

# Aid and Government

## Conflict sensitivity and the state in South Sudan

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# CSRF

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## Acronyms

AU – African Union  
 CPA – Comprehensive Peace Agreement  
 GRSS – Government of the Republic of South Sudan  
 IGAD – Inter-Governmental Authority on Development  
 IMF – International Monetary Fund  
 INGO – International Non-Governmental Organisation  
 IOM – International Organization for Migration  
 NNGO – National Non-Governmental Organisation  
 NPTC – National Pre-Transitional Committee  
 OCHA – Office for the Coordination of Humanitarian Affairs  
 OLS – Operation Lifeline Sudan  
 RARCISS – Revitalised Agreement for the Resolution of Conflict in South Sudan  
 RRA – Relief and Rehabilitation Agency  
 RRC – Relief and Rehabilitation Commission  
 SPLA – South Sudan People’s Liberation Army  
 SPLM – South Sudan People’s Liberation Movement  
 SPLM-IO – South Sudan People’s Liberation Movement – In Opposition  
 SRRRA – South Sudan Relief and Rehabilitation Agency  
 UN – United Nations  
 UNMISS – United Nations Mission in South Sudan  
 WFP – World Food Program

## Recommendations

Throughout the international aid community in South Sudan there is considerable knowledge of and experience of interacting with government structures and authorities. The following recommendations have been distilled from good practices and approaches to managing the risks of engagement captured during consultations with experts and practitioners in South Sudan.

### ***Be deliberate***

Interactions with government can be complex and difficult to navigate. Relationship-building is essential and requires clarity of purpose. International actors should actively engage with the difficult tensions of how we define and address conflict sensitivity and what the substance of principled engagement is. There are no precise ways around the difficult questions and different organisations and individuals have very different approaches and understandings.

- Organisations should ensure that there is internal space for discussion on critical engagement questions and should prioritise the building of institutional knowledge and skills on how to negotiate and lobby with the government.
- Principles can help to provide longer-term horizons and define longer-term priorities that can help to inform, and defend, difficult decisions that need to be made in emergencies.
- Donor coordination around joint approaches to complicated issues can help to build more coherent interactions with governance structures.

The potential for manipulation exists as much at local levels as at national levels and aid organisations are advised to be deliberate about what they do by knowing who they are and what they stand for and be purposeful about partnerships.

- Invest in staff capacity to talk about and address demands for access to aid inputs and processes and be willing to consistently deal with determined efforts to influence aid operations.
- Be deliberate in choices about who and how to work with government partners and have clear programmatic logic and criteria to enable these decisions.

### ***Be open and invest in learning***

Engagement can lead to unexpected movement. Investments in engaging and building relationships often create opportunities. Competent and committed individuals work throughout the government and there are many opportunities to identify and work with officials who remain committed to accountable service delivery. International actors should be open to engaging with their South Sudanese counterparts and to approach such engagements from a position of principled openness, not arrogance.

- International aid workers and organisations should consistently practice honesty, transparency and principled action.
- Mutual trust-building and accountability mechanisms should be explicitly included in projects that engage with government. International aid actors should proactively engage in behaviour modelling.
- Regularly make time to review unexpected lessons learned, to change approaches if needed.
- Project proposals should include review and analysis of similar projects that have been implemented in the sector or geographic region, to learn from past efforts.

### ***Hold space for equity, diversity and inclusion***

Marginalisation on the basis of ethnicity, gender or geography threatens stability in South Sudan. International partners supporting a long-term vision for a peaceful South Sudan need to consciously engage with how their programmes and approaches give meaning to equity and diversity.

- Aid actors should consistently look for opportunities to engage with multiple voices and actively seek diverse opinions from within the South Sudanese and international communities.
- Aid organisations need to confront internal and programmatic biases, including biases towards working with executive as opposed to judicial and legislative branches of government; biases towards programming in urban centres and biases towards static points for service delivery. Aid actors must be deliberate about programming in areas neglected by both government and international support and actively promote the extension of access to services in marginalised areas.
- Aid resources provide a coping option for people in times of need and aid actors should more actively engage with how aid resources can be used to increase the range of choices that people have outside of ethnic and patronage-based systems.
- International organisations should consider including equity and diversity criteria in how they choose staff, partners, beneficiaries and sub-grantees.

