State Building in South Sudan:

Priorities for Development Policy Research

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LIST OF ACRONYMS

ANC ....African National Congress
ARRF ....African Research And Resource Forum
CAR ....Central African Republic
CBOs ....Community Based Organizations
CCM ....Chama Cha Mapinduzi
CDC ....Community Development Committees
CIF ....Creative International Forum
CIGI ....Centre for International Governance Innovation
CPA ....Comprehensive Peace Agreement
CSOs ....Civil Society Organisations
CUSS ....Council For The Unity Of Southern Sudan
DDR ....Disarmament, Demobilisation and Reintegration
DFID ....Department for International Development
DRC ....Democratic Republic Of Congo
EAC ....East African Community
EFA ....Education For All
EITI..........................Extractive Industries Transparency Initiative
EMIS ....Education Management Information System
GER ....Gross Enrolment Rate
GESP ....General Education Strategic Plan
GoNU ....Government of National Unity
GoS ....Government Of Sudan
GoSS ....Government Of Southern Sudan
ICR ....Implementation Completion Report
ICSS ....Interim Constitution Of South Sudan
IDP ....Internally Displaced People
IDRC ....International Development Research Centre
IEG ....Independent Evaluation Group
IOM ....International Organization of Migration
JAPO ....Juwama African People's Organisation
LGB ....Local Government Board
LICUS ....Low-Income Countries Under Stress
MDGs ....Millennium Development Goals
MoFEP ....Ministry of Finance and Economic Planning
MSI ....Sudan Media Sustainability Index
MTCDS ....Medium Term Capacity Development Strategy
MTLSS ....Movement For The Total Liberation Of Southern Sudan
NAM ....National Action Movement
NCP ....National Congress Party
NDI ....National Institute Of Democracy
NET ....Net Enrolment Rate
NGO ....Non-Governmental Organisation
NRM ....National Resistance Movement
OAGs ....Other Armed Groups
OECD ....Organisation for Economic Co-operation and Development
DAC ....Development Assistance Committee
PAF ....People's Armed Forces
PTAs ....Parents And Teachers Associations

PTR ....Pupil Teacher Ratio
PUC ....Planning Unit Council
QDDR ....Quadrennial Diplomacy and Development Review
RPA ....Range and Pasture Administration
SAF ....Sudan Armed Forces
SDG ....Sudanese Pound
SPLA ....Sudan People's Liberation Army
SPLM ....Sudan People's Liberation Movement
SPLM/A ....Sudan People's Liberation Movement/Army
SSCCSE ....Southern Sudan Centre For Census Statistics And Evaluation
SSDP ....South Sudan Development Plan
SSLA ....Southern Sudan Legislative Assembly
SSLF/M.....................South Sudan Liberation Front/Movement
SSLM/Anya-Nya ......South Sudan Liberation Movement/ First Sudanese Civil War
SSRRC ....South Sudan Relief And Rehabilitation Commission
SuNDE ....Sudanese Network for Democratic Elections
TCSS ....Transitional Constitution Of South Sudan
UN ....United Nations
UNDP ....United Nations Development Program
UNMISS ....United Nations Mission in South Sudan
US ....United States
USAID ....United States Agency For International Development
WTO ....World Trade Organization

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The Challenges of State-Building and National Development in the New Republic of South Sudan -George Omondi

Introduction

The New and the Old: The declaration of the Republic of South Sudan on July 9, 2011 was a major milestone of the Comprehensive Peace Agreement (CPA) signed between the northern National Congress Party (NCP) and Sudan People's Liberation Movement (SPLM) in 2005. The Government of Southern Sudan (GoSS) ceased to be a semi-autonomous regional government and became a national government. Even though GoSS has presided over governance affairs of the erstwhile semi-autonomous southern Sudan in the six years of the interim period, the transformation following the declaration of independence of South Sudan is significant. Provisions for shared governance between the Government of National Unity (GNU) and GoSS are now invalid and South Sudan is to exercise full control over its public administration and development management, like any other state. However, the previous relationship with northern Sudan and the new forms of their relationship are important elements of state-building in the new republic. The outcomes of negotiations spearheaded by the African Union High-Level Implementation Panel (AUHIP) for Sudan on transition issues covering, among others, citizenship, national assets and debts, land and boundaries, will be instructive in shaping the future relationship between the two now neighbouring states. Even though separated, the two countries still have an intricate relationship that is not just historical, but also linked to the development of social and economic interdependencies over time. For example, South Sudan still relies on the pipeline running through Sudan to Port Sudan for exportation of her oil through the Red Sea.

Development Information: Focusing on the new Republic of South Sudan, many challenges face the country and its leadership. While some of these are similar to post-independence experiences of other African states, others are

unique to the historical and contemporary circumstances in South Sudan. The human development indicators are appalling. Less than 50% of all children receive 5 years of primary school education. While 1.3 million children are enrolled, only 1.9% complete primary school education (UNESCO, 2009). For every 1,000 primary school students there is only one teacher. 85% of adults and 92% of women do not know how to read or write. GoSS and international development agencies have compiled human development indicators over the last few years, but vital information on the status of development in South Sudan is still unavailable. For example, even though the country is said to be rich in minerals and other natural resources other than oil, studies to verify levels of endowment and viability of commercial exploitation are yet to be done. In the 1970s, an Italian firm called Mefit, was contracted by the regional southern Sudan government to undertake a comprehensive analysis of the region's economy. Mefit's report included analyses of various economic sectors and the prospects for their development. These findings need to be reviewed and updated for a clearer and more reliable estimation of the economic prospects of the new state.

Dilemmas of Policy and Development Planning: As in other planning contexts, development programmes in the new republic of South Sudan will essentially be undertaken on the basis of short-term, medium-term and long term priorities. In the short-term, the new government will predominantly focus on humanitarian activities to alleviate crises emanating from the return of many South Sudanese from northern Sudan after the referendum and also the building of public facilities and basic infrastructure to jump-start economic activities. The setting up and establishment of elementary state features like national currency, interim constitution, diplomatic accreditation, among others, have more or less been concluded. Efforts towards economic recovery and socio-political stability will dominate government activities in the medium term. Institutional bases will be consolidated to deliver on public services and attain the macro-economic stability needed for investments and growth. However, government response to insurgent activities in some parts of the country will be necessary sooner rather than later as security will be of paramount importance for realisation of development objectives even in the short-term.

In the long-term, South Sudan may formulate development visions based on sustainable trajectories of growth as has happened in other countries of the continent. In all these, the republic of South Sudan should be more inclined to evidence-based policy propositions, rather than adoptions or duplication of policy choices made in other countries.

State Capacity: The technical capacity of GoSS is still very low, despite ongoing training programmes for civil servants. The capacity deficiency is even more acute at the level of state governments. Linked to this issue is the fact that (former) military leaders in the SPLM have also taken up key responsibilities in

the civilian administration under GoSS. While this is not entirely inappropriate, it is important to impart the former soldiers with necessary skills for civilian public administration. The ideal situation would be a separation of the public service from the military. Retired military officers may take up public service responsibilities. That is different from a near conflation of the top echelons of the civil service and the military as is the case in South Sudan today. Professionalisation of the civil service and the transformation of SPLM from a liberation movement to a governing party are key priorities.

National cohesion and international co-operation: At the time of declaration of the independence of South Sudan, rebel activities in parts of the new country posed significant threats to sustained peace and security. There are simmering political tensions within the ruling party SPLM and between SPLM and other political parties, as signified by the formation of splinter parties from the liberation movement, such as the SPLM-Democratic Change. It would appear some of the political dissent originates from unresolved questions on citizenship and inclusive politics in South Sudan. This is despite the quasi-federal nature of the republic. An environment of competitive politics should be created from these early days of state-building to entrench democratic governance in the new state. The SPLM will need to be accommodative within itself while at the same time open to competition from the other parties, without attempts to stifle their growth. At the same time, South Sudan needs to quickly identify a regional economic community (REC) that it can join. Indications from the country's leadership are that it will pursue admission into the East African Community (EAC). The implications of this for the REC and the new member state need to be investigated and clearly understood.

Objectives of the Study

This publication is the result of a research study, whose objectives were:

- To identify pressing challenges in policy formulation for state-building and national development in the new state of South Sudan;

- To outline a research agenda necessary to support policy-making for state-building and national development in the new state of South Sudan;

While addressing these objectives, we make reference to various publications and reports in normal referencing within respective chapters. That in itself contributes to bringing out some of the recent and authoritative research works on the subject. In a situation where knowledge management systems are weak and many disparate knowledge generation activities run concurrently at the same time, highlighting key works contributes to building the knowledge resource base for future studies and policy choices.

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Methodology

This report is based on information gathered using qualitative research methods. Chapters one to three are based on desk analysis of secondary data. The last chapter of the report, based on key informant interviews and desk analysis, summarises the key arguments as presented in the first three chapters into practical and actionable research questions. In October 2012, key informant interviews were conducted in Juba with government ministers, development partners, civil society, academia and the media. The key informants were purposively selected, on the basis of their influence on the policy process and proximity to governance functions in and out of government. Interviews were conducted using an open ended interview guide. Some of the interviews were taped and transcribed while the research team took notes during other interviews.

The desk analysis covered government policy documents and reports, reports from non-governmental organisations (NGOs) as well as journal articles and books. This exercise appraised the state-of-the-art in development policy research in South Sudan. As such, it extended to historical, political, cultural/anthropological and economic development literature on South Sudan. Both the desk analysis and key informant interviews focused on socio-political and socio-economic dynamics shaping development policy discourse in South Sudan; processes of state building and development and how they relate to development policy making and implementation.

In the traditions of policy research as distinguished from basic research, the study considered many variables in each of the policy areas investigated, leading to a relatively wide scope of analysis. The breadth depicted by the title of the publication and the respective chapters in it attest to this. However, malleability is not lost in this design. Policy research pre-occupies itself with enquiries into variables that may be changed by policy and practical action, involving some human and other resource investments. Governance reforms and the transformation of economic management are within this gambit. Finally, this study was carried out in open activities, in which researchers had many interactions with both participants and non-participants in the study, making it possible to communicate the project activities and findings to some of the concerned persons and institutions.

Preliminary research findings were validated at a workshop held in Juba in November 2012. The workshop was attended by government officials and representatives from civil society, academia and the media. A second validation meeting was held with international development partners based in Juba.

When Fragility meets State-building: State-building in Post-Conflict South Sudan - Nsamba A. Morris

Introduction

Until recently, state-building was viewed as a technical challenge within the development of a community. Development assistance agencies placed emphasis on capacity development and institution building (Gleason, et al., 2011) geared at the realisation of the Millennium Development Goals (MDGs.) Paying attention to capacity remained insufficient in addressing structural and systemic drivers of fragility and conflict. Hence, recently there has been a shift towards focusing on the political dimensions of state-building, precipitated by a post-Washington consensus recognition that the state has an important role in development; secondly, renewed attention within the development of community to human security and the changing norms concerning domestic responsibilities of states to protect their populations and thirdly, a post 9/11 concern about weak states as vectors of transmission for terrorism, organised crime and other threats (OECD/DAC, 2008). Within this new agenda, state-building is concerned with establishing a liberal democratic state (Osaghae, 2007) that can restore confidence in citizens and transform security, justice and economic institutions (World Bank, 2011). It is believed that weak state institutions have limited capacity to reconcile citizen expectations from the state on one hand and the state expectations from the citizens, on the other hand (OECD/DAC, 2008; World Bank, 2011). The inability to offer formal channels – institutions – through which political pressures, discontent and claims are negotiated and settled, offers avenues for the development of other forms of political organisation and redress, that effectively illegitimise the state apparatus.

This renewed interest in state-building has broadened the discussions, definition and initiatives geared at building the state. While most international development agencies and development partners, hitherto, a defined state-building as a technical venture concerned with capacity building, technical assistance and institution building; this mindset is shifting to one that includes politics in the state-building agenda. Technical state-building remained blind to structural and systematic drivers of conflict and fragility, limiting its ability to deliver development. This shift has its origins in the 2007 Principles for Good International Engagement in Fragile State of the Organisation for Economic Co-operation and Development (OECD), which argues that development assistance has to be concerted, sustained and focused on building the relationship between the state and society. Inherent in this new approach, is the focus on state legitimacy and broadening of the state-building agenda to include non-state actors. The state is also redefined as a framework within which social demands and claims are negotiated and settled in an inclusive, responsive and accountable manner.

Whereas these are good signs, the focus of research is yet to shift, from one that focuses on failed states and aid effectiveness to one that interrogates governance systems in post-conflict and fragile situations. This shift is very critical because the research agenda on fragility is confronted by a powerful and well-developed afro-pessimism, informed by the Non-Governmental Organisations (NGOs) and donors who are sceptical and dismissive of the social blocks as venues for building sustainable and resilient states in fragile and post-conflict countries. In addition, present research on state-building is still heavily influenced by strategic interests and concerns of the development community and NGOs – these still remain the main funders of research on state-building with limited involvement of the academia. This has resulted into less theorisation as the development communities and NGOs focus mostly on practical aspects rather than the critical linkages between practice and theory, in particular, the extent to which the latter informs the former.

Although state-building in the post 9/11 era is viewed as creating a global value and an identity system based on the western normative approach (Scott, 2007), there is limited evidence to suggest a uniform approach and strategies for building such a global system as part of fighting global terror. Western governments have tended to be more geo-strategic in their crusade of building a global democratic system. The US government for example has been criticised for singling out only Sudan and Ethiopia for its transitional initiative to encourage democratisation in fragile and post-conflict states, leaving out states like Somalia, Democratic Republic of

Congo, and the Central African Republic (Williams, 2009). Despite the rhetoric that state-building in failing states in Africa is a key ingredient for global security, Africa is yet to attract a major transitional administration of the kind marshalled by western powers in Bosnia and Herzegovina, Kosovo, and Timor-Leste (Williams, 2009). As such, when external powers have tried to address state failure by way of reconstituting and building state institutions, their initiatives have often tended to focus on state failure to control its territory and state failure to promote human rights. It is such partial initiatives, which are narrowly conceived that often buttress the logic that state-building – as part of the global democratic agenda – can only benefit from external interventions but cannot be an exportable commodity from one country to another.

In the absence of well established research institutions in South Sudan, most of the state-building and governance research is donor and NGO driven, yet it is this research that is shaping key development priorities of the country. One of the core problems with this research is that most of the NGOs and donors are conscious of conflict and are security minded, and place formal and informal restrictions on movement. These restrictions are placed onto researchers, limiting their movements and contact with the communities they are supposed to engage with.

Like other countries emerging from conflict, South Sudan faces peculiar challenges, for instance:- violence, weak state institutions, crises of legitimacy, poor capacity to find regular markets for products, presence of powerful informal systems and networks, absence of legal frameworks, insecurity. These challenges weaken the capacity of the state apparatus to act as a system for reconciling and settling competing needs and interests. The transition from a conflict to a peace economy is usually not easy or direct. Peace agreements and/or political settlements are sometimes elitist and non-inclusive. Usually some of the peace agreements and/or political settlements tend to address consequences rather than causes of conflict and the political leadership may be interested in political survival buttressed on force rather than soft power legitimised by a functional state apparatus.

This chapter examines the relationship between fragility and post-conflict state-building in South Sudan. First, it analyses what informs the political leadership of South Sudan in its approach to state-building. Secondly, it examines the extent to which state-building in South Sudan is shaped by the country's conflict and post-conflict experiences. Thirdly, it examines the extent to which the state-building project in South Sudan offers avenues for the development of a political system that is inclusive, responsive and accountable.

Fragility and State-building: Theoretical outlook

State-building

As a concept, state-building has undergone a process of redefinition over the last decade. This history is well documented (OECD/DAC, 2007; OECD/DAC, 2008; IEG, 2006; World Bank, 2011). No attempt is made to reproduce it here. Some of this redefinition has meant recasting what the concept means and/or what activities/initiatives constitute state-building. Until the recent past, state-building was capacity driven, paying more attention to technical capacity development and institution building. Under this tradition, state-building was closely linked to the realisation of the MDGs, and it was state-centric. The assumption was that weak institutions could not deliver on the MDGs, and were perceived to be political. Recent definitions of state-building recognise that governance is strictly only state-centric but involves non-state actors. The new discourse also lays emphasis on legitimacy, political settlements and/or pacts, recognition of context specific solutions and state-society relations (Tahir, et al., 2011). It is argued under the new agenda on state-building that the development community has to acquire a deep understanding of the history of conflict and fragility, domestic stakeholders, the limits of formal governance systems, non-state entities governing the peripheral areas, local social capacity for state-building and values upon which more effective social contracts can be built (Tahir, et al., 2011).

As a concept, state-building has been variously defined (Scott, 2007; Tilly, 1990; Collier, 2009; Collier & Hoeffler, 2002; DFID, 2005; IEG, 2006), but for the purpose of this paper, the OECD/DAC definition of state-building has been adopted: a purposeful action to develop the capacity, institutions and legitimacy of the state in relation to an effective political process for negotiating the mutual demands between state and societal groups (OECD/DAC, 2008). This definition is far removed from the traditional notion of state-building as a matter of external actors being the key engines of change and state-building in conflict and post-conflict countries.

The Discourse on State fragility

The last decade has witnessed a renewed interest in state fragility. The interest is driven by three factors; first a post-Washington consensus recognition that the state has an important role in development; second, renewed attention towards human security and state responsibility to protect its citizens; and third, a post-9/11 concern about weak states as vectors of transmission for global terrorism, organised crime and other international threats (OECD/DAC, 2008). Before 9/11, state failure was viewed and explained in the West

as an African problem in need of an African solution. The twin bombings in the USA shifted this discourse on state fragility to one that made state fragility in Africa a preoccupation of the West (Williams, 2009). The British Secretary of State noted that "…September 11 showed how state disintegration can impact on people thousands of miles away." He concluded that "…turning a blind eye to a breakdown of order in any part of the world invited direct threats to our national security and wellbeing", and recommended "…preventing states from failing and resuscitating those that fail as a strategic imperative" (Williams, 2009). The chapter of the 2010 QDDR announced on December 15th 2010 by the US Secretary of State, Hilary Clinton was focussed exclusively on preventing and responding to crisis, conflict and instability; putting emphasis on the need to establish a bureau for conflict and stabilisation of operations and an increased role of the USAID office of transition initiatives (Gleason, et al., 2011).

It is to be noted that, despite the interest in supporting democratisation and state-building processes as part of the official foreign policy, there is no consensus on a single definition of state fragility or what constitutes state fragility. Additionally, this discourse has been mostly been shaped by the security imperatives of the Western governments, whose solution is viewed in the narrow sense of exporting democratic values and institutions from one country to another. Finally, the two ideological dispositions that democracy can be exported by an external force and that the character of states can be constructed by the same external force as put forward by the US (White House, 2006) is devoid of contextual analysis.

Fragility Defined

According to OECD, states are fragile when state structures lack political will and/or capacity to provide the basic functions needed for poverty reduction, development and to safeguard the security and human rights of their populations (OECD/DAC, 2007). However, this definition does not question the legitimacy of the state providing services. It presumes that once a state is able to deliver services –education, healthcare, security and human rights – then it is not fragile. The Department for International Development (DFID), defines fragile states as those states where the government cannot or will not deliver core functions to the majority of its people, including the poor (DFID, 2005). This definition is much broader than the one provided by OECD, and can be applied to a wide range of states. Both definitions put emphasis on state capacity to provide services. In 2005, under its flagship publication, *Fragile States Good Practice in Country Assistance Strategies,* the World Bank shifted its attention from

the 2002 LICUS approach to fragile states approach (IEG, 2006). The USAID definition of fragile states is very much derived from the US National Security Strategy, which defines fragile states as countries lacking the capacity and will to provide people with basic services (White House, 2006). While all these donor agencies use different terms ranging from "failed", "failing", "fragile", "difficult" to "recovering states", they all put emphasis on aid effectiveness as a core determinant of fragility. Hence, once the aid recipient country is able to show good technical performance, ownership and effectiveness, it is often not classified as fragile.

Because there is no consensus on the definition of state fragility, the number of fragile states tends to vary. The World Bank classifies thirty countries as low income countries under stress; DFID, identifies forty-six countries; Polity IV identifies 14 countries; the 2007 State Fragility Index indentifies ninety eight countries (Marshall, 2008). Because of these ambiguities, the term has been politically and analytically criticised. The common political criticism is that the term reflects unrealistic and largely northern expectations that young and mostly southern states can avoid the violence and repression that characterised state formation over centuries in Europe and America (OECD/DAC, 2008). At an analytical level, the term is used broadly and neglects the important variations in states and regime types (Stewart & Brown, 2009). Some African scholars have argued that most analyses on state fragility in Africa does not question why some institutions have managed to survive in the face of state failure, fragility and collapse. Their key argument is that the institutions mostly affected by state fragility are colonial in nature and hardly rooted within the social fabric of Africa (Mamdani, 2007). State collapse is then explained as a process of regeneration and reconstruction of governance institutions based on social realities and dynamics in Africa. This argument is true in most of the African countries that have experienced the failure of the central state. There are social institutions that emerge or hold power in the absence of the central state. Some of these institutions are self help groups and/or organisations, traditional leadership structures and/or organisations. As such, any discussion on fragility in South Sudan and indeed Africa, generally needs to shift from the statist approach.

Causes of Fragility

There is no simple and/or single formula for understanding the causes of state fragility in Africa (Williams, 2009), and indeed several scholars put emphasis on different causes. However, available literature offers two broad sets of causes of state fragility. Economists and political economists

often argue that state fragility in Africa is mostly caused by poverty. The causes of poverty are expressed as resulting from low per capita income, all of which affect the ability of the state to appropriate surplus production in the form of taxes to provide social services (Collier, 2009; Tilly, 1990; Collier & Hoeffler, 2002). Political scientists often attribute state fragility to a break down in the governance systems – formal and informal – of a country (Dibeh, 2008; Marshall, 2008; Fukuyama, 2004; Williams, 2009; Dibeh, 2008; Herbst, 2000; Gidden, 1987; World Bank, 2011).

