BUILDING A STATE WITHOUT THE NATION? "PEACE-THROUGH-STATEBUILDING" IN SOUTHERN SUDAN, 2005-2011

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Abstract:

In January 2005 the signing of the Comprehensive Peace Agreement (CPA) brought Africa's longest-running war in Southern Sudan to its formal end. Essentially a two-party power-sharing treaty between the Government of Sudan and the largest rebel organization in Southern Sudan, the Sudan People's Liberation Movement/Army (SPLM/A), the CPA, which provided a roadmap for peace between the main warring parties and facilitated the secession of Southern Sudan in July 2011, faced a number of challenges due to being imposed over a complex landscape of local political actors. This article analyzes the external intervention during the CPA implementation in Southern Sudan in 2005-2011. It treats state-building and nation-building as separate in order to demonstrate the limits of the current intervention aimed at building a legitimate and authoritative state. The article argues that the external intervention in Southern Sudan, characterized by "peace-through-state-building" approach, was unable to ensure peace during the period examined due to its lack of focus on nation building.

Keywords: Southern Sudan, Comprehensive Peace Agreement, Post-conflict intervention, Peace-Building, State-building, Nation-Building.

Resumen:

En enero de 2005 la firma del Acuerdo General de Paz (AGP) puso fin oficialmente a la guerra civil más larga de África, en el Sur de Sudán. El AGP es en esencia un tratado para compartir el poder entre el Gobierno de Sudán y la mayor organización rebelde en el Sur de Sudán, el Movimiento/Ejército de Liberación del Pueblo de Sudán (M/ELPS). Si bien el AGP proporcionó una hoja de ruta para la paz entre las principales partes en conflicto y facilitó la secesión de Sudán del Sur en julio de 2011, se vio afectado por una serie de dificultades derivadas de su imposición a un panorama complejo de actores políticos locales. En este artículo se analiza la intervención externa durante la implementación del AGP en el Sur de Sudán en el período 2005-2011. Se abordan por separado los temas de construcción del Estado y construcción de la nación, con el fin de demostrar los límites de la intervención actual destinada a la construcción de un Estado legítimo y con autoridad. El artículo sostiene que la intervención externa en el Sur de Sudán, que se caracteriza por el enfoque de "paz a través del proceso de construcción del Estado", no fue capaz de garantizar la paz durante el período investigado debido a su falta de atención al proceso de construcción de la nación.

Palabras clave: *Sudán del Sur, Acuerdo General de Paz, intervención post-conflicto, construcción de la paz, construcción del Estado, consolidación nacional.*

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1. Introduction

In January 2005 the signing of the Comprehensive Peace Agreement (CPA) brought Africa's longest-running war in Southern Sudan to its formal end. Essentially a two-party power-sharing treaty between the Government of Sudan and the largest rebel organization in Southern Sudan, the Sudan People's Liberation Movement/Army (SPLM/A), the CPA, which provided a roadmap for peace between the main warring parties and facilitated the secession of Southern Sudan in July 2011, faced a number of challenges due to being imposed over a complex landscape of local political actors.

The CPA implementation period, during 2005-2011, saw an unprecedented international intervention in Southern Sudan. By focusing on the local protagonists, the main external actors sought to prevent them from returning to war, and emphasized the (re)construction of state structures in Southern Sudan where the war had primarily taken place. Drawing from the liberal peacebuilding doctrine's orientation towards statebuilding, the attempt to secure peace in Southern Sudan from 2005 onwards became linked with the short-term strategy of constructing authoritative state institutions and structures. However, the concentration on the state as the main priority sidelined the building of national unity, a crucial aspect for devising long-term peace in Southern Sudan that had been torn along ethnic lines during the war. As a result, the focus on statebuilding aimed at achieving the absence of armed violence, or "negative peace", in the short-term, while sidelining the long-term process of bringing national unity through nationbuilding, the main element generating conditions of more sustainable, long-term, "positive" peace.

This article analyzes the external intervention during the CPA implementation in Southern Sudan in 2005-2011. It treats statebuilding and nationbuilding as separate in order to demonstrate the limits of the current intervention aimed at building a legitimate and authoritative state. The article argues that the external intervention in Southern Sudan, characterized by "peace-through-statebuilding" approach, suffered from limitations reflected in governance and economic development during the CPA implementation, and points out that the focus on statebuilding and distribution of development dictated by the exclusive partnership between the main external actors and the narrow group of local protagonists (the SPLM/A-Government of Southern Sudan leadership) brought about conditions which, by neglecting nationbuilding and distributing economic opportunities and economic development exclusively, failed to promote inclusive nationbuilding and generate state legitimacy by excluding significant sections of southern Sudanese society. Finally, the article shows that this narrow short-term strategy of external intervention was unable to generate conditions for sustainable, "positive", peace until the independence of the Republic of South Sudan in July 2011. This situation has remained largely unchanged since then.

The article is organized in the following manner. First, it provides a brief introduction to the evolution of peacebuilding towards peace-through-statebuilding in the international post-conflict interventions and explains its relationship with nationbuilding. The article then proceeds by presenting a short background to Southern Sudan and to the CPA, after which it concentrates on examining the post-war intervention in Southern Sudan by highlighting the central issues in governance, development, and security sector. Finally, the article concludes with a discussion about the importance of nationbuilding in decreasing direct and "structural" violence and improving conditions towards achieving "positive peace".

2. Peace-through-State-building and Nation-building

The term "Peacebuilding"[2] first appeared in the 1970s. It subsequently resurfaced in the United Nations (UN) agenda in the early 1990s when it featured in Secretary General Boutros Boutros-Ghali's *An Agenda for Peace* (1992)[3] that set the initial framework for "post-conflict peacebuilding" in the UN intervention strategies. The peacebuilding agenda, targeting states emerging from armed conflict, assumed achieving Western-type state order as an optimal solution with the premise that ensuring the conduct of democratic elections soon after a peace agreement and creating a foundation for market economy would bring about liberal democratic and economic order and long-lasting peace.[4] However, after the initial experiences in the 1990s guided by these principles, which included the failures to contain violence in Angola, Liberia, and Rwanda,[5] this approach confronted vibrant criticism for its imposition of political and economic order based on Western norms leading to "mission civilisatrice".[6] This was represented in ever more intrusive interventions which increasingly involved institution-building in the receiving states.[7]

In the aftermath of 11September 2001 attacks on the United States, Washington became major player in influencing the multilateral liberal peacebuilding agenda. Its focus on statebuilding that had from the 1990s featured "building loyal and politically stable subordinate states" shifted towards "building legitimate states [based on] broad-based popular support for nascent states by creating democratic institutions and spearheading economic reforms".[8] This in turn pushed the general peacebuilding agenda further towards the assumption that sophisticated social engineering could take over, or at least speed up, the more "natural" process of state formation.[9] As a result, increasing focus was put on the importance of (re)constructing states and state institutions according to the Western norms with an assumption that this would promote sustainable peace.

Through the increasing focus on statebuilding an attempt has been made to arrive closer to a holistic approach to building sustainable peace. This "comprehensive" idea emphasizes the social contract and the provision for essential needs, such as security, and basic services, incorporating the broad view on human security. This "holistic" approach adopts a conventional approach to security through the state. Security is deemed principally as the state's responsibility, and focus on elevating state capacity is assumed to automatically

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[2] Galtung, Johan: "Three Approaches to Peace: Peacekeeping, Peacemaking, and Peacebuilding", in Galtung, Johan (ed.) (1975): *Peace, War and Defense: Essays in Peace Research, Vol. II*, Copenhagen, Christian Ejlers, pp. 297-298.

[3] Boutros-Ghali, Boutros (1992): *An Agenda for Peace. Preventive Diplomacy, Peacemaking and Peace-keeping*, Report of the Secretary-General, A/47/277 - S/24111, The United Nations.

[4] Paris, Roland (2004): *At War's End: Building Peace after Civil Conflict*. Cambridge, MA, Cambridge University Press; and Paris, Roland and Sisk, Timothy D.: "Introduction: Understanding the Contradictions of Postwar Statebuilding", in Paris, Roland and Sisk, Timothy D. (eds.) (2009), *The Dilemmas of Statebuilding: Confronting the Contradictions of Postwar Peace Operations*, Abingdon, Routledge, pp. 1-20.

[5] See i.e. Paris, Roland and Sisk, Timothy D. (2007): *Managing Contradictions: The Inherent Dilemmas of Postwar Statebuilding*, New York, International Peace Academy; and Paris, Roland and Sisk, Timothy D. (eds.) (2009): *The Dilemmas of Statebuilding: Confronting the Contradictions of Postwar Peace Operations*, London, Routledge.

[6] Paris, Roland: "International Peacebuilding and the Mission 'Civilisatrice'", *Review of International Studies*, vol. 28, n° 4 (2002), pp. 637-656.

