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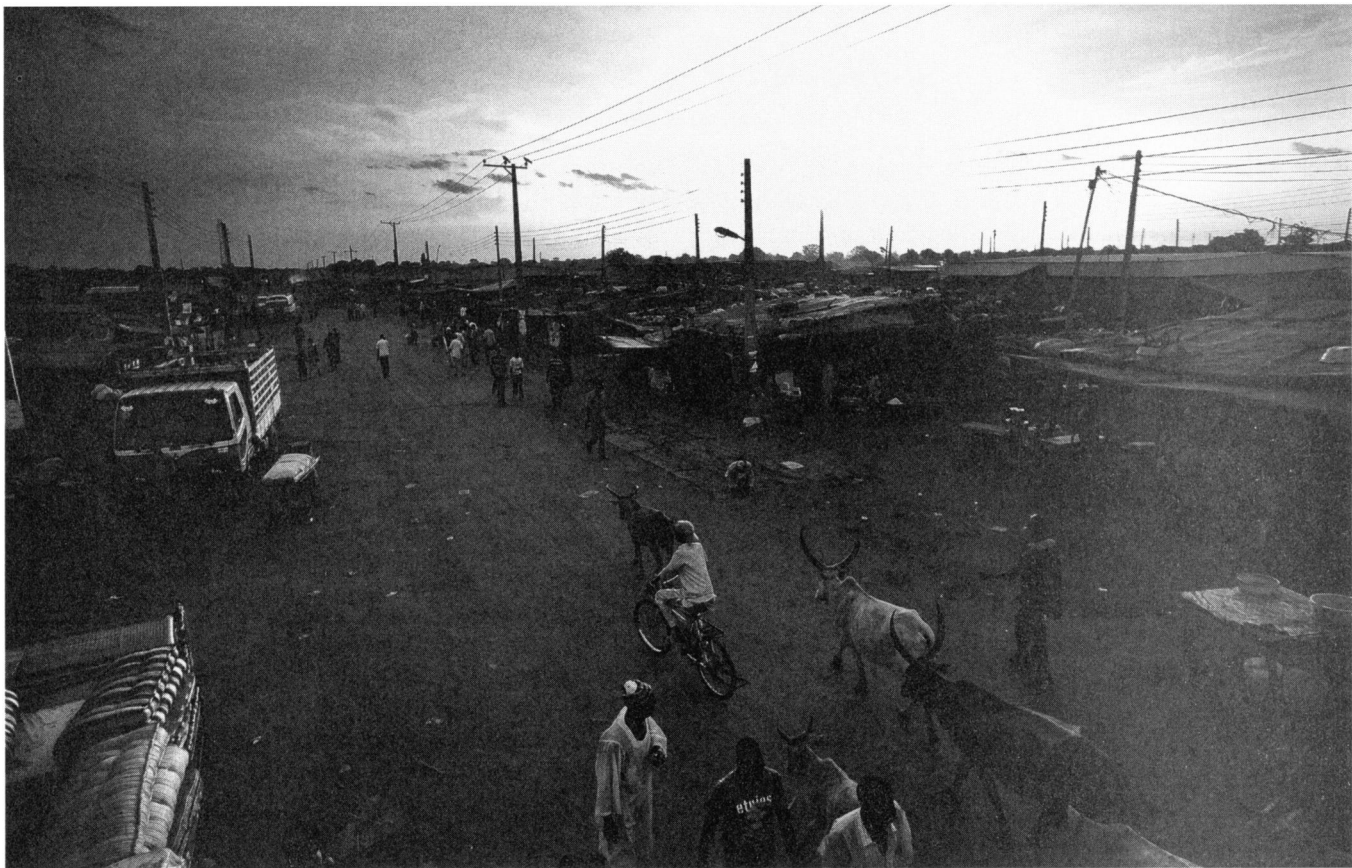
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Shantytown outside of Bentiu, Unity state, has poles but no electricity.

