

A failure of governance:  
Understanding South Sudan's conflict dynamics beyond the political and humanitarian  
crisis

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**Abstract**

Since late 2013 South Sudan is entangled in a civil war that involves all political and military key players of the young country. This paper provides an insight into the turmoil, but focuses on an essential and often overlooked cause, which is a deeply rooted crisis of government. Violent means of negotiation have become the dominant mode to achieve political goals, while critical voices promoting dialogue and inclusion have been increasingly side-lined over the past years. Promoting lasting peace in South Sudan requires a radical shift away from this current mode of government.

## Introduction

In the evening of 15 December 2013 South Sudan's outlook for the future changed dramatically within a few hours. Members of the presidential Tiger Battalion fought for reasons that are yet to be fully disclosed, sparking off shooting and violence in various residential neighborhoods in Juba. During that first night many people were killed while many others, both mainly from the Nuer tribe, fled to the compound of the UN Mission in South Sudan (UNMISS) near the airport in Juba. The following morning, the South Sudanese president Salva Kiir Mayardit appeared on national television in full military uniform—something he had not worn since the end of the war—and accused his former vice-president Riek Machar and several others of plotting a military coup. In the week that followed, an estimated thousand people were killed. Eleven members of the SPLM/A elite, including its secretary general Pagan Amum, former ministers, and the former SPLA chief of staff were detained under charges of the attempted coup. Several SPLA commanders defected from the army to join a rebellion that had just been born. Riek Machar, the former vice-president, fled Juba during the night of the 15<sup>th</sup>. He strongly denied the charges of the putsch but declared himself the leader of what quickly had become an armed rebellion against the government in Juba. To many of South Sudan's bi- and multi-lateral partners in development cooperation the political and humanitarian, the crisis came by surprise: in the words of the UN Special Representative of the Secretary-General to South Sudan Hilde Johnson: “No, we did not see this coming<sup>1</sup>.”

Since the crisis started in December 2013, the international focus has been on the two warring protagonists, the ethnic dimension to the violence, and the humanitarian consequences. Fighting mainly has concentrated in the greater Upper Nile region (Jonglei, Upper Nile and Unity States) and peace efforts has taken shape in a pattern reminiscent of the talks between the former warring parties Sudan and South Sudan. Since much of what is happening today has reminded us of the past, we may wonder what it is that we witness today and whether there are any satisfactory explanations that may point us in the right direction for solutions. The political rift between South Sudan's president and the former vice-president also offers little in terms of a satisfactory explanation for the extreme violence we have been witnessing<sup>2</sup>, but framing the conflict along ethnic lines is also widely seen as all too easy. Many political analysts, scholars and others have made attempts to explain the root causes of the current conflict<sup>3</sup>. Among the causes often mentioned are the

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<sup>1</sup> UNMISS Press Conference by the SRSG H. Johnson, 26 December 2013. Transcript of the speech and the Q&A, <http://unmiss.unmissions.org/Default.aspx?tabid=5527&language=en-US>, consulté le 11 Juin 2014.

<sup>2</sup> See for an interesting reflection on the effectiveness and instrumentalisation of violence, but also the irrational dimensions to it, Louisa Lombard's blog post on violence in CAR: <http://foolesnomansland.blogspot.nl/2014/04/religion-and-limits-of-making-sense-of.html>, consulté le 11 Juillet 2014.

<sup>3</sup> D.H. Johnson, « Briefing: The Crisis in South Sudan » *African Affairs* 113, No 451, 2014, p. 300-309; A. de Waal and A. Mohammed, « Breakdown in South Sudan ; What went wrong and how to fix it ? », *Foreign Policy*, 1 January 2014, <http://www.foreignaffairs.com/articles/140617/alex-de-waal-and-abdul>

crisis in the SPLM and the SPLA—especially the unfinished integration of militias in 2006<sup>4</sup>, the 1991 split in the SPLA<sup>5</sup> and the absence of the reconciliation processes among communities and warring factions since the signing of the CPA in 2005<sup>6</sup>. A few months into the conflict the first more in-depth analysis have appeared; De Waal taxes the crisis in South Sudan as caused by the neo-patrimonial kleptocracy that became insolvent<sup>7</sup>. It is hard to disagree with this firm assessment and yet, although rent-seeking indeed may have been a strong driver of politics over the past years, it does not explain the profoundness of the crisis of 2014. This paper offers a somewhat different perspective that focuses on governance rather than on the bankrupted neo-patrimonial system.

