

Issue Brief

State Formation, Humanitarianism, and Institutional Capabilities in South Sudan

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Introduction

As the humanitarian system grows and becomes increasingly complex, so too do the needs of populations and the challenges the system faces in response to crises arising from natural disasters and conflict.¹ These challenges often extend beyond meeting the immediate needs of the affected people to include the building of institutional capabilities to improve the capacity for local systems to sustainably implement tasks. Aside from responding to short-term needs, humanitarianism ought to fit into the overall political strategy of supporting the process of state formation. This is because state formation is a process of change that depends on the improvement of local implementation capacity, and progress cannot be made without successful implementation of policies and programs.

Also, humanitarian assistance influences political economies of recipient countries and the development of political and social contracts between governments and citizens.² To support the formation of such a contract and avoid the risk of undermining it, humanitarian aid ought to become a part of a comprehensive strategy to transform conflicts, decrease violence, and increase the efficiency of markets to generate growth. The linkages to development goals and building of state capabilities must be strong with government in the lead of the strategy and its coordination.

It is through this nexus of humanitarianism and state formation that this issue brief assesses the international humanitarian system's engagement in South Sudan during the period from statehood in July 2011 to the period immediately prior to the outbreak of the December 2013 crisis. Lessons from South Sudan's experience can contribute to the dialogue on humanitarian assistance in contemporary complex emergencies and assessments of humanitarian principles in different evolving contexts. This brief outlines the enormous needs and challenges facing South Sudan since independence, its emerging humanitarian crises, and the response of humanitarian actors. It addresses South Sudan's unique challenges of state formation and the importance of linking long-term state capacity building to aid delivery.

1 Jérémie Labbé, "Rethinking Humanitarianism: Adapting to 21st Century Challenges," New York: International Peace Institute, November 2012, available at www.ipinst.org/publication/policy-papers/detail/377-rethinking-humanitarianism-adapting-to-21st-century-challenges.html.

2 Devon Curtis, "Politics and Humanitarian Aid: Debates, Dilemmas and Dissension," Humanitarian Policy Group Report 10, London: Overseas Development Institute, April 2001, available at www.odi.org/publications/244-politics-humanitarian-aid-debates.

Historical Context

South Sudan achieved statehood in July 2011 after overwhelmingly voting for independence in a referendum made possible by the Comprehensive Peace Agreement (CPA) of 2005 that ended more than two decades of civil war between successive regimes in Khartoum and the southern rebel group, the Sudan People's Liberation Movement/Army (SPLM/A). The CPA also allowed for the creation of the semi-autonomous government of Southern Sudan (GOSS) under the control of the SPLM/A with full rights to govern the southern region (which eventually became the Republic of South Sudan) during the 2005–2011 interim period, and it provided a wealth-sharing formula in which the SPLM/A received 50 percent of oil revenues from wells located within southern Sudan to finance GOSS.

While the war-devastated southern region has received a significant amount of humanitarian aid since the 1989 Operation Lifeline Sudan, which was in response to the effects of famine and Sudan's second civil war,³ the amount of aid to the South averaged more than \$1 billion annually following the CPA.⁴ Southern Sudan faced enormous needs at the time due to years of conflict and marginalization suffered under Khartoum: social services and infrastructure were in primitive conditions; the literacy rate stood at nearly 15 percent of the adult population; both infant and maternal mortality rates were among the highest in the world; a significant number of mud roads had been mined during the conflict; and more than 4 million of its citizens had been displaced by the conflict, with many living in neighboring countries and others further afield.⁵ Even more appalling was the absence of centralized institutions of governance.⁶

The complexity and the magnitude of the challenge faced by the nascent GOSS and aid agencies at the time could not be exaggerated. Complex humanitarian relief, development, and

capacity-building projects had to be implemented simultaneously in the absence of administrative structures and centralized coordination, amid high security risks. To fully grasp this challenge, take the example of the repatriation of refugees: The refugees had to be returned to their areas of origin in southern Sudan on roads mired with land mines, while being provided with food, medicines, and other supplies along the way and using self-reliance skills upon arrival in their final destinations. In addition, their relocation occurred when GOSS ministries were not yet functional, state governments were just being established, and various militia groups still roamed the countryside.