TREVOR SNAPP

A Journey of a Thousand Steps

The Challenges of State and Nation Building in South Sudan

Marie-Joëlle Zahar

On July 9, 2011, South Sudan will officially become independent. When southern Sudanese voted in the January 9 referendum on independence, they sought to affirm their African identity and shed the Arab identity that they felt had been imposed upon them by successive regimes in Khartoum. They also signaled their desire to be masters of their own destiny, displaying their lack of trust in the north's ability to meet their demands for fair sharing of wealth and power. But Africa's newest state will continue to share characteristics with the "old" Sudan that, if they are not addressed, bode ill for its prospects of a peaceful, democratic future. Much like northern Sudan, South Sudan will face three key challenges: diversity, democratic governance and security threats. In spite of its symbolic importance, the July 9 independence date marks not an end but a beginning on the arduous road of state and nation building.

Diversity

"At the moment, South Sudan is only slightly more than a geographical expression."¹ This assessment by Jok Madut

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Jok, undersecretary in the Government of Southern Sudan's Ministry of Culture and Heritage, speaks to the challenge ahead. With over 70 cultural and linguistic groups, South Sudan is as internally diverse as the whole of Sudan before separation. Its history is rife with inter- and intra-group conflict that has cost many lives during the 22-year war with the north, the implementation period of the 2005 Comprehensive Peace Agreement and the lead-up to independence.

South Sudan's internal violence is often described as tribal. Meted out by young men with easy access to small arms and light weapons, the violence is most intense in "drought-prone areas with a scarcity of water and land," underscoring the extent to which tribalism is in fact a political tool used to rally support and strengthen the claims of some at the expense of others.² Tribal tensions are exacerbated by the perception that the Dinka tribe dominated the Sudan People's Liberation Movement/Army (SPLM/A) that fought Khartoum and that they thus dominate the Government of Southern Sudan with which Khartoum signed the peace deal. In Western Bahr al-Ghazal state, for example, Ndogo elders link the behavior of Dinka cattle keepers who have stopped asking for permission to graze on Ndogo lands to the predominance of the SPLA.³

This distrust is echoed in the findings of National Democratic Institute focus group research in which southerners express strong concerns about corruption, ethnicity-based hiring and nepotism in the post-referendum government. Summing up these concerns, a Madi woman described the biggest post-referendum challenge as “the threat of Dinka marginalizing the other tribes in Southern Sudan.”⁴

One of the most serious conflicts—which erupted in violence in January 2009 in the town of Malakal—pits the Shilluk against the Dinka. Rooted in different memories of the borders that separated the two communities before 1956, when the contemporary map of the country used in the peace deal was drawn up, the conflict is overlain with a number of political tensions. The Shilluk mostly sat on the “political and strategic fence” during the north-south conflict; Fashoda county, the heart of the Shilluk domain, was not an SPLM stronghold, but was controlled by Khartoum’s forces for most of the war. Furthermore, the Shilluk area is home to Lam Akol, architect of a split within the SPLM in 1991, subsequent affiliate of Khartoum and recent founder of the political party SPLM-Democratic Change.⁵ The Shilluk feel a strong sense of marginalization as a result. They claim that they are being made to pay for their political choices and offer the underdevelopment of Kodok, the headquarters of Fashoda county, as proof.

Internal violence is also attributed to the machinations of the Khartoum government. Many southerners believe that the north’s ruling National Congress Party (NCP), though it has formally accepted the results of the referendum and says it intends to respect them, has not given up on its attempts to destabilize South Sudan. For example, Khartoum is regularly accused of flying in arms and cash to the troops of rebel commander Gen. George Athor, whose forces operate in the southern states of Jonglei and Upper Nile. Athor broke ranks with the SPLM in 2010 over dashed hopes of being nominated on the party slate in the April 2010 parliamentary elections. Such accusations sound particularly convincing in May 2011 as northern troops have taken over the disputed region of Abyei, set fire to the eponymous town and looted the property of its mainly Dinka inhabitants.

