But the track record of the DDR programme is sobering. There were about 35,000 South Sudanese candidates for the first phase, concentrating on special needs groups (women, children, old people and invalids) and soldiers demobilising at their own request. But by May 2011 only 12,500 had been demobilised and by March only 5,000 had completed their reintegration training.[80] Thus to date DDR has brought no tangible financial relief to the SPLA. At the same time there were doubts about the selection process. At least some participants had already returned to civilian life several years beforehand, were no longer receiving pay and were therefore ineligible for the programme. Some SPLA officers responsible for selecting candidates appear to have abused the DDR programme as a means of patronage.[81]

Faced with irregularities and lack of progress, the South Sudan DDR Commission, UNDP and SPLA blamed each other; UNDP funds are reported to have been wasted on unnecessary contracts for foreign consultants.[82] The SPLA has been sceptical about the DDR programme, apparently believing the reintegration measures to be inadequate to neutralise former combatants with serious potential to cause instability, and is therefore pressing for far-reaching changes in the next phase, which continues to depend on donor funding and support from the UN Mission in South Sudan (UNMISS).[83] The next phase of the programme aims to seek greater support from the military by assigning a more prominent role to the SPLA. The DDR Commission and SPLA have agreed on a huge caseload of 150,000 combatants – including 80,000 SPLA soldiers and 70,000 members of the police, fire brigade and wildlife services – but donors, who are cautious due to the failure of the previous programme, have yet to commit funding.

Alongside the complex institutional relationships there are other major obstacles to both the past and

78 UNDP and Republic of Sudan, *Disarmament, Demobilisation and Reintegration Project Document*, p. 2, http://www.sd.undp.org/doc/prodocs/cp4 DDR Project.pdf.

79 Matt Richmond, "North, South Sudan to Reduce Army Size", *VOA News*, 25 November 2010, http://www.voanews.com/english/news/africa/North-South-Sudan-to-Reduce-Size-of-Their-Armies-110674049.html.

80 UNDP and SSDDRC, *DDR Digest* 2, no. 6, 13 May 2011, http://www.ssddrc.org/uploads/Publication Documents/DDR Digest 2011, Vol. 2, Issue 6.pdf; SSDDRC, press release, 25 March 2011, http://www.ssddrc.org/uploads/Publication Documents/MEDIA RELEASE -New DDR Program of RoSS Friday 25 March.pdf.

81 SAS, *Failures and Opportunities: Rethinking DDR in Sudan*, Sudan Issue Brief 17 (Geneva, 2011).

82 Interviews with the head of the SSDDRC, representatives of bilateral donors and UNMIS staff, Juba, January 2011. See also "Peace Hovers in Sudan, But Most Soldiers Stay Armed", *New York Times*, 30 December 2010.

83 Rands, In Need of Review (see note 20), 43; SAS, Failures and Opportunities (see note 81), 4; UN Security Council (UNSC), *Special Report of the Secretary-General on the Sudan* (New York, 17 May 2011); UNSC, *Resolution 1996 (2011)* (New York, 8 July 2011).

future DDR programmes. The political and military establishment does not share the view that South Sudan has entered the post-conflict phase, and is therefore reluctant to reduce the size of the army. Juba still considers the risk of renewed conflict with the North to be high, and is therefore building up its military strength. The numerous internal conflicts weigh even more heavily. Even after the integration of the militias in 2006/07, the SPLA has continued to grow, most recently by including renegades and parts of the JIUs. In April 2011 the government of the conflict-torn state of Unity began recruiting (and in some cases conscripting) 6,000 additional soldiers.[84] In this context, only Special Needs Groups can be demobilised, and even then the funds released could end up being ploughed back into recruitment. Even the DDR Commission itself says that the programme serves the purpose of demobilising the old and invalid, in order to make space for fresh recruits.[85] The objectives of the government and the SPLA therefore diverge considerably from those of the donors. With recruitment ongoing, the risk is that "DDR becomes a South Sudanese institution rather than a fixed-term programme".[86]

More broadly, it is unclear how realistic it is to expect former fighters to enter the private sector on nothing more than a couple of months training and modest material support. The great majority of DDR candidates are illiterate and lack any vocational training, while opportunities in the private sector are extremely limited. Unimpressed by the progress of the internationally backed DDR programme, the SPLA has begun efforts of its own to provide some of its 20,000 "wounded heroes" with land, tractors and financial assistance.[87]

Capacity-building and Security Provision

One of the most crucial challenges for the new state is to establish control and security within its own territory. To that end the South Sudanese security forces have received substantial external assistance in the form of training and equipment aimed at enhancing their capacities and effectiveness. In addition, some of the efforts at professionalisation also include training in legal and human rights standards. External assistance in this field has included a UNDP project to build facilities and train staff for the prison service and police force (funded to the tune of $25 million by bilateral donors and multilateral institutions);[88] police training by UNMIS police; and funding from several donors to build a training centre in Rajaf for the South Sudan Police Service (SSPS). UNMISS continues to provide assistance and training for the South Sudanese police.[89] By far the biggest contribution to SPLA capacity-building, and to a lesser extent for the police, comes from the United States, which allocated about $300 million to such purposes between 2008 and 2011.[90]