[7] This was particularly the case with the interventions in Kosovo and Timor-Leste.

[8] Lake, David: "The Practice and Theory of US Statebuilding", *Journal of Intervention and Statebuilding*, vol. 4, n° 3 (2005), p. 257.

[9] Krause, Keith and Jütersonke, Oliver: "Peace, Security and Development in Post-Conflict Environments", *Security Dialogue*, vol. 36, n° 4 (2005), pp. 447-462.

increase the level of human security. Strengthening the perceivably "fragile", "failed", and "collapsed" states has been considered to require more coordinated action which has led to the UN resolutions[10] to establish Peacebuilding Commission, Peacebuilding Fund, and Peacebuilding Support Office in 2005.

Thus, the peacebuilding interventions have developed into complex statebuilding affairs. This owes to the wide recognition that at least rudimentary institutional structures need to be in place to improve the chances of peacebuilding success in the long-term.[11] These interventions have increasingly aimed at dealing with origins of conflicts, such as inequality, and promote the main pillars of liberal peace, including human rights, good democratic governance, rule of law, sustainable development, equal access to resources, and environmental security,[12] which has provoked perceptions of intrusive peacebuilding interventions as a form of imperialism.[13]

The focus on statebuilding has been intimately linked to the attempts to elevate state capacity. Although advocating the importance of state in peace and development is not new,[14] this only became an important factor in peacebuilding interventions since the millennium and developed into increasing emphasis on the state functions, such as state's ability to deal with armed conflict, provide security, and engage in "good governance". State's capacity is therefore viewed as inseparable from peace, reconstruction, development, and internal and external security.

This convergence of peacebuilding with statebuilding within the liberal peace paradigm has to an extent sought to reconcile with the criticism of its formal-institutional top-down approach. It is perceived that its lack of society-oriented bottom-up focus as a simplified model of social order on a "multi-faceted social world" fails to create legitimacy at the local level.[15] Thus, it has been pointed out that statebuilding cannot be strictly a top-down process but needs to incorporate bottom-up considerations.[16] Indeed providing services locally instead of investing heavily on top-down centralization "…would acknowledge that, in a post-conflict environment, a hybrid minimal state may be the most locally owned, legitimate, accountable and effective alternative".[17]

Despite this complementarity, however, a number of interventions have remained as top-down processes. The UN has often favored its hierarchical peacebuilding approach in which the intervention is to a large extent channeled through the national government. This has often also been the preferred strategy of other interveners in their attempt to strengthen the recipient state. Yet, in some occasions the exclusive partnership between the external

[10] UNGA: *The Peacebuilding Commission*, United Nations General Assembly Resolution 60/180, 30 December 2005; and UNSC: *United Nations Security Council Resolution 1645*, 20 December 2005.
[11] See Call, Charles T. and Cousens, Elizabeth E.: "Ending Wars and Building Peace: International Responses to War-Torn Societies", *International Studies Perspectives*, n° 9 (2008), pp. 1-21; and Paris and Sisk, *op. cit.*
[12] Barnett, Michael and Zürcher, Christoph: "The Peacebuilder's Contract: How External State-building Reinforces Weak Statehood", in Paris, Roland and Sisk, Timothy D. (eds.) (2009): *The Dilemmas of Statebuilding: Confronting the Contradictions of Postwar Peace Operations*, Abingdon, Routledge, pp. 23-52.
[13] See i.e. Schellhaas, Constanze and Seegers, Annette: "Peacebuilding: Imperialism's New Disguise?", *African Security Review*, vol. 18, n° 2 (2009), pp. 2-15.
[14] See i.e. Evans, Peter B.; Rueschemeyer, Dietrich and Skocpol, Theda (eds.) (1985): *Bringing the State Back In*, Cambridge, MA, University of Cambridge Press.
[15] Bliesemann de Guevara, Berit: "The State in the Times of Statebuilding", *Civil Wars*, vol. 10, n° 4 (2010), pp. 348-368.
[16] Chandler, David (2006): *Empire in Denial: The Politics of Statebuilding*, London, Pluto.
[17] Baker, Bruce and Scheye, Eric: "Access to Justice in a Post-conflict State: Donor-supported Multidimensional Peacekeeping in Southern Sudan", *International Peacekeeping*, vol. 16, n° 2 (2009), p. 182.

interveners and the recipient government in post-war situations have resulted in consolidation of political and economic governance order based on the strongest local actors and starkly excluding other relevant parties. This can be said to have maintained the conditions of "structural", and at times direct violence, in which state may play an important role and in which those marginalized in the prevailing political and economic system tend to be in the receiving end. As a result, at best a local reality of "negative peace", or absence of direct large-scale violence, may be constructed in the short-term, based on (re)building the state institutions but in the absence of an inclusive social contract that encompasses all sections of the society. Here, the main question becomes legitimacy which the external statebuilding interventions claim to address,[18] but which often fails particularly in the hierarchical interventions. Therefore, seeking "peace through statebuilding"[19] cannot be equated with peace.[20] Largely due to this, it has been suggested that interventions should increasingly directly prioritize human security,[21] including justice and social welfare,[22] and, if necessary, bypass the state, and that strategies to establish liberal economy should be altered[23] even to the extent of pursuing a bottom-up strategy and replacing the general state centrism in interventions with the focus on individuals.[24]

The emphasis on individuals, centerpiece of traditional liberal theories, and constructing post-war interventions from the bottom-up starkly contrasts the current peace-through-statebuilding practice. It also opens an avenue for a more comprehensive approach to enforce the legitimacy of political and economic order by focusing on (re)building societies after the armed conflict through a long-term process of creating societal unity through common identity. However, it may undermine the state particularly if human security is provided mainly by non-state actors, and in some cases result in the state becoming redundant in specific local contexts in which state-local contacts are scarce and problematic. In practice, a human security strategy focused on non-state actors especially in post-conflict situations may deprive the state from its critical security provision function, and is likely to be extremely difficult to implement because it requires acceptance by the state in question.

According to the prevailing opinion among scholars, nations and national identities are socially constructed.[25] They are shaped by past incidents and influenced by future events, and

[18] Rocha Menocal, Alina: "State-Building for Peace: A New Paradigm for International Engagement in Post-Conflict Fragile States?", *RSCAS 2010/34*, European University Institute, 2010; and OECD: "International Support to Statebuilding in Situations of Fragility and Conflict", DCD/DAC(2010)37/FINAL, Organisation for Economic Co-operation and Development, 14 January 2011.

[19] Ylönen, Aleksi: "Limits of 'Peace through Statebuilding' in Southern Sudan: Challenges to State Legitimacy, Governance and Economic Development during the Comprehensive Peace Agreement Implementation, 2005-2011", *Journal of Conflictology*, vol. 3, n° 2 (2012), pp. 28-40.

[20] Rocha Menocal, *op. cit.*, p. 12.

[21] Richmond, Oliver P.: "Emancipatory Forms of Human Security and Liberal Peacebuilding", *International Journal*, vol. 62, n° 3 (2007), pp. 459-477.

[22] Richmond, Oliver P.: "The Problem of Peace: Understanding the 'Liberal Peace'", *Conflict, Security and Development*, vol. 6, n° 3 (2006), pp. 291-314.

[23] Paris, Roland: "Saving Liberal Peacebuilding", *Review of International Studies*, vol. 36, n° 2 (2010), pp. 337-365.

[24] Futamura, Madoka; Newman, Edward and Tadjbakhsh, Shahrbanou: "Towards a Human Security Approach to Peacebuilding", *Research Brief 2*, United Nations University, 2010.

[25] Deutsch, Karl W. (1953): *Nationalism and Social Communication. An Inquiry into the Foundations of Nationality*, Cambridge, MA, Cambridge University Press; Berger, Peter L. and Luckmann, Thomas (1966): *The Social Construction of Reality: A Treatise in the Sociology of Knowledge*, Garden City, NY, Anchor Books; Anderson, Benedict (1983*): Imagined Communities: Reflections on the Origin and Spread of Nationalism*, London, Verso; Gellner, Ernest (1983): *Nations and Nationalism*, Ithaca, NY, Cornell University Press; and Hobsbawm, Eric J. (1992): *Nations and Nationalism since 1780: Programme, Myth, Reality*, Cambridge, MA, Cambridge University Press.

especially in ethnically divided societies national identity may be guided by sophisticated constitutional engineering.[26] This implies that nationbuilding is a top-down process in which elites, as part of political competition, construct and manipulate distinct layers of identities.[27]

Here the use of symbolism becomes vital. According to Butz, inclusive and new "neutral" national symbols which include all groups could allow the establishment of common overarching national identity, binding often ethnically heterogeneous post-war societies.[28] It has also been suggested that such symbols need to have rich content and complicated in structure to allow room for distinct interpretations among populations that form a fragmented and heterogeneous community at best, particularly when potentially contentious inter-group relations prevail.[29]

However, peace-through-statebuilding interventions can lack emphasis on nationbuilding. Too heavy focus on building peace through the creation of state institutions in the short-term, but without ensuring their legitimacy that can be achieved through effective nationbuilding, may be insufficient in establishing state authority particularly in highly fragmented and polarized post-conflict societies. Since most conflicts in such societies are driven by exclusion and marginalization, inclusive nationbuilding becomes essential part of long-term peacebuilding.

