# 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.

**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.

## 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).

**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