### ***Be innovative***

Neither the government nor aid actors in South Sudan expect to see high levels of funding allocated towards transitional and developmental activities in the near future. This political reality will force aid actors to find more innovative ways to meet the needs of vulnerable people. A narrow focus on cost per beneficiary could discourage creative thinking about how programming can extend its reach. Further, given the intervention history in South Sudan, many approaches and projects have been tried before and a lack of institutional memory prevents true learning and adapting. Innovative approaches are required to continue to work on complex problems, to do more with less and to meet ever increasing humanitarian needs.

- To avoid the politicisation of aid, resources, responsibility and accountability should be decentralised to the lowest effective level. This means that aid actors should seek avenues to channel resources to public sector entities in ways that build accountability and a service delivery orientation from the bottom-up.
- Aid actors should engage with what functional decentralisation would look like and focus on how to enable shared spaces and shared resources between communities. Peacebuilding should be mainstreamed within the humanitarian, stabilisation and development communities' work. Aid actors should constantly question how any unique undertaking impacts social cohesion using conflict, ethnic and gender-sensitive perspectives.
- There is a need to better understand how local institutions (including culturally-driven institutions, such as age-sets and kinship networks) function and exert accountability on power structures and how this interacts with aid.
- Capacity-building must be understood as a longer-term process that comprises many activities outside of the traditional trainings and training-of-trainers favoured by many aid actors.

### ***Continue to influence the situation in a positive manner***

While the scale of peace and security challenges in South Sudan cannot be underestimated, it is easy for aid workers and donors to become trapped in cycles of cynicism. Being able to use aid resources and expertise to improve the lives of South Sudanese citizens means being able to consistently see the value and impact of aid projects and to hold a vision of South Sudan that is different from the daily reality. Moving from a place of destructive violence to constructive social engagement requires both

art and skill. Aid workers and government officials are often technically skilled individuals. True champions of change need to be creative individuals who are able to *imagine something rooted in the challenges of the real world, yet capable of giving birth to that which does not yet exist*<sup>1</sup>. There is an art to negotiation, an art to managing teams and an art to social change that relies on being able to situate oneself in relation to others, to be attentive to more than what is immediately visible and to positively enable the emergence of alternative outcomes.

- Mainstream conflict sensitivity and adopt a peacebuilding approach to humanitarian and development interventions to situate short-term efforts within long-term perspectives and to seek avenues to maximise the impact of aid resources. These approaches need to recognise that aid is part of South Sudan's political economy, and so decisions around aid impact on government behaviour and options.
- There is a need to balance long-term knowledge with fresh eyes. While experience in and historical knowledge of South Sudan are essential, there are risks that personal and ideological biases become entrenched and prevent the imagination and pursuit of innovative approaches to problem-solving.
- Organisations need to focus on institutional memory, including having processes for staff transitions and training. Donors need to ensure funding continuity to avoid loss of momentum and poor handovers. New staff should be trained on the context and how systems of authority work in South Sudan.
- Aid organisations and donors should actively seek areas of comparative advantage and incentivise collaboration.

*When relationships collapse, the center of social change does not hold. And correspondingly, rebuilding what has fallen apart is centrally the process of rebuilding relational spaces that hold things together.*

*Paradoxical by their very nature, relational spaces create social energy that is simultaneously centripetal and centrifugal.*

*But rather than anarchy, which is like exploding into a million pieces, peacebuilding understands that relationships create and emanate social energy and are places to which energy returns for a sense of purpose and direction.*

*John Paul Lederach (2005)*

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<sup>1</sup> John Paul Lederach (2005), *The Moral Imagination: The Art and Soul of Building Peace*, <https://gruposhumanidades14.files.wordpress.com/2014/10/john-paul-lederach-the-moral-imagination-the-art-and-soul-of-building-peace.pdf>.

