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## SOUTH SUDAN: CASE STUDY IN POST-CONFLICT STATE-BUILDING

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**JCSP 40**

***Exercise Solo Flight***

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EXERCISE *SOLO FLIGHT* – EXERCICE *SOLO FLIGHT*

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## **SOUTH SUDAN: CASE STUDY IN POST-CONFLICT STATE-BUILDING**

### **Introduction**

On July 9<sup>th</sup> 2011, South Sudan gained its independence and became the 193<sup>rd</sup> member of the United Nations. This marked the culmination of a long and brutal armed struggle by the African South, against the Arab North. Post-conflict state-building is a complex and difficult task, regardless of the situation. South Sudan has certain advantages: a solid resource base to self-fund its government and the support of the international community to assist and mentor the capacity building. Without pre-existing government and institutions, many regarded South Sudan as *tabula rasa* to test the effectiveness of international support for state-building.<sup>1</sup> However, there are significant obstacles within South Sudan which obstructs their state-building efforts. These include: poor governance, no national identity, next to zero infrastructure, tribal and ethnic tensions, a power structure of nepotism and clientelism. This essay will seek to explain why, in spite of its advantages, South Sudan struggles with state-building and what is required to overcome their obstacles.

### **South Sudan: 50 years in the making.**

The history of the Sudan is one of colonialism and exploitation. Since the 7<sup>th</sup> century, the North has been influenced by the migration of Arabs and Islam. This

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<sup>1</sup> Greg Larson, "South Sudan: The road from the Paris Declaration to the reality of Juba 2005-11" *UNU-WIDER Working Paper*, No. 2013/141 (2013): 2.

culminated in the North being incorporated into the Ottoman Empire in 1820, and then Egypt in 1874. The South, known as the Sudd, was a vast swamp that made invasions and control by outsiders impractical. This left the South untouched and tribal in nature. It wasn't until the European scramble for Africa, that the South came under any form of administrative control. First the French (1892) and then the British (1898) became the colonial masters; both ruling powers located the administration and government offices at Khartoum in the North. With direct colonial influence, the North advanced and developed, whereas the South did not.<sup>2</sup> The religious separation (Muslim North versus the Animist and Christian South) underscored the vast historical, ethnic, cultural and political differences. In 1924, recognizing how disparate the two populations were, the British experimented with having the region split into two separate territories. However, in 1946, for efficiency, the two territories were once again united, with the government remaining in the North. The two areas of Sudan would remain unified until, and after, independence from Britain in 1956.

From the outset of an independent Sudan, the more developed and established Arab North dominated all facets of this new nation-state; politically, economically, developmentally and culturally. There was not equal representation in government or the civil service: The North held the majority of seats in the legislature, with 52 as opposed to 13 of the 800 civil service positions available at independence; Southerners only found their way to six seats.<sup>3</sup> The imposition of Islam, Sharia law and Arabic as the national language, attempted to instill Arab culture in the African South. Finally, all economic

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<sup>2</sup> Nadia Sarwar, Post-independence South Sudan: an era of hope and challenges, *Strategic Studies*, Volume XXXII, No. 2-3 (Summer & Autumn 2012): 174.

<sup>3</sup> Salman M.A. Salman, "South Sudan Road to Independence: Broken Promises and Lost Opportunities", *Global Business & Development Journal*, Vol 26 (2013), 350-351.

benefits and advantages were held by the North. There was a distinct lack of investment and capital provided to the South, while at the same, time the North was extracting wealth and resources through exploitation of the South.<sup>4</sup> This disparity and mistreatment created deep resentment and began a cycle of violence, rebellion and civil war in Sudan that lasted for 50 years.



**Figure 1.1 – Map of the North and South Sudan**

Source: [http://iba.int-bar.org/campaigns/image/Sudan\\_map.gif](http://iba.int-bar.org/campaigns/image/Sudan_map.gif)

<sup>4</sup> Sarwar, *Post-Independence South Sudan...*, 174.

