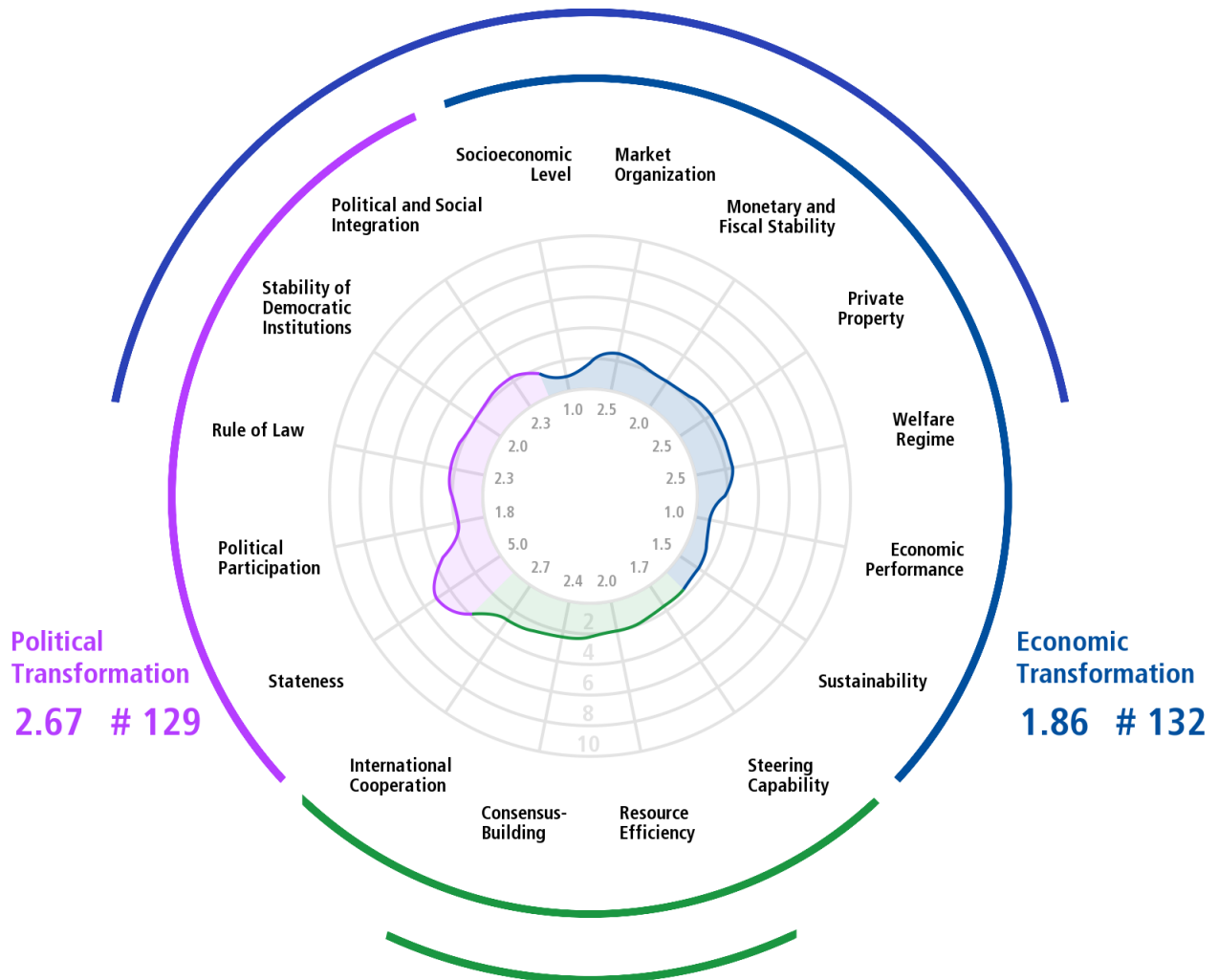


South Sudan

Status Index

2.26 # 131

on 1-10 scale out of 137



Governance Index

2.15 # 130

on 1-10 scale out of 137

This report is part of the **Bertelsmann Stiftung's Transformation Index (BTI) 2020**. It covers the period from February 1, 2017 to January 31, 2019. The BTI assesses the transformation toward democracy and a market economy as well as the quality of governance in 137 countries. More on the BTI at <https://www.bti-project.org>.

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Key Indicators

Population	M	11.0	HDI	0.413	GDP p.c., PPP \$	-
Pop. growth ¹	% p.a.	0.6	HDI rank of 189	186	Gini Index	46.3
Life expectancy	years	57.4	UN Education Index	0.301	Poverty ³	% 64.8
Urban population	%	19.6	Gender inequality ²	-	Aid per capita \$	200.1

Sources (as of December 2019): The World Bank, World Development Indicators 2019 | UNDP, Human Development Report 2019. Footnotes: (1) Average annual growth rate. (2) Gender Inequality Index (GII). (3) Percentage of population living on less than \$3.20 a day at 2011 international prices.

Executive Summary

South Sudan has endured a fifth year of civil war. In December 2013, longstanding political tensions between President Salva Kiir Mayardit and former First Vice President Riek Machar erupted into widespread violence, which led to Machar's fleeing the country. The Intergovernmental Authority on Development (IGAD) mediated between the parties, which resulted in the signing of the Agreement to Resolve the Conflict in the Republic of South Sudan (ARCSS) in August 2015. In April 2016, Machar returned to Juba and participated in the formation of the Transitional Government of National Unity (TGNU) as stated in the treaty. In July 2016, three months after the agreement took effect, violence broke out again and led to another two years of fighting. IGAD once again started a mediation process. First, Ethiopia led IGAD's mediation efforts, but later the negotiations were handed over to Sudan. Lately, Khartoum found common ground with President Kiir and facilitated an arrangement similar to that of 2015, which favors the government. In addition to the Ugandan Army, which has been there since 2015, now Sudanese forces operate on South Sudanese soil, primarily tasked with protecting the oil production vital to both states. The presence of both Ugandan and Sudanese forces in South Sudan seriously violates the integrity of the state and threatens the peace process. Regional actors put heavy pressure on the conflict parties, which ultimately agreed to a new Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS) in September 2018. The splintering of several opposition forces in the aftermath of the new peace deal could hamper the peace process. As the 2015 peace agreement did not last long and the situation did not change much, the international community is very skeptical that the agreement will last. The government clearly shows that it distrusts the international community and does not want any political interference. At the same time, it acts as if the international community should provide financial support. Prior to the 2018 agreement, as a result of the repeatedly broken peace deals, some international partners were close to canceling all support for South Sudan, while others stated that there will be no lasting peace with the current generation of political leaders. The United Nations estimates that, by the end of 2018, the civil war had caused two million people to be internally displaced, with another

2.3 million as refugees in neighboring countries and 7.1 million in need of humanitarian assistance. According to a new report by the London School of Hygiene and Tropical Medicine, 383,000 people died in the civil war before April 2018. The U.N. Development Program ranks South Sudan at 187 out of 189 states in its Human Development Index. Only an estimated 25% of population have access to primary health care. The rule of law is not guaranteed. A mixture of political, economic and military power makes it nearly impossible to investigate corruption and prosecute powerful actors. Prospects for peace are uncertain, as South Sudan's government has shown reluctance to end fighting or to prioritize the needs of its citizens. As a result, the level of socioeconomic development in South Sudan is extremely low and among the lowest in the world.

History and Characteristics of Transformation

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

From its creation as the political wing of SPLA in 1983, Sudan People's Liberation Movement (SPLM) claimed to be a transformative movement that aimed to promote democratic principles and the rule of law, and the formation of a non-discriminative "New Sudan." But from the start of the interim period in 2005, it became evident that the wartime framing of democracy was merely a strategy to win the war. At the beginning of the interim period, for example, SPLM claimed to have changed from a rebel movement to a political party based on democratic principles. However, SPLM's leadership continued to be dominated by generals within the national army (SPLA). At the same time, the executive branch of the government (cabinet ministers, state governors and county commissioner) was dominated by the military, which is led by members of the executive branch appointed by the president, who was also SPLM party chairman. On the other hand, members of the National Legislative Assembly consisted of SPLM members appointed by the president at the start of the interim period. Because of the ethnic targeting of civilians after the outbreak of violence in December 2013 and July 2016, a large proportion of members of parliament either abandoned their positions to join the rebellion, sought for protection from the

United Nations' Mission in South Sudan (UNMISS), or fled to neighboring countries. In response, the president replaced appointed new members who would be loyal to his government and came mainly from the Dinka ethnic group. The mix between the executive, legislative and army has made it increasingly difficult to distinguish between the roles of the three institutions. SPLA generals use their military positions to advance SPLM's interests and intimidate opposition in the National Legislative Assembly. As the executive is also dominated by the army, members have used their military positions to push for a constitution that gives the executive powers to dismiss elected officials. This has also given the executive (the president, state governors and county commissioners) the power to rule by decrees, often bypassing elected legislatures.

Shortly after independence, the government passed several controversial bills that restricted the political space for the emergence of new political parties. The Political Party Act includes several conditions that can rarely be met by an emerging political party. The limited political space was exacerbated by the National Security Bill passed in March 2015, which prohibits freedom of assembly and expression without the consent of the Ministry of National Security, which is also dominated by SPLM/A.

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

Transformation Status

I. Political Transformation

1 | Stateness

As of January 2019, the monopoly on force by the South Sudanese state is contested in multiple ways and government control exists only in small parts of the country.

First, large parts of the country cannot be accessed by government forces or officials due to a lack of infrastructure. This is especially true in the rainy season (May-October). Even before the start of the South Sudanese civil war in December 2013, the establishment of a monopoly on the use of force in every part of the country was challenging.

Second, as a result of the civil war, the SPLA as the dominant armed actor in South Sudan is split into factions with (former) army units fighting each other, with the support of other armed actors. Political and military power are interlinked and many political parties are connected to an armed group or have an armed wing.

Third, notwithstanding the major conflict on the nation level, the monopoly of force is contested by multiple smaller armed groups, such as militias and self-defense groups connected to clans or villages, which are in general not parties to the civil war on the national level.