## Introduction

International aid is an important part of the political economy of South Sudan and interacts with government, including state and local structures and authorities, in a continuous and evolving manner. Innovation, cooperation, mistrust, and conflict have characterised the relationship between the broader international aid community and the structures that produce and exercise authority in this diverse land. Since the 2013 civil war, though, this relationship has been dominated by mistrust as the international narrative towards South Sudan has shifted from one of collaboration to one of suspicion and the government has sought to use international resources in support of its political and military objectives. With a seeming lack of shared goals, international actors have called out the government for human rights violations, including impeding access to humanitarian aid and targeting aid workers and civil society representatives.

However, with the signing of a revitalised power sharing agreement in September 2018, there is occasion to consider how international aid providers work with, through or around the government in ways that maximise the positive impact of aid inputs and minimise the risk of harm. Based on primary and secondary sources, including the extensive literature surrounding lessons from the Comprehensive Peace Agreement (CPA) period, this paper analyses the relationship between the international aid community and the government in South Sudan in order to: (1) identify the opportunities and risks that donors and implementing partners face when working alongside, through or around the government; (2) consider the long-term implications of working alongside, through or around the government; and (3) offer lessons about minimum standards, conditions and good practices to promote conflict-sensitive engagement between the international aid community and the government in the current context.

Aid actors have struggled to find the right approaches to engaging with the government in South Sudan. While some diplomats have asserted that the government is not a credible partner<sup>2</sup>, there are significant political factors that reinforce their authority, not least of which is recognition from regional and some international partners and the UN system. Where government actions impede aid objectives, attempts to push back on government authority have often fallen short. In such cases, the government has effectively worked to undermine the generation of momentum and pathways for collective action, through for example, pressures on humanitarian leadership and outspoken advocates. Government control over humanitarian access leads to government influence, if not control, over aid provision, and it is likely that Juba will continue attempts to align aid resources with their political strategies. As humanitarian and development programming rely on local level cooperation, aid actors, at a minimum, will continue to seek government engagement and develop relationships with government officials within the communities where aid is delivered. None of these trends are unique to the current context, and there is a significant history of international aid engagement with authorities in South Sudan that influence the parameters and expectations of these relationships.

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<sup>2</sup> See, for example: <https://www.voanews.com/a/us-ambassador-to-un-calls-south-sudan-government-unfit-partner/4226865.html> and [https://www.washingtonpost.com/news/worldviews/wp/2018/05/11/trump-is-reassessing-aid-to-south-sudan-its-government-says-cuts-would-be-a-disaster/?noredirect=on&utm\\_term=.0aa88708c49b](https://www.washingtonpost.com/news/worldviews/wp/2018/05/11/trump-is-reassessing-aid-to-south-sudan-its-government-says-cuts-would-be-a-disaster/?noredirect=on&utm_term=.0aa88708c49b).

## A brief historical overview

### Relief in War

During the second civil war (1983-2005), international aid actors struggled to get humanitarian access to conflict-affected populations in then-southern Sudan to offset the crippling famines and mass displacement being caused by the conflict. Within a context of limited political influence and severe access constraints, the humanitarian (and diplomatic) community innovated and adapted. The international response was split between those who were open to working with armed groups – especially the Sudan People’s Liberation Army/ Movement (SPLA/M) – and those who saw unbiased delivery as needing to be independent of any of the belligerents.

Operation Lifeline Sudan (OLS – 1989 to 2005) attempted to strike the right balance between practical and principled aid delivery in a complex insurgency by negotiating access with both sides on the basis of a set of agreed principles. The formalisation of relationships introduced structures and processes that fundamentally shaped the response, delivery and relative power dynamics of all actors involved. Critically, aid was delivered with the consent, cooperation and input of the SPLA. This guaranteed access to conflict-affected populations, but also conferred a degree of legitimacy on the movement as a political entity and encouraged the militarised movement to adopt pseudo-civilian structures. The establishment of the Sudan Relief and Rehabilitation Agency (RRA) created a formal platform for engagement to manage the relationship between the aid community and the SPLA authorities.

