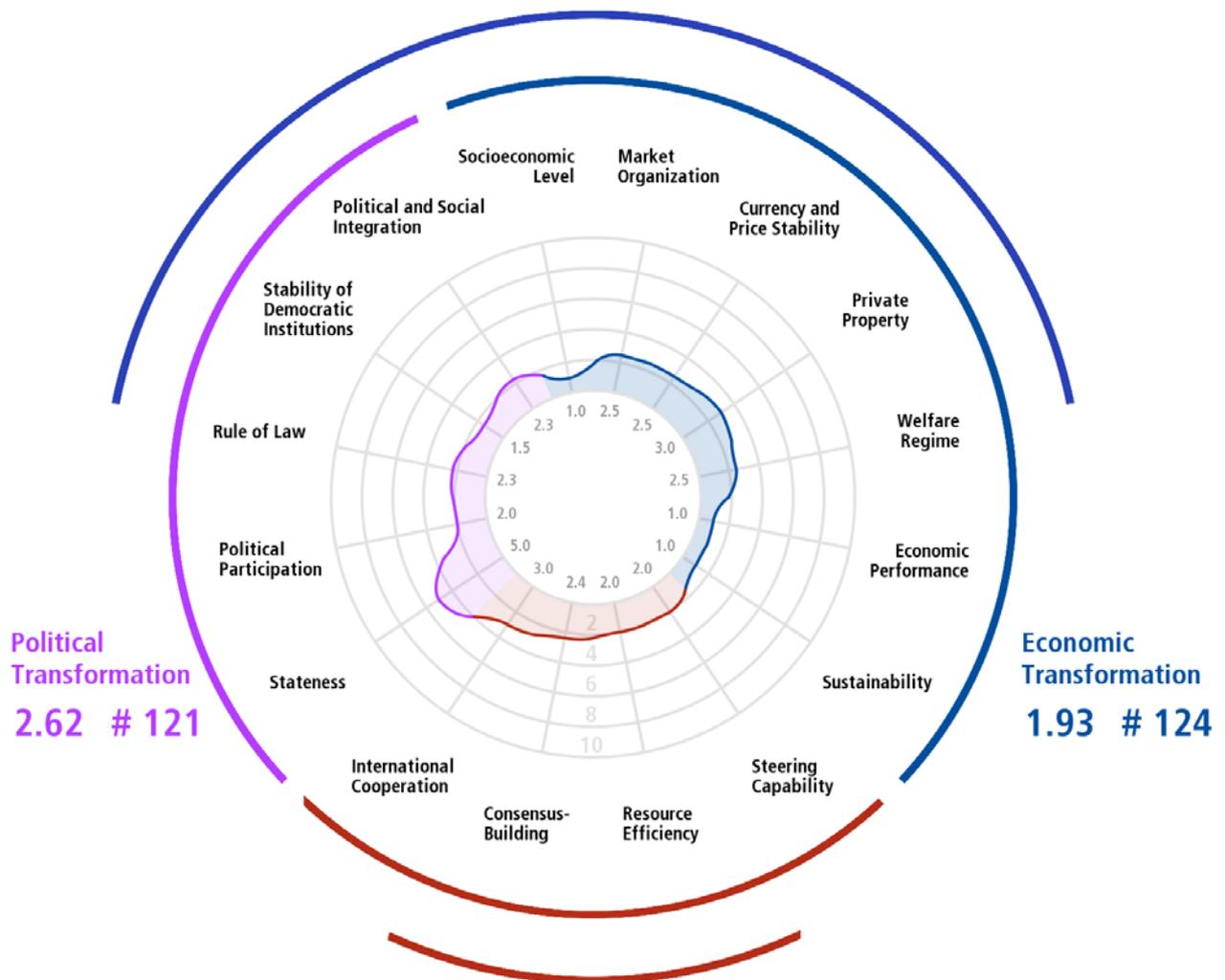


South Sudan

Status Index

2.27 # 124

on 1-10 scale out of 129



Political Transformation
2.62 # 121

Economic Transformation
1.93 # 124

Governance Index

2.30 # 121

on 1-10 scale out of 129

This report is part of the Bertelsmann Stiftung's Transformation Index (BTI) 2018. It covers the period from February 1, 2015 to January 31, 2017. The BTI assesses the transformation toward democracy and a market economy as well as the quality of political management in 129 countries. More on the BTI at <http://www.bti-project.org>.

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Key Indicators

| | | | | | | |
|--------------------------|--------|------|--------------------------------|-------|----------------------|--------|
| Population | M | 12.2 | HDI | 0.418 | GDP p.c., PPP \$ | - |
| Pop. growth ¹ | % p.a. | 2.9 | HDI rank of 188 | 181 | Gini Index | 46.3 |
| Life expectancy | years | 56.3 | UN Education Index | 0.297 | Poverty ³ | % 64.8 |
| Urban population | % | 19.0 | Gender inequality ² | - | Aid per capita \$ | 141.0 |

Sources (as of October 2017): The World Bank, World Development Indicators 2017 | UNDP, Human Development Report 2016. Footnotes: (1) Average annual growth rate. (2) Gender Inequality Index (GII). (3) Percentage of population living on less than \$3.20 a day at 2011 international prices.

Executive Summary

On December 15, 2013, disagreements among the political elites of the ruling Sudan People's Liberation Movement/Army (SPLM/A) escalated and led to violent confrontations between presidential guards loyal to President Salva Kiir and the former Vice President Riek Macher. Within 24 hours, this conflict had assumed an ethnic dimension, as Dinka soldiers targeted Nuer soldiers and civilians across the capital city Juba. The violence rapidly spread, resulting in a nationwide rebellion led by Riek Macher. The rebel group named itself Sudan People's Liberation Movement/Army in Opposition (SPLM/A-IO). The immediate cause of the contestation that led to this conflict was the president's dismissal of Riek Macher from his vice-presidential position and, five months before this incident, the entire cabinet of ministers. The rebellion primarily concentrated in the three states of Unity, Upper Nile and Jonglei. In these three states, the targeting of ethnic groups continued, with Dinka and Nuer groups targeting one another.

Efforts by the international community and neighboring countries to contain the violence resulted in the signing of peace agreement between the government and SPLM-A/IO in August 2015. Though disagreements between the conflict parties resulted in delays in the implementation of the agreement, which only took effect in April 2016. The agreement stated that Salva Kiir would maintain his position as president and that Riek Macher would be reappointed first vice president. However, barely three months after the agreement had been implemented, further violence broke out at the presidential palace between forces loyal to the president and vice president. Both Salva Kiir and Riek Macher escaped the presidential palace unharmed, but subsequent government attacks forced Riek Macher to flee to the Democratic Republic of Congo and later to Khartoum, Sudan. This resulted in the agreement's abandonment, which reignited the civil war.

Unlike the aftermath of the violence that started in December 2013, the renewed conflict spread to various areas in Equatoria and Western Bahr el Ghazal. Though again it has taken an ethnic dimension, with Dinka soldiers targeting civilians and soldiers from various communities in the three states of Equatoria and Western Bahr el Ghazal. This resulted in non-Dinka communities

joining the rebellion against the government, which led to the further escalation of violence to the whole country. In turn, this resulted in drastic change in power relations within the government and a heavy toll on the economy. With the civil war ongoing, the government has gradually replaced the national army with private militias from the Dinka ethnic group: Mathiang Anyoor and Duk-ku Bany. These two militias recruit from Warrap (i.e., the home states of the president) and Northern Bahr el Ghazal (i.e., the home state of the Sudan People's Liberation Army's general chief of staff). Further, the government has established the tribal Jieng Council of Elders, whose members are exclusively Dinka, to unofficially replace the National Legislative Assembly and provide advice to the president. Economically, the continuation of the war has resulted in the collapse in oil production, which has led economic collapse, as 98% of the government budget had been based on oil revenues. The massive displacement of civilians and the almost total collapse of the economy are some of the most visible impacts of the war. Yei and Kojokeii in Central Equatoria State have, for example, become ghost towns with most of the cities' populations hiding in the bush, or having crossed the border into the Democratic Republic of Congo or Uganda. The collapse of the economy has contributed to untold suffering across the country. In March 2017, the government officially acknowledged that the country was suffering a nationwide famine.

History and Characteristics of Transformation

South Sudan's independence was an outcome of the referendum result held in January 2011, in which the people of South Sudan voted overwhelmingly (98.83%) for an independent state. The high voter turnout for the referendum and the overwhelming vote in favor of a separate state were rooted in the bitter relations between northern and southern Sudan. These relations were framed around regionalism (north versus south), ideology (Arabs versus Africans) and religion (Muslim versus Christian). Because of these framings, state-building in South Sudan has tended to focus on addressing the causes of the broader north-south civil wars, while ignoring historic tensions within South Sudan. Violence between various factional groups within South Sudan following the 1991 split in the Sudan People's Liberation Army (SPLA) resulted in the displacement and deaths of more civilians than were caused by the Sudanese Armed Forces (SAF) since start of the civil war in 1983. The failure to address historic grievances within South Sudan led to the increasing levels of violence and factionalism within SPLA following the outbreak of the conflict in December 2013.

From its creation as the political wing of SPLA in 1983, Sudan People's Liberation Movement (SPLM) claimed to be a transformative movement that aimed to promote democratic principles and the rule of law, and the formation of a non-discriminative "New Sudan." But from the start of the interim period in 2005, it became evident that the wartime framing of democracy was merely a strategy to win the war. At the beginning of the interim period, for example, SPLM claimed to have changed from a rebel movement to a political party based on democratic principles. However, SPLM's leadership continued to be dominated by generals within the national army (SPLA). At

the same time, the executive branch of the government (cabinet ministers, state governors and county commissioner) was dominated by the military, which is led by members of the executive branch appointed by the president, who was also SPML party chairman. On the other hand, members of the National Legislative Assembly consisted of SPML members appointed by the president at the start of the interim period. Because of the ethnic targeting of civilians after the outbreak of violence in December 2013 and July 2016, a large proportion of members of parliament either abandoned their positions to join the rebellion, sought for protection from the United Nations' Mission in South Sudan (UNMISS), or fled to neighboring countries. In response, the president replaced appointed new members who would be loyal to his government and came mainly from the Dinka ethnic group. The mix between the executive, legislative and army has made it increasingly difficult to distinguish between the roles of the three institutions. SPLA generals use their military positions to advance SPLM's interests and intimidate opposition in the National Legislative Assembly. As the executive is also dominated by the army, members have used their military positions to push for a constitution that gives the executive powers to dismiss elected officials. This has also given the executive (the president, state governors and county commissioners) the power to rule by decrees, often bypassing elected legislatures.

Shortly after independence, the government passed several controversial bills that restricted the political space for the emergence of new political parties. The Political Party Act, for example, demands a party should have a membership of at least 5,000 in at least eight of the 10 states that existed and must prove that it has not received external funding, including from international non-governmental organizations (NGOs) working in South Sudan. These conditions are rarely met by an emerging political party. The limited political space was exacerbated by the National Security Bill passed in March 2015 which prohibits freedom of assembly and expression without the consent of the Ministry of National Security, which is also dominated by SPLM/A.

