Fools Rush In Where Angels Fear To Tread

Challenges for South Sudan and the International Community

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- There are multiple components of state building that are often in competition with one another. This competition creates contradictory dynamics for the Government of South Sudan and the international community.

- State building is principally a political process and its challenges in this context are vastly complex. The concerns and needs of the Government of South Sudan are much broader than a narrow blueprint for the technical requirements of state building in the abstract.

- International engagement in South Sudan faces a paradox in that constructive engagement can yield the positive outcomes it seeks only in the long-term, whereas rushed or ill-conceived engagement can do harm in the short-term.

- The most meaningful international engagement will appreciate the security dilemmas, political pressures, and realistic timelines that South Sudan faces and allow these to inform the nature of their partnership and content of their policies toward the new state.

1. Introduction

The secession of Sudan's southern region as the Republic of South Sudan on 9 July 2011 is a profound structural transformation. It has significantly altered the political and security context of the region with important implications for the internal cohesion of the south, bilateral relations with the Republic of Sudan in the north, and for the nature of regional and international engagement with the new state.

There is near unanimous political consensus regionally and internationally that the consolidation of peace and stability in South Sudan is an urgent priority. There is also consensus that state building is one of the principal mechanisms for achieving this. State building, historically, theoretically, and as a contemporary technical discipline, consists of a number of components and generates multiple narratives. These can include, among others, achieving a monopoly of force, establishing the rule of law, creating the institutions of a modern state, building the capacity of these institutions, fostering a national identity, creating democratic structures and processes, and guaranteeing certain fundamental freedoms and human rights for those within the state. These goals generate a large amount of technical advice, policy prescriptions, and international activity. However, they are often conceived in isolation from each other as discrete processes. The reality of a particular case of state building will often disturb these conceptions and place these components in competition with one another. This is the case with South Sudan.

Given the diversity and depth of the issues at hand this paper does not seek to enumerate every challenge and affix it to a solution or best practice. Rather, it seeks to situate these conceptions of state building in the specific context of South Sudan, by examining them through the lens of two key aspects of the nation state: Security and Citizenship. In this it identifies various, often contradictory, challenges and dynamics facing the Government of South Sudan (GoSS) in the short and long-term. It also provides for a consideration of the pattern and effectiveness of various forms of international engagement in relation to the project of state building in South Sudan.

2. Context

The challenges facing South Sudan appear daunting. Internally, there are frequent and severe inter-communal conflicts. Rivalry and mistrust between communities in many areas is high; ethnic competition and the legacy of civil war atrocities loom large in South Sudan's political life. Largely reliant on international aid for service provision during the war, large swathes of the country are out of reach of the authority and institutions of the state. The Sudan People's Liberation Army (SPLA) remains the largest and most influential state institution. Seen in some areas of the south as a partisan force, it is very often deeply integrated into local political power structures. It is also extremely bloated and costly from the recent integration of large number of former enemy militias. Numerous conflicts have emerged between the SPLA and breakaway factions, and transgressions by the SPLA against the civilian population during security operations and forced disarmament have occurred. The over-riding fear of a return to war with the north shapes much of the decision-making in the south.

Secession has effectively created two new states with previously internal issues now existing between sovereign nations and the internal stability and cohesion of both the two states becoming an interrelated concern. While the initial separation was peaceful the fine print of the divorce remains unresolved. Most important are the outstanding provisions from the Comprehensive Peace Agreement (CPA) that shall regulate the relationship and borders between the north and the south. The two sides are yet to reach agreement on the status of the Abyei Area, demarcation of the north-south border, arrangements over oil revenue, and citizenship issues. The AU has hosted negotiations over these issues, with the AU High-level Implementation Panel managing talks between the two parties. These talks have received significant support from engaged members of the international community and UN leadership. Persistent and concerted external engagement along with notable compromise and restraint from Juba and Khartoum facilitated the peaceful procession to secession and there remains a clear imperative for this to continue.

