Leadership, trust and legitimacy in Southern Sudan's transition after 2005

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1. Why Southern Sudan?

Since the 1990s, leaders and governments in Eritrea, Somaliland, Timor-Leste and the countries of the former Yugoslavia have all faced the challenge of building trust and legitimacy in newly created states (of varying degrees of statehood and recognition) emerging in transitions out of conflict. To these can be added the case of Southern Sudan. After 22 years of civil war – Africa's longest civil war – in 2005 a new, semi-autonomous government was created from scratch to govern the vast, under-developed and was-damaged region of Southern Sudan. The creation of the new government followed the signing in January 2005 of the Comprehensive Peace Agreement (CPA) between Sudan's national government and the Sudan People's Liberation Movement/Army (SPLM/A), the rebel movement which had fought the government since 1983. Under the CPA, the SPLM was to lead the formation of a Government of Southern Sudan (GOSS), which would govern Southern Sudan until a referendum on self-determination for Southern Sudan, which was scheduled for 2011.

In the period after 2005, the SPLM and GOSS faced enormous challenges. These ranged from constituting the government and civil service and making them operational, to rehabilitating, equipping and even building the very buildings in which they would work and govern. Among the challenges facing Southern Sudan's leaders was the challenge too of building trust and legitimacy during a period of transition out of conflict to peace. In concrete terms, this was a transition of a vast, under-developed region, with a population of around 8 million, out of a long and costly civil war.[1] Although Southern Sudan's case was in some ways unique, other states and countries may face a similar challenge in the future, be it as a result of acts of self-determination and secession, or arrangements for regional autonomy at the end of a major civil war. This paper explores what Southern Sudan's leadership did in response to this challenge and what lessons can be drawn from the case.

Background

To assess fairly how Southern Sudan's leadership responded to the challenge of legitimacy and trust, it is appropriate first to consider the background of the SPLM and the context in which it formed GOSS in 2005.

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[1] With an area of about 600,000 square km, Southern Sudan is slightly larger than Kenya and Madagascar, for example. The 2008 census reported Southern Sudan's population to be 8.3m, but the SPLM has rejected this figure, arguing that the real figure is between 11 million and 13 million.

Founded in 1983, the SPLM had led the civil war struggle against successive central governments in Khartoum and the national army, the Sudan Armed Forces (SAF). In periods the SPLM had allied with other political parties or smaller rebel groups, but it had always remained the main rebel movement in the war. Initially southern-based, under the goal of fighting for a 'New Sudan' the SPLM expanded its support base and membership to include people from Northern Sudan and the interests of marginalised regions in the north, in particular the Nuba Mountains, southern Blue Nile and Eastern Sudan. Intermittently the movement faced internal power struggles, notably in 1991 when this led to the formation of two splinter groups and a period of violent in-fighting. Ultimately, though, the movement held together under the overall leadership of John Garang, a former colonel in the SAF who founded the SPLM/A in 1983.

The fortunes of the SPLM fluctuated during the war, depending much on the fluctuating fortunes of the SPLA on the battlefield and the shifts in external support. In April 1994 the movement held its first national convention, in Chukudum, Southern Sudan, which led to the formal separation of the SPLM and the SPLA in late 1995. This encouraged efforts by the SPLM to establish a basic civilian administration in the areas that its troops controlled. Ultimately, though, through to the end of the war in 2005 the SPLM and the SPLA remained closely connected because of their common overall leadership. Throughout, the two principal means for the SPLM to legitimise itself and gain public trust were its role as champion of southern interests and the right to self-determination, and its wider proclaimed goal of a 'New Sudan', meaning a pluralistic, democratic and secular system of governance for Sudan.[2]

The challenges that the SPLM faced during the war were therefore great, ranging from the military and organisational, to questions of leadership and legitimacy. Although it was the largest and most powerful movement to oppose the national government, it was not the only one and it was not unopposed in the south.[3] However, after the conclusion of the CPA in January 2005, the challenges facing the SPLM moved to a new level, and the demands and expectations placed on it – and the government that it formed – were much higher. After 22 years of war, in which tens of thousands had been killed in violence and hundreds of thousands had died prematurely because of displacement and increased morbidity rates, the SPLM needed to show that what it had been fighting for had been worthwhile, that the long-promised better future for Southern Sudan had actually arrived. GOSS and ten subsidiary state governments needed to rapidly establish themselves and develop their legitimacy. An expectant public wanted to see quick-impact projects and peace dividends in Southern Sudan. And, lastly, adding to this tall order, the SPLM and GOSS needed to do all this despite the loss of

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[2] On the history of the SPLM in the war, see Douglas H. Johnson, *The Root Causes of Sudan's Civil Wars* (Oxford: James Currey, 2003).