Fourth, armed forces from the neighboring countries of Uganda and Sudan operate in South Sudanese territory in order to protect their security and resource sector interests and to back the Kiir government against the armed opposition.

Fifth, although their mission is to support the state and help to restore peace and security in South Sudan, the presence of a 12,500-strong United Nations Mission in South Sudan (UNMISS) is in itself a symbol of the non-existence of a clear monopoly on the use of force by the South Sudanese state.

The limited monopoly on the use of force is also revealed by rumors about Al-Shabaab's smuggling activities in southern parts of South Sudan. The splintering of several opposition forces in the aftermath of the Revitalized Agreement on the

Question
Score

Monopoly on the
use of force

3

'06 _____ '20 10



1

Resolution of the Conflict in South Sudan (R-ARCSS) of September 2018 will undermine the monopoly of force by the state further.

In sum, the state is not able to protect the civilian population. On the contrary, the national police, government forces, as well as other armed actors linked with the government, are perpetrators of large-scale human rights violations.

The concept of the nation state and the creation of South Sudan enjoys high support in general, as the war for independence against the Sudanese regime resulted in independence. An overwhelming majority (98.3%) of the people of South Sudan voted for an independent state in 2010. However, since the establishment of the new state could not satisfy the hopes and needs of the population, the state has lost legitimacy among large parts of the population.

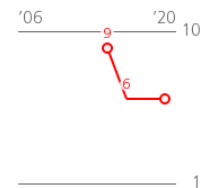
For decades, the common fight against the enemy in northern Sudan masked most of the internal cleavages and ethnic tensions between different groups. However, since independence, the northern factor's unifying effect in South Sudan has diminished. Consequently, South Sudanese society is faced with the challenge of coming up with a new sense of national identity. The current use of ethnicity has resulted in undesired outcomes, including the ongoing civil war. As the key political adversaries are of different ethnic origins, Kiir (Dinka) and Machar (Nuer), this fosters social disintegration and provides a political and cultural cover for individual rivalry.

A political process needs to address not only the dominant conflict within the government, but also the numerous inter-group conflicts at the local level. As of January 2019, there is no sign that key political actors will be able to accomplish this any time soon. However, there is no sign of separation tendencies or other policies that would threaten the concept of the nation state as such.

South Sudan is a secular state de jure and de facto. The current transitional constitution of 2011 guarantees the separation of religion and politics in Article 8. The country is predominantly Christian, with particularly large Catholic and Anglican congregations. Most towns have Muslim minorities, while further north toward the border with Sudan, Islam is more widely practiced. In addition to Islam and Christianity, a large proportion of South Sudanese practice traditional religions. The separation of religion and state originates from the war against Northern Sudan, which was premised on the imposition of Islam and Islamic law on non-Muslims. This prevents religion from becoming a contentious political issue, at least for the moment. Churches and faith-based organizations played an important role during the war. They not only provided emergency relief, education and health services to (displaced) people, but also facilitated reconciliation processes between communities and at the national level. Religious leaders today play important roles at the local level. It is unlikely that religion will acquire a political dimension, as it did during the north-south civil war.

State identity

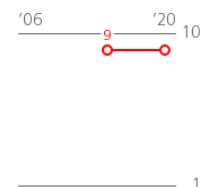
6



1

No interference of religious dogmas

9



1

The constitution of South Sudan stipulates an administrative structure based on a decentralized system of governance. The country inherited 10 states from Sudan following the constitution, which were subdivided into counties, payams and bomas (bomas are the smallest administrative unit). In October 2015, President Salva Kiir increased the number of the states to 28 and again to 32 in January 2017. These changes were first introduced as presidential orders and only after protests as regular laws. There are serious doubts these fundamental changes are legal. The increase in the number of states also implies an increase in the overall number of the counties, payams and bomas. Following independence, there were 86 counties. The president claims the recent increase in the number of the states is an act to enhance service provision to rural communities and increase rural communities' participation in national policy-making and decision-taking. In practice, the creation of these territories is most likely a strategy by the ruling party to create political offices and extend its control over these territories.

According to an opinion poll in November 2018, 75% of respondents opposed the decision to create 32 states. Based on the constitution and the new law, each state should establish its own state legislation and government, which is itself an absurd step in a country with less than 12 million inhabitants. In addition, the regional forum, IGAD, calls the creating of the new states a violation of the 2015 peace deal.

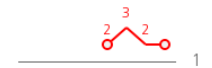
Beside this national power play and the effects of civil war, the country's territorial administration lacks capacities and skilled personnel. Local administrations are mostly unable to implement government decisions and provide services to the population. Similarly, the administration is not able to collect taxes and dues in rural areas on a regular basis, which could finance public services. Most South Sudanese have no regular access to a state-based judiciary, as courts if operative are usually only in cities, far away and expensive. Hence, traditional forms of conflict resolution persist. In December 2018, the United Nations Mission in South Sudan started a mobile court to address this issue, but it seems that this court is under U.N. command and does not provide support to South Sudanese institutions.

Due to the civil war and the security situation, several international aid providers downscaled their activities or had to withdraw from the country altogether, leaving a gap in the provision of services to the population. In addition, the lack of government transparency regarding the implementation of projects funded by international donors has resulted in the reduction of project funds given directly to the government. Collectively, this has led to a near-to-complete breakdown in basic administration and service delivery across many parts of South Sudan, and especially rural areas and those directly affected by the civil war. As a result, as many as 75% of the population suffer from famine and malnutrition.

Basic
administration

2

'06 _____ '20 10

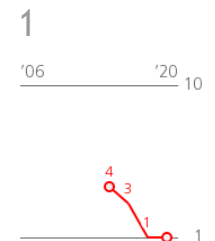


2 | Political Participation

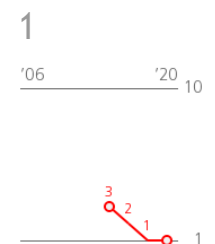
Since the formation of South Sudan as an independent state, it has never had any elections, with the government claiming legitimacy based on elections of 2010, before the referendum that led to independence. The first national elections in South Sudan were to be held in 2015. As part of the peace deals of 2015 and 2018, regular elections were postponed multiple times. This is cementing the dominant position of President Kiir and freezing the power relations between the SPLM and Vice President Riek Machar's SPLM-IO. The South Sudan parliament, with the large SPLM majority, voted in April 2015 to amend the transitional constitution of 2011 to extend the presidential and parliamentary terms until July 9, 2018. The elections were postponed again to 2021 in July 2018. The SPLM is the dominant political power and relevant opposition is only formed by splinter groups of the SPLM, which are a mixture of political and armed groups. It seems unlikely that civilian political parties not related to an armed actor could have a realistic chance in future elections.

Since the Comprehensive Peace Agreement (CPA) peace process leading to South Sudan's independence and intensified since the outbreak of the civil war in 2013, the state is structured by a mélange of political and military power. Nearly all important political actors have a military background and many of them share a common history, which creates strong political networks, as well as rivalry. In principle, the constitution of South Sudan creates a democratic and relatively balanced system of governance; however, during the still-not-ended 'transition period,' the president has enormous political authority, which violates basic principles such as the separation of powers. These powers, combined with full SPLM control over the parliament and loyalty relationships to the president or Riek Machar and their forces, undermine the effective power of democratically elected political representatives. President Kiir used his powers multiple times to replace governors and even members of parliament at the national and the state level. The biggest reshuffle of state representatives by the president happened in line with increasing the number states in October 2015 to 28 and again to 32 in January 2017. Despite its formal dominance, as the conflict is still ongoing, the government has no control in many parts of the country. Outside of Juba, there are plenty of regions where spoilers undermine policy-making and the implementation of government decisions.

Free and fair elections



Effective power to govern

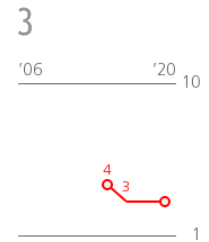


The constitution of South Sudan guarantees freedom of association and assembly in Article 25; however, due to the unstable security situation in large parts of the country, the exercise of such liberties is threatened by both state and non-state actors. The government introduced a National Security Bill (NSB) in 2015, which was passed by the legislative assembly in March 2015. Violating constitutional rights, the bill considers the association of citizens, which includes private meetings, without prior approval from national security services illegal and punishable by the state. Amnesty International, Human Rights Watch, as well as other NGOs, criticized these regulations as a violation of the constitution and international law. Especially the insufficient oversight over security forces by the judiciary and the high likelihood of abuse of power was criticized. The NSB has presented a further obstacle to political parties and civil society groups critical of the government. It therefore consolidated national security forces' well-established practice of intimidation of political opponents and critics.

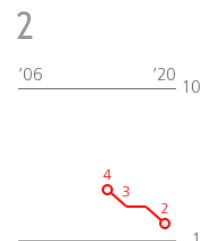
As part of the Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS) of September 2018, the reconstituted National Constitution and Amendment Committee (NCAC) has the mission of revising the National Security Service Act, as well as other relevant laws, and to draft new legislation in accordance with the revitalized peace agreement. Whether this process will change oversight over security services in a relevant way is unclear.

While de jure the 2011 Transitional Constitution of South Sudan guarantees the right to freedom of expression in Article 24, de facto both the legal framework as well as government practice inhibits its exercise of these rights. The Penal Code Act (2008), the Media Authority Act (2013), the National Security Service Act (2014) and the National Security Bill of 2015, are not in line with the constitution's protection of the freedoms of expression and media. As the civil war intensified, the government restricted various media outlets, including newspapers. According to Human Rights Watch, the freedom of press and media is violated in two-thirds by various government security forces and to one-third by civilian authorities, including governors, ministers and the media authority. In addition, as not all incidences could be reported or monitored, other armed actors are able to threaten and hamper journalists as well. These developments foster growing self-censorship among all news providers. As a result, the Reporters without Borders state ranking of South Sudan descended from 140 in 2016 to 144 in 2018. Since the last report, South Sudan's Media Authority suspended the activities of al-Jazeera English in South Sudan, which had to close their Juba office in May 2018. In January 2019, the editor of al-Watan Arabic newspaper was threatened because it reported about a protest in Sudan's capital, Khartoum, which was classified by the government as an internal issue of a friendly nation.