South Sudan’s social fabric is as diverse as it is fractious. While the various southern tribes and political forces joined together to fight the north, the unity of purpose that papered over differences is fraying at the edges. Building the nation will therefore be essential for southern Sudanese to move forward. There are few signs, however, that nation building is a priority for the governing SPLM. To date, such efforts have been limited and easily reversed, as the fate of the “south-south dialogue” attests.

The notion of a south-south dialogue dates to an April 2005 meeting of southern political, military and civil society leaders in Nairobi. This meeting resulted in the Covenant of the People of South Sudan, a document that committed the signatories to work hand in hand to unite southerners of all stripes in working for the implementation of the Comprehensive Peace

Agreement.⁶ In 2008, the SPLM agreed to revive the “south-south dialogue” following the formation of the All Southern Sudan Political Parties Conference, an umbrella group of smaller political forces. Intended to address tribalism, corruption and insecurity, the meeting also stressed the need for unity of purpose among the people of South Sudan.

Though laudable, the efforts were short-lived. In the words of one observer, the SPLM has “largely attempted to remove—not harmonize—political differences and challenges to the ruling party, using military force, harassment and oppression.”⁷ During the April 2010 elections, for instance, international observers reported a “high incidence of intimidation and the threat of the use of force” and “state interference in the campaigns of opposition candidates.” According to the International Crisis Group, “arbitrary detention, strong-arming by the SPLM and direct interference in polling” contributed to widespread resentment.⁸ Efforts to mend fences were exerted, once again, ahead of the January 2011 referendum, with SPLM leader and Juba government head Salva Kiir granting amnesty to rebel commanders and holding a five-day all parties’ conference in October. Since the referendum, however, the SPLM seems to have backed away from its commitment to consultation and inclusivity in decision-making. It has been particularly criticized for the way in which it formed the Technical Review Committee responsible for proposing amendments to the country’s constitution in preparation for independence as well as for the preliminary recommendations of this SPLM-dominated committee, which has granted wider powers to the south’s president in appointing and removing state governors. As Kiir serves as president, this move further centralizes power in the hands of the SPLM.

In brief, there is little indication that meaningful dialogue is likely to happen in the short to medium term. Accommodating diversity seems to have been reduced to its most superficial political dimension, with parties rather than citizens the main target of government efforts. Furthermore, the government’s track record does little to allay the fears of those who see in these limited nation building efforts an astute strategy for consolidating one-party rule.

Governance

According to one development firm’s assessment, South Sudan faces “perhaps the greatest state-building challenge in the world today.”⁹ Indeed, the new state starts from such a low baseline that it almost stands in a category of its own. With a total population of 8.26 million, 72 percent of whom are under the age of 30 and 51 percent of whom live below the poverty line, the new country’s needs are immense. Only 27 percent of the adult population is literate.

Experts further estimate that, beyond a core group of about 50 senior officials, there is a “chronic shortage” of South Sudan citizens capable of addressing these challenges. In recognition of this state of affairs, the international community and

the nascent government in Juba have focused their energies on building institutions, including the central ministries, ten state governments and critical public administration functions. A report issued in 2010 estimated that “basic planning, budgeting and financial management systems are now in place. As a result of this and the increased security, provision of basic services has sharply increased, albeit from an extremely low base.”¹⁰

This meager capacity of the new state could cause a serious challenge to its legitimacy and authority. Most southern Sudanese consider that the period since 2005 has failed to deliver a “peace dividend.” On the morrow of independence, citizens will want their state to “start acting like a government and a provider of services.”¹¹ National Democratic Institute focus group research has established that even the most contented of southerners, the Dinka of Northern Bahr al-Ghazal, Upper Nile and Lakes states, “are not fully satisfied with what the government has brought them.”¹² Participants want better performance from the state in building infrastructure, providing tools for agriculture, controlling floods and supplying teachers, doctors and police. But the immensity of the task means that even the most competent and willing government will not be able to provide services as quickly as citizens desire. To illustrate the scope of the challenge, consider estimates that South Sudan needs to spend \$7 billion to connect its main towns with roads when its entire 2009 budget was \$1.44 billion.¹³