## Global Response, Peace and Separation

The international community has been involved in South Sudan since the late 1970s. Early engagement was predominately a humanitarian response to food shortages. The long conflict had over two million civilian casualties and an enormous number of internally displaced persons and refugees within South Sudan.<sup>5</sup> War and periods of drought wreaked havoc on both commercial agriculture and subsistence farming, leaving the Sudanese in a continuous cycle of food insecurity, famine and starvation. South Sudan being quite fertile went from a net food exporter in the 1980s, to cultivating just four percent of its land in 2005.<sup>6</sup> When oil was discovered, it added economic and commercial impetus to the humanitarian reason to end fighting.

With direct involvement of the international community,<sup>7</sup> peace was negotiated and formalized by the Comprehensive Peace Agreement (CPA) on the 9<sup>th</sup> of January 2005. The CPA ceased formal hostilities between the North and the Sudan People's Liberation Movement/Army (SPLM/A). The agreement provided for the establishment of a secular, semi-autonomous Southern Sudan with its own executive, legislative and judicial institutions.<sup>8</sup> It also provided the South with the right for a referendum on self-

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<sup>5</sup> Robert I. Rotberg, *When States Fail*, (Princeton: Princeton University Press, 2003), 13.

<sup>6</sup> Isabel Martins, "From Crisis to Catastrophe", *Joint Agency Briefing Note* (Oxford: Oxfam International, 2014), 6.

<sup>7</sup> Larson, "South Sudan: The ...", 3. The international community in the case of South Sudan encompasses the UN, the EU, the AU, IMF, World Bank, USAID, and many other NGOs. Large western states were also directly involved, USA, UK and Norway being the largest with Canada, Denmark, and Sweden heavily involved.

<sup>8</sup> Jeremy Astill-Brown, "South Sudan's slide into Conflict: Revisiting the Past and Reassessing Partnerships", research paper for *The Royal Institute of International Affairs*, (Dec 2014): 4.

determination. Six years later, this referendum resulted in a 96% voter turnout with 98% support for independence.<sup>9</sup>

### **Opportunity and Support for State-Building**

The six years between the CPA and separation on July 9<sup>th</sup> 2011, was a period of relative peace with substantial international engagement. The focus was on security, development, and capacity building.<sup>10</sup> Foreign aid to South Sudan was significant. Starting in 2005, donor nations, NGOs and the United Nations provided over one billion USD of support per year from the international community.<sup>11</sup> Also, instrumental in mentoring the Government of South Sudan (GoSS) in the state-building was the technical assistance effort from United Nation (UN) and its agencies. To avoid duplication of effort or working at cross purposes, the international donor nations agreed to comprehensive coordination of aid in South Sudan. To do so, they established the Joint Donor Team to manage all development activities for the six major contributing countries.<sup>12</sup>

Efforts towards development and growth were not solely placed on foreign public aid. Private oil field development, with its corresponding economic activity was significant, stimulating some entrepreneurs and private investment, mostly in service and construction sectors.<sup>13</sup> The substantial arable land and the potential of gold and uranium deposits were seen as a solid basis for diversifying economic development. With the level

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<sup>9</sup> <http://southernsudan2011.com/>

<sup>10</sup> Kiretisak Toh and Prahlad Kasturi, "Foreign Aid in Post Conflict Countries: The Case of South Sudan", *Journal of Third World Studies*, Vol XXIX, No. 2 (2012): 204.

<sup>11</sup> Larson, "South Sudan: The . . .", 1.

<sup>12</sup> *Ibid.*, 3. These being the UK, Norway, Netherlands, Sweden, Denmark and Canada. The US was the largest single donor nation and while not a member of the JDT, there was consultation to reduce the duplication of effort and to allocate areas of responsibility.