Association / assembly rights



Freedom of expression



3 | Rule of Law

The constitution of South Sudan established a presidential system with separation of powers, which is encoded in Article 48. South Sudan has on paper a fairly strong separation of powers (for example, a ban on ministers holding parliamentary office). However, on the legal side, the far-reaching transitional provisions of the constitution give very strong powers to the president, which contradict the constitution's principles. For instance, that the president is able to appoint members of parliament is a strong violation of the principle of separation of powers. Apart from the legal side, in practice, the already-mentioned *mélange* between political and military power undermines the separation of powers dramatically. Even before the start of the civil war, it was often not clear in which capacity state officials were acting, in their military or security forces function or in the civil function such as local public servant or member of parliament. Since the start of the civil war in 2013, these dynamics have intensified. Due to the combination of political and military powers concentrated in the SPLM/A, the armed forces can use their powers for political purposes. In addition, military personnel cannot be judged in civilian courts. In short, the separation of powers is not working in South Sudan.

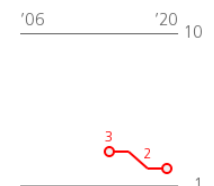
Formally, Article 122 of the 2011 transitional constitution established an independent judiciary. The South Sudanese judicial system is organized in a centralized manner; there is a national body of appeals and no separate jurisdiction in the member states (Articles 122-134 in conjunction with Annex A No. 8). There is a single appeal court, without functional division into civil, criminal or administrative courts.

Despite the equality before the law enshrined in the constitution (Article 14), there is a widespread feeling among South Sudanese that the political and military elite abuse their powers to influence court cases or end criminal investigations. According to Amnesty International and Human Rights Watch, the government and security forces obstruct the independence of the judiciary quite regularly. Numerous individuals within the government and the armed forces who committed human rights abuses have never been charged. In addition, ubiquitous corruption also affects the judiciary. Many South Sudanese see the traditional courts as more inclusive and closer to the people than the statutory courts. However, when the Local Government Act formalized the role of the chiefs in the judicial system, their role as independent voices and representatives of ordinary people came under pressure.

According to Chapter Five of the Revitalized Peace Agreement of 2018, the new Transitional Government of National Unity of South Sudan has the obligation to create a Hybrid Court for South Sudan (HCSS) as a transitional justice institution to investigate and prosecute the war crimes committed during the civil war. The HCSS should be created in close cooperation with the African Union (AU) and apply both international and South Sudanese law. This court could, due to its international

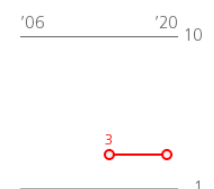
Separation of powers

2



Independent judiciary

3



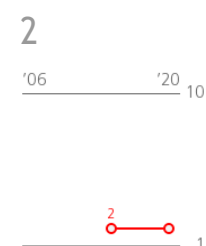
involvement, potentially be more independent and therefore prosecute military commanders, but it is unlikely that the primary adversaries in the civil war will be held accountable. Despite pressure from the AU, the necessary Memorandum of Understanding between the AU and South Sudan is not yet signed as of January 2019.

Despite the official policy of fighting against and zero tolerance for corruption, political as well as economic corruption is endemic in South Sudan. De jure, the abuse of powers by public officeholders is controlled by several safeguards, first and foremost, by the separation of powers, the judiciary and several independent bodies. These bodies are the Anti-Corruption Commission (Article 143 of the constitution), the National Audit Chamber (Article 186) and other ideal independent institutions such as the Human Rights Commission (Article 145), which all have the mission to control the government. Apart from these institutional bodies, freedom of expression for journalists and other non-governmental actors should ideally also foster additional checks and balances to the South Sudanese political system. As stated several times, the separation of powers is de facto very low and independent oversight is not guaranteed. The mixture of political, economic and military power makes it nearly impossible to investigate corruption and prosecute powerful actors. In addition, both the constitution as well as the Local Government Act provide senior government officials (the executive and the legislative) and chiefs immunity from prosecution; the same is true for the armed forces. Even as the R-ARCSS of 2018 establishes a hybrid court in collaboration with the African Union to prosecute war crimes and genocide, it is unlikely that important office holders or members of the elite will be held accountable any time soon. This is even more true for minor crimes such as corruption.

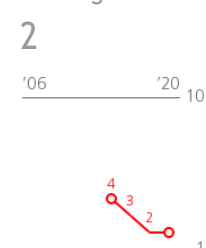
The constitution (Articles 9-34) provides for civil rights based on international standards. Yet, in practice, civil rights are almost nonexistent, especially following the start of the civil war in 2013. Despite legal provisions, even the most basic of civil rights, “the right to life” (transitional constitution Article 11), was far from guaranteed. Both the government and the opposition forces have been accused of killing civilians, sexual violence and ethnic targeting, particularly since the start of the conflict. About 4.3 million people (2 million internally displaced persons (IDPs), 2.3 million refugees) were forced to leave their homes as a result of the violence.

Security forces increasingly control movement, gatherings, public venues and other sites where dissident voices could potentially be heard. Arbitrary arrests and the disappearance of people have been on the rise over the last years, mostly justified by vague accusations of links to opposition forces. Reports suggest that the involvement of government forces in robberies, looting civilian properties, rapes and murder is increasing. Apart from human rights violations in context of the war, in the absence of the rule of law, various violent actors commit human rights violations on multiple levels. Ordinary citizens increasingly seem to fear the authorities and the security forces.

Prosecution of office abuse



Civil rights



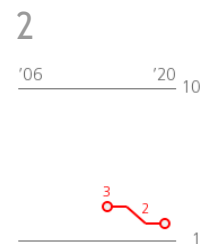
4 | Stability of Democratic Institutions

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

Since elections are yet to be conducted in South Sudan, the government's claim to legitimacy is based on the 2010 elections held before South Sudan became an independent state. Shortly, after independence in 2011, the president started replacing state governors with new appointees. On October 2, 2015, the last of the governors elected in 2010, the governor of Eastern Equatoria State, was relieved from his position by President Kiir. Subsequently, the president increased the number of the states to 28 and again to 32 in January 2017. These changes were first introduced as presidential orders and only after protests as regular laws. There are serious doubts that these fundamental changes are legal. In addition to being unconstitutional, the regional forum Intergovernmental Authority on Development (IGAD) calls the creating of the new states a violation of the 2015 peace deal.

The Local Government Act of 2009 suggests chiefs should be directly elected by local communities. The act also suggests that all counties should have an elected legislative council, with members representing each payam. Before the number of states were increased to 32, according to the 2018 BTI report, there was no evidence that any county had conducted elections for its council legislative assemblies. However, some commissioners in consultation with head-chiefs managed to appoint council members in their counties. Likewise, the election of chiefs has not taken place, with most chiefs appointed by SPLM/A during wartime or after the CPA. Chiefs are the local representatives of SPLM in their jurisdictions. In addition, state institutions often lack the financial resources to provide public services. In short, democratic institutions in South Sudan fail to perform effectively.

Performance of
democratic
institutions

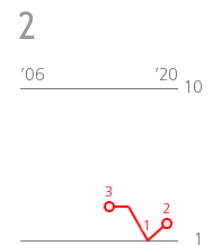


Political actors in South Sudan are aware of the international value of democratic government and act accordingly. All political actors claim to be democratic and protecting democracy and democratic institutions, but do not act correspondingly, if they are in power. Similar to the narrative of the fight against corruption, blaming political opponents as authoritarian is part of a political game (even it is in fact true). President Kiir and his allies clearly use their powers to undermine the democratic system, as well as the checks and balances enshrined in the constitution. Several newly established laws, as well as government practices, are purposely designed to silence political opposition (e.g., party regulations) and government critics such as the free press. On the opposition's side, there is no evidence that suggests that armed opposition groups are more likely to promote democratic institutions. First, Riek Machar and his allies were part of the system, and other relevant opposition groups are primarily spin-offs from the ruling SPLM, with a similar mindset and uninterested in the rise of new democratic and civilian alternatives.

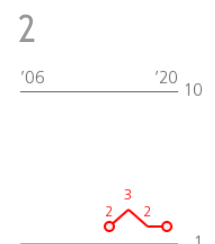
5 | Political and Social Integration

On paper, South Sudan has a multiparty political system. However, the former rebel movement, Sudan People's Liberation Movement (SPLM) remains by far the dominant political party in the country. In order to consolidate its political monopoly, collaboration between the three branches of government, including the army, which are all dominated by the SPLM, has resulted in regulations that make it difficult for new political parties to emerge. Political, social and military power are interlinked in South Sudan. As a result of the ongoing war and a disastrous security situation, political parties and armed movements are usually the same. Most of the new parties are splinter groups of the SPLM in opposition to the SPLM leadership. As these opposition groups are a result of personal power struggles, this does not lead to alternative political programs. For instance, the most serious opposition party apart from the SPLM-IO, which tried to challenge the SPLM during the 2010 election, was the SPLM-Democratic Change (SPLM-DC, now Democratic Change), headed by Lam Akol. While officially there are about 10 political parties in South Sudan, they cannot really be considered parties in the sense of having a support base, institutional capacities or political programs. The South Sudan Opposition Alliance (SSOA) of seven parties and armed groups headed by Thomas Cirillo Swaka are part of the 2018 peace agreement. The South Sudan National Democratic Alliance (SSNDA) consists of four armed groups, of which three are splinter groups of SSOA groups, which are not part of the peace agreement. The SSNDA is headed by Gabriel Changson Chang. Other political parties without military power, such as the South Sudan Communist Party or South Sudan Liberal Party, do not have any meaningful influence or political relevance. As a consequence of the SPLM's dominance of the National Legislative Assembly, legislation has been passed that hampers new parties from being successful or even relevant. The Political Parties Act, for instance, stipulates that to register a political party, the party must have at least 500 members in each of the 10

Commitment to democratic institutions



Party system



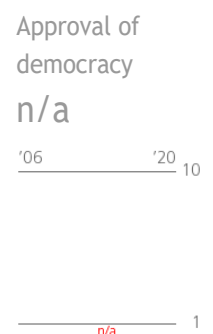
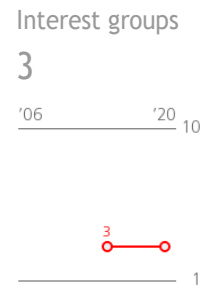
states (although the number of states has since been increased to 32) and must prove that it has not received external funding, including from international NGOs working in South Sudan. The National Security Bill of 2015 defines public gatherings (including those of political parties) that have not been approved by the SPLM-controlled National Security as illegal. Even after obtaining permission, a member of the National Security has to be present at meetings of parties.

