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Bloody Ethno-Politics and a Failed International Engagement

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Abstract:

The South Sudanese civil war is showing an increasing tendency towards an ethno-political conflict. It would be a mistake, however, to interpret these as the root causes of the conflict. Rather, the claim of the former liberation movement and now ruling party SPLM/A to be the sole representative of South Sudanese politics represents a major obstacle to peaceful negotiation processes in the South Sudanese "political settlement". The international community was not able to provide adequate answers to this issue. In fact, it supported SPLM/A's claim to sole representation by its engagement, and was thus contributing to a worsening of the current tensions.

Zusammenfassung:

Der südsudanesische Bürgerkrieg nimmt zunehmend Charakterzüge einer ethnopolitischen Auseinandersetzung an. Dennoch wäre es verfehlt, darin die Ursachen des Konfliktes erkennen zu wollen. Vielmehr ist der Alleinvertretungsanspruch der ehemaligen Befreiungsbewegung und jetzigen Regierungspartei SPLM/A ein wesentliches Hindernis für einen friedlichen Verlauf der Aushandlungsprozesse im südsudanesischen „Political Settlement". Die internationale Gemeinschaft hat keine Antworten auf diese Problematik gefunden und durch ihr Engagement diesen Alleinvertretungsanspruch faktisch unterstützt, was zu einer Verschärfung der gegenwärtigen Spannungen beigetragen hat.

Keywords:

South Sudan, civil war, political settlement, ethno-political conflict, statebuilding, peacebuilding

Two and a half years after its independence, a massacre brought South Sudan back into the headlines of the world press. On April 21st, 2014, the UN peacekeeping mission in the country, UNMISS, announced the killing of more than 200 civilians in a mosque in Bentiu, the principal town for oil production in the north of the country.[1] The city had just been occupied by opposition forces some days earlier. The South Sudanese opposition forces are led, among others, by the former Vice President, Riek Machar, whose dismissal in July 2013 marked the beginning of the current conflict. Since mid-December 2013, the opposition forces are fighting a bloody civil war against the central government under President Salva Kiir and the de facto single party/army SPLM/SPLA.

Within the media coverage, the interpretation of the current situation in the sense of an "ethnic conflict" is particularly striking: indeed, assaults along ethnically defined fault lines are increasingly happening in the civil war. For example, the government forces used systematic violence against the Nuer people in Juba in December 2013. The latest massacre, this time committed by opposition forces, is said to have taken place following a similar pattern. According to UNMISS, the victims were selected because of their perceived ethnic affiliation.[2] A few days earlier, government troops apparently were involved in a massacre of Nuer people in Bor, the capital of the traditionally troubled region of Jonglei.[3]

Despite the increasing ethno-political mobilisation in the South Sudanese civil war it would be misguided to simply classify the current hostilities as an "ethnic conflict". This paper aims at presenting an alternative interpretation. It will do so by giving a brief overview of the history and the interests at stake in the current conflict. The power monopoly of the SPLM, the particular operational modes of the South Sudanese "political settlement" and the international engagement, which has supported this process substantially, are elaborated as the significant factors for analysing the current fighting.

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[1] UNMISS, 21 April 2014, "Hundreds massacred in Bentiu violence"; meanwhile, the US called for sanctions against those potentially responsible for the massacre imposed by the UN Security Council, cf. Sudan Tribune, 23 April 2014, "US says it's ‚horrified' by Bentiu massacre amid calls for UNSC sanctions".

[2] "At the Catholic church, SPLA in Opposition soldiers similarly asked civilians who had taken refuge there to identify their ethnic origins and nationalities and proceeded to target and kill several individuals", UNMISS, 21 April 2014. Besides Nuer, who, according to reports, were not willing to actively welcome the opposition forces, mainly Darfuris were selected, cf. Sudan Tribune, 22 April 2014, "Over 200 civilians massacred in Unity state's targeted killings, says UN". The main reason for this might be the increasing cooperation of the Darfur rebel movement JEM with the South Sudanese army, cf. ICG, 10 April 2014, South Sudan: A Civil War by Any Other Name, Africa Report No. 217, 18.

[3] Sudan Tribune, 17 April 2014, "30 people killed following clashes at UN base in Jonglei: reports".