#### Lessons from Operation Lifeline Sudan

- ✓ Principled engagement requires continuous discussion and negotiation.
- ✓ Any negotiated outcome is by definition a compromise of objectives among divergent actors.
- ✓ Negotiated compromises cannot prevent aid manipulation and attempted diversion.
- ✓ Increased humanitarian access can be critiqued both for a lack of neutrality and for failing to build institutions.
- ✓ The incorporation of protection concerns into access negotiations makes them more fraught.
- ✓ Lack of consistent funding and clear leadership leads to short-term shifts in approach that can undermine long-term progress.
- ✓ Traditional authorities were recognised as the link between humanitarian aid and communities.

Daniel Maxwell, Martina Santschi and Rachel Gordon (2014), *Looking Back to Look Ahead: Reviewing key lessons from Operational Lifeline Sudan and past humanitarian operations in South Sudan*.

The RRA operated as an interlocutor between the SPLA, the affected communities receiving aid and support, and the international actors bringing skills and resources to bear. However, none of these entities is homogenous; relative power is not static; and the outcomes of any exchanges were based on complex interactions determined by ethnicity, geography, identity and personality. Under OLS, aid delivery relied on cooperation and conflict with the RRA and the outcomes thereof depended very much on local dynamics and personalities.

OLS created the precedent for aid actors to work with non-state forces, recognising the importance of working with interlocutors who are parties to the conflict and continuous negotiations with local

authorities.<sup>3</sup> The structures created for working together to achieve humanitarian outcomes during OLS have continued to function, now through the Relief and Rehabilitation Commission (RRC). Mirroring the experience of the second civil war, opposition forces in the recent civil war also quickly developed coordination structures to facilitate aid delivery in territories under their control. The South Sudan Relief and Rehabilitation Agency (SSRRA – later also called the Relief Organisation of South Sudan<sup>4</sup>) was tasked to develop a “blue print and ground rules to guide the working relationship between the SPLM/SPLA and international humanitarian agencies” and “to issue licences to all NGOs working in the SPLM/SPLA controlled areas.”<sup>5</sup> The SSRRA quickly moved to introduce regulations and taxation for aid operations in South Sudan People’s Liberation Movement – In Opposition (SPLM-IO) areas that frustrated international actors due to a lack of clarity and coherence with existing governance arrangements in government-held areas. Most aid is delivered from government areas into IO areas, meaning that aid actors were subjected to two systems of bureaucratic control. For national staff, this meant double taxation demands with income tax paid to the government in Juba and IO officials also attempting to extract income tax at local levels.

Similar to current experience, during OLS, the RRA used regulations to divide the international community. At that time, INGOs were asked to sign Memoranda of Understanding aligning their operations with SPLM/A objectives; some organisations withdrew to prove commitment to humanitarian principle and others compromised neutrality in favour of access.<sup>6</sup> One of the positive outcomes of these negotiated processes was that OLS managed to ensure greater coherence of aid actors by requiring compliance with joint approaches to use common humanitarian services with the majority of aid actors working together under the OLS banner and in coordination with the RRA to enable the provision of aid on a larger scale than otherwise would have been possible.<sup>7</sup>

## Peace Agreements and Shifts in Aid

As the Sudan-South Sudan conflict drew to a close with the implementation of the Comprehensive Peace Agreement (CPA – 2005 to 2011) and the creation of an independent South Sudanese state, the relationship between the international community and their South Sudanese counterparts changed. The primary points of engagement shifted from a preoccupation with emergency humanitarian response and achieving well-defined technical process-oriented CPA driven deadlines to more vaguely defined and overly ambitious institution and capacity building goals within a conflict reduction and peacebuilding framework. Further, the role of the international community as midwife to the nascent state seemed to award international actors a stake in the governance of the new country.