During the CPA period from 2005 to 2011, and in the first years after independence, supported by international donors, a lively and rather civil society emerged, including human rights activists, unions, business clubs, and women's and youth associations. Many of these groups are small and operate in very specific localities, but some of the organizations have managed to acquire some national weight. Although international funding and support of civil society groups has been substantive, their political influence on the government and the SPLM is fairly limited.

With the start of the civil war in 2013, the space for the civil society and the work of both national and international NGOs shrank. International actors reduced funding or had to reduce their international personnel. The National Security Bill of 2015 has affected civil society activities fundamentally, particularly those that are perceived to be directed against the government or have received funding from international NGOs accused of working for "regime change" in South Sudan. There has been a tendency by some civil society organizations to take sides in the conflict. Changes in the political positions of civil society organizations with respect to the government or opposition forces are partly a result of the infiltration of these organizations by the respective conflict parties.

In general, however, influential civil society groups are only active in the urban centers. The churches represent a major social force that extends into all corners of South Sudan. In particular, the Anglican Church and the Catholic Church have organizational structures that connect the local parishes with those at the state and national levels. For years, the church had an active role in mediating conflicts; since the start of the civil war, it has also become very vocal in its criticism of the warring parties. On the local level, and particularly in rural areas, churches are the most important institutions in managing social life, as well as moderating and mobilizing people's interests.

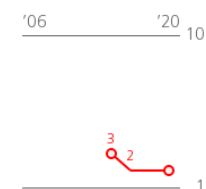
Data on this is not available since elections have not been conducted in South Sudan since independence in 2011.



As a new state, founded by the fight against the north, South Sudan's society never had the chance to develop a peaceful social structure throughout the country. Decades of war left deep marks on society, and there have been no serious efforts to reconcile the people of South Sudan with their violent past. Despite the relatively peaceful years between 2005 and 2013, nearly all citizens were affected by different forms of conflict or violence throughout their life. From its start in 2013, the civil war assumed an ethnic dimension. Initially between Dinka (President Kiir, SPLM) and Nuer (Vice President Machar, SPLM-IO) peoples, since July 2016, the civil war has divided the population between Dinka and other various ethnic groups. This has contributed to the further polarization of society, which was already ethically fragmented as a result of previous conflicts. In addition, the ongoing civil war between multiple armed groups and complex alliances has a great impact on people's trust in each other and the government. Apart from the fighting on the national level, due to the lack of rule of law and security, people rely on a self-help system in which interethnic tensions, cattle raids and disputes over land can lead to violence. South Sudan has an overwhelmingly young population: about 51% of the population is under 18 years of age and 72% is under 30 years of age. Many of South Sudan's citizens have grown up outside the country, as refugees in neighboring countries such as Ethiopia, Kenya or Uganda or as internally displaced people in Sudan. Few people have returned to the places where their families originated. Instead, many try to build a life in rapidly growing urban centers such as Juba or the states capitals, resulting in tensions between host communities and those who are perceived outsiders or newcomers.

Social capital

2



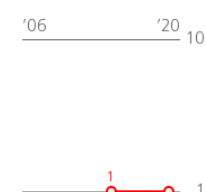
II. Economic Transformation

6 | Level of Socioeconomic Development

The level of socioeconomic development in South Sudan is extremely low and among the lowest in the world. There are not many internationally comparable indices available for South Sudan due to the lack of statistical data. The U.N. Development Program ranked South Sudan at position 187 out of 189 states in its Human Development Index (0.388) in 2017. External poverty and inequality assessments are rather out of date, with data from before the independence of South Sudan. Drawing on data from 2009, the World Bank estimates that 50.6% of the population lived below the poverty line. Adult literacy is estimated at 27% and at only 16% for women. However, the World Bank estimates the gross enrollment rate at 85.7% for primary education. Many people depend on international NGOs and churches for the provision of basic public goods, in particular, access to health care. An estimated 25% of people have access to primary health care. Urban areas are more developed than the vast rural parts of the country where access by humanitarian agencies is very

Question
ScoreSocioeconomic
barriers

1



difficult, even without armed violence. According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), 7.1 million people are in need of international help. The vast majority of South Sudanese depend on small-scale subsistence farming and cattle herding that, in the best-case scenario, produces enough food for their (extended) families. The World Food Program estimates that over 40% of households spend more than 65% of their income on food. As of December 2018, about 2.3 million people from South Sudan were refugees or asylum seekers in neighboring countries, primarily in Sudan and Uganda, according to UNHCR. In addition, about two million people were internally displaced within South Sudan. Insecurity and displacement greatly affect people's livelihoods and food security. Women are especially affected by the ongoing conflict. For instance, women in South Sudan are threatened by the highest maternal mortality rate in the world, according to UNDP. In addition, women are targets of sexual abuse and discriminated against in most aspects of social life. Although data availability is very problematic, it is clear that the armed conflict is a major setback to the country's socioeconomic development.

Economic indicators		2015	2016	2017	2018
GDP	\$ M	12374.5	3070.9	-	-
GDP growth	%	-10.8	-11.2	-	-
Inflation (CPI)	%	52.8	379.8	187.9	-
Unemployment	%	12.8	12.6	12.6	12.7
Foreign direct investment	% of GDP	0.0	-0.3	-	-
Export growth	%	-40.0	-44.0	-	-
Import growth	%	-41.0	-17.0	-	-
Current account balance	\$ M	-500.2	-215.7	281.7	-
Public debt	% of GDP	60.3	85.7	63.2	42.2
External debt	\$ M	-	-	-	-
Total debt service	\$ M	-	-	-	-

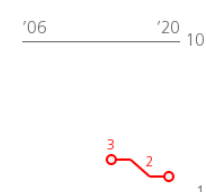
Economic indicators		2015	2016	2017	2018
Net lending/borrowing	% of GDP	-	-	-	-
Tax revenue	% of GDP	-	-	-	-
Government consumption	% of GDP	92.6	38.3	-	-
Public education spending	% of GDP	1.4	1.5	1.0	-
Public health spending	% of GDP	-	-	-	-
R&D expenditure	% of GDP	-	-	-	-
Military expenditure	% of GDP	10.6	4.6	2.4	1.3

Sources (as of December 2019): The World Bank, World Development Indicators | International Monetary Fund (IMF), World Economic Outlook | Stockholm International Peace Research Institute (SIPRI), Military Expenditure Database.

7 | Organization of the Market and Competition

Business development in South Sudan has various constraints, such as the weak rule of law, widespread corruption and the overall security situation. Furthermore, poor infrastructure, the lack of reliable transport routes, poor access to electricity, internet connectivity and extremely low levels of education and skills among the population contribute to the list of difficulties. Nevertheless, after the CPA, traders and businessmen from neighboring countries flocked to South Sudan to start retail and wholesale businesses, construction firms, hotel and restaurant businesses and telecommunication companies. People from the diaspora and educated South Sudanese started companies, often in close connection with people in the government or the military. It is estimated that more than 80% of South Sudanese work in the informal sector. After the CPA, traders and businesspeople from neighboring countries moved to South Sudan to start various businesses enterprises. But the war has forced a lot of business owners to leave the country, particularly in 2016. South Sudan is an emerging market and the government aims to create a conducive environment for investors (internal and external). The World Bank's Doing Business for 2019 report ranked South Sudan 185 out of 190 assessed states on the ease of doing business. Partly due to its low gross national income (GNI), the relative cost of opening a business in 2017 is the second highest in the world according to information from the World Bank. The renewal of the violence since 2013 has spread to areas that were previously relatively peaceful, resulting in the destruction of more business enterprises. The fragility of the situation has undermined investor confidence. It remains to be seen whether more investments will come once the conflict ends.

Market organization

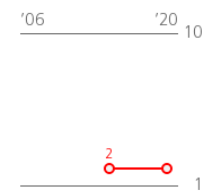


The economic objectives section of the transitional constitution states that all levels of government shall encourage free markets and prohibit monopolies (Article 37 (2a)). The Investment Promotion Act of 2009 defines mechanisms for safeguarding and preventing the development of economic monopolies in the market. But in practice, senior military and government officials are heavily engaged in economic activities and the local partners to international investors. Also, there is a tendency among large businesses to agree on market sectors each will control, resulting in some degree of monopoly. As a consequence of the strategy to control trade, the petroleum industry is controlled by Somali traders, the hospitality sector by Ugandans and Kenyans, construction by Ugandans and Sudanese, and water supply by Eritreans. Companies that operate in fields like telecommunications, infrastructural development and government procurement are much more dependent on connections, bribes, and corrupt practices in order to make their companies successful. The government and the military are both huge contractors. For example, military expenditure rose from 5.4% of GDP in 2011 to 10.93% of GDP in 2015, the last accessible year. Good relations with people in the government and the army are indispensable.

