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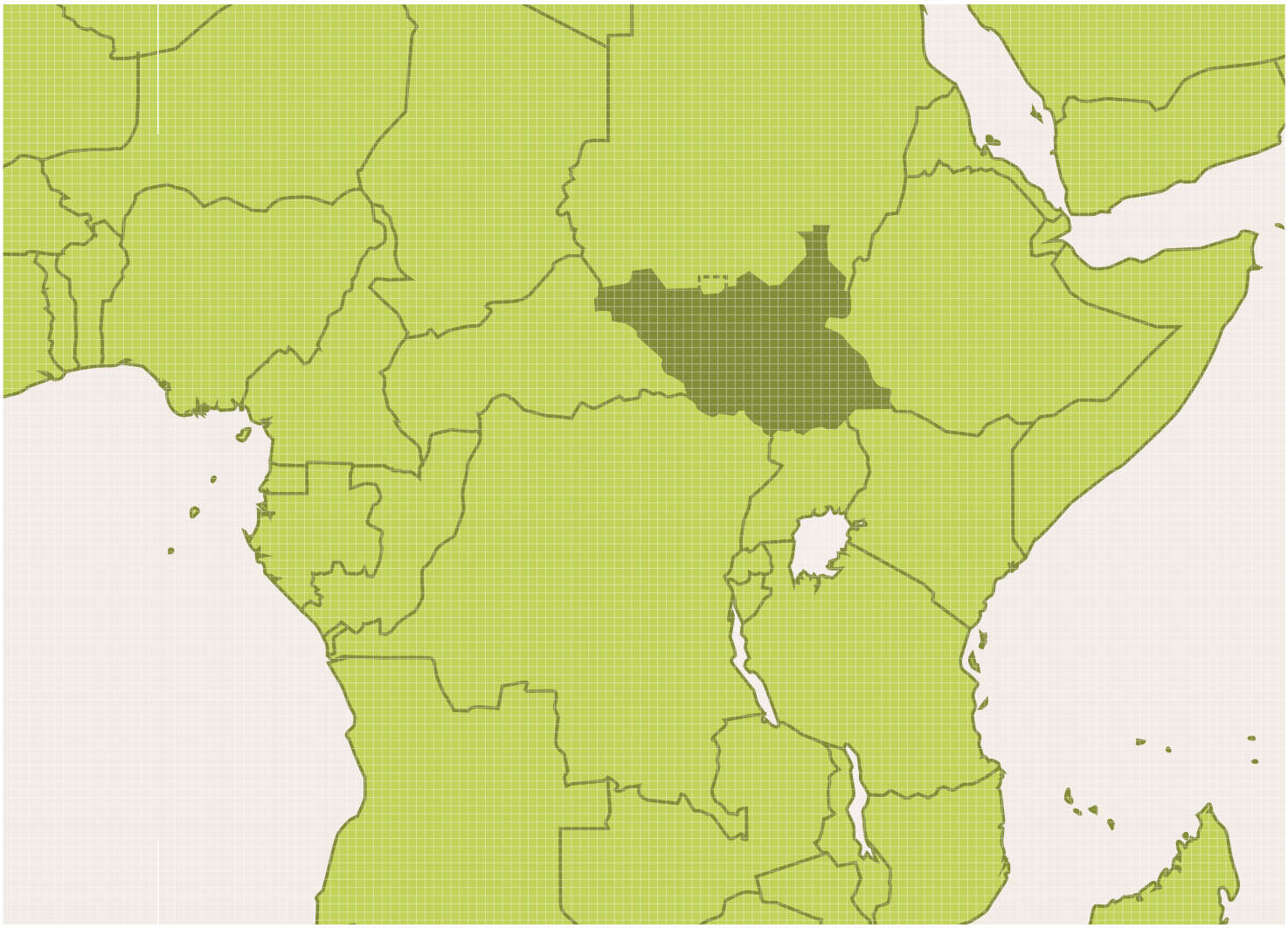
South Sudan: A Political Economy Analysis

Øystein H. Rolandsen & Nicki Kindersley



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Øystein H. Rolandsen & Nicki Kindersley

Peace Research Institute Oslo (PRIO)

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Map of South Sudan

South Sudan, Map No. 4450 Rev.1, October 2011, UNITED NATIONS

About the report

In June 2016, the Norwegian Ministry of Foreign Affairs (MFA) commissioned NUPI to provide political economy analyses of eleven countries (Afghanistan, Ethiopia, Haiti, Malawi, Mali, Mozambique, Myanmar, Nepal, Somalia, South Sudan and Tanzania) deemed important to Norwegian development cooperation. The intention was to consolidate and enhance expertise on these countries, so as to improve the quality of the MFA's future country-specific involvement and strategy development. Such political economy analyses focus on how political and economic power is constituted, exercised and contested.

Comprehensive Terms of Reference (ToR) were developed to serve as a general template for all eleven country analyses. The country-specific ToR and scope of these analyses were further determined in meetings between the MFA, the Norwegian embassies, NUPI and the individual researchers responsible for the country studies. NUPI has also provided administrative support and quality assurance of the overall process. In some cases, NUPI has commissioned partner institutions to write the political economy analyses.

List of acronyms

ARCISS	The Agreement for the Resolution of the Conflict in South Sudan
CNPC	China National Petroleum Corporation
CPA	Comprehensive Peace Agreement
CSO	Civil Society Organisation
EPRDF	Ethiopian People's Revolutionary Democratic Front
IDP	Internally Displaced Persons
IGAD	Inter-Governmental Authority on Development
IO	In Opposition
JCE	Jieng Council of Elders
JMEC	The Joint Monitoring Evaluation Commission for the South Sudan Peace Agreement
LRA	The Lord's Resistance Army
NDM	National Democratic Movement
NGO	Non-Governmental Organisation
NSF	National Salvation Front
ODA	Overseas Development Aid
PRIO	Peace Research Institute of Oslo
SPLA	Sudan People's Liberation Army (South Sudan government army, 2005–)
SPLA-IO	Sudan People's Liberation Army In Opposition
SPLM/A	Sudan People's Liberation Movement/Army (rebel group, 1983–2005)
SPLM	Sudan People's Liberation Movement (political party, 2005–)
SPLM-IO	Sudan People's Liberation Movement In Opposition
SSCC	South Sudan Council of Churches
SSDF	South Sudan Defence Force
SSP	South Sudanese Pound
SSPF	South Sudan Patriotic Front
TJWG	Transitional Justice Working Group
UN	United Nations
UNICEF	United Nations International Children's Emergency Fund

Preface

This report provides a comprehensive analysis of the current state of South Sudan. A main argument is that its political economy is fundamentally atypical: achieving independence in 2011 and dissolving into renewed civil war in 2013, South Sudan is suffering the crisis of a weak, neo-patrimonial guerrilla government, with fragmented military-political systems that stretch across its extensive borderlands. This report locates the current crisis within a longer and deeper context, and explores the power dynamics and centrifugal destructive forces that drive patterns of extractive, violent governance. These forces underpin today's economic and state collapse, civil war, famine, the flight of its people, and their local tactics of survival.

The analysis presents an inclusive picture of international and internal interventions for stability, conflict management and possible peace. Applying broader historical analysis, it dissects some common preconceptions about the role of politicised ethnicity in conflict, the idea of 'aid dependency', and the recent history of state-building.

The study investigation was conducted by Øystein H. Rolandsen and Nicki Kindersley from the Peace Research Institute Oslo (PRIO).[1] It builds on an extensive desk reviews and on research in Juba, South Sudan, and in Kampala, Arua and Koboko in Uganda. Interviews were conducted with approximately 90 people from various South Sudanese government departments; national academia, the media, and think-tanks; international donors, humanitarian, UN and embassy offices; and in Uganda, with international donor and embassy offices; refugee camp leaders and aid organisations; exiled politicians; refugee church members, youth groups, and businesspeople; and with spokespersons and military actors within opposition armed groups.

1 In Arua the team was assisted by a South Sudanese researcher, himself a refugee. PRIO Research Assistant Fanny Nicolaisen has also contributed with background research and drafting of text segments. NUPI provided comments on an earlier version of the report. The team wishes to thank all those who have donated time to participate in interviews and to otherwise assist us. Special thanks go to the personnel at the Norwegian Ministry of Foreign Affairs and the Norwegian embassies in Kampala and Juba who went out of their way to facilitate the study, and to Amanda Lucey and Liezelle Kamalo from the Institute for Security Studies who accompanied us during research in Juba in February 2017.

1. Introduction

South Sudan is in a state of crisis: its people are suffering under state collapse, political repression, armed conflict, economic breakdown, ethnicised violence, famine and displacement. All observers, and most South Sudanese parties, agree on the need for fundamental change.

But a solution is hard to find: since independence in 2011, repeated political, economic and military crises and dishonoured peace agreements have resulted in exhaustion and bad faith on all sides. There is little common ground, coherent strategy, or shared understanding of the problems and of possible ways forward. Many South Sudanese see violent revolution as the only path for ending this conflict and moving towards a new political future for the nation: in the meantime, they must face the challenge of surviving a third civil war.

The situation demands nuanced analysis that can bring together the scattered insights of observers and South Sudanese people alike. This report aims to provide an empirically grounded survey of the state of South Sudan today, emphasising the historical dynamics, socio-cultural mechanisms, and longstanding practices of conflict, governance and civil-war survival tactics. It focuses on three key questions:

1. What are the structural causes, drivers and directions of the multiple conflicts and collapse of governance in South Sudan?
2. How is the monetary and subsistence economy evolving, and how is it involved, in the current conflict?
3. What are the risks, challenges and opportunities for Norwegian developmental and political engagement in South Sudan in the short and medium term?

The report is structured to set developments at the national level in socio-economic and historical context. It presents the elite power dynamics, military-political systems, and macro-economic strategies of the current government; then examines the local impacts of these centrifugal forces and powers on local government collapse and tactics of economic and collective survival and social order.

Two caveats should be noted. Firstly, any study of South Sudan must emphasise the heterogeneity of politics and experience across the country. We have sought to illustrate the complex dynamics presented here with concrete examples throughout the text. As noted in our final reflections, actions taken in South Sudan over the coming years must be local as well as national. Secondly, the situation is changing rapidly. This report is written to emphasise the historical background and longstanding patterns and drivers of action and change in the country, rather than offering snapshots of current events.

2. Ethnicity, subsistence, and violence: misconceptions and preconceptions of South Sudan

What are the structural causes, drivers and directions of the multiple conflicts and collapse of governance in South Sudan? Many current explanations are grounded on three sweeping but misguided ideas:

1. The unknowability of ethnic violence: the current conflict is a result of the South Sudanese 'tribal mindset';
2. Humanitarian dependency: South Sudan and its people are overly dependent on foreign aid;
3. A blank slate: South Sudan started from nothing when it became independent in 2011.

This section aims to provide a brief reflective review of these generalisations, drawing on the recent history of South Sudan.

Ethnicity and tribal violence

Many international observers and national actors in South Sudan blame popular tribalism and inter-ethnic violence on the heterogeneity of the country's '64 tribes': a nation of distinct nationalities, each 'in their own separate enclaves',[2] entrenched in tribal patterns of political logic because of a general lack of education or literacy.[3]

The country's cultural and social diversity, its complex histories of migration, and the interlinkages of languages, ethnic sections and clans are often condensed by South Sudanese political agents and harried humanitarians into discrete supra-ethnicities like 'the Dinka' or 'Nuer', with bounded territories, and long separate tribal histories. This is a fundamental misreading of both the political instrumentalisation of ethnic identification in South Sudan today; and the long history of the nation's population.

The categories of 'ethnicity' may appear static and clear-cut, but this is historically inaccurate. Groups often referred to as 'historical enemies' – such as 'the Dinka and the Nuer' – have been linked for centuries through trade, intermarriage, migration, linguistic commonalities and creolisation.[4] The people of South Sudan are differentiated primarily through ancestry, family clans, linguistic specificities, migration routes, and political histories. Despite personally identifying with villages, home areas and clans, South Sudanese collective and individual histories often centre on migration. For centuries, clan and ethnic sections have constituted the basis for social security and self-protection, linking individuals into networks of mutual responsibility and welfare, through marriage, reciprocity, and debt – social, moral, and otherwise. This moral aspect of the local political economy closely resembles the practices of agro-pastoral communities elsewhere, from the clans of Somalia to the Sami reindeer herders of the Arctic.

Many of the myths around ethnic identity in South Sudan – specifically, that South Sudanese people view themselves primarily through tribal lenses, rooted in a bounded ethnic territory, and governed by chiefs and elders (now usually termed 'traditional' or 'customary' authorities) – are the same assumptions that underpinned the

2 Diplomatic source, Juba, 14 February 2017.
3 UN source, 14 February 2017.
4 See Willis et al. (2012), *The Sudan Handbook*, 72-3, 82-5.

latecolonial strategy of the British administrators of the Anglo-Egyptian Condominium from the around 1900 to 1956. Cheap governance was applied through formalising a system of territorialised tribes under chiefs; if the population in an area was not concentrated within clear territories, or lacked clear chiefly authority, the colonial administrators forcibly moved populations and attempted to create amenable 'traditional leaders'.

These ideas can be usefully termed 'political tribalism', as distinct from the more complex ethnic and clan solidarities described above. This political tribalism has been mobilised by colonial and post-colonial governments, and by the independent government today, as a useful tool in seeking constituencies of support; and has been entrenched locally by successive governments' impositions of administrative boundaries and structures set on, or set up to exploit, ethnic solidarities and competition for central resources, land, and power.

An economy of dependency?

South Sudan is commonly understood as being a severely undeveloped subsistence society, divided into pastoralists and agriculturalists, who continue to fight age-old conflicts over land and grazing rights. The country's natural resources are areas presented as unexplored no-man's land, ripe for exploitation. Many humanitarians emphasise how, after successive civil wars and displacements, the population has become dependent on aid; international observers frequently decry how humanitarian and donor funds appear to be underpinning the economy.

Again, these summaries and generalisations disguise far more complex realities, not least the basic misreading of the diverse economic geography of South Sudan. The country's rivers, plains, flood patterns, forests, and cross-border ecologies and migration routes create many regional systems, rather than national, economic ones. No one is wholly pastoralist or agriculturalist: the vast majority of people are agro-pastoralists. The many Dinka, Shilluk, Murle, Mundari and Nuer communities are not purely cattle-herding 'nomads', but are also farmers and fishers. And while many rural and village residents continue to be largely subsistence agro-pastoralists, people across South Sudan have moved around for generations, pursuing seasonal employment, education, and trade, including the extraction of natural resources such as gold and teak. Urban growth, particularly since the 1970s, has created internal market economies. The exploitation of these natural and labour resources has been the focus of outsiders and governments for centuries, from the slave, ivory and gold trades of the 1700s onwards.

Similarly, South Sudan's population is not over-dependent on aid; most people are not regularly reached by humanitarian endeavours, let alone rely on it exclusively. Aid provision is one part of many complex and fluid survival strategies (see 'The breakdown of local government' section), and is seldom expansive enough to threaten deeper-rooted community systems of social security and protection of the most vulnerable.[5] That being said, however, insecurity and (forced) migration have certainly been detrimental to the social fabric of areas hardest hit by civilwar violence.