Abyei in particular remains a hotly contested flashpoint, witnessing renewed hostilities between the two armies and ongoing disagreement over eligibility to participate in its final-status referendum. The dispute may face a

prolonged period of intractability. The large UN military presence deployed to enforce a demilitarisation of the Abyei Area will allow one or both parties to forgo the costly concessions required and perpetuate an unresolved status quo

Internal insecurity and instability in the north will negatively impact conditions in the south and vice-versa. Sudan faces an array of internal conflicts and security challenges. The eight-year old conflict in Darfur continues intermittently without decisive progress. While the recent eruption of severe hostilities between the Sudanese Armed Forces (SAF) and the remaining northern units of the SPLA in Southern Kordofan and Blue Nile States may herald a return to prolonged civil conflict. Persistent tensions and mistrust between Juba and Khartoum has led to mutually destabilising behaviour; each suspected of supporting armed groups active in the other's territory. These conflicts, while serious humanitarian and political challenges in their own right, have compounded the problems faced in resolving north – south issues and threaten the consolidation of peace in South Sudan.

More broadly, South Sudan begins life as an independent state in a troubled neighbourhood. The region hosts a number of tensions and conflicts with transnational elements. The conflicts in Congo, Somalia, between Ethiopian and Eritrea, and with the Lords Resistance Army, among others, generate a complex web of loyalties, hostilities, and motivations. Also the wave of popular uprisings and revolutions that swept across many countries in the Arab world has introduced a further element of uncertainty into the political environment. The government in Sudan remains guarded against potential mass protest, while senior Southern politicians have voiced concern over the political outlook of the regimes emerging from the "Arab Spring".

3. Security in South Sudan

It is an accepted truth that security is a prerequisite for development and state building in South Sudan. This has generated an array of normative prescriptions for improving security covering disarmament, demobilisation, and reintegration (DDR) of soldiers, security sector reform (SSR) particularly the professionalization and right-sizing of the SPLA, civilian disarmament and arms control, local conflict resolution,

and the protection of civilians. However, the landscape of security and insecurity is vastly complex and any rendering of policy or analysis toward improving security must be grounded in these realities. As one Southern parliamentarian described, "SSR can lead us into another conflict."

The SPLA is the primary security actor in South Sudan. The cohesion and reform of the liberation army will be a central determinant of the security environment. Retrospectively, one of the most destructive instances of the civil war was the 1991 split in the SPLA and subsequent inter-factional fighting. The split, which divided the two largest ethnic cleavages in South Sudan, the Dinka and the Nuer, generated some of the most devastating and severe violence of the war. The scars of this conflict, and others between the SPLA and their ethnic opponents, are still explicit in the intense inter-communal competition of today.

During the peace process and the implementation phase of the CPA, the SPLM adopted a strategy of elite inclusion and reintegration to manage the extremely destabilising armed factionalism. Through this process senior defectors were welcomed back into the leadership of the SPLM and their forces accommodated in the SPLA. Now independent, the GoSS will have to maintain and manage the stability of these elite coalitions at the centre as a safeguard against the fracturing of the state along the major ethnic fault lines. However, elite competition at the centre often plays out violently in the periphery. It is evident that the representation and inclusiveness of the ruling coalition remains violently contested in the South's peripheries. While peace has been formally declared violence remains a valid currency for articulating political grievances and extracting concessions from the central government. And attempts to promote local stability by accommodating or allying with local strongmen have further stirred inter-communal conflict and resentment of the state by marginalized groups. In a number of cases, high-ranking SPLA officers have mutinied when not sufficiently rewarded with political power or resources, starting a number of local insurgencies. Violence in the peripheries is likely to continue unless a stable and balanced representative coalition in those areas is arrived at. Until then, GoSS will have little choice but to coerce and co-opt those groups willing and able to use political violence, while ensuring that the elite coalition at the centre holds.