As the years passed and GOSS established better-functioning institutions, the number of aid agencies had greatly proliferated, but GOSS's coordination of their activities remained limited.⁷ In the health and education sector, for example, GOSS did not know the total number of aid agencies present in southern Sudan, even after independence. A number of fora were established to improve coordination between GOSS and aid agencies, such as the GOSS-Donor Forum and an NGO forum, but progress was slow. The interim period was also characterized by new humanitarian crises and disputes between the SPLM/A and the government of Sudan.

This is the background upon which South Sudan reached statehood. The experience from the interim period (2005–2011) established and continues to shape the experience of humanitarian aid in independent South Sudan.

The Triggers of the Post-Independence Crisis

Mark Bowden, an expert on humanitarian affairs, argues that humanitarian crises stem from internal factors within states such as lack of access to economic opportunity, competition over resources such as land and water, and lack of adequate

3 Séverine Autesserre, "The United States' 'Humanitarian Diplomacy' in South Sudan," *Journal of Humanitarian Assistance*, January 2002.

4 Government of the Republic of South Sudan, "South Sudan Development Plan 2011–2013: Realising Freedom, Equality, Justice, Peace and Prosperity for All," Juba, August 2011.

5 Peter Biar Ajak, Zechariah Manyok Biar, and Greg Larson, "Building the Returnee State: Returnee Integration in South Sudan," Juba, Centre for Strategic Analyses and Research, February 13, 2013.

6 Government of the Republic of South Sudan, "South Sudan Development Plan 2011–2013."

7 African Development Bank Group, "South Sudan: Interim Country Strategy Paper 2012–2014," October 2012, available at www.afdb.org/fileadmin/uploads/afdb/Documents/Project-and-Operations/2012-2014%20-%20South%20Sudan%20-%20Interim%20Country%20Strategy%20Paper.pdf.

delivery of services by regimes in power.⁸ These internal factors lead to a fragmentation of the state and result in armed conflicts. Such factors have contributed to the humanitarian crises in South Sudan before and since its independence from Sudan. The proliferation of small arms during the CPA implementation period and South Sudan's long history of conflict and limited experience of self-governance exacerbated these internal factors. Underneath these challenges has been the failure of the nascent government to deliver services and create economic opportunities for its people.

While famine and crop failure are often sources of humanitarian crises, the most prominent causes have been armed rebellions emerging from political rivalries at various levels; tribal conflicts due to competition over water, grazing fields, and cattle rustling; and the abduction of children and women. South Sudan has a long history of such vices among the pastoralist communities. These conflicts became increasingly lethal and destructive following the CPA since they were no longer aimed at looting but, rather, became killing sprees in which villages were burned to the ground. The result was the significant loss of lives, massive displacement of people, and food insecurity—all of which entrenched poverty and disrupted the delivery of basic services. According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), more than 750 people were killed and more than 80,000 were displaced in the first three months of 2011.⁹ The more than two decades of civil war and the deliberate policy of Khartoum to weaken southern Sudan had led to the proliferation of small arms among communities, and the divide-and-conquer strategy of Khartoum during the civil war had widened the grievances among communities in southern Sudan. These conflicts are still omnipresent in South Sudan.

Moreover, the belligerents from the civil war were not only the SPLM/A and the government of

Sudan. Other factions, including groups that splintered from the SPLM/A, operated independently and often switched allegiance between the two main warring parties. These groups were to be integrated into either the SPLM/A or the Sudan Armed Forces following the CPA, and significant numbers were integrated into the SPLA. A number of generals who were integrated into the SPLA rebelled continually throughout the interim period, particularly following the general elections of 2010. These rebellions became a source of renewed humanitarian crises that persisted until the eruption of the current crisis, as evidenced by David Yau Yau's rebellion in the Greater Pibor area.