<sup>13</sup> Toh, "Foreign Aid in Post Conflict. . .", 205.

of foreign aid, internal revenue sources, and the abundance of technical support, South Sudan was seen as well positioned for stable statehood. But many were less optimistic. In January of 2011, after the independence referendum, the Telegraph UK had a headline that read “Sudan Referendum: Birth of a Failed State.”<sup>14</sup> This underlined the acknowledgement of the significant obstacles in South Sudan that constrain or block state-building efforts.

### **Pre-Conditioned to Fail**

There are recognized conditions that indicate or provide basis for state-failure; the absence of effective government and institutions, a closed political process, inability to maintain order and provide security, lack of a national identity, ethnic (tribal) tensions, lack of infrastructure, and lack of economic opportunity.<sup>15</sup> All these factors were present in 2005, and continue to exist in South Sudan. However, poor governance has directly contributed to and exacerbated the other factors, leading to the deterioration of post-independence optimism and the current violent internal factional fighting.

Years of war and neglect from the North left South Sudan with little government capacity. The deficiencies were such that “the GoSS lacked the capacity to evaluate their own capacity.”<sup>16</sup> It was proposed that South Sudan follow a Federalist model of government. This requires central as well as regional offices. Only Juba and three of the

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<sup>14</sup> Peter Martell, “Sudan Referendum: birth of a failed state?” *The Telegraph*, 9 Jan 2011, last accessed 21 May 2015.  
<http://www.telegraph.co.uk/news/worldnews/africaandindianocean/sudan/8248001/Sudan-Referendum-birth-of-a-failed-state.html>

<sup>15</sup> Robert I. Rotberg, *When States Fail* (Princeton: Princeton University Press, 2003), 3-4.

<sup>16</sup> Larson, “South Sudan: The ...”, 17.



states had buildings available to house officials, and no communication system between them except satellite phones.<sup>17</sup> Not only were civil servants without a place to work or a comprehensive means to communicate, the vast majority of South Sudanese saw no tangible evidence of their government.

The existing SPLM leadership took over the government positions in 2005 without election. These high government officials in turn chose board members, advisors, judges and other technocrats as a function of political integration.<sup>18</sup> However, in reality this was a practice of political exclusion. Those at the top were chosen because of either their civil war record in the SPLA, to placate potential rivals, or to bring rebels back into the SPLM fold. This practice of awarding lucrative positions has created a one party system as the SPLM/A control all aspects of power. Use of tribal, family, or networks of clients consolidates power and prestige in relatively small groups, leaving most of the population unable to exert any political influence on their leaders.<sup>19</sup> Further, the number of ministries, boards, inquires and other government initiated bodies grew exponentially out of proportion to their portfolio and ability to act. This growth was expensive and often unnecessary, diverting funding away from infrastructure, education, health and other urgently required programs.<sup>20</sup>

These elites, with a strong sense of entitlement, use their government positions, client networks, and patronage appointments to enrich themselves.<sup>21</sup> Not only does the inflated government siphon funds for programs, so too does corruption and graft.

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<sup>17</sup> *Ibid.*, 3

<sup>18</sup> *Ibid.*, 20.

<sup>19</sup> Astill-Brown, "South Sudan's slide...", 11

<sup>20</sup> Wolfram Lacher, "South Sudan: International State-Building and its Limits", research paper for the *German Institute for International and Security Affairs*, RP 4, (February 2012): 21.

<sup>21</sup> *Ibid.*, 6.

Unfortunately, there seems to be little appetite to stop the practice of which so many are taking full advantage. For example in 2012, a total of 75 senior officials were simply asked to return the \$4 billion USD they had taken, but no further action was taken.<sup>22</sup> The corruption, patronage and nepotism of the political elite also extend to the military.