Humanitarian and development aid has been co-opted into successive state and rebel governance strategies since the 1960s to the present day (see 'The politics of economic governance' below), but has remained a less important part of the overall economy. Oil production came online in the late 1990s, and became Sudan's main revenue earner by the turn of the century. In recent years, the Government of South Sudan has applied unsustainable stop-gap measures like oil futures and loans; these continue to outstrip any aid or development incomes. And while humanitarian and development communities rightly bemoan the economic mismanagement, corruption, failures of economic planning and lack of social welfare provision, the aim of successive South Sudanese governments has been to capture resources, rather than to create a social welfare system. National revenues bypass the people through relatively established patterns

5 For a discussion of South Sudanese concepts of vulnerability, see Harragin and Chol (1999), 'The Southern Sudan Vulnerability Study'.

of personalised finance and resource exploitation that benefit the political-military elite as well as foreign agents.

Liberation wars and violent governments: the complex history of South Sudan

This third introductory section surveys key periods in the history of South Sudan, building on the economic and social background presented above. It provides a basic historical background to the remainder of this report and implicitly debunks the widespread idea that the South Sudan state had to start from nothing when it became independent in 2011. As will be shown, legacies of slavery, exploitation, neglect and organised violence underpinned an already established state system – fundamentally obstructing reform.

Violent economies, long colonial legacies, and underdevelopment

The successive wars in South Sudan are rooted in long-established patterns of authoritarian, violent, and extractive governance of the pre-colonial, colonial and post-colonial periods, which concentrated economic and political power at the centre.

Government practices of often-violent management of populations and economies are legacies of South Sudan's place in the slave-raiding economies of the 19th century. As states expanded their colonial reach into Africa, the upper Nile became a periphery of Turko-Egyptian empire and then, in 1899, came under Anglo-Egyptian rule. Continued recruitment to slave and conscript armies during this period, the militarisation of local societies through 'pacificatory' raids and colonial economic predation, and the exploitation of labour via co-opted 'chiefs' – all these affected the development of the state in South Sudan to the 1940s.

The systemic underdevelopment practised by the Sudanese government, combined with direct abuse on the part of administrators, fuelled regional grievances that sparked a mutiny in Torit in 1955, which the South Sudanese people of today consider the beginning of the nation's struggle for independence. Continued repressive actions of the independent Sudanese regional administration and military from 1955 to 1963 ignited a civil war across South Sudan, led by guerrilla groups collectively known as the 'Anya-Nya'. After brief negotiations, the Addis Ababa Agreement was finally signed in 1972. It allowed for regional administration but not Southern independence, and is retrospectively seen as a mistake by the Southern leaders of that time. During the 1970s the agreement was undermined by the Sudan government's systematic neglect of key provisions, as well as by strikes, mutinies and localised rebellions, often led by poorly-integrated ex-Anya-Nya fighters.

The second civil war: 1983-2005

The dismantling of the regional government; the discovery of oil on the North/South borderland territories; the siting of an oil refinery at Kosti in northern Sudan (seen as taking the oil profits away from the South); and the national government's attempts to build a canal across Jonglei – draining tracts of land and changing the local ecology to benefit northern agricultural schemes – re-ignited mass grievances across the South and sparked the Bor mutiny in 1983. That year, the Sudan People's Liberation Movement/Army (SPLM/A) was formed under the leadership of John Garang de Mabior.

The first stages of the war saw a gradual strengthening of SPLA fighting capacity, the struggle for dominance among rebel factions, and general destabilisation across South Sudan. By 1986, the warfare had escalated into large-scale battles between the Sudan Armed Forces and the increasingly cohesive SPLA; by 1987, peace negotiations had begun, aid corridors were organised, and SPLM/A 'liberated territories' emerged. By 1990, most of South Sudan was under rebel control.

The SPLM/A split dramatically in 1991, which resulted in the forming of breakaway groups and internal fighting during most of the 1990s. The main opposition to Garang was headed by Riek Machar, initially allied with Lam Akol as the SPLA Nasir Faction. The war became increasingly intra-Southern, with warlords like Paulino Matip, Kerubino Kuanyin Bol, Gatluak Deng, Martin Kenyi, Clement Wani Konga and others leading regional and ethnically-rooted

militias that were often formed in response to local SPLA predation, and generally funded and armed by successive Khartoum governments as a form of proxy warfare. Many of these militias and warlords became loosely affiliated as the South Sudan Defence Force (SSDF) in 1997.

The SPLM/A of these civil war years was a constantly morphing alliance of personalities, coalitions and factions. Many SPLA recruits absconded back to their home areas to form protection groups or create regional SPLA units. The SPLA expanded into Greater Equatoria and northwards into Sudan's borderlands of South Kordofan and Blue Nile. As battlefields shifted, various regional populations experienced famine, military predation and violence.[6]

During the final phase of the war, the SPLA regained ground and reintegrated many breakaway militia groups. Peace negotiations facilitated by the Inter-Governmental Authority on Development (IGAD), initiated in 1993, gained momentum in the early 2000s after the USA threw its weight behind the initiative. Negotiations first resulted in the Machakos agreement in July 2002, in which the Sudan government agreed to a referendum for self-determination for South Sudan, while the SPLM/A had to abandon their demand for a secular Sudanese state. Ensuing years of intense negations resulted in the Comprehensive Peace Agreement (CPA) signed on 9 January 2005. The agreement set out arrangements for an interim period, to expire on 9 July 2011. The CPA was 'comprehensive' because it included provisions for security arrangements, wealth-sharing, power-sharing, the fate of three contested areas (Abyei, Nuba Mountains and Southern Blue Nile), as well as a cease-fire agreement and a UN peace-keeping monitoring mission.

The Comprehensive Peace Agreement, and early independence

The terms of the CPA provided for a post-2005 confederate Sudan, with broad autonomy for South Sudan: including a separate army, a president, a secular state, and a branch of the central bank. John Garang became the first vice-president of Sudan. With the sudden death of Garang soon after the CPA, Salva Kiir Mayardit – a career soldier and the nominal second-in-command – replaced Garang both as first vice-president and as chairman of the SPLM.

The CPA period was marked by a series of compromises and delays to the implementation of the agreement, and an entrenched crisis of corruption, mismanagement and infighting within the SPLM government. Although the provisions for wealth-sharing were basically followed and the referendum on independence was implemented on schedule, important aspects of implementation were delayed, such as elections and the security arrangements; and some were not implemented at all – most importantly, the referendum on the future status of the contested Abyei area. The war in Darfur undermined collaboration between the Khartoum government and the SPLM. In February 2006, Kiir brokered the Juba Declaration between the SPLA and other Southern militia groups, formally integrating most of the other armed groups into the SPLA. Although this agreement was vital to maintaining the peace in South Sudan, it entrenched the factional militia character of the SPLA, and vastly expanded the governmental armed forces during a period of supposed demobilisation.[7] The Declaration partly underpinned the emergence of minor rebellions in the South in 2010, sparked also by the 2010 elections which both entrenched the SPLM's position as South Sudan's ruling party, and brought internal divisions in the fragile SPLM coalition[8] (see 'The political-military terrain', below).

A referendum on independence was held in January 2011. Khartoum wanted it postponed by at least two years, but the SPLM government made it clear that no delays would be tolerated, and would result in a unilateral declaration of

6 See Rolandsen (2015), 'Another civil war in South Sudan: the failure of guerrilla government?', 167.

7 See Young (2015), 'A Fractious Rebellion: Inside the SPLM-IO'.

8 Rolandsen (2015), 'Another civil war', 169.

independence.[9] The result was a 99% vote in favour of independence. The period up to Independence Day on 9 July was (belatedly) focused on negotiating the terms of separation, but the two sides failed to reach a conclusive agreement. South Sudan became independent without an agreement regarding several central issues: the costs of transporting its oil through Sudan; the international border; and the future of Sudanese and South Sudanese people then residing in the other country.

The immediate post-independence years were marked by this Sudan–South Sudan tension, and the failures of the CPA period. In 2011, wars in Southern Kordofan and Blue Nile involved accusations of proxy warfare by both Khartoum and Juba. In response to the continued lack of agreement on oil transport fees, Sudan seized Southern oil shipments. South Sudan reacted by shutting down oil production in January 2012 – a decision that many described as suicidal.[10] Tensions continued to mount, leading to a brief border war in March/April 2012, followed by SPLA withdrawal from the oil area of Heglig.[11] After a preliminary agreement on oil-transport fees reached in September 2012, oil production resumed at a much lower level in April 2013 (see 'The politics of economic governance', below).

South Sudan today: 2013-2017

With relations with Sudan stabilising, and the economy crushed by the 'doomsday' decision of the oil shutdown, the question of the future governance of South Sudan came into focus. In 2012 and 2013, the outline of a permanent constitution was debated, and preparations for national elections in 2015 began.

This re-ignited longstanding competition among SPLM leaders, and deep-rooted frustrations centring on political 'marginalisation' and 'dominance' – particularly from Equatorian political elites who felt that Juba and other regional centres were being taken over by Bahr el Ghazal and Upper Nile military and political families and interests.[12] Riek Machar, Nhial Deng Nhial, Pagan Amum, Rebecca Garang – the widow of the late leader – and several other figures stood forward as opposition to Kiir in the presidential race for 2015. Kiir responded with a major purge of the government in July 2013, dismissing his entire cabinet and Riek Machar as vice-president, alongside many other opponents, particularly those previously aligned with John Garang. At the same time, Kiir increased security powers and intensified the repression of public debate. By December, opposition to Kiir and his faction had coalesced. Grievances included his mobilisation of a private army of Presidential Guards, and unconstitutional actions within the SPLM and within the government.

Divisions within the SPLM and SPLA escalated further on 15 December 2013, the day after a confrontation between Riek and Kiir at a SPLM National Liberation Council meeting. That evening, fighting broke out between SPLA soldiers within a barracks in Juba, and spread to the military headquarters at Bilpam. Over the next two days, fighting continued across Juba, and Kiir's forces rounded up opposition SPLM members; Riek Machar's house was attacked and many of his bodyguards killed, and he fled Juba. The Kiir faction accused the opposition of instigating a coup. In the subsequent days, SPLA soldiers and militia men targeted Nuer residents in a house-to-house killing spree. This precipitated Nuer armed mobilisation and fuelled the mutiny of several SPLA divisions, including the 8th Division of Peter Gadet, who captured Bor on 19 December. The more informal part of the armed opposition – often referred to as the 'white army' – was developed from various defecting SPLA detachments and irregular fighters from Jonglei and Upper Nile. Most senior 'in opposition' (IO) commanders were from the SSDF. As fighting continued across Upper Nile, Jonglei and in Bentiu, President Museveni of Uganda sent forces to defend Kiir.

9 For a criticism of the referendum process, see Curless (2011), 'Sudan's 2011 Referendum on Southern Secession'.

10 de Waal (2012), 'South Sudan's Doomsday Machine'.

11 Johnson (2014), 'Briefing: the crisis in South Sudan'.

12 Rolandsen (2015), 'Another civil war', 170.

Throughout 2014, external initiatives and threats tried to push the parties into a peace process, but with limited success. By April 2015, Kiir's forces had regained control of the Greater Upper Nile towns, and went on the offensive in Jonglei; in most areas, IO forces continued guerrilla operations generally from border regions across Western Bahr el Ghazal, Upper Nile, and Central and Western Equatoria. The military stalemate encouraged a political compromise on the same lines as the CPA, centred on power-sharing between the two ostensible sides to the war. In August 2015, the IGAD brokered the Agreement for the Resolution of the Conflict in South Sudan (ARCISS). This paved the way for Riek Machar to return as vice-president in a Transitional Government for South Sudan under President Kiir, in a further arrangement build around two otherwise quite disparate parties. However, in the following months Kiir's faction reformulated the August 2015 agreement to their own taste – partly to encourage divisions among internal political critics, and oppose mounting pressures from international and regional powers (including the imposition of a UN Regional Protection Force in Juba). The Kiir faction also sought to divide the SPLM-IO by declaring an allegedly 'federal' system of 28 states for South Sudan in October 2015, to replace the existing 10. This re-division of South Sudan's state governments served its purpose, giving rise to localised conflicts over boundaries and authority, and undermining the practical and political powers of regional opposition.

The agreement's transitional security arrangements provided for limited SPLA and SPLA-IO forces to take up position in Juba – theoretically this was to deter any further clashes. The final terms were not negotiated until November 2015. In practice, however, Kiir proceeded to amass both regular SPLA forces and militia fighters within and around Juba; and Machar returned to Juba with limited numbers of IO soldiers on 26 April 2016.

On 2 July 2016, SPLA soldiers killed two SPLA-IO military officers; four days later, a confrontation between SPLM-IO and SPLA soldiers resulted in the deaths of five SPLA soldiers. On 8 July, while Machar and Kiir were meeting at State House, fighting erupted among forces outside the building and sparked days of armed confrontations, skirmishes, looting and abuse of civilians across Juba. At least 36,000 people were displaced and 300 killed in fighting that involved the use of combat helicopters, tanks and other heavy weaponry in the city centre and suburbs. The fighting and atrocities in Juba triggered further retaliation and clashes in towns across the country.[13] The July clashes were quickly turned to the advantage of Kiir's group, who massively outnumbered and out-powered the SPLA-IO troops in Juba, and who aimed to eliminate the IO from the city.[14] With Kiir's faction consolidated within Juba, the government re-focused on the reinvigorated SPLA-IO insurrection in Upper Nile, the localised rebellions around Aweil and Wau, and the deteriorating security situation in government-controlled areas across Central and Western Equatoria. Over 9–10 July, the SPLA pursued Riek Machar and his IO forces across Juba and into Western Equatoria, as they were fleeing to the Democratic Republic of Congo. A ceasefire was declared on 11 July.

The violence derailed implementation of the power-sharing and security provisions in the August 2015 peace agreement between the SPLM/A-IO and the Government of South Sudan. The Agreement is *de facto* dead, overtaken by events. In a move that some SPLM-IO members describe as a coup within the IO, Taban Deng, a leader of the SPLM-IO under Riek, was appointed as First Vice President after the violence in July 2016. While providing a practical façade to the defunct Transitional Government of National Unity, the remaining faction of the SPLM-IO, under now-Vice President Taban Deng, began intra-IO fighting in Upper Nile. Continued implementation of the August 2015 peace agreement under the auspices of the Joint

13 See Center for Civilians in Conflict (2016), 'Under Fire: The July 2016 Violence in Juba and UN Response'; Amnesty International (2016), '"We Did Not Believe We Would Survive": Killings, Rape and Looting in Juba'; Human Rights Watch (2016), 'South Sudan: New Abuse of Civilians by Both Sides'.

14 Kindersley and Rolandsen (2016), 'Briefing: Prospects for Peace and the UN Regional Protection Force in South Sudan'.

Monitoring Evaluation Commission for the South Sudan Peace Agreement (JMEC) and the international community has become tragically detached from the violent realities on the ground.