Finally, combining nationbuilding with statebuilding allows an approach that draws heavily from the local communities in a bottom-up manner in building unity at the national level. This is likely to lead to increasing feeling of inclusiveness and legitimacy of governance and the state by diminishing "structural violence". It would allow the promotion of conditions of "positive peace" in the long-term. Yet, despite the wide recognition of the need of building "positive peace", external peace-through-statebuilding have often remained largely exclusive in their focus to (re)construct state institutions and structures.

The next sections of this article concentrate on peacebuilding in Southern Sudan during the CPA implementation (2005-2011). They point out the external interveners' almost exclusive focus on peace-through-statebuilding and narrow partnership with the SPLM/A elite, without insisting on a consistent and inclusive process of nationbuilding to bring legitimacy to the newly established state institutions. It is argued that given the SPLM/A's limited legitimacy in many parts of southern Sudan, and due to the persistent organized armed violence, inclusive nationbuilding should be prioritized and systematically pursued as a conflict resolution mechanism to treat exclusion and marginalization, major root causes of violence.

[26] Kerr, Michael: "A Culture of Power Sharing", in Taylor, Rupert (ed.) (2009): *Consociational Theory: McGarry and O'Leary and the Northern Ireland Conflict*, London, Routledge, pp. 206-220.
[27] Posner, Daniel N. (2005): *Institutions and Ethnic Politics in Africa*, New York, NY, Cambridge University Press; and Eifert, Benn; Miguel, Edward and Posner, Daniel N.: "Political Competition and Ethnic Identification in Africa", *American Journal of Political Science*, vol. 54, n° 2 (2010), pp. 494-510.
[28] Butz, David A. (2009): *National Symbols as Agents of Psychological and Social Change*, Amherst, MA, University of Massachusetts Press, p. 21.
[29] Cerulo, Karen A. (1995): *Identity Designs: The Sights and Sounds of a Nation*, New Brunswick, NJ, Rutgers University Press.

3. War in Southern Sudan and the CPA

The protracted insurgencies in Southern Sudan have attracted academic attention for a long time. The first insurgency (1955-1972) has been widely covered, and the second rebellion (1983-2005) has received even more scholarly interest, while many influential works on the wars as a whole also exist.[30] Southern Sudan has long history of violence, but in 1955 it began to experience armed conflict as a result of decolonization which had led to the marginalization of southern elite at the national level and annexation of Southern Sudan to the Sudanese state as its southern borderland. The first insurgency intensified significantly only in the early 1960s when armed opposition consolidated. Yet, the heterogeneous Southern Sudanese armed factions forged under the loose leadership of Southern Sudan Liberation Front/Movement remained as the underdog and was pressured to accept a peace agreement mediated by Ethiopia in 1972. Although the Addis Ababa Agreement established self-government with limited autonomy in the region, and became part of the Sudanese constitution of 1973, the period of self-rule failed to bring together the ethnically highly heterogeneous population and sections of its leadership which continued to engage in severe, and occasionally violent, political competition along ethnic lines. This was one of the reasons that permitted the central government to manipulate southern political scene and weaken the southern regional government until its unilateral dissolution in 1983 by President Jaafar Nimeiri that contradicted the national constitution.

This situation set the stage for the second rebellion in Southern Sudan which began in 1983. Again, politicized ethnic differences led to severe violence within Southern Sudan, which yet again was manipulated by Khartoum. However, by mid-1980s the SPLM/A, forged around leadership of military men from the Southern Sudan's Dinka majority, had gained upper hand among armed groups in the region and subsequently conquered most of it while Khartoum supported local ethnic militias and self-defense groups in its counterinsurgency campaign. Yet, a military coup in 1989 in Khartoum brought an Islamist faction of the northern ruling elite to power and the government gained an upper hand in the war. This, together with the collapse of its main backer, the Mengistu regime in Ethiopia, weakened the SPLM/A, while it had also suffered a split that led to devastating fighting between sections of the Dinka and the second largest ethnic group in Southern Sudan, the Nuer. Soon, however, the SPLM/A began to receive support from Uganda, Eritrea, and Western powers headed by the United States (US), which again turned the tables.

Many Southern Sudanese have fought for self-determination in a context of political, economic, and social state marginalization.[31] Since the late 19th century Southern Sudan had been only loosely integrated in the Sudanese polity and the protracted insurgencies hindered this process further. At the same time, however, the conflict had maintained Southern Sudan

[30] For the first conflict, see i.e. Eprile, Cecil (1974): *War and Peace in the Sudan, 1955-1972*, London, David & Charles; O'Ballance, Edgar (1977): *The Secret War in the Sudan: 1955-1972*, London, Faber and Faber; and Poggo, Scopas S. (2008): *The First Sudanese Civil War: Africans, Arabs, and Israelis in the Southern Sudan, 1955-1972*, New York, NY, Palgrave Macmillan. For accounts that mainly concentrate on the second insurgency, see i.e. Deng, Francis M. (1995): *War of Visions: Conflict Identities in the Sudan*, Washington, DC, The Brookings Institution; Lesch, Ann Mosely. (1998): *The Sudan: Contested National Identities*. Bloomington, IN, Indiana University Press; Jok, Jok M. (2001): *War and Slavery in Sudan*, Philadelphia, PA. University of Pennsylvania Press; Jok, Jok M. (2007): *Sudan: Race, Religion and Violence*, Oxford, Oneworld; and Johnson, *op. cit.*

[31] See Ylönen, Aleksi: "On Sources of Political Violence in Africa: The Case of 'Marginalizing State' in Sudan", *Política y Cultura*, n° 32 (2009), pp. 37-59; and Ylönen, Aleksi (forthcoming): *On State, Marginalization, and Origins of Rebellion: The Formation of Insurgencies in Southern Sudan*, Trenton (NJ), Africa World Press/The Red Sea Press.

itself as a region in which competing ethnically based political orders imposed by a number of rebel groups and government-aligned militias competed for supremacy through armed violence.[32]

Although the signing of the Comprehensive Peace Agreement (CPA) marked the formal end to Africa's longest war in Sudan in 2005, Southern Sudan remained torn along ethnic cleavages despite the fact that the SPLM/A had consolidated itself as the main military force in the region. However, it exercised limited territorial and social control in some of the region's more remote areas, particularly in the Greater Upper Nile where other rebel groups remained strong.

In fact, the CPA was mainly a culmination of longstanding attempts by external actors to bring peace in Sudan. These efforts had been largely motivated by the challenge to minimize the regionally destabilizing effects of the war. The Inter-Governmental Authority for Drought and Development (IGADD, now Inter-Governmental Authority for Development, IGAD), had taken the initiative and prevailed over other competing peace attempts largely due to Western backing in which the US played a significant role.[33] As a result, the CPA was an agreement endorsed primarily by the main Western actors with interests in Sudan, who after its conclusion in 2005 became also major external interveners in Southern Sudan.

In essence, the CPA was a power-sharing treaty concentrating on redistribution of political and economic power between the protagonists of the war, the National Congress Party (NCP) controlled Government of Sudan (GoS) and the SPLM/A. Highly elite-focused, it sought to accommodate the grievances of the SPLM/A elite by incorporating its members in the national political institutions,[34] and allowing the SPLM/A, which had governed most of Southern Sudan for long periods of time during the war,[35] to formalize its political and economic hegemony in the region.

The IGAD process and the resultant CPA had deliberately focused on the two principal local actors. This had been undertaken in order to facilitate progress in the negotiations by focusing on the protagonists and excluding other local actors, which fostered a simplified view of the complex history of war and political instability.[36] The attempt had been to iron out the differences of the warring parties in a straightforward manner to facilitate the obtaining of positive results, but the process failed to produce credible resolutions to address conflicts in the North-South transitional areas in the Nuba Mountains of Southern Kordofan and Blue Nile, and it deliberately ignored Sudan's other insurgencies in Darfur and in the Red Sea

[32] On the local armed actors, rebel governance, and economic order during the conflicts see i.e. Rolandsen, Øystein (2005): *Guerrilla Government: Political Changes in the Southern Sudan during the 1990s*, Uppsala, Nordic Africa Institute; and Nyaba, Peter Adwok (2000): *The Politics of Liberation in South Sudan*, Kampala, Fountain Publishers.

[33] Malito, Debora and Ylönen, Aleksi: "Bypassing the Regional? International Protagonism in the IGAD Peace Process in Sudan and Somalia", in Lorenz-Carl, Ulrike and Rempe, Martin (eds.) (2013): *Mapping Agency: Comparing Regionalisms in Africa*, London, Ashgate, pp. 35-57.