We argue that at the heart of the current political and humanitarian crisis lies a failure of governance. By a general failure of governance we mean the incapacity and unwillingness by political elites to overcome internal and external challenges, and the failure to deal with the general and growing frustrations of the South Sudanese people. This failure of governance touches upon all administrative and political levels of society. It is not only the result of choices made by a distinct group of national elite members inhabiting costly hotels in Addis Ababa<sup>8</sup>. The South Sudanese government and some of its international partners acknowledged the lack of governance capacity, straight from 2005 onwards. Yet, in combination with political unwillingness—which became increasingly apparent in the preparations of the elections in 2010—governance was increasingly characterized by a situation of ‘chronic crisis’<sup>9</sup>. According to Janet Roitman, the notion of crisis has become an important qualification of many realities today, all evoking urgent response by those in charge. South Sudan’s failure of governance started in 2005, and was partly overlooked or ignored, not only by members of the South Sudanese political/military elite, but also by its international partners who accompanied South Sudan on its road towards secession. This situation has greatly contributed to the political crisis today—both in the party and in the government, because it failed to accommodate a fundamental debate within South Sudan between leaders and among citizens about the type of state they envisioned<sup>10</sup>. This failure—or ‘crisis’—of governance is much more fundamental than the political crisis and runs the risk of being overlooked and ignored again today. The members

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[mohammed/breakdown-in-south-sudan](#), consulté le 13 Mai; L. Hutton, « From Fragility at Independence to a Crisis of Governance », *Clingendael CRU report*, March 2014.

<sup>4</sup> International Crisis Group Africa, « South Sudan; A civil war by any other name », Report no 217, April 2014, p.6.

<sup>5</sup> D.H Johnson, *The Root Causes of Sudan’s Civil War*. Oxford, James Currey, 2003, p. 97-99.

<sup>6</sup> N. Plooijer Nico, « Addis Abbaba Agreement; A shaky path to peace », Pax, 29 January 2014.

<sup>7</sup> A. De Waal, “When Kleptocracy Becomes Insolvent: Brute Causes of the Civil War in South Sudan”, *African Affairs*, 113, No 452, 2014, p. 347-369.

<sup>8</sup> De Waal, art. cit. 2014 p.361-365

<sup>9</sup> J. Roitman, *Anti-Crisis*, Durham (NC): Duke University Press, 2014.

<sup>10</sup> D. Johnson, « New Sudan or South Sudan; the multiple meanings of self-determination in Sudan’s Comprehensive Peace Agreement », *Civil War* 15, No 2, 2013, p. 141-156 ; M. Schomerus and L. de Vries, « Just Cause or Crisis in the Making? How “self-determination” was interpreted to achieve an independent South Sudan », in W. Zeller and J. Thomas, *Secessionism in Africa*, Basingstoke, Palgrave Macmillan, forthcoming.

of the international community who are involved in the peace talks, pressure the two protagonists to find a solution and to contain the humanitarian crisis, while the more structural dimensions to the violence today and its possible solution may well remain unaddressed.<sup>11</sup>

This paper will advance two key dimensions to this failure of governance. It, first of all, can be traced to the dominant political culture of dealing with differences within the SPLM, which is characterized by elements of violence<sup>12</sup>. Indeed, as in De Waal's words, violence is used as a means of bargaining<sup>13</sup>. Secondly there is a lack of inclusiveness in the South Sudanese politico-military system. Both dimensions took root shortly after the signing of the CPA, but similar patterns can be found in the unfolding of events today. The current conflict reveals many things, but it most definitely shows us how the primacy of violence over dialogue to negotiate political difference hijacks the country as a whole. The paper starts with an assessment of events that contributed to the unfolding of the crisis of governance today. The SPLM/A's transformation from a guerrilla movement into an army, a government and a political party with each clearly separable responsibilities serves as the entry point of this section. Then the paper shifts towards the second section to discuss the impact of the crisis of government as advanced by South Sudanese intellectuals and one of the often-heard solution to South Sudan's problem: 'federalism'.

In the concluding section we return to the question of the primacy of violence over dialogue. We will show a major paradox of South Sudanese politics today: on the one hand the political elite never took much of the criticism very seriously, because it never formed a direct threat to the stability of the regime. Instead, it preferred to focus on more violent opposition. On the other hand, when verbal opposition and debate through dialogue became increasingly vocal, the only response the government could think of was again one of violence. This paradox has important implications for the ascribed and claimed legitimacy of the government and for its international partners involved in brokering a permanent settlement.

### **A crisis unfolding**

Violence started in Juba on December 15<sup>th</sup> 2013, but after the first week of shootouts and curfew, the capital city has seen little violence. Some residential areas are still largely empty and about 20000 people still live in the UN mission compound in Juba, yet daily life

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<sup>11</sup> With the eruption of the crisis, a rapid expansion of online sources, opinion pieces and statements could be observed. We acknowledge the difficulty of verifying some of these sources, but given that little research has been published on the conflict, many of our 'primary sources' come from the internet. We base our analysis on several years of academic research in and on South Sudan between 2008 and December 2013.

<sup>12</sup> A. Mehler and D. Tull, « The Hidden Costs of Power Sharing », *African Affairs*, 104, No 416, 2005, p. 375-398.