In the aftermath of this violence, the government's securitisation of Central and Western Equatoria ignited simmering regional insurgency. By 2017, anti-Kiir factions and militias were fighting in (what were then) Unity State, Northern Bahr el Ghazal, Western Bahr el Ghazal, and across Greater Equatoria, particularly in Yei, Kajo Keji, Torit, Maridi and Mundri, and around Yambio.

As the theatre of war has expanded from Greater Upper Nile to include Central and Western Equatoria, the conflict dynamics have reflected the impact of longstanding mutual suspicions and violence between the people of Equatoria and the SPLA, dating from the previous civil war (1983-2005). The national conflict has also re-fuelled local disputes, like cattle raiding and inter-village disputes in the Mundri, Southern Bari, and Pageri areas. Conflicts at the national and local levels are fuelled by a history of SPLA antagonism and anti-SPLA sentiment from the second civil war, and by attempts of certain military-political commanders to control territory and economic resources.[15] The SPLA continues to draw on SPLM-North and Justice and Equality Movement militia fighters from the borders of northern Sudan, and these forces have been implicated in recent atrocities. Given the complexity of the military landscape, some international authorities in Juba 'do not know who is fighting who and who they are.'[16]

President Kiir's government has continued to balance its ground offensives against the SPLA-IO and its securitisation of urban areas with reconciliatory and reformist gestures aimed primarily at internal critics[17] and an international audience. On 14 December 2016, President Kiir announced a National Dialogue for South Sudan, with himself as patron, based on a concept note prepared by two national think-tanks, the Sudd Institute and the Ebony Centre. The National Dialogue has been criticised as a government-dominated 'monologue'[18] possibly intended to undermine the August 2015 agreement and to co-opt international and internal support. By appointing himself as patron, Kiir 'signalled that he sits outside of the problem', it has been held.[19] The massive refugee crises in Uganda, Kenya and Sudan, and the declaration of famine in March 2017, have further divided the focus of the beleaguered international community. Since then, the government has introduced some superficial reforms to the National Dialogue concept, but no fundamental changes.

The credibility of the proposed peace-building exercise has been undermined by Kiir himself, who has threatened continued violence against those who do not lay down arms and agree to participate. On 2 March 2017, he declared: 'if they [rebels] don't stop, we will go in by force and we will fight them and we will flush them out.'[20] Starting in September 2016, the SPLA undertook a major dry-season offensive across central-western areas of Equatoria, around Torit and Wau, and in Upper Nile, using the now-familiar war tactics of flashpoint battles, civilian reprisals, blanket aerial bombings and massive population displacements (incidental and organised).[21] Despite intensified negotiations between regional governments and multilateral bodies from January to March 2017, it is difficult to foresee any immediate change, only the ebbs and flows of military offensives governed by the seasons and access to weapons and supplies.

15 International Crisis Group (2016), 'South Sudan's South: Conflict in the Equatorias'; Radio Tamazuj (2015), 'Understanding New Violence in South Sudan's Western Equatoria'; Radio Tamazuj (2016a), 'Killings in Yei and Kajo-Keji of Central Equatoria'.

16 International representative, Juba, 18 February 2017.

17 Including members of the Sudd Institute; the Ebony Centre, the Presidential Advisor for human rights, and others. Donor source, Juba, 16 February 2017.

18 Riek Machar Teny, 'SPLM/SPLA (IO) Position on the joint statement by AU, IGAD and UN', 30 January 2017.

19 Citizen Lagu, Jacob (2016), 'A sustainable peace in South Sudan'.

20 Radio Tamazuj (2017c), 'Kiir threatens to attack rebel stronghold if peace initiative rejected'.

21 See Kindersley and Rolandsen (2016), 'Briefing'.

3. The political-military terrain in South Sudan today

This section focuses on the power bases of the current government's factions; the military system of the SPLA and its allied militias; and the current power bases and commands of the IO. It aims to give a general overview to the current political-military power dynamics. These dynamics are increasingly short-term and in rapid flux, maintained along shifting lines of personal, political and financial expediency. These constantly changing structures defy a snapshot model: for instance, during the events of 17–18 January 2017, about two dozen government and SPLM-IO officials and military commanders switched sides between Kiir's government, the National Democratic Movement (NDM) faction led by Lam Akol, and the SPLM-IO under Machar. In February/March, groups and individuals from several sides of the conflict streamed to Thomas Cirrilo's recently established National Salvation Front. The presentation below focuses on the personality politics and evolutions of these shifting coalitions, rather than seeking to offer a snapshot of current alliances.

Here we aim to nuance the picture of what Clemence Pinaud has referred to as a 'military aristocracy', and what Majak d'Agôot calls a 'gun class;'[22] a recent refugee in Arua termed it 'a family palace.'[23] But 'class' and 'aristocracy' indicate greater uniformity, common structure, and shared values is the case. Further, we wish to caution against the frequent over-focus on certain individuals in this supposed 'kleptocracy'[24] – specifically, on Riek Machar Teny, ex-Vice President and now leader of the SPLM-IO; the current President Salva Kiir Mayardit; and the former Chief of General Staff and former Governor of Northern Bahr el Ghazal State, Paul Malong Awan. The historicised review presented here is meant to demonstrate the wider, complex and fragile personality politics that contextualise and delimit the powers of these 'big men'.

The SPLM In Government (SPLM-IG)

The current power base of President Salva Kiir Mayardit and his government has its roots in long-running elite strategies for centralising and controlling the SPLM/A, dating from the previous civil war and continuing throughout 2005–2013.

In 2005, the SPLM/A had not won the civil war. It emerged from war as a factionalised coalition ruled as a dictatorship centred around the figure of John Garang. Garang's death six months after the CPA left the fragile coalition in the significantly weaker hands of Kiir. Although second-in-command since 1994 and Garang's nominated successor, he was not automatically elevated but came to power after swift but hard negotiations in the days after Garang's demise.[25] The factional structures of both the SPLM (mutated into the state-bearing party) and the SPLA (now South Sudan's armed forces) were

22 Pinaud (2014), 'South Sudan: Civil War, Predation and the Making of a Military Aristocracy,' 192–211; d'Agoôt and Miamingi (2016), 'In South Sudan, Power Flows from the Barrel of a Gun; This Must Change'.

23 Northern Uganda refugee camp spokesperson, 28 February 2017.

24 de Waal (2016), 'Introduction: Making Sense of South Sudan.'

25 Johnson (2011), Waging Peace in Sudan.

entrenched by the 2006 Juba Declaration. This agreement created a coalition SPLA of previously hostile militias and commanders: it forestalled immediate conflict, but institutionalised systems of financial patronage as crucial to the continued integrity of the SPLA. To maintain the coalition, the government continued to buy off and absorb military and political opposition. The Juba Declaration also fundamentally undermined any attempts at demobilisation or security sector reform: competition and mutual suspicion fuelled growth of internal SPLA factions and resulted in inflation of military ranks. The continued political–military standoff with Sudan throughout 2005–2013 was another factor that obstructed demobilisation.

The SPLM won the deeply compromised 2010 elections. It confirmed South Sudan as a one-party state with little room for opposition, and paved the way for a well-managed and irrefutable referendum outcome in 2011. The prospects of the referendum kept internal divisions at a manageable level within a government that focused on maintaining central control, solving immediate crises – such as the repeated rebellions of individual commanders and factions – and safeguarding government revenues. There was scant political space available for potentially destabilising processes such as reconciliation and post-war justice systems. Nation-building was taken for granted.

This resulted in a struggle between informal networks of political-military elites seeking a say in appointments and distribution of resources. The oil shutdown in early 2012 was apparently based partly on the huge gamble that Sudan's government would collapse, or at least give in to South Sudan's demands, under the ensuing financial disaster, and partly on serious underestimation of the consequences within South Sudan.[26] Most importantly, the foundations of President Kiir's government have now shrunk to support from a tiny elite attempting to control the complex, and underfunded, personalised political-military economy. All this has involved retrenchment and extreme centralisation of powers: for instance, in January 2016 Kiir ordered all Defence Ministry directorates – including finance – to be moved to SPLA general headquarters. Counter to the 2009 SPLA Act, this hollowed out the Defence Ministry under Kuol Manyang, and gave the SPLA full responsibility for resource allocation.[27]

Most of President Kiir's current core advisors come from Dinka sub-sections from the Bahr el Ghazal and Warrap regions, but it is not entirely accurate to say this inner circle is completely 'Dinka-dominated.' Several Dinka ministers and advisors, including Kuol Manyang, have become sidelined and silenced; and there is representation from Greater Equatoria and Upper Nile, including the Deputy Vice-President, Wani Igga. Also within these inner circles, the strengthened security services under Obote Mamur keep close tabs on all members. However, anecdotal evidence indicates that as a working collective this regime is deeply divided and dysfunctional.

President Kiir and his close advisors have done little to rebut their opponents' allegations of ethnic dictatorship. The President has repeatedly made the ahistorical claim that Dinka people made disproportionate sacrifices in the SPLA wars, and thus are implicitly entitled to a disproportionate share of government and military positions:

> All those who were with us in the bush, they knew what we were doing, myself, Comrade Daniel Awet is here — we come from Bahr al Ghazal — comrade Kuol Manyang is here. We were all in the leadership of the SPLM/SPLA. Why did we remain in the SPLM/SPLA when things were very difficult? …When we were fighting, Dr. John and myself, would order Daniel Awet, who was the commander of the whole of Bahr al Ghazal area, to give us reinforcements. He [would] come with 5000 [up to] 10,000.[28]

26 Larson et al. (2013), 'South Sudan's capability trap: building a state with disruptive innovation.'

27 The Sentry (2016), 'War Crimes Shouldn't Pay,' 11.

28 Radio Tamazuj (2016b), 'Kiir defends ethnic recruitment for army'.

Justice Ambrose Riny Thiik, who leads a group of influential Dinka advisors to the President, the Jieng Council of Elders,[29] has stated that any leader of South Sudan 'must be someone that can win [the] support' of the overall Dinka umbrella ethnicity.[30]

The Opposition 'In Government': Taban Deng and the SPLM-IO faction under Kiir

Outside of President Kiir's core group of advisors, the political elite in government remain under the close scrutiny of the security services. This applies particularly to those who were detained after the violence in December 2013 as suspected traitors, including Deng Alor; former defecting militia leaders, such as David Yau Yau, now effectively demoted from third in command of the SPLA; and former SPLM-IO ministers and politicians within Taban Deng's remaining IO faction. These IO ministers have had their own bodyguards replaced or removed entirely; they are generally housed in hotels across Juba, and their movements are heavily restricted.[31] Unlike Kiir's trusted cadre, they are not allowed to leave South Sudan except on heavily guarded diplomatic or business visits.

Taban Deng has been under pressure to 'deliver' the Nuer community to President Kiir's government. Taban is said to have amassed a fortune from business interests and allegedly corrupt practices during his period as governor of the oil-producing Unity State since 2005. It is rumoured that in the bargains that led to his faction of the SPLM-IO siding with Kiir, his wife was promised the governorship of one of the newly-created states.[32] His alliance with the Kiir government is a political windfall for the President: Taban was previously instrumental in mobilising funds for Machar's IO, along with other key IO figures such as Ezekiel Lul. Taban has needed to prove his loyalties to the Presidential cadre, using his lobbying skills in visits to the UN, speaking against the arms embargo, and in allegedly facilitating bilateral deals with Morocco[33] (see 'The politics of economic governance').

Military-security systems within the SPLA in government

Factional military-political leadership extends to the government's structures of military command. Official hierarchies are compromised by poor discipline and by neo-patrimonial and kin networks, resulting in powerful informal chains of command.[34] Management of divisions and units is personalised – for example, soldiers are settled with their families and their command units in military-dominated neighbourhoods around Juba. Units and militias are led primarily by local commanders, with recruitment, supplies and support mobilised on local terms. Many groups described as coherent militias – such as the Babaeng of the Bul Nuer, the Mundari Militia/Commandos, the White Army,[35] or the Arrow Boys[36] – do not constitute organised and standing forces,[37] and cannot be readily 'deployed' by their supposed ethnic leadership: their aims and fields of operation are locally specific and subject to internal political dynamics.

Inflated figures often cited for the government's army range from 210,000 to 230,000.[38] The formal payroll for the SPLA has a large share of 'ghost soldiers', a justification for a massive and opaque military budget.[39] Even more fun-

29 Jieng [Dinka] Council of Elders; see 'Informal and non-state authorities' section below.

30 'The genocidal logic of South Sudan's "gun class",' IRIN, 25 November 2016. This is another common idea among these advisors, despite the reality that 'the Dinka' - much like the Nuer, or the Bari - is essentially a collective term for an agglomerate of various sections and clans who speak versions of a common language.

31 Government insider, Juba, 9 February 2017.

32 UN source, Juba, 14 February 2017.

33 National NGO source, Juba, 13 February 2017.

34 Ibid.

35 See Arensen and Breidlid (2014), '"Anyone who can carry a gun can go": the role of the White Army in the current conflict in South Sudan.'

36 Schomerus and Rigterink (2016), 'Non-State Security Providers and Political Formation in South Sudan: The case of Western Equatoria's Arrow Boys.'

37 See Roque and Miamingi (2017), 'Beyond ARCISS: New fault lines in South Sudan', 15. See also section 'In opposition' below.

38 The Sentry (2016), 'War Crimes Shouldn't Pay.'

39 Ibid., 14.

damentally, the SPLA's numbers, structure and management have been shaped by the recruitment and management practices of the last two civil wars.[40] Since the Anyanya war of the 1960s, 'many people regarded as "civilians" have been a part of local SPLM home guards or other kinds of militias.'[41] During early attempts at demobilisation and security reforms after the 1972 peace agreement, many ex-Anyanya were shifted into the militarised ranks of the police, fire services, and wildlife corps, just as in 2005/2006 after the second civil war. And mobilisation in both the Anyanya and the SPLA wars has instrumentalised youth age-sets and civil and cattle protection militias like the *gel weng, tit weng*, or the *monyomiji* of Eastern Equatoria. Both wars have drawn in young women, children, and old men across the country in militarised 'civil administration' systems and military trainings. These echo Sudan's national service military training programmes such as the Popular Defence Forces in the second civil war. Even today, South Sudan's government and society still do not necessarily define 'combatants' and 'civilians' according to international law.[42]

Events from 2013 to 2017 have fundamentally restructured the standing ranks and organisation of the SPLA itself. Many government soldiers have been killed, have defected, or fled.[43] The Kiir government's forces are now largely composed of relatively new recruits, drawing on standing practices of large-scale mobilisation and collective training of unemployed young men and women in the years 2010 to 2013. Many of these recruits, particularly from Northern Bahr el Ghazal and Warrap, were intended to reconstitute and strengthen Kiir's personal Tiger Battalion. A further personal militia of militarised Dinka men – referred to as *dut ke beny*, 'protect the president' – were absorbed into the SPLA structures after they had taken part in the December 2013 violence in Juba.[44] This recruitment also included Malong's infamous Mathiang Anyoor militias, now seen internally as part of the SPLA.