It is, however, questionable whether this massive support for capacity-building in the security sector will lead to tangible improvements in security and human rights. There can be no doubt that a lack of equipment (such as vehicles and communications) significantly impairs the security forces' ability to intervene rapidly in local conflicts or combat criminal activity. But the reasons for the state's inability to provide security go far beyond shortcomings in technical capacities: The lack of general elementary schooling puts a cap on levels of training within the police force, while mobility is hampered not only by a shortage of vehicles, but also by weak road infrastructure. One reason for indiscipline and widespread illegal requisitioning by the security forces is their poor or entirely absent pay. And despite training provided by donors, most of the police are still former soldiers and militia members. Moreover, the development of the SSPS will continue to face tight constraints because the government – partly due to of the weight of the SPLA – is willing to earmark only limited resources for the police.

The prevalence of small arms also continues to weigh heavily. Even where they succeed in disarming the civilian population, the security forces are not capable of providing protection. As a result militias operate in many places, ostensibly to ensure the secu-

84 "Unity State Targets 6,000 New Fighters into South Sudan Army", *Sudan Tribune*, 15 November 2011, http://www.sudantribune.com/Unity-state-targets-6-000-new,38588.
85 Interview with the head of the SSDDRC, Juba, January 2011.
86 SAS, "DDR in South Sudan", September 2011, http://www.smallarmssurveysudan.org/pdfs/facts-figures/ddr/HSBA-DDR-in-South-Sudan.pdf.
87 SAS, *Failures and Opportunities* (see note 81), 8.
88 UNDP Sudan, "Support to Police and Prisons in Southern Sudan", http://www.sd.undp.org/projects/s_dg11.htm.
89 UNSC, *Special Report* (see note 83).
90 USAID Sudan, "Fact Sheet FY 2008–11 USAID-State Foreign Assistance Appropriations", http://www.usaid.gov/locations/sub-saharan_africa/countries/sudan/sudan_fs.pdf; see also Rands, *In Need of Review* (see note 20), 32ff.

rity of their community, but often also illegally collecting taxes or attacking other population groups.[91] Some of these militias and auxiliary forces are tolerated by the government as a stop-gap, given that the state security forces will only be able to take over their role in the medium to long term – if at all.

Until then, donors supporting the security sector will be confronted with the fact that it is not only renegades, armed groups and militias, but also the state security forces themselves that pose a threat to the population. The spectrum of transgressions ranges from everyday incidents such as illegal "taxation" at checkpoints, police corruption and assaults by drunken soldiers through to grave human rights violations during major operations. Examples of the latter include the disarmament campaigns in Jonglei during 2006 and in the town of Rumbek in September 2008, the offensives in Shilluk areas in 2010/11, and counter-insurgency in Unity in 2011. The SPLA is reported to have committed a massacre of civilians during operations against Gabriel Tanginye's militia in Jonglei in April 2011.[92] In each of these cases the outcome of military action was to prolong or escalate the local conflict. So the actions of the security forces stand in direct contradiction to the donors' goal of improving security and human rights by strengthening the security apparatus. As demonstrated by the scandals of grave abuses by officers at the SSPS training centre at Rajaf (which was largely funded by donors) and assaults on civilians by officers trained there, advice and training in human rights standards provided by donors cannot be expected to bring about substantial change.[93] Structural human rights deficits are caused less by a lack of sensitisation by external instructors than by the absence of public and civil institutional control over the security forces.

Security Sector Reform

Security sector reform, the third main field of external support, focuses precisely on the problem of weak civilian control over the security forces. The leading donor in this field is the British Department for International Development (DFID), whose Security Sector Development and Defence Transformation Project sets out to "transform the Sudan People's Liberation Army (SPLA) from a loose guerrilla force into an affordable, professional, disciplined armed force operating under emerging democratic civil control" and assist the government in developing "security decision-making architecture".[94] DFID is also carrying out a parallel project running from 2009 to 2014 to advance the reform of the police and the courts.[95] Switzerland is involved in security sector reform, too, supporting the establishment of a military academy and the development of the corresponding training curricula, devot-

91 Saferworld and Southern Sudan Bureau for Community Security and Small Arms Control, *Report of Consultations on Community-Level Policing Structures in Jonglei and Upper Nile States, Southern Sudan*, October 2010, http://www.saferworld.org.uk/downloads/pubdocs/Southern Sudan community policing structures Oct 2010.pdf.

92 "Hundreds of Civilian Casualties in S. Sudan Battle", *USA Today*, 2 June 2011, http://www.usatoday.com/news/world/2011-06-02-southern-sudan-civilians-killed_n.htm. The disarmament campaign in Rumbek degenerated into pillage, rape and murder by army soldiers. O'Brien, *Shots in the Dark* (see note 21), 29. During the two offensives in Upper Nile in summer 2010 and March 2011 huts were burned and civilians executed. SAS, "SPLM/A-Shilluk Conflict in Upper Nile" (see note 24); Human Rights Watch, "Improve Accountability for Security Force Abuses" (see note 59). In Unity civilians are also reported to have been killed or forcibly displaced. The responsible commander, General Chuol, called on the population to leave the area, saying that any civilian who remained would be regarded as a rebel. "S. Sudan: Nine Killed and over 80 Wounded in Clash between SPLA and Gatdet's Militia", *Sudan Tribune*, 20 May 2011, http://www.sudantribune.com/S-Sudan-Nine-killed-and-over-80,38971. In another incident, SPLA soldiers killed four civilians attending mass in Pigi County in December 2011. "SPLA Kill Church Goers in Jonglei, Pibor Attacked", *Sudan Tribune*, 26 February 2011, http://www.sudantribune.com/SPLA-kill-church-goers-in-Jonglei,41095.