<sup>13</sup> De Waal, art.cit. 2014, p.249

continues and government institutions quickly resumed<sup>14</sup>. Fighting has mainly erupted in 'Greater Upper Nile' area<sup>15</sup> (Jonglei, Unity and Upper Nile States) where over a million people have fled their homes, the majority within the country, and others to neighboring Uganda, Kenya, Sudan and Ethiopia. Peace talks started late December 2013 and seven of the political detainees were freed in late January. A few months later, after their trial had started, the remaining four detainees were 'liberated' after the charges against them were dropped. The most prominent detainee, the former SPLM Secretary General Pagan Amum claimed that the government of South Sudan did not have a case against them and that justice had been denied now that the charges were dropped instead of their innocence proven in court<sup>16</sup>.

Negotiations under the auspice of the Intergovernmental Authority for Development (IGAD) in Addis Ababa resulted in a first agreement on cessation of hostilities (CoH) on January 23<sup>rd</sup> 2014. After pressure by the US Secretary of State John Kerry and UN Secretary General Ban Ki Moon early May, the two warring protagonists themselves signed a second CoH on May 9<sup>th</sup>, in Addis Ababa. When the seven detainees were released in January 2014, they proposed to join the negotiations as a third party—importantly not aligning themselves with the opposition forces. Yet the government refused to include them as a third block in the negotiations 'simply because they do not fight the government' according to a presidential spokesperson<sup>17</sup>. After pressure from the South Sudan's international partners and IGAD members, it was finally agreed upon to include the former detainees to the talks and to add a delegation from representatives of civil society members to the talks, yet they stalled again over the precise modalities<sup>18</sup>. The initial suggestion that one needs to fight first before being allowed at the negotiation table points towards the primacy of violence over other forms of political dialogue.

The big challenge in the near future is how to move towards the transitional government that was agreed upon May 9<sup>th</sup> 2014. John Young criticises the flawed peace process that led to the signing of the CPA, noting that "first, peacemaking was reduced to two parties and then it was further narrowed to two individuals"<sup>19</sup>. A similar scenario now threatens the current peace process. Reducing today's conflict to the civil war between 'the

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<sup>14</sup> See Aly Verjee's blogpost on everyday life in Yambio at African Arguments <http://africanarguments.org/2014/03/15/a-letter-from-yambio-south-sudan-by-aly-verjee/>, consulté le 11 Juillet 2014

<sup>15</sup> Small Arms Survey, « Fighting for Spoils: Armed Insurgencies in Greater Upper Nile », HSBS Issue Brief No 1, November 2011.

<sup>16</sup> Upper Nile Times, « Pagam Amum : Government escaped justice », 28 April 2014, <http://upperniletimes.net/details/737>, Consulté le 11 Juillet 2014.

<sup>17</sup> Radio Tamazuj, « South Sudan Delegation Heading to Addis Talks », 24 March 2014, <https://radiotamazuj.org/en/article/south-sudan-delegation-heading-addis-talks>, Consulté le 11 Juillet.

<sup>18</sup> Sudan Tribune, « South Sudan Peace Talks Adjourned over Inclusivity Crisis, 23 June 2014, <http://www.sudantribune.com/spip.php?article51444>, Consulté le 2 Juillet 2014.

<sup>19</sup> J. Young, *The Fate of Sudan, the origins and consequences of a flawed peace process*, London, Zed Books, 2012, p.105.

government' and 'the rebels' and their respective main protagonists fails to do justice to the complex political allegiances and fluid loyalties that hide behind. Throughout the war, many of the people fighting today, have switched sides a number of times<sup>20</sup>. More challenging however is how to make the peace process truly comprehensive and inclusive in order to overcome one of the main causes; the crisis of governance.

Although the conflict started in December last year, we argue that the failure of governance commenced shortly after the signing of the CPA. Criticism at the functioning of the government had been lingering throughout the interim period following the signing of the CPA but increased after the South's secession to become the Republic of South Sudan in July 2011. In the weeks before the start of the violence in December, critiques from within the ranks of the SPLM had become too open, culminating in a climax on December 6th. At that day, Riek Machar and others, during in an SPLM press conference, published a statement that accused the chairman of the party, president Salva Kiir, of dictatorial tendencies.<sup>21</sup> In the evening of the second meeting of the SPLM National Liberation Council—which served as the SPLM parliament during the war but had become the SPLM public body—the violence started. The President's last and most devastating attempt to divert critique was to accuse his main opponents of plotting a coup. Although straight from the onset, the violence took on an ethnic dimension with especially members of the Dinka and Nuer communities fighting, those who the presidency accused of staging the coup have a wide variety of ethnic backgrounds. In fact, only two out of eleven hail from the Nuer tribe to which also belongs Riek Machar, while five of the arrested people were Dinka just like the President.<sup>22</sup>