Trade is liberalized in South Sudan. The country produces little, besides oil, and does not have an industry that would potentially need protection. Landlocked South Sudan depends on its neighboring states for its supplies of food, construction materials and various consumer goods. The northern part of the country is mostly supplied by Sudan. In previous years, the government of Sudan often closes its borders with South Sudan whenever tensions between the governments intensified, resulting in a scarcity of oil and other goods in South Sudan. Recently, Sudan backs the Kiir government in the fight against the armed opposition, but the ever-changing situation between both governments is unpredictable. The southern part of the country is supplied by Uganda and Kenya. Food items are brought in from Uganda, while the Mombasa port in Kenya supplies South Sudan with shipped consumer goods. South Sudan joined the IMF in April 2012 and is not yet a WTO member. The country became a member of the Common Market for Eastern and Southern Africa (COMESA) in 2011 and in April 2016 became a member of the East African Community (EAC). However, due to the conflict, South Sudan is a passive participant in the EAC and does not send delegates to EAC meetings. Before the civil war, the government had been attempting to tighten its relationships with other East African countries, especially on trade. There were plans to construct an oil pipeline to Lamu in Kenya to reduce South Sudan's dependency on Sudan's pipelines, which has tended to be unpredictable and expensive. With the escalation in the civil war, oil production has been substantially reduced, which has been further exacerbated by the reduction in world oil prices. Another plan is a highway from South Sudan to Mombasa in order to facilitate regional transport and trade. Neither project has guaranteed funding yet.

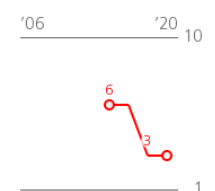
Competition policy

2



Liberalization of foreign trade

3

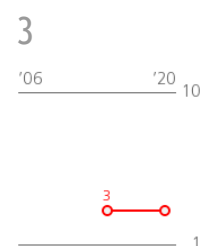


The banking sector is seriously underdeveloped in South Sudan. By the end of 2018, 26 commercial banks were registered in South Sudan, but few operate throughout the country. Most banks have offices only in a few urban areas such as Juba, Yei and the capitals of the former 10 states. Few people have bank accounts, although up-to-date data is not available. The government and the army have been planning to pay salaries via bank accounts, but this has not yet started. It is still complicated to make an international bank transfer from or to a South Sudanese bank. As a consequence, most foreign companies, NGOs and others have accounts with one of the regionally operating banks, such as Kenya Commercial Bank. Access to loans is also still a major problem, so most businesses also use international banks. In addition to the formal banking system, an informal system of money transfers can be observed, with small companies transferring money between towns in South Sudan. There is a great shortage of foreign currency (USD mainly), which results in a parallel black market. International withdrawals are not yet possible. As other economic areas, banks are heavily influenced by political actors. A recent study found that 14 out of 26 banks are partially owned or controlled by political elites, which use their banks partly for money laundering and arms trade.

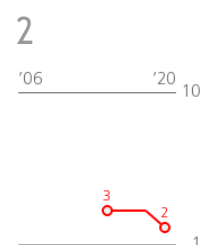
8 | Monetary and fiscal stability

The central bank of South Sudan was established after independence in 2011. Shortly after, the bank introduced its currency, the South Sudanese pound (SSP). In recent years, South Sudan suffered from hyperinflation at 52.8% (2015), 379.8% (2016) and 187.9% in 2017. These inflation rates were the highest of all countries that provide data on inflation. In November 2013, the South Sudanese currency lost 34% its value, which encouraged currency trading on the black market. In late November 2014, the central bank issued an order banning black market currency transactions. At the time, the official exchange rate was SSP 3.16 to \$1, compared to more than SSP 5 to \$1 on the black market. In December 2016, the Bank of South Sudan allowed the foreign exchange rate to float freely and printed more South Sudanese pounds. This resulted in a rapid rise in the exchange rate from SSP 3 to \$1 in June 2016 to SSP 130 to \$1 by the end of January 2018 (up to 150 SSP to \$1). The rates for the U.S. dollar on the black market are significantly higher. The difference between the official exchange rate and the black-market exchange rate created significant distortions in the economy. In mid-January 2017 and again in May 2018, President Kiir replaced the governor of the central bank and he replaced the deputy governor in 2018, which seriously hampered the central bank's ability to take regulatory action.

Banking system

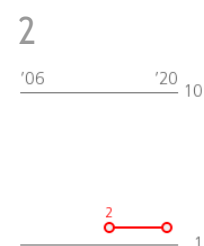


Monetary stability



The collapse in oil production in 2012 exposed the vulnerability of the South Sudanese economy to a single source of revenue. This resulted in a rapid drop in the GDP from \$17,827 million in 2011 to \$10,369 million in 2012. This forced the government to consider austerity measures to reduce the national budget by 40%. The revival in oil production in April 2013 resulted in an increase in GDP to \$13,796 million. Since the start of the civil war, the economy is in free fall, with a GDP of \$2,904 million in 2016, the last year for which data are available. The civil war has significantly affected the South Sudanese economy. This is mainly because of the collapse in oil production in some areas affected by the war. In comparison, South Sudan produced about 500,000 barrels per day before 2012, since then the number has fallen constantly and stabilized at about 95,000 barrels per day in 2018. A combination of the reduction in oil production, the rapid decrease in world oil prices and a change in government expenditure priorities to fund the war resulted in the total collapse of the economy. Projections for 2019 remain uncertain, mainly because of a lack of reliable data. The government focused on war, resulting in extra-budgetary spending, which, in turn, led to increased deficits. In addition to the conflict and the drops in oil production, low worldwide oil prices are a real cause for concern and may further hinder absent but much-needed macroeconomic stability.

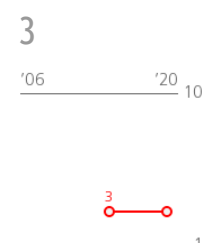
Fiscal stability



9 | Private Property

Despite the fact that the transitional constitution guarantees the right to own property (Article 28), including for women (Article 16.5), there are numerous problems related to property in South Sudan. These problems most often revolve around issues of land. The Land Act of 2009 has created a framework according to which the land belongs to the people of South Sudan but is regulated by the government. Land is divided into public, community and private land. The conversion of community land into government land is particularly contested. Local communities in the vicinity of urban areas, for instance, can be forced to release communal land for public use (with compensation). According to the Land Act, public interest can include urban development, resettlement and reintegration, and the control of land for defense purposes (Section 73 (5)). The boundaries between the various types of land use and property are not entirely clear and, as the chairperson of the South Sudan Land Commission admitted during a meeting, the act can be interpreted in various ways. The everyday reality is arguably more complicated than the Land Act suggests. First of all, property rights are easily and often trespassed upon by people with political power or armed forces. Conflicts may also arise when local elites engage in discussions with (foreign) companies about concessions, without prior consultation with the community. In addition, some cultural practices in South Sudan do not acknowledge land ownership by women, which contradicts the right of property ownership in the constitution. Apart from land ownership, due to the ongoing conflict, the lack of the rule of law and the poor security situation, the protection of moveable

Property rights



properties is not guaranteed. Intellectual property rights are violated on a regular basis. Confusion over property and access may be a source of future problems.

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

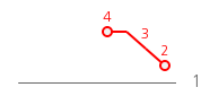
10 | Welfare Regime

South Sudan does not have a formalized welfare system of any meaningful sort. During the CPA, some progress was made on the public service bill and a civil pension fund, but the extent to which they function is unclear. With more than 80% of its population living in rural areas, a lot of people in South Sudan depend on land for their livelihoods and most social safety nets reflect this dependency on land. The situation in urban centers is, however, challenging. The lack of or presence of limited safety nets makes many civilians vulnerable to shocks such as illness droughts, floods and insecurity. The social structure, which is based on various traditional practices in South Sudan is a fundamental tool for the provision of safety nets but has its downsides. In most urban centers, the working class often shoulder the burden to assist their relatives through the provision of medical assistance, and the facilitation of children from rural areas to attend schools in towns, as these services are not available in the countryside. The South Sudanese diaspora continues to play a big role in social assistance networks through remittances. In general, there is a sharp divide between social assistance in rural areas and urban centers. During the period of relative peace before 2013, rural communities seemed to be better off than urban communities. However, the civil war has resulted in a change in the social balance, as big populations in rural areas are forced to move to urban centers or flee to neighboring countries. But urbanization resulting from the war has also increased the strain on urban communities. In addition, international aid could reach only few parts

Private enterprise

2

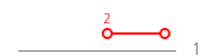
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Social safety nets

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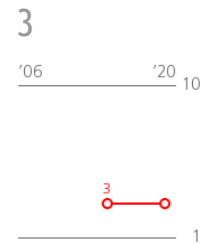


of the rural areas. Despite the lack of organized social safety networks, general indicators suggested a positive trend in livelihoods. Between 2011 and 2016, for example, life expectancy increased according to the World Bank from about 54,2 to 56,8 years. As in other conflict zones, the quality of these data is questionable.

Despite ample articles in the transitional constitution relating to equal opportunity regardless of gender, ethnic or religious affiliation, there is little evidence of this being guaranteed in practice. The government has cited the lack of representation of women in public and private sectors as a major concern. In 2013, the government developed a six-year affirmative action plan to increase the participation of women in education and the economy. At the political level, the representation of women in the government was institutionalized by the introduction of a 25% quota, which was increased to 35% in March 2013. To help achieve this goal, various international and national NGOs are involved in supporting women secure employment opportunities through various affirmative action programs. But, in practice, the number of women in various sectors, including in the public sector, is far less than the initially projected 25%. Significantly fewer girls are enrolled in school than boys. According to official education statistics from 2015, only 16% of women over the age of 15 are literate, compared with 40% of men. A recent Oxfam study identified early marriage as the main reason for girls not attending school.

At the general level, the notion of “equal opportunity” has revolved around the lack of transparency, with high levels patronage and clientelism. Patronage and clientelism are often associated with whether someone participated in the north-south civil war. For example, employment opportunities are often given to people who participated in the civil war or are perceived to be sympathetic to the SPLM. Alternatively, positions are granted based on “accommodation,” in order to keep people happy who might otherwise (violently) oppose the government. Although there are no hard data on the privileges of some ethnic groups over others, the fact that this perception is widely shared is an impediment to governance in the country. The involvement of the Dinka and Nuer on the SPLA side of the war reflected in better employment opportunities for Dinka and Nuer people, particularly in government institutions. After the start of the civil war in 2013, a large proportion of Nuer people lost their government positions because they were dismissed or fled. The ethnic dimension of employment has led to the widespread perception of “Dinka dominance” in government institutions.