[34] See i.e. Grawert, Elke: "Introduction", in Grawert, Elke (ed.) (2010): *After the Comprehensive Peace Agreement in Sudan*, Suffolk, James Currey, p. 1.

[35] Rolandsen, *op. cit.*

[36] Malito and Ylönen, *op. cit.*

region.[37] The CPA, thus, failed to tackle the widely recognized centre-periphery character of the armed conflict in Sudan.[38]

The CPA initiated a period of unprecedented external intervention focused on consolidating peace, although Southern Sudan had been exposed to external interventions also during the war.[39] Driven mainly by Western actors and multilateral bodies, this intervention followed liberal peacebuilding agenda which at the time had evolved into focusing the building of state institutions to prevent relapse to war. In the case of Southern Sudan state structures had hardly existed, which motivated the peacebuilding interveners to target statebuilding.

Paradoxically, during the CPA implementation period the extensive restructuring of the political and economic system at the national level was never enforced despite it having been the SPLM/A leadership's main objective in its political program to establish a "New Sudan".[40] As long as the NCP was willing to accommodate the most important interests of the SPLM/A, and allow the SPLM/A leadership to enter to an extent into the otherwise exclusive realm of the northern elite, a wholesale transformation of the political system to remedy the north-central elites' exclusion and marginalization of the periphery was watered down. In this manner, the roots of the SPLM/A insurgency and other conflicts in the periphery of the Sudanese state never entered the core of the peace process or were addressed by the CPA which formalized the NCP domination of national political scene and the SPLM/A domination of Southern Sudan which received a limited autonomy as the dominant force behind the regional Government of Southern Sudan (GoSS).[41] This domination was buttressed by the wealth-sharing provision of the CPA which featured an agreement to share net oil revenues between the NCP-controlled GoS and the SPLM/A-controlled GoSS on 50-50 basis.[42] These arrangements allowed the conditions of structural violence emanating from the war to remain.

The provision of the referendum of self-determination was the main mechanism in the CPA to attend the grievances of southern Sudanese. This was to take place after an Interim Period of six years during which the protagonists were to "make the unity [Sudan]

[37] ICG: "Sudan: Preventing Implosion", Africa Briefing n° 68, *International Crisis Group*, 17 December 2009a; and ICG: "Sudan's Comprehensive Peace Agreement: The Long Road Ahead", Africa Report n° 106, *International Crisis Group*, 31 March 2006.

[38] Ylönen, Aleksi: "On Sources of Political Violence in Africa: The Case of 'Marginalizing State' in Sudan", *Política y Cultura*, n° 32 (2009), pp. 37-59; and Ylönen, Aleksi: "Sudán: el estado marginalizador y desafíos desde las periferias", in Itziar Ruiz-Gimenez (ed.) (2012): *Más allá de la barbarie y la codicia*, Barcelona, Bellaterra, pp. 285-322.

[39] The main intervention body was Operation Lifeline Sudan organized by the United Nations. See i.e. Minear, Larry (1990): *Humanitarianism under Siege: A Critical Review of Operation Lifeline Sudan*, Trenton, NJ, The Red Sea Press.

[40] The SPLM/A leader John Garang's vision of "New Sudan" was based on a united nation which would be ruled democratically and in which social justice and human rights would prevail, and national wealth shared in a just manner. See more i.e. in Gibia, Roba (2008): *John Garang and the Vision of New Sudan*, Toronto, Key Publishing House.

[41] The CPA ensured the NCP a majority position in the national executive and legislative with 52% representation and allowed the SPLM to enter in these institutions with 28% minority representation ahead of other northern parties and southern political forces with 14% and 6%, respectively. In Southern Sudanese political institutions the power relations were reversed with the SPLM holding 70% majority representation, followed by the NCP and other southern parties with 15%. In the northern and southern states each party was to have 70% representation. These proportional representations were effective until presidential and general elections would take place in 2009 (see CPA: *Comprehensive Peace Agreement*, 1 January 2005, pp. 20-36).

[42] *Ibid.*, p. 54.

attractive".[43] The exclusive nature of the CPA meant that there was little formal pursuit for local post-conflict reconciliation because the leadership of neither protagonist was willing to submit to a review of atrocities committed during the war. In Southern Sudan, where most of the war took place, and many human rights violations had been committed by both parties, this process was largely left to the South-South dialogue and reconciliation conferences endorsed by the SPLM/A and international actors.

Moreover, the agreement lacked an instrument to apply pressure towards transformation of the consolidated political and economic dynamics established before and during the conflict. Although it included limited international guarantees along with the establishment of the United Nations Mission to Sudan (UNMIS) peace-keeping and monitoring force, the application of such pressure to ensure the correct and timely CPA implementation was left to the responsibility of the interested international actors to be applied through informal channels.

Furthermore, the CPA's attempt to incorporate the SPLM/A leadership in the national political and economic elite was not enough to cause peaceful transition because it did little to alter the pre-existing power structures. It failed to address the national centre-periphery nature of the complex civil war, ignoring other relevant political actors in north, east, south, and west, while it reaffirmed the NCP's control of the national political and economic scene in Sudan and SPLM/A dominated political order in Southern Sudan without clear mechanisms of addressing local grievances emanating from the war.

Finally, the "peace-through-statebuilding" approach adopted in Southern Sudan based on the attempt to achieve stability in short-term by building state institutions and reforming the security apparatus was an exclusive strategy. It sidelined nationbuilding, a more long-term process aimed at bringing legitimacy to the prevailing political order through the construction and extension of common national identity. This approach by the external actors maintained, and consolidated, a political system in which exclusive governance maintaining violence of "direct" and "structural" kind,[44] continued to prevail, and prevent a process towards inclusive "positive peace".[45] During the period focused in this article, the intervention pursued aimed at promoting absence of violence by exclusively concentrating on building state institutions, but this was insufficient in generating legitimacy without simultaneous attempt to unite Southern Sudanese through nationbuilding. Local outbursts of armed conflict continued, and, often motivated by political and economic grievances, claimed thousands of lives.

4. Peace-through-Statebuilding and CPA Implementation

4.1. In Pursuit of Peace-through-Statebuilding

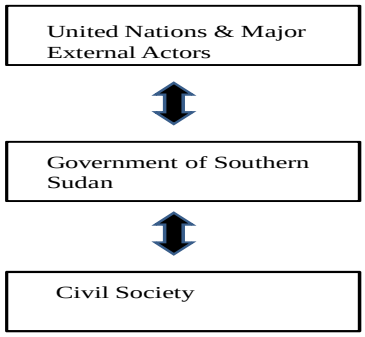
The process of internationally supported statebuilding in Southern Sudan began after the signing of the CPA in 2005. From the outset, the external actors began pursuing a highly hierarchical approach to peace-through-statebuilding.[46] This was featured by the attempt to construct strong state institutions where almost none had existed before, relying on an

[43] *Ibid.*, p. ix.
[44] Galtung, Johan: "Violence, Peace, and Peace Research", *Journal of Peace Research*, vol. 6, n°3 (1969), pp. 167-191.
[45] Galtung, Johan: "An Editorial", *Journal of Peace Research*, vol. 1, n° 1 (1964), pp. 1-4.
[46] See Figure 1.

exclusive partnership with the SPLM/A leadership assumed to have the capacity to exercise wide control over the territory. It meant that various dimensions of the intervention to be implemented were subjected to the SPLM/A approval as it was seen as the main legitimate interlocutor for, and actor in, the region through its role as the leading military (SPLA) and political force (SPLM/GoSS). The SPLM/A was viewed as "the state" and proportioned with increased power to allocate resources and services. However, this approach relied on the SPLM/A, which had been one of a number of actors during the war, and against which many southerners had also fought, to fulfill its commitment to govern the heterogeneous southern population beyond its own constituencies. This provided an avenue for the continuation of structural violence particularly against those sectors of the Southern Sudanese population that were marginalized by the by the SPLM/A orchestrated political and economic system.

Figure 1

Hierarchical Model of Peace-through-Statebuilding



Modified by the author from "Hierarchical UN Peacebuilding" presented by Michael Lawrence at http://www.cigionline.org/blogs/rethinking-peacebuilding/two-modes-of-un-peacebuilding

The international interveners in Southern Sudan were largely motivated by the re-establishment of stability and "normality" by equating peace with development.[47] They, to an extent, adopted SPLM/A's "peace through development" agenda[48] through which it had justified the importance of humanitarian intervention during the war. The most significant component of the externally introduced program has been statebuilding, through the establishment the semi-autonomous GoSS, and applying approach to "good governance", with the intent in the creation of strong institutions and administrations, the strengthening of the security sector through reform to establish effective "monopoly of violence", and the re-establishing of a formal (peace) market economy.