### **The politics of transforming the SPLM/A**

The SPLM had been the signatory party to the Comprehensive Peace Agreement that ended the 22 year long war in 2005 and as a consequence, what once had started as a guerrilla movement came to form the basis of a new semi-autonomous government in the southern part of the Republic of Sudan. With the signing of the CPA and the installation of the Government of Southern Sudan (GoSS)—as it was called prior to the secession—the SPLM/A took on the responsibility to transform itself into a political party, national army and a government. John Garang, who had led the movement since its establishment in 1983, died in a helicopter crash three weeks after his inauguration as the president of the GoSS. His long-time deputy Salva Kiir took over the position of the president and led the south towards independence in 2011. The CPA has been criticised as a peace process

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<sup>20</sup> Small Arms Survey, « SPLM- In Opposition », HSBA, 2 May 2014, p.5, <http://www.smallarmssurveysudan.org/facts-figures/south-sudan/conflict-of-2013-14/splm-in-opposition.html>, consulté le 11 Juillet 2014

<sup>21</sup> Sudan Tribune, « Senior SPLM Colleagues Give Kiir an Ultimatum over Party Crisis, 6 December 2014, <http://www.sudantribune.com/spip.php?article49087>, consulté le 11 Juillet 2014.

<sup>22</sup> Of the 11 people arrested there were five Dinkas, two Shilluks, two Nuers and one Latuko and one Zande (the last two originating from Greater Equatoria).

because of its failure to address the other ongoing rebellions and resistances in Sudan, in other words, it was not comprehensive at all. More specifically for South Sudan, the CPA failed to include many of the other militias that were fighting within the south, often supported by Khartoum because John Garang objected the inclusion of adversaries.

When Salva Kiir took over the leadership from Garang, he radically changed this policy and adopted a 'big tent' approach. He invited leaders of these militias—most prominently Paulino Matip of the South Sudan Defense Forces— to join the ranks of the southern Sudanese army, the SPLA<sup>23</sup>. Throughout the years of the interim period president Kiir at several moments pardoned rebelling officers and invited them to join the government or the army again<sup>24</sup>. This policy was successful to the extent that it most likely prevented South Sudan from more widespread violence throughout the interim period, yet it also created a system in which defection and/or rebellion was often being rewarded by higher ranks or good positions within the army. This was a source of frustration to the SPLA commanders who stayed loyal to the SPLA not only throughout the war periods, but also in the years after the signing of the CPA. It turned out to be a process that Baaz and Verweijen coined as 'many carrots few sticks', in their article about the Congolese national army and the challenges of defection<sup>25</sup>.

The aftermath of the elections in 2010 turned out to be a turning point in this respect, several aspiring candidates rebelled after their political defeat. Violence —often through armed rebellion— turned out to be a more effective way to be included into the system of government again. Salva Kiir's big tent approach at the military level had reached its limits while at the political level criticism also increased. Having successfully brought the country to independence, the intentions, effectiveness and quality by Salva Kiir's SPLM government were increasingly questioned by people within and outside South Sudan. In an attempt to keep in control of the situation of increasing criticism the president started to take measures that were stretching his assigned capacities. This process became more visible in 2013 when he started with the forced retirement of some of the high-ranking SPLA officers, then decided to dissolve the government in an attempt to regain control over his cabinet, and lastly moved towards overstressing his powers in the party.

Illustrations of the President's attempt to keep control of the executive level of government could first be observed when the government embarked on the revision of the constitutional reform process. Initially, the idea had been to invite various political parties and members of the civil society to join in the reform process, but in the end, the parliament was forced to accept a version that was drafted by the presidency in the days before South Sudan's secession from the Republic of Sudan. The interim constitution

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<sup>23</sup> L. Hutton, « South Sudan: from fragility... », art. cité, 2014.

<sup>24</sup> For instance about the ones who rebelled after the 2010 elections. See: Sudan Tribune, « South Sudan President pardons rebel army officers, 7 October 2010, <http://www.sudantribune.com/spip.php?article36507>, consulté le 11 Juillet 2014.

<sup>25</sup> M. Erikson Baaz and J. Verweijen, « The volatility of a half-cooked bouillabaisse: Rebel-military integration and conflict dynamics in the eastern DRC », *African Affairs* 112 (449), 2013, p. 563-582.



favoured decentralisation rather than federalism and allocated the president great powers, including of dismissal of elected governors<sup>26</sup>. Two years later, in the summer of 2013, he dismissed his cabinet including his vice-president Dr. Riek Machar. Officially the motivation was the ineffectiveness of the ministers and the allegations of corruption. A leaner cabinet was said to fit better to the austerity measures adopted by the country and to operate more effectively. With his dismissal of the cabinet, the president managed to do away with some of his critics and opponents. In the same year (2013), he dismissed two elected governors, and removed two others from their governor's positions to be appointed as Minister of Defence and SPLA chief of staff respectively<sup>27</sup>.