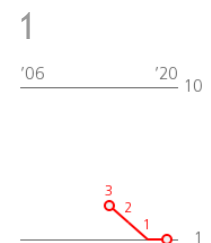
Equal opportunity



11 | Economic Performance

Due to the political and security situation in South Sudan, it is evident that the country's economy is not performing as it should be in order to generate sustainable, inclusive economic growth. However, the availability of quantitative data on South Sudan is still limited and the quality of data is questionable. Given the immense size of the informal sector, the lack of data on trade and limited data-collecting capacity, figures may not be accurate. According to the World Bank, South Sudan's GDP fell from \$17,826.9 million in 2011 to \$ 2,904.1 in 2016, due to the civil war and the collapse of the oil production industry. In terms of infrastructure, the conflict has not only resulted in the abandonment of development projects that had been underway before the start of the civil war, but contributed to destruction of existing infrastructure. The forced displacements of large numbers of civilians by the war and their subsequent inability to contribute to economic production offers some indication of the negative economic impact of the civil war. As of December 2018, the civil war had resulted in the displacement of about 2 million IDPs; about 2.3 million people sought refuge in neighboring countries, according to UNHCR. Furthermore, a total of 7.1 million people are in need of assistance. In short, more than 90% of the people of South Sudan are not contributing to the economy due to the civil war. The remaining, small economy suffers from corruption and a lack of qualified personnel, which are major constraints for the future economic development.

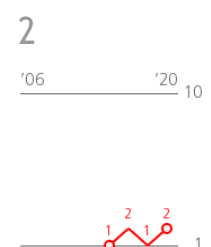
Output strength



12 | Sustainability

The existing legal framework of South Sudan places strong emphasis on environmental protection, which originates in Article 41 of the constitution. From the start of the CPA in 2005, environmental affairs were coordinated by a directorate under the Ministry of Wildlife and Tourism. In 2016, a separate Ministry for Environment and Forestry was instituted as part of the implementation of the Agreement on the Resolution of the Conflict in South Sudan (ACRISS). In the same year, the National Legislative Assembly passed a national strategy governing the use of environmental resources. The Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS) of September 2018 endorses the ACRISS agreements and sets a six-month deadline for the creation of a new Environmental Management Authority (EMA).

Environmental policy



As the conflict within the country is ongoing, environmental protection ranks very low on the national agenda. Environment programs have little funding and new environmental protection regulations lack implementation. In this regard, it is unexpected, as the United Nations Environment Program reports, that South Sudan will work with the U.N. on new environmental protection strategies. What function the new EMA will play in the future remains unclear.

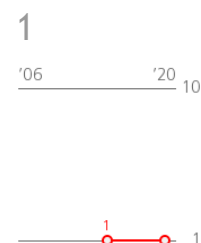
Achieving progress in the quality of education is crucial not only for economic development, but also for peace and security in South Sudan. A large number of young people are unemployed with few prospects for future jobs. This has led to a massive increase in the recruitment of young people into the armed forces of the various conflict parties as well as a rise of criminal activities. In general, South Sudan lacks institutions to educate and train the professional workforce it needs to function as a state. As in other areas, however, the lack of data makes it difficult to get a clear picture of the state of education in South Sudan. According to the World Bank, South Sudan spent about 1.8% of its GDP on education in 2016, which is a very low percentage.

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

Because of the support primary and secondary schools receive from international NGOs, the government has tended to focus on funding higher education. The three universities in South Sudan were developed by the government of Sudan before South Sudan achieved independence. The University of Juba was established in 1977 before South Sudan's war with Sudan, while Upper Nile University and the University of Bahr el Ghazal were both established in 1991 during the war with Sudan. Before and after independence, South Sudan opened three more universities: Rumbek University, Yambio University and the University of Northern Bahr el Ghazal. President Kiir serves as chancellor of all public universities, yet another way of influencing every part of people's life. In addition to the state universities, there are several private universities in South Sudan: Prominent of those include the Catholic university of St. Mary University and the Bridge University. In 2012, the Ministry of High Education closed several private universities, as they did not meet the government's minimum requirements; however, this was not implemented in 2018. The effect of the civil war on universities is difficult to evaluate. At least some of them were still operating and awarding degrees in 2018.

Like primary and secondary education, universities in South Sudan face numerous challenges, including funding issues and availability of staff. In principle, all government universities are funded by the government. However, the government's financial cuts as well as the ongoing conflict within the country hit the education system. Furthermore, prior to independence, most lecturers in government

Education policy /
R&D



universities were from northern Sudan. After the secession, almost all northern Sudanese lecturers abandoned their teaching positions to join universities in Sudan. This resulted in an acute shortage in teaching staff in South Sudan. Second, South Sudan adopted English as the official language of the country after independence. This presented another challenge to some lecturers who had received their education in Sudan where Arabic was the language of instruction in universities.

Governance

I. Level of Difficulty

The leadership of South Sudan builds on the hierarchy of the decades-long fight against the government in Khartoum. These old cadres were very dominant in the leadership, especially in the first years after the CPA. Over the years, younger and better-educated people were slowly allowed to take part in governing the country. The structural constraints on governance and development remain extremely high compared to other conflict-ridden African countries.

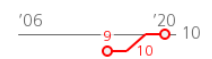
Among these structural restrictions is the absence of infrastructure, such as a reliable road network. During the rainy season, vast areas of the country become inaccessible. Some places are entirely flooded, while in other areas, bridges are missing to cross rivers. With a few notable exceptions (the towns of Yei and Maridi, for instance) power and electricity facilities are absent; the whole country runs on diesel generators.

In addition to the lack of physical infrastructure, the service sector is also struggling. Like the education sector, other public service sectors (e.g., health care, sanitation and the provision of drinking water) to local people were mainly financed by the donor community and delivered by implementing NGOs. Because of the civil war, some of the implementing NGOs have left the country, while others have shifted their funding strategies to focus on relief for people displaced by the civil war.

However, the largest structural problem of the country is persistent insecurity throughout its territory. According to the OCHA's situational reports, the civil war caused two million people to be internally displaced; 2.3 million are refugees in neighboring countries; and 7.1 million are in need of external assistance. However, insecurity was omnipresent in people's lives even before December 2013, due to the lack of rule of law. Insecurity creeps into all other aspects of life; it undermines trust between communities, it leads to bad harvests, interrupted education and seriously impedes people's faith in the government. The new civil war has only exacerbated a situation that was already worrisome.

Structural
constraints

10



1

The traditions of civil society in South Sudan have been mostly limited to the various churches. Many faith-based structures have a long history in South Sudan and are active in all corners of the state. The church has also played a role in mediating the various conflicts in South Sudan during the interim period and since independence. The church continues to play a role in the current civil war, though with increasing difficulty.

For years, there has also been a steady increase in the number of civil society organizations operating in the country. Numerous youth, women, farmer and human rights groups have been established, often with support from international donors. The lack of a proper tradition in civic representation results in a civil society that is not always as inclusive as is hoped for by the many donors. In many villages and towns, a rather small local elite participates in local politics, in local associative life and in the church.

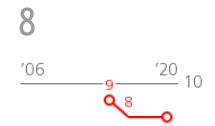
With the civil war still ongoing, the need for the constructive intervention of civil society is increasingly crucial and will be even more so after the civil war ends. Civil society organizations will be expected to play a role in promoting national healing and reconciliation among the various groups. As tensions have grown between the government and NGOs, the government has become increasingly suspicious of civil society groups as shown in the 2015 National Security Bill. Furthermore, the withdrawal of some NGOs or the downscaling of their activities because of the civil war has negatively impacted on the performance of civil society groups dependent on the donor community.

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

Conflict between communities has been a major issue right from the start of the CPA's implementation in 2005 and has grown in intensity ever since. As South Sudan gained independence, the level of conflict intensified. Small-scale conflicts escalated into wider conflicts, and conflicts that were rooted in power struggles between members of the political elites quickly led to conflicts between communities and ethnic groups. In addition to the persistent conflicts between various cattle herding groups, between farmers and pastoralists, new forms of conflict have emerged, sometimes between communities with no history of ethnic violence. The causes of these conflicts are often multifaceted and intertwined, but land has a central role and is often the initial trigger for conflict.

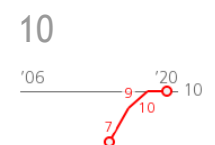
The start of the current civil war is a clear manifestation of the dynamic and multifaceted conflicts in South Sudan. The conflict began as power struggle between

Civil society traditions



1

Conflict intensity



1

SPLM elites, especially between President Kiir and former Vice President Riek Machar. Yet, in less than 24 hours, the violence had assumed an ethnic dimension, and became a war between Dinka and Nuer groups. The targeting and killing of people from other ethnic groups demonstrated how quickly a political crisis can spiral out of control. The civil war that ensued will leave deep marks, even if the new peace agreement of September 2018 is implemented. The violence has seriously polarized and divided society.

The increasing intensity of conflicts in South Sudan is also due to contradictions in the existing legal framework and the failure to resolve the root causes of conflicts. The resolution of cases through courts is very complicated and expensive, beyond the means of many local people. As a result, many people do not pursue their disputes through the legal system, but instead take the law into their hands and resort to violence.

II. Governance Performance

14 | Steering Capability

When the crisis broke out, it became very clear that the government and its adversaries prioritized settling their differences violently. Formulated economic plans and priorities were put on hold again. Both sides and the remaining institutional structures focus more on financing the war than on formulating a strategy for boosting the economy or stabilizing the situation for the civilian population.

All levels of government, including parliament, the army and the executive, became sharply divided as a result of the civil war. The succession of conflicts that have affected South Sudan are rooted in power struggles between senior SPLM members. The main cause attributed to the alleged coup of December 2013, was the challenge posed by Riek Machar and his group to the president. Riek Machar's disaffected group did not challenge the president because his government had failed or developed dictatorial tendencies until after they were dismissed by the president in July 2013.