Furthermore, armed units and militias, which had fought against the SPLA throughout the war, largely as proxies of the north, were also integrated into the SPLA in accordance with the Juba Declaration of 2006. This saw approximately 50,000 combatants, labelled as Other Armed Groups (OAGs), integrated into the SPLA in order to neutralise them as a strategic threat. This integration has not been completely transformative; many observe that neither their loyalties nor their identities as militias have in fact changed. Moreover, the OAGs have largely been integrated in the locations where they were active, and a number of divisions that received large numbers of OAG forces occupy critical strategic areas in South Sudan's periphery, particularly along the north-south border and across the oilfield zone.

GoSS faces countervailing incentives in reforming or 'right-sizing' the army. SPLA force levels are estimated over 150,000 and consume as much as 40% of the annual national budget. A reduction in force size would allow funds to be redirected to other urgent national priorities and would allow the large number of integrated OAG forces, whose loyalty and utility is questioned by SPLA leadership, to be retired or returned to civilian life.

However, there are a number of serious obstacles to taking these steps. The scarcity of alternative economic opportunities renders demobilisation an extremely unattractive prospect to those receiving a relatively generous regular monthly salary. Local economies have practically zero capacity to absorb former combatants. With regard to integrated OAG elements this would present a considerable risk of rebellion against the state. For the core of the SPLA, the civil and military leadership in the GoSS have a genuine sense of loyalty and responsibility to its soldiers and a belief that liberation fighters should be rewarded after long, mostly unpaid, service to the army. Illustrating the sensitivity of the issue is that whenever units have failed to receive pay or food there has been serious rebellion.

But the foremost impediment to reducing the size of the SPLA is the persistent perception of a likely renewal of the north-south conflict. This has been the primary motivation for strengthening the armed forces at all costs. Despite CPA provisions calling for a reduction in the size of the armed forces in the north and the south, the SPLA has continued to grow as a result of this security dilemma. The security dilemma fuels the perception, with some historical justification, that the external threat of the north is the cause of internal insecurity in the south. This is a mechanism whereby insecurity within the north and the south become interrelated.

There has been a widespread assumption that a war mindset and the continuing fear of war with the north that drove security spending and planning would subside after southern secession. However, ongoing insecurity in the north and the south, as well as heightened tensions and unresolved core issues between the two, will mean that the security dilemma that grips the South's political and military outlook will not subside quickly.

4. Citizenship in South Sudan

South Sudan now faces the challenge of forging a national identity from diverse peoples and communities who were previously defined only in the commonality of their opposition to the northern centre from the marginalised periphery. As Massimo d'Azeglio observed at the birth of his new nation "we have made Italy, now we must make Italians", so the same challenge can be posed to the leaders and people of South Sudan. The long-term sustainability and health of South Sudan as a nation will be determined by its success in making Southern Sudanese citizens. It is through this lens that a range of issues facing South Sudan can be brought into focus.

Shared identity is shaped through common experiences, in adversity and struggle it can be forged rapidly, while in peace it can be a long evolution. The fundamental shared experience as South Sudan matures in its independence will be the relation of the citizen to the state. Should this experience be marked by prolonged exclusion and discrimination it will sow the seeds of political unrest and future conflict. While the foundation for a stable state in the long-term is inclusivity and equality across a broad range of areas including, popular participation and political freedoms, national reconciliation, service provision and institution building, and the use of oil revenues. The GoSS face challenges and opportunities in translating these ideals and long-term goals into practical first steps and initial programmes of action.

One of the first steps that South Sudan is to take is the development of a permanent constitution. The process of creating this constitution is as important as the content in establishing the practices of inclusivity and popular acceptance and legitimacy of the new constitutional order. There is a range of international experiences of developing processes for popular participation and consultation. When sustained and effective such processes can be transformative of popular perceptions and can be a tool for consensus building among divided groups. Furthermore, the interim constitution of Southern Sudan calls for the holding of regular elections and leaders within the SPLM have declared it in the ruling parties interest to create the political space for opposition political parties and independent political activity. For in the long term this will be the tonic and alternative to political violence. In the short-term managing the coexistence of violent political rivalry with free democratic competition will be a crucial challenge.