Political analysts suggested that with the new cabinet, President Salva Kiir showed his commitment to a good relationship with the government in Khartoum. New people who had been operating in the north or loyal to the National Congress Party (NCP) were appointed in government positions. It needs no explanation that the issue that raised most attention was the relief from office of the vice-president. It was known that the relationship between the president and his former deputy had been tense, mainly because of Machar's ambition to lead the party or become the next president of South Sudan. The replacement of Machar was a contentious issue and led speculations on who should replace him. The parliament in Juba attempted to have a debate about the replacement of the cabinet and the vice-presidency. The candidacy of James Wani Igga, a long-time SPLM/A member from the Bari community in Central Equatoria State who had been the speaker of the South Sudan Legislative Assembly from 2005, was not properly discussed however. The president also threatened to dismiss the entire parliament if they would not accept his preferred candidate for the vacant position of the Vice President<sup>28</sup>. The threats to the members of parliament, the replacement of governors and the dismissal of the entire cabinet were actions that could be interpreted as attempts to increase control at the level of the presidency in order to prevent critical voices to become too vocal.

Although formally the government and the party are two separate entities, they in practice are intertwined. While Salva Kiir opted for changes at the level of the government, as the chairman of the SPLM he made sure that at the level of the party things simply stagnated until the end of the year 2013. The existing institutional structures of the SPLM during the war had become the backbone of the political party, including structures like the political bureau, the secretariat and the National Liberation Council (NLC) that performed the role of the parliament during the war. The party was organised until the lowest administrative structures in South Sudan and every county had their SPLM county chairperson. Although other parties are allowed in South Sudan, in practice it is only the

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<sup>26</sup> J. Young, « *The Fate of Sudan...* », *op. cit.*, p. 292-304 for a detailed discussion on the constitutional reform process.

<sup>27</sup> Sudan Tribune, « Crack in South Sudan's Presidency over dismissal of Unity State Governor », 10 July 2013, <http://www.sudantribune.com/spip.php?article47237>, consulté le 11 Juillet 2014.

<sup>28</sup> Sudan Tribune, « Kiir threatens to dissolve parliament unless it support Wani Igga's candidacy », 24 August 2013, <http://www.sudantribune.com/spip.php?article47776>, consulté le 8 Mai 2014.



SPLM that is allowed to flourish. The SPLM organised two National Conventions, the first one was organised during the war in 1994<sup>29</sup>, the second was organised in May 2008, which was the first since the ending of the civil war. Already in 2008 the then vice-president Riek Machar vowed his ambition to become the party leader, which was then denied.<sup>30</sup> One of the resolutions of the convention was that a new one had to be organised five years later, in May 2013. Until today the convention did not take place, the main reason being the ongoing internal debates within the leadership on what the party rules precisely are regarding candidacy for a new chairperson. Throughout the year 2013, several potential candidates vowed their ambition to become the chairperson of the party and thus run as SPLM candidate for the next elections initially scheduled for 2015. Over the fall of 2013, concerns were raised about the lack of institutional preparations and funds to organise the elections<sup>31</sup>. In words of the online newspaper Sudan Tribune, the SPLM “has not yet readied itself. ....The ruling party which is yet to be legally registered as a political party in the new republic, should first pass its basic documents such as the constitution, manifesto, code of conduct and rules and regulations in a series of meetings of the political bureau, national liberation council and extra-ordinary convention, respectively.<sup>32</sup>” The fear for the ‘political battles’ within the ruling party and the weakening of the position of some of its leaders has thus turned out a real impediment to the governance of the electoral process.

The chairperson of the party, president Kiir, tried to expel Riek Machar from the party too after he had dismissed him as a vice president. A similar treatment befell Pagan Amum, the party’s former Secretary General who was dismissed because of accusations over mismanagement of the party in the summer of 2013.<sup>33</sup> Both argued that the chairman had no powers to end their membership from the party, which implied that Salva Kiir did not manage to fully neutralize the opposition from within the party. Postponement of the SPLM convention and the internal struggles within the party also laid bare the governance stalemate the country was facing. Attempts to start a dialogue over this were pushed ahead until the press conference of December 6<sup>th</sup> and the National Liberation Council a week later. Confronting the opposition voices through dialogue turned out to be too complicated for the president and his surroundings to manage. The start of the violence was the answer.

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<sup>29</sup> See the highly informative *Guerrilla Government* by Oystein Rolandsen (2005) for more information on the first SPLM convention.

<sup>30</sup> Sudan Tribune, « SPLM retains three deputies to the chair person », 19 May 2008, <http://www.sudantribune.com/spip.php?article27193>, consulté le 8 Mai 2014.