However, during 2005-2010 the hierarchical approach pursued lacked focus on creating legitimacy for the newly built state. Nationbuilding, and bringing together the highly heterogeneous population sectors of which harbored deep grievances against the SPLM/A, was neglected. It was not until the end of the Interim Period and after heightening prospects for the independence of Southern Sudan were inspired by the approaching referendum for

[47] Duffield, Mark (2001): *Global Governance and the New Wars: The Merging of Development and Security*, London, Zed Books.
[48] SPLM/A: Peace Through Development: Perspectives and Prospects in the Sudanm, Sudan People's Liberation Movement, Nairobi, 2000.

self-determination in January 2011, when nationbuilding started to be deemed increasingly topical. Although it had been recognized in Southern Sudan peace within could only be achieved through "getting to know each other" and facilitating inter-ethnic interaction to build a national identity, this took place only through isolated cultural and sports activities during late Interim Period.

The peace-through-statebuilding agenda of external interveners was shared by the highest leadership of the GoSS. Vice-President of the GoSS, Riek Machar, repeatedly emphasized the importance of statebuilding and the building of a sense of nationhood and seeking to consolidate a national identity over the currently prevailing ethnic affiliations.[49] However, although the GoSS enthusiasm on nation- and statebuilding showed that its priority at the end of the Interim Period was constructing an independent state, mere creation of symbols of common nationhood[50] was not enough to increase the legitimacy of GoSS and establish national identity to achieve stability by complementing the prevailing strong ethnic affiliations and rivalries.[51] The statebuilding enthusiasm, coming in expense of resources put on nationbuilding, hindered processes to diminish structural violence within the GoSS political system. Arguably, this was related to the short-term approaches of the intervening actors which themselves were constrained by their project-based budgets and the need to reach immediate goals, while donors viewed supporting nationbuilding, a gradual long-term process, as less attractive.

4.2. The CPA Implementation

Peace-through-Statebuilding in Southern Sudan began in 2005. The interim constitution of Southern Sudan was ratified, followed by the adoption of the national interim constitution. The NCP and SPLM/A were in exclusive control over the ratification, which was marked the formalization of their uneasy partnership over the Sudanese political scene. After the settling of the constitutional framework the protagonists initiated institutional reform at the national level through the formation of the Government of National Unity, GoNU[52] and institution-building at the regional level in southern Sudan.

However, despite the institutional initiatives neither party was committed to embrace immediate democratization because they feared that opening the political scene would weaken their own position. This attitude, contrary to the international state-building agenda, posed as an obstacle to the CPA implementation in good faith from the very inception of the agreement. The motivations behind this approach laid in the NCP's attempt to maintain its power at the national level behind the formally opened institutional façade, and the SPLM/A's focus on consolidating its hegemony in Southern Sudan. This dynamic became increasingly apparent after the accidental death of the SPLM/A leader John Garang in July 2005, which strengthened the secessionist power center in the movement over Garang's "New Sudan" constituency. After a short period of uncertainty, a reputed secessionist and a close associate

[49] Machar, Riek: "Preparing South Sudan for Statehood and a *Bright* Future", speech delivered at South Sudan Academic Forum, 22 February 2011.
[50] For instance, these included a national anthem, drafting of which had been subjected to a public competition, adoption of the flag of the SPLM/A as the official state flag, and the taking up of a new currency. The adoption of some of these symbols was controversial, particularly among those groups seeking to contest the SPLM/A's power.
[51] Jok, Jok M.: "Diversity, Unity, and Nation Building in South Sudan", Special Report, *United States Institute of Peace*, Washington, DC, 20 September 2011.
[52] BBC: "Sudan Swears in Unity Government", *British Broadcasting Channel*, 22 September 2005, at http://news.bbc.co.uk/2/hi/africa/4266872.stm

of Garang, Salva Kiir, was appointed as the new SPLM/A commander, the President of the GoSS, and the first national Vice President as stipulated in the CPA.

These developments contributed to the slowdown the CPA implementation process considerably. The NCP leadership, which had worked with the SPLM/A mainly through Garang from the finalization of the peace process onwards, became uneasy with the strengthening of the secessionist tendency in the SPLM/A. It had serious reservations about the capability and commitment of the unionist SPLM/A power center to promote a united Sudan, which gave an excuse for the already disenchanted NCP to slow down the process of power- and wealth-sharing.[53] As a result, the working relationship between the parties deteriorated and caused almost a complete interruption to the CPA implementation. In October-December 2007, the SPLM marched out of the national parliament and suspended its participation in the GoNU due to the NCP intransigence regarding the CPA process,[54] which heightened fear of relapse to war.[55] However, the parties resolved a number of issues delaying the CPA implementation after the SPLM was persuaded to return to the national institutions by its most powerful international ally, the US.[56]

At the regional level, despite repeated promises of democratization, the GoSS continued to constrain political liberties. This was justified by claims that security was a priority. Particularly media was targeted,[57] as critique on the GoSS was viewed as unpatriotic and treasonous because it was often perceived as a threat to the consolidation of the SPLM/A order. This was particularly the case during the general and presidential elections celebrated in April 2010, which were used by the NCP and the SPLM to consolidate their position in the north and the south, respectively. Due to the controversy over delayed national census results announced in 2008 (instead of 2007 as stipulated by the CPA) the elections were only celebrated in 2010 after an intensive electoral campaign. Both in Northern and Southern Sudan various opposition parties complained of having been subjected to violent coercion.[58] At the presidential level, the NCP and the SPLM/A decided to let each other dominate their respective areas by endorsing each other's candidates and allegedly a secret agreement had been reached on non-interference in each party's territory.[59] In Southern Sudan, the local elections were conducted under strict SPLM/A control, to the extent that the so-called independent candidates were mainly SPLM/A members who had temporarily left the party because they had not been selected as its official candidates.[60] This led to the almost complete purging out of opposition parties from the Southern Sudan Legislative Assembly.[61] Despite

[53] Based on interviews and observations in Southern Sudan in December 2008 and 2010.

[54] During 2006-2008 the CPA implementation's dependency on external actors had become apparent in the deceleration of the implementation process when international players, principally the US, failed to push the protagonists (particularly the NCP) as intensely as they had previously to produce the agreement.

[55] ST: "Sudan's SPLM to rejoin national government", *Sudan Tribune*, 12 December 2007, at http://www.sudantribune.com/Sudan-s-SPLM-to-rejoin-national,25130

[56] ST: "US Rice meets SPLM Pagan over Sudan peace implementation", *Sudan Tribune*, 6 December 2007, at http://www.sudantribune.com/spip.php?article25053

[57] *Freedom of the Press 2011 – Sudan*, Freedom House, 17 October 2011, at http://www.freedomhouse.org/report/freedom-press/2011/sudan

[58] Copnall, James: "Dream election result for Sudan's President Bashir", *British Broadcasting Channel*, 27 April 2010, at http://news.bbc.co.uk/2/hi/africa/8645661.stm; and TCC: "The Carter Center Election Observation Mission in Sudan Presidential, Gubernatorial, and Legislative Elections, April 2010", Preliminary Statement, *The Carter Center*, 17 April 201, p. 3.

[59] ST: "Sudan opposition stunned by Arman's withdrawal amid talk of secret NCP-SPLM deal", *Sudan Tribune*, 1 April 2010, http://www.sudantribune.com/Sudan-oppositionstunned-by-Arman,34607

[60] Based on interviews in Southern Sudan in December 2010.

[61] The SPLM took 159 out of 170 available seats and claimed more than 93% representation over the opposition (SYSS (2010): *Statistical Yearbook for Southern Sudan 2010, Southern Sudan Centre for Census, Statistics and*

the fact that the elections were hardly free and fair, many international actors active in the region accepted the election results without criticism.

5. Challenges to Governance, Development, and Security during the CPA Interim Period

The autonomous position of the GoSS strengthened orientation towards increasing self-governance. The fact that GoSS was responsible for local political decisions, security, and economy made it possible to convince its external allies about its potential to convert into a newly independent state. However the model adopted, which is largely built upon the experience of SPLM/A administration during the war,[62] suffered from two diverging perspectives, one based on centralization and other on decentralization. While the external interveners and the SPLM/A prioritized the construction of strong state institutions, the SPLM/A's preference for concentrating power under strong centralized administration defied local level decentralization that would allow local populations a degree of political participation. In practice, during the 2005-2011 period the GoSS concentrated power and resources rather exclusively, while state governments and local administrations were condemned to very limited funding[63] and became representative bodies dominated by esteemed members of the main SPLM/A affiliated local ethnic groups but in most cases without the capacity diminish local outbreaks of violence significantly.