The CPA contained no provisions for addressing the legacy of terrible violence experienced during the war. It provided a blanket amnesty for wartime crimes and violations and continued silence furthers an implied amnesty. Processes that provide acknowledgement to victims, establish truths and memorialise suffering, and offer symbolic and material reparation can be central to national reconciliation. They can prevent divisions and grievances being played out through the functions of the state or the use of violence. In some cases, the people of South Sudan have taken the lead in this regard. The people-to-people process, whatever its shortcomings, is a locally driven initiative, often funded by remittances from diaspora, aimed at grassroots reconciliation and truth-telling. Senior southern leaders have also recently responded to the need for reconciliation. Vice President, Riek Machar, made a bold apology to the affected communities for the 1992 "Bor Massacre". Rebecca Garang, the widow of the late Doctor John Garang, has stressed that truth and reconciliation is needed in South Sudan for the new nation to develop.

The interaction between South Sudanese citizens and the institutions of the state, including the provision of services, will be an increasingly important measure of inclusiveness and equity. Institution and capacity building are areas that generate an enormous amount of technical advice. Their development is a long-term process, unglamorous but necessary. A key area in this

regard will be the ability of GoSS to allocate resources, develop planning priorities, and deliver state services based on objective evidence and transparent and fair criteria. This is especially so given South Sudan's oil resources. Corruption and inequitable distribution will be quickly conspicuous and would severely compromise the development of citizenship. The risks of an exclusionary dynamic will be more pronounced if access to oil revenues becomes the sole route to economic benefits and improved conditions.

5. Modes of International Engagement

The conclusion of the CPA interim period with South Sudan's independence will be marked by both transformation and continuation in the ways external actors engage with the country. Until independence the majority of international engagement with the south was through the framework of the CPA and the overriding priority was the implementation of the peace agreement. Now sovereign, South Sudan will enjoy a multitude of bilateral and multilateral relationships in the political, security, and economic realms; relationships and engagements that will impact on the development of security and citizenship in South Sudan.

South Sudan hosts a new UN peacekeeping mission, the United Nations Mission in South Sudan (UNMISS), which will deploy up to 7,000 troops and a significant civilian component, in order support the consolidation of the new state's institutions and to assist in providing security. UNMISS's mandate emphasizes the nexus between security and development and the mission's leadership has described that there is a short window for South Sudan to establish itself as a successful state. After consultation with the GoSS, including President Salva Kiir, one the mission's immediate priorities is the disarmament, demobilisation, and reintegration of excess members of the SPLA, particularly in the northern border areas of the country. The mission expects a caseload in excess of 100,000 personnel.

DDR had been a priority of the previous peacekeeping mission and the aid donor countries during the CPA period. However, to date the DDR programme has had no discernible impact on security in South Sudan or on the reform and transformation of the security sector. For a number of reasons the SPLA remained significantly disengaged from the previous DDR programme. In the grip of the security dilemma over

potential war with the north and because it regards DDR benefits as insufficient compensation for its ex-combatants, some of who are regarded as a potential security threat, the programme has not enjoyed the buy-in of the SPLA. In its current form and in the short-term DDR faces an outcome horizon ranging from irrelevant to harmful.

Yet the civilian and army leadership recognizes the need to reform and downsize. In the absence of meaningful external support the army is already carrying out its own 'downsizing' initiatives, such as providing agricultural equipment to wounded veterans and establishing public-private security firms staffed by former-combatants. Serious questions remain over whether the economic and security environment in the short-term will allow a low-cost and sustainable traditional DDR programme. In order to engage meaningfully with the GoSS on these security issues, international actors need to appreciate the GoSS's security dilemmas and priorities and also the broader economic environment, and allow these to inform their approach to supporting security policies and institutions.