The rush of attention to statebuilding in South Sudan has been widely criticised for failing to adequately understand and respond to the political realities and for failing to provide a bulwark against the consolidation of an ethnically-biased, patrimonial and militarised ruling elite. The focus on state capacity and expansion resulted in the establishment of aid-government relationships focused on building service delivery capacity for public goods. Key achievements in this time included the establishment of sector-specific working groups as coordination forums, the appointment of sector

<sup>3</sup> Jansen, B.J. (2017), ‘The humanitarian protectorate of South Sudan? Understanding insecurity for humanitarians in a political economy of aid’. *The Journal of Modern African Studies* No. 55, p. 349-370, <https://doi.org/10.1017/S0022278X17000271>.

<sup>4</sup> Names of the various relief agencies have changed fluidly over the years, depending on alliances and agreements. They are not always applied consistently.

<sup>5</sup> As quoted in John Young (2015), *A fractious rebellion: Inside the SPLM-IO*. Small Arms Survey: Geneva.

<sup>6</sup> Daniel Maxwell, Martina Santschi and Rachel Gordon (2015), *Looking back to look ahead? Reviewing key lessons from Operation Lifeline Sudan and past humanitarian operations in South Sudan*. Secure Livelihoods Research Consortium, <https://securelivelihoods.org/wp-content/uploads/Reviewing-key-lessons-from-Operation-Lifeline-Sudan-and-past-humanitarian-operations-in-South-Sudan.pdf>.

<sup>7</sup> *Ibid*



leads, and the movement of aid from reactively targeting specific delivery sites to working more proactively to achieve a less explicit set of outcomes with a wider geographic footprint.

One of the main policy instruments defining the relationships and coordination mechanisms facilitating donor-government relations was the 2011 Aid Strategy developed by the Ministry of Finance and Economic Planning “to improve the effectiveness of development assistance and humanitarian aid delivery in South Sudan, by aligning funding with the Government’s core priorities.”<sup>8</sup> The Aid Strategy established four joint government-donor coordinating bodies and included six core benchmarks that the government and development partners should work towards, including that aid is aligned with government policies and plans and that aid is managed by government institutions using government systems.

The Aid Strategy was developed as part of a broader process where the interests of the government to move towards direct donor funding for development aligned with international aid effectiveness debates that pushed to direct development funds through national systems in fragile and conflict-affected states. These international efforts led to the signing of the New Deal for Engagement in Fragile States in 2011 as an agreement between fragile and conflict-affected states, international development partners and civil society to improve development policy and practice in fragile states<sup>9</sup>.

South Sudan is one of the pilot countries that voluntarily adopted the New Deal to promote country-owned and country-led development planning. Over a period of seven months in 2012 and 2013, the government, donors and civil society worked towards agreement on a New Deal Compact to create a framework for the new approach to partnership and accountability. The process was led by the World Bank, UNDP and Overseas Development Institute (ODI) and included national- and state-level consultations. However, progress towards new aid modalities in South Sudan stalled *before* the December 2013 conflict broke out. The main stumbling block was an internationally-led effort to tie the New Deal Compact to an International Monetary Fund (IMF) support package that included key economic reforms, including on foreign currency exchange controls. Members of Parliament in Juba

#### International engagement: Lessons from Southern Sudan 2009

- ✓ The conventional aid architecture is ill-equipped to deal with a situation that spans development and humanitarian needs.
- ✓ The international community’s failure to provide immediate and tangible peace dividends in Southern Sudan is a risk to peacebuilding. Delays and gaps in service provision and growing insecurity in some areas have resulted in returnees either congregating in overcrowded towns and settlements or postponing their return.
- ✓ Signing a peace agreement often changes little on the ground. Transitioning from war to peace is a highly political process in which different principles, priorities and approaches need to come together. This includes a sophisticated analysis of power relations, causes of vulnerability, drivers of conflict and indicators of resilience.
- ✓ In dynamic post-conflict settings, the political economy of the transition needs to be reviewed and revised continuously.
- ✓ More effort is needed to find and support national champions of change and reform. The role of such national actors is fundamental, because international engagement can only help to stimulate stability – it cannot drive it.