Despite high spending on security by GOSS, which consumed more than 40 percent of the GOSS budget between 2006–2010—about \$800 million annually—it never succeeded in keeping most of its citizens safe.¹⁰ Most of the money was spent on highly inflated salaries for the security personnel. South Sudan has 745 generals, 41 more than the United States' army, marines, air force, and navy combined, which makes it the second-highest number in the world behind Russia's 887.¹¹ Its military infantry (which does not include the police) is estimated at nearly 210,000.¹² Yet the high spending on security meant that GOSS had little resources to spend on all other political, economic, developmental, and social needs. It seems that the objective was to buy peace and counter the Khartoum policy of using southerners against each other by putting all the entrepreneurs of violence on the payroll.¹³ Clearly, the objective was not to build credible security institutions that could provide protection to the civilian population. Therefore, health, education, and human development consistently received less than 10 percent of the GOSS budget (sometimes as low as 7 percent) during the interim period and even after independence.¹⁴ The government came to rely on aid agencies for the provision of services and

8 Mark Bowden, "Responding to Conflict in Africa," February 2001, available at www.odi.org/sites/odi.org.uk/files/odi-assets/events-documents/3778.pdf.

9 Organisation for Economic Co-operation and Development, "2011 Report on International Engagement in Fragile States: Republic of South Sudan," OECD Publishing, 2011, available at www.oecd.org/countries/southsudan/48697972.pdf.

10 Government of the Republic of South Sudan, "South Sudan Development Plan 2011–2013," p. 29.

11 Alex de Waal, "Visualizing South Sudan: The Culprit: The Army," *Reinventing Peace* (blog), World Peace Foundation, March 13, 2014, available at <http://sites.tufts.edu/reinventingpeace/2014/03/13/visualizing-south-sudan-the-culprit-the-army/>.

12 "South Sudan Military Strength," *GlobalFirepower* website, available at www.globalfirepower.com/country-military-strength-detail.asp?country_id=South-Sudan.

13 Alex de Waal, "When Kleptocracy Becomes Insolvent: Brute Causes of the Civil War in South Sudan," *African Affairs* 113, No. 452 (July 2014): 347–369.

14 Government of the Republic of South Sudan, "South Sudan Development Plan 2011–2013."

infrastructures (roads, medicines, education, etc.), perpetuating the mindset of dependence from the war era.

Humanitarian Responses

The intervention of humanitarian actors has involved efforts to provide emergency relief, mine clearance, health and education services, food security, peacebuilding, and conflict resolution. Following the CPA, these actors came to a consensus regarding South Sudan's needs, as evidenced by the 2004 Joint Assessment Mission (JAM) co-led by the UN and the World Bank in collaboration with Sudanese parties and the IGAD Partners' Forum; the 2006 Post-Conflict Needs Assessment (PCNA) by the UN Development Group and the World Bank; the 2008 GOSS Expenditure Priorities and Funding Needs document; and the 2009 Juba Compact between GOSS and development partners. However, GOSS did not exist at the time of the JAM, and adequate assessment of its capabilities was simply not possible, resulting in an overestimation of its capacity and that of the NGOs operating in the area.

Also, for donors, providing immediate aid and showcasing direct benefits held sway over long-term investment in state systems.¹⁵ There was a desire on the part of many donors to create immediate "peace dividends"—something that would show the citizens that peace had returned. Furthermore, the weak administrative capacity of the government rendered it unable to carry out basic tasks, let alone implement complex peace and development projects. As such, donors opted for Project Implementation Units that operated outside the government as a means of escaping implementation failure due to government shortcomings. This way, they were able to deliver short-term goals and have something positive to report back to their headquarters.

Progress was made in the education and health sectors. Primary school enrollment rates nearly quadrupled from 400,000 in 2006 to 1.3 million in 2009, and the number of primary school buildings increased by 20 percent.¹⁶ However, the student-to-classroom ratio increased sharply to 248:1 due to high enrollment rates.¹⁷ The adult literacy rate increased from 15 percent to 27 percent in 2009.¹⁸ At least one secondary school was built in each of the ten states of South Sudan.

Yet enormous challenges remain. In its development plan for 2011–2013, the government reported that the maternal mortality rate stands at 2,054 deaths per 100,000 live births.¹⁹ South Sudan has only one qualified midwife per 30,000 people; only 13 percent of teachers are qualified; teacher-to-student ratio in primary schools stands at 1:117.²⁰ The available health centers throughout the country are plagued by lack of equipment and medicines due to poor forecasting, improper procurement procedures, and irregular distribution of logistics.

The progress on conflict prevention has been minimal at best. This is because peacebuilding measures aimed at reducing risks of relapse to conflict by strengthening conflict prevention and management mechanisms have been rather ad hoc. They have included workshops or intercommunal meetings facilitated by state authorities with donor funding, but these have lacked follow-up and implementation mechanisms.²¹ The changing dynamic of conflicts also has been problematic, with elders and chiefs losing control over youth.