Armed struggle for the SPLM/A – the second edition

The current violent infighting in the Sudanese People's Liberation Movement/Army (SPLM/A) is not new. A surprisingly similar split in the liberation movement occurred in the midst of the second stage of the thirty-one-year-old ongoing Sudanese civil war due to tectonic shifts in the regional balance of power: the Ethiopian Mengistu regime was overthrown, and as a consequence the SPLA, led by the charismatic John Garang, lost a key ally.[4] A group around the other party leaders Riek Machar, also a major protagonist in the current fighting, and Lam Akol split away from John Garang – soon also called the "Torit faction", named after a city in the South of the country – and established a SPLA opposition grouping. This opposition was then called "Nasir faction", named after the agreement signed in the southern Sudanese town of Nasir, the Nasir declaration.[5]

Several years of bloody battles between the two factions followed subsequently, also externally fuelled by the Sudanese government as well as by other international interferences. In 1991, the fighting culminated in the so-called "Bor Massacre" 2,000 civilians, Bor-Dinka, were killed by the SPLA-Nasir. It was not until two decades later, in August 2011, that Riek Machar, now vice-president of the independent South Sudan, gave a late apology for his personal responsibility in those events. In 2001, after a lengthy mediation process on the community level, especially between Dinka and Nuer, and after a corresponding truce between the factions from 1999, the armed conflict could be eventually settled with a reconciliation of Garang and Machar.[6]

This reconciliation, however, remained just on a formal level. Machar gained significant influence – and respective positions – in the party and government under Garang's successor (he died in a helicopter accident in 2005) Salva Kiir. Nevertheless, the structural factors that led to the intra-party struggles in 1991 have not been resolved and reappeared again in December 2013, albeit in a somewhat modified form. There are mainly four components responsible for the still-existing inner-party contradictions of the SPLM/A: besides the ethno-political context these are regional disparities, and political-strategic interest situations divergent in a way that makes it difficult to combine them in a single political party. These factors all culminate in the

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[4] Douglas H. Johnson, 2011, The Root Causes of Sudan's Civil Wars: Peace or Truce, Revised Edition, Woodbridge: James Currey, 91-110.
[5] Øystein H. Rolandsen, 2005, Guerrilla Government: Political Changes in the Southern Sudan during the 1990s, Uppsala: Nordiska Afrikainstitutet, 54-80.
[6] Johnson, Root Causes, 120-126.

issue of governance within the South Sudanese resistance, and, after 2011, in the South Suda-nese state.

(1) The ethno-political context is undoubtedly of relevance. This is highlighted also by recent anthropological studies, especially in relation to the traditional tensions between Dinka and Nuer.[7] The battles that occur repeatedly within the southern Sudanese guerrilla movements have often articulated themselves along ethnic fault lines. However, as previously stated, this factor should not be over-estimated as being primarily decisive: ethno-political issues in most cases are the consequence of contradictions on other levels. Often, they are nothing else than the result of conscious ethno-political mobilization aiming at constructing a tapered discursive bridge that obscures the multiple existing overlapping tensions between, as well as within the predefined "ethnicities".

(2) Ethno-political tensions not least can be traced back to regional disparities. Such disparities – although in the international perception concealed by the longstanding North-South conflict – also have existed and still exist within South Sudan for centuries and date back to the pre-colonial period. The oil reserves in the border region between the two Sudanese states along with the respective transfer of resources from the North of South Sudan to the capital Juba in the far South further exacerbated this situation. This has been vastly increasing since the con-clusion of the Comprehensive Peace Agreement (Comprehensive Peace Agreement, CPA) and the respective agreement on wealth sharing between North and South Sudan in 2005.[8]

(3) Moreover, different strategic interests, concerning political as well as the concrete ques-tion of power within the South Sudanese socio-political setting heavily influence the ethno-political tensions. The issue of state independence, for example, was an important factor for the SPLA split in 1991. Riek Machar, Lam Akol and representatives of the old Anyanya guerril-las strictly demanded a South Sudanese state, while John Garang along his "New Sudan Vision" explicitly rejected this and wanted to focus the movement on the Sudan as a whole.[9] Present-ly, questions of regional political alignment again play a substantive role, as well as aspects of the South Sudanese political system and the question of the selection and the potential role of international partners. Such power interests prove to be surprisingly fluid, however: this is