To political scientists, the state is a framework within which different and often competing interests are harmonised and resolved for the better good. The magnitude of the competing interests and needs is also reflected in the number of groups – women, military and security agencies, academics, students, civil service – within and outside the state structures. These groups within and outside the state structures – formal and informal – are often competing for power and control. Where the state is organised through formal and informal structures and processes, the management, control and balancing of competing groups laying claim on the state, is usually difficult. In some countries, – Nigeria, Angola, and Kenya – incentives for power-sharing arrangements have been used to keep all the groups in check and keep the state in charge. However, such arrangements are only feasible in countries with resources. Resource exploitation and sharing acts as an incentive to keep the state stable. In countries where power sharing arrangements have been tried, a consociation democratic state tends to emerge amidst a heavy informal network – shadow states – outside the state structures (Reno, 1998; Chabal & Daloz, 1999). This seems to be the emerging situation in South Sudan. The inclusive nature of the state is not a reflection of how democratic the political elites are, but mirrors the several political interests and groups that the state has to appease, if it is to remain stable.

Economists have emphasised that there is a direct link between poverty, armed conflict and state fragility. Collier & Hoeffler, argue that countries with a per capita income of US $ 250 have a 15% probability of war breaking out within five years. But in countries with a per capita income of US $ 5000, the probability of war breaking out is less than 1% (Collier & Hoeffler, 2002). It is asserted that poor countries have weak institutional capacity to guarantee security and distribution of goods and services to their citizens. Generalised deprivation and need tends to trigger rebellion against the state, abuse of power, and emergence of greedy rebels with the capacity of breaking down the monopoly of the state over means of violence and control over territory (Collier & Hoeffler, 2002). In Africa,

such experiences have been witnessed in the Democratic Republic of Congo, Angola, Liberia, and Sierra Leone.

Political scientists and economists offer plausible pointers to what the causes of fragile states are; however, none of the issues advanced can in fact cause fragility in isolation of the other. Countries like Uganda, Rwanda, and Tanzania, in the recent past, have exhibited resilience in the face of low per capita income. This has in part been due to the ability of the state to manage the competing interests of the groups within and outside the state. However, such countries also have limited natural resources or "lootable" resources that would otherwise give rise to more groups within and outside state, and increase competition over control of resources between groups. In essence, countries with resources amidst low per capita income, increase the pressure on the state institutions to manage competition within the governing groups; challenging the governance systems to be more robust.

Political Systems in Fragile States

Resource poor and resource rich African countries have different political systems. In most of the resource rich African countries, the state is governed by a coalition of elites who represent different sections in society. The stability of the state is often guaranteed if the ruling coalition is kept in equilibrium. This form of consociation democracy is based on the resources each group gets from the state. As such, state stability provides the incentive for the continued supply of resources to the ruling groups. The nature of the state in such countries –Nigeria, Angola and DRC – is often rent-seeking. Rentier states are less interested in social service provision as an incentive for power retention or state legitimacy. Power retention in a rent-seeking state is a function of how best to maintain and balance the power play between the ruling coalition groups. Rent-seeking behaviours are seen in a number of African countries including those without natural resources.

In resource poor countries like Rwanda, and Burundi, the state is constructed around a particular elite class whose interest in the state is not necessarily the resources they get, but privilege and influence over *politico*-economic contracting processes. Although South Sudan is rich in oil and other resources, the level of fragility makes exploitation of resources costly in economic and political terms. But the presence of these resources has provided the political elite an incentive to join the state.

A Note on South Sudan Political System

The political regime emerging in South Sudan reflects a lot of ethnic and military alliance balancing, and a system heavily rooted in informal alliances (Rolandsen, 2007), with the SLPM as the dominant political player (Netherlands Ministry of Foreign Affairs, 2012). Over time, the political organisation and its military wing, the SPLA have had to integrate, other militia groups and political organisations notably into their ranks in 2006, after the Juba Declaration and subsequent reconciliation initiatives. Reconciliation in South Sudan has often taken the trajectory of political inclusion of key figures into the SPLM/A, amidst limited structural integration of the rank and file in the case of the former militia groups.

Consequently, over time, the army has been bloated, the ideological stance of SPLM diluted, and the political organisation robbed of its internal cohesion and ideological focus (Nyaba, 2011). Some members of the SPLM and SPLA have one foot in the government/military and the other foot outside (ICR, 2011). Some of the ideological differences are between the unionists and secessionists. There is an existing sense of entitlement within some sections of the military because of their role in the liberation struggle, often limiting the ability of the political leadership to subject the SPLA to civilian rule, and to transform the SPLM into a civilian political party (ICR, 2011; Wolfram, 2012; Rand, 2010). The levels of suspicion within the military and government have hindered the development of a coherent political regime in South Sudan.

However, the state also exhibits a tendency of stability, for instance, although the military – as an institution – is taking a big share of the national budget, it is not very powerful in the decision making processes, giving the political elites an opportunity for possible transformation of the military into a civilian force. But this has not happened because specific individuals in the military are more powerful than the institution itself (Rand, 2010). As a result, funding of the military is used as a strategy for buying security for the country rather than as a reflection of military influence. This form of balancing group and individual interests within the state apparatus, mirrors features of consociationalism, yet the state does not have all the characteristics of a consociation state.

Much of this experience of individualising challenges to the state, and treatment of the challenges in this way, is partly drawn from the Comprehensive Peace Agreement (CPA). The CPA rooted consociationalism as a form of political settlement without particularly creating a framework for conflict resolution that

goes beyond the inclusion of key individuals in the political and state apparatus. The Comprehensive Peace Agreement itself was crafted on a definition of conflict dynamics in the South. The conflict was explained as being between religions – the Arab North and Christian South. The quick solution was to create institutions or offer opportunities for political inclusion with limited political reforms (Saltzman, 2006). In the new state, consociationalism takes place within the official bureaucracy, as means of securing the state rather than building it. The conflict dynamics in South Sudan are complex and go beyond the North-South problem. If consociationalism were to be used as a framework for conflict resolution, prevention and a contribution of state-building, then, there will be need to examine the extent to which the process of consociationalism is inclusive, in so far as providing redress for internal historical injustices is concerned. How does it address injustices often caused by the very persons in the current government in South Sudan?

Fragility and State-building in South Sudan
Traditional Authorities, Citizenship and
State-building in South Sudan

Independence to some South Sudanese was a point of breaking the bondage and yoke of the Khartoum domination. There are problems with this tendency. Firstly, those who view Sudan as a coloniser, and independence as breaking colonial domination, underrate the extent to which the two countries are linked together in terms of their political, social and economic histories. Secondly, this tendency seeminglyequates independence with state-building in South Sudan; a phenomenon reminiscent of the 1960s nationalist movements in Africa. In the 1960s, most nationalist leaders argued that once the political "kingdom" was won, everything would be added onto it. Like some of the 1960 nationalist leaders, some sections in South Sudan who invested a lot of effort in separation and independence, seldom asked themselves what state should evolve in South Sudan. How different should that state be from the one in Sudan?

The challenges of state-building in South Sudan can broadly be categorised into three strands. First, there is a set of challenges relating to how South Sudan was administered both by the colonial and post-colonial state in Sudan. Secondly, there are challenges relating to how the liberation movement in South Sudan engaged with the state in Sudan and its choice of self determination as opposed to remaining part of Sudan and agitating for political power reform in Sudan. The third set of challenges has to do with dynamics and interests of the political leadership in South Sudan. It is

important to understand the first and second set of challenges, in particular, how they shape the third set of challenges and the manner in which the SPLM leadership is approaching the question of statecraft at the local level.

The state in the Sudan was crafted as an exploitative and extractive apparatus. Exploitation was justified on the basis of a citizen –subject dichotomy. The colonial administration introduced and institutionalised tribes and races in the political and social landscape of the Sudan. Subjects belonged to several tribes, while citizens belonged to races (Mamdani, 2009). Tribes were governed by fragmented customary law administered by native administrations, while citizens belonged to the civic domain –the nation state. If citizens moved with their rights from one place to another, subjects did not; they only enjoyed rights like access to land and participation in politics within their tribal territories. In essence, population movement was implicitly penalised, with denial of rights and entitlements. Traditional authorities under the control of the British colonial governors institutionalised this punishment. Independence in Sudan did not reform by way of democratisation of the native administrative structures. As such, the modern state apparatus was in effect buttressed on a simple but discriminatory notion. At the local level, native administrations with legislative, executive and judicial powers and functions, administered populations under the tight control of the central state administrators. Tribal identity defined the traditional geographical power and space as well as who enjoyed the rights within the native administration. A territorial citizenship and rights regime emerged under the midwife of the traditional institutions and the tutelage of the national state. Each native administration operated like a self contained house.

At independence, Sudan was a divided country without a national identity, and each successive government in Khartoum did not champion a nation-building project that sought to incorporate all facets of the several identities (Kameir, 2011). Most of the nation-building efforts hovered around Africanisation, Arabisation and Islamisation. Each of these tendencies was discriminatory in nature. Africanisation was mostly viewed as majority black democracy and Arabisation was seen as minority Arab democracy; while Islamisation was viewed as religious fundamentalism. Hence, post-independence struggles in Sudan are underwritten in three forms of conflicts. The first conflict was between the central state mostly viewed as managed by the Arab race and the tribes of Sudan. The second form of conflict was religious in nature – between Islam and Christianity. The third form of conflict was between tribal administrations of the south over access and control of land and participation in political processes. This section of the paper explores the nexus between traditional authorities, citizenship and state-building in South Sudan.

Since the declaration of independence, South Sudan has experienced waves of violence whose means of organisation, and victims, have been termed tribal and/or communal (Rands & LeRiche, 2012; Hereward, 2012). It is common to argue that some of the causes of this violence are situated within the market and political economy of conflict. It is a commonplace argument that in Jonglei state, cattle raiding has been commercialised, and is well organised, with several warlords struggling for control (Rands & LeRiche, 2012). However, what this explanation does not tell us is why this violence intensified in the aftermath of independence. Could it be that the end of SPLA-SAF conflict and the creation of the state in South Sudan undermined the war economies on which some of the groups had survived for decades? How is this violence related to hundreds and thousands of the returning populations? How is this violence linked to the governance systems at the local level?

When the Sudan People's Liberation Army (SPLA) was formed in 1993, it articulated a national agenda of creating a secular, united and reformed Sudan, recognising and respecting all the identities in the Sudan (Mamdani, 2009; Branch & Mampilly, 2005). It transcended the Africanisation and Arabisation projects and rightly located the problem of Sudan in the nature of the state and how political power was exercised. It rejected traditional authorities on the basis of being part of the state apparatus reinforcing colonial identities and restrictions (Hoehne, 2008). However, during the 1990s, the Sudan People's Liberation Movement (SPLM) changed its original stance on traditional institutions because of the political realities during the liberation struggle. This change was informed by two political imperatives. First, was a desire to mobilise nationally using existing structures. Second, was the sheer reality that the SPLM leadership faced when it chose to reform the very institution it was interested in relying on for mobilisation.

Reforming traditional authorities towards more inclusiveness and representation was an enormous task with political backlashes that the SPLM was hardly prepared to deal with. It then portrayed itself as a reformer, who also wanted to benefit from the *status quo*. Because the two were incompatible, the SPLM/A convention held in 1994 put local administration under traditional authorities; effectively making them the centre pins of local governance and administration that was to evolve in SPLM liberated territories and ultimately South Sudan (Branch & Mampilly, 2005). This convention created a political union between the traditional authorities and the SPLM. This was a union of mutual beneficiaries. Traditional authorities effectively mobilised for the SPLM,

and shaped the maintenance of law and order in the liberated territories. Acting as mobilisation agents of the SPLM, traditional authorities determined the nature and robustness of reform of traditional authorities and leadership, but mostly debunked reforms. As such, the state that was to emerge within the liberated territories was no different from that in Sudan. It was based on territorial citizenship, enforced by the traditional authorities, with all its colonial features.

To reward the traditional authorities but mostly traditional leaders for their role during the liberation struggle, the Interim Constitution of South Sudan and the subsequent Local Government Act, 2009 recognised traditional authorities based on tribes and clans. The Local Government Act, 2009 under section 113 puts emphasis on the territorial influence and control of the traditional authorities based on lineage and clans. The Act also stipulates the criteria for the establishment of the traditional authorities based on population; but like the colonial ordinances, it also addresses itself to how the leadership of the authorities shall be elected; these authorities are given executive, legislative, administrative and judicial powers. One question that arises is how different is the structure of the traditional authorities from the Bantustans in apartheid South Africa?

Apartheid in South Africa developed out of geographical and numerical quarantining of populations based on tribe (for a detailed discussion, see Mamdani, 1996). The tendency in South Sudan is to justify traditional authorities on the basis of recognising tradition; but two questions are not addressed. The first one, is what tradition is being recognised? The second one, is whose tradition is being recognised? Inherent in the notion of recognising tradition is a broader desire to fight either those who fraudulently acquired land or those who have settled in geographical spaces considered not their homelands. The other tendency, at least outside the political leadership, is to justify the traditional authorities as vehicles for reconciliation, peace building and development, where the formal state institutions are weak or nonexistent. Let us focus on the relationship between migration, citizenship and geographical quarantining in the name of recognising traditional authorities and its implication on state-building in South Sudan.

Equatoria region in South Sudan represents the starting point of the civil war between North and South Sudan and over the years became the epi-centre for major combatant battles (Schomerus, 2008). The outbreak of conflict in Equatoria region as early as 1955, marked the beginning of forced migration – refugee out flows – to Kenya, Uganda, Ethiopia and Egypt. The signing of the CPA and subsequent stability has since encouraged a massive return

of populations. But some have comfortably stayed put where they had migrated to; creating new homes. But stability has resurrected claims and counter claims over what constitutes a homeland or ethnic home; and who should lay claims in which homeland.

Since, the 1970s when regional autonomy was introduced in South Sudan there have been contradictions between the Equatorians and the Dinkas over control of administrative structures, a process that usually caused displacement of the former by the latter (Branch & Mampilly, 2005). With the recognition of traditional authorities, Equatorians have since the 2002 conference, demanded self rule, free of Dinka dominance. In a follow-up conference in 2011, the governor of Eastern Equatoria state, Louis Lobong Lajore, called upon the South Sudan government to grant the region; a) two Positions in supreme Federal Ministries, b) a second vice President, c) thirty ambassadors, and d) equal representation in ministries/political appointments and civil service (Sudan Tribune, 2011). The violence that is taking place in South Sudan at the local level, has much to do with how traditional authorities are handling the process of access to land, which is considered by citizens to be in the traditional geographical spaces. In the absence of a functional state apparatus to redress historical injustices, those populations are using their traditional authorities to settle scores in particular, with those considered ethnic foreigners in their native administrations. Violence targeted against the ethnic foreigners is justified and is remorseless because its target is not kith and kin.

Some of the traditional leaders played significant roles during the liberation. The reluctance to reform the traditional authorities while emphasising sharing of power between these institutions and the local governments, is part of a broader post-conflict reward process. This has spilt over to other groups who also contributed to the liberation struggle but are yet to be compensated for their contribution. In essence, it makes the state an institution for settling war debts. The SPLM, although reformist in its initial stance towards governance, changed along the way, during the liberation struggle. Factors for this change, mostly stem from the internal dynamics within the movement, and the manner in which these internal changes shaped the SPLM's approach to statecraft. The triumph of the separatist faction within the SPLM gave birth to the ideology of power sharing rather than democratisation as a mechanism for elite inclusion. But this mechanism is very elitist, and tends to individualise complex political and socio-economic problems; it has more to do with political co-option rather than political reform. Applied to traditional authorities, power sharing has hardly made governance inclusive, participatory, or accountable and legitimate; because these institutions are hardly inclusive and participatory.

By incorporating these institutions into the local governance system, the new republic risks instability at the grassroots. Despite the rhetoric of a civic South Sudan citizenship, a territorialised citizenship and a rights discourse is burgeoning at the local level. There are also concerns about power sharing and competencies between the local governments and the traditional authorities, at least at the level of the Bomas. Whereas local governments are elected, the traditional authorities are mainly populated by selected persons. Elections subject local government leaders to public scrutiny, but such a process does not exist for most of the traditional authorities.

It is also true that the SPLM leadership finds itself inclined not to reform the traditional authorities because of their political influence and role in the liberation struggle. Debate on reforming the traditional authorities is blurred within the current discussion on state-building because, any attempts at reforming the traditional authorities threatens their survival and power. However, if traditional institutions are to remain part of the governance matrix, as stipulated in the Local Government Act, 2009, then they may need to be brought into the fold of governance reform and restructuring. Some of the reforms within the traditional authorities will have to comprise, a) inclusion of women and youth in their leadership structures; b) subjecting them to open and competitive periodic election of their leaders; c) de-territorialising and de-ethnicising the customary domain under which the traditional authorities operate. Some of these reforms will undoubtedly make traditional authorities more inclusive, predictable and accountable, but will also make them lose much of their traditional aspects.

The desire to retain traditional authorities, mirrors a concern for the preservation of cultures; to do so, the political leadership in South Sudan may need to separate culture from politics and allow the traditional authorities to focus on the former, rather than the latter. This may be a difficult but not impossible choice. Some of the traditional leaders are political as well, and want to keep that *status quo*. Ethnic clashes exemplified by the contest between the Equatorians and the Dinkas over control of administrative structures, a process that often caused displacement of the former by the latter (Branch & Mampilly, 2005; Sudan Tribune, 2011), and recent clashes between the Equatorian and Dinka Students at the University of Juba, underscore the fact that there are internal tensions and dynamics in South Sudan that may be worsened by the existence of traditional authorities.

Conflict and Post Conflict Experiences and State-building in South Sudan

While in stable political systems, state-building is concerned with rebuilding state institutions, in the case of South Sudan, it is mostly about establishing and building state institutions and their legitimacy. The idea of a central authority in the form of state which depends on her citizens for survival and provision of social services in the form of taxation, is not only foreign to some of the communities of South Sudan, but also new to some of the leaders. The idea of being constrained by the bureaucratic red tape, procedures and guidelines, are entirely new to some leaders and communities. The period of the conflict and the marginalisation of the South by the government in Khartoum and internal marginalisation within the South itself, affected forms of political organised administration. Whereas traditional authorities existed in some locations, their efficacy and reach was limited by many factors including the fact that the populations were usually trekking, running away from combat operations. Some territories were administered by different warlords with different forms of organisation.

South Sudan has a long history of conflict, stretching from colonial, through the post-colonial period. This history shapes the current narrative and approach to state-building. But more importantly, it is similar to the American liberation narrative. The American liberation puts emphasis on the English tyranny from which the Americans liberated themselves. The narrative of liberation in South Sudan is that of the black Africans liberating themselves from their Arab tormentors – who not only marginalised the black Africans but looted their natural resources to aid the development in the Arab north. The emphasis on the character of the state in the Sudan and the Arabisation of the liberation narrative is partly intended to justify key political decisions taken during the liberation struggle as well as legitimatising post independence political choices – such as the choice of English as the official language even when a considerable number of South Sudanese speak Arabic better than they do, English. This narrative portrays the SPLM/A as the messiah and liberator of South Sudan, while de-emphasizing the internal differences still witnessed today. Rewriting of historical experiences is in part intended to smoothen over the rough edges of the liberation struggle and post-independence experiences, as well as create state legitimacy in South Sudan.

In the aftermath of signing the CPA, the GoSS together with the development partners embarked on the process of state-building. Most of the initiatives and activities have focused on the establishment and capacity building of state institutions at the national and local levels to

deliver social services as a way of legitimising the new state. Conflict and post conflict countries and regions tend to have peculiar problems that affect the state-building venture. South Sudan has more than its fair share of these problems. First, security and peace in South Sudan remain fragile. This is in part due to the presence of small and light weapons still in the hands of former rebels and the civilian population. Secondly, because of the weak state control over the monopoly of violence and arms, arms and weapons tend to find their way into the hands of civilians. But how does this conflict and post-conflict experience shape political choices and how do the political elites in South Sudan approach the enterprise of state-building?

The narrative of the conflict in Sudan is embedded in a discourse, which put primacy on the North-South divide as the cause of the tensions. If the Northern based political elites together with their Southern partners aspired towards integrating the South into a unified state apparatus, defined by their own impression of political power, they underrated the internal and external consequences of such a policy. Opposition to the ruling elite and political power in Sudan hardly took a race or religious dimension. Within the opposition and indeed the rebel groups were both northerners and southerners; Arabs and non-Arabs; Christians and Muslims (Branch & Mampilly, 2005; Mamdani, 2009). But it is also true that the political agendas of those opposed to the state were several and sometimes conflicting. Whereas some groups put forward national claims, others advanced nationality demands. The period from 1955 to 1983 is punctured by demands for a Southern solution to what was perceived as a Southern problem. This period shaped political ideology about state power and babysat the idea of a separate state in the South. However, it was also clear that a military victory against the Khartoum government was not easy to achieve. As such, in 1983 when the SPLA was formed, it shifted the political thinking about political power, by injecting into the discourse the idea of reforming the state in Sudan and debunking separation. SPLA presented itself as a national movement, with the object of a united Sudan, where the state respects all her citizens without regard to race or religion. It put forth a national claim of a secular democratic state. As such, we need to ask ourselves how did the idea of secession gain ground within the SPLM/A which was initially interested in a united Sudan? What implications did the change of ideology have on the future of political reforms and how the state is managed in the new republic? How this change is ideologically related to the current political, security and economic challenges of state-building? What nature of elite consensus and inclusion is derived from this change of ideology? These questions are answered in the proceeding section.