Statebuilding initiatives aimed at upgrading the capacities of state institutions to fulfill state responsibilities, such as provision of security and rule of law, have yielded limited results. Some progress has been made at the national and the state levels since 2005 in establishing basic structures of authority. Yet these institutions have not functioned properly, as evidenced by the outbreak of conflict in South

15 Greg Larson, Peter Biar Ajak and Lant Pritchett, "South Sudan's Capability Trap: Building a State with Disruptive Innovation," UNU-WIDER Working Paper No. 2013/120, October 2013, available at www.wider.unu.edu/publications/working-papers/2013/en_GB/wp2013-120/.

16 Government of the Republic of South Sudan, "South Sudan Development Plan 2011–2013."

17 Ibid.

18 Southern Sudan Centre for Census, Statistics and Evaluation, "Statistical Yearbook for Southern Sudan 2010," available at <http://ssnbs.org/storage/Statistics%20Year%20Book%202010%20.pdf>.

19 Government of the Republic of South Sudan, "South Sudan Development Plan 2011–2013."

20 Ibid.

21 Ibid.

Sudan in 2013. Governance capabilities remain extremely weak and even absent at local government levels (named *payams* and *bomas* in South Sudan).

Part of the problem has been donors' limited engagement with state authorities in planning and executing aid programs. Aside from the JAM of 2004 and the South Sudan Development Plan of 2011—a three-year strategy of the government to improve security, grow the economy, and provide services to its people—among a few others, donors have largely made their own plans. The consultation with local authorities has been particularly limited, even in the process for the South Sudan Development Plan. The planning and design of humanitarian aid were largely done by the external actors, as with the Humanitarian Contingency Plan, which involved more than 250 humanitarian organizations.²²

The donors are not entirely to blame for this failure since the national government has not been keen to involve the lower tiers in planning processes of any kind. Even in the process for the South Sudan Development Plan, only three days were spent on consultations with the ten states, the seventy-eight counties, and the hundreds of lower administrative units. Communities and local governments have simply been idle consumers of donor aid, with little input in the design and the execution of projects. Still, their cooperation has been essential in ensuring the implementation of projects in areas under their control. While national actors have provided support for donor initiatives, the persistent lack of capacity in GOSS institutions has undermined the level of cooperation.

While the provision of humanitarian relief saved lives, linkages between political, security, and development objectives have not been strong. This is because state formation is a more historical phenomenon that requires long-term planning and understanding of previous experiences that have informed political and developmental trajectories.²³ The lack of relevant education and experience of South Sudan's political leaders prevented their

understanding of or capability to address the unique challenges of state formation their country faced. They had merely switched their military uniforms with business suits and their war objectives with development goals. Unable to fulfill the responsibilities of their new roles, and instead of providing their own vision of state formation appropriate to South Sudan's context, they continued their guerilla practices in the bush despite the entirely different challenge confronting them. Also, after the death of Dr. John Garang, the SPLA's former leader, they lacked unity of purpose, and some officials were working actively against others. The donors, on the other hand, came with standard practices or "best practices" that have worked in other contexts and transplanted them to South Sudan without adequate understanding of those realities unique to the region.

The fundamental challenge in fragile contexts like South Sudan remains the nature of state-society relations and how to bring about a strong state that depends on, represents, and is responsive to its society.²⁴ This requires the understanding of patterns of behavior that work and are legitimate in a particular political and cultural context. South Sudan was a fertile ground to try new approaches to building state capabilities, but this opportunity was lost because South Sudan was approached just like any other state. Both GOSS and humanitarian aid agencies did not take into account these factors. The uniquely complex context of South Sudan and the daunting needs faced by the civilian populations also required urgent attention and possibly crowded out innovative thinking.

The Difficulties of Aid Delivery during Statebuilding

A number of statebuilding obstacles have fed into disputes and political rivalries at local, regional, and national levels in South Sudan. In environments of weak authority, "wars are sites of innovation, leading to the creation of new forms of legitimacy and protection."²⁵ This means that conflicts

22 Organisation for Economic Co-operation and Development, "2011 Report on International Engagement in Fragile States."

23 Lant Pritchett, Michael Woolcock and Matt Andrews, "Capability Traps? The Mechanisms of Persistent Implementation Failure," Working Paper 234, Washington, DC: Center for Global Development, December 2010, available at www.cgdev.org/files/1424651_file_Pritchett_Capability_FINAL.pdf.