The BTI combines text analysis and numerical assessments. The score for each question is provided below its respective title. The scale ranges from 1 (worst) to 10 (best).

Transformation Status

I. Political Transformation

1 | Stateness

Before the signing of the peace agreement in August 2015, the civil war was concentrated in the three states of Unity, Upper Nile and Bahr el Ghazal. After the renewal of violence in July 2016, the war expanded to include other states that had been largely peaceful during the first two years of the civil war. The expansion of the civil war seriously restricted the government's ability to monopolize the use of force. Large areas of the country fell under the control of the opposition forces of Riek Machar or other armed groups that claimed to be protecting minority communities against government force. Though the renewal of violence exacerbated this situation, securing a monopoly on the use of violence has been a major challenge for the government since independence in 2012.

Shortly after the start of the civil war, for example, the government involved the Uganda People's Defence Force (UPDF) to help it defeat the rebellion. In its report of September 2016, the Nyamilepedia website reported that the South Sudanese government had even hired the international mercenary group, Blackwater, to help it defeat the rebels and protect oil producing areas. By the end of 2016, various rebel groups forced the government to retreat to major towns, leaving most rural areas under the control of the different insurgent groups. This also resulted in the closure of most roads connecting towns under the control of the government. By January 2017, the Juba-Nimule highway remained the only road accessible to the government in the country and government personnel could only travel along it when accompanied by a military escort. The government only controls a few enclaves, which can only be linked by air transport.

Even within government-controlled towns, the government has proven unable to protect civilians from an increase in violent armed robberies. These robberies are often blamed on "unknown gunmen," but many people including some generals allege that these robberies are carried out by SPLA soldiers and other organized forces. The salaries of SPLA soldiers are poor and soldiers are often not paid for

Question
Score

Monopoly on the
use of force

3

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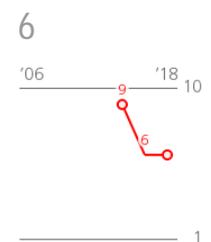


several months. The involvement of the Mathiang Anyoor and Duk-ku Bany militias in the civil war seems to have further exacerbated these robberies. Officially, these militias do not receive government salaries but are given food allowances based on military assignments. With the collapse in the economy, the government has reduced food provisions, which has further increased their involvement in the robberies. Since July 2016, armed robberies and killings of civilians in Yei town was blamed on the two militia groups. According to UNHCR's report of 30 September 2016, these robberies and killings have resulted in massive exodus of civilians from Yei town, although hundreds of thousands of civilians remain trapped. In summary, the government has seriously failed to control the use of violence even within its forces.

During the current civil war, the state has lost legitimacy among large parts of the population. Though the civil war added to the government's recent loss in legitimacy, the government has been losing legitimacy since the start of the interim period in 2005. The ethnic dimension the civil war has taken has exacerbated this further. Since the escalation of violence in July 2016, this has accentuated the Equatoria-Dinka contestations, which is also reflected in the question of statehood and citizenship. Ethnic groups from the three states of Equatoria and particularly South Sudan's border areas are subjected to extra scrutiny when applying for citizenship, as these ethnic groups are alleged to have come from the Democratic Republic of Congo or Uganda. However, ethnic groups from South Sudan's border areas along the Upper Nile, such as the Murle, the Anuak and the Nuer, are not subjected to such controls. On the other hand, though the political status of Abyei (whether South Sudan or Sudan) is yet to be determined, they are entitled to citizenship without scrutiny. Most immigration officers are from the Dinka ethnic group. Broadly speaking, these uncertainties have further complicated the development of a unified South Sudanese state and national identity. The establishment of a unified national identity has been an historic challenge in South Sudan, although the shared feeling of marginalization by northern elites was a uniting factor. This shared feeling contributed to the success of the SPLM/A in mobilizing rural communities to join the movement before the civil war and the referendum when the people of South Sudan voted overwhelming (98.3%) for an independent state. However, since independence, the northern factor's unifying effect in South Sudan has diminished. Consequently, South Sudanese society is faced with the challenge of coming up with a new sense of national identity. The current use of ethnicity has resulted in undesired outcomes, including the ongoing civil war. As a consequence of the changing dynamics, ending the current civil war through a political settlement might not pave the way for a real peace. Achieving peace will require more effort to be invested in addressing grievances between communities, which has become a major challenge.

The South Sudanese state is based on secularism, with the separation of religion and state enshrined in the constitution. This emanates from SPLM/A's objective of the war, which was premised on the imposition of Islam on non-Muslims. The separation of state and religion seems to have prevented religion from becoming a contentious

State identity



No interference of religious dogmas

9

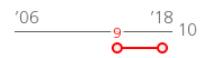
political issue, at least for the moment. In addition to Islam and Christianity, a large proportion of South Sudanese practice traditional religions. However, most people do not talk about religion publicly because of political pressure.

It is unlikely that religion will become assume a political dimension, as it did during the north-south civil war. Historically, the Catholic Church in South Sudan has been a promoter of peace, facilitating and mediating the resolution of various conflicts, including the 2005 CPA between the government of Sudan and the SPLM/A. Within South Sudan, the church mediated and was a signatory to the agreement between the Cobra forces led by David Yau-Yau and the government in 2014. During the current civil war, the church continues to mediate between various factional groups and the government in the search for a peaceful resolution to the conflict. However, it has tended to be more vocal and critical in challenging groups that it perceives as being opposed to peace, including those in the government. This has contributed to a certain level of tension between the church and the government. These tensions, in some cases, have resulted in arbitrary arrests, torture and even the killing of church leaders. The government often claims not to have been involved in targeting church leaders, despite some evidence suggesting the direct involvement of organized forces.

The administrative structure in South Sudan is based on a decentralized system of governance. The country inherited 10 states from Sudan following independence, which were subdivided into counties, payams and bomas. In October 2015, President Salva Kiir increased the number of the states to 28 and to 32 in January 2017. The increase in the number of states also implies an increase in the overall number of the counties, payams and bomas. Following independence, there were 86 counties.

The government established the lower levels of public administration and the recent increase in the number of the states based on the wartime slogan “taking towns to the people,” which referenced the perceived marginalization of rural communities by successive governments in northern Sudan. In principle, these structures should enhance service provision to rural communities, and increase rural communities’ participation in national policy-making and decision-taking. But in practice, the creation of these territories is more a strategy by the ruling party to extend its control over these territories.

With the current civil war, several implementing agencies decided to downscale their activities or withdrew from the country altogether, leaving a gap in service provision. In addition, the lack of government transparency regarding the implementation of projects funded by international donors has resulted in the reduction of project funds given directly to the government. Collectively, this has led to a near-to-complete breakdown in basic administration and service delivery across many parts of South Sudan, and especially areas directly affected by the civil war.



Basic
administration
2



2 | Political Participation

After the claim that it had transformed itself into a political party at the start of the interim period in 2005, SPLM continued to be the only political party, controlling all aspects of governance. Through its control, SPLM has made it difficult for new parties to emerge. Even the few parties that have attempted to influence politics are breakaways from the main SPLM party. However, these breakaway parties often lacked the political space to articulate their positions or secure the funding to run their activities.

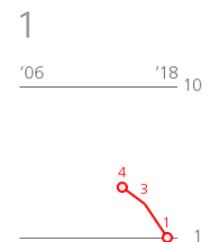
Because of the lack of the political space in the country, all these opposition parties either operate in areas outside the control of the government or among diaspora communities. The presence of these parties is unofficial and they largely operate outside the country. In December 2014, for example, the Tanzanian government hosted a conference involving various factions of SPLM with the aim of reunifying the party. In early 2017, President Kiir issued a decree for the formation of a national dialog committee that would include all political parties and sectors of society, which represented a recognition by the government that various political parties exist.

From its inception as a state, South Sudan has never had any elections, with the government claiming legitimacy based on elections that preceded the referendum in 2010. The first national elections in South Sudan were to be held in 2015. The contest between President Kiir and Vice President Riek Macher for the party's leadership nomination contributed to the violence of December 2013. Because of the civil war that followed, no elections were conducted. According to the peace agreement signed in August 2015, new elections are supposed to be held in 2018. But with the civil war still ongoing, it is questionable whether the elections will take place. Even if elections are held, the elections will be contested by party members loyal to the president, as the other parties currently operate outside the country.

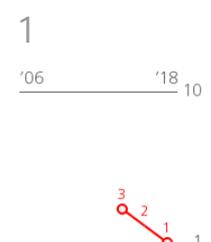
In general terms, there are a large number of contradictions between existing laws. This causes a lot of policy confusions, intended or unintended. The transitional constitution, for example, stipulates that governance in South Sudan is based on principles of democracy and the rule of law. At the same time, the constitution gives the executive and particularly the president absolute power over decisions that would ideally pass through the legislature. This increasingly contributes to dilemmas between and ambiguities in the decision-making roles of each level of the government. In some cases, this also creates tensions between different levels of government and among political elites.

As South Sudan has yet to conduct elections since gaining independence, the president continues to claim legitimacy based on the 2010 elections. On the other hand, the constitution has given the president the power to dismiss officials who acquire their positions through elections. Based on this power, all the state governors

Free and fair elections



Effective power to govern



elected through the same election that brought the president to power have been dismissed by the president, with the governor of Eastern Equatoria State being the last to be dismissed since the increase in the number of states to 28.

All these replacements were enacted by presidential decree and often without the president consulting the National Legislative Assembly or cabinet ministers. Some of those replacements occurred peacefully, but others were resisted. The dismissal of the entire government cabinet in July 2013 contributed to the December 2013 rebellion, which is still ongoing. Similarly, on October 2, 2015, the president unilaterally decided to increase the number of states from 10 to 28. This was in part designed to frustrate the implementation of the agreement signed in August 2015, which was based on 10 states. Despite these changes, Riek Macher and his group traveled to Juba in April 2016 so that the agreement could be implemented. But the high level of mistrust between the two parties continued to build and eventually escalated into violence at the presidential palace in July 2016. Shortly after Riek Macher fled the country after July 2016, the president issued a decree appointing Taban Deng Gai the lead negotiator for SPLM/A-IO, replacing Riek Macher as the first vice president with Taban Deng Gai. Though the government continues to claim that the peace agreement is still viable and is being implemented, all indications are that this is not the case. In Juba, forces still loyal to Riek Macher fled the town and have continued fighting against the government. In short, the existing laws have empowered the executive and particularly the president, who is able to overrule decisions taken by any branch of government.

Article 25 of the transitional constitution of South Sudan guarantees the freedom of assembly. This includes the right of assembly by political parties or civil society groups. However, the National Security Bill passed in March 2015 considers the association of citizens (including private meetings) without prior approval from the national security to be illegal and punishable by the state. This has presented a further obstacle to political parties and civil society groups critical of the government.

Though this bill is new, it is largely intended to consolidate some of the national security forces' well-established practices. During the 2010 elections, for example, national security agents harassed independent candidates and even banned some from conducting public rallies.

