

South Sudan: The Perils of New States

Written by Gilbert M. Khadiagala

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GILBERT M. KHADIAGALA, APR 15 2014

South Sudan is Africa's newest state, born in July 2011 out of the larger Sudan after many years of a protracted civil war. Since independence in 1956, Southerners fought a relentless war to right historical wrongs of marginalization and subjugation by the Muslim North. Regional actors negotiated a brief period of peace (1972-1983) which did not last because of the imposition of Islamic law by the Sudan government, infuriating the predominantly Christian Southerners. The war ended in 2005 with another regionally-mediated Comprehensive Peace Agreement (CPA) which prepared the South for a referendum to determine either secession or continued unity with the North. The referendum in January 2011 was a resounding victory for self-determination, preparing the ground for independence. Since the separation, Sudan and South Sudan have struggled to negotiate a wide range of bilateral agreements against the backdrop of border skirmishes and mutual recriminations.

In December 2013, barely two years into independence, South Sudan erupted into a new civil war after a split occurred within the ruling Sudan People's Liberation Movement (SPLM) that pitted the President Salva Kiir against his former Vice-President, Riek Machar. The war raised profound questions about South Sudan's stability and viability, particularly in the context of the optimism that greeted its statehood. Optimism surrounding the rise of new African states, such as Eritrea and South Sudan, stems from the fact that since they were born out of conflicts, these states should have few obstacles in building sturdy institutions of governance, security, and development. After years of struggling against oppression, repression, exploitation, and marginalization, these states were expected to forge novel institutional paths in efforts to reverse past legacies. They have, before them, a wealth of knowledge about how to avoid mistakes committed by both post-colonial and post-conflict states. Moreover, the new states have benefitted from a benign international environment where multiple state and non-state actors furnish significant economic and political resources to enable them to overcome the initial constraints of state-building.

The recent political meltdown in South Sudan demonstrates the fallacy of this optimism and points to the enormous challenges these new states face. This troubled transition to stable statehood can be analysed through the prism of, on one hand, internal dynamics typical of Africa's post-colonial states; on the other, the limits of international efforts to build effective institutions of democracy and governance.

The Promise of Secession

The CPA marked a decisive phase in the international attempts to end Sudan's civil war. Regional and international actors devoted considerable energies to a peaceful settlement in order to ease the interminable humanitarian crisis and prepare South Sudan for self-determination (Woodward 2011: 155-162; Lyob and Khadiagala 2006). The CPA had anticipated that the six-year transitional period leading to the referendum would make "unity attractive" and preempt Southern independence. But this was a false expectation that simply sustained some semblance of civility as the North and South negotiated difficult bilateral questions. If unity had been unachievable over the whole independence period, six additional years would not be sufficient to alter the situation. Equally vital, the transitional period was inadequate for the South to focus on institution building, a process which was supposed to put the new state on a firm foundation the day after its independence in July 2011 (Oystein 2011: 551-564; Schomerus and Allen 2010). The SPLM recovered from the death of its long-serving charismatic leader John Garang, but it faced problems of shedding its militaristic approach to governance in the new era. The new leader, Salva Kiir, less charismatic and without the stature of Garang, had to tread carefully in solidifying his imprint on the SPLM.

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The SPLM had a solid head start as a governing party due to its liberation credentials, but looming large in the transition was the convulsive question of ethnicity, particularly the Dinka-Nuer conflict. At the height of the liberation war in 1991, Riek Machar, the Nuer leader, had violently broken with the SPLM to form a faction that worked with the Islamic government in Khartoum. He had only re-joined the SPLM on the eve of the CPA. The triumphalism of independence and Machar's appointment as a Vice-President kept Dinka-Nuer conflicts at bay momentarily. Nonetheless, the critical test of governance was whether the SPLM would evolve into a democratic institution with a broad national base, able to co-exist with other political parties, or whether it would degenerate into a personalised and predatory ethnic machine, the latter being typical of African political parties. Most post-conflict states confront the problem of balancing strong individuals with strong institutions, but for South Sudan, the post-Garang period could be accurately described as one of both weak individuals and institutions (Belloni 2011: 411-429; Kisiangani 2011: 91-95). Thus facing various claims of indecisive leadership, inability to countenance a new national constitution, and failure to hold elections in the SPLM, Kiir resorted to draconian military methods to deal with his opponents, igniting the violent break with Machar in December 2013. Machar, in turn, claims to be the new liberator, invoking the memory and spirit of Garang.