<sup>31</sup> Sudan Tribune, « South Sudan electoral body confirms the lack of funds to run the 2015 elections », 13 September 2013, <http://sudantribune.com/spip.php?article48032>, consulté le 8 Mai ; Sudan Tribune, « US Envoy urges South Sudan to prepare for 2015 elections », 24 September 2013, <http://sudantribune.com/spip.php?article48156>, consulté le 8 Mai 2014.

<sup>32</sup> Sudan Tribune, « electoral body confirms... » art. cit. 13 September 2013.

<sup>33</sup> Gurtong Trust, « SPLM Secretary-General suspended for mismanaging party affairs, community to probe », 24 July 2013, <http://www.gurtong.net/ECM/Editorial/tabid/124/ID/12196/Default.aspx>, consulté le 13 Juillet 2014.

Recently, President Kiir announced the rescheduling of the elections to 2017 upon return from Addis Ababa after the signing of the ceasefire in May 2014.<sup>34</sup>

As has become clear in this section over the years, many of the powers remained concentrated in the person of the president while he stretched his capacities as president, party chairman and commander in chief in attempts to keep control over dissident voices. Some voiced their concerns by rebelling within the army, or by fighting the SPLA —as David Yau Yau in Jonglei, or by challenging the president in the Parliament or within the SPLM party structures. The frustrations with the government in South Sudan were widely felt, also at the level of the states and local government, not to mention the South Sudanese citizens. The transformation of the SPLM/A from a guerrilla movement into the three pillars of South Sudanese government today —the party, the military and the government — has been incomplete at best. The attempt to keep all dimensions of the political-military life within the ranks of the SPLM has become an impediment for progress and a recipe for conflict. In order to further deepen our understanding of the conflict dynamics in South Sudan, it is worth to zoom in on what we call the crisis of governance and one of its often-heard solutions; the call for federalism.

### **Dialogue versus Violence**

The objective of an independent South Sudan —or at least a federal Sudan with an autonomous south— has been strongly propagated and fought for by many southern Sudanese straight from the independence of the Republic of Sudan in 1956 onward.<sup>35</sup> When the CPA was signed, a roadmap towards the southerners' right to self-determination had been guaranteed. It is precisely in the preparation for the referendum and independence, however, that the GoSS somewhat violated the process of self-determination in which South Sudanese were supposed to be allowed to debate and shape the forms and functioning of its system of government<sup>36</sup>. During the interim period, the emphasis lied on building the institutions and the technical and procedural aspects related to governing cities, states or even the national level. Yet, the day-to-day running of affairs practically evolved in such way that the continuation of the pre-CPA systems of governance would be guaranteed<sup>37</sup>. During the interim period for example, a number of senior government and military officials were detained for charges of corruption; but their armed tribe-mates forcefully released them from detention within a short time.<sup>38</sup>

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<sup>34</sup> Sudan Tribune, «South Sudan's President delays 2015 general elections », 13 May 2014, <http://sudantribune.com/spip.php?article50982>, consulté le 13 Juillet 2014.

<sup>35</sup> Oduho and Deng, *The Problem of the Southern Sudan*. London: Oxford University Press, 1963.

<sup>36</sup> M. Schomerus & L. de Vries, « Just Cause or Crisis... », *art. cit.* forthcoming

<sup>37</sup> L. de Vries, « Pulling the Ropes, Convenient indeterminacies and the negotiation of power at Kaya's border checkpoint », In C. Vaughan, M. Schomerus and L. de Vries (eds) *The Borderlands of South Sudan: Authority and identity in contemporary and historical perspectives*, New York, Palgrave Macmillan, 2013, p. 153-172.

<sup>38</sup> Arthur Akwen, a former Minister of Finance was detained but released by their fellow Dinka; and a Nuer Major General under command of Paulino Matip was arrested for having sold food items for the army, and was forcefully released by Nuer soldiers. See « Country Reports on Human Rights Practices », report'

The frustrations with the current government thus grew accordingly when precisely the procedures, rules of accountability and inclusive governance principles were put aside by members of the government mixing up positions in the executive with the party and/or the military. People who dared to raise complaints to the mixing of roles and the abuse of powers, however, followed a procedural approach instead of, for instance, complaining more vocally, violently and openly at the most effective platform.<sup>39</sup> At the national level, the way the central government treats grievances and opposition suggests a disregard for concerns from segments of the territory, or other levels of government, that are not voiced in a violent manner but through dialogue. One of the reasons may have been that there were always more urgent issues to deal with than the misfits and criticisms about the system of governance. Yet the presence of violent contestations of government also is also convenient. The maintenance of a level of crisis facilitated the government of South Sudan to continue to prioritize security. Examples of the past three years are for instance the violent attacks between the Murle and the Lou Nuer between 2011 and 2013<sup>40</sup>, or the political crisis with the government in Khartoum in April 2012 that led to the oil shutdown and the subsequent austerity measures.