93 "Neuer Skandal um Polizei im Südsudan", *Neue Zürcher Zeitung*, 22 January 2011; Human Rights Watch, "Improve Accountability for Security Force Abuses" (see note 59). UNMIS staff report that police recruits received no pay during their training; while they were staying at Rajaf the crime rate in nearby Juba is reported to have increased noticeably. Interview with UNMIS staff, Juba, January 2011. Other incidents include serious assaults by SPLA and police on a ministry official (in December 2011) and the head of the UN Human Rights division in South Sudan (in August 2011). "South Sudan Probes Beating of Senior Official in Wau", *Sudan Tribune*, 2 January 2012, http://www.sudantribune.com/South-Sudan-probes-beating-of,41162; "South Sudan Police Assault U.N. Human Rights Official", *New York Times*, 26 August 2011.

94 The project provides for spending of £10.6 million for 2009–2012. Department for International Development, "Security Sector Development & Defence Transformation", projects.dfid.gov.uk/project.aspx?Project=200329.

95 This project has a budget of £20.6 million for North and South Sudan together, much of which is going to the South. DFID, "Safety and Access to Justice Programme", projects.dfid.gov.uk/project.aspx?Project=113400.

ing special attention to the implementation of international norms in relation to democratic constitutional control of the security apparatus.[96]

None of these programmes have achieved anything approaching the progress originally planned. This is hardly surprising, for even in the best-case scenario placing the security apparatus under democratic civil control will be a long-term process. Generally speaking, there are major doubts as to whether SPLA and governing elites actually share this goal at all and whether the balance of power in the security sector can really be changed by promoting norms from outside. One external adviser who is well-disposed towards the SPLA believes that the military has no interest at all in structural change but "only in creating military effectiveness through training and additional equipment".[97]

The Ministry of Defence and Veteran Affairs, which donors support as part of the civil control structure, is still a rudimentary body, and exerts little control over the SPLA.[98] Ministry, parliament and supreme command (in the person of the president) are controlled or dominated by former military leaders. In view of the importance of military rank in South Sudanese politics, the idea of civilians exercising oversight over the security apparatus appears out of the question for the moment. The elite shares a political culture steeped in a military ethos and defined by the experience of the civil war, during which the warring parties regularly acted with great brutality against the civilian population.

The Legislative Assembly sees itself primarily as a place for the commanders and politicians who fought in the civil war to retire to. The Security and Public Order Committee, chaired by the influential Brigadier General Aleu Ayieny, has been satisfied with holding a few hearings on mostly uncontroversial issues.[99] Parliament is far from critically questioning the executive over human rights violations by the security forces and civil society groups are too weak to exert pressure on parliamentarians in such matters.[100] Instead, donors provide external advisors to encourage deputies to show more courage in their dealings with the government. Such is the gulf between donors' wishes and political conditions on the ground.

Another obstacle to closer control of the security apparatus is the state of the courts. A multitude of formal and informal institutions exercise jurisdiction in the absence of clear guidelines about their relationships to one another and what law is to be applied. Moreover, many of them appear to be corrupt.[101] Even more problematic with respect to the security sector is the reluctance of police and courts to pursue transgressions by SPLA soldiers.[102] There is no evidence that those responsible for the crimes committed during the operations mentioned above were ever brought to justice. Whereas the reasons for non-prosecution of human rights violations in South Sudan are principally political, donors – like the UNDP with its programmes in the justice sector – continue to place their faith in capacity-building, information campaigns and human rights training.

In sum, the South Sudanese government faces major security challenges but its strategies and interests show little overlap with those of its donors. The biggest problem are serious and ongoing human rights violations by the security forces. Donors must ask themselves whether they can square support for the South Sudanese security apparatus with the importance they place on human rights. At the very least, further assistance for the security sector should be made conditional on clear improvements in the human rights situation.

Administration and Public Services

As well as establishing security, South Sudan also needs to expand the extremely weak presence of the state. Political and administrative structures need to be established to register the population, collect taxes and identify and resolve local problems. Closely linked to this is the establishment of public services: health

96 Swiss Armed Forces, *The Swiss Armed Forces' Security Sector Reform Project, Juba, Southern Sudan: Summary of the Interim Review*, March 2009, http://www.pircenter.org/data/sschool/Literature/Zusammenfassung englisch Summary of the Interim Review.pdf.

97 Rands, *In Need of Review* (see note 20), 37.

98 Interview with an external expert in the security sector, Juba, January 2011.

99 In some instances, parliament has displayed a more critical stance towards the security forces. A report by the Peace and Reconciliation Committee in June 2011 criticised the SPLA's approach to the insurgencies in Unity. ICG, *South Sudan: Compounding Instability in Unity State* (Brussels, 2011), 14.