S. Pantuliano (2009), *International engagement in fragile states: lessons from Southern Sudan*. Overseas Development Institute, <https://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/5313.pdf>

<sup>8</sup> Ministry of Finance and Economic Planning, Government of the Republic of South Sudan (2011), *Aid Strategy for the Government of the Republic of South Sudan*, [http://grss-mof.org/wp-content/uploads/2011/11/RSS\\_Aid-Strategy.pdf](http://grss-mof.org/wp-content/uploads/2011/11/RSS_Aid-Strategy.pdf).

<sup>9</sup> For more information on the New Deal, see <https://www.pbsbdialogue.org/en/>.

scuttled the New Deal Compact when they refused to link demands for macro-economic reform with increased access to on-budget support.<sup>10</sup> Several lessons emerge from the New Deal pilot in South Sudan, including that there are multiple economic interests supporting and benefitting from the current system of macro-economic malfeasance and that efforts to make aid modalities contingent on macro-economic reform should have a more comprehensive and nuanced view of the political economy.

The partnership approach developed between the international community during the CPA period unravelled when the civil war started in 2013 and the international aid community had to face a government, no longer as partners in a long-term endeavour of institution and capacity building, but as a belligerent party to an increasingly violent conflict. As the violence spread and human toll mounted, the international aid community chose to no longer support the institutions of the emerging state, but rather shifted focus back to addressing the consequences, rather than causes, of violence. High-level political questions were delegated to the structures and processes of international order - the UN Security Council, African Union (AU) and Inter-Governmental Authority on Development (IGAD) and in the case of South Sudan, the Troika (US, UK and Norway). Structures were established for a negotiated peace process that has gone through several iterations, with the substance of discussions largely focused on how to share access to state power and resources, and how to balance the political needs and inconsistent interests of the South Sudanese parties to the conflict, regional neighbours deeply engaged in the conflict and international interlocutors.

In South Sudan, the focus of the international effort returned to the incredibly complex humanitarian response, which cannot stem the constant tide of suffering. Facing the brutal consequences of a human-made crisis, international aid actors from donors, to INGOs, UN agencies and NNGOs spoke out about the scale of abuses and squarely laid the blame at the feet of the government and opposition for failing to protect civilians, committing wide-spread violations of human rights and for obstructing the ability of external caretakers to access populations in need. As the conflict continued, humanitarian interactions with the government became increasingly tense with international actors having to traverse a hostile and chaotic landscape.<sup>11</sup>

While direct support to the central government became too much of a reputational risk, the lack of a long-term perspective left some political actors in Juba without a clear mandate. It also left the channels of dialogue in-country limited to reactionary messaging with a short-term humanitarian focus and a general withdrawal from regular diplomatic and programmatic discussions at capital level. The brutality of the conflict left many international supporters of statebuilding in South Sudan questioning the consequences of their actions. However, for the majority of international actors in South Sudan, questions about whether to work with the government shifted to questions about how to manage interactions with the state and mitigate exposure to the state apparatus, while continuing pursuit of altruistic outcomes within an environment of extreme and expanding dearth.

It is within this historical context that this current research is presented. With a revitalised power-sharing agreement reached in September 2018, the nearly five years of civil war are potentially again over and the government continues to be the primary loci of power. That is not to imply that power is static, homogenous or unique. Indeed, key characteristics of governance in South Sudan are

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<sup>10</sup> South Sudan NGO Forum Secretariat and Civil Society Platform for Peacebuilding and Statebuilding (2015), *The New Deal Implementation in South Sudan: A South Sudanese Civil Society Perspective Paper*, <http://docs.southsudangoforum.org/sites/default/files/2016-08/The%20New%20Deal%20Implementation%20in%20South%20Sudan.%20A%20South%20Sudanese%20civil%20society%20perspective%20paper%202015.pdf>.