These forces, many of whom are allegedly underage, are widely held to have been conscripted with promises of being fully trained and sent for further education, as per John Garang's promises to the Red Army child conscripts in the 1980s. There has also been recruitment from Greater Equatoria and Upper Nile, often part-sponsored by regional politicians. As the SPLA today is an incoherent and personalised set of fighting forces, it cannot be said to be a 'Dinka army'.[45] However, Kiir has acknowledged his reliance on regional recruitment: 'where will I get people from if people of Equatoria have refused to join the army? Riek Machar has rebelled with his Nuer people.'[46]

In opposition

Like the cadres of SPLA aligned to Kiir's government, the military forces of the SPLM-IO and other opposition groups are highly factional, with battalions and commanders mobilised on the basis of a wide range of grievances. While their commanders, including Riek Machar, had managed to mobilise auxiliary fighting forces in a matter of days in December 2013 and January 2014, these IO-aligned forces – including, most prominently, the armed youth groups known as the White Army – are highly volatile, and thus difficult to control and coordinate.[47] The 'IO' forces are, in effect, united only in their opposition to the Kiir regime. As of mid-2017, with support from foreign governments and other financial patronage drying up, and with Riek Machar under virtual house arrest in South

40 See Kindersley and Rolandsen (2016), 'Briefing'.
41 Rolandsen (2009), 'Land, Security, and Peace Building in the Southern Sudan,' 11.
42 See Kindersley and Rolandsen (2016), 'Briefing'.
43 SPLM-IO military spokesperson, Uganda, 25 February 2017.
44 See Pendle (2015), '"They Are Now Community Police": Negotiating the Boundaries and Nature of the Government in South Sudan through the Identity of Militarised Cattle-keepers', 411.
45 Roque and Miamingi (2017), 'Beyond ARCISS.'
46 Radio Tamazuj (2016b), 'Kiir defends ethnic recruitment for army,' *Radio Tamazuj*.
47 Rolandsen (2015a), 'Another civil war,' 165-66. See also section 'Military-security systems within the SPLA in government' above.

Africa, central control has been weakened and the cohesiveness of the movement is threatened.[48]

Who are the 'IO'?

Opposition is spread across increasingly splintering coalitions, notably Riek Machar's SPLM-In Opposition, but also the newly asserted movements of Lt. General Thomas Cirillo Swaka's National Salvation Front, and other smaller movements, such as the National Movement for Change, founded in January 2017 by Joseph Bakasoro, former Governor of Western Equatoria State.

The extent of the factionalism and regionalism of the armed opposition throughout South Sudan can be illustrated by the recent defection of Thomas Cirillo. On 11 February 2017 – some three weeks after he left Juba as a Lieutenant General and SPLA Deputy Chief of General Staff of Logistics – Cirillo resigned, citing the tribal agenda of the leadership and continuing abuses against civilians. On Monday 6 March, he then declared himself chairman and commander-in-chief of a new rebel group, the National Salvation Front (NSF). During the following weeks, several commanders and armed groups shifted their allegiance to the NSF: these included the SPLM-USA Secretariat; Nyarji J. Roman, member of the IO National Liberation Council and Deputy Spokesperson of the SPLA-IO; and Faiz Ismail Fatur, member of the SPLM-IO high military command and former commander in Wau State (who accused Riek Machar of nepotism and inflation of rank within the IO). Others declared their affiliation to the NSF as part of rebel coalition-building: Khalid Boutros, heading a Murle faction (see below), announced his support for Cirillo in advancing the cause of a unified opposition force, and Bakasoro announced that he would collaborate with the NSF.

The most prominent ally of Riek Machar's IO is the Agwelek Shilluk militia led by General Johnson Olony, although the Tiger Faction New Forces (also predominantly Shilluk and under Yaones Okij) are not aligned with the IO. The late-September 2016 defection of Khalid Boutros from the government has encouraged Murle defections and the reconstruction of the SSDM-Cobra armed faction.

Other militias allied to Machar's IO include parts of the 'Arrow Boys', a term used to refer to several armed groups and local protection militias in Western Equatoria, originally formed to defend against the Lord's Resistance Army (LRA). A faction of the Arrow Boys, the South Sudan Patriotic Front (SSPF), is formally allied with the SPLM-IO, although the leadership has split: in July 2016, the former Minister of Information of Western Equatoria State and leader of the SSPF, Charles Kisanga, travelled to Juba to re-join the Kiir government; and the Minister of Information in Maridi State has claimed that Kisanga's forces have been integrated into the local SPLA Division Four. Another SSPF commander, Major General Alfred Futiyo, has reasserted the SSPF rebellion and disavowed Kisanga's actions.[49] New movements have continued to flourish in 2016 and 2017.[50]

The fractured, decentralised and militarised nature of South Sudanese power constellations – in government as well as in opposition – represents a fundamental challenge not only to ending violent conflict, but also to the very foundations of the state and to the safety and well-being of the populace. Reforming these structures is a long and difficult process which must start with acknowledging their existence and understanding how they work. Change will require not only technical security-sector reform programmes, but also carefully guided and negotiated processes where the political and economic logic of the existing system is taken into account.

48 Partly because of Taban's departure. Ministry source, 9 February 2017.

49 Atekdit (2016), 'Arrow Boys Commander in Chief responds to Kiir's amnesty'.

50 See LeBrun (2016), 'Small Arms and Armed Violence in Sudan and South Sudan: An assessment of empirical research undertaken since 2005', 28.

4. The politics of economic governance in South Sudan

The state of South Sudan's political and economic systems – and the current war – are fundamentally interlinked. This section presents the development of the structures, concepts and processes that underpin the militarised political economy of South Sudan, and then surveys this economy as of autumn 2017.

Pre-existing structures and logics of the state

The 'newness' of the South Sudanese state has been grossly exaggerated (see historical section above). The widespread view that in 2011 the state had to be built 'from scratch' actually undermined efforts to direct billions of dollars of aid and capacity development into necessary structural reforms of an entrenched authoritarian and militarised system.

During the second civil war 1983–2005 today's South Sudan was subjected to parallel regimes. The Sudan government controlled garrison towns such as Wau, Juba and Aweil and their immediate surroundings and supply lines – secured in part by allied local militias – and the SPLM/A controlled smaller towns and the rural areas insofar as was necessary to maintain military order, manage recruitment, and keep resources and supplies flowing.[51] For both governments, real power centred on controlling revenues, resources and military forces. Building infrastructure and providing services were generally subordinate to these concerns.

After 2005, when it took control of Juba and other major towns, SPLM continued many of the structures and modalities of governance from previous regimes. With the national elections in 2010, the SPLM entrenched its non-ideological one-party state in the South. By 2012, the South Sudanese state had become ineffectual, poorly coordinated, and undermined by mismanagement, corruption and power struggles. Key checks and balances – like the anti-corruption commission – were strategically weakened by lack of independence and prosecutorial powers.

Echoing the Bashir regime in the North, national politics has been centred within the SPLM party itself, with shifting factions and alliances vying to dominate the party and thus the state. President Kiir's efforts have focused on 'coup-proofing', mediating rebellions, and divide and rule, to prevent alternative sites of power from developing at the expense of his central control: his decree subdividing the 10 states into 28 in December 2015 (with the further decree of 32 states in January 2017) is a prime example of this approach to governance.

The reconstruction of post-war South Sudan in 2005 drew on longstanding governance practices and structures – taking on existing wartime administrations and officials and adapting these weak and opaque systems into a 'new' government. Through providing ostensibly 'state' services through co-opted foreign agencies (missionaries, private enterprises and aid organisations), and drawing chiefs, women and youth organisations into government and SPLM structures, the SPLM/A leadership *modelled* a state, rather than actually instituting one.

This economic co-option was not necessarily merely a cynical effort to avoid state responsibil-

51 Rolandsen (2015a), 'Another civil war in South Sudan' 165.

ities: it was also a continuation of the wartime neo-patrimonial civil-military finance structures of the SPLM/A. By the end of the war, many junior soldiers and civilians had become resentful of senior SPLM/A commands' monopoly over wartime profits: in 2007,

> The word 'liberation' is increasingly used with bitter irony in reference to senior officers 'liberating' land, resources and even women from their rightful owners. 'It is the commanders who liberated themselves – from poverty!' as one young NGO employee from Yei put it.[52]

Corrupt practices of controlling humanitarian and development assistance were further refined in the civil war period: both the Sudan government and the SPLA's humanitarian wing, the South Sudan Relief and Rehabilitation Association, were used to capture and direct aid efforts and assistance, with food rations and supplies often given to government soldiers, sold at markets in towns or misdirected into SPLM/A-staged refugee camps.[53] To manage these systems, the warring parties used surveillance, censorship, restrictions on movement, and arbitrary detentions and disappearances under the growing security apparatus. These practices continued under the post-war government.

South Sudan's economy: 2005–2017

Southern independence on 9 July 2011 brought a national bounty and international goodwill; it was thought that 350,000 barrels of oil per day would yearly provide billions of US dollars as a basic government income for the population of approximately 8 million.[54] Oil revenues made up some 98% of the national budget, undermining efforts to build a social contract around taxation and services with South Sudan's new citizens. While accurate figures are hard to find, roughly one billion dollars of international assistance were to be spent on South Sudan per year between 2006 and 2010; in 2011 the figure was supposedly 1.4 billion.[55] However, very little of this aid money has been spent inside South Sudan, and even less has reached government coffers. Aid is generally given in kind, with projects operated by foreign contractors and NGOs.[56]

Oil revenues serviced the existing governance structures derived from the war – in particular, the vastly over-extended military, paramilitary and civil administration which was expanded further by appointments of friends, relatives and others seeking a share of the 'dividends' of peace. This expansive bureaucracy was explained as being both a well-deserved reward for those who had 'fought for peace' – regardless of functionality or skills – and a means of paying off possible opponents. The rationale behind the bloated government was that it would, in the words of one ambassador, 'buy peace.'[57]

Budgets since 2005 have remained elaborate fantasies: internationally-funded technical advisors have provided documentation glossing over the real workings of ministries in Juba, whereas real budgetary allocations (including fictional tenders and procurement exercises) have been conducted by army generals and ministerial offices.[58] Intra-elite competition and divide-and-rule tactics within the government has created 'turf wars' and 'empire building' on the part of some government officials and politicians, fuelling the uneven balance of executive power across the government.[59]

These government elites, new officials, and the SPLM/A command were overwhelmed by opportunities for personal wealth. Repeated cor-

52 Leonardi (2007), '"Liberation" or capture: Youth in between "hakuma", and "home" during civil war and its aftermath in Southern Sudan', 16.

53 de Waal (2014), 'When kleptocracy becomes insolvent: Brute causes of the civil war in South Sudan,' 352.

54 Again, all figures in this section come with the significant caveat that statistics and quantitative data in South Sudan – particularly economic and population data – are frequently based on dubious sources, extrapolations from samples, or survey data weakened by logistical and political issues, as with the National Census of 2008. The figures presented here are sourced insofar as possible, and used as illustrations only.

55 de Waal (2014), 'When kleptocracy becomes insolvent,' 359.

56 Rolandsen (2015b), 'Small and Far Between.'

57 Garand (2013), 'The question of big government, and financial viability: the case of South Sudan.'

58 Larson et al. (2013), 'South Sudan's capability trap,' 17.

59 Ibid., 18.

ruption scandals dogged the new state: reports of the corrupt procurement of grain, infrastructure development and other government supplies such as vehicles came in quick succession from 2008 to 2013. In 2012, President Kiir stated that at least $4 billion – possibly more – had been diverted abroad by government officials[60] – a figure roughly equivalent to one third of oil incomes 2005–2011.[61]

Between 2005 and 2011, over 80% of defence spending was reportedly on wages and allowances, beyond the allocated budget. 'Demobilised' militia and SPLA ranks were funnelled (as in the early 1970s after the previous peace agreement) into the police, prisons service, security forces, fire-fighting and wildlife services; salary expenditures for these militarised departments may have been more than $600 million in 2011.[62] This military and paramilitary spending is assumed to have been supplemented by off-budget spending on major arms purchases,[63] and by the personal security budgets of the leadership, in response to persistent intra-elite tensions and the continued military tensions with Sudan. President Kiir's own security budget funded the development of his new 'Presidential Guard', based on the Tiger Battalion that he had led in the early war period, supported by militias from his home region of Warrap, and trained by private international military contractors.[64]

After 2012: economic collapse

On 20 January, the government announced that it was shutting down oil production, entailing expected losses of $650 million every month.[65] The sudden stoppage of cash flows through the patronage systems that kept the Kiir government in control weakened the government's hold over the coalition of militias within the SPLA; it spurred the collapse of government systems across the country (see 'The breakdown of local government'); and raised the stakes in 2013 over future control of the state, as political competition for control of the SPLM came to a head.

The government's formal response was to introduce austerity measures known colloquially as 'Kostirity', after the Minister of Finance, Kosti Manibe.[66] However, no cuts were made to the vital patronage systems and military budgets that shored up Kiir's government. According to Africa specialist Alex de Waal, the military spent around $1 billion in 2013, and further reserves of $2 billion went to other crucial divide-and-rule strategies and on security and repression.[67]

Further, according to de Waal, the shutdown massively expanded the government's borrowing. In 2013, the government took up commercial rate loans of around $4.5 billion offset against future oil production, although Manibe claimed he had no oversight over most of these negotiations or control of the funds.[68] This borrowing and prospective-oriented economy has continued to fund core patronage and military networks for the Kiir government, but has not managed to shore up the national economy. In May 2014, the government borrowed $200 million from a Chinese oil company, while also delaying repayments on most domestic loans.[69] Oil production continued to slump throughout 2015, further impacted by the decline in global prices.[70]

This economic shutdown was reflected in the collapse of the domestic economy, which had become dependent on expensive dollar-based imports and foreign capital. From an exchange rate of around 3.8 South Sudanese Pounds (SSP) to the US dollar in 2012, the dollar reached 18.5 SSP in December 2015, to 80 SSP in September 2016, and 125 SSP one year later. Annual inflation soared by 661.3% from July 2015 to

60 de Waal (2014), 'When kleptocracy becomes insolvent,' 358.
61 Larson et al. (2013), 'South Sudan's capability trap,' 22.
62 Ibid., 17.
63 de Waal (2014), 'When kleptocracy becomes insolvent,' 356.
64 Ibid., 357.
65 Ibid.
66 Sandrai (2013), 'Resumption of Oil Production in South Sudan.'
67 de Waal (2014), 'When kleptocracy becomes insolvent,' 364.
68 Ibid.
69 South Sudan News Agency (2016), 'IMF warns of "massive economic challenges" in South Sudan'.
70 Ibid.: 'The official further disclosed that March 2015 delivery was 4.6 million barrels of Dar Blend crude oil, down two hundred thousand barrels (just over 4%), compared to February 2015 delivery of 4.8 million barrels.'

July 2016, and by 730% from August 2015 to August 2016.[71] In July 2016, during the Juba crisis, inflation peaked at 80%, well above the hyperinflation threshold.