100 Interview with member of the DFID project, Juba, January 2011.

101 Cherry Leonardi, Leben Moro, Martina Santschi and Deborah Isser, *Local Justice in Southern Sudan* (Washington, D.C., 2010.).

102 Ibid., 43ff. See also Lokuji, Abatneh and Wani, *Police Reform in Southern Sudan* (see note 25), 23.

and education, water, electricity and transport infrastructure. Together these two processes are of central importance for the assertion of state control and its acceptance and legitimacy. The state also urgently needs to establish a tax administration to mobilise resources for public services and reduce its dependency on oil revenues, which have averaged 98 percent of total state income since 2005.[103] Otherwise South Sudan risks degenerating into a rentier state that contents itself with control of its oil revenues, fails to establish a presence across its territory and continues to leave the local level to its own devices.

As already outlined, the challenges in these areas are enormous. Until 2005 there was virtually no investment in infrastructure, and since then progress has been slow. Health services are largely restricted to the state capitals, and even there facilities are rudimentary. The state of the education system is best illustrated by the illiteracy rate, which the education minister's (optimistic) estimate puts at 73 percent.[104] At the local level, numerous uncoordinated actors collect taxes, in many cases illegally, and only a fraction ever arrives in Juba or the state capitals. The need for action is obvious and South Sudan is already receiving considerable support in these areas. But in many respects the political logic driving the institution-building process contradicts the objectives of the donors, whose programmes in some cases actually turn out to hinder the establishment of efficient administration and public services.

Administrative Development

Since 2005, donors have been supporting the government in establishing political and administrative structures.[105] But the principles of federalism and decentralisation they promote have often turned out to be unsuited to South Sudanese conditions, especially when implemented in problematic ways by local actors.

The governing elite is divided over the virtues of federalism. Key players in the executive such as Minister of Justice John Luk Jok argue that the federal principle was anchored in the CPA to preclude the political marginalisation of peripheral provinces, but is now falsely applied to the internal structures of South Sudan, which are immune to the asymmetrical centre/periphery relations of pre-secession Sudan. Regional strongmen and opposition forces, on the other hand, assert the need for federal structures to ensure that internal marginalisation and disadvantage of regions and population groups cannot occur.[106] Indeed, investment and economic growth are mainly driven by demand from government, donors and NGOs, and strongly concentrated on Juba.

Aside from this political debate, it is questionable whether decentralised and federal structures are appropriate for state-building in the South Sudanese context, where there is no precedent for effective administration and centralised control. At the local level – the counties, payams (districts) and bomas (villages) – the problem would appear to be not a lack of self-government but inadequate control by the higher administrative levels, as taxation practices demonstrate. While the payams and counties collect taxes (alongside numerous unauthorised entities), the next level, the county or state respectively, has no

103 GoSS, *Approved Budget 2010* (Juba, 2010), 2.

104 "South Sudan Illiteracy Reduces To 73%, Minister Says", *Gurtong*, 2 May 2011, http://www.gurtong.net/ECM/Editorial/tabid/124/ID/5293/Default.aspx.

105 The German Max Planck Institute for Comparative Public Law and International Law prepared a draft for the South Sudanese transitional constitution (which was largely adopted), advised the government on the preparation of the Local Government Act and trained parliamentarians in questions of decentralisation. The German Gesellschaft für Internationale Zusammenarbeit (GIZ) is implementing a ten-year decentralisation project for the Federal Ministry for Economic Cooperation and Development; its budget for 2007–2013 runs to €9 million. GIZ, "Programm zur Unterstützung des Staatsaufbaus", http://www.gtz.de/de/weltweit/afrika/20998.htm. Switzerland supports the formation of structures for "traditional" institutions at state level. Eidgenössisches Departement für auswärtige Angelegenheiten, "Das Engagement der Schweiz", January 2011, http://www.news.admin.ch/NSBSubscriber/message/attachments/21854.pdf.

106 Interview with Minister of Justice John Luk Jok, Juba, January 2011. Support for federalism and decentralisation in southern Sudan goes back to the 1970s when Equatorial politicians called for the autonomous southern region to be split into three provinces, arguing that the Dinka must be prevented from controlling the south. The subsequent division was one of the main triggers for the second civil war starting in 1983. Johnson, *The Root Causes of Sudan's Civil Wars* (see note 12), 51ff. For extracts from the current federalism debate see: "Greater Equatoria Demands Federal System in South Sudan", *Sudan Tribune*, 17 April 2011, http://www.sudantribune.com/Greater-Equatoria-demands-federal,38608; "The Call for a Federal Constitution Remains to Be Honoured", *Sudan Tribune*, 1 May 2011, http://www.sudantribune.com/The-call-for-a-Federal,38756. International NGOs also call for greater decentralisation, see ICG, *Politics and Transition in the New South Sudan* (Brussels, 2011), 18ff.

overview of the amount of revenues and suspects the lower level of embezzlement. Conversely, state governments appear to retain a considerable proportion of the transfers from Juba that are actually meant for the counties.[107] The Local Government Act provides for the county commissioners who supervise tax collection and budgets and the councillors who oversee them to be chosen by direct election, but these arrangements have yet to be implemented. At the moment commissioners are appointed by state governors and few counties have councils at all. Given the huge socio-economic difficulties, the authoritarian political climate and the levels of illiteracy, the councils are unlikely to develop into effective bodies any time soon.