[3] Opponents of the SPLM included the Southern Sudan Defence Force, the South Sudan Democratic Forum, the Union of Sudan African Parties, and other smaller Southern Sudanese political organisations.

the charismatic leadership of John Garang, following his sudden and unexpected death in a helicopter crash in late July 2005.

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Box 1: The CPA, legitimacy and the SPLM

The CPA was an agreement between the Government of Sudan – in effect, the ruling National Congress Party (NCP) – and the SPLM. The agreement did not directly discuss legitimacy but it had fundamental legitimising effects, as it covered power-sharing and wealth-sharing arrangements for a six-year interim period that began in mid-2005 and was due to run until mid-2011. The agreement mandated and legitimised the formation of the new national Sudanese government, the Government of National Unity (GONU), led by the NCP, and the formation of GOSS, led by the SPLM. Moreover it specified the shares of power in the national and southern executive and legislative bodies that the NCP, the SPLM and other parties were to have. Importantly, for the SPLM and GOSS, the CPA specified that Southern Sudan should receive 50% of net oil revenues arising from oil produced in Southern Sudan, after deductions of overheads, oil companies' shares and a 2% allocation for the states where oil was produced. This meant that from the moment it was formed, GOSS benefited from a large inflow of revenues which were not dependent on taxation or public consent.

Reaction in Sudan to the CPA was mixed. Factions of some parties accepted to join GONU, and the Southern Sudan Democratic Forum, for example, took up some of the small share of positions in GOSS allocated to southern opposition parties. Generally, though, opposition parties were suspicious or critical of the agreement, as they resented the fact that it had been negotiated without their participation. In contrast, the public, especially in Southern Sudan, was more receptive to the agreement. Although the SPLM had opponents and enemies in the south, many Southern Sudanese supported the movement, and still more had wanted the war to end.

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2. *Securing trust and legitimacy*

What, then, did the leadership of the SPLM and GOSS do to build trust and legitimacy? Unsurprisingly they did not think directly about trust and legitimacy, but instead concentrated on the overall goals of establishing themselves in power and implementing the CPA. Strategy and policy were shaped around these goals and the priorities of practical action and results. Nonetheless, this had an important bearing on how the leadership of the SPLM and GOSS did and did not build trust and legitimacy with the public and Southern Sudan as a whole.

Strategy and policy

For the leadership of the SPLM and GOSS there were three overwhelming priorities for action in 2005. Firstly, they needed to establish and put into operation the government itself, 10 state governments for the states of Southern Sudan, and a range of other instruments of state, notably the southern parliament, the South Sudan Legislative Assembly (SSLA), a range of commissions, the civil service and the judiciary.[4] In setting up these institutions, the SPLM and GOSS leadership also needed to try to satisfy power-sharing and tribal representation demands.[5] Secondly, the SPLM leadership needed to ensure that CPA implementation proceeded and was not derailed by the NCP or developments in Khartoum, Darfur or elsewhere. Lastly, the SPLM knew that it needed to reach out to groups that had historically opposed it, and to produce tangible evidence of the benefits of the CPA and peace – 'peace dividends', as they were widely referred to at the time – for the public at large in Southern Sudan and the adjoining areas of Abyei, Blue Nile and South Kordofan.[6]

Measured against these objectives and priorities, the SPLM's achievements were considerable. Following the death of John Garang, the SPLM appointed Salva Kiir Mayardit – until then the SPLA deputy commander-in-chief – as the new SPLM chairman, by virtue of which he also became president of Southern Sudan and first national vice-president. During the remaining months of 2005, President Kiir and the SPLM leadership then proceeded to make appointments for all of the required positions in GOSS and the new institutions, from cabinet minister, junior minister and commissioner, through to state governor, permanent secretary and under-secretary. To some extent the SPLM was careful to allocate positions in ways that would satisfy the demands of different tribal groups for representation in GOSS and the new Southern Sudan Civil Service. Buildings and land were allocated to ministries and authorities, and work began on rehabilitating existing government buildings or building them from scratch. At the same time, the new ministers and officials set about organising and staffing the institutions which they were appointed to run, which sometimes involved managing tensions between old, discredited institutions and new ones, and between personnel of widely varying backgrounds and abilities. Meanwhile a 40-member constitution drafting committee prepared an interim constitution for Southern Sudan, which was signed into law on 5 December 2005, after being approved by the new SSLA and the national Ministry of Justice.