The GoSS exclusiveness and centralization of power led to exclusion of a number of smaller parties and their constituencies, particularly in the opposition. During 2005-2011, these often complained about continued marginalization, powerlessness, and lack of political freedom for the opposition, despite holding token positions in the Southern Sudan Legislative Assembly and the GoSS.[64] Their complaints related to deeply engrained political "tribalism",[65] which has generated and upheld ethnic cleavages, political instability, and violence in Southern Sudan. At the level of a number of GoSS institutions "tribalism" has combined with nepotism.[66] From this perspective "tribalism" is not only a political but also a socioeconomic issue in terms of patronage, hiring practices, and public salaries. Practice of favoritism in hiring therefore ties in with a carefully maintained system in which individuals within the political institutions, who pose a potential threat to the SPLM/A hegemony in the organization in question, tend to be kept in check by members occupying lower positions in the same structure.

Evaluation, Juba, Government of Southern Sudan, p. 114. The SPLM for Democratic Change (SPLM-DC) claimed the leadership of the opposition as the second and as the only Southern opposition party.

[62] Rolandsen, *op. cit.*; and Branch, Adam and Mampilly, Zachariah C.: "Winning the War, but Losing the Peace? The Dilemma of SPLM/A Civil Administration and the Tasks Ahead", *The Journal of Modern African Studies*, vol. 43, n° 1 (2009), pp. 1-20.

[63] Despite the stated commitment to decentralization, in 2012 still 84% of the state budget remains with the GoSS while only 16% has reached regional governments. See i.e. ST: "Only 16% of South Sudan's budget reaches state governments – report", *Sudan Tribune*, 25 May 2012, at http://www.sudantribune.com/Only-14-of-South-Sudan-s-budget,42701

[64] Based on interviews conducted in Juba in December 2008.

[65] A locally used term meaning organization of political activity by "bigmen" along ethnic or clan lines in benefit of own constituencies through patron-client networks. See also Utas, Mats (ed.) (2012): *African Conflicts and Informal Power: Big Men and Networks*, London, Zed Books.

[66] Interviews and observations in Juba in December 2010.

However, "tribalism" is not limited to the GoSS institutions but has continued to orient political and economic conduct and practices. Although authorities have attempted to convince others that "tribalism" is a passing phenomenon that can be addressed through "peace", "stability", and "development",[67] this has not been the case in the short-term as the roots of ethnic politics in Southern Sudan are long and consolidated as the base of social organization of political activity. In fact, in 2011 some ethnic groups still referred to their neighbors in the own languages as "enemies"[68] and inter-ethnic violent practices such as cattle-rustling claimed thousands of lives.[69] Therefore, "tribalism" continues to remain as a major threat to the unity of Southern Sudan, as many observers have warned about the real possibility of disintegration of the region[70] in the absence of a political climate able to accommodate a large group of ethnically diverse strongmen and their constituencies. In this context, the portraying of "tribalism" by some GoSS officials as a non-modern and easily curable condition has been counterproductive and is contradicted by the everyday political conduct based on "bigman" patronage loyalties and inter-ethnic relations in many parts of Southern Sudan. However, simultaneously, highlighting "tribalism" in political discourses and media has served to justify the continued focus on prioritizing the security sector.

5.1. Development Aspects

The CPA and the end of war generated conditions in which external interveners sought to engage in economic (re)construction and development. Again channeled through the GoSS, these efforts were to a large extend conditioned by the exclusive partnership between external actors and the local government. In any event, the initial enthusiasm was accompanied by the booming economic (re)construction climate, which resulted in large quantities of foreign direct investment. The resources for development came largely from the GoNU, and the GoSS official partners which include the World Bank, the UN, Joint Donor Team, Multi-Donor Trust Fund for Southern Sudan (MDTF-SS),[71] Sweden, Canada, Norway, Denmark, the United Kingdom, the European Union, the US, Germany, and Japan.[72] Other private and public business partners investing in Southern Sudan came, for instance, from a number of Asian, Arab, and African countries, as well as other European states. Along with the MDTF-SS and other public investment and development schemes, Southern Sudan received large quantities of private investment during the period of CPA implementation.

In the case of Southern Sudan in 2005-2011 external investment and economic support was hardly neutral. Rather, it was charged with diverse political imperatives with major impact in capacitating the GoSS economically having been the strengthening of the separatist sentiment to secede from Sudan. This was to an extent linked to the highest GoSS leadership's growing capacity to act independently from Khartoum as well as it being largely controlled by the SPLM/A's separatist power center. As a result, the political climate in

[67] UNMIS: "Sudan: SSLA speaker - Replace tribalism with justice and peace", Report, *United Nations Mission to Sudan*, 24 January 2011, at http://unmis.unmissions.org/Default.aspx?tabid=511&ctl=Details&mid=697&ItemID=12109

[68] Interviews in December 2010 in Torit.

[69] ICG: "Jonglei's Tribal Conflicts: Countering Insecurity in South Sudan", Africa Report n° 154, *International Crisis Group*, 23 December 2009b.

[70] Omeje, Kenneth: "Dangers of Splitting a Fragile Rentier State: Getting it Right in Southern Sudan", *Occasional Paper*, ACCORD, 2010.

[71] The CPA stipulated the establishment of the MDTF-SS, but the expectations related to it have been higher than the achievements. See i.e. WB: "Multi-Donor Trust Fund for Southern Sudan: Taking Stock and a Way Forward", A FR/OPCS, Implementation Support Mission, *The World Bank*, 2011.

[72] See i.e. "Development Partners", Government of the Republic of South Sudan, 21 September 2011, at http://www.goss.org/.

Southern Sudan towards the end of the CPA Interim Period was increasingly geared towards secession as repeated claims were made that Sudan's unity has not been made attractive but that it remained a "failed" state.[73] The external economic support and financial flows facilitated the GoSS' independence and these developments.

A major downside of the situation in Southern Sudan during 2005-2011 was that the financial flows continued to be managed through a weak institutional framework. This was not because of non-existence of institutions *per se*, but rather the way they functioned. The patron-client practices had penetrated the institutions from the outset which made them subject to corruption and denied majority population's access to them, which in turn obstructed extending their legitimacy beyond the most immediate "tribalist" sphere.

During the Interim Period, widespread corruption particularly among parts of the leading cadres prevailed. The GoSS received an undisclosed amount of funding from Sudan's oil exports, rumored to have gone beyond USD 8 billion, but large part of this money went missing. The situation shortly after the conflict was characterized by the so-called "war mentality", which functioned along the justification that having played a major role in the liberation struggle gave certain liberties to the SPLA commanders[74] some of who became civilian leaders but continued to conduct economic affairs similarly to the time of the rebellion. Among famous cases of corruption were the USD 2 million grain scandal in which billions of Sudanese Pounds were lost to fraudulent companies supposed to provide cereals to remedy food shortages, and the case of the Nile Commercial Bank which lost large quantities of capital through loans issued to GoSS officials without collateral.[75] Corruption was particularly visible during the 2006-2008 and became increasingly hidden after the externally pressured prop up of the GoSS Anti-Corruption Commission.[76]

Moreover, during the CPA Interim Period the GoSS channeled reconstruction and economic development almost exclusively in the urban centers. This approach favored the regional capitals, particularly Juba, over rural areas in terms of infrastructure and services, contradicting the SPLM/A rhetoric during the war which promised "taking towns to people", and came in expense of promoting the presence of the state in the outlying areas.[77] It had a negative impact on generating conditions of regionally balanced stability and positive peace. Instead, uneven development posed as a threat to stability, and resembled the centre-periphery marginalization in Sudan that was one of the main causes of rebellions in its periphery.[78] Some of these dynamics hindered the capacity of the GoSS to respond to the expectations of the population, but also diminished the possibility to lower the level of structural violence related to political and economic marginalization and exclusion, as well as extension of government legitimacy.

[73] ST: "SPLM US envoy concurs with Amum remarks on 'failed state'", *Sudan Tribune*, 27 June 2008, at http://www.sudantribune.com/spip.php?article27669

[74] Interviews with SPLM officials in November-December 2010 in Juba and Torit.

[75] Gual, Philip: "The $2 Billion Grain Corruption Scandal Will Likely Be Closed", *UN Times*, 2 August 2011, at http://untimes.org/index.php/south-sudan/item/76-the-$2-billion-grain-corruption-scandal-will-likely-be-closed; and Garang, Ngor A.: "South Sudan Pressured to Combat Corruption", *Gurtong*, 19 February 2011, at http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/4901/South-Sudan-pressured-to-combat-corruption.aspx

[76] Interviews conducted by the author in Southern Sudan, November-December 2008 and 2010.

[77] Based on interviews and author's observations in Southern Sudan in November-December 2008 and 2010.

[78] Ylönen, 2009, *op. cit.*

Furthermore, during the Interim Period sections of the SPLM/A elite maintained close relationship with sectors of the NCP. This was apparent both in political and economic terms while some leading figures sought to capitalize on economic assets in Southern Sudan. For instance, the GoSS signed a number of land contracts, as during 2005-2010 28 foreign companies, from Arab states, the US and elsewhere, sought or acquired a total of 2.64 million hectares of land for agriculture, forestry, or bio-fuel.[79] This increased the likelihood of land disputes due to the weak institutional structure and legislation to manage land issues that have been one of the causes of local conflicts.