During the CPA period a very large humanitarian and development aid presence was established. The annual value of aid spending in South Sudan was around $700 million and in 2010 was reported at $739 million. At the end of the civil war the full spectrum of development and state building activities were added to the extensive humanitarian aid operation in place; intended to support the construction of state institutions and infrastructure of a modern state. With independence achieved aid is increasingly being conceived through a paradigm of recovery and development rather than emergency humanitarian aid and direct basic service provision. The architecture for delivering aid that will define the relationship between the GoSS, donors, and aid organisations is still being developed. To date, this relationship has been mutually unsatisfying in certain ways.

Southern officials describe, with some bitterness, the lack of ownership and input they have to the agenda and programmes of donors and aid organisations. Objections are also raised to the independence and effective sovereignty many aid agencies and NGOs enjoy operating across the South. While, donors and aid organisations observe the limited direction provided to them by their government counterparts in shaping

the priorities and content of aid programmes. Additionally, aid providers have complained that the donors' shift of focus to development has actually led to a decrease in the availability and quality of essential services such as health and reduced their ability to respond to emergencies.

It is important to distinguish the short and the long term in this regard. The long-term goal of fully established government institutions and government service provision across the country is not necessarily best served by an abrupt transfer in the short-term. South Sudan is a context that complicates preconceived development paradigms and defies any conceptual continuum that prescribes a progression from emergency relief to post-conflict development. A decrease in the availability of services and the standard of living in the short-term would be detrimental to achieving security and the emergence of citizenship and thus there is a need for a continuation or even an increase in provision through international engagement. However, it is vital for the integrity of the relationship between the GoSS, donors, and aid organizations that a shared understanding is reached over the mechanism and timeline for the increasing transfer of responsibility for defining policies, priorities, and eventually direct-service provision by the GoSS in the long-term.

Economic engagement with South Sudan will also significantly increase and will introduce different demands for state building. An initial level of foreign direct investment emerged during the CPA period and this will grow. South Sudan's richness in oil, land, and other natural resources will continue to attract an increasing amount of foreign investment. These investors will bring potentially valuable economic activity and infrastructure development, while at the same time requiring security guarantees from the government for their operations and investment. In turn, economic investment will impact on the security and socio-economic environment in different ways. South Sudan's economic potential and position on the Nile will make it an important economic and political actor in the East African regional community, the Nile Basin Initiative, and possibly in the League of Arab States.

However, South Sudan's primary international relationship and the one that will be the principal determinant of its future success and prosperity will be

with its northern neighbour. There are deep social, economic, and political ties between Sudan and South Sudan. The economic viability of parts of the south depends on trade and economic interaction with the north. The infrastructure for refining and transporting oil also lies to the north. Thus, peace, stability, and economic development for the south depend on peace, stability, and economic development in the north.

6. Conclusion

Examining the challenges facing South Sudan through the lenses of security and citizenship brings into focus the multitude of pressures and processes facing the new state. Often the legitimate priorities and objectives in the short-term pull in different and sometimes contradictory directions from those in the long-term. The challenges of nation building in this context are vastly complex and the concerns and needs of the GoSS are much broader than a narrow blueprint for the technical requirements of state building in the abstract.

International engagement faces somewhat of a paradox. Certain components of state building may be mutually exclusive in the short-term. The demands of establishing a monopoly of force and maintaining a stable ruling coalition may run counter to recommendations for DDR, SSR, or a rapid transition to unrestrained democratic political competition. Constructive international engagement can yield the positive outcomes it seeks only in the long-term, whereas rushed or ill-conceived engagement can do harm in the short-term. The most meaningful international engagement will appreciate the security dilemmas, political pressures, and realistic timelines that South Sudan faces and allow these to inform the nature of their partnership and content of their policies toward the Government. A reflexive and doctrinal response to the challenges in South Sudan would be unproductive. Formal conceptions of war and peace or conflict and post-conflict, as discrete phenomena will be undermined by the realities of South Sudan.

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