<sup>11</sup> *A Rock and A Hard Place: Operating Challenges for Aid Organizations in South Sudan*, (2017), <https://www.southsudanpeaceportal.com/wp-content/uploads/2017/04/Operating-Challenges-for-Aid-Organizations-in-South-Sudan-April-2017.pdf>

innovation, flexibility and multiplicity. This creates an environment in which the international aid community has to navigate treacherous political waters.

## The many faces of aid

The brief history presented above highlights the complicated and evolving relationships between the aid sector and the government in South Sudan. It also shows that the international aid community is beset by internal contradictions, a lack of common purpose, interests and understandings, and embedded competition. The aid sector in South Sudan comprises United Nations Mission in South Sudan (UNMISS) and the UN agencies, including World Food Programme (WFP), International Organization for Migration (IOM) and Office for the Coordination of Humanitarian Affairs (OCHA); International non-governmental organisations (INGOs) and national non-governmental organisations (NNGOs); multilateral organisations, particularly the AU, IGAD, World Bank and IMF; donors and bilateral diplomatic missions; think tanks, research and policy institutes; and commercial contractors. The international aid community is a network of interconnected and autonomous groups in which power actors emerge based on their ability to attract and disperse funds and shape priorities and agendas. All international aid actors are inherently political and advance ideological positions, whether in pursuit of national interest, or in support of specific sets of humanitarian principles. While significant efforts are focused on coordination within the international system, there is an overall lack of coherence in strategy and operation. This is neither new nor unique. It is, however, damaging to the morale of the intervention. Additionally, South Sudan is a deeply studied context in which international advocacy has played an important role. In capitals across the West, South Sudan experts and analysts present highly political critiques and take influential political positions that attempt to shape aid politics and practice within South Sudan.

The international aid sector in South Sudan is largely South Sudanese and pre-dominantly regional in character. For example, of the 24,270 aid workers with NGOs in South Sudan, 22,428 are South Sudanese, 1,842 are expatriates and more than 60% of expatriates are from Kenya, Uganda, Ethiopia and Zimbabwe.<sup>12</sup> UN agencies and donors rely on South Sudanese staff throughout the international aid operation and there are many South Sudanese – within and outside of the government – who at some point worked for an international actor in the last three decades of intervention. This has two important implications: firstly, that the aid apparatus is quite fundamentally tied to the politics and communities of South Sudan; and, secondly, that NGOs and the UN function as an extension of the public service with much of the past, current and future public service capacity residing in the aid sector. Indeed, it is not so much an international aid operation in South Sudan as an internationally-led aid operation.

Leadership exists at many points in the international community, and one of the challenges is the multiplicity of authorities that struggle to find coherence on motivations and attitudes. Personalities have tended to drive collective leadership attempts, and several key personalities have tended to exert wide influence on the aid sector. Aid actors contend for political space and compete over access to funding as well as over strategic and ideological approaches. While this undermines the ability of the international community to speak with one voice when under threat, it also fundamentally undermines the ability to seek creative programming choices that maximise increasingly scarce resources to obtain maximum positive impact – defined not in terms of cost per beneficiary, but in terms of services available per beneficiary.

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<sup>12</sup> Information provided by NGO Forum in interview.

South Sudan has provided fertile ground for the development of innovative delivery strategies. New ways of working – cognisant of the depth of experience gained thus far – need to be continuously sought. However, there are currently significant trends towards more bilateral or small group approaches wherein common ground is sought within like-minded groups (such as the NGOs) who advance common programming, positions and principled approaches. This further hardens perceived divides between actors, creates closed information feedback cycles and restricts a broader view of how actors within the international community affect the operating spaces of each other.