Finally, until 2010 the protagonists of peace-through-statebuilding active in southern Sudan were relatively silent about the gradual progress of economic development and related challenges. This problematic approach speaks about the lack of possibility to criticize the local government due to the exclusive hierarchical partnership, as long as the latter respects the diverse interests of the external actors and maintains a good working relationship. However, sustaining a good relationship in the expense of pressure for transparency and efficiency compromised the climate of the politics of development in Southern Sudan in a counterproductive manner. This allowed further institutionalization of corruption and nepotism, along with the exclusive concentration of wealth and political power, which defied the objective of establishing for long-term political and economic stability. The approach by the interveners was problematic as it transmitted mixed signals to the local elites about the position of the international community, intertwining political and economic realms; a situation which the local protagonists sought to exploit.

5.2. Overview of the Main Security Threats

During the CPA Interim Period the security sector in Southern Sudan was an area of intense preoccupation for both the GoSS and external actors. It attracted a great deal of international involvement as it was considered as the key to stability. Important features of the security sector, used in the attempt to stabilize and end violence in the region have been the SAF-SPLA Joint Integrated Units (JIUs), the United Nations peacekeeping force, the security sector reform including disarmament, demobilization, and reintegration (DDR) of ex-combatants, and the promotion of local conflict resolution.

The CPA contained strong security element to ensure transition from war to peace. According to the CPA the UN became responsible for the international multilateral monitoring of implementation of its security provisions.[80] This laid the foundation for UNMIS. The UNMIS was relatively small force to cover the whole extension of Southern Sudan. Its mandate included protection of civilians, but in the course of 2005-2011 it became clear that the UNMIS was unable to secure civilian lives due to the lack of manpower and logistical capacity over wide and hardly penetrable extensions.[81] This also prevented it from monitoring fully the repeated violations of the CPA security provisions. The UNMIS did not occupy an important role in local conflict resolution despite its support of the DDR program, and the continuing outbreaks of large-scale ethnic violence spoke of its inability to enforce peace.[82]

[79] Deng, David K.: "The New Frontier: A Baseline Survey of Large-Scale Land-Based Investment in Southern Sudan"; Report 1/11, *Norwegian People's Aid*, 2011.
[80] CPA, *op. cit.*, pp. 106-107.
[81] HRW: "No One to Intervene: Gaps in Civilian Protection in Southern Sudan", Report, *Human Rights Watch*, June 2009.
[82] ICG, 2009b, *op. cit.*

The international monitoring of the ceasefire was complemented by the JIUs, which were to become a joint neutral force to promote collaboration between the two protagonists. The JIUs included joint troops in equal numbers from the SAF and the SPLA deployed in Southern Sudan (24,000), Nuba Mountains (6,000), Southern Blue Nile (6,000), and Khartoum (3,000).[83] However, they had limited contribution to stability. Largely ill-equipped and standing forces, they were not used to actively promote peace and became known of their internal squabbles that at times posed a wider security threat.[84]

The CPA also stipulated that the existing Other Armed Groups, mainly a number of militias in Southern Sudan, needed either to be integrated to the SAF and the SPLM/A (deemed by the CPA as the Southern Sudanese army) or disbanded.[85] After Garang's death the SPLM/A leadership, and particularly Kiir, was generally successful in seeking rapprochement with some of the armed groups that had fought the SPLA during the war, but its attempts to end the security threat they posed failed. Some groups opposing the SPLM/A never entered the DDR process and some sought refuge and support within the structures of the Sudanese army. The initial efforts by the SPLM/A in 2005 and 2006 to neutralize such groups by forced disarmament generated large amounts of casualties, particularly in Jonglei's and Unity State's Nuer and Shilluk heartlands where armed groups continued to contest the SPLA imposed GoSS order. These efforts were criticized to target specifically SPLM/A defiant groups such as supporters of the SPLM-Democratic Change (SPLM-DC) and South Sudan Defense Force opposition parties, and were periodically put on hold. Although not posing a direct threat to the government in Juba, outbreaks of violence related to these efforts and other grievances, including inter-ethnic hostility and violent cattle-raiding persisted, generating local instability and preventing the extension of GoSS control and SPLA "monopoly of violence" over parts of Southern Sudanese territory.

From the signing of the CPA onwards, the SPLM/A emphasized security sector reform as a priority. This effort, heavily supported by the international partners in benefit of consolidation of the SPLM/A and the GoSS, includes the transition of the SPLA from a guerrilla force to a standing army and the establishment of an effective police force.[86] After the initial forced attempts for disarmament failed and caused a great number of casualties in localities mainly in Jonglei, the GoSS adopted a more gradual but equally violent approach.

In 2009 an internationally supported DDR program began.[87] The Southern Sudan Disarmament, Demobilization, and Reintegration Commission (SSDDRC) endorsed by the UN, a number of Western governments, NGOs, and multilateral organizations, performed the preparatory work for this and concentrated on demobilization and reintegration. However, this was immensely expensive and it became obvious that the SSDDRC did not have capacity to meet its ambitious objective of reintegrating 34,000 individuals defined as special needs group, 56,000 active SPLA soldiers, and possible 20,000-30,000 soldiers from the JIUs. The process was criticized to be of limited use for the targeted individuals in terms of building sustainable livelihoods, and it was hard for the receiving communities to absorb the ex-combatants, while the process suffered from inefficiency and lack of capacity to accommodate large numbers of ex-combatants despite being generously funded. Although the

[83] CPA, *op. cit.*, pp. 87-88.
[84] Verjee, Aly: "Sudan's Aspirational Army: A History of the Joint Integrated Units", SSR Issue Papers 2, *The Centre for International Governance Innovation*, 2011.
[85] CPA, *op. cit.*, p. 100.
[86] Abatneh, Abraham S. and Lubang, Simon M.: "Police Reform and State Formation in Southern Sudan", *Canadian Journal of Development Studies*, vol. 32, n° 1 (2011), pp. 94-108.
[87] This paragraph is based on interviews in November-December 2010 in Juba.

SSDDRC monitored the DDR process and coordinated and conducted reintegration programs, the disarmament itself was left to be carried out by the Ministry of Interior and local chiefs, former of which is known for applying more repressive, including military, measures by deploying the SPLA.

The international actors attempted to increase security sector capacity by supporting the training of the South Sudan Police Service (SSPS). Although progress from 2005 was made, these programs were marred by difficulties because Juba failed to prioritize them.[88] Moreover, many of the recruits for training included former SPLA soldiers whose guerrilla training and experience as rebels often conditioned them to certain behavior towards civilian population that was difficult to change. Allegedly, the SSPS recruitment process was also politicized and at times "tribalized" to hand positions and channel resources for constituents. The United Nations Police Force provided training and monitored the daily activities of the SSPS, but as with the SPLA, recurrent human rights violations took place.[89]

Thus, during 2005-2011 the international approach to support the security sector transformation in Southern Sudan suffered from enormous challenges. Not only was it largely conditioned by the SPLM/A's preferences, but it tended to lack the perspective of those being subjected to disarmament and abuses by the security apparatus. Also, the capacity to respond in time to local violence hardly improved. This, together with targeted efforts to disarm certain groups and not providing for their security subsequently, undermined the legitimacy of the entire process and the SPLM/A authority as a security provider. Not only did the hard measures lead to rearmament particularly in various locations in Greater Upper Nile, but they undermined collaboration between the state and sections of local groups. The danger of complete loss of control of parts of its territory was particularly relevant in those areas where SPLM/A support was weak (i.e. parts of Jonglei and Unity states) or where armed groups were active and the security forces had only temporary or seasonal access (i.e. parts of Western Equatoria).

A persisting problem of the security sector has been the recurrent incidences of violence. The existence of armed groups, bands, and individuals, along with the proliferation of small arms, has resulted in chronic insecurity among civilian population both in towns and rural areas. This situation, together with external threat mainly from Khartoum, has enabled the GoSS to justify the promotion of the state's security apparatus as a top priority over other pending issues. Security sector has therefore remained as the main end of the GoSS expenses.

During the Interim Period, the GoSS' security apparatus, the SPLA and the embryonic southern police force, were unable to eradicate locally occurring clashes. This was partly because of the abovementioned lack of capacity and reach to remote areas, and partly due to repressive means it applied to address such situations which often caused further violence. Regionally, violent incidents concentrated for the most part in Abyei, Greater Upper Nile, Jonglei, Lakes, and Western Equatoria, with the motivations ranging from those of anti-SPLM/A political grievances of armed groups and splinter factions, cattle-raiding, border disputes to CPA related conflicts, and violence inflicted the marauding Lord's Resistance Army.