Article 24 of the transitional constitution guarantees freedom of expression and freedom of the press. But the fact that freedom of expression is often linked to freedom of assembly enables the government to use the National Security Bill of 2015 to restrict freedom of speech. As the civil war intensified, the government restricted various media outlets including newspapers. An article published by the Guardian on August 21, 2015, quoted President Salva Kiir saying "If anybody among you (journalists) does not know that this country has killed people, we will demonstrate it one day, one time." In his remarks, the president appeared to suggest the government's involvement in the killing of journalists, such as the political

Association /
assembly rights

3

'06 '18 10

4 3

1

Freedom of
expression

3

'06 '18 10

4 3

1

commentator Isaiah Diing Abraham in December 2012. Popular journalists like Alfred Taban Logune and Nhial Bol have spent considerable time in detentions centers, because they criticized the government. Nhial Bol subsequently quit a career in journalism due to death threats.

3 | Rule of Law

The constitution gives substantial powers to the executive, including the right to dismiss elected officials. Though South Sudan is yet to conduct an election since independence, the president continues to claim legitimacy from the elections of 2010 that preceded the referendum. From this claim to legitimacy, the president replaced all the governors elected to office through the same 2010 election. The dismissal of the entire government cabinet in July 2013, which later escalated into the ongoing civil war, is a consequence of the strength of the president's constitutional powers.

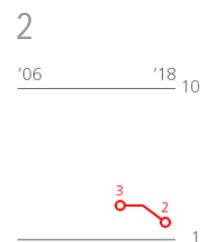
Second, the divide between partisan SPLM political party and SPLA armed forces, and the state military and government (the executive, the legislative and the judiciary) is highly ambiguous. Because of this ambiguity, senior SPLA officers have tended to use their military positions to advance the party's agenda in legislative assemblies (national and state) and government offices.

Due to this mix between the party, army and government, the interim constitution provides government officials (the executive and the legislative) with immunity from prosecution. On the other hand, soldiers often defy court orders, as they cannot be judged in civilian courts. With the current lack of military tribunals, offenses committed by soldiers go largely unpunished. In short, there is no separation of power.

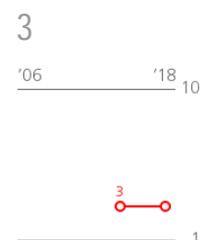
The judiciary is equally influenced by the executive and military, and is less independent than the constitution suggests. The legal system in South Sudan is characterized by dualism, a comprise between statutory and customary laws. The basis of statutory law is rooted in the Judiciary Act of 2008, the Code of Civil Procedure of 2007 and the Code of Criminal Procedure of 2008. Meanwhile, customary law is formalized in the Local Government Act of 2009. Statutory laws are enforced through government courts, with trained judges presiding over the court proceedings, while customary laws are enforced by chiefs. Most customary courts are in rural areas, but some are present in urban centers often in the form of payam courts.

Due to the mix between SPLM, SPLA and the government, the interim constitution adopted following independence provides senior government officials (the executive and the judiciary) immunity from prosecution, including chiefs in rural areas. On the other hand, soldiers have tended to defy court orders, because civilian courts seem

Separation of powers



Independent judiciary



unable to prosecute soldiers. Though no existing law defines this exemption. In short, statutory courts cannot judge senior government officials or army personnel.

Surprisingly, customary courts are becoming more popularity than government courts and have tended to attract cases from urban areas. This could be attributed to the transparency of most chieftain courts and the limited presence of senior government officials in rural areas. Most customary courts are open in nature and anyone can attend, and provide an opinion before or after a judgment is given. Litigants who wish to dispute a customary court ruling have the right to appeal to a higher level customary court or government court. But, like government courts, customary courts also face the challenge of prosecuting soldiers on cases that fall under their jurisdiction. Similarly, cases involving litigants from different ethnic groups often pose a challenge, as such cases are judged by local customs. Attempts to codify customary laws to resolve such challenges have been criticized as they would make the laws less flexible, which is the advantage of customary laws in South Sudan. In summary, there is a lack of independence in the judiciary, but the level of acceptance of courts seems to be higher for lower level courts.

“Zero tolerance to corruption” is a popular expression used by most executive power holders, ranging from the president to country commissioners. The notion was strengthened by the establishment of South Sudan Anti-Corruption Commission (SSACC) to investigate and present cases to the relevant court authorities. On the other hand, the constitution and the Local Government Act provides senior government officials (the executive and the legislative) and chiefs immunity from prosecution, Yet, it is senior government officials and chiefs who are most involved in corruption. This makes it challenging for SSACC to perform its duties and most high-level corruption cases go unpunished.

Perhaps the most revealing evidence of the level of corruption and failure to prosecute abuses of office involve two reports published by Enough Project. In its report of September 2016, Enough Project listed the names of senior government officials it alleged were involved in the embezzlement of millions of U.S. dollars. In January 2017, Enough Project produced another report titled “Weapons of Mass Corruption” in which it accused various senior and junior-level government officials, and particularly military personnel of being involved in corruption. Rather than investigating these cases, the government brushed the two reports aside, claiming the reports were intended to tarnish the image of the government. The failure to investigate the allegations involving senior level government officials sets a precedent for junior-level government officials to follow. Furthermore, corruption is not limited to domestic government funds but includes funds from the international donor community that are channeled through the government.

Because of the increasing level of corruption and failure to prosecute officeholders, several international NGOs have bypassed government institutions to deal directly with beneficiaries at the grassroots. But after the start of the civil war, the government

Prosecution of
office abuse

2

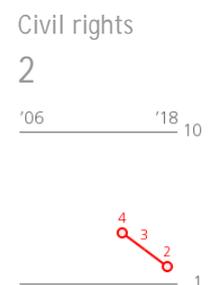
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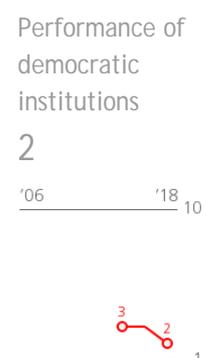
has accused NGOs that bypass government institutions of being supporters of the opposition forces (SPLM/A-IO) and working against the state under the slogan “regime change.”

The constitution (Article 11) provides for civil rights based on international standards. Yet, in practice, civil rights are almost nonexistent, especially following the start of the civil war. After the violence of December 2015, the government authorized the national army to undertake house-to-house searches and kill Nuer civilians. This forced the majority of Nuer people to flee to camps under the protection of the United Nations Mission in South Sudan (UNMISS), hide in the bush, join the rebel groups or flee to neighboring countries. After the renewal of violence in July 2016, the government also authorized its armed forces to target civilians in across Equatoria, which has caused the civil war to spread to areas that had been relatively peaceful before signing of the peace agreement in August 2015. During a public speech in October 2016, President Kiir threatened to move his headquarters to Yei and to lead military battles in Equatoria if Equatorian elites in the government failed to convince their people not to support Riek Macher. In this regard, not only has the state failed to protect civil rights, but the state has actively and extensively violated civil rights. Reports by various media outlets suggest that the involvement of government soldiers in robberies, looting civilian properties, rapes and murder is increasing.



4 | Stability of Democratic Institutions

Principles of democracy and the rule of law are enshrined in the constitution. However, some democratic institutions are lacking, while existing democratic institutions are not performing effectively. This is partly because the constitution grants absolute powers to the executive and particularly the president. The president has, for example, the authority to dismiss or replace elected government officials without challenge from the National Legislative Assembly or cabinet ministers. The constitution (Article 188) also gives the president the right to dissolve or suspend the National Legislative Assembly in a state of emergency (including a civil war) and assume decision-making responsibilities that would normally have fallen under the jurisdiction of the assembly. Article 101 also give the president the right to dismiss elected governors.



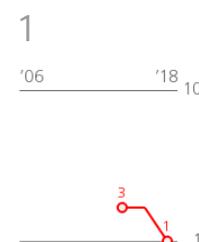
Since elections are yet to be conducted in South Sudan, the government’s claim to legitimacy is based on the 2010 elections held before South Sudan became an independent state. The president, the governors of the 10 original states, and members of the national and state-level legislative assemblies all gained their positions through the 2010 elections. Commissioners were not elected at that time but were subsequently appointed by state governors. Before the 2010 elections, county commissioners were also appointed by the president. Shortly, after independence in

2011, the president started replacing state governors with new appointees. On 2 October 2015, the last of the governors elected in 2010, the governor of Eastern Equatoria State, was relieved from his position by the president. Subsequently, the number of the states has been increased from 10 to 28.

The Local Government Act of 2009 suggests chiefs should be directly elected by local communities. The act also suggests that all counties should have an elected legislative council, with members representing each county payam. Before the number of states were increased to 28, there was no evidence that any county had conducted elections for its council legislative assemblies. However, some commissioners in consultation with head-chiefs managed to appoint council members in their counties. Likewise, the election of chiefs has not taken place, with most chiefs appointed by SPLA during wartime or after the CPA. Chiefs are the local representatives of SPLM in their jurisdictions. In short, it could be argued that democratic institutions in South Sudan are yet to perform their duties effectively.

The government, aspiring political opposition parties and armed opposition groups claim to be protecting democracy and democratic institutions. From the government's side, the failure to establish democratic institutions and its attempts to manipulate existing institutions in the interests of the ruling party are evidence that the government is not committed to democratic institutions. On the other hand, evidence suggests that armed opposition groups are also unlikely to promote democratic institutions. Riek Macher, the head of SPLM/A-IO, only criticized the government and president for being anti-democratic when he was dismissed as vice president. After forming the rebel movement SPLM/A-IO, attacks by Riek forces on innocent Dinka civilians in Unity and Jonglei states suggests that he is unlikely to promote democratic values. Likewise, Lam Akol formed the Sudan People's Liberation Movement for Democratic Change (SPLM-DC) after he was relieved of his government position, but not because he believed the system was undemocratic.

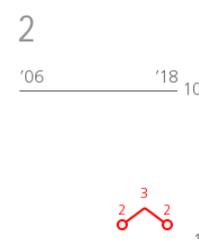
Commitment to democratic institutions



5 | Political and Social Integration

Constitutionally, South Sudan has a multiparty political system. However, the Sudan People's Liberation Movement (SPLM) remains the only political party in the country since the start of the interim period in 2005. In order to consolidate its political monopoly, collaboration between the three branches of government, including the army, which are all dominated by SPLM has resulted in legislation that makes it difficult for a new political party to emerge. As a consequence of the SPLM's dominance of the National Legislative Assembly, legislation has been passed that has succeeded in blocking the emergence of new parties.

Party system

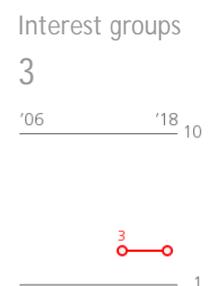


The Political Parties Act, for example, stipulates that to register a political party, the party must have at least 500 members in each of the 10 states (although the number of states has since been increased to 28) and must prove that it has not received

external funding, including from international NGOs working in South Sudan. In March 2015, the parliament passed a National Security Bill that defined public gatherings (including by political parties) that have not been approved by the National Security illegal. Even after obtaining such permission, a member of the National Security has to be present at the meeting. The fact that the National Security is part of the government, SPLM and SPLA presents an extra hurdle for political parties to get permission for gathering. Before the passing of this bill, public gatherings were only allowed with the permission of state governors or county commissioners, who are also SPLM members and appointed by the president to safeguard the party's interest. Their presence at the lower levels also blocked local initiatives for the establishment of alternative political groups.