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[7] Stephanie Beswick, 2004, Sudan's Blood Memory: The Legacy of War, Ethnicity, and Slavery in South Sudan, Rochester, NY: University of Rochester Press, 191-192.
[8] Cf. Laura James, 2011, „From Slave to Oil", in: John Ryle et al., The Sudan Handbook, Woodbridge: James Currey, 79-83.
[9] Cf. Johnson, Root Causes, 97-99.

embodied prototypically by Salva Kiir , who as a vice president of the SPLM/A was fully loyal to John Garang's "New Sudan Vision", but switched to demanding independence, a position which he had fought violently against just a few years before, almost immediately after Garang's death. Such examples notwithstanding, political and strategic interest situations were and are an essential focal point of the "political marketplace"[10] of both Sudanese states.

(4) The core problem in the intra-South Sudanese conflicts of the past three decades, however, are issues related to the question of governance, concerning the former liberation movement and now ruling party SPLM/A. Two levels are to be distinguished: on the one hand, the issue of governance within the party, and on the other hand the organization of the South Sudanese political system and the particular role the SPLM/A plays therein as the unitary party. The question of intra-party democracy already in 1991 has significantly contributed to the intra-party rift between Garang and Machar. Again in December 2013, the dispute as to whether the party presidency should be determined by a simple show of hands or by a secret ballot process, gave rise to serious disputes.[11] Unsurprisingly, the party leadership around Salva Kiir opted for an open electoral process, while the intra-party opposition described this as leverage for maintaining the status quo.

This dispute, which at first might seem not overly relevant, gets its vital importance within the national context: the election of the chairman of the SPLM is in fact closely associated with the election of the South Sudanese president. There is no doubt that in the current political system the South Sudanese president will be a representative of the SPLM –the party itself in turn will rely on its leader as a candidate, or this leader will decide upon another candidate. Therefore, the issue of internal party governance in a context in which the SPLM is not only a player in the political arena, but rather represents the political arena entirely, is a truly national one.

The attractiveness of the party is traditionally also strong on the level of political identity formation. In the 1990s, the intra-party struggles were carried out under the party heading also on the side of the armed opposition (called SPLM/A-Nasir, SPLM/A-United). Even the current armed opposition has named itself "SPLM/A in opposition". The only politically organized opposition party of relevance is currently the SPLM-Democratic Change (SPLM-DC), led by Lam Akol, also proving it's committed to the ideological legacy of the unity party by its self-

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[10] Alex De Waal, 2009, Fixing the Political Marketplace: How can we make peace without functioning state institutions? Fifteenth Christen Michelsen Lecture, Bergen, 15 October 2009.
[11] Cf. ICG, Civil War by Any Other Name, 3-5.

labelling. The political opposition movement in Jonglei is insignificant since the death of George Athor and the concurrent political end of the South Sudan Democratic Movement (SSDM). The most relevant oppositional "strongman" in Jonglei at the moment, David Yau Yau, is cooperating with government troops, allegedly even against the "SPLM/A in opposition".[12]

SPLM/A and the South Sudanese "political settlement"

The challenging issue of governance cannot be discussed without a more extensive analytical framework. The concept of the "political settlement"[13] offers a promising approach for the analysis of a socio-political context as it is to be found in South Sudan. This entails a reading of the political game as a process of informal negotiations between elites at the national, regional and local levels, structurally located in both national as well as in other institutional settings. Especially regarding the latter, Joel Migdal has introduced the concept of the so-called "strongmen".[14] Such "strongmen" play an active role of an informal elite pact that is rarely played out along the institutional settings provided by the formal government structures. The negotiations on a "political settlement" still are based on a common understanding of the elite players; nevertheless they are neither necessarily systematic nor peaceful. After all, as Jonathan Di John and James Putzel have put it, a "political settlement" is about "*bargaining* outcomes among *contending* elites".[15] Thus, common interest situations are fluid and dependent on specific political and economic advantages all actors want to and potentially can achieve from such an agreement.