24 Joel S. Migdal, *Strong Societies and Weak States: State-Society Relations and State Capabilities in the Third World* (Princeton, NJ: Princeton University Press, 1988).

25 Johnathan Goodhand, "Aiding Violence or Building Peace? The Role of International Aid in Afghanistan," *Third World Quarterly* 23, No. 5 (2002).

offer the opportunity to renegotiate power and patterns of behavior within a sociopolitical setting that link various groups in a state. Both aid agencies and state authorities in South Sudan have not adequately understood this dynamic, which is essential to making a positive contribution toward peacebuilding and statebuilding. It requires robust understanding of distortions and incentive schemes created around organized violence. Policy objectives should not simply be aimed at either achieving peace or ending conflicts but at transforming institutions, networks, and incentives.²⁶

This transformation can only occur with the development of effective political, economic, and social institutions, which engender sustainable growth.²⁷ It is these economic and political institutions that collectively generate productivity and ensure access to human and political rights. Where these institutions are weak, economies do not prosper and vulnerabilities associated with poverty, disease, and conflict prevail. And since productivity and employment are undermined, the middle class does not grow, and the state remains weak.²⁸ Political rights do not in themselves produce prosperity in the absence of institutions that guarantee economic rights, and poorly guided aid entrenches dependency rather than capability.²⁹

Donors have not been comfortable with GOSS's allocation of the majority of its resources to the security sector, while investing insignificant resources in all other priorities. Donors also have not engaged robustly in security sector transformation essential to the upgrading of state capabilities and redressing distortions and incentives associated with organized violence. Nor did GOSS provide satisfactory legal and regulatory frameworks governing procurement, audit, and public financial management that are critical to the sound management of fiscal resources. The Public Financial Management and Accountability Act was

only passed into law in 2011, but others are yet to be tabled in the parliament. Yet it is crucial to understand that a vicious circle exists: weak institutions undermine growth prospects that generate a healthy middle class, whose absence deprive the society of the guarantees that help entrench good governance.³⁰ South Sudan, like many African states, is trapped in such a circle as it lacks a healthy middle class and institutions that support and reinforce it.

Other distortions include the divergence of talent away from the government and private sector to aid agencies due to high salaries. Such a phenomenon is exacerbated by the rise in cost of living associated with the presence of a large expatriate community. The European Union allocated 260 million Euros in development aid for the 2011–2013 period, while the United States provides more than \$300 million of aid per year, and the UN Mission in the Republic of South Sudan (UNMISS) costs nearly \$1 billion per year.³¹ This enormous amount of foreign exchange has added greater complexity to macroeconomic policy.

More problematic is the dependence of the government on aid instead of developing its own democratic accountability to its citizens. The government has not contributed resources to donor vehicles that provide funding for services, with the exception of the Multi-Donor Trust Fund (MDTF), which was created by the government and international partners for reconstruction, poverty reduction, and governance and human development.³² Based on appearances, it seems that a tacit agreement exists between the government and its development partners: GOSS focuses on security and the development partners provide services. When new investments and basic services are funded with donor money instead of government finances, it encourages the officials to become more concerned about the views of the external actors instead of local authorities and their own citizens.

26 Ibid.

27 Nancy Birdsall, "Aid, State Formation and the Missing Middle," remarks at the Hilton Humanitarian Prize Symposium on Democracy and Development, New York, October 30, 2006, available at www.cgdev.org/doc/commentary/opinion/HiltonSpeech10%2030%2006.pdf.

28 Susan E. Rice and Stewart Patrick, "Index of State Weakness in the Developing World," Washington, DC: The Brookings Institution, 2008, available at www.brookings.edu/~media/research/files/reports/2008/2/weak%20states%20index/02_weak_states_index.pdf.

29 Pritchett, Woolcock, and Andrews, "Capability Traps?"

30 Birdsall, "Aid, State Formation and the Missing Middle."

31 Wolfram Lacher, "South Sudan: International State-Building and Its Limits," Berlin: Stiftung Wissenschaft und Politik (German Institute for International and Security Affairs), February 2012, available at www.swp-berlin.org/fileadmin/contents/products/research_papers/2012_RP04_lac.pdf.