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[4] The SPLM did not issue a public manifesto or policy document setting out its aims for when it entered office in Southern Sudan in 2005. For analysis of changes in the SPLM at the state and local level, see Oystein H. Rolandsen, *From Guerrilla Movement to Political Party: The Restructuring of the Sudan People's Liberation Movement* (Oslo: PRIO, 2007), pp. 9-20.

[5] Under the CPA, the SPLM was entitled to 70% of the seats in GOSS, the National Congress Party 15%, and other southern political forces 15%.

[6] As well as Southern Sudan, the geographical areas covered by the CPA included Abyei (a disputed area on the north-south border) and Blue Nile and South Kordofan (two states within Northern Sudan).

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Box 2: Tribal factors, power-sharing and new institutions

Tribe and ethnicity are contested concepts, and they are often inappropriately used to explain politics. Nonetheless, in Southern Sudan (and Sudan as a whole) Sudanese use the concept of tribe, and tribalism and tribal factors undoubtedly play a role in politics and society. Tribal factors are therefore relevant to answering questions about how the leadership of the SPLM and GOSS built trust and legitimacy. The tribal make-up of Southern Sudan is more diverse than many states or countries (such as, for example, Eritrea, Somaliland and Timor-Leste, or Burundi, Liberia and Sierra Leone). By number and share of population, the largest tribe is the Dinka, followed by the Nuer. After that come many smaller tribal groups, such as the Acholi, Azande, Bari, Chollo (Shilluk), Fula, Madi, Murle and Toposa.[7] The picture is further complicated by the sub-division of tribes into clans which are usually connected with specific areas of land or territory.

Historically, the SPLM/A was often seen as Dinka-led and Dinka-dominated, because John Garang was a Dinka and because the leading ranks of the SPLA were dominated by Dinka. However, the true picture is more nuanced. Indeed, since 2005 other tribal groups have been relatively well-represented in the SPLM's senior echelons. Although Salva Kiir is Dinka, the vice-president of Southern Sudan (and SPLM vice-chairman), Riek Machar, is Nuer. As of 2009, Pagan Amum, a Chollo, is the SPLM secretary-general, having also held other influential positions; James Wani Igga, a Bari, is speaker of the Southern Sudan Legislative Assembly and also an SPLM vice-chairman; and so on.

The CPA made no prescriptions about the sharing of power along tribal lines. Inevitably though, there was and continues to be much public sensitivity about tribal representation and perceived discrimination. The leaders of the SPLM and GOSS therefore needed to pay close attention to this sensitivity when appointing ministers, government officials and members of the first SSLA. The task was complicated by the challenges of forming institutions either from scratch or from the remnants of the two civilian administrations that existed in the south during the war, namely the SPLM's Civil Authority of the New Sudan (a rudimentary system in SPLM/A-controlled areas), and the national government's Southern Sudan Coordination Council and related institutions (which was present in areas controlled by the government's troops). In some cases this involved merging, sacking or taking on staff who had widely different or conflicting backgrounds, and relocating civil servants to towns where they potentially faced some hostility.[8]

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[7] The 2008 census indicated that Dinka make up around 37% of the south's population, Nuer 19%, Azande 6%, and other tribes smaller amounts. These figures are disputed but are indicative of the tribal shares.

[8] For example, GOSS relocated some civil servants who had worked in Juba during the war, notionally for the state government of Western Equatoria, to Yambio, the capital of Western Equatoria, which had been under SPLM/A control and administration during the war.

Nonetheless, there were and are important sources of cohesion and unity in the south, in particular the historical basis for Southern Sudan as a distinct entity, opposition to domination by Northern Sudan, and the shared experience and suffering of the war. In setting up the new government and institutions for the south, the leaders of the SPLM and GOSS therefore tended to stress the need for all southerners to cooperate, whatever their background. In this they were helped by the fact that many southerners had lived and worked on both sides of the conflict and many were aware that cooperation (rather than denunciation) was in the interest of the south.

Overall, the outcome was that in the formation of the new government and administration, no significant crises about tribe and political background occurred. All the same, the leaders of the SPLM have still been accused of ethnic or tribal favouritism.

In parallel with these concrete actions, the SPLM leadership did what it could to ensure that implementation of the CPA continued not only in the south but nationally. This meant negotiating its share of positions in the new Government of National Unity (GONU), and appointing persons to its share of seats in the national assembly and to a number of joint NCP-SPLM bodies created by the CPA to support its implementation.[9] Although these elements of CPA implementation were not immediately visible to the public in Southern Sudan, they contributed to a growing belief that the civil war had ended and a recognition that the SPLM was leading the government of the south. Over the following years, the implementation of the CPA also brought other evidence of change: the Sudan Armed Forces (SAF), the national army, gradually withdrew from the south, and SPLA forces withdrew from Eastern Sudan and returned to the south; growing numbers of southerners living in Northern Sudan and southerners living abroad returned to the south; and despite several large but short-lived outbreaks of fighting, the peace held and there was no return to all-out war.