Beyond the weakness of state institutions, two other difficulties are likely to stand in the way of the establishment of democratic institutions: centralization and the lack of a clear line between state and ruling party. In large and diverse countries, decentralization is acknowledged as the only viable path to accountable and representative government. In South Sudan, where people suffered for decades under the thumb of Khartoum, the diffusion of power is vital. In spite of the promise of the late SPLM leader John Garang to “bring the towns to the cities,” the principles of decentralization and devolution have remained mostly ink on paper. Describing the state of affairs, the International Crisis Group states: “Government presence outside of Juba is concentrated mainly in state capitals, which are often small towns themselves where infrastructure and trained administrators are limited.”¹⁴

By its own admission, the government in Juba has not given priority to the twin objectives of decentralization and devolution. The Local Government Act was voted into being only in 2009. The Act attempts to standardize local administrative bodies and provides for commissioners to be elected locally or, should elections not be possible, appointed by state governors on an interim basis. In reality, the authority to appoint governors and sign off on selections of county commissioners has rested almost exclusively with the president. This power has been used as a vehicle for nepotism and is shaped by tribal calculations. The government in Juba has carved up South Sudan along tribal boundaries in another attempt to

consolidate power. Such practices are detrimental to democratic governance; they feed ethnic division, foster conflict over limited resources and entrench unaccountable power structures. More damaging to state legitimacy, these practices break one of the promises made to South Sudan’s citizens. According to respondents in a youth focus group discussion in Upper Nile state: “Garang set up an initial system of caretakers. He made that arrangement to diffuse tribalism. When he died, the leadership broke Garang’s arrangement.”¹⁵

Last, but not least, one of the failings of the Comprehensive Peace Agreement was to elevate the conflict between north and south over other struggles pitting Khartoum against the periphery, whether in Darfur or the Nuba Mountains. In so doing, the accord gave special status to both the ruling NCP and the SPLM. Some go so far as to argue that the agreement “inadvertently sowed the seeds for one-party rule.”¹⁶ Indeed, not only did the peace deal give the SPLM partner status in the transitional unity government on par with the NCP, it also mandated 70 percent SPLM control of the executive and legislative branches at both central government and state levels. This state of affairs was intended to last only halfway through the interim period but delays in implementation meant that the SPLM managed to maintain control for most of the interim period.

The blurred distinction between party and state is worrisome for its implications for multi-party politics in South Sudan, and for transparency and accountability as well. The opposition contends that the SPLM, as a “darling of the West,” has siphoned off substantial US and other aid funds intended for state building efforts, pushing out technocrats unaffiliated with the party.¹⁷ Concerns that the public purse may be used for private purposes were highlighted in 2008 when the disappearance of millions of Sudanese pounds of donor funding came to light. In 2009, a report prepared for USAID described the situation as follows: “The government’s lax fiscal discipline, in part fueled by windfall oil revenues and large inflows of international aid, has resulted in some questionable financial irregularities and leakages, some sign of ‘Dutch disease’ and rising inflation. The government has gone on a consumption binge piling up arrears. A fiscal crisis emerged in early 2009.”¹⁸

With concerns over its accountability at center stage, in June 2009 the government made a verbal commitment to tackle corruption and appoint an auditor general in the Juba Compact, an agreement with the donor community. The South Sudan Anti-Corruption Commission was set up as an autonomous and impartial body in conformity with the law. The Commission was mandated, *inter alia*, to investigate cases of corruption and administrative malpractice with a view to protecting public as well as private property. It is noteworthy, however, that as recently as late 2010, the southern press whirled with rumors of misuse of public funds involving very high-ranking members of the SPLM and government, including Vice President Riek Machar. Moreover, in its 2011 budget plan for the “accountability sector,” Juba’s finance ministry said it was unable to produce an

anti-corruption strategy due to lack of funds and “some lack of cooperation” from other government agencies.