From Secession to a United Democratic and Secular Sudan and back to Secession

With the collapse of the Addis Ababa Accord in the early 1980s, several groups in Sudan emerged onto the scene in opposition to the government of Sudan. Some of these groups included, but were not limited to the National Action Movement, (NAM), Movement for the Total Liberation of Southern Sudan (MTLSS), Juwama African People's Organisation (JAPO), Council for the Unity of Southern Sudan (CUSS) and South Sudan Liberation Front/Movement (SSLF/M).Whereas earlier groups advanced a secessionist stance and viewed the political, socio-economic and cultural problems with a southern lens; the SPLA changed this ideology. According to the SPLM, the marginalisation, discrimination and injustice were root causes of the conflict, and could not be addressed through piecemeal handouts and concessions to rebel groups. It rightly posited that defining the problem as Southern in nature further would marginalise the Southerner. It located the problem in the structure of power of the Sudanese state and recommended a radical restructuring of the state in Sudan in order to accommodate the Sudan's diversity and attend to all forms of exclusion and marginalisation of its people –in the south, centre, north, west and east This change in ideology is partly associated to the relationship between the liberation movement in South Sudan and the Ethiopian regime which was hosting and supporting the liberation struggles in the Sudan. It is argued that the Ethiopian government, at the time fighting a secessionist movement, would not support or host a secession group. Nonetheless, this change in ideology also shifted the stance from that of secession to one of a united democratic Sudan.

But not everybody within the SPLM/A, shared in the vision of a new Sudan; also in the 1990s, not everybody supported separation wholeheartedly. Many politicians, both in the National Congress Party (NCP) government and in the SPLA, had one foot in the position of unity, but were also clandestinely or openly supporting separation (Kameir, 2009). The history of the SPLA is marked by internal disagreements, violent confrontations, ethnicised conflicts and competing agendas (Nyaba, 2011). But it is important to note that the disagreements were to have implications for later peace settlements, relations between SPLM/A and the Sudan government, within South Sudan –militarised relations between rebel groups –and the state-building in the independent South Sudan. The disagreements over ideology led to the proliferation of militia groups in South Sudan, counter insurgence and militarisation of politics and relations. Some of the consequences of this during the conflict period of radicalisation and ethnicisation of relations between groups in the South, militarisation of group relations, weakened

the ideological disposition of the SPLM/A, often undermining its support within the north and some Southern ethnic groups.

Regional and global events in the early 1990s and the sharp divisions within the SPLM/A reshaped the ideological stance of the movement, almost shifting it back to that of secession. Some of these events include the collapse of the Mengistu Haile Mariam regime in Ethiopia that had bankrolled activities of the movement, and the emergence of Eritrea as an independent state. The latter crystallised the hope of secession within some sections of the SPLM/A leadership, while the former denied the SPLM/A the much needed logistical resources. It also lost its bases in Ethiopia and control over aid (Rolandsen, 2005). Internally, the SPLM/A leadership had resisted calls for democratisation and usually responded to such demands with suppression, promising victory sooner than later. The leadership argued that democracy would come after victory. But changes in the global political landscape made victory distant; denying the SPLM/A leadership the only reason it had used not to respond to demands for internal democracy.

Changes in the global political landscape, the increased demand for democratisation and divisions between those interested in secession and the Garangist –Unionist –made the SPLM/A vulnerable, exposing its internal SPLM/A contestations, weaknesses and divisions; but also opening up opportunities for political reforms within the movement. These events did not leave the movement firmly focused on its initial goal of a united democratic state in Sudan. Two groups emerged. First, was a group of persons interested in separation, led by the trio –Lam Akol, Riek Machar and Gordon Kong –who called for Dr. John Garang to go; and argued that the SPLM/A leadership was overly dominated by the Dinka tribe from upper Nile. It is these internal divisions rather than a change in the movement position that gave credence to secession as one of the options. The second group was comprised of the unionists interested in survival and remaining relevant to the soldiers whose interest was independence. If the initial change from secession to united democratic Sudan was swift and consensual; the return to secession left the movement with bruises. It is at this point that all talk of reforming the state was thrown overboard; slowly replacing it with the notion of self determination albeit with resistance from the unionists. The 1994 SPLM/A convention crystallised self-determination, albeit restructuring the local state in Southern Sudan. The convention put local administration in the hands of traditional authorities rather than the military that had hitherto played a fundamental role in the administration of justice at the local level.

But this shift was also very problematic. First, there was limited debate within the SPLM about the two options –unity and secession. Secession was not palatable in the South, or to some politicians in the north who perceived it as the only solution to the 'southern problem'. By focusing on self-determination, SPLM played right in the jigsaws of some northern politicians whose preoccupation was to make unity unattractive. Secondly, it was against the SPLM/A initial political agenda; because the traditional authorities were initially viewed as part of the colonial and post-independence state exploitative structure. Thirdly, the role of the military leaders who had played a key role in the administration of the local state was not clarified, as such the administration of justice by the traditional authorities continued to be influenced by some military leaders (Metelits, 2004). Ethnic competition within the movement increased with other ethnic groups being critical of the Dinka ethnic group and its role and place within the movement. With state reform replaced by secession, discussions about democratic reforms were thrown overboard; power sharing with the government of Sudan increasingly became a viable option. The problem with this new agenda was that the events preceding it had also opened the eyes of the unionists and revealed the cracks within the SPLM/A leadership, giving way to a very paternalistic form of politics. All the subsequent events were to be guided by this paternalistic politics and interests, which over time gave way to informal networks based on ethnicity, historical relations, and ideology. Independence in South Sudan neither dismantled these informal networks, nor put in place a robust democratisation process. Each and every successive reform agenda since 1994 to date has been pursued with the idea of securing the political survival of one group over the other. The basis of inclusion in governance thus has usually shifted using ethnic, war relations and contributions as bargaining platforms. Hence, specific groups like women, youth and people living with disability – some of whom were former combatants – but with limited bargaining power in the independence situation, have not been fully provided for; they do not pose a significant challenge or threat to the established political system.

Peace Agreements and the Politics of Power Sharing and Inclusion in Sudan: Implications for State-building Initiatives

The current challenges to state-building in South Sudan are a product of not only the civil war, but also of the manner in which each successive government in Sudan has settled the war. Peace agreements are not an end

in themselves, but a means of creating acceptable frameworks for settling disputes (Kasfir, 1977). South Sudan has witnessed a plethora of peace agreements. The 1972 Addis Ababa agreement between the government of Sudan and SSLM/Anya-Nya was the first agreement to be signed. It set the pace and tune of future agreements between the government of Sudan and the rebels in the South. First, Whereas the agreement clearly underscored the importance of resolving the conflict in Sudan peacefully and reforming the state in south Sudan, it remained elitist in nature, in the manner in which it approached the question of marginalisation. Its solution to political marginalisation at the national level was a selective inclusion of a few of the members of the top military leadership of Anya-Nya 1 in the national government and the military. The government in Khartoum used the Addis Agreement to divide the rebel groups; as indeed Gen. Lagu used it to out manoeuvre SSLM internal opposition, securing himself appointment in the People's Armed Forces (PAF). Secondly, the agreement integrated former rebels into the national army without a clear formula for demobilisation; as such senior officers absorbed into the national army continued to organise and influence rebel groups. Thirdly, it hardly addressed the fundamental political, socio-economic and cultural questions of concern to the SSLM. This same experience was to be replicated during the Comprehensive Peace Agreement (CPA) (Kasfir, 1977; Metelits, 2004).

In 2005, when the was signed between the SPLM/A and the government of Sudan, it drew many lessons from the Addis Ababa agreement. If the Addis Ababa agreement was criticised for being narrow in its power sharing arrangement (Kasfir, 1977); the CPA, broadened power sharing to include wealth sharing, and arms sharing (Mamdani, 2011). Whereas both agreements were signed at the time Sudan had several rebel groups, the government, in 1972, and again in 2005, negotiatiated with one group. In both cases the peace negotiations, the negotiating rebel group and the government of Sudan thought to lock out those opposed to their position. In essence, both agreements cemented power sharing as a form of inclusion without democratisation; but this has had consequences for state-building in South Sudan.

South Sudan has a history of militia – usually competing – groups. Peace agreements have been avenues often provided for inclusion into government and/or military apparatus of the state by rebel groups. Inclusion and power sharing have been used to serve several aims, but most important is that of legitimising the state. Despite providing for inclusion into government and the military apparatus, almost all power sharing schemes have remained

elitist and specific in the selection of who to share power with. More often than not, those invited to share power end up being co-opted into the ruling political elite. In essence, power sharing has mostly ended up dismembering leaders of the opposition or rebel groups, without creating institutional mechanisms through which disputes are addressed. For example, in the aftermath of the Juba Declaration of 2006, whereas the SPLM/A reconciled with a number of Other Armed Groups (OAGs) – some of which were its arch rivals – allowing for the integration of the former into the SPLA. The greatest challenge has always been that of creating an acceptable administrative relationship and institutions to rationalise the integration of lower level soldiers.

The template for power sharing is one that focuses on the individuals rather than the institution or groups where the individual is coming from. Hence, in the military, there seems to be less emphasis on demobilisation and disarmament as a precondition for inclusion in the SPLA. Putting emphasis on demobilisation and disarmament would need an institutional apparatus for demobilisation, inclusion and integration. In the face of top leaders being co-opted, some of the middle leadership have chosen the path of individual defection. In the absence of an institutional apparatus for inclusive power sharing, there are specific groups that are hardly taken care of during the processes of inclusion. Such groups include women, children, youth and people living with disability. Where such groups have been part of the inclusive power sharing equation, their interests have often been at the periphery.

The other aspect has to do with the criteria for power sharing and inclusion. There is apparently no state guideline or criteria on how to approach the inclusion and how to share power; and no peace agreement has ever developed clear guidelines in that regard. This has been reduced to an insider vs outsider discourse, fuelling the already existing tensions between unionists and separatists. The insider vs outsider discourse is not new in the region. In Uganda, after 1986, it was the historical vs recent comers; in Rwanda, it was the RPA liberators vs the oppressors. The discourse tends to emphasise the difference between those who contributed their life and resources to the liberation struggle and those who joined the liberation struggle after the victory. In South Sudan, it is an outcome of the respective roles different groups and persons played during the liberation struggle and the negotiation of the CPA. Nevertheless, it is also part of a history rewriting project geared at giving the SPLM/A, legitimacy and portraying the SPLM/A, as an organisation of martyrs who sacrificed their life for the nation. Those who were at the forefront of the liberation, in particular, those with the secession

agenda, are viewed as insiders, while those who chose to stay in Khartoum, or fought the SPLM/A, are viewed as outsiders. Insiders are considered to be heroes and martyrs, while outsiders are viewed as persons who want to share or are sharing the fruits of independence, yet they did not fully contribute to the struggle. Insiders and outsiders disagree about which group played an important role in the liberation struggle and negotiation of the CPA. The manner in which such disagreements are resolved tends to be reflected in the amount of power each of the groups or persons has. The presence of such groups usually reinforces personalities over institutions in the resolution of disputes; it creates parallel legitimacy and allegiances within the political and military elite and creates a sense of entitlement based on somebody's perceived contribution to the liberation struggle.

In the public domain, the insider vs outsider discourse has implications for accountable and inclusive government. There is a tendency within the political elites to sell this discourse to the public as true and unquestionable. While it has promoted legitimacy for the SPLM/A in some sections of the public, as witnessed during the recent confrontation between Sudan and South Sudan; it has also had a tendency of blurring efforts towards meaningful scrutiny of leaders and holding them accountable. Because some of the outsiders are considered traitors, and demonised, the political elite is usually constrained and conscious about which persons and groups to co-opt and include in government. This discourse also accords the political elites an opportunity to demonise opposition to it, and provide an incentive to resist calls for inclusion and discussion with those opposed to it.

The SPLM Political Party and the State South Sudan

Since its inception in 1983, the SPLM has tried – at least in its rhetoric – to present itself as a mass movement, an ideology in part influenced by the SPLM relationship with the National Resistance Movement in Uganda and the military regime of Nimeiri in Ethiopia. Part of the political agenda of SPLM/A, in particular after the 1990s revolved around creating state institutions at the local level. The experience of conflict, but most importantly, the collapse of the Addis Ababa agreement, resulted in the deterioration of the state apparatus in South Sudan. The pre-occupation with conflict in South Sudan undermined efforts by the Khartoum government to establish functional state institutions in the South, after the collapse of the Addis Ababa agreement. But it is also true that some of the state institutions were deliberately undermined or destroyed by the rebels in South Sudan, because they were perceived to represent an oppressive regime. The

disagreements between the rebel groups and between the ethnic groups, in particular, between the Dinka and the Equatorians, also played a role in undermining and in the destruction of state institutions in South Sudan (Branch & Mampilly, 2005).

If the state institutions established by the colonial state and carried forward by the Khartoum government after independence were signs of repression and gave leverage to the government in its relations with the society, the rebel groups borrowed much from that experience. Despite the rhetoric of state reform, SPLM defined that reform as in a manner that sought to give it control and influence over state institutions. In some cases, this has resulted in conflicts between the SLPM and the very institutions it wants to reform (Rolandsen, 2005; Branch & Mampilly, 2005). In the 1990s, SPLM/A restructured the outlook of the local state by often replacing the traditional chiefs with persons it considered loyal to its agenda. One of the key features of the crop of SPLM/A chiefs was that they were mostly Nilotic. As such, the relationship between the SPLM/A, and the state institutions initially was punctured by repression and resentment (Branch & Mampilly, 2005). Despite SPLM/A rhetorical interest in reforming state institutions, the manner in which it approached state reform often resulted in a perception of Dinka control, turning the local state into an arena of ethnic struggles and factionalism.

The conflict between SPLM/A and other rebel groups, over the control of the state structures at the local level, further eroded and/or rendered ineffective every institution each group wanted to control and use for protection. The conflict also militarised state institutions, which remained operational, turning them into instruments of coercion of opposing views, as evident in the tensions. As such, any discussion about the current relationship between the SPLM political party and the state, whether at national or local level has to highlight the extent to which that relationship is shaped by the conflict. In this section, the relationship between the SPLM/A and the state in South Sudan is explored; the central argument is that there is limited, if any, separation between the state and the SPLM political party. The two are synonymous. This is an outcome of the conflict and post-conflict relationship between the two institutions, and the post-conflict pasture of SPLM as the dominant political party in South Sudan.

Since 1994, when the SPLM held its first convention, it has undertaken internal reforms geared at making it a political party. The signing of the CPA in 2005 reinforced the internal desire to further shift from a guerrilla movement to a political party. This shift has not been free from ideological confusion and resistance to change from within, as well

as public apprehension. The ideological confusion within the SPLM revolves around the desire to present itself as a mass political party like the Chama Cha Mapinduzi (CCM) in Tanzania, or the National Resistance Movement (NRM) in Uganda in the early years of capturing state power, while at the same time allowing other political parties to operate in South Sudan. CCM and NRM – at least until recently – shared the ideology that they were umbrella movements to which each and every citizen belonged. In Uganda, the NRM even legislated itself into the constitution as being a movement to which all Ugandans belonged. Whereas such mass movements are good in so far as they bring together persons of different political affiliations into a single framework of sharing state power, it is sometimes difficult to separate the state and the movement. In terms of structure, the CCM and NRM followed the state structures. In the case of the NRM, the person holding the highest political office at each level automatically became the chairperson of the movement at that level. While the structure of the SPLM does not mention this neat fusion of the state and the political party, the common practice is that the office of the SPLM chairperson at each level is held by the person holding the highest political office (Rolandsen, 2007).

The SPLM has chosen to take a slightly different path, although it has copied much from the CCM and NRM experiences. It has not legislated itself into a state party but functions as one. Its membership is open to anyone. It is imperative to note that some of the membership to the SPLM is more sentimental than ideological. Many South Sudanese believe they do belong to the SPLM/A, because of its role in the liberation struggle, rather than due to a belief in its ideological disposition. While this is an advantage the SPLM/A ought to use to further legitimise its rule, it is not without challenges. The experience of Uganda and Tanzania tell us the extent to which liberation movements use the sentimentality to either legitimise its actions or lose political support. When the NRM captured state power in Uganda at the end of the 1980s, it garnered broad based support from almost all political forces. This gave the NRM legitimacy, allowing the country to implement political and socio-economic reform programmes. But the liberation movement began to lose legitimacy and political support when it was exposed to open elections starting with the 1993 Constituent Assembly elections.

The SPLM/A, unfortunately has not had the luxury of shielding itself from competitive elections. The problem is not in the elections, but in the desire to use the existing state structures to shepherd political control and survival of the regime. This desire usually means using the available resources to selectively support specific political candidates during the elections, some

of whom are seen to tow the political line of the party. Yet, the liberation movement also wants to remain as a broad based movement for all. Whereas it is easy for a political party to choose which candidates to support and which ones not to; for a political movement, this is always a difficult decision, because everybody is believed to belong to the movement and each person is perceived to have the same share in the movement. The first presidential and local government elections in South Sudan clearly, demonstrated how explosive elections can be, to a political movement.

Although, all political movements and political parties are interested in state power, liberation movements usually face challenges in how to translate power into influence, and how to organise and mobilise after liberation. Some of these challenges relate to the history of conflict. In the case of the SPLM, while, state reform and democratisation including devolution are well articulated in the official SPLM and GoSS documents, the process of translating the text in the documents into actions remain challenging. Some of these challenges reflect a continuation of the guerrilla mode of operation; while others relate to the realities and difficulties of running a bureaucracy without institutional, financial, human and other infrastructural resources.

The last set of challenges is about managing post-independence expectations of society and of the political elites. Independence of South Sudan meant different things to several sections of society and to the political elites. For some, independence was about redefining the struggle, from one of using the gun to one that engages with others to find solutions to the challenges to statecraft; for others, independence meant ending the harvest for peace, and opening wide gates for private accumulation. Those who perceived independence as providing a window for private accumulation, have turned the state into an avenue for private gain, and state resources are considered to be private assets. Clearly, the struggle to gain control of the state to this group, is also a struggle to access the fruits of independence and to continuously fuse the state with their private interests. This cadre of leaders almost scattered in government departments, has a considerable control of the state in South Sudan, aided by opportunities arising from the post-conflict setting.

It is to be noted that, the weak state machinery for monitoring how funds are utilised and how services are provided by the local state and national agencies, allows the corrupt cadres to operate with impunity. Furthermore, because some of these individuals have a military background and have militia groups that are yet to fully disarm and demobilise, the political costs of checking their corrupt tendencies are high. As such, corruption is

accepted as a strategy of keeping very specific individuals from relapsing into conflict. This raises questions about the current reform processes in South Sudan, in particular, with regard to their ability to offer political and economic incentives to former combatants to fully integrate into society, but also dismember them from their conflict relations and attachments. In addition to this, the SPLM/A, also finds it difficult to reform the state in a manner that is truly participatory and inclusive, because some of the individuals in charge of the state apparatus may be left out of the political reforms, yet they played instrumental roles during the liberation struggle. Therefore, keeping them within the state institutions, is partly intended to compensate them for their contribution.

The problem with these two challenges in post-conflict South Sudan, is that the state and the SPLM, become captives of individuals who have a sense of entitlement because of their contribution during the liberation struggle and those with links to sources of insecurity. Finally, the absence of functional state institutions, provides an avenue for development agencies and NGOs in South Sudan to bypass state structures even where some form of capacity exists. This is justified as lack of capacity by the state institutions. For example, in 2011, no aid was provided to South Sudan in the form of budget support, at the central or sector level (GoSS, 2011).

Bypassing government systems in any post-conflict setting has two fundamental effects. First, putting emphasis on state effectiveness without adequately supporting and nurturing state systems, prolongs the process of building state capacity. When it comes to development aid, the use of off-budget support for aid disbursement while expecting the state structures to track and report on disbursements, increases loopholes for corruption, and increases the cost of tracking development aid. Secondly, off-budget support usually tends to be project support in nature. In a post-conflict setting, such project support, often increases competition for resources between the state and the NGOs, and also between communities at the local level. The preference of NGOs over state systems tends to lead to development of an NGO state with all its attendant problems. A good example of this can be seen in northern Uganda. With a two decade conflict, structures of the state were hardly existent. Communities relied on NGOs for the provision of social services. This had effects on both the state and the communities. NGO services are paid for from an external rather than internal source. They also tend to generate a dependence syndrome at the community level. The other effect is the erosion of civic consciousness and attitude. Because communities do not pay taxes to NGOs, they cannot demand services; neither can they hold the NGOs to account. At the level of the state, the growth of a large NGO in northern Uganda shielded the

state from her responsibilities, providing avenues for corruption because there was another institution providing services. While, SPLM/A, has in the recent past put emphasis on revenue collection in the face of the closure of oil production, there are indications that the extractive capacity of the state, and the civic consciousness of the citizens to track revenues are still hindered by the heavy reliance on NGOs in the provision of services, mostly in the education and health sectors.

Conclusion

There are signs that the state-building efforts in South Sudan are yielding fruits. Some of the evidence is to be found in the increasing non oil revenues collected at state and national levels, thus increasing the capacity of the state institutions to provide social services, particularly in Juba. However, there are still challenges facing the new country's efforts of building resilient, accountable and inclusive state institutions. Inclusion and participation in governance systems, still gives preference to individuals who played different roles during the liberation struggles, rather than the marginalised groups like youth, women, people living with disabilities and the elderly.

The government has undertaken to implement a robust devolution system with substantial power located at the state level. This has brought power and state service centres nearer to the recipients of state social services. But during the initial elections these local governance institutions were captured by mostly the former military elite, putting them under the control of a very specific military elite, some of whom are yet to fully retire from the military. Because of their role in the liberation struggle and their attachment to the different militia groups, which are yet to be fully demobilised and disarmed, some of these military elites are using these state structures for private accumulation. The SPLM/A, government has in some cases limited power and leverage over some of these individuals. Hence, the ability of the local state to act as a check on the central state is still missing.

With several peace agreements, pacts and subsequently, independence, it was expected that conflict and violence would reduce. However, there are indications to suggest that violence only moved to the local level. Most of the discussions and responses to this violence have focused on the ethnic nature of violence without relating this violence to the conflict and post-conflict processes. For example, Whereas the SPLM/A, has signed peace pacts with different rebel groups and militias, the integration, disarmament and demobilisation processes are yet to be seen to be robust and far reaching. Integration has mostly taken place

at the top level, focusing on the leadership of the former militia groups. In addition, disarmament and demobilisation, although mentioned in the peace agreements, accords, and declarations, have hardly been used as pre-conditions for joining the national army or political leadership. As such, some former rebel commanders still have attachments to their conflict relations, sometimes holding government hostage. State-building processes especially at the local level, are yet to grasp the realities of the conflict in South Sudan. For example, after over two decades of wars, many people were displaced, some lost their land to others, yet there are still limited attempts to trigger robust land redistribution and resettlement schemes which take into account the interests of returnees who find their lands occupied by other people. This is compounded by the traditional authorities who are based on clan, yet within their geographical spaces, are persons belonging to more than two clans.