The South Sudanese "political settlement" is special insofar as the ultimate interests of national elites have always been negotiated with respect to the organization framework of the SPLM/A. Consequently, the SPLM/A is not a political actor, but rather represents the field in which the dealing takes place. The fact that the SPLM/A leadership –especially the party leader and state president – are not only seeing themselves as players in the settlement but also as referees of the whole process almost inevitably leads to highly problematic implications should other actors call for substantial re-negotiation. The given conditions almost certainly lead to a violent development of such a re-negotiation.

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[12] Sudan Tribune, 1 February 2014, "S. Sudan president welcomes deal with Yau Yau rebels".

[13] Cf. Alan Whaites, 2008, "States in Development: Understanding State-building", DFID Working Paper, London; Thomas Parks and William Cole, 2010, "Political Settlements: Implications for International Development Policy and Practice", The Asia Foundation, Occasional Paper No. 2.

[14] Joel S. Migdal, 1988, Strong Societies and Weak States: State-Society Relations and State Capabilities in the Third World, Princeton, NJ: Princeton University Press, 33-41.

[15] Jonathan Di John and James Putzel, 2009, Political Settlements, GSDRC Issues Paper, Birmingham.

Salva Kiir is an emblematic representative of a national "strongman" who embodies the combination of both roles as a referee and a player at the same time. His "big tent" approach has aimed at co-opting all relevant political forces in South Sudan into the SPLM and thus into the state apparatus.[16] Such a process comes not without a price tag; divergent fields of interests need to be paid in whatever form. This inevitably leads to a costly inflation of the political and technocratic apparatus: "the rationale for this 'super-sized' parliament and cabinet was that it would buy peace".[17] Against this background it sounds bizarre when a cabinet reshuffle, as Salva Kiir performed it in July 2013, was reasoned with the fight against corruption. From the very beginning, the whole government compilation was designed primarily for a large-scale buy-in of potential – or actual – competing elite factions.

Rather, the government reshuffle – together with the subsequent allegations for treason and upheaval against the fallen eleven SPLM grandees (the political heads are currently called SPLM-7[18]) – hence needs to be seen as a radical departure from the "big tent" approach. It is an attempt for an induced rearrangement of the South Sudanese "political settlement" from above. Currently, it is only possible to speculate on the specific causes of the actual termination of the informal agreement that in this form existed since the early 2000s. The upcoming 2015 elections in both Sudanese states might play an important role, as well as the situation in Darfur and the solidifying alliance between JEM and the Government of Southern Sudan. At the same time, a drive within the pipeline politics can be noted: The construction of a pipeline in the direction of East Africa Kenya (along several present possible options) seems to become increasingly likely.[19]

Domestic factors are likely to play a crucial, if not decisive role as well. These are, however, hardly understandable for everybody not directly and personally involved in the current events. At the structural level it is visible that the reorganisation of the South Sudanese "political settlement", necessary due to its termination by the SPLM leadership under Salva Kiir, apparently only can happen in a violent way. As stated, this is mainly caused by the fact that the SPLM claims the ownership of the entire political arena and, at the same time, insists on a

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[16] Cf. ICG, Civil War by Any Other Name, 5-7.
[17] Auditor General of South Sudan, Steven Wondu, cited in James Alic Garang, 2013, The Question of Big Government, and Financial Viability: The Case of South Sudan, The Sudd Institute Policy Brief, 1 February, 5.
[18] Seven of the initially eleven former SPLM representatives accused for treason currently are part of the Addis Ababa negotiations between the South Sudanese government and the armed opposition; cf. ICG, Civil War by Any Other Name, 1-2.
[19] Cf. ICG, Civil War by Any Other Name, 18-19.

quasi-dictatorial power allocation inside. However, these characteristics are not, at least not exclusively, to be understood as a lack of democratic tradition, attitude, or as a simple malignancy of the actors involved. Rather, they are expressions of the high awareness by all actors of the fragility of the organization of the SPLM/A that has repercussions on the entire political system. An approach to answer such a weakness with concentration of political and armed forces, however, proves to be fatal.