Regional and International Engagement

The regional environment for new states is not very propitious in the Horn of Africa, a bad neighbourhood of inter-and intra-state conflicts. The Eritrean experience is a cautionary tale where the promises of statehood were compromised by wars and the resurgence of authoritarian practices. From heady nationalism tinged with developmentalism, the Eritrean state has transmogrified into a Stalinist state; South Sudan mirrors these patterns. The bilateral negotiations with the North that started during the transition period have yet to conclusively resolve profound issues over sharing of oil revenues, the status of contested border areas, border demarcation, and citizenship (Belloni 2011: 411-429; Blanchard 2014: 1-18). The violent confrontation between Juba and Khartoum over the Heglig oil fields in April 2012 and the perennial battles over Abyei have sapped the energies of Southern leaders, leaving them little room to focus on the business of nation building. Khartoum may also have a stake in a dysfunctional South, especially when it comes to dramatizing the delusion of independence and to deflecting the attention from the conflict in Darfur and its own inability to transition to a democratic order. All these bilateral problems with the North could have been managed successfully if there was a government in Juba that has a national purpose. The SPLM leadership, however, has gradually become insular and authoritarian, precipitating the conflict within (Young 2012). In addition, the management of revenues from its oil resources has been mired in wanton corruption. Without meaningful efforts to diversify its economy from oil, the South has deepened its dependence on donors who have to continually come to its rescue whenever Khartoum closes the oil pipeline to Port Sudan. With the Nuer fighting to hold on to the oil-rich states which they claim are their homelands, the renewed civil war has affected oil production, exacerbating the South's economic woes. Thus the combination of divided leadership, a fragmented polity, and a fragile economy has wrought the self-fulfilling prophecy of state failure.

International engagement in South Sudan has reflected anxieties surrounding the success of the new state. Perceived correctly as the baby of the international community, international institutions and non-state actors have invested considerable efforts in helping Juba jumpstart its governance institutions. These efforts have been mixed. Because of weak state capacities, international actors have retained the parallel institutions for service delivery and humanitarian assistance that dominated during the civil war. Since the independence, Juba has tolerated parallel sovereignty as one of the necessary transitional sacrifices. As in most post-conflict domains, international actors have struggled to find a balance between support for reconstruction efforts and pressures on the government to promote accountability, responsibility, and ownership. Consumed by elite struggles for power and positions, the SPLM inevitably tolerated the status quo of international superintendence, clearly procrastinating on taking ownership of the development process. Three years into independence, the United Nations Mission to South Sudan (UNMISS) has retained a disproportionate role in all facets of governance in Juba and beyond. Perhaps as a sign of the changing nature of the relationship, the Kiir government recently accused UNMISS of colluding with Machar's rebels when the government intercepted UNMISS vehicles carrying arms (BBC News 2014).

While some donors have decried the absence of visible steps to build democracy and growing corruption in the public sector, most have comfortably settled in the structures of parallel sovereignty, reinforcing the elements of weak

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statehood (Pantuliano 2014). The latter have contended that, given the scale of destruction during the war, the absence of infrastructure, and low levels of development, South Sudan requires at least two decades of prolonged international handholding. From this perspective, precipitous pressures for democratization and good governance may impede the pressing objectives of creating functional state institutions. But the dilemma here is that sound investments in infrastructure, health, and education hinge on accountable and participatory governance that the fractious SPLM elites are not ready for. Worse, in order to postpone debates on democratic governance and conceal the descent into autocratic rule, some leaders in the SPLM have wrapped themselves around the ideological mantle of building a “developmental state.” The renewed civil war might refocus attention on the importance of building state institutions through strengthening democratic governance. Other international actors have shied away from the pretences of democracy promotion because they prioritize economic interests, notably access to oil and other investment contracts.

What Can Be Done?