Although the development partners have been instrumental in shaping the state-building process, their inability to fully understand and utilise conflict mapping and analysis in their programming because of their strategic interests, is affecting the impact of their services. Their approach to state-building in South Sudan reflects common preference for quick results, emphasising the establishment of state institutions without questioning their legitimacy, and a preference for NGOs rather than the state structures. Being a post-conflict setting, and also because South Sudan has a history of socio-economic and political marginalisation and presence of arms, donor engagement cannot be business as usual. It is imperative that development partners understand the peculiar challenges facing the new country, paying attention to the extent to which historical developments in South Sudan shape the current processes. For example, some people in South Sudan have not known state authority for decades, yet now have to act as citizens, including paying taxes.

At the political level, there is a generation of leaders who have never governed people in functional bureaucracies. As such, state-building also has to focus on attitudinal change. Whereas it is easy to set up state institutions, changing attitudes takes time. Development partners have to be ready to commit resources and engage for a longer time. The fire brigade approach of engagement may not yield much in the case of South Sudan.

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CHAPTER 3

Nation and State building in South Sudan: Priorities for Research and Action - Samson S. Wassara

Introduction

South Sudan is the youngest state in the community of nations. It shares common borders with Ethiopia in the east; Kenya, Uganda, in the south-east; Democratic Republic of the Congo (DRC), and Central African Republic (CAR) in the south and south-east; and the longest un-demarcated border to the north, with the Sudan. The Nile-Congo divide between South Sudan, the DRC and the CAR creates natural borders. South Sudan, Ethiopia and Kenya have common borders meeting in a disputed area known as the Ilemi Triangle, around Lake Turkana. South Sudan is landlocked and the nearest seaports are Port Sudan in the Sudan and Mombasa in Kenya. The status of South Sudan is derived from the CPA, which allowed for the establishment of an autonomous government with attributes of a *de facto* central government in South Sudan. The current status of an independent South Sudan resulted from the referendum vote held in January 2011.

Nation and state building initiatives of South Sudan are undertaken at national and local levels of governance through devolution of powers. The Government of South Sudan (GoSS) adopted decentralisation as the policy that could foster nation and state building after the long civil wars of liberation, fought against the centralization tendencies of the regimes of Sudan. It embraced this system of governance enshrined in the Comprehensive Peace Agreement (CPA). Decentralisation was applied to the three levels of the Government of Southern Sudan (GoSS), states and counties during the interim period preceding independence. The GoSS assumed the role of central government in July 2011. This arrangement was meant to bring power closest to the people and to accelerate social and

economic development in rural areas; but the effectiveness and efficiency of the system remains to be known. This paper aims at linking decentralisation to roles of the state and stakeholders in nation and state building as a policy and in practice.

South Sudan has known nation and state building during different phases of its historical development. Attempts to examine the situation of the country require the application of a variety of relevant approaches to analyses. The complexity of analysing nation and state building in South Sudan calls for both hindsight and foresight because the two aspects of analysis derive from a similar background, but converge on a recent political development, which is the independence of the country with sovereign status. The characteristics of a nation began to build right from the nineteenth and twentieth century's common history of slavery, while the process of acquiring the status of state can be traced back to process of decolonisation as from 1940s, independence of the Sudan and afterwards. The concepts of nation and state building are interchangeable and interdependent, but are not subject to mutual development in the case of South Sudan. This paper examines these two concepts in the context of political developments starting with the CPA to the independence of South Sudan.

Concepts of Nation and State Building

Understanding the roots of identity requires that the term "nation" be explained before embarking on the issues of nation building. Scholars such as Renan regard "nation" as a people who mutually identify culturally and politically to such a degree that they want be separate and to control themselves politically (Renan 1995:7). The essence of a nation is in the similarities among people, a sense of connection and a desire to manage their public affairs. In this sense, elements such as demographic and cultural similarities, feeling of community and a distinct political identity are the key ingredients of a nation (Rourke 2000: 91-94). These elements bind people together to engage in processes of creating nation-states born out of, or leading to, national consciousness and nationalism. Hence, nation building refers to the process of establishing a national identity using the power of the state. This process aims at the unification of the people within the state so that it remains politically stable and viable in the long run. Nation-building can involve the use of propaganda or major infrastructure development to foster social harmony and economic growth.

Equally important, understanding the concept of "state" is an unavoidable requisite for understanding the essence of state building. The nature of state

implies sovereignty as a political characteristic, territory irrespective of size as a physical characteristic and population as the most obvious requirement for any state to exist. There are a host of other elements such as diplomatic recognition and internal organisation, among others (Rourke 2000: 137-142). In this perspective, the term "state building" is used to describe the construction of a functioning state. State building provides for the construction of functional institutions of control over a defined territory, to hold the monopoly of power over economic, political and social structures.

One thing to note is that there has been some confusion between the use of the term "nation-building" and that of "state-building". These terms are erroneously used as synonyms in political discourses. They have different definitions in political science. Nation building refers to national identity, while state building relates to the establishment of state apparatus.

Scholars are not agreed on the concept of state building, resulting in the emergence of two trends of thinking (Fukuyama 2004: 17-31; Collier, Paul 2009: 169-187). The first school of thought considers state-building as an interventionist action by foreign countries. International consultants (Eldon and Gunby 2009: 74-99) treated South Sudan in this manner, together with other states in the developing world, in their report entitled "States in Development: State building and Service Delivery." This report has scanty reference to the role of the GoSS in the processes of state building. The second school of thought, which is more academic in origin and increasingly accepted by international institutions, sees state-building as an indigenous process driven by state-society relations (Whaites 2008). This view holds that states engage in state-building within their own borders; outsiders can only influence, support or hinder such processes.

It is worth noting that the term "nation-building" has come to be used in a completely different context. It is understood as a post-conflict phenomenon where the use of armed forces in the aftermath of a conflict marks transition to liberal democracy. International stakeholders take advantage of post-conflict social disorder to attempt to create a new national character and identity in the society. In this sense nation-building describes deliberate efforts by a foreign power to construct or install social structures according to a model that may be more unfamiliar to the people. Hence, this approach is often considered to be a destabilising factor, undermining national reconciliation. This paper therefore treats national-building in South Sudan as a process of reconciling the heterogeneous ethnic groups, healing the war-time wounds of hate, combating revenge killings and forging a nation in terms of language, enhancing common heritage and forging a new national identity after secession from the Sudan on 9th July 2011.

Nation Building Processes in South Sudan

Identity crisis looms over South Sudan after the binding factor - the Arab-Islamic domination - dissipated with independence in July 2011. The new country is a culturally heterogeneous society with its inhabitants speaking different local languages. This brings the issue of national identity into spotlight. Most South Sudanese identify first with their ethnic group, while their national identity remains in the backseat. However, the long civil war made it possible for other identities to emerge after the signature of the CPA. Ethnic and linguistic backgrounds were weakened in war zones, and exposure to new cultures in exile, forged fragmented identities in people that would take time to mould into a truly national identity. The issue of conflict-related identities needs to be explored at three levels.

The first level concerns transition from war-time identities. This continues to be problematic for the government and the international agencies involved in the resettlement and reintegration of returnees as well as ex-combatants. There are fragmented government structures dealing with the problem, notably the Commission for Relief and Rehabilitation, state governments where people of the conflict-related identities settle and the DDR for ex-combatants. The government encouraged the integration of returnees and ex-combatants into host communities, but the vast demand for basic service delivery in areas of return and the shortage of resources to make this happen, led to competition between returnees and host communities, thereby intensifying differentiations of identities. The number of ex-combatants was insignificant because the government demobilised mostly the injured individuals.

The second level rotates around language, and urban identity. A study indicates that there are 142 living languages in the Sudan, of which most are spoken in South Sudan (Languages of Sudan: internet). People living in urban areas use colloquial Arabic as the *lingua franca*, while English and classical Arabic are used in offices. This situation presents many challenges for social integration and nation-building. It is further complicated when populations, displaced by the war, return from the Sudan and from the Diaspora with new identities, hoping to be re-integrated into traditional communities. The Government of Southern Sudan (GoSS) did not prioritise policies of national identity and integration. A study conducted by the USAID (Brooks 2007: 7-11) showed that South Sudan Relief and Rehabilitation Commission (SSRRC) lacked the necessary financial resources to effect reintegration of returnees into host communities in Southern Sudan. This situation resulted in secondary migrations from areas of return to main towns like Juba, Malakal and Wau (IOM 2009). Returnees

of urban background established slums in the towns where urban culture and identity began to crystallise. Officials of the national government and sub-national governments are grappling with the integration of different categories of returnees such as the internally displaced persons (IDPs) and refugees.

The third level is about the absence of a government plan for long-term policies to handle the needs of categories of returnees. This situation has led to the emergence of tribal camps on the outskirts of the main towns mentioned above. This development is very conspicuous in Juba. One can find residential quarters bearing tribal names, such as Hilat Zande and Jebel Dinka, which started as slums, but were regularised in the process of town planning. Hence, social diversities in the post-independent South Sudan have a long way to go to constitute a national identity. Compartmentalised affinities of returnees continue to give rise to differentiation of people into categories like host communities, IDPs from the northern Sudan; returnees from neighbouring countries and people from the Diaspora. In the absence of national consciousness, these differentiations play a major role in social relationships that slowly construct a new culture and identity, not only within but also among main population concentration areas of South Sudan.

It is not possible to discuss culture and national identity in South Sudan without making reference to how ethnic confederations impact on post-conflict governments. The three major ethnic groups found in Southern Sudan are: Nilotics, Nilo-hamites, and Bantu/Sudanic. The Dinka, Nuer, Shilluk and Luo speaking people are the main tribes of the Nilotic ethnic group. The Bari, Latuko, Mundari, Murle and Toposa are in the group of Nilo-hamites, while Bantu /Sudanese ethnic groups comprise the Azande in Western Equatoria and the Fertit tribes in Western Bahr el Ghazal (Holt and Daly 2011: 3). Although there are no recent statistics to indicate the size of the main ethnic groups, it is presumed that the Dinka, Nuer, Azande and the Shilluk are the largest tribes in the three ethnic groups mentioned above. Ethnic configurations do not only pose language difficulties in South Sudan, but blurs the concepts of nationality and citizenship.

Given this ethnic diversity and differences in micro cultures, nation building of South Sudan in terms of a common language is a difficult endeavour. Missionary societies made attempts to develop common languages through translation of the Holy Bible into local languages with some success. The most important progress towards harmonisation of local languages was the Rejaf Language Conference of 1928. The conference selected a few languages to be used as media of instruction in schools. The independence of Sudan in 1956 strangled the progress made hithertmade hitherto, through

the policy of forced promotion of Arabic as the national language. The segmentation of South Sudanese into ethnic groups has not helped the cause of a common language. This left fertile ground for colloquial Arabic and English as dominant channels of communication in the society and in offices respectively. It is still a long way for South Sudan to be built on the basis of a common language after independence. In the absence of a common national language, the Transitional Constitution of South Sudan (TCSS), refers to English as the official language of communication.

Another sticky issue in nation building is the issue of nationality and citizenship. South Sudan borrowed the principles of nationality and citizenship from the Sudan. The two notions are complex realities given their interdependence and inter-relations. An attempt to logically distinguish between nationality and citizenship is problematic. In general, nationality is related to belonging to a state by descent known as *jus sanguinis* while citizenship is associated with the legal status conferred by the state. The two notions are different, but interdependent as far as conditions for the acquisition of citizenship are concerned (Assal 2011: 3-4). The South Sudanese law of citizenship is based on the relationships between the ethnic origin, residence and the right given by the state. This confused situation makes customary citizenship a practical reality in South Sudan. The majority of people participating in the elections possess neither nationality nor citizenship; but the government is compelled to recognise the status of inhabitants as nationals and citizens. It is only the bureaucratic and political leaders who are bound by law to prove that citizenship was conferred to them, to hold political and public offices.

The heterogeneity of ethnic groups with scanty knowledge of the other ethnic groups makes the concept of citizenship very elusive at the local level. Ethnic closed territorial boundaries have not helped the integration of the peoples of South Sudan as a nation. This is clearly demonstrated by the issue of settlement and land acquisition outside ancestral areas. People in the countryside do not even understand why people should carry papers on them for identification purposes. The importance of citizenship lies primarily with people employed in government, people seeking services of the state such as licenses, business and individuals travelling outside the country. Many local people, especially border communities, hardly recognise the importance of papers like nationality certificate, laissez-passé, passport and other travel documents.

While citizenship remains elusive in nation-building processes in South Sudan, kings, chiefs and elders traditionally govern tribal organizations and administer justice in the communities. There were in-built traditional

mechanisms of conflict resolution in tribal communities. However, the war damaged these systems in various ways. At present, conflict resolution mechanisms addressing violent inter-communal conflicts are eroded by war lords. The lengthy civil war enabled SPLA and militia commanders to usurp the powers of traditional leaders. It engraved the culture of impunity and sustained violence in communities of South Sudan. Small arms became the source of authority and power. For example, local commanders wielded administrative and judiciary powers in territories they controlled. Armed youth took orders only from their commanders, while chiefs were overlooked. Hence, traditional leaders were made to take orders from armed commanders in territories held by either the SPLA or the Sudan Armed Forces (SAF) and militia commanders.

Further, nation-building implies inclusiveness of the population irrespective of gender and age. South Sudan is, nevertheless, a male dominated society and gender roles are determined on the basis sex and age. Women play important social and economic roles but are relegated to the fringes of decision-making and public responsibility. Domestic tasks, such as building huts, cultivating fields, gathering and preparing food, are heavy and consume most of the time in a woman's day. Water collection in rural areas can take women several hours and is required on a daily basis. Even in modern sectors, indicators reveal glaring disparities in education, employment, representation and leadership, resulting from high illiteracy and traditional customs. In 2004, only 16% of girls had access to school (GoSS and UNDP 2004: 63-67), and of those girls who enrolled in primary schools, most of them dropped out before reaching level eight. Parents tend to advocate early and sometimes forced marriages, which fetch high bride price paid in cattle or money; girls are seen to be a source of income for their families. Even within these circumstances women wield significant informal power, as is seen in their ability to incite men to go to war or to engage in cattle raiding, and to the contrary they also influence peace initiatives and community welfare, and should be engaged more consistently to do so.

The youth used to abide traditionally by the directives of their elders. However, the war seriously undermined the authority of these tribal leaders when the youth were incorporated into military structures and given arms. Displacement of communities also affected tribal hierarchy and the ability of tribes to subsist. The youth that left their communities to join the formal military structures, like the militia and the SPLA, lost their skills to work the land or to herd cattle. Cattle herders who were armed by high level commanders to protect livestock soon realized that

the power of the gun exceeded the authority of chiefs. Youth began to lose respect for traditional leaders. Driven to own cattle for marriage, the youth intensified cattle rustling to the extent of provoking inter-community rivalries and hostility. In post-war Southern Sudan, the youth have been excluded from any major role in the consolidation of peace or construction of their society, unemployment breeds idleness, and without traditional skills they cannot return to former lifestyles. The disempowerment of young men from productive activities has contributed to the escalating community-based violence in the South.

State Building Process at National and Local Level

The past political, economic and social organization of South Sudan had its roots in the CPA and the Interim Constitution of South Sudan (ICSS). The political organisation of Southern Sudan after the CPA was adapted to an existing federal system of government initiated by the Government of Sudan (GoS) in the 1990s. Before the CPA, Southern Sudan was divided into the regional government based in Juba, the 10 existing states and a number of localities. After the CPA, the Government of Southern Sudan (GoSS) assumed the role of an autonomous central government by virtue of Art. 53 of the ICSS. It maintained the same number of states, but the number of local governments increased. In South Sudan, the three levels of government were the GoSS, the State and the County. Currently, South Sudan is organized into the GoSS, 10 states and 79 counties. The head of the GoSS is the President of South Sudan assisted by a Vice President. Under him fall the line ministries and 19 commissions or similar statutory institutions.

The independence of South Sudan, however, created a new relationship between the ICSS and the TCSS. The latter is the revised version of the ICSS, which was hurriedly worked out to ensure that South Sudan had a Constitution at independence. Citizens' participation was symbolic in the development of the TCSS. Many people and civil society organisations (CSOs) articulate that state-building processes in South Sudan are driven by the SPLM towards their ideology in the absence of credible opposition political parties. The element of authoritarianism in the SPLM leaves little space for non-state institutions to develop. Leaders of CSOs are frightened by unidentified forces that use terror to silence dissenting views regarding policy implementation.

Despite all post-conflict odds, South Sudan depends on the TCSS for building state structures and mechanisms of governance while people are waiting for the future Permanent Constitution. At this juncture, the first sub-

national level of government is the state. South Sudan is composed of ten (10) states. Each state in South Sudan has an executive body composed of the Governor, advisors and ministers. The Governor is the highest elected political official at the state level. Each Governor appoints a deputy governor, advisors, state ministers and an executive commissioner. In most cases, senior local government officers head administrative departments of states. The Secretary General is appointed from among the most senior local government administrative officers to head the State Secretariats at the headquarters.

Also at this level, there is the state legislative assembly entrusted with making laws as specified in the TCSS. Members of the legislative assemblies are elected through a democratic process. They are the legitimate representatives of the people in the 10 states. The TCSS distributes powers between the Central Government and state governments, but there are also concurrent powers. The modalities for the application of concurrent powers are enshrined in the TCSS. The national government has constitutional powers over state governments to amend their constitutions. This is done through harmonisation of the state constitutions to conform to provisions of TCSS. The Ministry of Justice is entrusted with the task of issuing certificates of harmonisation before state governors can sign their respective constitutions. Also, the national judiciary could rule in cases where there are disputes between the national government, and a sub-national government over the implementation of the items in the schedules of competence in the TCSS.

The second sub-national level is the County. As mentioned earlier, there are 79 counties, unequally distributed in the 10 states of South Sudan. The number of the counties is on the rise if we consider City Councils as equivalents. The highest political officer at the County City Council level is the Commissioner or the city Mayor. These political officers are assisted by local government administrative officers. The most senior local government officer heads the administration, holding the position of Executive Director. The county administration is further subdivided into payams and bomas while the City Council is sub-divided into quarter councils and neighbourhoods. Payams or quarter councils are sub-units of a county and city council, which are administered by local government officers. Bomas are composed of a group of villages that are governed by tribal chiefs. The TCSS contains provisions on devolution of powers. This may not be enough for things to happen in states unless the national government uses its political power to make states amend their constitutions to conform to the TCSS.

The electoral process of political participation covers only the executive positions of the President of Southern Sudan and the Governor. Concerning the legislature, people elect representatives to the Council of State, the

National Assembly and state assemblies. The National Elections Act 2008, provided only for elections of the President of Southern Sudan, Governors and members of the legislature at the level of the GoSS and the states. It also stipulated the different categories of constituencies such as geographical constituencies, party lists and women's lists for both the Southern Sudan Legislative Assembly (SSLA) and the state assemblies. The method of election to all legislatures was a mixture of direct vote and proportional representation. According to Article 31 of the National Elections Act 2008, direct vote applied to geographical constituencies (60%), while proportional representation applied to women lists (25% of seats) and party lists (15%).

The system of decentralisation of South Sudan adopted in the TCSS defines the levels of Government in Article 47 inter alia: "South Sudan shall have a decentralised system of government with the following levels:

● The National level which shall exercise authority in respect of the people and the states;

● The state level of government, which shall exercise authority within a state, and render public services through the level closest to the people; and

● The local government level within the state, which shall be the closest level to the people."

In practice, the current legislature of South Sudan is composed of two Houses: the Council of States and the National assembly. After the independence of South Sudan on 9 July 2011, all southern members of the former national legislature in Khartoum (Council of States & National Assembly) became members of the South Sudan legislature by Presidential Decree. In addition, the President issued another Decree appointing 66 new members to both houses of the national legislature. Counties are supposed to be managed by elected representatives; but commissioners are appointed by state Governors. Further, the councillors are selected by county administrations. This structure of political decentralisation does not correspond to the democratic practices contained in the Local Government Act 2009. The most intricate issue in this process is that the electoral systems stipulated in chapter four of the defunct National Elections Act 2008, was only applicable to political institutions at the levels of the Central Government and state governments. This implies weaknesses in post-independent governance where communities hardly exercise the political powers conferred upon them by the TCSS.

The political process clearly violates provisions of the TCSS and the Local Government Act of 2009. Citizens are deprived of democratic rights to elect

or to be elected in a universal suffrage as stipulated in the Constitution. The post-independent government of South Sudan takes the advantage of the absence of electoral laws to impose party or individual cronies on the citizens pending elections in 2015. Appointed officials or selected representatives are neither held accountable to the grassroots nor are they responsive to demands of communities to enhance democratic governance at the county level. State government appoints commissioners and county administrations in turn select councillors in consultation with peer groups in the bomas. This practice is contrary to provisions of the Local Government Act 2009. The autonomy of the counties is compromised by the powers of governors and county commissioners. The TCSS provides for separation of powers between the central government, states and counties, but this is not happening because the functional mechanisms are yet to be put in place. The presidential powers and governors' powers fill gaps left by the TCSS while the country awaits the forthcoming elections.

Judicial bodies are established at all levels of government in South Sudan. The structure of the courts is provided in Article 123 of the TCSS. They are the Supreme Court, Courts of Appeal, High Courts, and County Courts. The courts below the county are referred to as "other courts or tribunals as deemed necessary to be established in accordance with the provisions of this Constitution and the law." According to the Constitution (Art. 133), the President of South Sudan, upon the recommendation of the Judicial Service Commission, appoints Justices of the Supreme Court, Courts of Appeal, Judges of the High Courts and County Courts in accordance with the Constitution and the law.