Last but not least, the fuzzy line between party and state exacerbates tensions over official appointments, which are often seen as no more than rewards for loyalty. A good example is the unofficial preference that county commissioners have a military background, preferably in the SPLA. Taken together with the redrawing of administrative divisions along tribal lines, this practice has turned many counties into de facto “ethnic fiefdoms,” with predictable consequences for popular trust in government. In Upper Nile state, youth representatives told researchers, “County commissioners just think about their own safety and disregard the community.”¹⁹

Monopoly of Violence

With the worst of the war with the north in the past, a survey undertaken in 2008 by the North-South Institute in collaboration with the Center for Peace and Development Studies at the University of Juba found that 77.2 percent of respondents recorded an overall improvement in security. Only 3.1 percent of respondents felt less secure than during the war. The survey noted, however, that 21.4 percent reported a decline in security over the three years since the signing of the Comprehensive Peace Agreement.²⁰ The discrepancy points to the challenges that await independent South Sudan in establishing public safety and a uniform rule of law.

One problem is the lawlessness of the rulers themselves. In spite of progress in transforming the SPLM into a civilian body, the party (and by extension the government) remains partly in the grip of a military culture that privileges the use of force. During the April 2010 parliamentary elections, monitors and agents of opposition parties complained that the SPLM called out its army to “create an atmosphere of intimidation.” There were numerous reports of campaign workers for independent candidates being beaten outside polling stations.²¹ Juba has undertaken to transform the SPLA from a guerrilla force into a regular army, but observers point out that SPLA soldiers and officers, particularly those who have been decommissioned, continue to use army-issue weapons for personal enrichment, such as to grab land and steal cattle. The Southern Sudan Police Service is absorbing demobilized SPLA soldiers at a rapid clip, but they are scantily trained for their new duties, for which in any case they lack the equipment. Indeed, many of the 2008 survey respondents saw the security forces as major sources of instability and human rights abuses.²²

South Sudan may face external threats as well. The disputed region of Abyei is once again aflame. Pressed by the international community to back down, President Omar al-Bashir in Khartoum has been defiant, claiming that the area belongs to the north, as his government did when it rejected the demarcation of the border by the Abyei Boundary Commission. The battle over Abyei raises fears for the entirety of the border between the two Sudans, north and south. The borderlands are the source of

livelihood for many communities, including northern pastoralists who depend on access to pastures located in the south. Adding to fears is the tension in the two border states of Blue Nile and Southern Kordofan, which, although they were awarded to the north by the 2005 accord, were given special status and mandated to hold popular consultations to evaluate citizens’ satisfaction with the relationship to Khartoum. The populations of Blue Nile and South Kordofan include a substantial number of SPLM members and SPLA fighters who have not yet been demobilized.

Although the July 9 declaration of independence will mark the culmination of a long struggle for South Sudan, it is also likely to usher in a journey of a thousand steps in difficult terrain. The new polity must construct a national identity that accommodates the diversity of its citizens and moves beyond their one common yearning to be free of Khartoum’s yoke. It must lay the foundations for democratic governance. Last but not least, if South Sudan wants to counter naysayers who claim it has the makings of a failed state, it will have to show willingness to protect its citizens from internal and external threats. All of this is a tall order, to say the least. And while the renewed violence in Abyei might give the government of South Sudan leeway as citizens rally around the flag, there is cause for concern over the medium to long term. Much as South Sudanese may want to distinguish themselves from the “Arab” north, the politics of the new state bear the stigma of the shared legacies of an undemocratic past. Overcoming these legacies will be no easy task. ■

Endnotes

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