The survival and implementation of the CPA was therefore a fundamental and on-going means of legitimisation for the leaders of Southern Sudan, even though it was not a complete means. The importance of the CPA was reinforced by the initiation of an annual celebration of the CPA anniversary on 9 January, and the SPLM emphasised the centrality of its relationship with the CPA and peace by instituting other anniversary dates and events. In a small way these helped to bridge the gaps between on the one hand GOSS and the SPLM, and on the other the general public. In 2007 Salva Kiir designated 16 May, the anniversary of the SPLM, as 'National Day' for Southern Sudan, Abyei, Blue Nile and South Kordofan. Also in 2007, President Kiir designated 30 July, the anniversary of Garang's death, as Martyrs Day, to commemorate all those in the SPLM/A who died in the war – though some officials also said that the day commemorated all

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[9] Under the CPA the SPLM was entitled to 28% of the positions in the national executive and 28% of the seats in the national assembly.

those who lost their lives for the people of Southern Sudan. In May 2008 the SPLM held its second ever national convention, at which it also celebrated the 25th anniversary of the movement. Although held in Juba, the SPLM used the convention to reinforce its claim to be a national party, rather than just a southern party. To reflect this, the slogan for the convention was 'No to war, yes to New Sudan' – a reference to the SPLM's long-standing aim of creating a New Sudan. Most strikingly, though, out of the total of 1,587 delegates who attended the convention, more than a third came from Northern Sudan – 444 from the SPLM's Northern Sudan "sector", and 126 from the Blue Nile and the Nuba Mountains sector which also lies in the north. Speaking at the convention, President Kiir emphasised that the 'New Sudan' goal remained intact and that the SPLM must show that it was 'above all a party for the marginalized people' of Sudan.[10]

To separatist-minded Southern Sudanese, the prioritisation of this goal was controversial, as 'New Sudan' strictly meant maintaining the unity of Sudan, rather than prioritising the secession of the south. But GOSS and the SPLM did not insistently advocate national unity, but instead repeatedly emphasised their commitment to upholding Southern Sudan's right to self-determination. Communication of such messages and goals was helped by the decision at the 2007 convention the SPLM to establish a department of communication to improve communications between the SPLM centre and its regional and overseas 'chapters'. This communications department was separate from the activities of the GOSS Ministry of Information and Broadcasting.

Lastly, being well aware that the SPLM faced opposition within the south, SPLM leaders sought to reconcile with the Southern Sudan Defence Forces (SSDF), the largest political and armed opposition group in the south. These efforts culminated successfully in an agreement in January 2006 known as the Juba Declaration, which provided for the top SSDF leaders to be appointed to positions in the SPLA and GOSS, and for SSDF soldiers to be integrated into the ranks of the SPLA or demobilised. This merger helped the SPLM to build trust with Nuer and Equatorian sections of Southern Sudan's diverse population and polity with which it had long had a troubled relationship.[11]

Positive though these various measures were in building trust and legitimacy for the SPLM, there were also significant shortcomings and failures. These became more apparent as time went on and the novelty of the SPLM in government turned into a normality.

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[10] SPLM, 'Opening Statement by the Chairman of the SPLM, General Salva Kiir Mayardit', Juba, May 2008, p. 29 and *passim*.

[11] John Young, *The South Sudan Defence Forces in the Wake of the Juba Declaration* (Geneva: Small Arms Survey, 2006), pp. 13-19.

Box 3: GOSS, the SPLM and women

Broadly, the leadership of GOSS and the SPLM have taken a positive approach to the representation and interests of women. The Interim Constitution for Southern Sudan set a quota of at least 25% representation for women in the legislative and executive organs of Southern Sudan. The SPLM created a ministry of women's affairs and developed its own secretariat for women's affairs. And from 2005 onwards, the SPLM appointed a number of women to senior positions in GOSS. Notable appointments include: Rebecca Nyandeng de Mabior (the widow of John Garang) who was appointed a minister and then an advisor to the president; Angelina Teny, minister of industry and mining (now a junior minister in the national government); Ann Itto, SPLM deputy-secretary general; and women as minister of environment and wildlife, minister of gender, social welfare and religious affairs, and chair of the anti-corruption and human rights commissions

Collectively, these actions have made some contribution to building or maintaining legitimacy. However the impact has not been transformative, or at least not yet. So far the appointment of women to public positions has fallen well short of the 25% target, because of resistance to appointing women, and wider social factors that disadvantage women. Furthermore, the progress in building women's participation in and support for government has more generally been outweighed by other factors working in favour of or against public trust in GOSS and the SPLM.