The other courts and tribunals are established by the counties because the Constitution is vague about them. According to the local Government ACT 2009, the Customary Law Council should regulate the management of the courts in counties. The traditional courts are "C" Courts, "B" Courts and "A" Courts run by the traditional authority. Bench Courts are established in City Councils and are equivalent to "B" Courts and "A" Courts in rural areas. "C" Court is the highest customary law, while "B" Court is a regional court in a county. The lowest court in this category is the "A" Court, which is administered by an executive chief at the level of a boma or at the quarter council in cities. The Local Government Act 2009 describes them as Customary Law Courts.

In brief, institutional arrangements for separation of powers are still incomplete in South Sudan. While the Constitution and Local Government Act 2009 define clearly the powers and concurrent powers of each level, the political process leaves spaces for interference with powers of other levels.

For example, appointments of county commissioners and city mayors are a direct political interference of states with the affairs of local government. Also, putting traditional courts directly under commissioners is an act of combining political and legal powers into the hands of political leaders, which does not demonstrate separation of judicial and political powers at the local level.

According to the Local Government Act 2009, the decentralised system of local government comprises the Local Government Council together with tiers, types and grades. The elected organs of the Council at the county level are the Legislative Council and the Executive Council. The Legislative Council composed of 35 members is elected by universal suffrage for a period of four years. The 2009 Act stipulated that its composition must include 25% of women, youth and people with special needs. The Executive Council is composed of elected officials: The County Commissioner or the City Mayor. All elected members cannot combine positions in the Legislative Council and the state legislature or state executive body. One sticky issue in both the ICSS and the TCSS is that they give powers to states to organise elections for local governments in counties. This can only happen when the National Elections Act 2009, is replaced by a new law to embody the local government system of elections in South Sudan.   The fact is that representation in the Legislative Council and the Executive Council is not backed by election laws and an electoral system. Counties are managed by appointed representatives such as commissioners and Councillors. This structure of political decentralisation needs infusion of democratic values in practices of representation at the local level.

The recommendation of the seventh Governors' Forum on development activities in August 2009, states clearly that "communities should be involved in decisions pertaining to development projects and services in their areas." This implies that people, civil society and relevant interest groups can democratically decide on their local needs and interests. The lack of an electoral system that covers counties and the lack of provisions to make communities elect their representatives in the political organs of counties undermine the purpose of decentralisation, which is taking local governments closest to the people. Therefore, the autonomy of legislative councils is compromised by the powers of Governors and county commissioners, which are yet to be harmonised with the TCSS and the future amended Local Government Act 2009.

Emerging Forms of Local Governance in South Sudan

Decentralisation is the transfer of power and resources from national governments to sub-national governments and their structures. This could be done through de-concentration, delegation and devolution of powers. These three elements are diverse in nature. De-concentration involves reassignment of responsibilities to field offices of ministries without necessarily placing these offices under the control of sub-national governments. As for delegation, it shifts responsibilities for specifically defined functions to sub-national governments and/or administrative units so as to build their capacities for possible devolution of powers. Devolution is the form of decentralisation, which assigns autonomy of action to sub-national governments and administrative units in all spheres of governance. Unlike the other two forms of decentralisation, devolution implies electoral processes and consultations to enable the participation of citizens in various aspects of decision making (USAID May 2009:7-8). Devolution and political decentralisation are closely inter-linked. Elected decision makers maintain their autonomy from national governments, but are bound by provisions of national constitutions, national policy priorities and national standards.

Countries adopt decentralisation to respond to specific situations of nation-building such as to seek or maintain stability and economic development. Central authorities decentralise either to achieve their vital interests or are pushed by political crises to do so (USAID May 2009:5). Domestic power struggles, actions of political or human rights activists, or liberation movements could force central authorities to decentralise. Decentralisation is multi-dimensional; it is related to socio-economic and political dynamics that affect authority, autonomy, accountability and capacity within political spaces of sovereign states.

In the case of South Sudan, there is a latent struggle between military and civilian elites over the control of state apparatus. The military tends to dominate the political leadership of governments at national and sub-national levels. This can be seen in the number of military officers who hold political positions in the national government, the state governments and county governments. As the state is still in the stage of formation, political parties other than the SPLM and civil society organisations are still struggling to assert their positions in the post-conflict state of South Sudan. The socio-political and economic context is still militarised and the inclination towards civil structure remains weak. Regional activism is attempting to force transformation in favour of not only decentralisation, but also of federalism. This was seen in the Equatoria Conference of

April 2012, which intended to push for federalism and autonomy of local governments as the ideal form of governance. From this theoretical perspective, it is incumbent on us to examine salient forms of local governance in South Sudan.

Political Structures at the Local Level

The functioning of structures at the local level is conditioned by the geographical and social diversity of South Sudan. The Local Government Act 2009, attempts to harmonise the system of local government in sometimes incompatible political interests. Observations on the practice of decentralisation show that there are both constitutional and political contradictions in the functional practices. It is difficult to determine whether or not there is any multi-party or one party system at the local level. Party systems were weak during the interim period. Many parties emerged during this period and claimed representation in the GoSS and state institutions. The Sudan People's Liberation Movement (SPLM) itself was still in the process of transformation and reorganisation to suit a new political environment. Visible party systems ended at the level of state governments and state assemblies. Local level opportunities were not lucrative for most post-conflict political actors. After the independence of South Sudan, the SPLM and a few political parties that won elections could claim legitimacy at the local level. Party systems will therefore only have influence on political participation in local governments once democratic competition has been legitimised by the election laws of South Sudan.

The Local Government Act 2009, was worked out to regulate future structures of functional local government in a vacuum of legal and electoral systems. In principle, the functioning of the local government institutions should operate in a non-party environment. People express their desires to contest local elections in their individual capacities. Also, the electors are not expected to participate in voting along party lines, but political parties will always be lurking in the background. The bottom-line is that democratisation of local elections will not avoid political participation of communities along party lines.

Issues in Local Participation and Accountability Mechanisms

Systems of local participation are enshrined in the TCSS and are expected to be included in possible amended state constitutions in line with an amended Local Government Act. Participatory decision making at the local level

involves consultations at all levels of county sub-divisions. Planning and implementation of political decisions should be bottom-up processes through consultations (Governors' Forum 2008). This requires political mobilisation of communities, establishment of community development committees (CDCs) or their reactivation if they are already on the ground, parents and teachers associations (PTAs) and so on. These structures are always involved in electoral processes. Local elections should be left to states to administer within a standard electoral system and a legal framework enacted by the national legislature providing a mandate of the National Elections Commission of South Sudan. Elections should be programmed and synchronised to happen at the same time in counties and city councils.

Knowing that the TCSS exists and that the states' Constitutions are amended to conform to the National Constitution, the accountability mechanisms of the local governments should be revisited to ensure that states do not encroach on the powers and rights of counties. The current practice in that Governors appoint Commissioners. County administrations under commissioners influence the selection of members of the legislative council in the counties, using interpretations that suit their political agendas. The practice undermines the role of communities in determining their destinies. Presentations at the Commissioners' Forum (LGB & UNDP 2010), showed that there is some kind of intrusion of states into domains of communities through appointed commissioners. Some commissioners took it upon themselves to dismiss chiefs, which is not their competence according to the Local Government Act 2009.

The existing practice therefore, empowers individuals in higher offices to exercise authority outside the mechanisms of accountability articulated in the TCSS and the Local Government Act 2009. Actions of elected political officers and appointed officers in states exclude communities from electing representatives of their choice to the legislative councils. States and local government representatives should derive their legitimacy from the national Constitution and the electoral laws enacted by the national legislature, in collaboration with the national commission implementing the laws on behalf of the national government. Hence, the election process should be based on common interpretation of procedures established in a single legal document applicable to all counties, payams and bomas.

The idea of establishing the Commissioners' Forum was first floated and adopted in the 2006 Governors' Forum, but became a reality four years later in 2010. This is a positive initiative towards discussing issues of implementation and the practice of decentralisation in the diverse geographical and social settings of South Sudan. Besides sharing of experiences, achievements and

lessons learned, two items of specific objectives pertain to participation and accountability mechanisms:

- Engaging in dialogue on key issues touching on the effective and efficient administration of local government affairs at county and state levels; and

- Clarifying roles and functions of counties, including administrative and financial management arrangements within counties, thereby supporting the Commissioner to assume full responsibilities.

Exploring the background of the Forum and its structure, there is no single mention of the word: "community" and the issues presented at the Commissioners' Forum did not emphasise local participation and accountability mechanisms (LGB & UNDP 2010: 5). It is assumed that local governments are less concerned with political participation of communities and the mechanisms of accountability. Issues pertaining to the local Government Act 2009, came out in discussions at the Commissioners' Forum. Discussions centred on incidents such as abuse of power by commissioners. Chiefs were dismissed from their positions without the consent of their subjects (LGB & UNDP 2010: 14 and 22). Annex 2 of the draft consolidated report of the Commissioners' Forum 2010, stated how appointed commissioners have powers over traditional chiefs, including powers to influence chiefs during the exercise of participation in decision making. Governors and Commissioners may be happy with the status quo, but it harms local participation and accountability mechanisms. The incidents reported in the Commissioners' Forum indicate that participation and accountability instruments in place are not working, since the inception of the Local Government Act 2009.

This is happening because appointed political officials ignore local participation of communities, who should be the core actors in local government elections. They equally relegate accountability mechanisms to the fringes of local government administration. Chances of local governments running according to the available legal instruments, depend on how the new elections Act would set limits on the powers of state governments and the local governments. Therefore, it is incumbent upon the national government and the state governments to ensure that constitutional rights are observed at the appropriate levels according to the TCSS, transitional state constitutions and the Local Government Act 2009. Accountability mechanisms of decentralisation stop at the level of state legislature. It is difficult to pinpoint any mechanism of accountability from the county level to the lowest in local government. What will make commissioners accountable to communities if the former assumed office via appointment? What will make selected councillors accountable to

communities that have no opportunity to question what they have done during their terms of office? The critical mechanisms which could make these categories of political representatives accountable to their bases are elections.

The Missing Link

The other mechanisms that could encourage representatives to be close to their constituencies or grassroots, are opinion polls. Independent centres and institutes contribute greatly to informing the public about the performance of public institutions. In democratic societies, these actors draw the attention of policy makers and the beneficiaries of development constituents, to the status of progress or shortcomings. The United States based National Institute of Democracy played such a role during the past six years. The Sudanese Network for Democratic Elections (SuNDE) appeared only during the elections and the referendum as a watchdog (CIGI 2011). It is unfortunate that these institutions appear on the ground for a specific purpose and time and seem to hibernate when there are no significant events in sight. Further, national magazines and newspapers do conduct opinion polls on key national issues. It seems, however, that national media houses lack the capacity of conducting nation-wide opinion polls. These institutions are not consistently playing their roles in this regard. More national centres of this nature should be promoted by the government, and the donors. This would remind actors in living to expectations of citizens at the state and county levels.

Results of opinion polls galvanise political and development actors into action, which may respond to attitudes of communities towards implementation of government programmes, including decentralisation. This drives the various sectors involved in dimensions of local governance and decentralisation to improve performance in anticipation of forthcoming consultations or elections, where they are provided for. The real handicap in South Sudan is the absence of national independent centres or institutes of opinion polls to conduct periodic polls on political and socio-economic matters in the society.

Opportunities and Challenges

South Sudan faces the challenge of consolidating its gains of independence from the Sudan. Policy makers and scholars agree that transition from a dependent territory to a sovereign state takes into consideration a number of factors such as state capacity, social and economic indicators, and the

post-conflict security environment. These elements determine the nature of the planned actions for development. After the six-year interim period of the CPA, South Sudan gained its independence on 9 July 2011. South Sudan's achievements in the framework of the CPA were important. Although some people may contest this assumption, the reality is that GoSS was able to establish government institutions from scratch. However imperfect, the established public structures represented a positive start after decades of civil war that destroyed anything considered to be infrastructure. At independence, the government established more than 30 ministries, maintained the existing commissions, the 10 state governments, a national parliament and 10 state assemblies.

South Sudan had many opportunities of state building at independence, especially in the context of policy statements by the political leadership about the future of the infant state. The intentions about institutional transformations attracted the sympathy of citizens in a period of euphoria. The optimistic attitudes of citizens and the level of support to the new state encouraged the international community to consider support in state building of the new state *inter alia*.

- The greatest opportunity for members of the international community is the continued commitment that had already been demonstrated to the peace and democratisation process Southern Sudan, before the split, through their support to the Comprehensive Peace Agreement;

- Most members of the international community present in Southern Sudan had already committed themselves to the joint donor mechanisms that permitted the harmonisation of policy and action through diplomacy and material support. Diplomatic action is more powerful when exerted by like-minded countries with common goals;

- The strong UN presence in the country, including UNMISS, provides a unique opportunity for international collaboration and consolidation of this process;

- The peace processes facilitated engagement with local actors and organisations that were seen to be instrumental in furthering peace, democratisation and development.

Despite these opportunities, South Sudan is managing a host of challenges in both scale and complexity. Poverty is endemic and prospects for growth are minimal. State structures have only just been established and expanded, and delivery systems across all sectors are dysfunctional. Lack of adequate regulations and operational mechanisms at all levels of government, and of accountability mechanisms, where they exist, have resulted in misuse and

mismanagement of public resources. In the absence of broad-based political mechanisms for resolving disputes, violent conflict remains a chronic problem of governance. The reality is that South Sudan has the problem of capacity. Human resources required to manage the newly acquired independence is scarce. Every single ministry, every single state government and every single spending agency suffers from a debilitating lack of qualified, competent staff.

South Sudan has an underdeveloped infrastructure. For instance, the road transportation system is inadequate. Most of remote locations are inaccessible during the rainy season. Without roads, efficient provision of basic services is unthinkable. Farmers cannot access markets, so there is little incentive to produce even in the agriculturally rich areas of South Sudan. In addition, there is severe lack of energy because there is no nationwide energy system. The few thermal power stations lack reliable supply of fuel to generate electricity. Further, the airport is substandard, and there is no civil aviation capacity. Finally, the dilapidated railway line from the Sudan serves only a few towns in Northern and Western Bahr el Ghazal.

The escalation of violence in the South, incited by cattle rustlers and external rebel movement of the Lord's Resistance Army, is an undeniable factor threatening derailment of state-building programmes of South Sudan. In addition, the economic viability of the new state is strongly questionable without significant long-term commitment of international partners. In order for South Sudan to tackle the above mentioned challenges, there are fundamental efforts that must be undertaken. The state needs to consolidate its authority and enter into a relationship with society that will permit democratic participation and legitimate political competition. A more equitable and productive political economy must be developed in the new country. This could only be realised if the people of South Sudan construct their own, shared identity through the creation of a common vision for a future society, and shared responsibility in achieving it.

The government of South Sudan has the daunting task of establishing a viable state capable of maintaining peace and security, of managing public resources, and of delivering services to the people. To help consolidate the State in South Sudan, and to tackle challenges, the government, the donor community and interested stakeholders need to mobilise resources to establish core governance functions, stabilise insecure areas, and build delivery systems for basic services and infrastructure. Because everything depends on stability, state-building programmes should be focusing on extending state authority into insecure areas. Insecurity remains a chief impediment to the expansion of services and growth. Insecure areas lack government presence, or law enforcement

agencies to enforce the rule of law. For example, the situation of insecurity unfolding in Jonglei State where tribal communities are involved in violence over cattle and abductions, is a case to watch. This means providing direct support to the state and local governments, so that government structures can actually take control, rather than state authority being eroded.

Concluding Remarks and the Way Forward

Building a nation or state in South Sudan is an uphill task. Political and social opportunities for nation building encounter a host of setbacks, which have consequences for economic development and growth. The continuous threats of war with the Sudan and the unscrupulous communal violence experienced in many parts of South Sudan, especially among pastoralists, present a huge mountain of challenges that South Sudan has to address immediately. The first priority is to maintain political and social stability both domestically and externally. It implies the command of internal and external sovereignty.

In the area of economic development, the government and development agencies need to promote inclusive economic growth and diversification of the resource base. This calls for improving agricultural productivity and creating an enabling environment for private-sector development and microfinance, with the idea that this will generate growth, employment, reduce poverty and provide the poor with greater access to markets, goods and services. Among the key activities, will be the building of infrastructure, such as energy, and hydropower, road networks, to improve production and access to markets. Additional interventions to promote inclusive growth and economic development will address youth unemployment through labour-intensive work programmes, and climate change.

In the sphere of political governance, decentralisation is considered in South Sudan as a tool for development. It is a system of governance with many dimensions, which are very closely interdependent. The implementation of one or more aspects at the expense of others cannot yield the desired outcome. Programming decentralisation needs to take into account projects representing all its dimensions, especially those considered as means of achieving tangible results that could be felt by the average citizen. However, decentralisation in South Sudan is still more anchored in the world of political rhetoric than in practical do-able projects. The current situation requires of policy makers to transform decentralisation from the level of political values to the level of actions in the realm of the

economy. Political decentralisation does not mean that sub-national units of government are independent from the national government. State sovereignty is vested in the national government. The national government exercises the supreme authority conferred upon it in the Constitution. South Sudan cannot afford a loose system of decentralisation at a time when it is experiencing social turbulences and inter-tribal violence as demonstrated by the case of Jonglei state. The national government of independent South Sudan needs to exercise more political powers as a tool for consolidating the political gains so as to build a viable state in the geopolitical region.

South Sudan could, nevertheless, learn from the experiences of other African countries that have been striving to make decentralisation work. Countries such as Rwanda, Sierra Leone, South Africa and Uganda, underwent similar political situations to that of South Sudan, when they were testing processes of decentralised systems of government. They engaged in the search for consensus, negotiations with political stakeholders, sensitising and convincing people about decentralisation (Kauzya 2007 & Searle 2008). Lessons drawn from experiences of these countries could help South Sudan in the art of advancing ideas and practice in processes of political decentralisation.

The creation of South Sudan as a new state and the establishment of state structures are two different things altogether. The analysis of the new state based on decades of civil war, reveals many threats during transitions. The task of deciding what kind of state will make South Sudan, is directly connected with the establishment of state institutions. The push for decentralisation to deal with decades of marginalisation seems to create more problems than it has solved. There has been little discussion about how decentralisation entrenched ethnic elites at the expense of accountability and decision-making power.

In short, there is no shortage of laws regarding national and local governance in South Sudan. The real problem is the establishment of functional mechanisms to make decentralisation work smoothly at the three levels of government. Constitutions and Acts of the legislature are organic laws that require adoption of rules, regulations and procedures through dialogue between political stakeholders in the government system. South Sudan is quite underdeveloped to the extent that a significant number of national leaders, policy makers and scholars, hardly understand their own society. The national transport system, the poor infrastructure, and above all, the lack of government keenness for research, are incontestable constraints for generating knowledge about the new state. Policy-making processes depend on superficial assessments and on formal contacts with

individuals holding higher offices at national and sub-national levels of government. For better understanding of South Sudan, there is a need to engage in inter-disciplinary research that would reveal the multiplicity of linkages necessary for multi-track approaches to the understanding of social phenomena. For deeper understanding of nation and state building in South Sudan, there are potential research areas that need further investigation.

- Policy and practices of nation/state building at the national level, state level and the county level, as well as the constitutional rights of these levels of government.

- Nation and state building visions, common understanding and nation-wide action researches about advantages of good and transparent governance. Such studies need the state organs and civil society organisations to be examined about the merits and demerits of decentralisation.

- Mechanisms of the national government, state governments and counties together with their tiers need to be studied with emphasis on how local government could work in the traditional society and communities of South Sudan.

- Democracy is a cross-cutting component of state building encompassing decentralisation at all levels of government. The current system embraces democracy at the national level, the state level and at the local level; the participation of citizens, CBOs, communities in organs of national and local governments with accountability mechanisms call for more studies.

- Further studies should focus on the performance of governments, institutions of governance and representing institutions including agencies of the international community and impacts of current development-related activities on communities in the context of nation building.

- An integrated approach to research should be encouraged to address the people and the state, their economic, political and social environments.

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Economic Reconstruction in South Sudan: Priorities for Research and Policy Formulation - Asha Abdel Rahim

Introduction

The Meaning of Economic Reconstruction

Generally economic reconstruction refers to a process for establishing a practical vision of economic change. In post–war economies, reconstruction means rebuilding that which was destroyed during the war. In this regard, four rules are considered effective (Jonathan M. Feldman, 2001). First, the prevalence of peace is a requirement to achieve economic development at all times. Reconstruction aims to improve public security, create a participatory government, rehabilitate destroyed services and build new ones in the health, education and infrastructure sectors. Secondly, the failure to preserve the peace during economic reconstruction will reverse every development effort. Policies must be conflict-sensitive to enhance peace and minimise the possibility of conflict.

Thirdly, aid should be channelled through the government budget to support a nationally integrated reconstruction strategy. Failure to do so has led to an unequal approach between aid and government priorities. Implementation will enable governments to establish a track record as providers of essential services for their own people. Immediately and after the signing of the Comprehensive Peace Agreement, Multi-Trust Funds was established to handle large amounts of foreign assistance to South Sudan. Funds were not channelled directly through the government budget but were rather fragmented into small projects across the education, health and infrastructure sectors.

Lastly, humanitarian aid saves lives by providing people with minimum levels of consumption. However, if extended too long, it may prevent efforts geared at achieving food security and could discourage work, as the community might be reluctant to produce its own food. At the same time, disbursement of reconstruction aid for investment purposes should not be tied to countries endowed with the "right" conditions in terms of political leadership, governance, institutions, and human capacity.

Post–war economies, recovering from conflict, poverty and economic vulnerability are strongly influenced by the design and organisation of economic institutions. Economic reconstruction develops from the differing opinions of institutional economists and thinkers. Their work both criticises current economic institutions and recommends ways of organising society differently (cf. Veblen, 1998). This is supported by the current situation of South Sudan. Economic reconstruction here can be achieved through the establishment of new institutions and the reformation of old ones. The basic aim is to create a new way of organising the economy and society so that institutions serve the needs and interests of the people of South Sudan.