It is impossible to view the military and civil authority as distinct in South Sudan. Political leaders at every level held, or still hold, military rank.<sup>23</sup> As stated previously, political appointments are tied to civil war records to reward or maintain harmony. The penetration of the military into all facets of government has led one researcher to comment that “South Sudan is not a country with a military. Rather it is a military with a country.”<sup>24</sup> Without a distinct and separate civil authority, the military receives preferential treatment with 41% of the GDP going to defence spending.<sup>25</sup> This disproportional amount is at the expense of education and other social programs.

The SPLA is not a monolithic organization.<sup>26</sup> The military is factional along tribal lines and often loyalty is to individual leaders, not the nation and people. Most units are comprised of the same ethnic tribe as their commander and many ex-commander politicians retain a militia of tribal fighters. Leaders who feel they are not properly rewarded with certain positions simply take their followers back into the bush as rebels. The cycle of alternating between rebelling and supporting is fluid, rebels have been enticed back to government with a new position, and others have taken to the bush when

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<sup>22</sup> “South Sudan Officials stole \$4bn”, *BBC News*, 5 Jun 2012, last accessed 20 May 2015, <http://www.bbc.co.uk/news/world-africa-18326004>.

<sup>23</sup> Lacher, “South Sudan: International State-Building...”, 16.

<sup>24</sup> Astill-Brown, “South Sudan’s slide...”, 9.

<sup>25</sup> *Ibid.*, 10. From the 2014/15 proposed budget.

<sup>26</sup> Lacher, “South Sudan: International State-Building...”, 16-17.

not happy with their lot.<sup>27</sup> This selfishness and lack of vision undermines the state as it perpetuates violence as a means of negotiation and reinforces personal gain as the primary goal.

Without effective governance and funds being diverted from projects, lack of infrastructure constitutes a critical problem in South Sudan. First, without infrastructure there is little incentive for commercial agriculture or other industries to establish themselves in South Sudan. Goods cannot reach most markets, leaving only the larger centres with access to food and other goods. This affects the recruitment and employment of teachers and other professionals, leaving the hinterlands in a more primitive and disadvantaged circumstance. Secondly, lack of roads hinders the reach of the GoSS and the movement of the military and police to provide security against inter-tribal conflict.<sup>28</sup> Violent clashes over cattle and grazing areas commonly spiral out of control with little intervention from security forces. Finally, the lack of other infrastructure, such as water and power, prevents economic development and opportunity. Securing enough daily water is a constant and time consuming process that keeps family members occupied with survival rather than economic advancement. Lack of electricity prevents industry of any scale from taking place. The inability to use refrigeration, computers, machinery, and tools further impedes development.

The nascent national identity of South Sudan was based almost entirely on the shared struggle against the North.<sup>29</sup> Without government services, a lack of political

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<sup>27</sup> The worst example of this was in December of 2013 when a disagreement over presidential power between President Kiir and Vice President Machar spiraled out of control resulting in Machar gathering his forces in the northern states of Unity and Upper Nile and fighting. The violence and infighting between the two has paralyzed the country with as many as one is seven displaced and many thousands killed.

<sup>28</sup> Lacher, "South Sudan: International State-Building...", 8.

<sup>29</sup> Astill-Brown, "South Sudan's slide...", 5.

access and corrupt elite, many South Sudanese have lost faith in the ideals of statehood. The deep connection to tribe remains extremely strong and in the absence of a greater identity usurps state authority. Old tensions and arguments re-emerge. Fuelled by an abundance of small arms, lack of employment and opportunity, the intercommunal conflict over land and cattle between rival tribes creates displacement and instability. These factors have diminished what national identity there was, and the continuing cycle of intercommunal/tribal violence prevents development and state-building.

### **Conditions for Statehood in South Sudan**

A state has political authority over a defined area, is able to provide public goods, and maintain order in that area.<sup>30</sup> Since the CPA in 2005, these have been the goals for South Sudan. However, to date none of these criteria have been met despite the resources and efforts of the international community. Control by the government is tenuous. Historically, there had never been a central government in South Sudan until colonial rule, and even then it did not extend to the hinterland. This trend continues with government authority centralized in the capital Juba or localized to the areas around the provincial centres. Only in these regions is there any semblance of administration and rudimentary services.<sup>31</sup> Further, the GoSS is hindered by officials who place personal advancement and extraction of wealth ahead of state-building.