Despite these restrictions, attempts to come up with new political parties continue. But most of political parties that have emerged so far have been splinter groups from the main SPLM and have been led by former generals. Before start of the civil war, Lam Akol's SPLM-DC was the only known opposition political party, which was a breakaway SPLM party. Following the rebellion by Riek Macher, SPLM-IO emerged also as a breakaway from SPLM. Other parties that have followed include a group of 10 former detainees (G-10), the National Movement for Change (NMC), the People's Democratic Movement (PDM) and South Sudan Democratic Front (SSDF). With the exceptions of PDM and SSDF, which are headed by non-military technocrats, the other parties are also breakaways from SPLM. The G-10, for example, comprise a group of ministers dismissed by the president together with Riek Macher in July 2013. NMC is also headed by the former governor of Western Equatoria State who was a member of SPLM before his dismissal and a colonel in SPLA. It is likely that SPLM-DC, SPLM/A-IO, G-10 and NMC would not have formed if their leaders had not dismissed from their government positions by the president. A critical look at the agreement signed in August 2016 suggests the rebellion was primarily an extension of internal SPLM power struggles and the formation of breakaway SPLM parties. Consequently, the peace agreement was largely an attempt to reinstall the dismissed and disaffected former SPLM grandees to their former government positions. Based on the peace agreement, Riek Macher was reinstated to his former position of vice president, Peter Adwok as minister of higher education, Lam Akol as minister of agriculture, and Pagan Amum as SPLM's secretary-general.

The Catholic Church and a few civil society organizations continue to be the only institutions that attempt to bridge the widening gap between the state and society. The church is particularly active in this respect, because of the level of trust government has in it and the roots it has into local communities across almost all parts of the country through its parishes. Historically, the church has maintained good relations with various state and non-state actors in South Sudan, and played an instrumental role in mediating between government and rebel groups to achieve peace agreements. It played an instrumental role in mediating the Addis Ababa agreement between the government of Sudan and the South Sudan Liberation Movement (SSLM) or



Anyanya-I in 1972, and the Comprehensive Peace Agreement between the government of Sudan and SPLM/A in 2005. Within South Sudan, it mediated the agreement signed in 2014 between the government in Juba and Cobra forces led by David Yau-Yau, and the August 2015 agreement between the government and SPLM/A-IO. As the civil war continues, the church is exerting exhaustive efforts to facilitate negotiations between the various actors.

In addition to its active role in mediating conflicts, the church in South Sudan has also become very vocal in its criticism of anti-peace elements, including individuals within the government. If the civil war continues, the church is likely to continue to criticize the government's atrocities against civilians, which is likely to negatively affect its relationship with the government.

Though civil society is equally influential, the National Security Bill passed in March 2015 has affected civil society activities, particularly activities that are perceived to be directed against the government or have received funding from international NGOs accused of working for "regime change" in South Sudan. Recently, there has been a tendency by some civil society organizations to take sides in the conflict, leaning toward SPLM/A-IO or the government. Within some civil society organizations, some members are increasingly divided in their support for conflict parties, which is also leading to social fragmentation. Changes in the political positions of civil society organizations with respect to the government or opposition forces are partly a result of the infiltration of these organizations by the respective conflict parties.

Data on this is not available since elections have not been conducted in South Sudan since independence.

Approval of
democracy

n/a

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1

Social capital

2

'06 '18 10

From its start in 2013, the civil war assumed an ethnic dimension. Initially between Dinka and Nuer peoples, since July 2016, the civil war has divided the population between Dinka and other various ethnic groups. This has contributed to the further polarization of society, which was already ethnically fragmented as a result of previous conflicts. The involvement of Dinka soldiers in targeting soldiers and civilians from the Nuer ethnic group following the violence of December 15, 2013, reminded people of the mass killings that occurred after 1991 split in SPLM/A. The ongoing military campaigns by two Dinka militia groups (Mathiang Anyoor and Duk-ku Bany) has heightened the tension that existed between various communities, and Equatoria and Dinka.

3 2 1

This has reduced levels of trusts between communities and sometimes within communities, particularly when community members are seen to be on the “wrong” side of the conflict. On the other hand, there is a tendency by some communities to form alliances, particularly with groups who are believed to be equally persecuted. Following the escalation of violence in July 2016, many communities in Equatoria have tended to join SPLM/A-IO, despite SPLM/A-IO having been widely seen as a “Nuer movement” at the start of the conflict in 2013. For South Sudan to rebuild social capital within its population, more attention needs to be put into creating a cohesive society, which is not going to be an easy process.

II. Economic Transformation

6 | Level of Socioeconomic Development

The level of socioeconomic development in South Sudan is extremely low. There are no internationally comparable indices available for South Sudan due to the lack of statistical data. Drawing on data from 2009, the World Bank estimated that 50.6% of the population lived below the poverty line. Adult literacy was at 27% (16% women). Gross enrollment rate in schools was, however, encouraging, estimated at 85.7% for primary education. This could be explained by the fact that primary education is mainly funded by international NGOs and the church. 25% of the population had access to primary health care, which is also largely funded by international NGOs. Urban areas are more developed than rural parts of the country.

The majority of South Sudanese depend on small-scale farming and cattle herding. Estimates by the Ministry of Agriculture suggested about 85% of households cultivate land, and 65% herd and/or own cattle. Estimates by the World Food Programme suggested over 40% of households spent more than 65% of their income on food. Southern parts of the country are more developed than the northern areas. Goods and food mainly come from East Africa and pass through South Sudan’s Equatoria states. Most areas in Equatoria are food sufficient. The three states of Equatoria have better infrastructure (roads, schools, health care services) and with a higher population density than the northern parts. Likewise, levels of poverty in the north are higher than in southern parts, estimated 76% in Northern Bahr el Ghazal. The conflict of 2013 had a substantial impact on livelihoods in Jonglei, Unity and Upper Nile states. About 1.4 million people were displaced in early 2015 and nearly 500,000 people fled to neighboring countries. The ongoing conflict and displacement of people has significantly increased food insecurity.

Question
Score

Socioeconomic
barriers

1
'06 '18 10

1 1

| Economic indicators | | 2013 | 2014 | 2015 | 2016 |
|---------------------------|----------|---------|---------|--------|--------------|
| GDP | \$ M | 13257.6 | 13282.1 | 9015.2 | - |
| GDP growth | % | 13.1 | 3.4 | -6.3 | - |
| Inflation (CPI) | % | 0.0 | 3.3 | 50.2 | 380.8 |
| Unemployment | % | - | - | - | - |
| Foreign direct investment | % of GDP | -6.0 | 0.0 | -0.8 | - |
| Export growth | % | 99.5 | 52.8 | -17.0 | - |
| Import growth | % | 10.7 | 5.1 | -0.1 | - |
| Current account balance | \$ M | - | -935.4 | - | - |
| Public debt | % of GDP | 17.6 | 34.8 | 65.7 | 33.1 |
| External debt | \$ M | - | - | - | - |
| Total debt service | \$ M | - | - | - | - |
| Net lending/borrowing | % of GDP | - | - | - | - |
| Tax revenue | % of GDP | - | - | - | - |
| Government consumption | % of GDP | 25.6 | 23.8 | 35.8 | - |
| Public education spending | % of GDP | 1.2 | 1.7 | 1.5 | 1.8 |
| Public health spending | % of GDP | 0.9 | 1.1 | - | - |
| R&D expenditure | % of GDP | - | - | - | - |
| Military expenditure | % of GDP | 7.4 | 9.8 | 12.8 | - |

Sources (as of October 2017): The World Bank, World Development Indicators | International Monetary Fund (IMF), World Economic Outlook | Stockholm International Peace Research Institute (SIPRI), Military Expenditure Database.

7 | Organization of the Market and Competition

Business development in South Sudan has lots of constraints, including the lack of the rule of law, widespread corruption and expensive labor due to the country's oil revenues. Poor infrastructure, the lack of reliable transport routes, poor access to electricity, and extremely low levels of education and skills adds to the list of business constraints. After the CPA, traders and businesspeople from neighboring countries moved to South Sudan to start various businesses enterprises. But the war has forced a lot of business owners to leave the country, particularly in 2016.

South Sudan is an emerging market and the government aims to create a conducive environment for investors (internal and external). With the support of the World

Market-based
competition

2

'06 '18 10

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Bank, the government organized a two-day investment conference in Juba (December 4 to 5, 2013), 10 days before the start of the civil war. However, the subsequent conflict resulted in the destruction of many investment projects that were already operational, particularly in the three states of Unity, Upper Nile and Jonglei. The renewal of the violence in 2013 has spread to areas that were previously relatively peaceful, resulting in the destruction of more business enterprises. The fragility of the situation has undermined investor confidence. It remains to be seen whether more investments will come once the conflict ends.

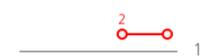
The Investment Promotion Act of 2009 defines mechanisms for safeguarding and preventing the development of economic monopolies in the market. On the other hand, the act allows investments by foreign entrepreneurs under conditions that they have local partners. But often, senior military and government officials take the role of the local partners. Also, there is a tendency among large businesses to agree on market sectors each will control, resulting in some degree of monopoly.

For example, as a consequence of the strategy to control trade, the petroleum industry is controlled by Somali traders, the hospitality sector by Ugandans and Kenyans, construction by Ugandans and Sudanese, and water supply by Eritreans. Most of these traders have also tended to control the currency market by trading U.S. dollars they receive from the central bank on the black market. This is often facilitated by their local partners who are well placed to access hard currency.

Trade is liberalized in South Sudan, with many people from neighboring countries benefiting from the liberalization policy. South Sudan produces little besides oil and lacks industrial development. The landlocked nature of the country makes it dependent on Sudan for the export of oil and on other neighboring countries for food imports, as local communities produce at subsistence level. Towns in the northern part of the country depend on Sudan for most supplies, and the ever-changing relations between Sudan and South Sudan makes this unpredictable. The government of Sudan often closes its borders with South Sudan whenever tensions between the governments intensify. Following the collapse in oil production by the South Sudanese authority in 2012, Khartoum closed Sudan's borders with South Sudan, resulting in a scarcity of oil in South Sudan.

South Sudan joined the IMF in April 2012, but is not yet a WTO member. The country became a member of the Common Market for Eastern and Southern Africa (COMESA) in 2011 and in April 2016 became a member of the East African Community. Before the civil war, the government had been attempting to tighten its relationships with other East African countries, especially on trade. There were plans to construct an oil pipeline to Lamu in Kenya to reduce South Sudan's dependency on Sudan's pipelines, which has tended to be unpredictable and expensive. With the escalation in the civil war, oil production has been substantially reduced, which has been further exacerbated by the reduction in world oil prices. Some NGOs that had been helping to bridge the funding gap for public services, such as education and

Anti-monopoly
policy



Liberalization of
foreign trade



health care, have either withdrawn, downscaled their activities or redistributed their funding to relief efforts, which has further increased economic pressure on the government.