32 World Bank, "Multi-Donor Trust Fund for South Sudan: Improving Life for South Sudan's 8.3 Million People," May 28, 2013.

Improving the quality of aid is difficult without robust engagement of the host government in its design and delivery. The role of the affected state in the coordination and monitoring of external support is critical. This makes the analysis of state capability a pertinent starting point in the design of appropriate types of aid and the mechanism for its delivery.³³ Such assessment is not always technical but political as well. Donor agencies are less inclined to work with states they deem to be responsible for causing the humanitarian crisis in question. Likewise, perception of corruption matters in determining levels of cooperation between the aid agencies and the affected state. Such issues often result in bypassing the institutions of the regime in question. This has occurred in South Sudan, as humanitarian agencies often contract private companies or other NGOs to deliver humanitarian aid without going through the appropriate channels in the government.

The delivery of international aid faced enormous challenges, but not from lack of trying. The donors were aware that responding to South Sudan's acute challenges required a coordinated action. Five main joint multi-donor funds were created to provide funding for various challenges faced by the region. These included the Multi-Donor Trust Fund (MDTF); the Capacity Building Trust Fund (CBTF); the Basic Services Fund (BSF); the Common Humanitarian Fund (CHF); and the Sudan Recovery Fund (SRF).

The MDTF and CBTF were aimed at renovating government buildings, providing infrastructure, and upgrading the long-term capacity of GOSS. The BSF and SRF were meant to provide basic services and fund community projects to showcase the dividends of peace, while the CHF was to provide funding for emergency relief. However, the disbursements of funds from the MDTF were slow due to the inability of GOSS (the primary implementer of MDTF projects) to meet the fiduciary requirements of the World Bank, prompting donors to channel funds away from the MDTF and into BSF and SRF. The projects from BSF and SRF were implemented through Project Implementation Units by NGOs, and, while they

provided immediate results, they were not robustly coordinated with the government, which affected their sustainability and contribution to the capacity development of GOSS. In the end, showcasing immediate results through projects instead of a long-term focus on statebuilding objectives came to dominate the experience of international aid.

While historical challenges associated with long conflict and the daunting needs faced by populations are partly to blame for weaknesses in the initial design and delivery of aid, opportunities existed in the middle for rectifying earlier designs. These opportunities were missed largely due to the poor capability of GOSS and the odd position it faced during the interim period in which it had to promote the unity of Sudan, as required by the CPA, while at the same time laying the foundation for state institutions. After independence, disputes began to arise between the newly independent South Sudan and Sudan over outstanding issues. These disputes escalated in the beginning of 2012, prompting GOSS to shut down its entire oil production in efforts to pressure Sudan to charge lower pipeline fees. This drastic decision negatively affected the relations between GOSS and donor agencies and influenced many donors to withdraw long-term aid aligned with developmental goals.

Coordination between State Actors and Aid Agencies

The ongoing civil war in South Sudan has undermined the capacity for governance throughout the country. The few administrative structures established over the last ten years have been largely destroyed in the three states of Jonglei, Upper Nile, and Unity. The national government has also witnessed thousands of defections from the civil service. The war also has distracted the government from focusing on statebuilding and development; aid resources that were funding long-term projects have been reallocated to cover severe humanitarian needs. In short, the relapse into conflict has been an enormous setback on

33 Sarah Collinson, ed., "Power, Livelihoods and Conflict: Case Studies in Political Economy Analysis for Humanitarian Action," Humanitarian Policy Group Report 13, London: Overseas Development Institute, February 2003, available at www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/289.pdf.

statebuilding and peacebuilding.³⁴

A growing literature on fragile states offers useful principles for integrating humanitarian aid into a larger strategy to address the internal causes of conflicts within states.³⁵ This includes strategies aimed at addressing state fragility such as enhancing capabilities for conflict prevention, service delivery, and economic management.³⁶ Yet such a comprehensive strategy should be led by the state in question. According to UN General Assembly Resolution 46/182 of 1991, the state in question has “the primary role in the initiation, organization, coordination, and implementation of humanitarian assistance within its territory.”³⁷ Statebuilding is a nonlinear, long-term effort that requires sustained commitment, and, therefore, humanitarian actors should encourage and support a state to fulfill its responsibilities by complementing its efforts, since the humanitarian organizations are not always aware of the realities on the ground.