Furthermore, federal structures are extremely costly and consume resources that are urgently needed for investment in public services and infrastructure.[108] This applies most of all to the state parliaments, which have to date largely neglected their supposed function as checks and balances, but also to the state ministries, whose functions partly compete or overlap with those of the central government in Juba.[109] The multitude of governors' advisers and civil servants without recognisable function are another financial burden. Overall, the states' formal decision-making powers are out of proportion to their fiscal base. Most of the states depend on transfers from Juba for the bulk of their budget because their tax administration is inadequate and their tax base is in any case tiny.[110] The same applies at the local level. According to a World Bank study, local institutions are not viable at present because most counties cover only 10 of 20 percent of their budget from their own tax revenues, with the rest coming from Juba. The study does however see potential for increasing tax revenues at the local level.[111]

107 Interviews with the commissioner of Makal County and the deputy governor of Upper Nile, Malakal, January 2011.
108 This is also criticised by some donors. Interview with a USAID representative, Juba, January 2011.
109 The biggest conflicts between GoSS, state governments and counties are over tax administration, leading to duplication and revenue losses for the respective lower tier. World Bank, *Southern Sudan: Enabling the State: Estimating the Non Oil Revenue Potential of State and Local Governments* (Washington, D.C., 2010), ix.
110 An exception is Central Equatoria, which has a relatively large urban population. In 2008 it financed 38 percent of its spending through its own taxes. Ibid., 31.
111 Ibid., vii ff.

The usefulness of decentralised structures is called even further into question by the interim constitution of the new state, which undermines the federal principle (which it does not even mention explicitly) by giving the president the power to dismiss governors. In other words, the states possess the expensive institutions of a federal system without the requisite financial and political autonomy. The explanation for these discrepancies is that the function of the federal and decentralised structures for local actors is not what the laws, official discourse and donors' objectives would suggest. State parliaments serve above all to accommodate influential politicians and potential rivals – in short, as patronage instruments.[112] Clientelism also plays a decisive role in the national and state-level ministries and administrative apparatus. The necessity to create employment opportunities at short notice to keep client groups quiet hampers the process of building the efficient administration required for long-term stability.

Discrepancies between the official functions of emerging structures and their underlying political logic are also found in another target area for donor support, the "traditional" authorities. The government asserts that its support for "traditional" institutions reflects their local legitimacy and permits a greater degree of self-administration. Although this objective certainly concurs with the thrust of external assistance, the government's attitude makes more sense when considered in connection with fiscal constraints. The state currently lacks the resources to establish an administration at the local level and makes do instead, like colonial "indirect rule" and the SPLA's wartime administrative structures, with the superficial but cheap alternative of administration through intermediaries. The consequences of this strategy could end up being quite different from what the donors expect. Rather than serving the interests of the local population, the local level could be abandoned to its own devices, preventing necessary investments in services and infrastructure.

Finally, decentralisation and institution-building have turned out to be problematic in another respect too. Since 2005, the government's creation of new administrative units as territories of particular ethnic and tribal groups has fuelled conflicts over land and

112 The deputy governor of Upper Nile told the author that the state's parliamentarians were warlords. "You have to give them posts, otherwise they'll cause problems. And, after all, they fought for independence, so they should have their share in the state." (interview, Malakal, January 2011).

political representation.[113] For example, the creation of Pigi County as a Dinka-controlled entity in an area partly claimed by the Shilluk played an important role in the outbreak of conflict between the SPLA and the Shilluk in Upper Nile.[114] Many areas have seen conflicts over the boundaries of payams and counties that are understood as tribal territories. Ever more and ever smaller groups are demanding their own counties or the separation of their payams from counties controlled by other ethnic groups. Such demands were also linked to an assassination attempt on former agriculture minister Samson Kwaje, in which four people were killed.[115] The government's approach of setting up a decentralised administration has thus exacerbated the politicisation of ethnic and tribal identities and anchored such rivalries in the administrative structures.

Public Services

The government has largely neglected the development of state infrastructure and public services such as education and health, although they are urgently needed in order to facilitate economic development and strengthen the state's legitimacy. In 2011 the government budgeted 10 percent of its spending for infrastructure, 7 percent for education (two thirds of which went to salaries) and 4 percent for health, as compared to 38 percent for the military and security apparatus. This puts education and health third and fourth on the government's list of priorities, behind security and roads.[116] While the security situation certainly justifies prioritisation, this is only possible because Juba receives such generous donor assistance in the other three fields. According to government figures, planned donor spending in 2010 corresponded to 40 percent of the South Sudanese budget for education, 60 percent for infrastructure and a huge 214 percent of state health spending.[117]

External support in these areas represents an indirect subsidy for government spending on security and administration. If donors wish to change that, they must make their assistance for education and health conditional on Juba gradually reducing its spending on administration and security and taking over the funding of schools, hospitals and staff hitherto financed by donors. Such models already exist for individual projects, but in the case of an EU-funded health project Juba has failed to keep its promise to put the doctors on its own payroll after several years of external funding.[118]

Juba, for its part, rightly complains that external health and education aid does not cover the territory systematically. It also has grounds for its complaint that much external funding flows into humanitarian and emergency assistance, rather than establishing basic public services.[119] To sustainably strengthen the health and education sectors while at the same time helping the government to expand its legitimacy, more resources must be channelled into developing public services and less spent on temporary measures by foreign NGOs.