The banking sector is seriously underdeveloped in South Sudan. By the end of 2014, 20 commercial banks were registered in South Sudan, some of which were foreign banks. While a few banks had branches in towns outside Juba, most of these branches were closed as the war spread to various areas of the country. As a result, most banks are concentrated in Juba, with very limited services. International transactions continue to be a major problem, even when the economy was fairing reasonably well previously.

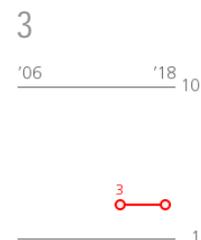
Because of the limited services offered by national banks and the high risks involved in banking, most international NGOs and local organizations have tended to bank with foreign banks, particularly Kenya Commercial Bank. Some commercial banks have automated services, including the installation of ATM machines. But these services are limited to bank account holders and often not linked between banks.

The decline oil production over the past three years and lack of exports have strained the economy, leaving the country with no hard currency. This has resulted in an economic crisis that has meant the government has been unable to pay public sector salaries. To address this crisis, in 2016, the government resorted to extra printing South Sudanese pounds, which resulted in a severe devaluation in the South Sudanese pound from SSP 3.16 to \$1 in June 2016 to SPP 120 to \$1 by the end of January 2017.

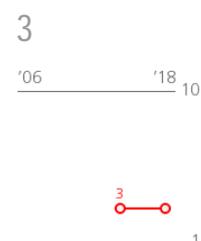
8 | Currency and Price Stability

The central bank of South Sudan was established after independence in 2011. Shortly after, the bank introduced its currency, the South Sudanese pound (SSP). After an initial inflation rate of 47% in 2011, it rose as high as 80% in the middle of the 2012 collapse in oil production. Since 2013, inflation has been contained below 10%. At the macroeconomic level, the decision to control fiscal spending and monetary growth has contributed to relative stability. However, the IMF's assessment of 2014 suggested institution-building and developed have been hindered by South Sudan's volatile relations with Sudan, the collapse in oil production and the civil war. Two of the IMF's biggest concerns were the distortion of the foreign exchange market and the extra-budgetary expenditures (on security). The difference between the official exchange rate and black-market exchange rate created significant distortions in the economy. In November 2013, the South Sudanese currency lost 34% its value, which encouraged currency trading on the back market. In late November 2014, the central bank issued an order banning black market currency transactions. At the time, the official exchange rate was SSP 3.16 to \$1, compared to more than SSP 5 to \$1 on the black market. In December 2016, the Bank of South Sudan allowed the foreign exchange rate to float freely and printed more South Sudanese pounds. This resulted

Banking system



Anti-inflation /
forex policy



in a rapid rise in the exchange rate from SSP 3.16 to \$1 in June 2016 to SSP 120 to \$1 by the end of January 2017. Despite the attractive exchange rate on the black market, the country lacks foreign currency. In mid-January 2017, the president replaced the governor of central bank, with the new governor promising reform of the exchange rate policy.

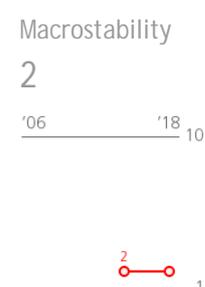
The collapse in oil production in 2012 exposed the vulnerability of the South Sudanese economy. This resulted in a rapid drop in the GDP from \$17,827 million in 2011 to \$10,369 million in 2012. This forced the government to consider austerity measures to reduce the national budget by 40%. The revival in oil production in April 2013 resulted in an increase in GDP to \$13,796 million. Despite these changes, South Sudan was better off regarding GDP per capita compared to neighboring Central African Republic's \$591.3 million and Uganda's \$1,720 million GDP per capita rates in 2013.

The civil war has significantly affected the South Sudanese economy. This is mainly because of the collapse in oil production in some areas affected by the war. In April 2014, oil production fell from 235,000 barrels per day to 160,000 barrels per day. A combination of the reduction in oil production, the rapid decrease in world oil prices and a change in government expenditure priorities to fund the war resulted in the total collapse of the economy. Projections for 2017 remain uncertain, mainly because of a lack of reliable data.

9 | Private Property

The transitional constitution guarantees the right to own property (Article 28), including for women (Article 16.5). However, property ownership in South Sudan remains challenging, with numerous dilemmas. The ownership of land in South Sudan presents major challenges. The Land Act forms the basis of land ownership, and distinguishes between public, private and community land; respectively owned by the state, private entities and local communities on basis of autochthony. Given this distinction, the state regulates land use in urban areas and land designated public by law (e.g., game reserves, national parks). On the other hand, the act gives the state the right to convert community and unowned land into public land. However, the criteria and the conditions under which public land is converted to private land remains unclear. At the same time, the framing of unowned land looks problematic, as all land in South Sudan is owned, in one way or the other.

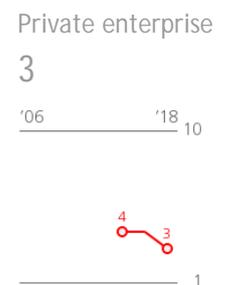
In principle, administration of community land is vested in the authority of traditional leaders, on behalf of the landowning community. But the Local Government Act gave authority of land administration in rural areas to chiefs, most of who are appointed by the government and local representatives of SPLM. As a result, chiefs have been deeply involved in facilitating the state's interventions in the land rights of rural communities. Between 2007 and 2010, for example, the state with the help of chiefs,



leased out an estimated 9% of the total land area of South Sudan to foreign investors. Most of this land was community land.

In rural areas, land ownership is an increasingly complicated issue, particularly after the signing of the Comprehensive Peace Agreement in 2005. The Land Act and the Local Government Act suggest land ownership in rural areas should be based on customs and local practices. This problematic as some cultural practices in South Sudan do not acknowledge land ownership by women, which contradicts the right of property ownership in Article 16.5 of the constitution. On the other hand, the constitution suggests that all other legal frameworks should be in line with the constitution. Such confusions also occur between private and public land, and between private and community land. Administratively, the constitution and the Land Act suggest the formation of subnational land governing institutions. In coordination with South Sudan Land Commission, these subnational institutions should help develop land policies at different governance levels and help in the resolution of land conflicts. Thus, the South Sudan Land Commission would devolve appropriate decisions to the land commission of each state, and each state land commission would devolve certain decisions to its respective county land authorities, Payam land councils and Boma land administrations. In practice, the three states of Equatoria (Central, Eastern and Western) and Jonglei state managed to form state land institutions. Of the four states, none devolved responsibility to the lower level of the land governing institutions. There are no clear laws pertaining to property ownership other than land in rural areas.

Throughout 2013, the government put a lot of effort into stabilizing inflation, implementing austerity measures and creating an enabling environment to attract investors to develop businesses in South Sudan. This was needed to increase employment opportunities, to diversify the economy and to improve the country. The investment conference held in December 2013 in Juba was the culmination of the attempts to charm foreigners and nationals into starting companies. Since the war started, those efforts have been put on hold. However, a few national and international companies continued to operate in the country. These international companies were involved in infrastructural projects, telecommunications, transportation and other logistics. As the war continued, these companies withdrew or downscaled their activities. Ending the civil war will be essential to improving the business environment and attracting more companies to invest in South Sudan. Previous experiences have demonstrated that the success of private investment is determined by the relations between investors and the government, and between investors and the army. This has been problematic in terms of a conflict of interests and has resulted in a lack of clarity regarding the proper process for establishing a private business. This led to the expulsion of some foreign investors who were not well connected to the government or the army. To increase foreign and domestic investment in the country, there is a need for structural reform of the private sector.



10 | Welfare Regime

South Sudan does not have a formalized welfare system of any meaningfulness. During the CPA, some progress was made on the public service bill and pension fund. But it remains unclear how the public service bill or pension fund will work in practice. With more than 80% of its population living in rural areas, a lot of people in South Sudan depend on land for their livelihoods and most social safety nets reflect this dependency on land. The situation in urban centers is, however, challenging. The lack of or presence of limited safety nets makes many civilians vulnerable to shocks such as illness droughts, floods and insecurity.

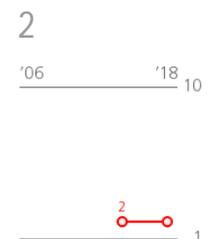
The social structure, which is based on various traditional practices in South Sudan is a fundamental tool for the provision of safety nets but has its downsides. In most urban centers, the working class often shoulder the burden to assist their kin through the provision of medical assistance, and the facilitation of children from rural areas to attend intermediate, tertiary or higher education in towns, as these services are not available in the countryside. Though this approach has been useful, even during the north-south civil war, it has tended to encourage corruption, with people working for government institutions providing preferential support to their extended families. The South Sudanese diaspora continues to play a big role in social assistance networks through remittances.

In general terms, there is a sharp divide between social assistance in rural areas and urban centers. During the period of relative peace at the start of the interim period, rural communities seemed to be better off than urban communities. However, the civil war has resulted in a change in the social balance, as big populations in rural areas are forced to move to urban centers or flee to neighboring countries. But rural to urban migration resulting from the war has also increased the strain on urban communities.

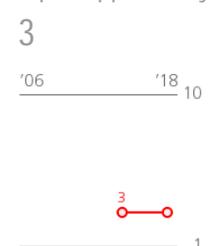
Despite the lack of organized social safety networks, general indicators suggested a positive trend in livelihoods before the start of the civil war in December 2013. Between 2006 and 2012, for example, life expectancy increased from about 51 to 54.6 years.

Employment on a non-discriminative basis is a constitutional right in South Sudan. The government has cited the lack of representation of women in public and private sectors as a major concern. In 2013, the government developed a six-year affirmative action plan to increase the participation of women in education and the economy. At the political level, the representation of women in the government was institutionalized by the introduction of a 25% quota, which was increased to 35% in March 2013. To help achieve this goal, various NGOs (international and national) are involved in supporting women secure employment opportunities through various

Social safety nets



Equal opportunity



affirmative action programs. But, in practice, the number of women in various sectors, including in the public sector, is far less than the initially projected 25%.

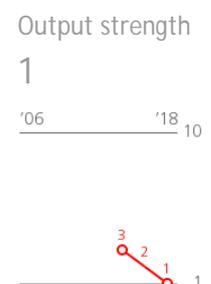
At the general level, the notion of “equal opportunity” has revolved around the lack of transparency, with high levels patronage and clientelism. Patronage and clientelism are often associated with whether someone participated in the north-south civil war that ended in 2005. For example, employment opportunities are often given to people who participated in the civil war or are perceived to be sympathetic to SPLM. Consequently, the involvement of the Dinka and Nuer in the SPLA side of the war reflected in better employment opportunities for Dinka and Nuer people, particularly in government institutions. After the start of the civil war in 2013, a large proportion of Nuer people lost their government positions because they were dismissed or fled. The perceived limited participation of people from Equatoria during the civil war resulted in poorer public sector employment opportunities, forcing Equatorians to seek work with NGOs. The ethnic dimension of employment has led to the widespread perception of “Dinka dominance” in government institutions, particularly among the Nuer ethnic group and various groups in Equatoria. The sentiment that public sector employment is highly discriminative has also been expressed by various non-Dinka diasporas who returned to the country after the CPA.