But such leadership requires the state in question to have a robust vision and a commitment to address state fragility. In South Sudan, the government has not been able to articulate a sound vision or demonstrate a commitment to addressing state fragility, which has undermined the linkages of aid to long-term goals of state formation. The result has been a massive failure to build state capabilities, which justifies the bypassing of the state by aid agencies to provide short-term relief. Substitution for the state should be resorted to in the cases where capacities are very weak and the state in question is unwilling to establish a legitimate social contract with its people. Where the affected population faces acute short-term humanitarian needs, the humanitarian actors have the obligation to adhere to humanitarian principles and provide relief. This should be done even if the substitution of the state directly undermines the contract between the state and its population and allows “governments to evade their responsibilities.”³⁸

However, in the cases where a government is willing to develop a legitimate contract with its people, the humanitarian actors should move away from direct delivery of humanitarian aid and allow the state, especially the lower tiers of authority, to lead. The state efforts can be complemented with investments in monitoring and accountability instruments that build institutional capacities. The state in question should also be willing to invest its own resources in providing humanitarian action and upgrading its capacities.

Conclusions and Recommendations

The enormous needs of South Sudan at the time of the signing of the CPA required an international response. Humanitarian agencies rushed in and provided much needed emergency relief while GOSS institutions were not functional. The result was a proliferation of aid agencies with limited coordination among themselves. Despite the efforts of the Joint Donor Office, which managed the Basic Services Fund and the Capacity Building Trust Fund, and the UNDP, which managed the Sudan Peace Fund and the Sudan Recovery Fund, aid harmonization and coordination remained a consistent problem for South Sudan.

This proliferation and fragmentation of aid has come with enormous administrative costs to the nascent capabilities of the state for the coordination of donor projects. Aside from these costs, poorly designed aid practices distorted the development of a private sector and the emergence of a middle class, while undermining the formation of a social and political contract between the government and citizens.

As the country suffers from a destructive civil war that is causing more humanitarian crises on a daily basis, efforts have to be made to ensure that humanitarian relief reaches all civilians who need

34 Oxfam, “From Crisis to Catastrophe: South Sudan’s Man-Made Crisis—and How the World Must Act Now to Prevent Catastrophe in 2015,” Joint Agency Briefing Note, October 6, 2014, available at www.oxfam.org/sites/www.oxfam.org/files/file_attachments/bn-from-crisis-to-catastrophe-food-security-south-sudan-061014-en.pdf.

35 Rahul Chandran and Bruce Jones, “Concepts and Dilemmas of State Building in Fragile Situations: From Fragility to Resilience,” Organisation for Economic Co-operation/Development Assistance Committee Discussion Paper, 2008, available at www.oecd.org/dac/governance-peace/conflictandfragility/docs/41100930.pdf.

36 Bowden, “Responding to Conflict in Africa.”

37 Paul Harvey, “Towards Good Humanitarian Government: The Role of the Affected State in Disaster Response,” Humanitarian Policy Group Policy Brief 37, London: Overseas Development Institute, September 2009, available at www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/5092.pdf. See also UN General Assembly Resolution 46/182 (December 19, 1991), UN Doc. A/RES/46/182.

38 Harvey, “Towards Good Humanitarian Government,” p. 3.

it. However, focus has to be maintained on building effective and responsive state institutions to allow South Sudan's government to discharge its responsibilities competently. As such, the experience of South Sudan offers the following policy recommendations:

1. **Meaningfully involve government in the design and execution of aid projects:** The government of South Sudan must be engaged in the design of both short-term emergency relief and projects linked to building peace and state capacity. These projects can feed into a comprehensive government strategy that uses aid as an instrument in the state formation process. While the government's capacity is still very weak, the use of governmental structures and donors' focus on building up accountability can allow such systems to develop. Other measures such as direct support to government budgets should also be considered, depending on the demonstrated level of financial accountability.
2. **Finance projects that build on existing capacities at the lower tier of administration:** Part of the problem is that donors approach new environments with projects that have worked in other contexts. However, each context is unique, and the focus should be to understand what works best in particular contexts and tailor efforts appropriately.³⁹ Local tiers of administration should be encouraged to build on existing capacities to deliver services. The problem of persistent implementation failure is unlikely to go away anytime soon, so new strategies for effectively delivering services to the people will be needed. Communities and lower tiers of governance can propose projects to be funded by donors that build on existing capacities and provide latitude for innovation.
3. **Consider direct cash transfers:** In fragile states where accountability is remote, such as South Sudan, direct cash transfers to the targeted population can be effective to empower the poor