International state- and peacebuilding and the one-party-state

Since the signing of the CPA in 2005, the international engagement has supported such a concentration of forces significantly – politically, economically, at the level of development cooperation and also at the level of military training for the SPLA in order to become the South Sudanese national army. Here too the logic of supporting the already existing structures initially was based on an inevitable pragmatism. A fast and effective response to the perceived threat of state collapse – the comparison with Somalia was omnipresent in the years before independence – after all was the primary entry point for the strong international engagement. Again, the logic of focusing on the existing infrastructure was initially based on the necessary pragmatism, to respond effectively to the, at the beginning of the strong commitment, omnipresent Somalia comparisons and related threats - the collapse of the state at the beginning of its independence. However, the initial scepticism of the international community vanished quickly and developed into a donor bonanza. More and more international players joined the South Sudan hype by developing and implementing flagship programs and flagship cooperation. For European foreign and development policy, to name one example, South Sudan played an essential role: for the first time, the EU Commission and the Member States presented a jointly drafted country program[20] and, with considerable effort, a designated EU compound was installed in Juba[21].

South Sudan rapidly became a salient projection of the OECD world's foreign and development policy technocracy that in so doing, not at least, tried to keep the financially strong but on a political level perceived as inferior competition from China at bay. Yet, due to own technocratic achievements, the increasing optimism regarding its own activities soon turned into wishful

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[20] EU Single Country Strategy (Response Strategy) for South Sudan 2011-2013; cf. Mark Furness and Frank Vollmer, 2013, EU joint programming: lessons from South Sudan for EU aid coordination, gdi – German Development Institute, Briefing Paper, 18/2013.
[21] In this compound, all relevant embassies and liaison offices of the EU and its Member States are concentrated. It was inaugurated by the EU commissioner for development, Andris Piebalds, in May 2011; cf. Andris Piebalgs, 2011, "South Sudan: towards the creation of a new state", SPEECH/11/336.

thinking for the OECD actors. Consequently, neither the constant violence in Jonglei nor the flare-up of fighting between Sudan and South Sudan in April 2012 over the city of Heglig in the centre of the oil-producing region[22] was understood as systemic problems. The UNSG's Special Representative, Hilde Johnson, unsurprisingly concluded after the outbreak of the recent hostilities: "We did not see this coming"[23]. Shortly before this statement, UNMISS had considered the political situation in South Sudan as cautiously optimistic.

Thus, the now observable collapse of the immediate South Sudanese post-war order also puts the current international state-building concepts into question. South Sudan was one of the flagship countries in the implementation of the so-called "New Deal on Peace Building and State Building"[24], adopted in November 2011 as part of the fourth "High Level Forum on Aid Effectiveness" in Busan/South Korea[25]. This "New Deal" gained prominence insofar as it was for the first time that OECD countries adopted an international framework in cooperation with partners who considered themselves as fragile. Those fragile countries organised themselves in an internationally institutionalised format as a group of conflict-affected and fragile states, the so-called g7+[26]. South Sudan, an active part of the g7+, has been identified as one of the pilot countries for the implementation of the "New Deal".

With respect to the subsequent reciprocal institutional interest – on the part of the OECD countries as well as of the g7+ concerning the successful implementation of the "New Deal"", on the part of South Sudan concerning a positive fragility assessment – it is hardly surprising that the assessment showed very positive results. In the publication of the results of the pilot assessment in December 2012 it is thus stated: "The overall assessment results suggests that the Republic of South Sudan (RSS) has made sufficient progress on all five PSGs since the CPA interim period and independence in July 2011 to move beyond the crisis stage of the fragility spectrum. While none of the PSGs have yet reached transition, reform efforts seem to have borne most fruit with regard to legitimate politics".[27]

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[22] Cf. Jan Pospisil, 2012, "Eiskalte Interdependenzen: Der Südsudan radikalisiert seine politische Neuorientierung an der Erdölfront", oiip Kurzanalyse 1/12, Vienna.

[23] Cited in ICG, Civil War by Any Other Name, 28.

[24] Cf. http://www.newdeal4peace.org/.

[25] IDPS – International Dialogue for Peacebuilding and Statebuilding, 2011, A New Deal for engagement in fragile states.

[26] Cf. http://www.g7plus.org/.

[27] Government of the Republic of South Sudan, 2012, Fragility Assessment, Summary results, 1.