11 | Economic Performance

Given the political situation in the country, it is evident that South Sudan’s economy is not performing as it should be. But the lack of data makes it difficult to quantify the exact impact of the war on economic performance. However, dependence on old data can give us some indication of the effect of the civil war on economic performance. The World Bank estimated a drop in the GDP from \$17,827 million in 2011 to \$11,804 million in 2013. This was due to the collapse in oil production in 2012, which was estimated to have dropped by another 15% in 2014, because of the civil war. These estimates were calculated before the current civil war, meaning that they do not include the conflict factor. No credible figures are currently available, because of the government’s strategy of operating in complete secrecy.

In terms of infrastructure, the conflict has not only resulted in the abandonment of development projects that had been underway before the start of the civil war, but contributed to destruction of existing infrastructure.

The forced displacements of large numbers of civilians by the war and their subsequent inability to contribute to economic production offers some indication of the negative economic impact of the civil war. Before the renewal of violence in July 2016, the civil war had resulted in the displacement of about 2.6 million civilians (1.4 million IDPs), over 1 million people sought refuge in neighboring countries, and more than 200,000 in Protection of Civilians Centers (POCs) under the protection of



the United Nation's Mission in South Sudan (UNMISS), including in the capital Juba. Furthermore, a total of 5.1 million people (50% of the population of South Sudan) are in dire need of assistance. As of January 26, 2017, the number of IDPs in UNMISS' POCs has increased to 223,994, including 120,079 in Bentiu, 33,191 in Malakal, 38,942 in Juba U.N. House, 1,976 in Bor, 681 in Melut, 200 in Wau and 28,925 in Western Bahr el Ghazal. There are no reliable figures on the number of refugees who continue to flee to Kenya, Uganda, the Democratic Republic of Congo or Central African Republic. As the war continues, these figures are increasing on a daily basis. In short, more than 90% of the people of South Sudan are not contributing to the economy due to the civil war.

12 | Sustainability

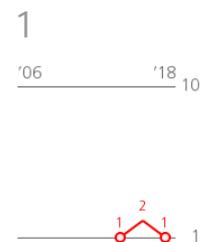
The existing laws at all level of government place a strong emphasis on environmental protection, which emanates from Article 41 of the constitution. From the start of the CPA in 2005, environmental affairs were coordinated by a directorate under the Ministry of Wildlife and Tourism. In 2016, a separate Ministry for Environment was instituted as part of the implementation of the Agreement on the Resolution of the Conflict in South Sudan (ACRISS) signed in Addis Ababa in August 2015. The new ministry is to oversee and coordinate environment issues between the relevant institutions at all level of the government.

But, in practice, very little happens. Before the civil war, little attention was given to the implementation of environmental programs and there was a lack of awareness regarding the importance of environmental protection. Diversion of financial resources to the military after the start of the civil war resulted in further reductions in the meager budget allocated to environment programs. The creation of the new ministry is not likely to bring about significant change as long as the war continues.

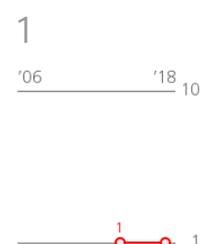
Achieving fast progress in improving the quality of education is crucial for improving employment rates, economic development, and achieving peace and security. The high level of unemployment in the country has led to a massive increase in the recruitment of young people into the armed forces of the various conflict parties, including the government, rebels and various other factions.

In general, South Sudan is yet to make some progress in building (reviving) educational institutions. Efforts by various international NGOs have contributed to the development of primary and secondary education, which has resulted in a general increase in enrollment in education. Yet, the quality of teaching and school infrastructure remains very low. Existing figures suggest that about 40% of primary school teachers attained only a primary or secondary level education. Moreover, most schools are concentrated in urban centers. In rural areas, there is a shortage of schools, which has led to overcrowding and a lack of available teachers. Because of the poor

Environmental
policy



Education policy /
R&D



quality of primary and secondary education, more affluent families send their children to east African countries, such as Kenya and Uganda, to be educated.

Because of the support primary and secondary schools receive from international NGOs, the government has tended to focus on funding higher education. The three universities in South Sudan were developed by the government of Sudan before South Sudan achieved independence. The University of Juba was established in 1977 before South Sudan's war with Sudan, while Upper Nile University and the University of Bahr el Ghazal were both established in 1991 during the war with Sudan. Before and after independence, South Sudan opened three more universities: Rumbek University, Yambio University and the University of Northern Bahr el Ghazal. There had been plans to open more universities, including in Torit and Yei, but these plans have had to be postponed due to the civil war. In addition to the government universities, there are several private universities in South Sudan. Prominent of those include the Catholic university of St. Mary University and the Bridge University. In 2012, the Ministry of High Education closed several private universities, as they did not meet the minimum requirements.

Like primary and secondary education, universities in South Sudan face numerous challenges, including funding issues and availability of staff. In principle, all government universities are funded by the government. However, the government's austerity measures introduced after the collapse in oil production has had a large impact on university financing. This situation was exacerbated by the civil war, as funding the military assumed a higher priority than funding education. Furthermore, prior to independence, most lecturers in government universities were from northern Sudan. After the secession of South Sudan, almost all northern Sudanese lecturers abandoned their teaching positions to join universities in Sudan. This resulted in an acute shortage in teaching staff in South Sudan. Second, South Sudan adopted English as the official language of the country after independence. This presented another challenge to some lecturers who had received their education in Sudan where Arabic was the language of instruction in universities. Moreover, most lecturers have master degrees, while very few hold doctoral degrees.

Governance

I. Level of Difficulty

The leadership of the country builds on the hierarchy of the movement's rebellion against the government in Khartoum. These old cadres were very dominant in the leadership, especially in the first years after the CPA. Over the years, younger and better-educated people were slowly allowed to take part in governing the country. The structural constraints on governance and development remain extremely high compared to other conflict-ridden African countries. Among these structural constraints is the absence of infrastructure, such a reliable road network. During the rainy season, vast areas of the country becomes inaccessible due to floods and poor infrastructure (e.g., an absence of bridges across rivers and streams).

In addition to the lack of physical infrastructure, the service sector is also struggling. Like the education sector, other public service sectors (e.g., health care, sanitation and the provision of drinking water) to local people were mainly financed by the donor community and delivered by implementing NGOs. Because of the civil war, some of the implementing NGOs have left the country, while others have shifted their funding strategies to focus on relief for people displaced by the civil war. This has in turn impacted on communities whose areas are not severely affected by the war. In Bor, for example, the increase in the number of IDPs in the centers run by UNMISS is sometimes driven by a lack of public services rather than insecurity per se.

In some situations, the lack of infrastructure also contributes to conflicts and violence among communities, particularly among cattle herding communities in the Upper Nile and parts of Bahr el Ghazal. The destruction of bridges because of the war has increased competition for resources within communities in Jonglei state, leading to conflict.

The culture of the civil society in South Sudan has been limited to the Catholic Church. The history of faith-based institutions in South Sudan is rooted in the colonial period, introduced by Christian missionaries. In the past, the church played a substantial role in mediating the conflict parties of the north-south war between Sudan and South Sudan, and within South Sudan between various warlords and ethnic groups. These mediation efforts led to, for example, the popular Wunlit peace initiatives that reconciled the Nuer and the Dinka in the 1990s. The church has also

Structural
constraints

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Civil society
traditions

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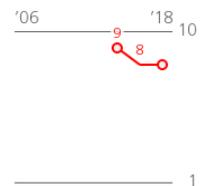
played a role in mediating the various conflicts in South Sudan during the interim period and following independence. As mentioned earlier, the church continues to play a role in the current civil war, though with increasing difficulty.

Since the CPA in 2005, there has been a steady increase in the number of civil society organizations across various parts of the country. These include youth groups, women's associations, human rights groups and specialized groups comprising professionals, among others. While a large proportion of these organizations continue to depend on international NGOs for funding, others have developed substantially and are able to fund their activities without external support. The fact that civil society is only just emerging in the country and that standard practices are yet to be established means that existing civil society organizations often operate on a "trial and error" basis. The lack of clarity regarding civil society roles sometimes creates frictions between different organizations, and between civil society organizations and the government. The increasing level of tension between the government and civil society groups is a manifestation of this frictions. Some civil society groups tend to assume the role of opposition parties. After the start of the civil war, some civil society groups adopted a partisan position and supported either the government or rebel groups (e.g., SPLM-IO).

With the civil war still ongoing, the need for the constructive intervention of civil society is increasingly crucial and will be even more so after the civil war ends. Civil society organizations will be expected to play a role in promoting national healing and reconciliation among the various groups. To be able to achieve this, there is a need to strengthen civil society groups through targeted capacity-building and the development of independent funding strategies to reduce the current dependency on the donor community. As tensions have grown between the government and NGOs, the government has become increasingly suspicious of civil society groups that receive funding from NGOs on the government's black-list. Furthermore, the withdrawal of some NGOs or the downscaling of their activities because of the civil war has negatively impacted on the performance of civil society groups dependent on the donor community.

Civil society is even weaker in remote, rural areas. Chiefs and other traditional leaders could act as a pillar of civil society. However, the Local Government Act has coopted chiefs and integrated them into the local government system. Consequently, there is the risk that chiefs are used by the government to achieve its own objectives, rather than working as a check and balance to excessive government action for the benefit of society.

Conflict between communities has been a major issue right from the start of the CPA's implementation in 2005 and has grown in intensity ever since. As South Sudan moved toward independence, the level of conflict intensified. Small-scale conflicts escalated into wider conflicts, and conflicts that were rooted in power struggles between members of the political elites quickly led to conflicts between communities



Conflict intensity
10

and ethnic groups. In addition to the persistent conflicts between various cattle herding groups, new forms of conflict have emerged, sometimes between communities with no history of ethnic violence, such as conflicts between Mindari and Bari groups around Juba, or between Acholi, Modi and Eastern Equatoria groups. The causes of these conflicts are often multifaceted and intertwined, but land has a central role and is often the initial trigger for conflict.

The start of the current civil war is a clear manifestation of the dynamic and multifaceted conflicts in South Sudan. The conflict began as power struggle between SPLM elites, especially between President Kiir and former Vice President Riek Macher. Yet, in less than 24 hours, the violence had assumed an ethnic dimension, and became a war between Dinka and Nuer groups. As the war continued, land became a significant factor. The Shilluk of Malakal argued that the Dinka were using government support to forcefully occupy their land. This led to a large number of Shilluk people forming a rebel group in opposition to the government (Agwelek). The group is headed by Lieutenant General Johnson Olony and has been fighting alongside SPLM-IO forces against government forces. Recently, Agwelek forces became the military wing of the National Democratic Movement formed by Dr. Lam Akol.

The increasing intensity of conflicts in South Sudan is also due to contradictions in the existing legal framework and the failure to resolve the root causes of conflicts. A combination of the Land Act and the Local Government Act are an illustration on this contradiction. The two acts give the responsibility for administering land and resolving rural land disputes to chiefs. However, the acts simultaneously limit the mandate of chiefs to resolve conflicts that do not involve violence. On the other hand, these acts limit the authority of government institutions, which can only intervene into rural land disputes in cases involving violence. Even where violence is involved, government courts tend to limit their judgments to focus exclusively on the violence involved in the case, while leaving the underlying land dispute unresolved. This seems to have encouraged violence, as local communities tend to escalate disputes so that government courts become involved, particularly when a local community believes that the local chieftain is biased. Second, granted chiefs the authority to administer land in rural areas has contributed to tensions between local elites and traditional chiefs. But magistrate courts cannot judge cases that directly involving a chief, as the Local Government Act provides chiefs with immunity from prosecution.