Economic Development and Diversification

Promoting economic development is the fourth central challenge for the new state and has a direct bearing on all the problems already mentioned. Broad-based economic growth creating employment opportunities for demobilised soldiers would both improve the security situation and reduce the financial burden on the government. Growth outside the oil sector is imperative to increase tax revenues, especially at the level of the payams, counties and states.

There is broad consensus among government and donors that developing agriculture has top priority in the given economic context, especially small-scale cultivation, livestock-rearing and fisheries. There is also agreement about the biggest obstacles in the agricultural sector: security worries, lack of transport

113 Schomerus and Allen, *Southern Sudan at Odds with Itself* (see note 18), 38ff.
114 Interviews with senior civil servants and UNMIS representatives, Malakal, January 2011.
115 "Shooting of South Sudan Minister Prompts Detachment of Local Administration", *Sudan Tribune*, 19 November 2009, http://www.sudantribune.com/Shooting-of-South-Sudan-minister,33178.
116 Spending on security includes the police, prisons and wildlife services. GoSS, *Approved Budget 2011* (Juba, 2011).
117 GoSS, *Approved Budget 2010* (Juba, 2010), 24.
118 Interview with a representative of the NGO running the project, Loccum, January 2011.
119 Interview with health minister Luka Monoja, Juba, January 2011. The funds provided for humanitarian aid are considerable, especially at the EU level. For 2011 alone the Humanitarian Aid Department of the European Commission (ECHO) allocated €140 million for Sudan, a large part of which is flowing to South Sudan and Darfur. ECHO, *Humanitarian Implementation Plan Sudan 2011* (Brussels, 2011).

infrastructure, and multiple and/or illegal taxation.[120] What this diagnosis omits are the legal and above all political conditions that set the framework for growth in agriculture and other sectors. These conditions encourage corruption, conflicts and the rise of a business elite composed of military leaders and top politicians. One of the most important reasons for this are the ongoing disputes over land rights, which are poorly defined and vulnerable to abuse by the elites.

One example are the large-scale land seizures by officers and men starting in 2005 around Juba and other urban centres.[121] The sale to U.S. investor Jarch of leasehold rights to 400,000 hectares of land in Unity by former militia leader and present SPLA deputy commander-in-chief Paulino Matiep raised eyebrows. The case is an illustration of the potential for illegal land grabbing in South Sudan, even if the project has yet to proceed beyond the contract stage.[122] It would be wrong to regard the post-2005 land redistributions as specific to a brief phase of anarchy or a temporary legal vacuum. Growth and investment in the agricultural sector are likely to lead to an increase in conflicts over land ownership over the coming years.

Some of the problems stem from the legal framework defined in the 2009 Land Act,[123] which is based on the principle espoused by John Garang since the founding of the SPLM that land belongs to the community.[124] Communities are understood in the sense of particular population groups, generally ethnic or tribal. So the holders of community land may be families, clans or tribes. Under the Land Act land may only be leased or sold if the community agrees, and councils or agencies representing the community are to be established at payam and county level. But it is the authorities at county and state level who will appoint them. The Act fails to specify in detail the criteria for choosing officially recognised "traditional" authorities and civil society representatives.[125] The administration or "traditional" authorities can thus easily abuse the process, as demonstrated by illegal land sales by tribal leaders in Juba County.[126] The central role of "traditional" authorities in questions of land ownership becomes all the more dubious given that they are widely perceived as representing not communities, but above all the state. Years could pass before the local councils are up and functioning, and in view of the vagueness of the legal provisions it remains doubtful whether the system will be able to prevent abuse even then. There is also confusion about which tier – national, state or county – is responsible for registering and distributing land, leading to disputes between the levels of government and to mutually contradictory legal claims.[127]

The legal framework also fuels land conflicts along ethnic and tribal lines. Counties, which have far-reaching responsibilities for administering land ownership, are increasingly understood as domains of particular tribal groups – or indeed created specifically as such. This fuels tensions with minorities within the county or groups from outside claiming land in the county.[128]

120 GoSS, *GoSS Growth Strategy 2010–2012* (Juba, 2009); World Bank, *Sudan* (see note 3).

121 Branch and Mampilly, "Winning the War, But Losing the Peace?" (see note 14); Gabriella McMichael, "Land Tenure and Property Rights in Southern Sudan: A Case Study of Informal Settlements in Juba", in *Land Tenure Issues*, ed. USAID, section C (see note 22).

122 Matiep (see also note 39) and other militia leaders have seats on the "advisory board" of Jarch, with which he concluded the legally at best dubious contract in 2009. "US Investor Buys Sudanese Warlord's Land", *Financial Times*, 9 January 2009.