Shortcomings and failures

The greatest opportunity missed by the SPLM after it came to power in 2005 was to have done more to heal divisions within the south about the past, and so unified the south more for the future. In the latter stages of the CPA peace process, public expectation had grown that the SPLM would instigate a 'South-South dialogue' to promote inter-communal reconciliation and peace within Southern Sudan. But expectations were disappointed.

It was true that GOSS established a Southern Sudan Peace Commission in June 2006, and eventually this commission did play a small but constructive role. For example, in April 2009 the commission formed two committees to resolve inter-tribal fighting between Murle and Lou-Nuer in Akobo County, Jonglei State. However there was no general reconciliation process for the south and no South-South Dialogue, with the exception of the 2006 Juba Declaration.[12] This was a failure, given the very wide spectrum of people and groups with a stake in the future of

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[12] As one report in 2008 judged, the CPA had helped to bring southerners together but more needed to be done to build unity; the report recommended a revitalisation of south-south dialogue efforts and the development of a plan to mitigate the negative impact of tribalism. See Traci D. Cook, *Inter-Governmental Relations in Southern Sudan* (Washington DC: National Democratic Institute for International Affairs, 2008), p. 6 and pp 89-90.

Southern Sudan, including political organisations, tribal and civil society groups, women, youth and marginalised groups. Moreover, despite efforts by the SPLM leadership to make GOSS representative, it was still criticised for not being adequately inclusive.[13] Why the SPLM leadership did not more actively promote reconciliation was the result of two factors. At root, the SPLM feared that a genuine and open reconciliation process might open the way to challenges to its authority. Moreover, quite simply, the leaders of the SPLM had other priorities and preoccupations, above all the establishment of GOSS and the management of the large inflows of revenues that soon began.

The failure to promote reconciliation and dialogue was compounded by sporadic and heavy-handed disarmament campaigns, for example in Jonglei State in 2006. Led by the SPLA, these campaigns aimed to collect small arms and light weapons from civilians and former militias by coercion or persuasion. The first such campaign between January and May 2006 backfired, leading to fighting between the SPLA and remnants of the SSDF and associated groups that opposed the SPLA, and the loss of an estimated 1,600 lives.[14] Chastened by this, in the second half of 2008 the SPLA launched a more cautious disarmament campaign which made little impact. Meanwhile it was only in late 2008 that GOSS established a Bureau for Community Security and Small Arms Control, after belatedly recognising that army-led disarmament campaigns were an inadequate approach for improving local security and building public trust. However, by then the situation was worse than it had been when GOSS was formed in 2005. Despite being in power for more than three years, trust in the SPLM had not grown, and inter-tribal clashes risked becoming more frequent and severe, as was seen in 2009. The underlying reasons why GOSS and the SPLM did not do more about disarmament and arms control during these years were that the priorities of the CPA and government-formation lay elsewhere, and that disarmament and arms control were intrinsically very difficult in the context of continuing violence and insecurity, at different levels, and a risk of renewed war if the CPA collapsed.[15]

The second largest failure of the leaders of the SPLM and GOSS was the failure to do more to prevent and tackle the growth of corruption. GOSS found itself in the position of very suddenly receiving revenues and having a budget that was far greater than its leaders had ever been responsible for before. For the second half of 2005, GOSS had a budget of US$193m, some of which was carried over into 2006. Subsequent annual spending was around US$1.3bn in 2006, US$1.5bn in 2007, and US$2.5bn in 2008.[16] Oil revenues accounted for around 98% of these budgets, meaning that GOSS did not depend on taxation at all, nor even did it depend on how it managed the oil producing areas and oil sales and exports, as oil revenues were automatically

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[13] UNMIS, *The CPA Monitor: Monthly Report on the Implementation of the CPA* (Khartoum: UNMIS, 2005), para. 29.

[14] John Young, *Anatomy of Civilian Disarmament in Jonglei State* (Geneva: Small Arms Survey, 2007), p. 4.

[15] Richard Barltrop, *The Negotiation of Security Issues in Sudan's Comprehensive Peace Agreement* (Geneva: Centre for Humanitarian Dialogue, 2008), p. 32 and pp. 38-39.