Few countries that have experienced internal conflicts have managed to move beyond post-conflict reconstruction to a normal development path. South Sudan has experienced a similar situation, whereby the process of rebuilding and reforming necessary institutions has been slow. Qualified South Sudanese citizens are not fully absorbed at all levels of government or in international and local nongovernmental organisations (NGOs). It has been found that the challenges are primarily related to human resource management. There are strong needs to diversify the economy, particularly after the shutdown of oil. The sources of revenue generated from exporting oil were not used to fuel other sectors such as the agricultural and manufacturing sectors or for building infrastructure. The slow process of reforming the public sector has aggravated the problem of unemployment in South Sudan. Gender inequality prevents women from participating in rebuilding the South Sudanese economy. Women are discriminated against in terms of access to land, education, and credit facilities; this has prevented women from improving their income and the welfare of their family.

Research Problems

- How can the current dependence on oil be overcome?
- How can economic reconstruction occur?

- How can the issue of foreign aid fragmentation be overcome?

- How can microfinance institutions be made to serve the poor?

- How can the South Sudanese diaspora be enticed to return and contribute to the building of the new nation?

- How can gender discrimination be fought against and South Sudanese women empowered economically?

Hypotheses of the paper

- Less dependency on oil and revenue collection from other sources would be improved through diversification of the economy. Incentives should be given to sectors such as tourism, agriculture, industry and small enterprises.

- Aid coordination between donors and the government of South Sudan should be channelled through budget priorities. This would cause fragmentation and transaction costs to be minimised.

- Aid should be channelled through the government to support a nationally integrated rebuilding economic strategy.

- Microfinance institutions targeting mainly the poor, would allow them to build long-term savings and enable borrowing for different uses.

- Gender issues should be mainstreamed throughout the economy and women should have equal access to the factors of production, including access to land, capital and labour.

- Microfinance institutions should be encouraged to improve the portfolio of the poor, and to assist households to manage money on a day-to-day basis, build long term savings and enable borrowing for different uses.

- The enhancement of the financial policies dealing with money, interest, credit allocation and fiscal policies focusing on government taxation and expenditure is necessary.

- Sources of revenue would be improved through diversification of the economy by moving towards other sectors such as tourism, agriculture and small enterprises.

Sources of Revenue

Figure 1: Forecast of Oil Production Trends
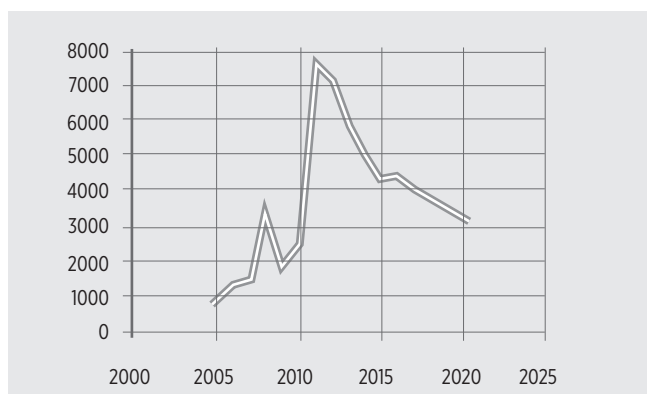
Secondary Sources: MoFEP

South Sudan faces serious challenges with regard to macroeconomic management. The economy of the South is completely reliant on a single source of revenue. Accordingly, the 2005 budget draws 100% (see table 1) of the government revenue from oil. However, the table also reflects a steady increase in the contribution of non-oil revenue during the period 2005-2009. In this regard, the Ministry of Finance and Economic Planning, intends to diversify its revenue base. In order to do so, a task force was assigned to redefine tax bases, share particular tax bases between central and state governments within a unified collection system, in addition to establishing a new distribution mechanism to all states.

Table 1: Revenue and Expenditure Data in South Sudan (in Million of South Sudan Pounds (SDG))

No		2005	2006	2007	2008	2009
1	Total revenue	1869.7	2736.1	2977.8	6789.6	3658.4
2	Oil-revenue	1869.1	2732.9	2964.5	6670.9	3413.4
3	Non-oil-revenue	0.6	3.2	13.3	118.7	245
4	% share of oil revenue	100%	99.9%	99.6%	98.3%	93%
5	% Share of-non-oil revenue	0.0%	0.1%	0.4%	1.7%	6.7%
6	Annual % change of non-oil revenue		433%	316%	792%	106%
7	Expenditure	425.3	3,581.5	2,936.5	5,712.6	3,606.4
	Salaries	35.46	1,185.7	1,479.8	1,873.4	1,839.5
	Operating	402.18	1,4058.4	1,058.4	2,227.3	899.3
	Capital	14.7	957.6	398.3	1,611.9	867.5
8	Sharing of non-oil revenue to salaries	2%	0%	1%	6%	13%

Secondary sources: GoSS

Expenditure

There is a lack of financial reserves as a result of unstable revenue generated from oil. The government has periodically had to finance its budget through borrowing, either from the commercial banking sector, or from the Central Bank of South Sudan. The budget is entirely dependent on the flow of oil revenue. Salary expenditure has increased from 8% to 50% in 2005 to 2009, respectively (see table 2.1). The government expenditure is dominated by salary spending on government employees and teachers; while state employees were excluded because they were paid through their block grants and their own revenues. The second level of expenditure is capital spending which shows unsteady behaviour throughout the last 6 years.

Funds allocated for reconstruction declined instead of increasing to meet an urgent demand for reconstruction of roads, schools and hospitals. This is due to the fact that GoSS wages are a monthly fixed expenditure and fully financed through the unstable oil revenue. As a result, salary expenditure is negatively affected when revenue falls below the level required for paying salaries and state transfers. It has therefore often been the case that GoSS has been unable to meet its commitment of paying short-term arrears to suppliers of construction. A considerably large amount of spending - 38% (see table 2) - is allocated to conflict prevention and security. An analysis of violence and conflict shows various causes, namely: tribal hatred, easy access to arms, perceptions of insecurity, cattle raids, disintegration of cultural values and norms and shortages of economic opportunities. One of the consequences of conflict, is increased insecurity, resulting from weak administration because the legal system remains weak. The negative impact of conflict in terms of the humanitarian effect, includes the loss of life and assets, population displacement and food insecurity. This leads to socio-economic problems such as poverty and disruption of basic social service delivery, such as health care and education.

The generally negative image that the oil industry has in South Sudan is related to the lack of publicly available information on oil sector activities. There is limited information available on the activities and operation of companies, particularly in terms of oil production and on the amount and the use of the oil revenue. While South Sudan's government has shown an interest in adopting the best practice standards proposed by the Extractive Industries Transparency Initiative (EITI), they have yet to start the implementation process. However, from July 2012 the Ministry of Petroleum and Mining has been publishing marketing reports on South Sudanese oil. The reports disclose marketing performance, transparency and future activities of the petroleum and mine industries.

Table 2: South Sudan Development Plan Expenditure Allocations

Pillar	2011 projected	2012	2013	2014
Governance	25%	23%	23%	22%
Economic development	13%	17%	18%	18%
Social and human development	9%	11%	12%	12%
Conflict prevention	38%	34%	34%	34%
States	16%	15%	14%	14%
Infrastructure	7%	10%	11%	11%
Education	5%	7%	7%	7%
Health	2%	3%	3%	4%
Security	29%	25%	24%	24%

Secondary sources: MoFEP, 2011

Fiscal challenges

The government of South Sudan has opted for fiscal decentralisation according to the Local Government Act 2009. South Sudan has a decentralised system of governance with three levels organised into national, state, and local government (county, payam and boma). The objectives of fiscal decentralisation are to bring the process of decision-making closer to the people and to give the lower levels of government responsibilities with regard to revenue collection.

Table 3: Sharing of Revenue

Tax	Base	Gov. of South Sudan Rate	States rate
Customs	Customs value (CIF)	3 categories: 5%, 10% and 20%.	0
Business profit taxes	Gross income expenditure	2 bands: 10%, 15%	0
Personal income	Wage, interest, rents etc.	10%, 15%	Set by each states: 10-30%
Excise	Fixed unit value	0	Specific ad valorem
General sales tax	Transaction value	0	Specific ad valorem
Stamp tax	Fixed unit value	0	Specific ad valorem
Real property tax	Fixed unit value	0	Ad valorem
Land registered tax	Transaction value	0	Ad valorem
Motor vehicle tax	Type, value of the vehicle	0	Ad valorem
National resource tax	Production value		Ad valorem
User charge	Price value		Ad valorem

Secondary sources MoFEP, 2011

The Local Government Act of 2009 was introduced to establish and strengthen Local Government Councils for effective service delivery. The Ministry of Finance provided necessary training to the Local Government Councils for councillors and chiefs in multiple areas, including on how to design county planning and budgeting systems, develop project proposals, and raise funds. Each Local Government Council established a Planning Unit Council (PUC), which should be in charge of the preparation of primary services and socio-economic development plans. The PUC is responsible for the provision of primary services, in coordination with the State and national sectoral plans.

Nevertheless there are many factors that constrain the process of decentralisation. The training for the elected councillors and chiefs requires considerable time. The performance of local government is also dependent on the revenue mechanisms to enable local government deliver services to its people.

Local Government Councils are partially funded by taxes levied on property, land, sales taxes, user service fees, license fees, auction fees and contract fees, as well as administrative fines (see table 3). These mechanisms have hitherto, been badly managed due to overlapping problems among taxes and fee collectors across various government institutions. There are three levels of government and three to four different government agencies. Besides the components of the SPLA, the police and fire brigades are all involved in the internal customs duties, fees and transit tax collections. Tax distribution mechanisms between central and state government have not yet been established, resulting in a co-existence of multiple collectors of taxes and fees at checkpoints and roadblocks in South Sudan's main trade corridors. This multi-layered system of revenue collection and revenue sharing places a high burden on consumers, raising retail prices of staple goods purchased in local markets by more than 400% compared to prices of similar goods in Uganda. The increased cost of food consumed by low-income households, has, of course, also had direct and indirect effects on the business climate.

Only limited amounts of the collected taxes and revenues have been remitted to the national government income account. It is difficult for the relevant staff of the Ministry of Finance to trace amounts collected and used or misused by the local authorities, because there are no clear procedures that control the revenue and expenditure.

The implementation of the framework for decentralisation still needs institutional and capacity development at all levels. It is important to clarify the assignment of tax responsibilities across all levels of government. The tax system, in particular, the sharing of tax bases between central and state governments, needs to be clearly defined, and distribution mechanisms to the central, state and local governments need to be established. It is not only necessary to enhance the capacity and administrative efficiency among the staff of the revenue collection directorate, but also to support transparency and accountability systems for using public money. In addition to strengthening the auditor's office, internal auditing procedures should be introduced.

Economic Challenges Facing South Sudan:
Extreme dependency on oil: what to do?

South Sudan can learn from other African countries that have managed fast economic growth, employment creation and poverty reduction. Sometimes the discovery of natural resources has contributed to the failure to achieve required growth. The discovery of oil resources qualified South Sudan to be ranked as a middle-income state, but without human development indicators to support this. South Sudan would be able to achieve economic growth if income generated from oil were fully utilised to fuel the development of other sectors.

Limited revenue generated from oil exports is used for growth in terms of building roads and investing in development projects and industry. The "resource curse" or "Dutch disease" came into consideration some 30 years ago, after the effects of the North Sea gas exploitation on the economy. Income generated from the gas industry causes the domestic currency's value to appreciate against the value of other foreign currencies. This subsequently causes the country's export activities of other products to become uncompetitive in the internal and external markets respectively. The Dutch disease can be used to explain the effect of the oil industry as well as aid on the current economic development in South Sudan.

Examining the historical background of South Sudan, the Addis Ababa Agreement signed in March 1972, and nullified in 1983, reflects the only period when serious attempts were made to develop Southern Sudan. The reviewed secondary data shows that agricultural development imposed a requirement for the diversification and industrialisation of the South Sudanese economy. The first special development budgets

between 1972/73-1976/77 failed, due, primarily, to a lack of financial resources. Other constraints included a shortage of technical and middle cadre personnel, fuel, building materials, machinery, middle cadre, and spare parts, as well as communication problems with regard to transport difficulties between and within the regions. Over 80 % of the total area of South Sudan (220 mill hectares) could potentially be used to grow different crops, including coffee, tea, tobacco, cotton, rice, potatoes, sorghum, sugar, fruits and vegetables. Forestry development and livestock and fisheries development have potential, if major concerns are resolved. Poor government priorities with regard to the oil revenues generated, meant that very little was used to fuel local manufacturing, or to develop the agricultural sector.

South Sudan's Landlocked Nature, its Neighbours and Development

South Sudan is a landlocked country, with a large amount of natural resources, but has produced very few educated people. Years of civil war have induced those few with an education and skills to flee. Being a landlocked country, its access to the sea is only through its neighbours, the Sudan, Kenya, and DRC. Some neighbouring countries have worse market positions than others. The Sudan for example has been involved in a civil war, against South Sudan and other marginalized parts of Sudan. Ethiopia, Uganda and the Central African Republic are landlocked neighbours; and the DRC is embroiled in a civil war. Nonetheless, landlocked countries could potentially benefit from the growth spill over of their neighbours.

South Sudan has incurred much higher transport costs than its coastal neighbours. Poor transport links to the coasts of its neighbours are beyond South Sudan's control, but they prevent the South from efficiently integrating into the global market and achieving rapid development. Transport costs for a landlocked country depend on the costs invested in the transport infrastructure by the coastal neighbours. Until recently, South Sudan's access to the sea, depended upon Sudanese infrastructure. The government of Sudan required $34 per barrel, for transport of oil to the sea. Currently, many similar landlocked countries in Africa, pay only $1 per barrel for the transport of their oil, through a neighbour's coastal land. With production at around 30,000 barrels per day, this was costing over a million dollars per day. In January 2012, South Sudan finally suspended oil production, causing a dramatic reduction in revenue and raising food costs by 120%. The South Sudanese economy is under pressure to diversify away from oil, as oil reserves are likely to be halved by 2020, if no new finds are made. This is according to the South Sudan Development Plan 2011-2013 forecasts (MoFEP, 2011).

Plans for an alternative pipeline and export route through Lamu-Kenya could cost billions of dollars and take many years to carry out and should only be considered, if they make commercial (e.g. if built by an oil company) and economic sense. Nevertheless the recent Addis Ababa agreement in September 2012, allowed South Sudanese oil to be transported through Port-Sudan in the Republic of Sudan again. This agreement has set the price at $15.00/bb1. South Sudan resembles landlocked countries that were hostages to their neighbours. The extreme dependency on the Sudanese facilities could be reduced if the South finds alternative, reliable facilities through which to export its oil. Building such a pipeline and railway line, will strengthen regional integration, improve infrastructure and reduce costs of transport in both countries. Literature shows that each additional 1 per cent growth by a neighbour raises that of the landlocked country by 0.7 per cent. However, this is generally influenced by the degree of their economic engagement (P. Collier 2007). Unfortunately, landlocked countries in Africa, are often less interested in their neighbours. They are rather, either inward looking, or focused on the world economy. This is demonstrated by their infrastructure and policies that are focused on one of the two.

The economy of South Sudan is currently, and has in the past, been oriented more towards the world market and less inwards. South Sudan is expected to join the East African Community (EAC). In 2005, the Customs Union Protocol established a single external tariff for goods coming into the Community. It also abolished internal tariffs and non-tariff barriers to trade within the region. South Sudan, Africa's newest state, last year applied for entry to the EAC, months after its independence in July 2011, from the Sudan. In April 2013, Heads of State from the five EAC countries deferred their decision on the application, until November 2013, pending a verification process. This will determine whether the country is willing and able to open its markets to the rest of the Community, as well as to comply with the principles and standing of the Community. For the time being, South Sudan has been importing food, final products and other goods from Kenya and Uganda.

Trade & Development

As we have seen, South Sudan's endowment and the exploitation of oil, gold, and other resources, could provide the country with a short-cut to speed up capital accumulation, but only if used wisely to diversify and make the economy more effective. However, not all countries endowed with natural resources have attained national prosperity as a result. South Sudan is not exceptional in that sense. There are many factors involved, for example, how

government utilises export earnings for the rest of the economy. According to the Comprehensive Peace Agreement signed in 2005, the Government of South Sudan was to receive only 50% of oil revenue; while the Government of National Unity was allocated the rest. In theory, as well as in practice, the characteristics of the primary export, 'oil', and its linkages with other domestic sectors, influence the development of the economy.

The impact of oil is measured by the linkages to the industry, government budget and the relative involvement of foreign and local factors of production. The greater the linkages to local factors of production, the greater the impact on the development of the rest of the economy will be. Unfortunately, a limited amount of the revenues have been used to establish and expand physical infrastructure and develop agricultural and industrial sectors. Other serious implications result from the low-income elasticity of the demand and supply of oil, coupled with a lack of diversification in the South Sudanese economy. As a result, the term, "trade", becomes unstable, with negative effects over most of the assigned development programmes, because those programmes require imported inputs, which are currently beyond the government budget. South Sudan will need to institute sound policies for restructuring and transforming its economy, instead of relying only on oil exports. The surplus earned from foreign trade should be used to diversify its structure of domestic production.

On the other hand, the current economic conditions in South Sudan might complicate the restructuring process, due to the small size of its economy. It is important to join a collective action, in the form of regional integration of the economy in order to achieve the process of diversification, and enhance the development sustainability. South Sudan plays an important role as a transit centre between the Sudan and the rest of Africa. This is important, since the demand has increased to satisfy Africa's needs internally. Currently, South Sudan enjoys peace, which qualifies it to join the Mombasa–Lagos Trans-Africa highway, which runs through Uganda, Congo and the Central African Republic.

One of the most important conditions for raising welfare, is integration into the global economy. South Sudan needs to produce those goods (oil, tea, coffee, fruits, cotton, etc.) and services, in which it has a comparative advantage, and exchange these for all other required products. The cheaper the transport costs are, the more competitive its products can become. The more it earns from its exports, the cheaper the goods it imports, will be (Hansohm, Rahim, 2012). South Sudan is handicapped

by its underdeveloped infrastructure, and particularly, the fact of not having access to the sea. It needs to alleviate this, by building roads and railway lines to various neighbouring countries. Although South Sudan's Development Plan has many priorities, this basic priority of foreign trade is not among them. Reducing trade costs would automatically result in a boost to the living conditions of all South Sudanese citizens.

In order for South Sudan to be involved in foreign trade, and to start increasingly exporting other goods and services, it needs to engage in an international legal system (Hanshom. Rahim). The key element of this system is the World Trade Organization (WTO), of which South Sudan should become a member. However, this is not a simple matter, but a process of negotiating and meeting multiple requirements, which will take years to complete. The same kind of capacity needs to be built for the purpose of becoming a member of the East African Community (EAC).

The EAC is principally sympathetic towards the interests of South Sudan, both in order to safeguard and strengthen regional security, as well as for their own commercial interests in an already fast expanding trade and investments relationship. The EAC is Africa's most successful regional integration scheme and is steaming forward in an ambitious plan that has an evolving customs union and common market. It will be beneficial for South Sudan to be part of the EAC, not only in pure economic terms, but also for security and for a peer process of democratisation and evolving legal and institutional development. According to recent assessments, the region includes some of the most successful and promising economies in Africa: Kenya, Ethiopia, Uganda, Rwanda, and Tanzania (Radelet 2010).

Corruption Concerns

Corruption is defined as the abuse of public trust for private benefits, essentially theft. Unfortunately, the index of corruption in developing countries is higher than in developed nations. South Sudan is not an exception. Corruption discourages investment and all efforts to expand resources, to achieve the desired growth. Therefore, it is important to reflect on the cause and effect of corruption in relation to the economy. The wealthier the society is, the greater its demand for good governance. In line with the Interim Constitution of Southern Sudan of 2005, the National Audit Chamber was required to conduct and present the financial position and financial performance for the whole period 2005-2008. The findings show serious cases of corruption within the government of South Sudan.

In terms of capacity, the Southern Sudan Audit Chamber has no Chamber Act, and is understaffed, with less than 30 auditors. Despite its limited current capacity, the Chamber is expected to cover Southern Sudan's almost 86 county governments, ten state governments, each with its own legislature, as well as Commissions. Nevertheless, the Chamber successfully completed the audited reports of 2005-2008 financial performance of various ministries in the central government. The findings reflect some lessons, weaknesses and strengths, which need to be taken into consideration. The scope of the audit was to 1) examine whether public funds were spent in line with the budget; 2) assess the overall financial statements presented by various governmental institutions.

The audit includes nine specific areas, namely: budget execution, oil revenue, non-oil revenue, payroll expenditure, operating expenditure, procurement and capital expenditure, bank and cash accounts, internal controls and maintenance of asset registers. Lack of capacity was featured as one of the main obstacles with regard to government financial management issues. The second finding shows a lack of specific documents that confirm whether the Ministry of Finance and Economic Planning released funds to the implementing agencies according to plan. The following areas are some of the concerns raised:

- **Budget execution:** It was found that two ministries received excess funds, not approved within the budget, namely the Ministries of Cabinet Affairs, and of Education, Science and Technology. Other ministries overspent by more than 200%, in total, namely the ministries of the SPLM, Finance and Economic Planning, Internal Affairs and the President's Office. On the other hand, the Ministry of Health received only 78% of its approved budget.

- **Oil revenue:** There was insufficient information about oil production, processing, storage and sales. An amount of SDG 69.67 million transferred by the GoNU was not included or explained in the financial statements of the GoSS. Additionally, more than SDG 24.74 million was subtracted as expenditure by the GoSS without documentation.

- **Non-oil revenue:** Non-oil revenue due to be received by GoSS from GoNU did not reflect in the accounts of 2008, simply because the GoNU explained that there was no collection of non-oil revenues. Non-oil revenues from the Ministry of Commerce, Judiciary and Legal Affairs was not transferred, or was only partly transferred to the Ministry of Finance and Economic Planning.