Last, the resolution of cases through government courts is very complicated and expensive, beyond the means of many local people. For people living in rural areas, which is the case for a large proportion of South Sudanese communities, attending a government court implies traveling to the urban area where the court is located. In addition, a payment is requirement to open a case at police stations, while court fees also need to be paid in advance. As a result, many people do not pursue their disputes through the legal system, but instead take the law into their hands and resort to



violence. Reconciling communities will be an urgent priority following the end of the war and structural solutions will require a critical review of the current legal framework.

II. Governance Performance

14 | Steering Capability

As stated in the BTI 2014 report, the government's strategic planning capacity had improved before the start of the conflict. International donors provided technical and financial assistance to support the government's prime objective of achieving stability, diversifying the economy and providing services to South Sudanese citizens. The austerity measures managed to reduce government expenditures by 40%, contained inflation and assured some degree of stability. In November 2013, the government announced the lifting of austerity measures, promised to pay delayed salaries of public servants and to invest in education and basic health care. The government worked hard to realize some of its ambitions amidst rising critique from within the SPLM, the centralization of presidential powers, and the resolute presence of security agents in the public domain. The investment conference of December 2013 was perhaps the most illustrative example of the determination to put South Sudan in a positive light to attract potential investors.

When the crisis started, it became very clear that the government and its adversaries preferred to settle their differences violently. Formulated plans and priorities (e.g., lifting the austerity measures) were suspended. According to the IMF's December 2014 report, "budget execution has been complicated by emergency unbudgeted expenditures and extra-budgetary spending by government agencies," including the purchase of weapons.

The conflict has contributed to a sharp division among SPLM members at all level of the government, including in the National Legislative Assembly. The signing of the agreement in August 2015 brought some hope that this would reunify the divided ruling party and secure peace. But in July 2016, three months after the agreement took effect, violence broke out again.

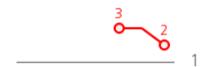
The succession of conflicts that have affected South Sudan are rooted in power struggles between senior SPLM members. The main cause attributed to the alleged coup of December 15, 2013, was the challenge posed by Riek Macher and his group to the president. Riek Macher's disaffected group did not challenge the president because his government had failed or developed dictatorial tendencies until after they were dismissed by the president in July 2013. After more than two years of civil war,

Question
Score

Prioritization

2

'06 _____ '18 10



Riek Macher's opposition group signed a peace agreement with the government on condition that they would be reappointed to their previous government position or appointed to an alternative position. For example, Riek Macher was reappointed vice president, Peter Adwok Nyaba was reappointed minister for higher education and Pagan Amum was reappointed SPLM's secretary-general. Other members of Riek Macher's opposition group were given alternative ministerial positions.

Throughout 2014, the government's priorities were to contain the rebellion as much as possible. It tried to maintain strict control over the situation in the "seven peaceful states" and prevent others from joining the opposition. Intimidating and jailing journalists, NGO and church workers are tactics used to contain criticism. Threatening the dismissal of the elected parliament and governors is another method to maintain a certain status quo in the areas where fighting between the government and opposition forces is absent. The government also canceled the elections that were to follow. Consequently, the government has extended its mandate in a way seen by most opponents as illegal.

Even the peace agreement signed in August 2015 was a government strategy to contain the rebellion. Later events demonstrated that the government was not serious in reaching a peaceful settlement to the violence. As mentioned earlier, this was illustrated in the rejection by the president in signing the agreement in Addis Ababa. After sustained pressure from the international community and neighboring countries, including South Sudan's close ally Uganda, the president reluctantly signed the agreement. However, at the same time, the president expressed his doubts about the success of its implementation. Some analysts suggest the government's strategy was to sign the agreement in Juba, so that the leadership of SPLM-IO would have to travel into Juba. However, the government's attempt to assassinate Riek Macher in Juba failed.

Likewise, the government's strategy to contain the civil war in war-affected states has failed. The recent violence has spread to various areas in Equatoria, which had not been heavily affected by previous conflicts. Though parts of Bahr el Ghazal continue to be relatively peaceful, instability in the region has increased and the war has now affected most parts of the country. The current scale of the war and the level of harm inflicted on various communities suggests that it will not be easy to renegotiate the collapsed agreement. On the other hand, it is becoming increasingly unlikely that the government will be able to sustain its current funding for the war, as the government seems to be running out of financial options including oil revenue. The possibility of collecting revenue from land leases or the exploitation of other natural resources is remote, as opposition forces continue to control vast parts of the country.

Implementation

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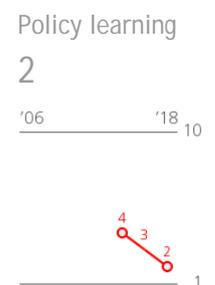
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The government's apparent lack of resources appears to have driven the state's shift from a patronage to "predatory" approach to state formation, which is largely a survival strategy of the failing government.

Given the short existence of the country, time to learn from past policy implementation is very limited. The role of the international community in providing regulatory frameworks, implementation models, monitoring and evaluation capacities, used to be substantial. Institutionalization of policy frameworks, implementation and evaluation is still ongoing. Due to the start of the civil war, many donors have shifted from supporting institution-building to the provision of relief. On the other hand, there seems to be little policy learning among the political elite. Their mindset has once again switched to war. This makes policy learning and adaptation an almost impossible exercise.

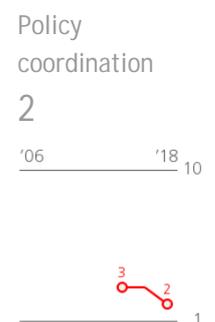


15 | Resource Efficiency

These reports provide details of the involvement of high-ranking officials in corruption, including by the president. The level of corruption at the highest level of government is also reflected at lower levels of government, such as corruption involving governors at the state level or commissioners at the county level. In June 2012, the president released a list of senior government officials alleged to have looted government money and requested that they return the money or risk being dismissed, investigated by SSACC and potentially prosecuted. The involvement of government officials in corruption makes it difficult for SSACC to investigate cases or recommend prosecutions. Moreover, the courts are controlled by the executive. Therefore, while anti-corruption policies are in place, it is challenging to implement and enforce those policies.



In general terms, policy coordination is poor. This is partly because partly because of the lack of institutional capacity, economic development and persistent insecurity, particularly since the start of the current civil war. The lack of policy coordination is sometimes a deliberate attempt by the ruling elite to undermine the authority of some institutions, particularly the subnational institutions of states, payams and lower levels of governance.



Despite the presence of policies and guidelines defining the distribution of roles in various sectors, the central government is often accused of interfering in affairs that would fall under the jurisdictions of the lower levels of governance, such as community land leases. Following the government's austerity measures introduced in 2012, for example, the government without consultation with the states decided to centralize revenue collection, which had previously been the responsibility of states. This, in turn, has increased tensions between central government and state governments, which led to the re-emergence of the federalism debate advocated by the governors of the three Equatoria states. For the governors of the three Equatoria

states, federalism would increase their control over resources in their states and could contribute to local development, which is a constitutional right.

The lack of policy coordination can also be seen in the security sector. Within the security forces, for example, the police are divided into national and state policies. But there is an assumption that the national police have greater powers than state police, even within states. Though this is not detailed in any of existing legislation. Because of these assumptions, a junior police officer within the national policy force may claim superiority over a senior police officer within a state police force. On the other hand, this distinction increasingly reflects systems of patronage, which rewarded soldiers who participated in the north-south civil war. Often senior police officers are members of the Dinka ethnic group and former SPLA soldiers who, after demobilization from SPLA, entered the security forces. This also contributes to increasing public perceptions of “Dinka dominance.”

Land reform is another angle to look at the apparent lack of policy coordination in the country. According to the Comprehensive Peace Agreement of 2005, the government was to establish the South Sudan Land Commission (SSLC) as the highest land authority in the country. The development of national and state level land policy, arbitration of land conflicts, and advocacy of land rights were among tasks assigned to the SSLC. The SSLC was to achieve these tasks in coordination with the land governing institutions of subnational governance levels. Thus, SSLC was to be decentralized to state land commissions, and each state would decentralize its state land commission to the respective county land authorities, payam land councils and boma land administrations. Before the increase in the number of states from 10, only four states (Eastern, Central and Western Equatoria, and Jonglei states) managed to form a state land commission, but could not further decentralize powers to lower level authorities. The lack of these institutions at lower governance levels has made it even harder for SSLC to execute its duties. Since its inception in 2006, for example, SSLC has succeeded in developing the Land Act and the Land Policy, which is yet to be signed by the president into law. Given that land is the primary cause of conflicts in South Sudan, this means that the failure to effectively coordinate and implement land policies has been a major contributor to recent conflict in the country.

Last, the executive’s apparent control of the judiciary and legislative is another area to look at the lack of policy coordination. At the nation level, the president has tended to rule the country by presidential decree, which significantly undermines the work of the legislature. When policies are presented to the National Legislative Assembly for deliberation, the president tends to dictate what should and should not be adopted. Building on the practices at the national level, state governors and county commissioners have tended to rule by decrees, though this contradicts all existing laws.

The government has always preached a policy of “zero tolerance” regarding corruption. During the interim period, the government instituted the South Sudan Anti-Corruption Commission (SSACC) and, in 2009, the National Legislative Assembly passed the South Sudan Anti-Corruption Act (SSACA). Protection of public and private property, and tackling abuses of public office are among the key roles of the commission. The commission is divided to five directorates: finance, administration, corruption prevention, state coordination and investigation, and legal services.

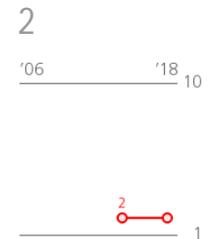
But, in practice, corruption is rampant and the SSACA seems to play no role in abating this. This could be because of the deep involvement of senior government officials in corruption. The three reports by Enough Project on corruption in South Sudan are particularly revealing. These reports are titled “The nexus of corruption and conflict in South Sudan” (July 2015), “War crimes shouldn’t pay: stopping looting and destruction in South Sudan” (September 2016) and “Weapons of mass corruption: how corruption in South Sudan’s military undermines the World’s newest country” (January 2017).

These reports detail the involvement of high-ranking officials in corruption, including the president. The level of corruption at the highest levels of government is also reflected at various subnational government levels, including by governors at the state level and by commissioners at the county level. In June 2012, the president identified several senior government officials who he alleged had been involved in corruption. The president requested that these officials return the money or risk being dismissed and prosecuted. The involvement of government officials in corruption has made it difficult for SSACC to secure prosecutions. Moreover, the courts are controlled by the executive and, while anti-corruption policies exist, it is challenging to implement and enforce these policies.