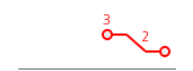
After two years of fighting, hopes that the signing of the agreement in August 2015 would reunify the divided ruling party and secure peace only lasted a few months. In July 2016, three months after the agreement took effect, violence broke out again. After two additional years of war, both sides agreed to a new peace deal in September 2018. However, the international community is very skeptical that the agreement will last. Apart from power struggles among political elites, South Sudan continuously deals with dozens of splinter groups that are not under the direct command of rebel and military leaders and thus have the potential to spoil peace processes.

Question
Score

Prioritization

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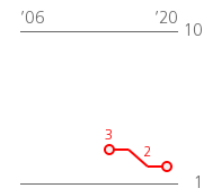


Since the start of the civil war, the government's priorities were to contain the rebellion as much as possible. It tried to maintain strict control over the areas under their influence and prevent others from joining the opposition. Intimidating and jailing journalists, NGO and church workers are tactics used to contain criticism. Threatening the dismissal of the elected parliament and governors is another method to maintain a certain status quo in the areas where fighting between the government and opposition forces is absent. The government also canceled the elections multiple times. Consequently, the government has extended its mandate to 2021 in a way seen by most opponents as illegal. Even the peace agreement signed in August 2015 was a government strategy to contain the rebellion. Later events demonstrated that the government was not serious in reaching a peaceful settlement to the violence. Some analysts suggest the government's strategy was to sign the agreement in Juba, so that the leadership of SPLM-IO would have to travel into Juba. The new peace deal of September 2018 is seen as a "copy-and-paste" version of the 2015 agreement, cementing current power relations. As the last agreement failed and the general situation did not change significantly, the likelihood of yet another collapse is relatively high. The government's strategy to contain the civil war in war-affected states has failed. The scale of the war and the level of harm inflicted on various communities suggests that it will not be easy to implement the new agreement. None of the priorities that were set by the government prior to December 2013 have received any meaningful attention lately. At the subnational level, however, some states have tried to continue working toward delivery of services, tax harmonization and local security. However, with the destruction of the constitutional state system through increasing the number of states from 10 to 32 states, these efforts are likely scotched.

Given the short existence of the country, time to learn from past policy implementation is very limited. The role of the international community in providing policy frameworks, implementation models, monitoring and evaluation capacities used to be substantial. In most of the national governments, external technical assistants produced the many budgets, annual reports and development plans. Institutionalizing the frameworks for policy design, implementation and evaluation is still ongoing. Due to the start of the civil war, many donors put their support for the government of South Sudan on hold. Many of the funds were reoriented toward humanitarian needs. It is likely that some of the initial progress in this field is now in decline due to new priorities among both the government and the international donor community.

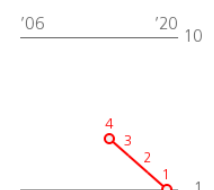
Implementation

2



Policy learning

1



15 | Resource Efficiency

Due to oil revenues, the government of South Sudan for years had more financial resources available than many of its more stable neighbors. For instance, due to South Sudan's small population, it had a much higher GDP per capita than Uganda or Ethiopia. However, even as the data from IMF, World Bank and U.N. significantly differ, they all indicate that due to the civil war, South Sudan is now among the most problematic states in the world. The country remains severely underdeveloped, and available funds are only modestly invested in public goods such as education (3%) and health (1%). The bulk of the official budget is destined for the security sector (38%) and financing the war.

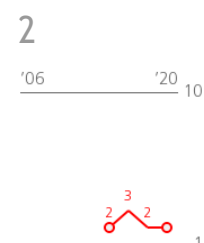
Due to the long wars, many South Sudanese people live and study abroad, either in the region or in countries like the United States, the UK, Canada or Australia, which all have large South Sudanese diaspora communities. Many of these people have returned home over the past few years, bringing along the capacities they acquired in their years abroad. Due to a lack of transparency in recruitment procedures and the need to accommodate certain individuals in the government or military, returnees may have difficulties, however, in effectively using their capacities to the benefit of the public administration and the country.

In general terms, policy coordination is poor. This is partly because partly because of the lack of institutional capacity, economic development and persistent insecurity, particularly since the start of the current civil war. The lack of policy coordination is sometimes a deliberate attempt by the ruling elite to undermine the authority of some institutions, particularly the subnational institutions of states, payams and lower levels of governance. With the dissolution of the constitutional 10 states and multiplication of them to 32 states, coordination among these new and ill-equipped structures, policy coordination worsened.

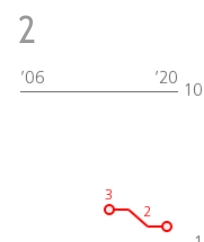
Despite the presence of numerous policies and guidelines defining the distribution of roles in various sectors, the central government is often accused of interfering in affairs that would fall under the jurisdictions of the lower levels of governance, such as community land leases. The lack of policy coordination can also be seen in the security and land sectors. In addition, patronage and corruption undermine the state structure and coherent policy implementation.

Generally speaking, the executive tends to dominate other branches of the government. In addition, national level policies tend to dominate state level policies. Some states are trying to make progress in certain domains, but are often hindered by confusion over their roles and responsibilities, a lack of funds, and being overpowered by the national level. Officials at the state and county levels often complain about interference from the national government without proper prior

Efficient use of assets



Policy coordination



notice. Tax and revenue collection are, for instance, a domain where a lack of coordination impedes the lower levels of government.

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

Despite suggestions of accountability and measures against the abuse of office, a lack of transparency hampers the fight against corruption. Many people in the government have a sense of entitlement toward their positions because of their contribution to the fight against the north. Corrupt practices, patronage, unclear deals and the abuse of office are part of practice. The financial resources that became available during the first years after the signing of the CPA, both in terms of oil revenues and development aid, were unprecedented for the semi-autonomous government. There was no system available to monitor the use of funds, and billions of dollars were reportedly stolen from the Government of South Sudan.

The Anti-Corruption Committee, established during the interim period, has its functions laid down in the transitional constitution (Articles 143/44). The constitution gives the Anti-Corruption Commission the powers to investigate and prosecute. According to the independent Sudd Institute, however, the problem is that the "Anti-Corruption Commission Act, 2009 has not been amended to include the prosecutorial powers for the Commission." None of the officials investigated by the commission have been subject to prosecution. Moreover, as the courts are controlled by the executive, while anti-corruption policies exist, it is challenging to implement and enforce these policies.

In December 2017, Benjamin Bol Mel, the former Chairman of the South Sudan Chamber of Commerce, Industry, and Agriculture, former principal financial advisor and private secretary to President Kiir, was sanctioned by the U.S. government under an executive order called Blocking the Property of Persons Involved in Serious Human Rights Abuses and Corruption. NGOs have criticized the September 2018 peace deal for failing once again to address corruption effectively.



16 | Consensus-Building

At the time of independence, the people of South Sudan and many of its leaders agreed on the urgent need to provide safety, democracy and inclusive development. But many people in the political and military elite seem to only pay lip service to these values and to be more concerned about their resources and power basis than peace and democracy. In combination with the personal ambitions of some of the protagonists in the war, South Sudan is more divided today than it has been since its independence in 2011. Recent years have also shown how deeply divided the leadership is about whether or not to prioritize peace and democracy or, instead, to continue to fight for power. The violence of December 2013 and the following civil war were caused by these divisions. As the civil war has continued, more factions have emerged, with splinter groups breaking away from SPLM. The fact that SPLM continues to narrow the political space makes it difficult for new political actors to emerge. Rural areas, on the other hand, are under the authority of chiefs, who are often SPLM members and representatives. Politically, the role of a chief is to convey and oversee the implementation of SPLM's policies. In short, there is no question of consensus-building, at least for now.

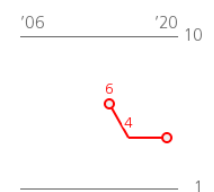
Although there is a proclaimed general consensus on the principles of a market economy, the ongoing conflict and power struggles within the ruling party are a major impediment to promoting a functioning market economy.

The evaluation of democratic actors and the support for democracy in South Sudan has two sides: On the one hand, despite the factionalism, violence and civil war, all parties involved in the conflict claim a commitment to protecting democratic rights. This was also the case in the conflicts that pre-dated South Sudan's independence. Even those fighting against the government claim to be fighting for the restoration of democratic principles and values in the country, including the government.

On the other hand, in practice various actors have used violence to stay in power, to gain it or regain previous government positions. The repressive policies developed by the government (e.g., the restriction of freedom of assembly or expression, and the intimidation of emerging political parties) are largely strategies to retain power. The rebellion of Riek Machar and the other groups were in part a reaction to the repressive policies of the government, but primarily motivated by dismissals from powerful positions. Political actors in South Sudan are aware of the international value of democratic government and act accordingly. In conclusion, various groups have claimed to be working toward the consolidation of democratic rights, as a means of justifying a power struggle.

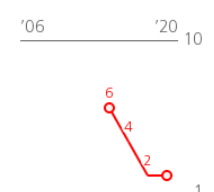
Consensus on goals

4



Anti-democratic actors

2

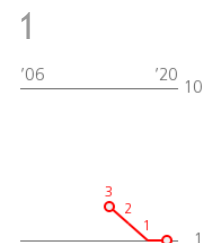


In addition to ethnic divides, there are numerous social cleavages in South Sudanese society. Conflicts in rural areas are often about access to resources, such as grazing land for cattle. The conflict over resources has been central to disputes in areas where a large proportion of the population depend on cattle for their livelihoods. After the CPA, disputes over land have become central to conflicts between communities, which have often assumed an ethnic dimension. Though labeled as “ethnic” or “land” conflicts, the root causes of these conflicts are broader. However, ethnicity or land are often used as a strategy by political elites to mobilize support for their specific interest, whether political or economic. Another cleavage involves competition within the public sector work force. Those who fought for the SPLA feel that they have the right to public employment opportunities, despite their lack of experience or skills. Those educated in Sudan during the war are regarded with suspicion and are often marginalized. Citizens who returned from the diaspora face similar doubts. Language, age, and gender contribute to other fractures in society that need to be addressed.