Future oil and future aid

The government is now looking abroad: for loans to future oil production and sales of prospecting blocks, and for donor assistance. A government official describes this as 'living from hand to mouth'.[72]

Since the political crisis in December 2013, donors have placed significant financial restrictions on assistance to South Sudan, and spending and support has been heavily cut. Some Juba observers report that the government expected donor spending to resume once the August 2015 agreement had been signed;[73] instead, the government has been forced to undertake a renewed austerity and economy stabilisation programme based on the guidance of the International Monetary Fund. The Minister of Finance, now Stephen Dhieu Dau, has been managing this to the satisfaction of the JMEC, who see the new budget as being followed with little overspending. The reconfiguration of the leadership of the Bank of South Sudan has also pleased some international agencies. Other international partners are optimistically seeking African Development Bank and East African Community support for South Sudan's export and production markets – although it is reasonable to see these plans as untimely continuations of previous overoptimistic grand planning. At the same time, the government continues to hold international partners to ransom, as with the $10,000 international staff work-permit fee briefly introduced in March 2017, only days after famine had been declared in the country, and with continued military and political restrictions on humanitarian access to famine-struck and other crisis areas.

Although it is almost impossible to know the government's internal calculations, its main economic strategy appears to be focused on international loans and oil prospecting deals. There are repeated rumours of huge loans for future oil production; a leaked UN panel report to the Security Council in March 2017 put revenues from forward oil sales at $243 million between March and October 2016.[74]

Current oil production is at about 130–150,000 barrels per day at about USD$45 a barrel.[75] According to the Minister of Finance, the government aims to more than double production to 290,000 barrels per day in the financial year 2017/18.[76] According to an official at the Ministry of Petroleum, the government is working towards an increase in production of about 40%, and is negotiating with Sudan over the use of the Kosti refinery, as well as reinforcing capacity at the Greater Unity oil fields. It is also reconnecting with the main oil firms involved before 2013 – China National Petroleum Corporation (CNPC) and Petronas, which, along with Exxon and Tullow have been granted rights for exploration and production. Total holds rights to two blocks, with CNPC holding significant block exploration rights, including the 7C block at Maban.[77] On 7 March 2017, the Nigerian firm Oranto Petroleum announced that it would invest $500 million in developing the 'low risk, high reward' block B3, with a 90% share in the block – the South Sudan national firm Nilepet holding only 10%. On 20 March, South Sudan and Equatorial Guinea also announced a new oil and gas partnership.[78]

These oil deals and loans have been supplemented by other bilateral agreements brokered by the government in late 2016 and early 2017. In November 2016, Uganda agreed to pay over 360 billion Ugandan shillings to its own traders in compensation for unpaid South Sudan government deals, around $107 million, to be

71 World Bank, 'South Sudan Overview,' 20 October 2016.
72 Ministry source, Juba, 15 February 2017.
73 UN source, Juba, 14 February 2017.
74 ABC News (2017), 'South Sudan buying arms with oil money while millions face starvation: confidential UN report'.
75 UN source, Juba, 14 February 2017.
76 Houreld (2017) 'South Sudan aims to more than double oil output in 2017/18'.
77 Ministry source, Juba, 15 February 2017.
78 Plans for a pipeline from Lamu in Kenya to South Sudan have been put on hold indefinitely.

treated as a loan to South Sudan on 6% interest.[79] On 2 February 2017, South Sudan and Morocco signed nine cooperation agreements on, *inter alia*, investments, industrial cooperation, and mining; and on 24 February, South Sudan signed a further eight cooperation agreements with Ethiopia, including an agreement to link the Paloch oilfields in Upper Nile state by road with Malakal and Western Ethiopia.[80]

The informal government economy

Deals over oil, loans, bilateral support and donor investment make up the core of the South Sudan government's short-term economic planning. But informal and illegal financial strategies provide significant support to various individuals and sectors of the military and civil administration. Many of the military-political elites, among them both President Kiir and First Vice-President Taban Deng, maintain private business interests as parallel sources of funds; these interests include, but are in no way exclusively focused on, cattle herds numbering in the hundreds of thousands.[81]

The large-scale sale of land rights and contracts has continued as a further source of personal revenue for government officials. This is a continuation of practices from the 2005–2013 period, when more than 5% of South Sudan's land area was reportedly leased to foreign investors; the figure is probably much higher for areas within Juba.[82] Expropriation of coffee and teak plantations in Central and Western Equatoria has been boosted by the on-going conflict and depopulation. Other wartime and post-war practices include the sale of gold and timber (teak in particular) by SPLA and private individuals and regional traders, and the smuggling of diesel from Uganda and Sudan. Informal taxation of these cross-border and overland trades at SPLA- and SPLA-IO-controlled checkpoints serves as a further source of income, and taxation of illegal teak exports represents a major part of local SPLA-IO income in the Kaya border areas of Central Equatoria. Moreover, both the SPLA and SPLA-IO impose taxation and tariffs on the transport of humanitarian goods across and into their areas of control, particularly in Upper Nile.

The current conflict has incentivised and facilitated outright theft and looting as a source of income for officials and the military, also from government sources. For instance, until mid-2017, the government was attempting to maintain fuel subsidies, particularly within Juba: according to a Ministry of Petroleum insider, 30 million litres of petrol were imported every month at a cost of 85 cents per litre, and sold for 22 cents.[83] This system has since collapsed: now, groups of security and military personnel seize these imports, sometimes openly at fuel depots, and sell the fuel on the black market in Juba, at significant mark-ups. These schemes are run against a backdrop of opportunistic burglaries, car-jackings and thefts across the country, often conducted by the SPLA or other uniformed gunmen (fuelled by a rental market for uniforms and weapons), and the systematic looting of forcibly depopulated towns and suburbs in conflict areas by all parties.

This informal government economy is bleeding South Sudan's state dry. The appropriation of mechanisms for revenue generation and resource extraction by local forces accelerates this centrifugal process of disintegration, also making it more difficult for the central government to reassert control in the future.

The first step to reforming South Sudan's systems of governance and economic management is to acknowledge that these are structures and practices which have evolved over the course of nearly two centuries of violent history. The influx of massive oil revenues from 2005 overloaded this system. There was no bureaucracy or administrative system in place which could convert hundreds of millions of dollars into schools, hospitals, roads and other services – peace divi-

79 Sserunjogi (2016) 'Government to pay Shs360 million South Sudan debt to traders'.

80 Radio Tamazuj (2017b), 'President Kiir to sign security deal with Ethiopia today'.

81 UN source, Juba, 14 February 2017.

82 Deng (2011), '"The land belongs to the community": demystifying the "global land grab".'

83 Ministry source, Juba, 15 February 2017.

dends – for the South Sudanese people. Instead, these oil revenues created a dual government structure: one 'storefront' with official budgets and externally imposed accountability measures, and another clandestine 'actual' economy where revenues were distributed according to established practice. Because of the civil war, external agencies have now generally ended or paused their government support programmes, but even before 2013 there was a tendency towards disengagement with the central administration and a shift of focus towards building capacity at the state level and locally. However, such a shift also entails the danger of undermining the integrity of the state, and accelerating the tendencies towards administrative fragmentation.

5. The breakdown of local government

The lower echelons of the South Sudanese state have always centred on the dual structure of the personified district-level administration and a hierarchy of chiefs' courts. Established mainly during the colonial period, this structure has proven remarkably resilient, partly because it is almost self-sustaining and requires little external input to fulfil its core purposes: dominance, and dispute settlement. However, particularly since rapid urbanisation from 2005, expectations of expanded services and democratic reforms have introduced new dynamics into these established patterns. The increases in government revenues and local spending have further politicised these structures, and resulted in sub-divisions and atomisation of local structures – with inertia and heightened tensions as the main outcomes. A disturbing tendency is the growing disconnect between Juba and the states and local-level structures, a symptom of state disintegration.

In the course of 2013, elite power struggles and the impact of the oil shutdown fuelled purges within (and the securitisation of) state ministries and local government offices. Arbitrary arrests and the repression of critics and the media increased. After the clashes in December ignited the civil war, both the economy and state government began to collapse. While offices continued to mimic state functions, they increasingly failed to perform basic duties, particularly with the massive reductions in direct donor assistance and ministry support after December 2013. Many staff members absented themselves, or were themselves displaced by conflict. The December 2015 subdivision of South Sudan into 28 and then 32 states from 10 accelerated this disintegration of functional government structures.

The budget available to the original 10 states, already under severe pressure, is vastly insufficient for sustaining any activity for 32 states, not to mention the massive initial investment needed in governance infrastructure and capacity-building. The proliferation of counties and payams (sub-counties) has fuelled fights over office space, including outright occupation of private homes, and has encouraged official predation on local and international NGOs, with demands as to who can be hired; imposing new taxation and application processes for permissions to work; and requisitioning NGO resources, vehicles and office equipment when projects are closing.[84] With government offices shutting down across South Sudan, it is increasingly difficult for international and national humanitarian and civil organisations to get permission to work, or to maintain working relationships with their government counterparts.[85]

Attempts by the central government to re-strengthen state power outside Juba tend to focus on securitisation and the imposition of military authorities in civil seats. President Kiir continues to rule by decree, appointing military commanders as governors in Lakes and Northern Bahr el Ghazal states, among others. But the financial collapse and fragmentation extends to the military-security system. Even with continued military spending, the budgets for military units – particularly those outside Juba, and beyond the command of Kiir's inner circle – have been squeezed hard, and cash flows from commanders to units, security sectors to personnel

84 NGO source, Juba, 15 February 2017.
85 Ibid.

have faced interruptions and internal antagonisms. Observers working across South Sudan experience breakdowns of lines of reporting and control across the security sector: regional officers often reject central decisions, work permits and other orders. Like their civil counterparts, security and military actors expropriate homes and offices, with general impunity.[86] Soldiers and security forces use the rhetorical dichotomy of 'the government versus the rebels' to justify systematic looting and violence against civilians in Juba and in towns and villages across the country; rebel soldiers do the same.

Particularly in Juba, widespread criminality is on the rise as the rule of law breaks down. Criminal activities are widely held to be perpetrated by unpaid police, army and security forces, or otherwise sponsored by state agents who take a cut of the profits from providing information, uniforms and guns for rent to criminal gangs. State authorities across South Sudan have generally responded by announcing violent, often military-led, crackdowns on curfew breakers and suspected criminals.[87] Between 2005 and 2013, most state efforts at building public trust and law-making were concentrated in the capital city Juba; but even its residents now report that 'there is no justice, there is no government.'[88]

The legal system is in collapse. Across the country, the statutory and county-level customary legal sectors are at real risk of being targeted by state and non-state military and political authorities; and in Juba, judges and statutory and customary court workers are under direct threat. Many statutory judges, from the Court of Appeal downwards, have resigned their positions or suspended work, partly because of the longstanding lack of pay that leaves them open to accusations of corruption or attempts at bribery. A handful of statutory courts continue to function but face extreme economic and political pressures; many people refrain from bringing cases forward because they cannot afford the likely bribes and fees levied, and because of the risks of political implications being ascribed to their complaints – for instance, rape complaints against soldiers may be perceived as 'anti-government'.

The central government has turned its focus to maintaining key locations and installations – in particular, Unity State oilfields and prospecting sites, the Nimule highway between Juba and Uganda, as well as the city of Juba itself and other strategic garrison towns. This is both for self-defence, and to demonstrate to the international community (which finds itself increasingly fortified and isolated within central Juba) that President Kiir's government can maintain the much-desired 'stability' for investment and development without the UN's Regional Protection Force.[89] After several clashes involving various factions of National Security and Military Intelligence within government offices, it was vital for Kiir to re-impose clear lines of authority within the heavily securitised capital. The five security sectors maintained in Juba in 2015 were re-instated in December 2016, with one Major General in charge of each 'zone' from a joint operations centre, subject to improved monitoring and management. This restructuring was followed by a suburb-by-suburb 'disarmament' campaign across the city before Christmas that year, which has continued into 2017.

Informal and non-state authorities

The personalisation of state agencies, and the vacuum of due process, democratic governance and accountability, have fuelled the growing powers and visibility of advisors and other informal and non-state authorities, including the Jieng Council, the South Sudan Council of Chiefs, the Equatoria Council of Elders, the Shilluk Kingdom's intellectuals committee and community councils, the Nuer Supreme Council, and many others. These institutions and personal networks are neither historic, nor new: the Equatoria

86 Leonardi and Santschi (2016), 'Dividing Communities in South Sudan and Northern Uganda', 136.

87 Radio Tamazuj (2016d) 'South Sudan's Interior Minister Vows to Curb Insecurity in Juba'.

88 Meeting with a women's group, Juba, November 2016; the common Juba Arabic terms for law (*sharia*) and justice (*adl*, or *idala*) are generally considered government terminology, and thus political.

89 Kindersley and Rolandsen (2016), 'Briefing.'

Council of Elders and the Jieng Council were formed in the 1970s and 1980s. Moreover, these ethnic institutions are not tribally 'indigenous', or fully supported by the ethnic groups they claim to represent.

The Jieng Council of Elders (JCE), a group of retired and current politicians and other statesmen and lawyers mainly from the Warrap and Northern Bahr el Ghazal regions, is popularly blamed within South Sudan for being behind the Kiir government's most inflammatory and violent recent actions, including the allegedly 'Dinka-dominant' subdivision into 28 states. The JCE is commonly described – particularly by non-Dinka opponents of the government – as 'the remaining advisory body' to the president, 'a cause of all the conflict', and as driving a programme of 'Dinka majority': 'its goal is the sustainable Dinka administration over South Sudan.'[90] The JCE's defenders argue 'that these elders have both democratic and constitutional right to air out their views like any South Sudanese civil society groups'; but their ethno-centric speech and self-praise is high-profile and inflammatory.[91]

It is problematic if such ethnic institutions or other non-elected bodies gain undue political influence, and this development certainly accelerates centrifugal tendencies in South Sudanese society, but these institutions are not exceptional. Rather, they are just another manifestation of the more general problem of rule by informal elites.

Economic survival

Many cities, including Juba, are becoming depopulated, with around 2.1 million IDPs and 212,000 people in Protection of Civilians camps across the country,[92] and nearly two million displaced persons outside the country since December 2013. Repression, arbitrary detention and deportation, disappearances, widespread and increasingly ethnicised criminal violence, and the impact of the economic collapse across South Sudan contribute to this trend.

As a local NGO noted in Juba in February 2017, 'the priority now is survival.'[93] With formal salaries drying up – also those from NGOs, many of which are withdrawing – the populace must struggle to support large extended families, not least as market prices rise beyond inflation due to costs and the risks of importing on the dangerous Nimule highway to Uganda. For people reliant on the SSP economy, prices of basic goods have spiked, even against the rate of inflation. By early 2017 the cost of food had far outstripped salaries: an average monthly civil-servant income of 800–1000 SSP could not match up to the cost of flour (in 2012, 10kgs cost approximately 16 SSP; now it is 1000 SSP).[94] In Juba, one drum of potable water was SSP50, whereas the average cleaner's salary – if paid at all – was SSP280, and qualified office staff (outside of NGO offices) were getting SSP1800–2000.[95]

Many town residents must rely on the sale of assets, including cars and land. The relocation of some town residents to rural areas emplaces strains on existing familial resources. In Juba and elsewhere, the markets are emptying as import businesses cannot sustain themselves against the dollar price and the cost of 'official' taxes at Nimule customs.