[16] Figures for oil revenues drawn from Economist Intelligence Unit, *Country Report, Sudan* (London: EIU, 2006-2009).

transferred to it by the national ministry of energy and ministry of finance in Khartoum. In per capita terms, GOSS therefore had a larger budget than much longer established governments in other developing countries.[17]

Systems for managing public finances and procurement were set up, with international technical assistance, and a Southern Sudan Anti-Corruption Commission was established. However the commission failed to make any prosecutions, because of a combination of internal and external reasons including the fact that an anti-corruption law was not passed until 2007. This was despite several prominent cases of alleged corruption coming to light, including one which led to the suspension of the GOSS minister of finance and other cases in which ministers were alleged to have been involved in corruption. Meanwhile, the Southern Sudan Audit Chamber was only established in 2007, and the auditor general was dismissed in February 2008. By late 2009, the Audit Chamber had still not published any audit reports on GOSS accounts, which added to suspicions that influential people did not want audited accounts to be published.[18] Why the leaders of GOSS and the SPLM did not do more to tackle corruption is not a mystery. As with the other shortcomings and failures discussed above, they had other priorities and apparently believed that they could afford not to tackle corruption. Furthermore, it is likely that the rapid influx and spending of so much money with so few controls implicated many officials and other people. However, the apparent growth of corruption and the opacity of government accounts undermined public confidence in the SPLM and GOSS.

The third largest failure of the leaders of the SPLM and GOSS was the failure to produce more tangible 'peace dividends' of a sort that would impress more of the public. It was true that the economy in Southern Sudan improved, especially in the southern capital, Juba, and other main towns (such as Malakal, Torit, Wau, Yambio and Yei): thanks to oil revenues, GOSS had more income to spend than any previous governing authorities in Southern Sudan; thanks to the end of the war, trade within the south and with neighbouring countries increased; and the south saw a steady influx of returning Southern Sudanese and aid organisations and workers, bringing with them money and skills. But this was less than many Southern Sudanese expected, especially as time went on and oil revenues and budgets increased sharply. Localised improvements in infrastructure were visible or known – such as the rehabilitation of public buildings and the demining of some roads. But no major projects started, such as building dams, bridges over the Nile, or long-distance paved roads between the south, its neighbours

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[17] Exact comparisons are difficult, because of differences in budget practices and population estimates. But it was at least true in 2008, when GOSS's actual spending was around US$300 per capita, compared with around US$220/capita in Kenya and US$70/capita in Ethiopia.

[18] Global Witness, *Fuelling Mistrust: The Need for Transparency in Sudan's Oil Industry* (London: Global Witness, 2009), p. 47.

and the north.[19] This failure was essentially because Southern Sudan's leaders underestimated how much effort they needed to invest in this area, if major infrastructure projects were to materialise, and they underestimated the obstacles facing Sudanese or foreign firms considering undertaking such projects. All the same, the lack of major infrastructure developments led people to ask what GOSS and the SPLM had done with all the oil revenues, and further stoked rumours about corruption and waste.

These shortcomings and failures had their greatest impact on the relationship between the SPLM and the public: as time passed, public confidence in the SPLM did not increase, but instead weakened. Criticism of the SPLM and its leaders grew, and the party struggled to answer this. Without the democratic legitimisation of elections (and with elections postponed from 2009 to 2010), the party depended too much on patronage and the legitimising legacy of the civil war, and not enough on the evidence of what it had achieved during the peace. For many Southern Sudanese – especially in rural areas – life remained little-changed unless the extended family had benefited from direct or indirect patronage or employment in GOSS, the SPLM or the SPLA. For some, livelihoods and access to land and natural resources continued to be secured by traditional means or force, and cattle-raiding and inter-tribal clashes continued to recur.

Contrasts

It is instructive – and only fair – to compare the case of the SPLM with other cases of former rebel movements and new governments in states emerging out of conflict, where the states in question are also *new* creations.[20] One case which invites comparison is that of the Eritrean People's Liberation Front (EPLF) and the formation of Eritrea in 1993, after a referendum on secession from Ethiopia was held following the end of Ethiopia's long civil war. In this case the strength of the EPLF during the war became a liability in the subsequent peace, as in some respects the EPLF's 'obsession with discipline and unity' ended up permeating its approach to politics and the management of the state.[21] As part of its intended transformation from rebel movement to ruling party, in 1994 the EPLF renamed itself the People's Front for Democracy and Justice (PFDJ), but this did not lead to an increase in the party's popular legitimacy and public trust. Former EPLF fighters were favoured in the government and civil service,

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[19] In October 2009 GOSS announced a plan to build an oil refinery which would provide a basis for Southern Sudan to store and export oil. However even this plan is sketchy and is unlikely to materialise before 2011. EIU, *Country Report, Sudan* (London: EIU, October 2009), p. 14.