To be seen as viable, the GoSS must begin to produce some visible public goods providing a *raison d'être* to the citizens of South Sudan. The areas that may have the

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<sup>30</sup> Leashing the Dogs of War, 96-97

<sup>31</sup> Lacher, "South Sudan: International State-Building . . . , 9.

most immediate results are development and security. These two are linked and mutually supporting. Security brings confidence that enables public developmental aid and private entrepreneurial efforts.<sup>32</sup> Development brings economic opportunities which decrease desperation and sources of conflict through employment. Security and development in South Sudan exists in the centres where there is control and infrastructure, such as Juba and state capitals. As these centres increase in size and prosperity, the effects should slowly begin to spread out to other areas, especially if some of the development is on transport infrastructure.<sup>33</sup> Therefore, security and development are key to giving the GoSS political and geographical control of South Sudan.

Another aspect that would assist state-building is a shift from patronage to popular support. Rather than developing a client network of individuals, politicians and other leaders should seek large groups as clients. This is the basis of democracy; elected leaders who work for their constituents. Money for the GoSS needs to be better managed and controlled so that government programs benefit all, not just a few. Emerging states that provide social programs bring stability and lift states out of the weak or failing category.<sup>34</sup> Even the most basic public goods, such as roads, would bring legitimacy to the GoSS.

Finally, the international community will need to remain engaged with both developmental aid and technical assistance. The duration of the commitment and internal obstacles could have diminishing effects on donors, or cause donor fatigue and frustration. However, in spite of the underlying issues, the international community must

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<sup>32</sup> Heather Marquette and Danielle Besquick, "State Building, Security and Development: state building as a new development paradigm?" *Third World Quarterly*, 32:10 (Nov 2011): 1704-5.

<sup>33</sup> Lacher, "South Sudan: International State-Building . . .", 26-27.

<sup>34</sup> François-Xavier Merrien, "Social Protection as Development Policy: A New International Agenda for Action." *International Development Policy* 4, no. 2 (2013): 91.

continue to assist South Sudan in its state-building efforts. Failed states create unstable regions, bases for terrorism and transnational crime.<sup>35</sup> Having been deeply engaged for so long, there are indications that the international community's voice and will has weight within South Sudan.<sup>36</sup> Continued presence of the UN mission tempers the excesses of government and military. While the Government of South Sudan approves and directs which projects and programs are initiated, donors are increasingly directly funding and therefore bypassing officials. The international community must continue to evolve and change its approach to best assist South Sudan.

## **Conclusion**

Post-conflict state-building is a complex and difficult task. It takes many years to achieve, often with many false starts, periods of backsliding and adjustment.<sup>37</sup> South Sudan has the fortune of a solid resource base to self-fund its government and public goods. With the continued and adaptable support of the international community, capacity building will happen. The GoSS could recapture the imagination of its people with some movement towards good governance and provision of some basic services. Time will erode the military's grasp of society allowing those who aspire to the collective good to gain political office. Eventually security and development will spread, bringing increased opportunity. South Sudan has a difficult and long process ahead. With time and

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<sup>35</sup> Paul D. Miller, "The Case for Nation-Building" *Prism*, 3, No. 1, (2011): 64.

<sup>36</sup> Solomon Moore, "South Sudan Pulls Back From Brink of War", *Wall Street Journal*, 20 April 2012. Last accessed 22 May 2015, <http://www.wsj.com/articles/SB10001424052702303425504577355603346451804>

<sup>37</sup> Miller, "The Case for...", 71.

international assistance South Sudan can find the necessary configuration for success and will be able leave the failed state category.

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