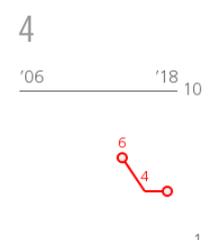
16 | Consensus-Building

At the time of independence, the principles of democracy based on consensus-building seemed to be a shared vision among South Sudan’s political elite. But over time, divisions have led to fragmentation and factionalism, particularly within the ruling SPLM party. The violence of December 2013 and the following civil war were caused by these divisions. As the civil war has continued, more factions have emerged, with splinter groups breaking away from SPLM. The fact that SPLM continues to narrow the political space makes it difficult for new political actors to emerge. Rural areas, on the other hand, are under the authority of chiefs, who are often SPLM members and representatives. Politically, the role of a chief is to convey and oversee the implementation of SPLM’s policies. In short, there is no question of consensus-building, at least for now.

Anti-corruption policy



Consensus on goals



Although there is a proclaimed general consensus on the principles of a market economy, the ongoing conflict and power struggles within the ruling party are a major impediment to promoting a functioning market economy.

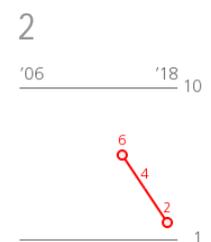
Despite the factionalism, violence and civil war, the parties involved in this conflict all claim to be protecting democratic rights. This was also the case in the conflicts that pre-dated South Sudan's independence. Following the election results of 2010, for example, those who rebelled after losing the elections such as George Athor Deng claimed to be fighting to defend democracy. Even those involved in the current civil war claim to be fighting for the restoration of democratic principles and values in the country, including the government.

But, in practice, various actors have used violence to gain power or regain previous government positions, such as George Athor Deng. The repressive policies developed by the government (e.g., the restriction of freedom of assembly or expression, and the intimidation of emerging political parties) are largely strategies to retain power. The rebellion by Riek Macher and the other groups were a reaction to the repressive policies of the government. On the other hand, neither are the rebel groups who claim to be fighting for democracy democratic in practice. The rebellion by Riek Macher was motivated by his dismissal from his position as vice president not because of a lack of democratic governance, as he claimed later. During the civil war, Riek and his group accused the government of committing atrocities on civilians and even on his soldiers, which is anti-democratic. In conclusion, various groups have claimed to be working toward the consolidation of democratic rights, as a means of justifying a power struggle.

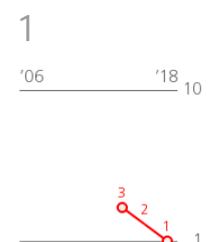
In addition to ethnic divides, there are numerous cleavages in South Sudanese society. Conflicts in rural areas are often about access to resources, such as grazing land for cattle. The conflict over resources has been central to disputes in Upper Nile and Bahr el Ghazal where a large proportion of the population depend on cattle for their livelihoods. After the CPA, disputes over land have become central to conflicts between communities, which have often assumed an ethnic dimension. Though classified as "ethnic" or "land" conflicts, the root causes of these conflicts are broader. However, ethnicity or land are often used as a strategy by political elites to mobilize support for their specific interest whether political or economic.

Another cleavage involves competition within the labor force. Those who fought for the SPLA feel that they have the right to public sector employment opportunities, despite their lack of experience or skills. Those educated in Sudan during the war are regarded with suspicion and often marginalized. In a speech in October 2016, President Kiir threatened cabinet ministers from Equatoria that if they (the ministers) failed to persuade rebels from Equatoria to abandon Riek's group, he (President Kiir) would personally command a military campaign against the people of Equatoria and

Anti-democratic actors



Cleavage / conflict management



vowed to move to Yei to command the war. Socially, the civil war has severed relations between various ethnic groups, especially between Dinka and Nuer.

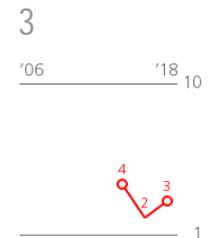
Civil society plays an important role in South Sudan. Key organizations such as the Sudd Institute, the South Sudan Law Society, the Community Empowerment for Progress Organization (CEPO), and various churches are among those playing instrumental roles in bridging the gap between the state and the society. Despite continued efforts to contribute positively to state-building in South Sudan, the continuation of the civil war has negatively influenced some civil society groups, with some organizations taking sides in the conflicts. Some civil society groups have also been internally divided in their support for the government or opposition forces. This has resulted in many civil society groups becoming increasingly partisan. As the civil war continues, the chances are high that more civil society organizations are likely to become less neutral. Thus, ending the civil war is key to ensuring that civil society groups can perform their duties, and benefit society and the entire nation.

Conflict mediation and reconciliation are central to many communities in South Sudan. Despite the high number of casualties caused by violence since the 1991 split within SPLM, churches and traditional leaders were able to reconcile communities involved in the conflicts with minimum intervention. But from the start of the interim period in 2005, political elites have increasingly politicized conflicts and exploited ethnic cleavages, making it difficult to resolve local conflicts, particularly conflicts involving communities from different ethnic groups. Before the outbreak of the civil war in December 2013, Riek Macher initiated a nationwide reconciliation process to address the wartime grievances among communities. However, President Kiir interpreted this as a political strategy by Riek Macher to win political support. This led President Kiir to cancel the reconciliation process. In December 2016, President Kiir issued a decree for the formation of a dialog committee for national reconciliation. But this move was also received with suspicion by various communities, particularly in Equatoria where government forces continue to be implicated in killing civilians. Reconciliation remains a central to South Sudan's development, but it is not going to be an easy process.

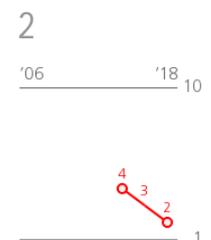
17 | International Cooperation

The international community and development partners have been supportive of state-building in South Sudan since independence, particularly the World Bank, Norway, the United States and the United Kingdom. The civil war has however affected relations between the government, and the donor community, international NGOs and national NGOs that receive external support. This change is a result of the international community's pressure on the government to reform, which the government interprets as sympathy for rebel groups and attempts to force regime change. In March 2014, the government accused UNMISS of supplying rebel groups

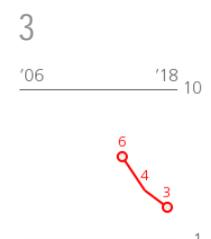
Civil society participation



Reconciliation



Effective use of support



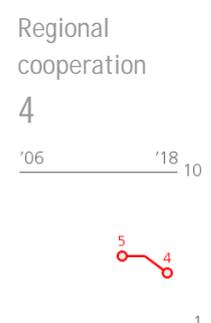
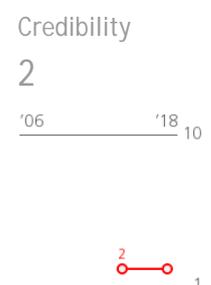
with arms and, early in January 2017, accused the Norwegian government of plotting to kill the South Sudanese military leader Paul Malong Awan. The NGO bill, passed in early 2015, was in part a reaction to the growing tensions between the government and the international community, which has resulted in the government placing restrictions on the work of NGOs within the country. In January 2017, for example, the government banned relief agencies from operating in rebel-controlled areas.

Bilateral relations between South Sudan and various other countries have also deteriorated, including the United States which some refer to as the midwife that delivered South Sudan. As with the donor community, attempts by many other countries to advise the government on the peaceful settlement has been interpreted by the government in terms of fostering regime change or support for the rebels.

As South Sudan moved toward independence, tensions between South Sudan's political elites increased. When these tensions turn to violence, civilians often become the victims. As a result, the government and the other various parties to the conflicts have lost increasingly credibility. This is becoming increasingly apparent that South Sudan's conflicts are primarily the result of power struggles between political elites rather than any wider conflicts over the protection or rights of minority groups.

South Sudan's political elites are losing public and international credibility. The loss of public credibility is increasingly reflected in the emergence of new rebel groups and political parties. Given the experiences that the people of South Sudan have been through, particularly during the current civil war, building trust between the state and the citizens will present a significant challenge. Furthermore, there is little public trust in the new rebel groups including SPLM/A/IO. Most people who join the new rebel groups seem to join primarily as a way to protect their immediate families and communities, while some who continue to serve in the government forces do so simply because of a lack of alternatives.

While relations between the government and the international community are deteriorating, the government has pursued new possibilities for greater regional cooperation, mainly as a strategy to defeat the rebellion militarily. In January 2016, the government involved the Ugandan People's Defense Forces in its military campaigns against the forces of Riek Macher. This was criticized by the Intergovernmental Authority on Development (IGAD), which includes Sudan, Ethiopia and Kenya. However, countries that opposed this act appear to have subsequently changed sides and now support the government. In December 2016, the government in Sudan denied the rebel leader Riek Macher re-entry into Khartoum. This was part of the agreement between Juba and Khartoum not to support each other's rebel groups. Consequently, Riek Macher was forced to return to South Africa where he has been receiving medical treatment and where he is still located at the time of the writing. In November 2016, the Kenyan government deported a SPLM/A-IO spokesman to Juba who is at the detention of the national security. On January 25,



2017, the Kenyan authorities arrested two SPLM/A-IO representatives in Nairobi who are now in custody awaiting deportation to Juba. In coordination with Ugandan security forces, the government started hunting down people believed to be sympathetic to the Riek Macher in Uganda, including people in refugee camps. In late 2016, senior military officials twice visited the Democratic Republic of Congo aiming to reach an agreement to ban the activities of rebel groups and deport members of rebel groups to South Sudan. But it remains unclear whether the two sides have reached a deal. Though the government seems to be successful in blocking the activities of rebel groups in the region, it remains to be seen whether it can sustain its funding of these operations for long.

Strategic Outlook

All indicators suggest that the challenges facing South Sudan are rapidly growing and will likely contribute to the complete collapse of the state if not resolved soon. Although the international community could play a significant role in stabilizing the country, the major responsibility for achieving peace lies with the government, various factional groups and wider society. Undoubtedly, this will not be an easy task.

For the international community to contribute effectively to state-building in South Sudan once the civil war concludes, it needs to learn from previous experiences of conflict resolution in the region. The question of accountability and transparency will be a major area that external actors will need to address, as unresolved historic grievances contributed to the current tensions, violence and civil war. Evidence suggests that the government has been diverting funding from the international community away from the purposes to which it was originally designated and toward, for example, funding the army. Though most manipulations have been concealed, some manipulation happens with the full knowledge of the donor community. Yet, the donor community has taken little action to address these issues. Lessons must also be drawn regarding the passive role of the United Nations Mission in South Sudan (UNMISS), which failed to prevent government forces from killing civilians outside the UNMISS complex near Juba international airport in July 2016. Crucially, the international community should help the people of South Sudan learn from the agreement signed in August 2015. The fact that this agreement was imposed on the two conflict parties by the international community led to the failure of the agreement, and the resumption of violence, the killing and displacement of civilians, widespread human suffering, economic collapse, and increasing poverty. Evidently, the power struggle between President Kiir and Riek Macher played a prominent role in the re-escalation of the conflict. While the power struggle between these two continues, prospects for a peaceful settlement to the civil war appear very unlikely.

Last, the civil war has resulted in the further social fragmentation, once again exposing historical grievances. The success or failure of future state- and peace-building attempts will largely depend on the extent actors involved in this conflict can work together to reconcile the society. This will not be an easy process.