Internal food markets have also collapsed, as the 2015 and 2016 harvests were insufficient to sustain trade. Some 4.9 million people (around 40% of the population) are now severely food-insecure, and 1 million are on the edge of starvation.[96] This situation has developed due to a combination of factors: the continued conflict, systemic restrictions on aid to 'rebel areas',[97] and

90 National NGO, Juba, 13 February 2017; refugee ex-NGO worker, Arua, 26 February 2017.

91 Citizen Lagu, Jacob (2016), 'A sustainable peace in South Sudan'.

92 Radio Tamazuj (2016c), 'Nearly 1.9 IDPs Living in South Sudan'.

93 National NGO, Juba, 13 February 2017.

94 NGO, Juba, 15 February 2017.

95 Women's organisation, Juba, November 2016.

96 ECHO (2017), 'South Sudan Crisis'.

97 York (2017), 'South Sudan leaders blamed for orchestrating deliberate famine': "United Nations officials have reported that South Sudanese soldiers are blocking the roads into regions where aid is desperately needed, demanding money and forcing dozens of relief convoys to turn back, and sometimes even attacking the convoys".

drought.[98] Since 2013, insecurity has hindered people from accessing their usual livelihoods, including farmlands, grazing lands, and fish ponds.

Under international and internal pressure, on 20 February 2017 the government and the UN declared an official famine in (only) two counties of Unity State, in areas controlled by the SPLM-IO. That move may have been calculated to divert attention and international funds away from the continued conflict, and to re-focus the attention of the international community on an ostensibly a-political humanitarian emergency. It also provides an additional route to a conveniently manipulable aid income for the government, both through harvesting provisions through practices well-tested in the previous civil war (see 'Finance and government'); and from fees and payments by aid agencies who can be financially exploited at source through the application of expensive and frequently changing restrictions on work permits,[99] field access and other demands.[100]

For most South Sudanese people, the economic and security collapse since 2013 has necessitated a return to longstanding subsistence practices: not just returns to villages in order to farm, but to regional labour migration and to re-migration to Khartoum, Darfur, Ethiopia, and East Africa. For many people, this is the second or third time – at least – that they have moved or been forced to move to these regions; many of the approximately 2 million returnees of the last civil war who moved back to South Sudan between 2005 and 2011 are returning to family members, property and labour markets that are familiar, albeit often exploitative and illegal. This includes the massive migration from Greater Equatoria to areas around Aba in the Democratic Republic of Congo; to Koboko, Arua, Kaya and Adjumani in northwestern Uganda, and to the Kakuma refugee camp in northwestern Kenya; and the return migration routes (due primarily to famine) from Northern Bahr el Ghazal and Warrap into Darfur, and onwards to Khartoum.

Social and ethnic fragmentation in the 28 states

Clan affiliations and broader ethnic networks may provide vital social security and protection during civil war and in flight, but have also been used for political mobilisation by all parties. This has been exacerbated by the '28 states' decree issued by President Kiir in 2015, which entrenched the idea (actually non-specific and disputed) that 'tribal territories' should align with political units, and prompted calls for ethnic political representation and local residency rights based on tribal belonging. It has also served to intensify calls for Dinka residents to leave Equatoria, and threats against Equatorians in the Bahr el Ghazal and Warrap regions.

The government's re-division of South Sudan into what is now 32 states was a destructive act that both undermined the August 2015 peace agreement and furthered the Kiir faction's divide-and-rule strategy. It has weakened regional strongmen, and exacerbated local tensions, competition and conflicts. The re-division also bought some local support among regional elites and ethno-political organisations, by appearing to give them access to positions and (fictive) resources; efforts in these new states to create new counties and payams have ignited further tensions and incentivised sub-ethnic polarisation, as new sub-state political units are drawn up on clan lines.[101] In reality, these new states have no powers or access to revenues, and are based on uncertain and contested boundaries.[102]

A March 2017 UN report by the Commission on Human Rights in South Sudan describes this re-division is a form of 'population engineering'; and another recent research report on South

98 For instance, in June 2015 in village markets in Aweil North and East, women were selling edible tree leaves as an alternative and affordable form of nutrition, because the rains failed in the previous year, creating a 2-month hunger gap. Personal observation, June 2015.

99 The work permit fee was briefly increased in March 2017 to $10,000 per international worker, from $100.

100 See Hamsik (2017), 'A thousand papercuts: the impact of NGO regulation in South Sudan'.

101 University representative, Juba, 18 February 2017.

102 Roque and Miamingi (2017), 'Beyond ARCISS,' 12.

Sudanese borders notes that Kiir's decree and its effects 'demonstrate the extent to which ethnic identity, communal land rights and territorial administrative units have become entwined', as political units are drawn up around 'a fraught nexus of political authority, ethnic identity and land control.'[103] This competition for control of new political units and their potential and actual resources, with the assertion of 'ethnic territories' in this process of claiming space and authority, has instrumentalised ethnic groups and clans and reinvigorated political tribalism.

The economic crisis and collapse of local government structures, justice and social order have further spurred this move towards ethnic solidarity and political tribalism, breaking down previous inter-ethnic solidarities and placing significant strains on multi-ethnic families and organisations. The growing civil war and repression across South Sudan in 2016 and 2017 has entrenched political polarisation along broad ethnic lines: for the government, the population is either with or against them, and loyalties are increasingly imputed on the basis of the individual's ethnic and regional origin. Ethno-political divisions have been encouraged by rumour and propaganda campaigns by conflict actors and ethnic supremacists, using older methods like war songs and clan meetings as well as through social media and text messages: as one Juba resident put it, 'what you hear in your ear overcomes what you see with your eyes.'

Targeted violence from security and military forces, and the trauma of the on-going conflict, are swiftly breaking down trust within neighbourhoods across South Sudan. Residents are subject to real risks, as well as intense paranoia and suspicion. Intra-neighbourhood ethnic tensions run high, and shooting incidents are frequent – often precipitated by domestic or financial disputes, but executed or reported in ethnicised or politicised ways.

Anger, alcoholism, mental illness, suicides, and family violence have all increased as the political and financial crisis has intensified, and the dynamics of the civil war and propagation of hate speech have acted to divide neighbourhoods further. Ethnic solidarity and self-protection – for instance, buying vegetables from market women who come from one's own community – have underpinned more extreme tribal paranoia, for instance fears about Equatorian communities poisoning Dinka people. Severe financial difficulties and criminality are blamed on ethnic communities or given tribal implications.

This is also fuelled by the dearth of information and the collapse of many social projects as aid money is withdrawn. Rumours and paranoia cross borders, as with current stories of forced repatriation and spying in Adjumani refugee camps; it is hard for people to differentiate paranoia from legitimate fear.[104] Outside of the conflict zones, tight governmental restrictions on individual and public freedoms of expression and assembly have removed most opportunities to combat and confront hate speech, rumours, and incitement.[105] Customary court workers and women's groups across Juba are aware of the real risk of the city experiencing large-scale inter-community, inter-neighbourhood violence.

103 OHCHR (2017), 'Speech of the Chair of the Commission on Human Rights in South Sudan to the Human Rights Council'; Leonardi and Santschi (2016), 'Dividing Communities,' 12-13.

104 Oduki (2016), 'Kiir's South Sudan Spies Infiltrate Refugee Camps in Adjumani'.

105 NGO source, Juba, 15 February 2017.

6. Regional political and military developments

Foreign observers tend to underestimate the importance of South Sudan's neighbouring countries when they seek to explain domestic developments and the often-surprising turns in diplomatic efforts surrounding peace processes. State officials from these countries emphasise that they *must* engage in South Sudan, since it is the people and states bordering South Sudan who are forced to live with the consequences of civil wars and a collapsing state. Violence and instability might spill over the borders; some two million refugees live in neighbouring counties; and the sudden availability of oil revenues after 2005 rapidly created bonds of mutual economic dependency as trade blossomed and labour and investments moved across borders. South Sudan's two main arteries connecting it to the world economy – the oil pipeline into Sudan and the Juba–Nimule road – depend on the co-operation of neighbours. Revenues have accrued from lucrative deals with Ugandan and Kenyan import firms and the banking industry; Somalian companies dominate transport, fuel and dollar trading industries across the country.[106]

Eastern Africa has a long history as a 'bad neighbourhood', where states have constantly sought to sabotage each other and wage mutually destructive proxy wars. On a parallel track, IGAD has been developed as the main regional body for handling peace processes in Somalia and South Sudan. For most of the period since 1993 IGAD has been the main game in town for peace negotiations in South Sudan. However, developments after the signing of August 2015 agreement indicate that IGAD has reached a dead end and that alternative forums may be under consideration.

Stability and minimal political change appear to be the main concerns for South Sudan's neighbours. In the short term, this may ensure sober and implementable agreements between theoretically amenable parties, but does not necessarily address more fundamental issues – or tackle the manipulation of peace-making and peace agreements by South Sudanese parties – which may trigger future conflict. Since August 2015, the Government of South Sudan has been implementing a version of the peace agreement essentially focused on a 'curtailed reform agenda', and not the full terms of the agreement; this is apparently acceptable to its neighbours.[107]

Sudan

Despite the decades of civil war, South Sudan's subsequent secession and the continued insurgencies in Sudan's regions of South Kordofan and Blue Nile, independence did not mean total rupture. The two countries are forced to interact. Although tilted in Sudan's favour, mutual dependency characterises current relations between Sudan and South Sudan. The two sovereign states share a long border and are bound together by economic ties, most importantly the oil pipeline and shipping of South Sudan's oil, but also by the River Nile, important for transportation and for regional diplomacy over hydropower and irrigated agriculture.

Both Khartoum and Juba have key constituencies among ethnic groups living along the

106 UN source, Juba, 14 February 2017.

107 International Crisis Group (2016), 'South Sudan: Rearranging the Chessboard,' 1.

border – albeit, arguably, the people living in the North are more dependent on access to the South than vice-versa. However, with South Sudan imploding economically and politically, these transnational relations have become crucial for the South Sudanese: for instance, the rebels accord free passage to Sudanese merchants who export gum arabic in Upper Nile, and vital food imports are still crossing into South Sudan from Sudan.[108]

Although the al-Bashir regime is opaque, some general principles and trends in Sudan's interaction can be discerned with its new neighbour to the south. A worst-case scenario for al-Bashir would be a strong South Sudan in a close military and economic alliance with Uganda. Since recent history has precluded the development of any close alliance with Juba, it is better for Khartoum to maintain low-level conflict and to keep South Sudan weak.[109] In pursuit of this agenda, Khartoum has sought to maintain good relations with all sides to the conflict. Fomenting divisive politics keeps the South Sudan elites preoccupied and makes it possible to use the rebels to punish the government if it does not 'behave' (and vice-versa).

A continuing point of contention has been the SPLM/A-North's rear bases on the territory of South Sudan.[110] Sudan claims that Juba also directly supports the rebels, but this has been difficult to prove. During the negotiations leading up to the August 2015 agreement, Sudan insisted that the document should include a clause on the eviction of rebels from South Sudan. Although it was decided to carry out this obligation, doubts remain whether the government in Juba has the capacity and necessary control of the border region to evict the SPLM/A-North. There is also strong reason to believe that Uganda, South Sudan's main ally and assertive neighbour to the south, is interested in keeping the SPLM/A-North operative as a distraction for Khartoum.

108 University representative, Juba, 18 February 2017.
109 International NGO worker, Juba, 13 February 2017.
110 Diplomatic source, Juba, 15 February 2017.

Uganda

Among South Sudan's neighbours, Uganda is the main ally and patron of the current regime in Juba. Until 2005, interaction between Uganda and what were then the southern regions of Sudan was military and humanitarian. Proxy warfare from the late 1980s and onwards laid waste to South Sudan and northern Uganda, the initial battleground for counter-insurgency campaigns against the LRA. In the decades since the 1960s, civil wars have sent Ugandans and South Sudanese across the border as refugees; and over the course of three civil wars, South Sudanese have fled to camps in northern Uganda. During the period of improved relations in the early 2000s, Khartoum allowed the Uganda People's Defence Force to pursue the LRA on what was then Sudanese territory.

A new chapter in Uganda–Sudan/South Sudan relations was opened with the signing of the peace agreement in 2005. Uganda's consistent and often substantial support to the SPLM/A during the civil war gave President Yoweri Museveni a high standing and considerable influence in Juba. Improved security and the inflow of oil revenues to the coffers of the regional government created an economic boom which affected Uganda in multiple ways. Many traders and labourers moved to South Sudan, providing goods and a skilled workforce to a country which lacked both. Many South Sudanese sent their children to school in Uganda, and the desire for a second home abroad triggered a real-estate bonanza in Kampala. Imported goods landed in Mombasa are normally trucked through Uganda, providing another major source of revenue for Museveni's government.

South Sudan's economic downturn in 2013 affected Uganda, societally and economically. Some refugees arrived in northern Uganda already in the months after the outbreak of civil war in 2013, but the major influx started in the summer of 2016 as the war spread to Greater Equatoria. Nearly one million people have sought shelter within the overwhelmed refugee apparatus. Uganda has been presented as a paragon of sustainable and humane refugee shelter-

ing, but size of its refugee population and the rapid increase threaten the system.

Kampala wants to keep its sway over Juba. This entails propping up the sitting regime at all costs, also through military intervention, and vetoing unfavourable peace compromises. From a Ugandan perspective, the worst possible outcome of the current conflict would be a change of government in Juba that gave Sudan or Ethiopia greater influence over the new president and his cabinet. Any future agreements that entail prospects of Riek Machar gaining executive power are particularly unpalatable, because of his assumed close association in the past with the LRA and his current ties with Khartoum. However, relations between Salva Kiir and Yoweri Museveni also seem strained, as Juba has not been following Uganda's lead in the current peace process. Since 2016 there have also been signs of improved Sudan–Uganda relations. However, these developments are unlikely to initiate a regime-change agenda, as that might lead to further disintegration or elevation of less Uganda-friendly elements within the armed forces.

Kenya and Ethiopia

Historically both Kenya and Ethiopia have been supportive of the South Sudanese liberation struggle, although not necessarily in favour of secession. While Kenya has provided mainly diplomatic support and facilitated the SPLM/A in exile, the current EPRDF government and the previous Derg regime in Ethiopia provided weapons and training to the SPLM/A. In the late 1990s, Ethiopia even intervened covertly in the civil war, using its own armed forces. In recent years, Ethiopia has improved its relations with Sudan, and sees Khartoum increasingly as a key ally in its wrangling with Egypt over control of the Nile waters and influence in north-eastern Africa. Kenya and Ethiopia are currently seeking a diplomatic solution to the civil war in South Sudan and both governments have their attention focused on domestic developments: Ethiopia on growing unrest, and Kenya on the continuing elections. For the time being, both remain supportive of the Juba regime – Kenya even deported SPLM-IO politicians in 2016, and reportedly looked the other way while South Sudanese security forces abducted others.