[20] For brief reflections on the transformational challenges facing guerrilla movements making the transition to civilian, governing parties in other types of post-conflict transition (such as Aceh, Colombia, Nepal and Northern Ireland), see Veronique Dudouet, *From War to Politics: Resistance/Liberation Movements in Transition* (Berlin: Berghof Research Center, 2009), pp. 38-40.

[21] Richard Reid, 'Traumatic Transitions: Open Season on the Eritrean State', in *African Affairs*, vol. 105, no. 421 (2006), p. 638.

contributing to the politicisation of the civil service.[22] Strikingly, between 1993 and the early 2000s, in less than a decade, the EPLF/PFDJ went from having much favour and support among Eritreans and internationally, to being widely distrusted and feared as the leaders of a harsh, authoritarian government.[23]

Timor-Leste provides a different contrast to Southern Sudan. After a referendum in 1999 on independence, an international intervention force and then a combined UN peacekeeping force and administrative mission shepherded the territory through a short transition to independence in 2002. In this case, the country's nascent leadership and government struggled to legitimise itself with the Timor-Leste people and to avoid being seen as only an extension of the international administration. This occurred partly because the international process of transferring power to the political parties of Timor-Leste tended to underestimate the importance of legitimacy and the extent to which the new Timor-Leste institutions could only 'make sense in interaction with their social context.'[24] Understandably, the conclusion could be drawn that more should have been done to develop 'mutual recognition and working links between government and customary governance mechanisms', which would help to legitimise the government and build public trust in it.[25]

The role of oil and oil revenues in Timor-Leste has some similarity with Southern Sudan, though it has not been as rapid and severe. Since 1999 Timor-Leste has seen a dramatic rise in oil revenues, which has been accompanied by a rise in corruption and criticisms of the government for not doing more to rebuild or develop the country. In 2005 the government established a 'Petroleum Fund', which was meant to conserve oil revenues and comply with the Extractive Industries Transparency Initiative. Oil revenues have risen from only US$90m in 2004 to enough to bring the Petroleum Fund balance to more than US$1bn in 2009.[26] As in Southern Sudan, these revenues have overwhelmingly been the government's main source of income, and they have accrued to the government passively, like a rent or royalty, and an archetypal 'resource curse'.

Another contrasting example is the case of Somaliland after 1991, when it unilaterally declared independence from Somalia. In the years immediately after this, the new Somaliland government maintained enough trust and legitimacy with the public for Somaliland to hold

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[22] Mussie Teclemichael Tessema and Joseph L. Soeters, 'Practices and Challenges of Converting Former Fighters into Civil Servants: The Case of Eritrea', in *Public Administration and Development*, vol. 26 (2006).

[23] Kidane Mengisteab and Okbazghi Yohannes, *Anatomy of an African Tragedy: Political, Economic and Foreign Policy Crisis in Post-Independence Eritrea* (Trenton: Red Sea Press, 2007).

[24] M. Anne Brown, 'Security, Development and the Nation-Building Agenda: East Timor', in *Conflict, Security and Development*, vol. 9, no. 2 (2009), p. 162.

[25] Ibid., p. 161

[26] The Timor Leste budget for 2009 was US$681m, of which US$589m was drawn from the Petroleum Fund, and US$91m from non-oil revenues. Economist Intelligence Unit, *Country Report, Timor-Leste* (London: EIU, 2009).

together as it struggled to gain international recognition. Arguably, certain Somali cultural norms (such as the forgetting of grievances, and consensus building rather than voting) played a role in helping the government to take root.[27] However, as the years passed, the legitimacy that the government drew from the fact of independence in 1993 dwindled and was overshadowed by its failure to cultivate more legitimacy and trust through governing well and being democratically accountable. By 2009, delays to elections and clampdowns on press freedoms had become a point of persistent public criticism of the government. Nonetheless, the erosion of public confidence in Somaliland's formal leadership was slowed by the fact that over the sixteen years from 1993 to the present elections were at least held, there were changes of president, and, significantly, national unity remained a rallying point which Somaliland's leaders could invoke.