State failure in South Sudan is not preordained and can be reversed through creative regional, international, and national initiatives. Following the onset of the conflict, the Intergovernmental Authority on Development (IGAD) and the African Union (AU) launched mediation efforts to heal the rifts in the SPLM. IGAD has a history of engagement in Sudan and is well placed to oversee a reconciliation that recognizes the significance of South Sudan to the security of the Horn of Africa. IGAD states—Ethiopia, Kenya, and Uganda—have some leverage over Juba because of their economic investments. Although Uganda’s autocratic leader, Yoweri Museveni, initially intervened militarily to shore up President Kiir’s sagging military fortunes, his IGAD partners have persuaded him that this course of action will only prolong the conflict. Since the IGAD initiative started in January 2014, other actors such as South Africa have dispatched envoys to put pressure on both sides and the AU has established a commission to probe the origins of the violence. The parties signed a ceasefire agreement in January 2014 that was supposed to form the basis for negotiations for a durable political settlement, but a stalemate ensued as both sides accused each other of breaching the agreement (Allafrica.com 2014a). Regional mediation efforts need to focus on a sustainable ceasefire that would allow broad-based national consultations on a lasting constitutional order, not a bilateral agreement between Kiir and Machar. With the assistance of its neighbours, it is not too late for South Sudan to address unresolved national questions that have lingered since the experiment with political autonomy in the 1970s. Without solutions to these problems, South Sudan will become an even weaker partner in the bilateral negotiations with the North. Furthermore, efforts by regional states to integrate South Sudan in the East African Community (EAC) will not succeed without a speedy return to political normalcy.

International actors who have held Juba’s hands since independence should use their leverage better. In early April 2014, the Obama administration imposed some financial measures and a travel ban on South Sudan leaders, potentially paving the way for the European Union (EU) and UN to follow suit. Frustrated with the lack of movement in the peace process, Obama signalled tougher measures in the future if the leaders fail to return to the IGAD negotiations (Allafrica.com 2014b). Rather than maintaining the blanket policy of rewarding bad governance and corruption, the international community ought to be more forceful in the support for democratic governance in South Sudan. Although there are widespread problems of democratizing dominant parties and movements after civil wars, donors missed the opportunity to advance pluralism by pegging their intervention fortunes entirely on the SPLM. As the SPLM has become fragmented and incoherent, it may be necessary for international actors to support alternative voices and structures in South Sudan. In addition, there have hardly been serious efforts to demilitarize politics, the militarization being both a cause and an outcome of the ongoing crisis.

Ethnic conflicts in South Sudan are real, but they can be managed through national efforts that privilege reconciliation and power sharing. As in most post-colonial African states, ethnic conflicts often reflect elite insecurities rather than widespread animosities among communities. The other lesson that is significant from across Africa is that ethnic mobilization camouflages class and individualistic interests that are divorced from the broad objectives of nation-building and reconstruction. South Sudan lacks a national coalescence that could be translated into national institutions. In addition to overcoming the dominance of elite priorities and concerns, the leaders need to jettison the dangerous exile mentality which prevents them from investing energies at home and forging solid national ties to address years of conflict and confrontation. Regional and international actors can help, but cannot determine the

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pace and shape of urgent measures to work on a constitution, demilitarize politics, and diversify the economy.

Conclusion

South Sudan faces state-and nation-building challenges that have marked most post-colonial African states. But the prolonged civil war that decimated institutions, the short period in which to prepare for self-determination, and the unresolved bilateral issues with the North have imposed additional hurdles on the leaders as they have scrambled to translate secession into functional and participatory institutions of governance. In the absence of these institutions, the relapse into civil war was predictable. Abundant natural resources and international generosity have afforded South Sudan a better foundation for state viability than most of the post-colonial and post-conflict states, but the leaders will need to resolve their differences quickly before they can go back to the urgent tasks of building the state and nation. Hopefully the current war will be a wake-up call for South Sudan to reclaim itself as a diverse nation within the regional and international environment.

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About the author:

Gilbert M. Khadiagala is Jan Smuts Professor of International Relations and Head of Department at the University of the Witwatersrand, Johannesburg, South Africa. He is the co-author (with Ruth Lyob) of *Sudan: The Elusive Quest for Peace* (Lynne Rienner: 2006).