- **Payroll expenditure:** All ministries failed to show completed payroll to the audit due to an inability to verify whether salaries and allowances paid were in line with employees' positions. For example, the Ministry of Health failed to present the pay sheet for an amount of SDG 4.6 million to four individuals, and the Judiciary submitted less than 15% of its payrolls. Failure to co-operate with audit regulation is related to the following factors: The spending agencies have no deposit registers to testify unclaimed salaries; Salaries and allowances were paid to beneficiaries without authorisation letters, in some cases employees collected salaries for more than four months; Moreover 63 officials were paid salaries without being in the nominal roll.

- **Operational expenditure:** It was found that ministries and agencies purchased goods and services before contracts were signed and even paid contractors despite the absence of the necessary documents. Payments to the implementing agencies were even made before the accomplishment of the work. It is vital to mention that the Financial and Accounting Procedures Ordinance has been adopted by the line ministries to improve staff capacity. Numerous ministries permitted medical assistance for treatments abroad or in the country, without verification of the treatment or recommendations from the medical commission. House rent grants were paid without lease contracts, cheques were even made out to personal names.

- **Capital expenditure:** The construction of the Juba-Rajaf Road at the cost of 13.4 million SDG, was done without a proper tender process, despite which a 30% down payment was made. Dura purchases were budgeted for only SDG 2.6 billion, but the contracted company was granted SDG 7 billion. The contract agency was not registered and received SDG 37 million without proof of delivery being made. Payments were made to contractors prior to the completion of buildings, roads, bridges, boat yards or the purchasing of vehicles and Dura. Most contractors were unknown entities, with a lack of proper documentation, including addresses and names, to verify their positions and the claims they made. Most, if not all were foreign contractors, with insider connection assisting them with the necessary, important information.

Conclusion

The Republic of South Sudan is facing tremendous challenges in achieving the macroeconomic growth of the newest nation in the world. Throughout the history of South Sudan, the country has enjoyed peace and development for less than ten years. This happened during the 70s, when the Addis Ababa peace agreement was signed between the South Sudanese rebel movement and the Government of Northern Sudan. The generation of that time, enjoyed stability and education, and a number of development projects were introduced. However in the 1980s, the government of Northern Sudan abolished the Addis Ababa agreement.

Twenty-one years of civil war between Northern Governments and the SPLA/SPLM halted in 2005 when the CPA between them was signed. The CPA granted the South a five-year transitional period culminating in a vote for cessation. According to the transitional constitution, Sudan was ruled by two governments under one country until 2011, when the South voted for independence from the motherland, the Sudan. During the transitional period, the macroeconomic growth of the two countries was cemented through a wealth sharing formula, which was used to share revenue from oil and non-oil sectors, accordingly. The two countries shared the oil revenue equally between them, and some non-oil revenue was also shared. The South enjoys rich natural resources, including oil, other minerals, forestry, livestock, fisheries and millions of hectares of agricultural land, to make South Sudan the potential breadbasket of Africa. Nevertheless, the country's underdeveloped infrastructure is a setback for its economic development. The second important hindrance factor, is the lack of capable governing institutions on the ground, to help build the newest nation. Corruption and financial mismanagement have diverted resources from intended projects. Pressure by the international community has increased, calling for a stop to public funding and aid looting by the same people who fought against the Northern Government, claiming lack of development and the corruption committed against the South by the Northern regimes.

Recommendations

The paper recommends the following areas for action and further research where necessary, for policy-making:

Non-oil revenue:

- Improvement of the collection of non-oil-revenue by assigning tax rates at different levels of South Sudan's government and harmonising this throughout the country;

- Enhancement of the system of revenue reporting and remittances for tax and non-tax revenues for all levels of government is needed;

- Improving the grants and transfers systems.

Macroeconomic:

- Achievement of macroeconomic stability for the South Sudanese economy could include control over inflation, stable exchange rates, long-term fiscal policies and reducing government expenditure.

- Enabling broad-based and viable private sector growth and economic diversification.

- Enhancing the South Sudanese capacity for macroeconomic management by increasing the collection of the economic statistics by the Southern Sudan Centre for Census Statistics and Evaluation (SSCCSE).

- Strengthening the statistical department to collect the data required for the balance of payments, and national income accounts.

- Development of a macroeconomic framework, which could be used to provide a coherent set of medium-term macroeconomic and budgetary resource forecasts.

Oil revenue:

- Oil revenue must not be used only for immediate public consumption in the form of salaries and operating expenses. It should rather be used on public investments in domestic assets that will generate future income and employment. This includes infrastructure, such as transport and energy, as well as human capital, including education and health. On the other hand, it is also important to improve

investment in a well-functioning tax and business environment. The involvement of public investments in similar assets will stimulate private investment.

● Encouragement of oil revenue management, including monitoring, auditing and reporting mechanisms.

Accountability inaccuracies:

● Expansion of accountability and transparency at all three levels of government (central, state and local government levels) in order to ensure the efficient use of public funds.

● Serious measures must be taken against matters raised in the reports published by the Audit Chamber.

● Enhancement of the capacity of government institutions, in particular the South Sudan Legislative Assembly, so that accountability is institutionalised in the government's policy formulation and implementation.

● It is highly recommended that an extreme tightening of implementation of anticorruption norms and regulations in the construction sector be introduced. Corruption in construction projects in South Sudan is negatively affecting economic growth. This has occurred when crooked construction companies planned with senior officials at government level to win contracts with falsely low bids, but later re-contracted on particular details that arose during the construction. Some of these construction companies are local. Gender mainstreaming and microfinance performance

● Enhancement of equal access to land and microfinance payments to men and women.

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Priorities for Governance Reforms and Capacity Development
- George Omondi & Nsamba A Morris

Research Priorities for Governance Reforms in South Sudan

Civil Society

Governance institutional reforms in South Sudan will have to be directed towards achieving greater legitimacy and accountability of the state and the development of a South Sudanese social identity as the basis upon which politics and public order institutions will be anchored. Later sections of this chapter have given fair treatment to the development of state institutions (government agencies and procedures) towards improving legitimacy and accountability of the state. But there are dimensions touching on institutions outside the state, where dilemmas on reform trajectories persist. Civil society in all its formations and varieties, remains quite weak in South Sudan. Some studies have posited that the South Sudanese state is in the hands of Non-Governmental Organisations (NGOs). Such propositions view NGOs largely as the humanitarian organisations that intervene in the adverse conditions of human life, characteristic of countries undergoing or coming from political crises. Skilled labourers prefer employment by government to other work opportunities. The civil society, therefore, is left with, perhaps the second and third tiers of skills, from which to select employees. The big question here is with regard to the possibilities and potentials for the emergence of a social elite outside the government, that can exercise leadership in those realms.

Questions may also be posed about how the emergent civil groups will relate to the government. This is a particularly important consideration, given the

context of post-liberation optimism and expectations among the people. However, some precautionary pessimism about the people's confidence in the current government is advisable. But even this is no straight pointer to whether civil society activities need to take the adversarial 'watchdog' features witnessed in many African countries in the early 1990s, or the 'stakeholder' inclusion approaches of the neo-liberal policy processes today. Along these lines, there is an observation worthy of investigation. The people of South Sudan have, over the years been accustomed to resistance against domination and collective fights for self determination. It is a puzzle that the same people's attitudes and engagement with their leadership, since the establishment of semi-autonomous GoSS to date have remained passive or lukewarm. Why has the people's fighting spirit rolled back?

Citizen Action

Post-liberation governments often enjoy citizen's undivided support, especially in the early years of their coming into place. It was the same for most African countries in the post-independence period, as the people's blind faith in nationalism was whipped up by the leaders of the independence movements, who had just constituted the new regimes of self-rule. As it would turn out, most parts of the continent, unchecked power bred authoritarian tendencies among the leaders (turning them into rulers of the people). Before long, military *coup d'états* became regular occurrences on the continent. There is a discernibly strong feeling among sections of the South Sudanese elite, that the current government may be inadvertently or deliberately settling down to authoritarianism. It may be the case of constitutionally-sanctioned practice, rather than leaders' choices. That is why the ongoing constitution making process, from the transition constitution to a new national constitution, provides an incredible opportunity for those in power to clarify their inclinations towards either democratic rule or authoritarianism. Provisions in administrative procedures, legislation and the anticipated constitution should aim at entrenching the rule of law and democratic governance. Relevant research conducted in good time to assist the stakeholders and actors in the constitution-making process will be highly valuable.

Devolved Governance and Natural Resource Management

Even in its best formations, devolved government remains a challenging model of public administration, especially in polarised societies such as

South Sudan. Tensions between the central and state governments in South Sudan have the potential to compromise national development and state stability. The states with relatively higher oil reserves, such as Unity State, have shown proclivities to more autonomy, obviously with the disapproval of the central government. Ethnic pluralism, in the context of vast resource endowments further exacerbates the risks of failure of devolved governance. Research will have to address these issues. Under such circumstances, the development of a national identity is not only slow but also less likely to be successful.

National Identity and Political Representation

With between 60 and 67 ethnic communities, South Sudan is a linguistically and culturally diverse society. Literacy rates stand at only 27% (DFID, 2011). This limits the application of a common national language and advancement of formal education as strategies for building a national identity. New ways of realising this objective have to be devised from deep enquiries into the socio-economic and political inhibitors of effective devolution.

One strong argument for devolved governance systems is that they enhance political representation and public service delivery, thereby bolstering the legitimacy of governments. However, political parties, as the main institutions representing aggregated socio-political interests in societies, are perhaps the most important set of institutions for political representation. In South Sudan, there is little to talk about political parties other than the SPLM. The question is whether the SPLM - as the ruling party - has created an environment conducive for the emergence and growth of other parties to form the opposition. Looking inwards, *to what extent has the SPLM been dynamic by incorporating interests originally unrepresented in it?* The political groupings that 'delivered' or received independence in many African countries remained largely impermeable to outside groups, as they consolidated their holds onto power in the new states. The development of internal schisms leading to the disintegration of these coalitions accentuated political pluralism and eventual multi-party establishments in Africa. In countries such as Tanzania and South Africa, independence parties (CCM and ANC respectively,) have remained at the helm of state power. On the surface, democracy in South Africa has been secured by constitutional reforms and constitutionalism. This chapter will not go into the details of the two countries' situations. Of interest, is the increasingly popular idea that the prospects for a vibrant democracy in South Africa and Tanzania are linked to the occurrence of internal divisions and eventual split of CCM.

What sort of political party reforms will result in greater political freedoms and vibrant multi-partyism in South Sudan?

Institutional and Capacity building

According to (GoSS, 2011), GoSS has managed to establish a number of key physical and organisational structures of government at national and state levels. But institutional conditions remain fragile with heterogeneous capacities within and across governmental departments and agencies. Fragility of the institutions is driven by weak institutional capacities, limited skilled, professional and accountable staff. Some of the drivers of institutional fragility reflect a post-conflict situation as well as a continuation of the conflict dynamics in South Sudan. There is literature about the drivers of fragility within the governmental institutions and South Sudan, generally, as discussed in the earlier chapters of this book. This chapter examines how government and development partners are approaching the problem of institutional weaknesses and capacity gaps. An institutional approach is adapted to guide the examination of how government and development partners are approaching institutional weaknesses and the human capacity gap.

March and Olsen (1984; 1989; 1996), argue that institutions are repositories of values, and as such, they shape how individuals relating with institutions behave. But most importantly, March and Oslen stress that people functioning in institutions behave the way they do, because of the normative standards set by the institutions rather than their desire to maximise individual utilities. It is also important to note that the rational choice institutionalism argues that institutions are arrangements of rules and incentives and members of the institutions behave in response to those basic components of institutional structure.

The key concern of this section is to examine the extent to which institutional and capacity building in post-conflict South Sudan are resulting into institutional structures, rules and cultures that are able to make the individuals working in them develop and respond to claims brought onto, or put upon those institutions, in a manner that exhibits an institutional, rather than an individualised and inconsistent approach. Simply put, to what extent is the process of institutional capacity building in South Sudan producing institutions that are able to influence how employees behave, rather than institutional culture shaped by employees? Max Weber's characterisation of a bureaucracy is very important for this analysis.

According to Max Weber a bureaucracy is guided by impersonal rules, and regulations, ordered structures in a hierarchical manner, clear lines of authority and communication and hiring is based on merit; promotion is regulated by merit and seniority and a clear separation of personal affairs of officials from their public life (Weber, 1964). Weber's characterisation of the bureaucracy is very important if we are to understand the operation and success of the institutional capacity building enterprise in South Sudan, for two reasons.

First, the thrust of any institutional capacity building venture is to create an efficient system, able to deliver social services to citizens in an impartial manner. Secondly, the manner in which institutions deliver social services shapes state-society relations and ultimately, state legitimacy. In a post-conflict situation like South Sudan, this is very important in so far as it gives the state an opportunity to be a framework to process demands levied upon it, as well as manage expectations from the citizens, in an impartial manner. Earlier chapters of this book discuss some of the institutional and human resource development initiatives, as well as challenges; it is important that a distinction between institutional and human resource capacity development be made. It further examines how the process of institutional and human resource capacity development is being approached, and the extent to which it is linked to short, medium and long term development priorities of the new country.

Linking Socio-Economic Development to Capacity Development Priorities

The South Sudan Development Plan (SSDP), 2011 -2013 outlines South Sudan's development objectives. The overall objective of the plan is to ensure that by 2014, South Sudan is a united and peaceful nation, building strong foundations for good governance, economic prosperity and enhanced quality of life for all (GoSS, 2011). The plan is based on four core pillars – human and social development, economic development, governance and conflict prevention, and security. One thread joins all these pillars. Each identified area needs some form of institutional and human resource development, if the country is to achieve the overall objective of the plan.

The Medium Term Capacity Development Strategy (MTCDS) outlines the manner in which the question of capacity development is to be approached. The objective of the MTCDS is to ensure that the Government of South

Sudan can effectively address critical institutional capacity needs, required to implement the South Sudan Development Plan. This is to be approached through the alignment of support from South Sudan's international partners, to meet the essential requirements for viable statehood. In essence, the MTCDS puts more emphasis on institutional capacity development, rather than human resource capacity development. This is in part informed by the fact that in the post-conflict South Sudan, in some instances, there were no institutions to strengthen, since the conflict and years of neglect had rendered the few surviving institutions irrelevant. As such, the thrust of institution building is two prongs: First, is to establish the needed institutions; secondly, to strengthen the established institutions to deliver services.

The MTCDS outlines the sectoral capacity development priorities in support of the SSDP, 2011-2013 as a) creating an enabling environment – adoption of laws, establishing institutional mandates, regulatory policy framework; b) implementing core government functions – establishment of institutional systems and mechanisms, enforcement of policies and regulation, monitoring and co-ordinating local service delivery; c) improving performance through human resource development –ensuring efficient and effective delivery of essential services and functions through specialised training and development, and enhancement of in-country specialised training facilities (GoSS, 2011). The two priorities speak to institutional development and strengthening as they revolve around institutional policies, structures and rules. These are very important in securing and creating an impartial organisational structure. The last, however, relates more to human resource development. It answers the challenge of growing a professional human resource force to manage the established institutions as well as deliver services, in an impartial manner. *However, there is limited empirical research and data to measure how the human resource in South Sudan is responding to the institutional development. In particular, it remains unclear how the institutional capacity development is influencing and creating a professional and impartial human resource that is constrained by institutional cultures and bureaucratic red-tape rather than other social considerations in the delivery of social services.*

USAID defines human and institutional capacity development, as a series of structured and integrated processes designed to remove significant barriers to the achievement of an institution's goals and objectives. Human and institutional capacity development involves the systematic analysis of all the factors that affect performance, followed by specific interventions that

address gaps between desired and actual institutional behaviours. Human and institutional capacity development interventions include training to address skill and knowledge gaps, and to deal with other performance barriers such as dysfunctional organisational structure, unsupportive work atmosphere, or lack of necessary tools and incentives. The success of training and other capacity development interventions is measured by improvement in overall organisational performance and output, not by the number of individuals trained (MSI, 2010). This definition puts emphasis on organisational performance as the key variable that any institutional and human resource development intervention has to address.

Institutional and Human Resource Development in South Sudan

According to (MSI, 2010), with a few exceptions, capacity building efforts in Southern Sudan remain neither strategic nor focused. Although the GoSS together with development partners have managed to establish institutions in almost all sectors identified by the SSDP, the manner in which institutional and human resource capacity development are approached reflects two tendencies. The first tendency is paying too much attention to human resource capacity development with limited integration of human resource and institutional capacity development. Human resource capacity in any institution goes hand in hand with creating a facilitative institutional and legal framework for staff attraction, retention and exit.

This reflects disconnects – in terms of organisational as well as individual interests – between the various institutions charged with institutional and human resource capacity development. For example, parliament is very instrumental in creating an enabling legislative landscape for institutional capacity development by way of giving institutions powers and defining their mandate. However, because of the fear – within some sections of leadership and society –parliament has been very cautious when it comes to the issue of institutional autonomy. It has chosen to go slow on creating a facilitative legal framework for institutional autonomy; this is in part reflective of the conflicting interests – discussed in other chapters – between the political leadership and the donors, as well as within the political leadership. Some of these interests revolve around inclusion and accommodation of the various political and social groups into government, as part of creating a united and peaceful South Sudan.

Whereas the question of inclusion and accommodation is discussed in earlier chapters of this report, it is imperative here to mention that most of the analysis is more political than administrative. As such, there is limited discussion on the relationship between human resource capacity development and building legitimate and inclusive institutions. In the 1960s, most African countries used the administrative structures rather than the political state machinery to build political and administrative systems of governance; yet the discussion of building legitimate and accountable institutions in the case of South Sudan, treats the administrative structures of the state in a technical manner. It assumes that administrative structures of the state are devoid of politics and have to function in any impartial and apolitical manner. But the reality is the opposite. Within government, there are possibly three brands of officials, owing to their relationship with the liberation movement. First, are the former SPLA members occupying leadership positions, at the rank of Director or higher. Secondly, there are officials who served in the former regional government between the two civil wars or in the Sudanese government in Khartoum. Thirdly is a group of technocrats, who either studied abroad or worked for external aid organisations during the war (Ding & Tosun, 2012); as well as, those working as technical advisors or on secondment. Tensions and contestations over power between these can be high, and sometimes, they have different allegiances. Some of the research questions in this area may include; a) *How can administrative systems contribute to building inclusive institutions in South Sudan? b) How does the desire to build inclusive institutions affect the manner in which administrative institutions of government are structured and function? c) To what extent can administrative systems contribute to building inclusive political systems in South Sudan?*

There is also a tendency to define institutional development in very physical terms, to mean the establishment of offices, equipping them with computers and office furniture. Despite this being an important and integral part of institutional establishment, it is not an end but a means to an end. Computers and chairs are good to facilitate the human resource, but institutional development is also about setting and putting in place the right legal framework, and policies, defining institutional mandates. There are conflict and post conflict factors affecting the institutional and human resource capacity development. Some of these factors include, but are not limited to, blurred political and operational mandates and relationships between the institutions, arising from the desire to use government institutions as vehicles for accommodation of people and redistribution of wealth, as well as distribution of patronage. There also appears to be competition between donor institutions offering support to human resource capacity development (MSI, 2010). Development partners

tend to support human resource capacity development, specifically to address and accomplish their own development goals; but these goals are not always in tandem with and linked to the SSDP. This manner of approaching human resource development often creates competition between those providing training and those benefiting from the training.

Finally, Whereas the MTCDS puts emphasis on establishing and strengthening in-country training facilities, most of the human resource capacity development is provided outside the country, notably in Uganda, Kenya and South Africa. This single phenomenon has had implications for human and institutional capacity development in South Sudan. First, it makes human resource capacity development very expensive; secondly, it undermines the development of in-house human resource capacity development facilities, and because most of the training is offered to individuals, not institutions, it tends to individualise human resource capacity development and delink it from institutional capacity development. Although some in-house training facilities have been established, the nature of training offered by such institutions still focuses on operational daily needs, not on the long term strategic human development needs of the country.

Individual Vs. institutional

It is clear from the a foregoing, that human resource capacity development in South Sudan, at least for now, puts heavy emphasis on the individual rather than institutional training and capacity building. Despite the fact that this facilitates the development of the needed human resource, the institutional culture has hardly changed. In the same way, training offered to individuals, does not always filter into how institutions operate. For instance, it is only a few institutions that peg training received to vertical mobility of the staff, within the institution. In addition, institutional and employee productivity is still not linked to training; there is no link between institutional training needs and the course offered, and the selection of persons to train is not linked to institutional needs. (MSI, 2010). As such, in some cases the same individuals receive the same training more than once, from different or the same service provider. Below are the areas of focus for most of the human resource capacity training in South Sudan.

● Public Sector Management and Administration
● Governance and Leadership

- Economic Development and Entrepreneurial Skills

- Humanitarian and Disaster Management

- Community and Social Development

- Agro-economics

- General Computer Skills

Public sector management and administration seems to be the primary focus of most capacity building and training courses. It is mostly geared at equipping GoSS staff with the technical knowledge to manage government processes. Information about other areas of training is difficult to find because most of the technical training takes place outside the country. But figures from both government and development partners indicate that most of the training offered has focused on public sector management and administration. As to whether this has translated into institutional changes within the public sector, is yet to be seen.