The examples of Eritrea, Somaliland and Timor-Leste show how, as in Southern Sudan, legitimacy and trust are important issues facing the leadership of a country or state transitioning out of conflict. They also show how problems of leadership and trust can manifest themselves differently, and how they can have varying causes and, by extension, varying solutions. The countries of the former Yugoslavia provide other contrasting examples of the challenges of legitimacy and trust for leaders and governments. In their case, the large international engagement (in terms of money and people), the context of the neighbouring European Union, and the histories of the countries, made their trajectories and the challenges of legitimacy and trust quite different from those of Eritrea, Somaliland, Timor-Leste and Southern Sudan.[28]

Comparing the latter countries, though, some differences and similarities are striking. For example, the new government of Southern Sudan was relatively well off, thanks to oil revenues (though not as wealthy as the new governments in the former Yugoslavia), meaning in principle that resources should not have been more of a handicap than in Eritrea, Somaliland and Timor-Leste. On the other hand, the SPLM and GOSS took control of a larger and more populous entity, under the terms of a peace agreement that might not survive. Nonetheless, Southern Sudan was not unique in facing an uncertain future as a state or a country, and a future which contained a real possibility of a return to civil war.

3. Lessons and conclusions

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[27] Michael Walls, 'The Emergence of a Somali State: Building Peace from Civil War in Somaliland', in *African Affairs*, vol. 108 (2009), pp. 385-89.
[28] For example, the countries of the former Yugoslavia gained rapid international recognition and, in the EU, had an additional legitimising framework, far more influential for the new countries' governments than was the African Union for Somaliland and the Organisation of African Unity for Eritrea.

What, then, are the key lessons and conclusions that should be drawn about leadership, trust and legitimacy in the case of Southern Sudan after 2005? Evidently, for the SPLM and GOSS, one overall conclusion ought to be that successes which indirectly build trust and legitimacy are not an adequate substitute for directly tackling the legitimacy and trust deficit. The successes of the SPLM and GOSS at building institutions, implementing the CPA and associating the SPLM with it, and their partial success at reconciling with southern opponents (the SSDF), helped to build legitimacy and trust for the SPLM and GOSS. But they were simultaneously undermined by the failures to promote reconciliation more comprehensively, to act more effectively against corruption, and to ensure that more tangible peace dividends (such as physical infrastructure) were created. Within this conclusion lie other general and specific lessons. In particular, the leaders of the SPLM and GOSS ought not to have taken legitimacy and trust for granted, and they ought to have been more alert to public expectations and the possibility for trust and legitimacy to be eroded by what the SPLM and GOSS failed to do.

These lessons and conclusions are relevant to the SPLM, GOSS and Southern Sudan as they try to manage the uncertainties of the coming years, which include the prospects of elections in 2010, the referendum due in 2011, and continuing insecurity and outbreaks of fighting. As of 2009, GOSS and the SPLM preside over a Southern Sudan which has seen major changes since the end of the civil war: although the achievements have not been as great as people hoped, the economy has grown, people have been able to return to the south and to their homes, and a comprehensive system of governance for the region has been set up. The elections will be the first formal test of popular support in Southern Sudan for the SPLM and the leaders of GOSS. The referendum and its aftermath will be a larger test of the SPLM and GOSS's success in leading and creating a coherent and viable future for Southern Sudan, whether as part of a united Sudan or as an independent country.

> **Box 4: Key leadership successes and failures**
> The key successes of the leaders of GOSS and the SPLM in building trust and legitimacy were:
> - Establishing and putting into operation the institutions of a new system of government and public administration for all of Southern Sudan;
> - Keeping the CPA alive and defending the interests of Southern Sudan within the agreement; and
> - Integrating the SSDF, the largest armed opposition group in the south.
>
> The key failures were:
> - Not doing more to heal divisions within the south and promote inter-communal reconciliation;
> - Not acting effectively to stem growing corruption and build public confidence in the government's fiscal management; and
> - Not leading a consistent strategy to produce major tangible peace dividends and infrastructural improvements.

If generalised, the lessons and conclusions from Southern Sudan are also relevant to a wider audience: as sure as the future is unpredictable, there will in the future be other cases of new leaders, governments and institutions trying to build trust and legitimacy in states or countries emerging out of conflict. As Southern Sudan shows, to gain trust and legitimacy in such situations the leadership should ideally have a clear strategy and a good approach to public communication, and it should hold itself to the highest standards. By doing so it has more chance of preventing public doubts growing about the leadership and the government. Furthermore, leaders need to nurture their ability to inspire and to bridge divisions in the population and society, if they are to bring parties to address past grievances and to reconcile. As Southern Sudan shows, reconciling with only one enemy does not make it unnecessary to reconcile with others.

Beyond these important lessons Southern Sudan reminds us of one other fundamental lesson about how leaders can earn trust and legitimacy in a country that is emerging from conflict. This, quite simply, is that leaders must take nothing for granted. Whether the new leadership of a state or country is a long-standing or a newly-created political party, a victorious liberation movement or a coalition of disparate groups, it should remember that trust and legitimacy are earned with difficulty but lost with ease. Therefore it should actively seek to hear public expectations – and it should constructively respond to them.

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