Much like Uganda, the two countries benefitted significantly from the 2005–2012 oil boom. Kenyans were involved in the transport sector and in finance; major banks established lucrative branches in major towns. Ethiopians (and Eritreans) invested in the hospitality sector, and run hotels and restaurants. The border trade is also important. Additionally, both countries have been affected by the refugee crisis, albeit not as much as Uganda has. During their bilateral talks in Addis Ababa in early 2017, Ethiopia's Prime Minister, Hailemariam Desalegn, and Salva Kiir signed eight cooperation agreements (see 'The politics of economic governance' above).

Ethiopia is the dominant country within IGAD, and uses this as its main conduit for influencing the regional game around South Sudan. Following the outbreak of conflict in 2013, Prime Minister Hailemariam Desalegn was quick to take the initiative and host negotiations between the recognised warring parties. Kenya has mostly engaged through multilateral channels with peacekeeping and mediation, but did receive and house political detainees after they were released in 2014. Following the signing of the August 2015 agreement, Ethiopia maintained a firm hold on the implementation of the peace process and has a strong interest in keeping this process alive.

Egypt

From the 19th century up 1956, as a colonial power Egypt was directly involved in today's South Sudan. Since then, its interest has been maintained, chiefly because of the Nile River. Since 2011, with the growing assertiveness of Ethiopia and Uganda in Nile water issues, as well as closer collaboration between Sudan and Ethiopia, South Sudan has climbed up Egypt's foreign policy agenda. Agreements have been signed, heads of states have conducted reciprocal visits and aid programmes have been announced. Egypt has also been accused of

military meddling in South Sudan: Sudan's president, Omer al-Bashir, ruled out the direct involvement of the Egyptian army in South Sudan, but said Egypt has provided the SPLA with arms and ammunition.[111] The SPLA deny receiving any form of military support from Egypt. By flirting with Egypt, the government in Juba, as the weak player in the Nile basin, might gain some leverage vis-à-vis its more powerful neighbours – but there is a limit to how far this can be taken before the costs outstrip the benefits.

111 Amin (2017), 'Khartoum accuses Cairo, Juba of backing rebels'.

7. Humanitarian assistance: Norway, South Sudan, and the impact of aid since 2005

The Norwegian government is a major bilateral donor to South Sudan, and as part of the Troika with the UK and USA, it has played an important role in supporting peace and reconciliation processes. In part, this diplomatic engagement can be ascribed to the longstanding involvement of NGOs, dating back to the 1970s. Cooperation between Norwegian and Sudanese academic institutions as well as churches, religious organisation, labour unions and volunteer solidarity has also played a bridge-building role, nurturing a grassroots constituency for Norway's engagement in South Sudan. Because of this broad engagement, developments in the two Sudans receive frequent Norwegian media coverage.

The longstanding goal of Norwegian foreign policy and development cooperation with Sudan and, later, with South Sudan has been to reduce poverty and promote peace by fostering a democratic and more resilient state and supporting the development of a vibrant civil society. Support is also motivated by security concerns and the perceived need to stabilise the region. In pursuit of these goals, politicians, academics and practitioners continuously debate how to balance long-term development cooperation, humanitarian aid, and peace and reconciliation.

Close association with an initially successful peace process has also cemented a positive image of Norway abroad. Norway's comprehensive network among and leverage over influential South Sudanese leaders have generated access and prestige internationally. However, South Sudan's accelerating disintegration and an increasingly critical world opinion as to the role of the Troika in South Sudan's independence have motivated political dissociation from the process. In consequence, the Norwegian role has become less central to the on-going peace efforts than in the previous CPA negotiations, and Norway has called for the government of South Sudan to take greater ownership and responsibility in solving the crisis.[112]

Since 2005: from humanitarianism to long-term development, and back again

For all donors and aid agencies working in South Sudan, the signing of the CPA in 2005 triggered an optimistic shift, from a focus on responding to short-term humanitarian needs, towards post-war reconstruction. A 2010 evaluation of development interventions in the post-CPA period in South Sudan noted the general belief within the international community that providing development through post-war reconstruction and state capacity building would foster peace.[113] These 'peace dividends' included a wide range of projects focused on infrastructure, social services and livelihood, strengthening the capacity of the local governance and justice system, reconciliation and community mobilisation. The three main spending categories for donor funds were socio-economic, governance and civil society development.

Correspondingly, the Norwegian government has invested prestige in improving South Sudanese resource management within the oil and for-

112 Brende (2017), 'Sør-Sudans regjering må ta ansvar [The Government of South Sudan Must Take Responsbility]'.

113 Bennett et al. (2010), 'Aiding the Peace: A Multi-Donor Evaluation of Support to Conflict Prevention and Peacebuilding Activities in Southern Sudan 2005–2010.'

estry sector, the energy sector, and public-sector capacity-building (e.g. the education system).[114] Coupled with Norway's political engagement, the previous activities of Norwegian NGOs – most notably those of the Norwegian People's Aid and the Norwegian Church Aid – have helped to provide operational clout in an increasingly difficult humanitarian context.

South Sudan has been host to an array of donor-funding mechanisms intended to co-ordinate external support to development and humanitarian initiatives. A common approach is pooled funding, which has proved challenging and ineffective in South Sudan due to weak governance structures.[115] Within certain fields of social services, notably health and education, aid helped to increase coverage and individual project achieved success at the local level. However, despite the good intentions and massive engagement of the international community in South Sudan, ineffectiveness, poor planning and lack of contextual understanding have generally resulted in flawed and inappropriate programmes with weak links to peace-building objectives and conflict prevention.[116] Since the outbreak of conflict in 2013, donors have attempted to avoid buttressing an increasingly unpalatable regime; and bilateral and state-to-state support to the South Sudan government has shifted to implementation via donor-country NGOs and South Sudanese civil society organisations.

Peace-building efforts had also been retooled in recent years. Much of the international funding budgeted for post-war reconstruction and state-building purposes was rerouted towards humanitarian aid operations, while development programs were put on hold. In response to the crisis, the total overseas development aid (ODA) budget increased exponentially, from USD$685 million in 2013 to USD$1315 million in 2014; of which 67% was categorised as humanitarian aid in 2014 – a significant increase from previous years.[117] In line with the international response, the Norwegian government redirected approximately 70% of its development cooperation budget to short-term response measures, and increased its support to South Sudan via Norwegian aid organisations.

The development of the current humanitarian crisis, and the problem of interventions

The civil war has become increasingly protracted as violence and insecurity have spread to the Greater Bahr el-Ghazal and Equatoria regions and more people have been displaced. This has further complicated the physical delivery of aid within South Sudan. It can be challenging to determine which areas to target, as people are continuously on the move and information on their whereabouts is scarce. Moreover, the dispersal of people into remote areas, like the swamps in Unity State, can make access to humanitarian aid almost impossible.

Faced with a complex set of constraints on humanitarian access, providing aid has become increasingly difficult and dangerous. In addition to recurring funding shortfalls come the logistical challenges. Poor or non-existent infrastructure and unpredictable weather patterns present major challenges, and require timely funding for effective planning and prepositioning of aid. Up to 60% of the country is inaccessible by road during the rainy season, making the delivery of humanitarian aid minimal or impossible for up to eight months of the year.[118] Other challenges are the time-consuming bureaucratic impediments, border-crossing issues, and negotiating access – in rebel as well as in government-controlled areas. Also during the previous peace period these factors were present, but now they represent almost insurmountable obstacles.

The conflict situation presents additional challenges, such as looting of humanitarian aid and food depots, and high levels of operational

114 NORAD (2017), 'South Sudan'.
115 Metcalfe-Hough et al. (2017), 'How to engage in long-term humanitarian crises: a desk review', 61.
116 Bennett et al. (2010), 'Aiding the peace,' xviii.
117 Sørbø et al. (2016), 'Country Evaluation Brief: South Sudan', 19.
118 Bennett (2013), 'Humanitarian Access in South Sudan', 5.

insecurity. Security for humanitarian actors has deteriorated steadily. On 25 March 2017, six aid workers and a driver from a UNICEF partner organisation were killed in a road ambush, making it the deadliest single incident for humanitarians since the conflict broke out in December 2013.[119] The number of violent incidents – including robbery, harassment, assaults and hijackings – targeting humanitarian personnel and staff has increased; and at least 79 humanitarians have been killed since the conflict started in 2013.

In a war where government forces and various armed groups systematically attack, displace and rob civilians, humanitarian aid is vital. Providing humanitarian assistance has justifiably become the donors' primary concern. But in the short term, aid can (and appears to) fuel the conflict: financially, through taxation, expropriation of food aid, and the legitimation of armed factions through negotiating access; and by providing a further tool in the efforts of all warring parties to control populations and the international community. In the long term, humanitarian aid is always political and politicised; but it still cannot stand in for political action, generally does not promote reconciliation and reconstruction, and cannot address the underlying causes of the conflict.

The humanitarian crisis demands urgent attention, proper funding, and strategic focus. But this immediate emergency must not deflect attention from longer-term projects that can support deeper processes of internal reform, for instance investment in curriculum development and higher education. More immediate and short-term funding for 'civic' projects aimed at promoting peace and social harmony – an ambitious task within an escalating conflict – may have minimal impact if these are not elements of wider projects of political education and social engagement rooted in local perceptions of conflict resolution and restitution (see also 'Civil dynamics for change', below).

119 McVeigh (2017), 'Seven Dead in Worst Attack on Aid Workers since South Sudan War Began'.

8. Civil dynamics for change

This section outlines internal South Sudanese efforts for civic organisation: how has the Kiir government been co-opting the language of truth, reconciliation, dialogue and peace-building, and how are civil society activists responding? We begin with an overview of the disputed terrain of civil society, then discuss the current risks and spaces for action. Next we focus on current debates on what constitutes justice, accountability, and possible ways forward, and finally examine the contested National Dialogue.

What is 'civil society' in South Sudan?

Churches, student associations, workers' unions, journalists, writers and academic critics have all been active, as have more contested figures under the catch-all category of civil society: the 'traditional authority' of chiefs and elders, migrant ethnic associations, and ethno-regional councils. Such a broad definition reflects local interpretations of 'civil society,' but may contrast with more conventional understandings.

South Sudan's civil and community organisations are divided as to approaches, political visions and focus. More recent civil society organisations (CSOs) struggle with issues of their own legitimacy and local rootedness, particularly those organisations led by diaspora returnees or activists based abroad. Those who receive funding from overseas donors or international NGO partners also face accusations of bias or political intrumentalisation.[120] Civil society is politically instrumentalised by the South Sudan government as well: activists accuse some NGOs of being 'GoNOs' – government non-governmental organisations, 'formed in the name of civil society' whose 'job is to counter whatever the real civil society will be doing'.[121] Others may see the civil society platform as an opportunity for personal gain and an alternative (often well-funded), and more attractive route to political careers. Despite this heterogeneity, many of the most active CSOs have collaborated since 2013 under various umbrellas, including the Transitional Justice Working Group.

The church as civil society

The church in South Sudan is possibly the most extensive and well-connected 'civil society' body. Church leadership in South Sudan is ecumenical: all the main Christian denominations work together through the South Sudan Council of Churches (SSCC), which has a Presbyterian moderator as chair and a Catholic priest as secretary-general. The SSCC can bring significant international pressure to bear – the Pope had planned to visit in 2017 – and inter-church committees at regional and town levels play a significant role in local politics. Initiatives like Bishop Emeritus Paride Taban's Holy Trinity Peace Village are quiet political efforts to demonstrate and practice ideas of civil politics and government-building.

Although many leaders are attempting to maintain that the church in South Sudan is a 'neutral forum',[122] the churches have long played an important role in political brokerage in South Sudan. The Sudan Council of Churches, with

120 International NGO, Juba, 9 February 2017.

121 Rift Valley Institute (2016), 'Instruments in both peace and war: South Sudanese discuss civil society actors and their role.'

122 Bishop, Juba, 14 February 2017.

the World Council of Churches, facilitated and funded mediation efforts in 1971 between the government of Sudan and the Anya-Nya's Southern Sudan Liberation Movement, ultimately resulting in the 1972 Addis Ababa Accord. Since the 1990s, the church has mediated a series of peace and reconciliation conferences, notably the 1999 Wunlit Agreement meetings, and the South–South dialogues between the SPLM/A and other Southern political parties. The church has also worked together with chiefs on post-1972 and post-2005 resettlement and community order.[123]

South Sudan's churches struggle to balance their position as 'neutral' political actors, also within their own organisations. In most urban neighbourhoods and refugee communities, the churches are generally divided on ethno-linguistic lines – with, e.g., Bari, Dinka, or Zande congregations. In churches in northern Ugandan refugee camps and neighbourhoods, a few priests and church authorities are attempting to build bridges between congregations, and some priests are actively engaged in partisan activities (as in Yei).

The churches' ability to broker any peace conference is fundamentally undermined by the current lack of interest or good faith from the current regime in Juba. Similarly, the SSCC's claim to spiritually-rooted neutrality, acting solely 'for the people', and their resultant focus on reconciliation and healing, are at odds with local demands for justice and restitution. This spiritual, healing-focused approach can also be instrumentalised by the Kiir government, which willingly invests in nominal 'reconcilatory' efforts over more critical reformist agendas (see 'National Dialogue', below).[124]

Space and risk

Both the church and civil society organisations are struggling with questions of their intent and abilities: are they working towards 'stability' or for more radical political reform, which entails significant risks? Should they confront the current government directly, or attempt to engage various elements of the military-political powers in softer dialogue? And what could constitute effective action and impact, when there are so few realistic routes to political reform and impact on the military-political stranglehold? These questions are debated within the CSO and NGO community in Juba, often producing what one activist described as political rather than civic programmes, and 'angry events'.[125]

These activists are working within an increasingly limited space, and with significant risks. Since 2011, National Security has arbitrarily politicians, members of CSOs, NGO staff and journalists, sometimes holding them for years.[126] In Yei, on 10 March 2017 – the day of National Prayer declared by Kiir – a priest who had been detained and imprisoned for five days was killed and his body dumped. Successive media and national security laws during 2015/2016 further extended the government's repressive powers and limited the available legal space for action. The very small academic space is also targeted; in January 2017, two Juba University lecturers were arbitrarily arrested and kept incommunicado for several days on the orders of the Vice-Chancellor, who used students affiliated with the National Security services to apprehend them.[127] Even comparatively pro-Kiir forums are subject to repression, as was the case with a recent youth conference in Nairobi, which – even though it involved generally pro-government reformists – was criticised by President Kiir as a group of 'spoilers'.[128]

These risks are combined with the widespread repression of public discourse. In September 2014, the longstanding Minister of Information Michael Makuei stated that journalists who reported on Riek Machar or other opposition statements were 'rebels and agitators' and could face prosecution.