123 GoSS, *The Land Act, 2009* (Juba, 2009).

124 Under the Transitional Constitution and the Land Act: "All land in Southern Sudan is owned by the people of Southern Sudan and its usage shall be regulated by the Government." GoSS, *The Transitional Constitution* (see note 72), Part Twelve, Chapter II; GoSS, *The Land Act, 2009* (see note 123), Chapter II, Section 7. The Transitional Constitution continues: "Community land shall include all lands traditionally and historically held or used by local communities or their members. They shall be defined, held, managed and protected by law" (Part Twelve, Chapter II); the Land Act: "Community land shall be held by communities identified on the basis of ethnicity, residence or interest" (Chapter II, Section 7). As well as community land there is also state-owned and private land, but this is restricted principally to towns and other areas where demonstrable claims exist. A number of deficiencies in the Land Act are to be modified or clarified by the Draft Land Policy (a document heavily influenced by USAID but not necessarily strongly supported within the GoSS). Southern Sudan Land Commission, *Draft Land Policy, February 2011* (Juba, 2011).

125 GoSS, *The Land Act* (see note 123), chapter VII, sections 44–49.

126 Wani Mathias Jumi, "Customary Authority and Traditional Authority in Southern Sudan: A Case Study of Juba County", in *Land Tenure Issues*, ed. USAID, section D (see note 22).

127 Interview with the commissioner of Makal County, Malakal, January 2010. See also Lomoro Robert Bullen, "Jurisdiction of GOSS, State, County, and Customary Authorities over Land Administration, Planning, and Allocation: Juba County, Central Equatoria State", in *Land Tenure Issues*, ed. USAID, section B (see note 22).

128 Schomerus and Allen, *Southern Sudan at Odds with Itself* (see note 18), 40ff.

Significantly more important still are the political circumstances and especially the weakness of the institutions. The justice system is powerless to enforce the law against influential members of the political and military elites. In and around Juba members of the army generally go unpunished for acts of illegal land seizure.[129] Few of the institutions to administer land ownership and settle disputes under the Land Act yet exist and the principle that the population should be consulted about the use of community land is widely ignored by the government and "traditional" authorities. This has also occurred in cases of major foreign investments in agriculture and forestry.[130] In the livestock business high-ranking SPLA officers gain advantages and generate conflicts by supplying their herders with arms and ammunition and allowing herds to graze in contested territories.[131] There are also persistent rumours that parts of the military elite are involved in large-scale cattle rustling. Personal profit-seeking by former and current military leaders could join forces with institutional interests if the army, as planned by the SPLA Directorate of Military Production, proceeds with setting up its own commercial ventures (agriculture and food production being the preferred sectors). Besides aiming at creating employment opportunities for demobilised soldiers, commercial considerations appear to play a role too.[132]

The political conditions therefore favour the emergence of a new class of privileged entrepreneurs who enrich themselves through violence and corruption. One of the most important instruments is land, but the trend exists in other areas too. In the oil sector, county commissioners exert control over compensation payments by oil companies to the local population, engendering large-scale corruption.[133] Donors should take these developments into account. While the existing political conditions could even facilitate private-sector activity, they also contain the potential for devastating consequences by causing land conflicts to escalate and producing a narrow business elite determined to defend its privileges through control of political office and if necessary by armed force.

In projects aimed at promoting private-sector development in agriculture and other sectors, donors should therefore adopt precautionary measures to ensure that aid does not fuel local conflicts. The same applies to support for foreign investment projects. In both cases, it is important to assess local legacies of land rights and conflict, establish clarity about who will profit, and thoroughly consult with the local population.

129 Interview with a victim of illegal land confiscation by a high-ranking SPLA officer, Juba, January 2011.
130 David Deng, *The New Frontier: A Baseline Survey of Large-Scale Investment in Southern Sudan*, NPA Report 1/11 (Oslo, 2011).
131 Athiba, "Conflict over Resources" (see note 22).
132 Rands, *In Need of Review* (see note 20), 44; Interviews with external experts in the security sector, Juba, January 2011.
133 Field research in South Sudan oilfields, 2007–2010.

Conclusions

Donors are planning to further step up aid now that South Sudan has become independent, seeking to help the government in Juba to meet the high expectations among large parts of its population. But the hope that external support can create a tangible "peace dividend" that will help the government consolidate its authority is unrealistic. South Sudan will for the foreseeable future remain a weak state ridden by armed conflicts. The preconditions for rapid progress do not exist. This goes for territorial control, economic growth and diversification, as well as the establishment of an effective administration and public services.

The legacy of half a century of civil war notwithstanding, current political conditions impede development. The regime's internal fragmentation and its exposure to demands from a multitude of competing groups prevent it from ensuring an efficient use of state resources, such as in administrative development. The leadership in Juba concentrates on accommodating individuals and interest groups by distributing posts in government, administration and the security apparatus, thereby losing the ability to take and enforce difficult decisions.