The question is, of course, what happened to criticism about the failure in governance, the lack of inclusivity and the pressure for reforms after the conflict started in December 2013. People may have been critical on the government, but that is not the same as supporting a rebellion. All of a sudden people were offered or even expected to take sides. Being critical on the government can now be interpreted as taking sides with the rebels, while the willingness to acknowledge the existing government, quite a legitimate position from an administrative and technical stance— almost became synonymous for taking sides for the Dinka. An example is vice-president James Wani Igga, who is very vocal against the ‘rebellion’: he is increasingly becoming unpopular at the local levels within his home area in Juba where he is being perceived as supporting the Dinka side of the conflict. Vice-president Igga argues that they represent a legitimate and elected government.<sup>41</sup> Such projections of perceived loyalties make involvement of political elites who serve in the national government to be very tricky.

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submitted to the Committee on Foreign Affairs, US House of Representatives and the Committee on Foreign Relations US Senate by the US Department of State, 2007, p 529.

<sup>39</sup> See for an illustration of these frustrations about perceived Dinka dominance, their perceived impact on governance in South Sudan and the ways in which these complaints were put forward: L. de Vries, *Facing Frontiers, Everyday Practice of State-Building in South Sudan*, Wageningen University, unpublished PhD thesis, 2012, p. 186-188.

<sup>40</sup> J. Leff, « My Neighbour, My Enemy », HSBA Sudan Issue Brief no 21, 2012.

<sup>41</sup> Similar accusations are also heard in relation to prominent figures in South Sudan’s military, most importantly the SPLA General Chief of Staff, James Hoth Mai, who is Nuer and stayed in function until president Kiir replaced him on 23 April 2014, <http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/15187/President-Kiir-Sacks-Army-Chief-Of-Staff.aspx>, consulté le 3 Juin 2014.

The government in Juba continues to argue that it is a war between the government and the rebels, which reduces any involvement by a third-party to be seen as taking sides. The intervention of the Ugandan army to the rescue of the SPLA definitely implies that Museveni has taken sides, but is seen by many Nuer as taking side with the Dinka on their fight against the Nuer. The government for instance in return, accused the UN peace keeping operation UNMISS of supporting the rebellion simply because it was housing Nuer civilians who fled their homes to seek for protection.<sup>42</sup> Although the government claims to be fighting a group of rebels, we could wonder about the difference between the two sides. Most of the rebels were, until recently, part of the 'legitimate and democratically elected' government, while government forces undertook very illegitimate and undemocratic actions over the course of the past seven months. This shows that the binary categories of government and rebel are in practice rather blurred and furthermore that trying to reflect on possible improvements in the day-to-day governance of South Sudan is seen being politicized too.

### **Federalism to fill the governance gap?**

Over the course of the past six months, conflict the call for a federal system of government came up again. In attempts to gain popular support Riek Machar advocated a federal system of government when laying out his demands for the latest peace negotiations.<sup>43</sup> Especially in the Equatoria region (comprising of Central -, Western - and Eastern Equatoria State) the call for federalism has been quite popular. As early as 2011, during the first 'Equatoria Conference' held in Juba, the idea of federalism was adopted as one of the first resolutions of the conference<sup>44</sup>. The debate is reminiscent of the years after the 1972 Addis Ababa agreement when the perceived 'Dinka dominance' in the semi-autonomous southern government seated in Juba was also seen as a problem to many Equatorians<sup>45</sup>. So, though the call to federate the country is not new, the recent trend to increasingly advocate for this seems to have equally threatened the position of President Kiir as the ongoing violent conflict, and probably more. Paradoxically, Kiir reacted to this by setting a 'redline' on the debate of federalism, threatening advocates of federalism to face dare

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<sup>42</sup> Gurtong, «Call to 'scrutinize' UNMISS », 22 January 2014, <http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/14690/categoryId/24/Call-To-Scrutinize-UNMISS.aspx>, consulté le 2 Juin 2014.

<sup>43</sup> See the comments made by vice president James Wani Igga on this issue : Sudan Tribune, « Greater Equatoria Politicians discuss federalism as Igga leashes out at rebel leader Machar », 25 May 2014. <http://www.sudantribune.com/spip.php?article51124>, consulté le 13 Juillet 2014.

<sup>44</sup> First Equatoria Conference 2011, resolution 1.1 signed by the three Governors <http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/5186/categoryId/122/Resolutions-From-Equatoria-Conference-2011-Justice-Unity-and-Prosperity.aspx>, consulté le 3 Juin 2014.