123 Ibid.
124 University representative, Juba, 18 February 2017.
125 National NGO, Juba, 13 February 2017.
126 See Turse (2016) '"We Can Assassinate You at Any Time" — Journalists Face Abduction and Murder in South Sudan'.
127 University representative, Juba, 14 February 2017.
128 Radio Tamazuj (2017a), 'Full speech of President Kiir after meeting Egypt's President'.

In mid-2015, Makuei again defended the detention of journalists by National Security without due process; Salva Kiir went on to declare: 'if anybody among [journalists] does not know that this country has killed people, we will demonstrate it one day, one time. ... Freedom of the press does not mean you work against the country.' Many local journalists understood this as a direct threat.[129] Makuei has since shut down many live-broadcast phone-in programmes, has pressured media houses and newspapers into closure, and has controlled phone networks in conflict areas, as in Yei from July to September 2016.[130]

Few organisations in South Sudan are able to take substantive action in this environment, let alone directly influence political decision-making or state actions. The majority of national or local organisations and civic institutions that still exist as viable entities in South Sudan are based in Juba. If these organisations still have the financial and human resource capacity to act, they generally attempt simply to maintain some open civil space – through arts projects, education work, or church prayers, for instance. South Sudan's sprawling national security apparatus rigorously polices and often stops such activities. Organisers risk physical or other repercussions. Open demonstrations of political dissent are shut down by force, as with the Juba University student protest against the Kiir government on 9 May 2017, which led to violent confrontations between students and military forces, and the detention of two journalists.

Justice, accountability, and civic reconstruction

Attempts to devise processes that could move towards holistic forms of justice, accountability and reconciliation have been severely undermined by the risks of discussing these issues since the war started in 2013, as well as by the dearth of functioning state institutions, and deeply compromised and often contradictory legal processes and standards. How to credibly and legitimately balance efforts for reconciliation and community reconstruction with prosecution and punishment is still a poorly-researched question.

The August 2015 peace agreement set out a transitional justice, reconciliation and accountability programme, which the current regime – despite its declarations of support – has sought to undermine and co-opt (see 'National Dialogue', below). CSOs have put significant pressure on international authorities, including the African Union and the UN, to establish the hybrid court and use the regional protection force to help to bring to trial those responsible for war crimes.[131]

Among the people of South Sudan there is significant division and uncertainty as to what would constitute justice, particularly as the civil war continues and deepens. However, recent research on justice and transitional justice has found that over half of those surveyed had been recently victimised by an armed actor or group: this includes ex-combatants themselves. This study found divergent popular understandings of the causes and possible solutions to current issues of conflict, punishment, and justice; but also overwhelming support for punitive justice, as well as for compensation, reconciliation and restitution.[132]

There is a risk that an externally led process in the form of a hybrid court or an international tribunal may impose concepts conforming to ideas of 'justice' within donor countries and among segments of South Sudan's educated elites, but alien to many South Sudanese: that might, in the end, deepen conflict and generate new grievances. Instead, many activists emphasise the importance of expanding justice and reconstruction beyond state or statutory legal processes, to encompass 'traditional' and reconciliatory processes; these mediatory approaches are comparatively easier to organise, and less threatening to military-security actors. However, such reconciliatory approaches

129 Sudan Tribune (2015), 'South Sudan President threatens to kill journalists: report'.

130 Former NGO worker, Arua, 27 February 2017.

131 Transitional Justice Working Group (TJWG), 'South Sudan: Finding A Way Forward After the July 2016 Crisis,' 10 August 2016.

132 Willems and Deng (2016), 'Access to Justice: Perceptions of and experiences with violent crime in South Sudan.'

might fail to hold anyone to account. Even after violence has ended, 'truth-telling' may be difficult.

Formal trial justice and truth and reconciliation might not be automatically complementary: as one national researcher noted, there is a 'very messy line between an individual action and a communal action' in South Sudan, and all processes will struggle to negotiate the question of responsibility.[133] Similarly, truth and reconciliation projects must grapple with a context in which communities and even civil society actors hold deeply differing ideas of past actions and events, with limited civic education and open space for discussion and listening. And any pursuit of justice and restitution is fundamentally compromised by the on-going civil war, as abuses, violence and grievances deepen and become embedded within divided and hostile communities.

The 'National Dialogue' as a force for peace

The political divisions, tensions about aims and methods, as well as the careful management of risks, within South Sudan's civil society are exemplified by the National Dialogue, and civil society and church divisions over how to manage and engage with the Kiir government in its implementation.

As noted, on 14 December 2016, President Kiir announced a National Dialogue for South Sudan, with himself as patron (a position from which he withdrew in June 2017). Although proposed as complementary to the transitional justice provisions of the August 2015 agreement, the National Dialogue explicitly excludes all opposition, and its committee members were appointed by decree with no consultations. President Kiir stated in February 2017 that the government will take 'extreme measures to neutralise' any anti-peace elements who criticise or do not engage with the National Dialogue.

The National Dialogue has divided South Sudan's civil society as well as the international community. Some, including the UN Development Programme, JMEC, and certain CSOs, see an opportunity to try to convince the Kiir government to 'take the moral high ground'.[134] But most observers and national activists see the transitional justice agenda as 'hijacked from the top',[135] as a convenient 'political prop' for Kiir government's efforts to silence or co-opt internal criticism.[136] Revealingly, one of the think-tanks that proposed the initiative to Kiir's office and has taken a leading administrative role described the National Dialogue as 'a process to re-establish broader consensus'.[137]

A fundamental lack of trust undermines the Dialogue; some members of the churches and academic organisations unilaterally appointed to the steering committee have remained silent, fearing repercussions if they should attempt to withdraw.[138] One of the nominated chairpersons for the Dialogue, Bishop Emeritus Paride Taban, withdrew from the Dialogue on 1 March 2017, pleading his age and health. Other church leaders have been more explicit: the Catholic Auxiliary Bishop of Juba, Reverend Santo Laku Pio, stated that he will not participate 'unless they carry me as a corpse'.[139] Regardless, the National Dialogue is moving forward, but the process is opaque and tense, driven from the Office of the President. The process has made clear the tensions within South Sudan's civil society organisations and among international bodies: should one attempt to engage and steer a clearly deeply political and compromised plan – or oppose it?

133 Interview with think-tank analyst, Juba, 17 Feb 2017.

134 JMEC representative, Juba, 18 February 2017.
135 International NGO staff, Juba, 13 February 2017.
136 Former-NGO worker, Arua, 26 February 2017.
137 National think-tank, Juba, 17 February 2017.
138 National NGO, Juba, 13 February 2017.
139 Danis (2017), 'National Prayer Day: Clerics speak openly against vices'.

9. Conclusions

The current stasis

Regardless of public posturing, all parties to the conflict in South Sudan have realised that the war cannot be won with military offensives. The Kiir faction is the strongest group: it controls the (rapidly eroding) state apparatus, has more funds and military resources at its disposal, and has the advantage of being formally recognised as a sovereign government. However, as war and rebellion spread to new parts of the country, the Kiir government's sources of internal legitimacy are diminishing, and the government forces lack the military capacity to assert control over the vast and road-less countryside controlled by rebels. At best, they can 'mow the lawn' – temporarily assert authority in a selected area through a short offensive.

The rebel factions, on the other hand, lack the hardware necessary for taking on the urban government strongholds. Without foreign patrons, the best they can hope for is to inflict a 'death of a thousand cuts' by harassing strong-points, disrupting communication, and hindering agricultural and revenue-earning production, first and foremost oil. The parties find themselves in a 'mutually hurting stalemate', but – contrary to established theory – this does not necessarily provide incentives to commit to a negotiated peace. The default strategy is rather to engage in a game of 'chicken', where the goal is to hold on until either the circumstances change, or the other party collapses or gives in.

Regional and international bodies have shown little enthusiasm for making the strategic innovations necessary to challenge the logics of this stalemate. The new Regional Protection Force cannot be used for much more than self-protection, and there is little will or ability on the part of the UN Security Council and the Western donors to commit the financial and military resources required for changing the military logic on the ground.[140] The UN and most other international actors have shifted the focus to negotiating humanitarian access and the 'stability' necessary for continued presence in South Sudan. But creating an environment conducive to humanitarianism at the very least, and peace-building in the best case, is an engineered and illusory stability which will favour the political factions that control the government, without changing the status quo or stemming the process of socio-economic and government collapse.

The need for fundamental change

While researching this report, we were constantly confronted with bleak reflections on South Sudan's current collapse and lack of paths forward. To many, there is no longer a government,[141] and the 'ideas and ideologies that people went to the bush to fight for [are] lost.'[142] People feels that the war of liberation was 'fought in vain.'[143] The Kiir faction's control over civil space, discussion and personal opportunities has destroyed any social contract or popular ownership of South Sudan: as one resident commented, 'we are living in a time where the government creates people' – rather than the other way around.[144]

A retired politician, now a refugee in Arua, described South Sudan's current government

140 Kindersley and Rolandsen (2016), 'Briefing.'
141 Bidi Bidi refugee camp representatives, 28 February 2017.
142 Refugee religious leader, Arua, 27 February 2017.
143 Former NGO worker from Yei, Arua, 26 February 2017.
144 Former politician, Kampala, 21 February 2017.

as an upside-down pyramid: 'the moment they collapse on the top, there's no base for them.'[145] The various armed opposition factions, commanders and politicians might perhaps create a pragmatic short-term coalition against their common enemy, the government of Salva Kiir,[146] but South Sudan would still be at real risk of further fragmentation, including regional separatisms and the creation of warlord fiefdoms.[147] Many among this opposition see the situation as hopeless: 'we are like people who have been abandoned and we are doing it on our own, and we don't know how this will end.'[148]

Fundamental change is what people within and outside South Sudan want.[149] Main responsibility for instigating such change rests with the South Sudanese and their leaders. Still, it is evident that external actors – especially the neighbouring countries – have considerable sway over the course of the war and the various peace processes. It is essential for these actors to work in concert towards a long-term sustainable peace.

However, the various roadmaps, and most prominently the August 2015 agreement, do not reflect the actual military and political terrain and cannot serve as guides out of the current stasis. Compared to the situation in December 2013, the conflict is now broader and has 'a different shape'.[150] There is little or no direction from international or regional bodies – only widespread feelings of exhaustion and paralysis in the face of an unfolding disaster.[151] A key question is whether South Sudan is considered important enough for these international actors to step up their engagement once again. One prerequisite here is a fundamental shake-up of the established patterns of international interaction with South Sudan, combined with massive high-level political and diplomatic engagement from key global players and from other African countries and organisations.

Risks, challenges and opportunities

Peace processes based on the need to 'do something' must be avoided. International actors should provide space only for negotiations in good faith: simply dragging the warring parties to a 'power-sharing' brokerage table is useless and serves to perpetuate the status quo.

In the current famine and refugee crisis, humanitarian aid is saving lives – but it is also being manipulated and exploited by warring parties, and affecting people's decisions and migration routes. All aid policy and planning must involve clear political understandings of this instrumentalisation and the politics of access. Humanitarianism cannot be seen as an apolitical or pragmatic route to engagement. Rather, it must be approached holistically, as part of a broader political and diplomatic strategy.

In a situation where the worst forms of humanitarian catastrophes are accelerating, it cannot be an option to simply 'batten down the hatches' in Juba and wait for an opportunity to engage the parties in a binding peace process. The opportunity must be created. This entails making the 'game of chicken' (which faction will collapse first?) unsustainable, and making a negotiated deal more attractive.[152]

Following the violence in Juba in July 2016, a clumsy quick-fix attempt at this stratagem was made. Acting on the misguided assumption that the war was a matter of personal rivalry between Riek Machar and Salva Kiir, it was apparently thought that if Riek were removed from the equation and placed in house arrest in South Africa, the opposition would be happy to follow Taban Deng and continue implementing the August 2015 peace agreement. The opposite transpired: Taban – although internationally accepted (if not formally recognised) as the first vice-president –

145 Former politician, Arua, 6 March 2017.
146 Former NGO worker from Yei, Arua, 27 February 2017.
147 Former NGO worker from Yei, Arua, 26 February 2017.
148 SPLM-IO mobiliser, Arua, 7 March 2017.
149 Refugee priest, Arua, 18 February 2017.
150 Former-NGO worker from Yei, Arua, 26 February 2017; see also UNSC (2017), 'Report of the Secretary-General on South Sudan (covering the period from 2 March to 1 June 2017)'.
151 National NGO worker, Juba, 13 February 2017.
152 This will require collective efforts. For instance, there is a humanitarian hub in Juba, but no peace-building or conflict mitigation forum for collective strategy.

remained with only a few followers, while the conflict spread to new parts of the country.

As long as the conflict rages, fostering this type of brokerage among a shallow pool of elites will not change the situation. Conflict-focused forums must seek wider constituencies and new faces, as new generations of intellectuals and activists emerge.[153] These actions must be local as well as national. There is proven value in well-grounded localised peace building, even while conflict rages elsewhere.[154] These forms of conflict intervention are difficult, and entail high stakes.

Both humanitarian and political engagement carry significant risks – primarily for local staff – due to the current politicisation of all actions taken in or towards South Sudan. Even famine-mitigation projects and their staff face significant risks of manipulation, political accusations, and resultant targeting. It is vital to provide maximum protection (and to fully resource and listen to) local staff.

In this climate, bottom–up initiatives and support to local governance are clearly preferable. But without sensitive local consultations and political analysis of entry points and partners, international actors may end up inadvertently supporting political or even conflict actors. Similarly, support for regional or local organisations and local government structures risks feeding fragmentary governance systems, which are increasingly drawn up along ethnic lines and logics.

The political and social cohesiveness and integrity of South Sudan as a sovereign state is at stake – although already lost to many of its people. Any work – however the current conflict unfolds – must recognise the fundamental lack of legitimacy, social contract, and trust among the citizenry as regards their state and nation, and support locally rooted endeavours that attempt to articulate and bring together socially and politically divergent or hostile groups and individuals in efforts at truth-telling, reflection, and societal reconstruction.

Although the African Union has been pursuing the establishment of a Hybrid Court for South Sudan, any foreign involvement should be based on a cautious and consultative approach. National-level dialogue in any form cannot properly be held until a ceasefire or cessation of hostilities is in place. To create the conditions for dialogue, there must be long-term investment in reconstituting community and civic engagement – not least through curriculum reform, broad education programmes, and recognition of the need to open up for discussion of the long, painful histories of civil war and violent governance in South Sudan.

Dialogue will need to focus on truth-telling, and on well-grounded research into local understandings of justice. Public expressions of guilt (not mere apologies); payment of compensation through historically rooted mechanisms for conflict resolution; and the replacement of leaders – these are the most realistic post-war paths to restitution when relationships and trust are at a catastrophic low. Only then, when a re-constituted political arena has been consolidated, can accountability by trial legitimately take place.

153 Chatham House (2016), 'The future of South Sudan and the peace agreement'.

154 Comments from Chatham House; although some new donor strategies of 'emergency intervention' in new and unfolding conflict situations appear likely to be counterproductive and instrumentalised by warring parties. Detailed local knowledge is vital to any local or national-level conflict intervention.

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