By paying more attention to the individual skills development without a corresponding emphasis on institutional capacity development, human resource and institutional development programmes in South Sudan have continued to be treated as though they are devoid of each other. The focus on individual skills development is partly influenced by the desire to manage an ongoing process of working in a post-conflict situation characterised by shortage of skilled human resource. This approach however undermines the development of institutional structures, policies and processes. It further delinks short term from medium and long term development priorities, as it fails to create a firm institutional foundation with such linkages. It has been argued that the political leadership sometimes copy and paste institutions, while others are a product of the CPA what that reproduced the state structure in Khartoum, without taking into consideration the contextual imperatives of South Sudan[1]. This begs yet another important question: *to what extent do political settlements shape post-conflict institutional evolution processes? To be very specific; to what extent does the CPA institutional arrangement facilitate or hinder institutional development in South Sudan? What kind of institutional capacity development issues emerge from the CPA power sharing arrangements? In what manner is the political and administrative leadership of South Sudan changing the CPA institutional architecture? What are the emerging benefits, challenges and experiences of this change – if any?*

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1 Interview with a male and female academia at the University of Juba

Education Sub-Sector

Education and health are core components of the SSDP, 2011-2013. According to the SSDP, education and health sectors need to be improved and expanded. The *General Education Strategic Plan, (GESP), 2012-2017*, sets the framework and strategic goals for the development of the education sector for the period up to 2017. Despite embracing the goals and objectives of the Education For All (EFA) declaration, the GESP acknowledges that because of South Sudan's inherent problems, the goal of 2015 is not feasible; as such, it sets a target of 2022 for achieving the Education for All and Millennium Development Goals (MDGs). The history of conflict has its challenges in the case of South Sudan. Some of these include, thousands of school children being returnees and internally displaced children, youth without basic numeracy and literacy skills, girls and women who have never received any form of education, affecting their integration into profitable employment and commerce (GoSS, 2012). Research needs to contribute by way of clarity in the following areas: *a) to what extent can the education system in South Sudan achieve access – across socio-economic groups – while remaining relevant and of quality? b) to what extent can education policy and planning offer solutions to conflict and conflict related causes of school drop out? c) to what extent can education planning and policy and implementation guide the sequencing and prioritisation of programmes in a manner that allows the attainment of medium terms goals, while contributing to the long term educational policy outcomes and goals?*

The table below indicates the outcome objective, indicator and 2012 target for health and education sectors.

Table 4: Core Targets and Development Outcome Objectives for Social Services

Outcome Objective	Indicator	2012 Target
Reduce maternal, infant and child mortality.	Percent of population with access to healthcare. Baseline: 13%.	40%
Provide qualified teachers, academic staff and a relevant curriculum for general education.	Teacher: pupil ratio. Baseline: Qualified Primary 1:111 (26,658 teachers).	Qualified primary 1:50 (50,060 teachers).
	Qualified secondary 1:24.	
By 2013 South Sudan is on track to achieve universal access and completion of free primary education and has expanded equitable access to post-primary education.	Gross Enrolment Rate (GER). Baseline: Total: 78%; Boys: 88%; Girls: 61%.	92%.
	Net Enrolment Rate (NET). Baseline: Total: 46%; Boys: 53%; Girls: 39%	65%

Source: SSDP, 2011-2013

Within the education sector, enrolment figures have increased, although there are concerns about the quality of education, teacher-student ratios and textbook-student ratios. The improvement has happened, especially in the urban centres, as it is later discussed. It is imperative to note, that in terms of institutional development, the GoSS managed to establish an Education Management Information System (EMIS) as a key statistical collection apparatus to guide educational planning and policy. The contribution of the EMIS attests to the usefulness of the educational institutions in government operation as well as in service provision. The system covers almost 95 percent of the educational institutions in the country, enabling the Ministry of Education to plan effectively. However, data gathered through this system is yet to filter into other governmental departments. This raises questions about the extent to which institutional development in South Sudan is holistic and inter-linked. This phenomenon is partly a result of uncoordinated GoSS and donor initiatives as well as sectoral preferences of the donors. Whereas the country has slowly adapted sectoral wide approaches to planning and policy, it is important that research informs this process, in particular the relationship and linkages between and within sectors. In this area some of the research questions may include: *a) to what extent can the educational sector contribute to the institutional development and strengthening of other sectors? What opportunities for sectoral linkages emerge from the educational planning and policy? What is the nature of sectoral linkages emerging from educational planning and policy?* The discussion that follows focuses on access and equity within the education system.

The tables below indicate the situation within the education sector, particularly primary education.

Table 5: Primary School Enrolment Rate by State and Gender, 2010

State	Total %	Male	Female
South Sudan	44.4	50.8	37.1
Upper Nile	53.4	54.9	52
Jongolei	46.7	50.4	41.8
Unity	53.3	65.6	39.9
Warrap	41.4	55.3	27.2
Northern Bahr El Ghazal	46.7	59.7	33.4
Western Bahr El Ghazal	54.9	62.1	47
Lakes	42.9	53.6	31
Western Equatoria	35	35.9	34
Central Equatoria	36.7	37.5	36
Eastern Equatoria	37.6	42.3	32.4

Source: South Sudan Statistical Year Book, 2011

It is clear from the enrolment figures at primary level that some states are better off than others in terms of enrolment. But more importantly is the issue of access, especially for the girl child. Whereas boys have a fair share in terms of access, girls do not. On average across almost all states, the percentage enrolment for boys is almost twice that of the girls. Whereas this may indicate that boys benefit from the education system, the completion rate figures indicate higher dropout rates among boys. For instance, in 2010, for the 68.8 percent primary age population that eventually enrolled in school, only 18 percent were likely to complete the 8 years of the primary cycle (GoSS, 2012). Some of the factors contributing to this, include, but are not limited to, the lack of physical infrastructure, inadequate teaching and learning materials, low participation of school committees and communities in school management, competition between returnees and IDPs, and only 13 percent of schools offer the eighth and final grade (GoSS, 2012).

Some of these challenges relate to the manner in which the institutional apparatus of provision of education is structured and supervised by both the national and state governments. For example, it was observed by a male civil society official that the level of corruption in some of the states does not allow for the development of institutions, with some governmental functions being executed as though they were private businesses[2]. Whereas this corruption within the service sector is a reflection of how government has approached the question of devolution, it is also about the nature of powers the state governors have over the appointment of committees and commissions. It is clear that personal interests, rather than a set of institutional policies and structures, are still strong. Whereas the government and development partners have marshalled programmes to solve the challenges facing the education sector, including increasing girls' access to education, it is clear there is a long way to go. At the level of central government, whereas gender disparities are acknowledged within the education sector, there is still a need to set up robust institutions to mainstream gender into the education system, including the educational curriculum. *Although there is some research within the education sector about this problem, the magnitude and extent of the problem of gender access, remains unclear. The inequality in access, normally takes several forms and may be reflected in gender, and/or social group. For example the socio-economic background of the boys accessing education is not known; as such it is not known which socio-economic groups are left out of the education system. But also, within the gender categories, there are other minority groups, for instance, the girls and boys with*

2 Interview with a male civil society official in Juba on 4th October 2012

disability. Because South Sudan is a post-conflict country, it is likely that the problem of disability may be big, yet its magnitude and effect on access to education is not known.

The other issue within the education sector has to do with the quality of the education provided. Quality of education is measured by a number of variables, including but not limited to, the teacher-student ratio, text book-student ratio, and class-student ratio. The end of conflict in South Sudan created a demand for education and the country has witnessed an upsurge in student numbers at all levels. The number of education service providers has also increased. *However it is not known whether the increase in the number of teachers, text books and class rooms has kept pace with the increase in student numbers. The completion rate is also unknown, especially primary and secondary education cycles. The other important issue has to do with the education system itself, in terms of its capacity to act as an incubator for the next generation of leaders and human resource.*

The table below shows primary school, pupil-teacher ratio, by state and professional qualification, 2010.

Table 6: Primary School, Pupil-Teacher Ratio (PTR), by State and Professional Qualifications

STATE	PTR OVERALL			PTR TRAINED		PTR UNTRAINED	
	PUPIL	TEACHER	PTR IN %	TEACHER	PTR IN %	TEACHER	PTR IN %
South Sudan	1,401,874	26,668	52.6	11,971	117.1	14,687	**95.4**
Upper Nile	187,642	2,945	63.7	1,322	141.9	1,623	115.6
Jonglei	254,756	2,785	91.5	1,267	201.1	1,516	167.8
Unity	155,262	2,250	69	1,096	141.7	1,154	134.5
Warrab	172,890	3,177	54.4	1,345	128.5	1,832	94.4
North Bahr El Ghazal	142,696	3,270	43.6	1,250	114.2	2,020	70.6
Western Bahr El Ghazal	62,093	1,289	48.2	629	98.7	660	94.1
Lakes	115,984	2,785	50.8	996	116.4	1,289	90
Western Equatoria	68,374	2,040	33.5	1,268	53.9	772	88.6
Central Equatoria	130,225	3,579	36.4	1,766	73.7	1,813	71.8
Eastern Equatoria	111,958	3,038	36.9	1,032	108.5	2,006	55.8

Source: EMIS Report 2010: MoEI

States have different PTR because of the variation in resources and facilities. But there are two underlying and common phenomena in all the states. First, primary school teacher training institutions are few across the country. Second, the working conditions in some of the states and counties are unattractive for professional teachers.

While there are efforts aimed at developing an education sector strategic plan, as well as an education sector investment plan, to guide planning and investment in the education sector, these efforts are yet to yield fruits. This has affected the enactment of an Education Act. The absence of these key documents has meant that investment and planning within the education sector pays more attention to the daily operational challenges and needs, rather than to the long term strategic imperatives of the country. Education can be used as a system for nation building and as an instrument for political propaganda. In a post-conflict country like South Sudan, the former, rather than the latter, is more desirable. However, the system is yet to pay attention to that imperative. At the core of any education system, is curriculum development and supervision. South Sudan has many providers of education, particularly in the NGO sector. Education provided ranges from Alternative Basic Education, adult education, to community and basic education. However, it is difficult to say that all these providers of education use the same curriculum or training material. It is also clear that donors, rather than the GoSS, are providing funding and leading initiatives towards synchronising education curricula, as well as teacher training and supervision. Whereas this may be expected in a post-conflict country, there are limited indications to suggest that the government is likely, in the near future, to re-orient its spending away from security towards education. In addition, it also remains unclear how the private providers of the education services are regulated. Whereas the Ministry of Higher Education, Science and Technology has in the past regulated the tertiary education sub-sector, its approach has been more reactionary than planned.

Economic Development

Economic development in South Sudan – at least at the level of policy – is underpinned by rural development. The objective of the economic development is to diversify private sector led economic growth and sustainable development so as to improve livelihoods and reduce poverty (GoSS, 2011). In terms of approach, SSDP envisions the use of small-scale private sector agriculture and livestock as the engines of growth. To support these engines of growth, the plan outlines the objectives of government policy with regard to economic development, to include: extension and upgrading transport

infrastructure, especially roads; clarifying issues pertaining to land to ensure access and tenure; improving access to extension and veterinary services; making available basic farming tools and inputs and markets; ensuring a stable, transparent and supportive policy and regulatory environment for private sector development; and deepening and broadening financial services (GoSS, 2011). In terms of the sources of government revenue to fund this process and institutional strengthening to effect economic development, the government looks no further than oil (GoSS, 2011).

These are far reaching objectives requiring institutional, legal and regulatory reforms, if the country is to achieve the much desired economic development. The question is: *to what extent is government establishing and strengthening the necessary institutions to govern the economic development of the country?* In terms of access to land and land tenure, South Sudan has three types of tenure systems; a) communal, public and freehold. Communities own much of the land and retain the right to regulate community land, under customary law. Government owns land in the protected areas (e.g. national parks, game reserves, forest reserves) and pre-war agro-industrial complexes (Deng, 2011). Since 2005, the GoSS with the help of development partners, has enacted laws covering a range of issues about land administration and management, but gaps in the regulatory framework still exist. Despite putting emphasis on agriculture as the engine of growth, the government in South Sudan has not done much in terms of effecting land reforms geared at transforming agriculture. As such, some of the key questions are not answered, and include: *to what extent is government preparing the country to harness agricultural development?*

Some of the key institutional development needs to support harnessing of the agricultural development would include: robust land reforms geared at supporting peasant and large scale agriculture; development of agro-processing capacity of the country – either through private-public partnerships, or by creating an enabling environment for the private sector to take up that task. The other key institutional development issues have to deal with investment in agro-economic information management and distribution systems, such that farmers have easy access to information about agricultural prices across the country and in the region; expansion of extension services, infrastructural development so as to reduce on the bottlenecks in transportation and distribution of agricultural produce; investment in storage facilitates at markets, as well as construction of markets.

Whereas there is a tendency within some sections of the leadership of South Sudan, to pay due attention to large scale agriculture, it is the peasant small

scale farmers who appear to be producing food for the country. The country has witnessed large scale land grabbing in the name of promoting large scale agriculture. Some of these include, Ai Ain Wildlife, Blue Lakes, Fenno and Caledonian. It is estimated that from 2007 to 2010, foreign companies, governments and individuals, sought and/or acquired at least 2.64 million hectares (26,400 km2) of land for projects in agriculture, bio-fuel and forestry sectors. There are questions regarding these land grabs, but they also reflect glaring institutional weaknesses. First, even with these land grabs, food or cash crop production is yet to increase. The second concern has to do with the GoSS capacity to negotiate, conclude and enforce contracts signed with some of the international firms. Considering that the country has a history of displacement arising from conflict and other factors, there are concerns about the preparedness of the government to address displacement arising from large scale agriculture. The other concerns revolve around the contribution of the large scale agriculture to the socio-economic development of the country. Some of the international companies acquiring land are investing in bio-fuel, not food crops. This also raises concerns about the effect this may have on the production of food crops. With legal framework and institutional ambiguity about land management and contracting, there is also a danger that this influx of investments in agriculture, if left unchecked, may serve to undermine some livelihoods. The institutional disconnects between the national and state government has partly facilitated the land grabbing. The government expenditure pattern gives us an indication of its priorities and seriousness about developing agriculture and other sectors.

Figure 2: GoSS Expenditure by Sector 2010
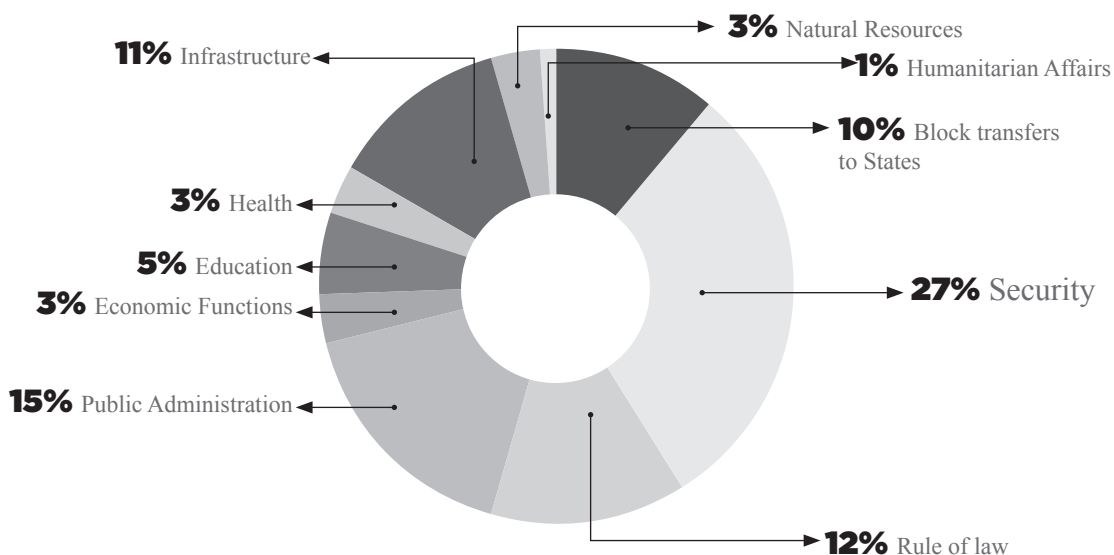
Source: (GoSS, 2011)

Whereas figure 2 indicates that GoSS is investing in some of the key sectors, as identified in the SSDP, security still takes the lion's share of the government expenditure. Although this can be explained by the security challenges the country is clearly facing, it is also true that some of the security challenges that are likely to affect economic development are linked to the weak institutional arrangements in place. For example, despite investing in professionalisation of the SPLA, and the Disarmament, Demobilisation and Reintegration (DDR) processes, these two processes are not well integrated with the modernisation and professionalisation of the SPLA as part of a holistic process of socio-economic development of the country. It is to be noted that modernisation of the SPLA mostly focuses on acquisition of military hardware, rather than a redefinition of the role of the SPLA in a democratic state (Rands & LeRiche, 2012; Rand, 2010). *There is need to collect and collate data on the socio-economic cost of a large SPLA on other sectors of the economy.* In some countries, the military has played a key role in socio-economic development, as well as science and technology, especially where the military budget is well financed. In the case of South Sudan, the military is still largely focused on securing the borders and territory of the new state. This preoccupation, as well as other factors, are limiting innovation and thinking about the role the military can play to drive and contribute to socio-economic development and nation building. In this regard, inquiry has to focus on the emerging institutions within the military and their potential to contribute to socio-economic development in South Sudan. The other sector of research issues revolve around the functional capacities and systems of the SPLA, in terms of their appropriateness with regard to recruitment, promotion and training; institutional relationship between the ministry of defence and the command of the military leadership of the SPLA.

Foreign companies and businesses are still fundamental drivers of socio-economic development and progress in South Sudan. Whereas the government legislated partnership in order to enable nationals benefit from the economic and investment opportunities, as well as learn from the foreign companies and businesses operating in South Sudan, few institutional arrangements to enforce these legislations beyond the point of registration of the businesses are/ remain weak[3]. Over time, this has generated a perception that foreign companies and businesses are benefitting and/or looting the new country. Some of these perceptions have led to confrontations between nationals and foreigners and even death in South Sudan. As the country moves forward, there is need to investigate:

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3 Interview with male and female Academics at the University of Juba

what are *the roles that foreign and national companies can play? What are the opportunities foreign companies should and should not invest in?* It is also important that the question of access to finance by national companies be addressed. As such, there is need to address the question of *to what extent can financial institutions be used as sources of finance in post-conflict South Sudan, considering that some of the persons may not have collateral security?* The other question revolves around the regulatory framework of the financial institutions in South Sudan; *to what extent are these institutions accessible to all categories to the population?*

In terms of institutional development purposely to guide investment and businesses, it is imperative that empirical studies are conducted in the areas of taxation law, tax administration, and compliance. The tax system becomes very important for two reasons. First, is the need by government to diversify its sources of revenue so as to reduce dependence on oil. Second, taxation reconstructs state-society relations. These two issues are fairly discussed in the other chapters of this book. This chapter only highlights some of the areas that research needs to contribute to. Whereas there is some research work so far done within the areas of tax administration (GoSS, 2008), further research has to highlight: *to what extent are tax laws and regulations as well as the system of tax administration facilitative rather punitive to businesses?* With parliament enacting the basic laws, the concern is no longer the absence of basic legislation, but the institutional machinery for implementation and the extent to which national and state tax laws speak to each other so as to root out any ambiguities and loopholes that may encourage noncompliance and tax evasion. The states have different tax laws and systems for tax administration. Taxation across and between states is often complicated by conflicting state and national tax laws and tax administration systems. In some cases, it has led to double taxation, leading to evasion whenever an opportunity avails itself. This area of research has to do with classification of taxes; so as to have distinctions between state and national government taxes. This should facilitate knowledge and information about where to pay state and national government taxes. It is an issue of separation of duties as well as clarifying state and national government jurisdiction over tax collection and administration. The GoSS has tried to find institutional answers to some of the issues raised above; in particular through the attempts aimed at establishing the South Sudan Revenue Authority. However, key challenges still exist over the jurisdiction of the Authority, and the state tax departments. Research needs to provide answers to one simple yet important question, *how can the tax system in South Sudan be made simple and clear to the tax payers?*

With an efficient tax system and citizens paying taxes, citizens will find it within their responsibility to monitor how the state utilises the collected taxes. Presently, the state can afford to ignore sections of the population that are complacent, because they do not pay taxes. Because sections of the population do not pay taxes, state accountability and responsiveness is hardly discussed in the public domain, in a manner that intends to insert and give voice to citizens in the process of decision making at the state level. In the way, state functionalities can afford not to listen to citizens because they are aware the state does not rely on their taxes. Research in this area has to focus on: a) *how to incentivise tax payment in South Sudan so that the population paying taxes increases and shifts away from only the business community to include each adult; b) how to enhance citizen participation in governance processes at national and state levels.* The experience of conflict, in particular, the changing citizen identities – refugees, internally displaced persons, citizens – come with different entitlements and sense of rights. Some sections of the population may, therefore, not be fully liberated to think that they can challenge the government in a constructive manner. This is complicated by the conflict experience of violence and the manner in which some state officials choose to respond to challenges to their power. The end result is a docile population. Whereas it has been observed that the population is not docile[4], the country is yet to witness the development of a robust and active civil society.

Conclusion

South Sudan is a new country, grappling with challenges, many of which are expected and common to countries emerging from conflict, yet some are very peculiar to South Sudan because of its historical context. The leadership of the country is putting in place systems and frameworks to address some of these challenges, including the establishment of institutional apparatus, structures, policies and systems. But it is also clear that the manner in which the institutional policies, structures and frameworks are developing, is taking a slow pace. The process of establishing institutions to guide and manage the recovery of the country, reflects an emphasis on short term goals; which often negatively affects the long term objectives of the state and nation building project.

Although the state is progressively developing documents to guide the process of institutional capacity development, there appears to be a disconnect between what is articulated in the policy documents and what is

4 Interview with GoSS male Minister in Juba on 3rd October 2012

in practice. For instance, whereas the Medium Term Capacity Development Strategy (MTCDS) focuses on both human resource and institutional capacity development, more attention has been paid to human resource rather than institutional capacity development. To some extent, this disconnect reflects the power struggles and fears of the political leadership, as well as conflicting interests between donors and the political leadership. It also mirrors how complex building institutions in a post conflict country, characterised by entrenched, informal political and socio-cultural networks in government, can be.

As a post-conflict situation, punctured with informal groups, there are power struggles often between individuals that find their way into the official bureaucracy, in terms of how power is distributed between and within institutions. Often the failure to clarify institutional mandates, powers and functions, is a result of the individual power struggles. Whereas research can contribute by way of demystifying fears shared by some sections of the political leadership; it is imperative that a thorough contextual analysis be undertaken purposely to examine the fears, contestations and possible solutions.

Apparently, some of the key decisions are taken without reference to the long term trajectory, but only to the operational and daily need to resolve short problems. This challenge is compounded by competing pressures from within and outside government; it is also compounded by the sheer number of partners in the country, and programmes the country is currently implementing. Being a post-conflict country, there are many partners with different good programmes, yet the government has limited capacity to coordinate and prioritise some of these programmes.

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