and generate growth. Such transfers could be conditioned on some desired social outcomes such as schooling or immunization.⁴⁰ Giving cash to the poor provides them with purchasing power and decision making that can stimulate local production and innovation.⁴¹ This also means less hiring of local and international staff to work in the aid agencies. Clear categories for selecting beneficiaries, as well as the use of biometric identification, will be needed to ensure that the system works soundly.

4. **Raise local salaries to attract talent into the government:** Aid agencies may also consider topping up local government salaries to attract highly skilled diaspora to return home and work in the institutions of the government, especially at the lower tiers. This can be done for three to five years before the returnees are integrated in the existing governmental salary structures. This kind of policy can improve the capacities of governmental institutions and their performance, but may inadvertently fuel the tension between the returnees and those who never left. However, such tensions can be mediated based on how the program is structured. After three to five years in the program, those who may not wish to continue working for the government could be allowed to opt out, but with encouragement to stay in the country. Some may start businesses and perform some of the tasks often contracted out to enormously expensive Western firms. This can create private-sector employment and help generate a middle class. This policy can be implemented in tandem with the direct cash transfers.
5. **Finance public works projects:** Donor resources can be used to create economic opportunities for the youth. Such initiatives can provide employment while reducing tensions that become manifest in violent conflicts.

All such initiatives can be enhanced by investments in monitoring and accounting systems. They

³⁹ Larson, Ajak, and Pritchett, "South Sudan's Capability Trap."

⁴⁰ Paul Glewwe and Ana Lucia Kassouf found that cash transfers led to increased school enrollment rates and improvements in grades. See Paul Glewwe and Ana Lucia Kassouf, "The Impact of the Bolsa Escola/Familia Conditional Cash Transfer Program on Enrollment, Drop Out Rates and Grade Promotion in Brazil," Universidade de São Paulo Working Paper 08_16, September 2008, available at https://ideas.repec.org/p/fea/wpaper/08_16.html.

⁴¹ Andre Loureiro found that cash transfers reduce poverty and crime rates. See Andre Loureiro, "Can Conditional Cash Transfers Reduce Poverty and Crime? Evidence from Brazil," January 2012, available at https://espe.conference-services.net/resources/321/2907/pdf/ESPE2012_0273_paper.pdf. And the Food and Agriculture Organization provides numerous cases where cash transfer programs have led to an increase in local productivity. See Food and Agriculture Organization, "From Protection to Production: The Role of Cash Transfer Programmes in Fostering Broad-Based Economic Development in sub-Saharan Africa," February 11, 2014, available at www.fao.org/fileadmin/user_upload/p2p/Documents/PtoP_short_description_11feb14.pdf.

can all be implemented in tandem with one another since they are complementary. As a new state without a long burden of entrenched, defunct institutions, South Sudan had the opportunity to become a disruptive innovator in approaches to statecraft. Yet this opportunity was wasted. The practices of statecraft adopted by the government and promoted by external donors since the end of the North-South civil war in 2005 have delivered little results. But South Sudan still has the opportunity to advance new approaches by providing a compelling vision of state formation, showing a sustained commitment of investment in its own resources for long-term building of state capabilities, and providing leadership in the application of donor aid to complement these objectives.

State formation cannot be disconnected from the government's acquisition of capabilities to implement

policies and programs. South Sudan has simply mimicked the form of functional institutions without acquiring their functionality. This mimicry produced a mismatch between the expectations on institutions and their long-term capabilities for implementation, leading to unprecedented levels of corruption, violence, and gross inefficiency that came to characterize South Sudan's public institutions, thus paving the way for the country's relapse into the ongoing conflict since December 2013. For South Sudan to return to its focus of state formation, the warring parties need to end the conflict and commit themselves to providing the effective leadership required to build a sustainable state. Without such leadership from the government, humanitarian aid can only produce short-term results, but little else when it comes to building a viable state.

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