Not only has the structurally founded trend towards wishful thinking proved problematic, however. The foundational approach of the "New Deal" – the focus on "Country Compacts", working through the institutions of the partner country and the commitment to the principle of "one vision, one goal" – has led to primarily negative consequences in the case of South Sudan. Undeniably, such approaches are consistent with the well-known and established development cooperation principle of "ownership". Still, in a situation of a fragile "political settlement", which additionally is being bargained under the aegis of a one-party system, these approaches show significant weaknesses. As it is currently evident, such weaknesses can turn into extremely violent events. It is hard for international actors to find simple ways out of this situation. In the light of current experiences, however, the "New Deal" already looks, only a few years after its adoption, rather old. Without far-reaching adjustments, this concept probably will not be able to serve as a recognized guideline for donors in the challenging realm of state- and peacebuilding.

Conclusions: on how to overcome ethno-politics

The current situation in South Sudan seems protracted. The negotiation processes carried out so far in Addis Ababa under the mediation of the East African regional organization IGAD have not been able to provide an end of hostilities. This is not a good sign for things to come, in particular in a worsening situation of increasing ethno-political tensions, where at the same time elections, which are a highly prestigious project for the current SPLM leadership, are imminent in the upcoming year 2015. There is room for positive developments, however: time and again, key actors in the South Sudan crises have proven to be more agile and flexible than what was expected. Hence, it is by no means impossible that protagonists of the currently illegalised opposition SPLM-7 (even Riek Machar himself) will legally participate in the forthcoming presidential elections.

Nevertheless, the all-encompassing claim to power of the state party SPLM – which is, in the last instance, recognized by all relevant stakeholders at present – provides a difficult condition for a transformation of the current violent clashes to a peaceful way of dealing with political controversies. As long as the political monopoly of power of SPLM remains, any competition along and re-negotiation of South Sudan's "political settlement" will inevitably mutate into an intra-party power struggle. As history proves, such struggle neither can be solved by elections nor by other formal negotiation processes. Under such circumstances, even successful and peaceful elections in 2015 – as unlikely as this may seem at the moment – thus cannot be

counted as an indicator of a sustainable pacification of the situation. In fact, such an election process currently is nothing else than a formal rubber-stamp – and an according re-confirmation – of a structural setting that has to be seen as the cause of inner-South Sudanese armed conflict in the last three decades.

The international engagement therefore has to face a difficult balancing act: on the one hand, it is imperative to get the currently needed relief efforts and the subsequently necessary reconciliation and reconstruction processes off the ground. On the other hand though, the necessary strategic consequences of the present impasse have to be drawn. This requires a cooperation focus on the legalization and formalization of the South Sudanese political process along the principle of a "grounded legitimacy"[28], in a way acceptable to both the elite actors and the population. Such a focus, however, would contradict many of the principles of a traditional approach of liberal statebuilding and peacebuilding, in particular, to name just one prominent example, anti-corruption policies. Additionally, significant resistance of the currently dominating elite factions is to be expected; elite factions which are able to accommodate donor interests and master donor discourses very well. This problematique in peacebuilding and statebuilding is by no means new[29]; the according debate is a constant companion of all respective interventions since the 1990s.

Nevertheless, it hitherto was not possible to develop a cooperation approach that adequately supports a legalized, or at least non-violent political process. All established methods of international technical assistance, ranging from "rule of law" to conflict mediation, showed severe limitations in terms of their applicability and effectiveness in the South Sudanese case. The "political settlement"-approach promises far-reaching possibilities in terms of analysis, but its usefulness in the support of concrete and effective implementation is yet unknown. Any constructive and sustainable international engagement, however, will have to answer this question.

The current events prove once more that any success in statebuilding is not only hard to come by, but also difficult to sustain. Any results achieved in years or even decades of hard work can be destroyed within a few months. The current events furthermore demonstrate that in spite of the wide variety of all the existing approaches, in particular regarding the contextuality of

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[28] Cf. OECD, 2010, The State's Legitimacy in Fragile Situations: Unpacking Complexity, Paris: OECD, 41-46.
[29] Cf., e.g., Roland Paris, 1997, "Peacebuilding and the Limits of Liberal Internationalism", International Security, 22:2, 54-89.

statebuilding and the catalogues of principles drawing upon that, a promising approach is clearly missing. The prominent example of South Sudan, where an internationally unanimously welcomed effort of a "state-building from scratch" was undertaken with substantial financial, technical and conceptual means, demonstrates that even the most massive externally assisted statebuilding project is ultimately decided along its inner contradictions – or, as the donor discourse calls it, its "context".