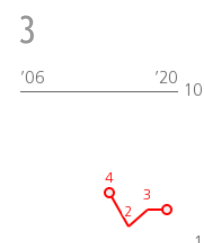
Civil society plays an important role in South Sudan. The South Sudan Civil Society Forum (SSCSF) claims to have organized over 200 civil society organizations. A few key organizations such as the Sudd Institute and the Community Empowerment for Progress Organization (CEPO), and various churches are among those playing instrumental roles in bridging the gap between the state and the society. Despite continued efforts to contribute positively to state-building in South Sudan, the continuation of the civil war has negatively influenced some civil society groups, with some organizations taking sides in the conflicts. Some civil society groups have also been internally divided in their support for the government or opposition forces. This has resulted in many civil society groups becoming increasingly partisan. As the civil war continues, the chances are high that more civil society organizations are likely to become less neutral. As mentioned earlier in this report, public space for the freedom of expression, deliberations over policies and laws, and investigative journalism has steadily decreased in recent years. Thus, ending the civil war and restring the rule of law is key to ensuring that civil society groups can perform their duties, and benefit society and the country.

Conflict mediation and reconciliation are central to many communities in South Sudan. Despite the high number of casualties caused by violence since the 1991 split within SPLM, churches and traditional leaders were able to reconcile communities involved in the conflicts with minimum intervention. But from the start of the interim period in 2005, political elites have increasingly politicized conflicts and exploited ethnic cleavages, making it difficult to resolve local conflicts, particularly conflicts involving communities from different ethnic groups. In December 2012, the parliament approved a reconciliation campaign to be led by the then-vice president. Although the importance of reconciliation became an important topic of conversation in South Sudan, many distrusted Machar’s intentions. Moreover, President Kiir interpreted this as a political strategy by Riek Machar to win political support. This

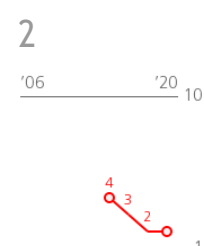
Cleavage / conflict management



Civil society participation



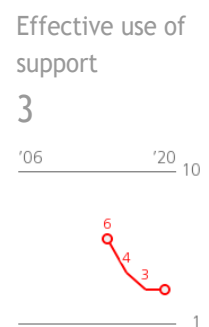
Reconciliation



led Kiir to cancel the reconciliation process. In December 2016, Kiir issued a decree for the formation of a dialog committee for national reconciliation. But this move was also received with suspicion by various communities. The current civil war adds yet another layer of grievance to those with which the South Sudanese people have to come to terms. This conflict certainly has made any process of reconciliation potentially more divisive. Reconciliation remains a central to South Sudan's development, but it is not going to be an easy process.

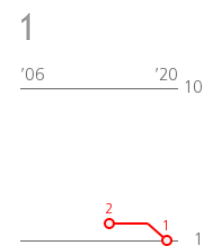
17 | International Cooperation

The international community and development partners have been supportive of state-building in South Sudan since independence, particularly the World Bank, the EU, Norway, the United States and the United Kingdom. The major donors have been focusing on infrastructural projects, diversification of the economy, security sector reform and police capacities. To provide technical assistance, numerous professionals from other countries have been deployed in various capacities within the government of South Sudan. The civil war has however affected relations between the government, and the donor community, international NGOs and national NGOs that receive external support. This change is a result of the international community's pressure on the government to reform, which the government interprets as sympathy for rebel groups and attempts to force regime change. As a result, the NGO bill of 2015 was in part a reaction to the growing tensions between the government and the international community, which has resulted in the government placing restrictions on the work of NGOs within the country. In January 2017, for example, the government banned relief agencies from operating in rebel-controlled areas. Bilateral relations between South Sudan and various other countries have also deteriorated. As with the donor community, attempts by many other countries to advise the government on the peaceful settlement has been interpreted by the government in terms of fostering regime change or support for the rebels. With the start of the civil war, donors shifted the focus of their development aid to humanitarian assistance. Donor countries have stopped their direct and indirect support of the South Sudanese government. Members of the international community, nevertheless, are seeking ways to continue assisting the South Sudanese people. That is not easy in a context where working with the government should be avoided.



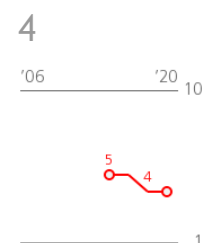
The relationship between the government of South Sudan and the international community has deteriorated in recent years. The international community initially had high expectations in 2011. As a result of the civil war, human rights violations and the defiance of peace agreements, the government and the other various parties to the conflicts have increasingly lost credibility. This happened in part because it was increasingly apparent that South Sudan's political elites primarily care about their power struggles rather than working toward a better future for the country and its population. While neighbors such as Sudan and Uganda clearly favor the Kiir government as a vehicle to protect their interests, the international community remains neutral and tries to foster mediation among the conflict parties. The Kiir government has regarded this as support for the armed opposition and accordingly tries to keep reducing its influence in the country. Good working relations are secondary to this primary concern. At the same time, the government depends on NGOs for the provision of basic services such as health care, education, water and sanitation. The government clearly shows that it distrusts the international community and does not want any political interference. At the same time, it expects the international community to provide financial support. Prior to the 2018 agreement, as a result of the repeated broken peace deals, some international partners were close to cancelling all support for South Sudan, while others decided that there will no lasting peace with the current generation of political leaders.

Credibility



While relations with the international community have been strained in recent years, relations with neighboring countries have been treated with slightly more care. All the neighboring countries have economic, political and strategic stakes in South Sudan, and are for this reason directly or indirectly affected by the conflict.

Regional cooperation



Relations with Sudan were relatively satisfactory throughout 2013, although fragile. When the president dismissed his cabinet and replaced them with new officials, quite a few came from the ranks of the “Khartoum loyalists.” It was believed to be an attempt to foster good relations in a context where many issues between the two countries remain unresolved. When the conflict broke out, in addition, the government called for support from the Ugandan Army. The latter has been present on South Sudanese territory ever since.

After the start of the violence, IGAD started a mediation process. The neutrality of IGAD's efforts is compromised by the presence of the Ugandan army on South Sudanese soil. More broadly, there is a disconnection between the objectives of the regional body, IGAD, (responsible for the peace talks and a monitoring and observation mission to observe earlier-signed ceasefires) and those of the individual member states (with their own interests). After the new outbreak of violence in 2016, first Ethiopia lead IGAD's mediation efforts. Due to the political change there, the negotiations were handed over to Sudan, which put heavy pressure on the opposition to agree to a peace deal. Khartoum found common ground with Kiir and supported a peace deal similar to that of 2015, which favors the government. Sudanese forces now

operate on South Sudanese soil, primarily tasked with protecting the oil production vital for both states. The presence of both Ugandan and Sudanese forces within South Sudan is a provocation and seriously violates the integrity of the state.

South Sudan is an important trading partner, especially for Uganda, but also for Kenya. Each neighbor holds to their own interests while pushing the regional body IGAD for a permanent solution. For the moment, the instability in the country inhibits South Sudan's potential economic role in the region. The country became a member of the Common Market for Eastern and Southern Africa (COMESA) in 2011 and in April 2016 became a member of the East African Community (EAC). Within EAC, there are discussions about options for unlocking the landlocked state via new highways and oil pipelines, but these have been delayed by the conflict. Moreover, South Sudanese delegates often miss EAC meetings.

Strategic Outlook

South Sudan is facing enormous political, social and economic challenges, but these can only be addressed if the ongoing conflict can be settled. Between 2013 and April 2018, 383,000 people have died in the civil war, according to a new report by the London School of Hygiene and Tropical Medicine. As the 2015 peace agreement only lasted some months, it is not possible to determine if the new Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS) of September 2018 will have a better chance than its predecessor.

In the best-case scenario, the international community would increase the pressure on both sides of the conflict, as well as on neighboring countries, to contribute to an inclusive peace process. Both sides would implement the agreement and work together in order to establish a new constitution (as agreed upon in the treaty) and not start new violence. Apart from stronger financial engagement by the international community (especially for the reintegration or disarmament of forces), a stronger U.N. mission with a credible, better staffed and equipped UNMISS force could help to control a disarmament process and restore security. However, this is highly unlikely. Especially Western states show no sign of serious engagement in the conflict, as they are occupied with internal struggles and the management of several other conflicts (e.g., Ukraine, Syria, Mali, etc.). Due to their experiences in conflicts such as those in Afghanistan, the Western public and Western politicians show no tendency to heavily engage in a conflict that does not threaten own interests and cannot be resolved any time soon. The African Union will continue to delegate primary responsibility for South Sudan to IGAD. In a worst-case scenario, the new peace deal will collapse as quickly as the previous one did.

The splintering of several opposition forces in the aftermath of the new peace deal could hamper the peace process seriously. In addition, the 2018 agreement is to a large extent a copy of the 2015 accord, which is not a good sign. An opinion poll from November 2018 shows that only 43% of respondents believe that the R-ARCSS will bring lasting peace. However, in December 2018, Jean-Pierre Lacroix, the head of U.N. Peacekeeping force, stated that “more progress has been made in the past four months than in the previous four years.” Indeed, power relations within South Sudan have changed in recent years. Both Sudan and Uganda have decided to support Kiir, and maybe the opposition will be forced to implement the agreement due to limited fighting capability. In early 2019, IGAD reported violations of the ceasefire agreement.

According to the United Nations, by the end of 2018, the civil war caused two million people to be internally displaced, 2.3 million to become refugees in neighboring countries and 7.1 million to be in need of humanitarian assistance. Only an estimated 25% of the population have access to primary health care. In order to stabilize the state structures and prevent a complete collapse, the state needs support from the international community. But, as the previous agreements were broken, major donors are very skeptical and reluctant to invest political and economic capital in South Sudan. The government clearly shows that it distrusts the international community and does not want any political interference. Apart from the government conflict, if the fighting could be stopped, all actors would need to address the basic needs of the population and foster a reconciliation process to stop further social fragmentation of the South Sudanese society. This will not be an easy process.