The government faces a dilemma. Its concentration on political accommodation and the expansion of patronage networks for the sake of – urgently needed – short-term stabilisation prevents it from laying the groundwork for long-term stability, namely a functioning administration and a system of public services. Short-term crisis management consumes the resources required for long-term stability, and clientelism impedes the development of efficient structures. Donors can exert influence here. They should ensure that their support for basic services in health and education does not indirectly subsidise the government's financial prioritisation of security and salaries. Realistic benchmarks are needed to encourage the South Sudanese state to gradually expand its role in health, education and infrastructure. If progress fail to materialise, donors should respond accordingly.

The mechanism of political accommodation dominating the new state is ethnic and tribal clientelism. But external decision-makers should not allow perceptions about a supposed Dinka dominance of government and armed forces to lead them into calls for ethnic proportionality. In many respects South Sudan's problem is not too little political accommodation – rather, ethnic and tribal rivalries are fuelled by accommodation strategies that consume a large proportion of the state's revenues. Under current conditions even efforts to promote democratisation by encouraging the development of multi-party politics appear unsuited to alter this logic. Donors should resist the temptation to exert direct influence on questions relating to political accommodation, and instead should press for the resolution of specific problems, such as land conflicts or human rights violations by the security forces.

In this political context, the preconditions for successful state-building as understood by the donor community are simply absent. The record of externally supported measures to date shows that international state-building in South Sudan faces difficulties extending far beyond the typical problems in this field (lack of absorption capacity of government and society, inadequate coordination of international support).

As demonstrated in the cases of the DDR programme and security sector reform, donors and the South Sudanese government are pursuing different objectives on key questions. Juba has shown no interest in reducing the size of the security forces or placing them under democratic civilian control. Even where such discrepancies do not simply cause external assistance to fail, they still produce consequences that are unintended (by the donor side) if not downright counterproductive. At the same time, there is serious doubt that the government possesses the political ability and will to tackle corruption and human rights violations.

Donors have been comparatively patient with Juba on both counts. Until mid-2011, the main reason for this lenient approach was that donors sought to concentrate their political resources on concluding the CPA transitional phase with a referendum and independence. Technical support has been the means of choice for tackling both problems, with donors promoting capacity-building for the police, the justice system and institutions like the anti-corruption commission. But, as important as such assistance is, it

changes nothing about the political causes of these problems – which call into question the usefulness of international support for state-building in South Sudan as a whole.

Under the current circumstances, it would be misguided to turn South Sudan into the next great international state-building project. The idea that the country could be stabilised in the medium term if it only received enough of the right kind of aid does not hold water. Too great is the danger that international support will seep away into clientelist structures, too incalculable are the consequences and side-effects of external engagement. Cautious, targeted support measures with manageable consequences appear more appropriate to the political circumstances. These should come tied to clear conditionalities, especially concerning human rights and anti-corruption. In fact, too extensive external commitments to state-building are likely to limit donors' appetite to exert pressure on the government. One example are the tensions between UNMISS's task of helping the new state build its capacities, and its role as democracy and human rights watchdog. Fulfilling the latter function is difficult for a mission that depends on maintaining good and close relations with the government at all levels. The same applies to bilateral donors: the vested institutional interests that come with large-scale development assistance can impede the enforcement of conditionalities associated with human rights and transparency standards.

Donors should link their engagement for state-building more closely to political dialogue with the South Sudanese government. Bilateral donors can support UNMISS in doing so. But at the same time, they should prioritise human rights and anti-corruption in their bilateral relations with Juba. A stronger focus on these issues is also needed to correct the asymmetries in Western states' relations to North and South Sudan, and enable Western governments to act as neutral intermediaries between the two states.

Abbreviations

CPA	Comprehensive Peace Agreement (2005)
DDR	Disarmament, demobilisation, reintegration
DFID	Department for International Development (UK)
ECOS	European Coalition on Oil in Sudan
FAO	Food and Agriculture Organisation of the United Nations
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
GoSS	Government of Southern Sudan (2005–2011), since 9 July 2011: Government of South Sudan
HRW	Human Rights Watch
HSBA	Sudan Human Security Baseline Assessment
ICG	International Crisis Group
IGAD LPI	Intergovernmental Agency on Development, Livestock Policy Initiative
JIUs	Joint integrated units
NCP	National Congress Party
NGO	Non-governmental organisation
NPA	Norwegian People's Aid
PRIO	Peace Research Institute Oslo
SAS	Small Arms Survey
SPLA	Sudan People's Liberation Army (1983–2011, since 9 July 2011: South Sudan Armed Forces, SSAF)
SPLM	Sudan People's Liberation Movement
SPLM/A	Sudan People's Liberation Movement/Army
SPLM-DC	SPLM-Democratic Change
SSAF	South Sudan Armed Forces
SSBCSSAC	Southern Sudan Bureau for Community Security and Small Arms Control
SSDDRC	Southern Sudan Disarmament, Demobilization and Reintegration Commission
SSDF	South Sudan Defence Forces
SSIM	South Sudan Independence Movement
SSLA	South Sudan Liberation Army
SSPS	South Sudan Police Service
SSUM	South Sudan Unity Movement
UNDP	United Nations Development Programme
UNMIS	United Nations Mission in Sudan (2005–2011)
UNMISS	United Nations Mission in South Sudan (since 9 July 2011)
UNSC	United Nations Security Council
USAID	United States Agency for International Development
VOA	Voice of America
WFP	World Food Programme