First, during 2005-2010 the CPA-related conflicts lingered on particularly in Abyei where the impasse over the region's belonging to Northern or Southern Sudan had not been

[88] Abtneh and Lubang, *op. cit.*
[89] Interview with United Nations Police officers, December 2010 in Torit.

overcome. The region's borders also remained disputed despite the international Permanent Court of Arbitration's decision,[90] making it the main sticking point against Sudan's peaceful transition into two independent states. Violent clashes between government militias, SAF, and the SPLA took place in the area particularly in 2008, killing and displacing thousands.[91] Other North-South border areas and transitional areas also witnessed violent clashes often related to resources and pastures and at times involving ethnic militias or members of the organized forces.[92] This border area fighting was dealt with at the highest level of NCP-SPLM/A negotiations, and from 2011 the situation in Abyei was dealt with by deploying the almost 4,000-strong United Nations Interim Security Force for Abyei (UNISFA).[93]

Second, SPLM/A squabbles and its confrontation with militias were a recurrent source of violence particularly after the 2010 elections. Having lost elections, some former SPLA commanders and civilian leaders who had contested them independently claimed electoral fraud and mobilized their constituents against the SPLA. Among these commanders were George Athor Deng (Jonglei State), Gatluk Gai (Unity State), Gordon Kong Chol (Jonglei), David Yau Yau (Jonglei), Gabriel Tang-Ginye (Jonglei), and Peter Gadet (Unity), who became active in staging attacks on the SPLA and control territory in their home areas in Greater Upper Nile. In October 2010, GoSS president Kiir offered some of these defiant leaders amnesty if they lay down their arms.[94] Of these commanders, Athor was generally considered as the most powerful threat to the SPLM/A imposed order in Southern Sudan due to his well-trained and equipped troops, and alleged links to Gai, Yau Yau, and opposition politician, the leader of SPLM-DC Lam Akol. By the end of the Interim Period these armed groups remained active together with Khartoum-backed, or to an extent SAF-integrated, southern militias,[95] and capable of generating instability that undermined Juba's fledging authority locally particularly in Jonglei and Unity states. Thus, the "carrot and stick" strategy to reincorporate or eliminate the opposing leaders during the Interim Period had only limited success.

Third, the LRA continued to be a potentially destabilizing force particularly in Western Equatoria throughout the Interim Period. The group was identified as a threat and capable of causing wide displacement not only in Southern Sudan but in the neighboring countries. After the breakdown of the GoSS mediated peace process to end the LRA violence in 2008, the

[90] PCA: *Final Award*, Permanent Court of Arbitration, The Hague, 22 July 2009.

[91] Craze, Joshua: "Creating Facts on the Ground: Conflict Dynamics in Abyei", Small Arms Survey, *HSBA Working Paper*, 26 June 2011.

[92] Ylönen, Aleksi: "Marginalisation and Violence: Considering Origins of Insurgency and Peace Implementation in the Nuba Mountains of Sudan", Paper 201, *Institute for Security Studies*, October 2009.

[93] For more information see the UNISFA webpage at http://www.un.org/en/peacekeeping/missions/unisfa/

[94] See i.e. ST: "South Sudan president pardons rebel army officers", *Sudan Tribune*, 7 October 2010, at http://www.sudantribune.com/spip.php?article36507. This convinced Yau and Gadet join the government. Despite the armed opposition elements being joined by a defected former GoSS presidential adviser Maj. General Abdel Bagi Ayii Akol (Northern Bahr al-Ghazal) who had been sidelined in a government reshuffle after the 2010, they have been debilitated by the deaths of Athor and Gai and Tang-Ginye been held in house arrest in Juba. See HSBA: "Fighting for Spoils: Armed Insurgencies in Greater Upper Nile", *Human Security Baseline Assessment 18*, November 2011.

[95] Although some SAF-affiliated militia leaders, such as Paulino Matip, reintegrated to the SPLA early on after the peace agreement and others are said to be in the process (i.e. Tang-Ginye and Wal Khan), some (such as Kol Chara Nyang) remain active particularly around Jonglei and Unity states. Southern sources link some of these militias, which are based on ethnic or leadership loyalties, to the offshoot SPLM-DC leader Akol and accuse them of working in liaison with Khartoum in an attempt to destabilize Southern Sudan. Some of such militias appear to identify with leaders of southern political opposition elements (i.e. the force in Upper Nile led by Oliny which allegedly pledges loyalty to Akol), but maybe operating independently rather than with liaison to the SAF.

SPLM/A sought to use principally a conventional security approach, including arming local militias (Arrow Boys), to keep the rebel group at bay.[96]

Overall, during 2005-2011, the CPA security provisions were unable to end severe clashes particularly in the North-South border region.[97] The recurrent violent incidents in various parts of Southern Sudan also had the potential of spreading and causing hostilities on a wider scale. Whereas the clashes in the North-South border areas were a threat to the completion of the CPA and the peaceful transition to Southern Sudan's independence, internal fighting within Southern Sudan and the LRA related violence posed a significant menace the SPLM/A orchestrated political and economic order. This justified, to a large extent, the GoSS' focus on security while it sought to extend its monopoly of power to the Southern Sudanese territory as a whole. To remedy the persistent violence the GoSS adopted a wide-ranging, but hardly consistent approach, which combined violent repression, negotiation, amnesty, and mediation, attempting also to encourage local leaders in conflict resolution. Yet, this effort was incoherent top-down attempt by the SPLM/A leadership to end violence. It lacked sufficient application of soft measures and sensitivity to grassroots grievances despite the SPLM/A's pledged philosophy of "peace through development".

6. Conclusion

Overall, political developments during the CPA Interim Period have shown that any expectations of building a strong state in the region in the short-term were unrealistic. The CPA, a two-way power- and wealth-sharing agreement, which laid the platform for the external peace-through-statebuilding intervention proved insufficient in generating a political and economic transformation apart from the formalization of the SPLM/A elite's power through the GoSS.

Rather than being capable of transforming the political and economic reality in many parts of Southern Sudan, the hierarchical peace-through-statebuilding intervention had a consolidating effect on the prevailing order arising from the war. The exclusive partnership with the SPLM/A leadership in which it to a large extent decided upon the use of external resources generated few possibilities to pressure the latter and converted it into the formal governing force through its control of the state institutions. However, although these institutional structures were assumed to grow in strength and legitimacy to result in a strong state and increasing peace, this failed to occur during the 2005-2010 period.

Instead, some of the institutions were, and others became, extensions of the SPLM/A patronage networks and their legitimacy reached mainly only the constituencies of the individuals occupying positions in their structures, while marginalizing the excluded sectors of the population. Thus, the stark polarization between inclusion and exclusion in relation to the SPLM/A maintained structural violence emanating from the war and led to continuity of the condition of marginalization in the Southern Sudanese political and economic system, as the GoSS catered mainly to SPLM/A constituencies in terms of economic opportunities and development that concentrated on towns and in areas under strongest GoSS and SPLM/A

[96] Heaton, Laura and Fick, Maggie: "Field Dispatch: The Arrow Boys of Southern Sudan - An Army of the Willing", *Enough*, 11 March 2010, at http://www.enoughproject.org/publications/arrow-boys-sudan.

[97] This has been the case in South Kordofan and Blue Nile, which have provided the setting of fighting between the army and the local SPLM/A opposition that after the secession of South Sudan forms part of political opposition in North Sudan.

influence. This situation contributed also to direct violence which mostly affected communities in Greater Upper Nile and particularly Jonglei where the state had little constructive presence and the GoSS and the SPLM/A were only one actor among a number of local violent entrepreneurs. By 2011, the external intervention based on the hierarchical peace-through-statebuilding, and the intimate relationship with the SPLM/A-GoSS leadership as the source or security, had failed in delivering an end to direct and structural violence, as armed confrontations particularly in Greater Upper Nile continued.

This stagnation in building peace can be explained by the lack of legitimacy of the prevailing political and economic state order. In a post-war situation, as in the case of Southern Sudan, statebuilding based on a partnership with the leadership of the dominant local actor alone is not enough to generate local legitimacy, and significantly and sustainably improve the conditions rife with direct and structural violence.

As a result, the short-term peace-through-statebuilding in Southern Sudan during 2005-2011 failed to match the set expectations. Rather, it is suggested here that in order to eventually achieve conditions of positive peace a consistent long-term commitment to nationbuilding to bring unity and legitimacy to the state is necessary. As argued by others, such nationbuilding should draw from neutral but complex enough symbols with room for meaningful inclusive interpretations. This should accompany state policy focused on cooperation and inclusivity, instead of exclusion and confrontation, specifically targeting marginalized groups (i.e. through the provision of services and economic opportunities). Therefore, combining statebuilding with a clear and systematic approach of inclusive nationbuilding appears to be the strategegy that promotes the gradual transition towards sustainable peace and stronger and more legitimate state.