<sup>45</sup> P. Scott, « The Sudan People's Liberation Movement (SPLM) and Liberation Army (SPLA) », *Review of African Political Economy*, No. 33, 2005, p. 69 – 82.

consequences should they continue with the debate<sup>46</sup>. This in turn, resulted to heightened tension within Equatoria, mainly between the government and those calling for federal system of government spearheaded by the governors of the three states of Equatoria. It also resulted in violent confrontations between security forces and civilian populations within Equatoria<sup>47</sup>, and to the seizure of printed copies of daily newspaper editions that published on the federalism debate<sup>48</sup>. In the midst of the tensions surrounding the idea of federalism, the renown historian on Sudan, Douglas Johnson, gave a lecture at Juba University where he argued that federalism means different things to different people. He furthermore contended that, although the SPLM managed to achieve independence for the people of South Sudan, it did not prepare in the decision about which system of government to adopt. This choice still needs to be made<sup>49</sup>.

Although the current centralized system of government clearly has its flaws — especially since the national government fails to respect its responsibilities towards the state and county level— a federal system of government risks to raise more problems than it solves : decentralizing a system that is not operated properly by those responsible runs the risk to only decentralize the violent politics to the levels of state and county. The real problem at the time might have been similar to the real problem today : a crisis of governance with a government that fails to respect legal, administrative and technical frameworks and only pays lip-service to its citizens who call for more inclusion, more peace dividend and less abuse of power. Instead, war and violence have continued openly and even more violently over the past few months, causing great suffering and a humanitarian crisis. From the perspective of the government, violence never left the political arena, which is why dialogical approaches to politics could therefore continue to be ignored.

### **Concluding remarks**

This paper shed light on the political crisis that affects South Sudan since December 2013 from the perspective of a crisis of governance instead of searching for direct root causes of the political and humanitarian crisis today. Aim with this alternative perspective is to nuance first of all the accusations of a coup. South Sudanese intellectuals such Peter Adwok

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<sup>46</sup> Sudan Tribune, «South Sudanese Presidency warns against federalism debate », 25 June 2014, <http://www.sudantribune.com/spip.php?article51461>, consulté le 13 Juillet 2014.

<sup>47</sup> All Africa , « South Sudan : Editor turns down security summons over federalism debate », 4 July 2014, <http://allafrica.com/stories/201407070957.html>, consulté le 12 Juillet 2014.

<sup>48</sup> On July 7<sup>th</sup> 2014 security forces took 3000 copies of the Citizen Newspaper. An interview with the editor in chief: <https://audioboo.fm/boos/2308152-editor-in-chief-of-the-citizen-newspaper-nhail-bol>, consulté le 11 Juillet 2014.

<sup>49</sup> D. Johnson, “Federalism in the history of South Sudanese Political Thought”, Draft Version July 2014. See also: Sudan Tribune, « Renown historian offers insight on demands for federalism in South Sudan », 9 July 2014, <http://sudantribune.com/spip.php?article51622>, consulté le 12 Juillet 2014.

Nyaba<sup>50</sup> and Edward Lino<sup>51</sup> loudly denied the attempted coup and instead insisted on the failure of the governance system, the responsibility of the government to be democratic and inclusive, criticizing the constitutional reform process, etc.. Their critique remains largely unnoticed in the noise of violence. Secondly, our alternative perspective nuances the simplified framing of the conflict as one between the government with president Salva Kiir (a Dinka) on the one hand and the rebels with his former vice-president, the Nuer Riek Machar on the other, because this fails to do justice to some of the undercurrents of politics and power, which greatly influence the conflict dynamics. Over the years many critiques were voiced but only taken into consideration when voiced loudly and violently enough to provide a threat to the stability of an overly centralized government. Lastly, this perspective provided some reflections on the on-going debate about potential systems of government. For many decades, Sudanese politics has called for alternative systems of government, yet whichever form was adopted was met by failures.

As this paper suggests, it is not the form of governance that matters, but how this is implemented. Similar difficulties are to be expected even if a federal system of governance is to be adopted as a result of the on-going call to federate the country. South Sudan's international partners who facilitate, observe and contribute to the peace process in Addis Ababa should insist on the need to transform the logic of violence in the day-to-day governance of the country. It should only support a settlement that allows for other voices in the South Sudanese society to be heard. The two main protagonists of this crisis and their direct allies are clearly no part of any solution if South Sudan wants to overcome its deep crisis of governance. The only way forward is for a new government to drastically break away from the dynamics of governance that dominated the system since the signing of the CPA, and to engage in a project of nation-building which is inclusive of all sections of the society.

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<sup>50</sup> South Sudan Nation, « From Dr. Peter Adwok : Sorry Sir, it was not a coup », 17 December 2013, <http://www.southsudannation.com/from-dr-adwok-sorry-sir-it-was-not-a-coup/>, consulté le 12 Juillet 2014.

<sup>51</sup> Paan Luel Wel, « Edward Lino : There was no coup in Juba », 9 February 2014, <http://paanluelwel.com/2014/02/09/edward-lino-there-was-no-coup-in-juba/>, consulté le 12 Juillet 2014.