International aid actors also tend to have institutional memory deficits – often at higher levels where staffing changes are more frequent. This has two main impacts on operations: (1) aid actors tend to pass the burden of their lack of knowledge down to beneficiaries by undertaking extensive and repetitive data gathering exercises (avenues should be explored for greater sharing and commonality of assessment and evaluation data); and (2) programmatic learning can be stifled as good practices are not systematically captured and projects fail to build on previous experiences. For example, implementing partners today are not necessarily aware of similar projects that have been conducted pre-2013. Donors should ensure that any projects consciously build on the lessons of previous interventions.

## Understanding the Government and its love/hate relationship with aid

Almost every person consulted for this report noted that engaging with the government in South Sudan is complex as the government is not a clear, homogenous entity. Theoretically, the national level oversees the state levels and then state levels administer local governance through various officials at county, *payam* and *boma* levels.<sup>13</sup> Traditional leaders are included in the governance architecture and recognised in the Local Government Act of 2009. As multiple research projects articulate, chiefs and customary authorities are a fundamental part of the political-military structures of power in South Sudan.<sup>14</sup> Additionally, in line with the SPLM vision of bringing government closer to the people propagated during the second civil war, the structures of government at local level are designed to be inclusive, participatory and community-based and to draw traditional authorities and customary law into the formal apparatus. Within the local government structure, various community institutions are linked in ‘community councils’ that pull local resources, national disbursements and aid together to meet basic needs and advance political and economic development. Support at this level, cognisant of the Local Government Act or not, directly advances the governance agenda as propagated by John Garang – the former leader of the SPLM/A and the first president of Southern Sudan until his death in July 2005 – and carried through the CPA period. The meaningful accommodation of local diversity requires governance solutions that balance local autonomy with central control. This continues to be a fundamental challenge as players at central and local levels compete and cooperate for spheres of influence.

The system of governance in South Sudan should, therefore, not be considered as a hierarchy with a lack of structure, regulation and consistency but rather like a network of relationships through which politics and economics function. In such networked authority, power functions through interconnected groups of decentralised components with significant autonomy, making room for competition even within shared strategies.<sup>15</sup> Within these networks, ‘Big Men’ emerge, largely based on their ability to secure loyalty, most commonly through amassing and redistributing resources, of

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<sup>13</sup> The *payam* is the administrative unit under the county level; the *boma* is the smallest administrative unit in South Sudan.

<sup>14</sup> Nicki Kindersley (2018), *Politics, power and chiefship in war and famine*. Rift Valley Institute, [http://riftvalley.net/publication/politics-power-and-chiefship-famine-and-war#.W\\_-8gj17EdV](http://riftvalley.net/publication/politics-power-and-chiefship-famine-and-war#.W_-8gj17EdV).

<sup>15</sup> Mark Duffield (2002), ‘War as a Network Enterprise: The New Security Terrain and its Implications’ in *Cultural Values* Vol.6 (pp 153-165).

which aid is one. This level of organisation is also evident in the way community leaders are able to mobilise for conflicts and cattle raids. However, such networks remain inherently unstable and constantly adaptable as they are largely based on common interests. It is, therefore, key for international partners to understand and seek spaces where common interests align – through formal and informal channels – and to consistently acknowledge that key interlocutors will seek to access aid to further their own agendas.

It is important that we consider international aid actors as stakeholders in a political economy and governance system that regulates behaviour through resource allocation (or resource-stripping), as well as through the provision (or denial) of security. Understood as such, local legitimacy and power can be seen to exist in the extent to which an actor can negotiate access to security and resources, such as aid, on behalf of not only him or herself, but also his or her kin and networks.<sup>16</sup> The most successful political actors in South Sudan are ‘political entrepreneurs’ who are able to draw on multiple sources of authority (through kinship/identity, history, and geography and also from spirituality/religion and resources) to provide material benefits as well as security outcomes to their constituents. The interactions between an array of political-military actors provide the substance of governance. The relative power and utility calculations that actors make to manage risk and advance interests are done with the twin goals of security and substance in a constant state of negotiation, alliance making and breaking. Furthermore, the provision of aid is seen as part of a neo-patrimonial system of government, in which resources are distributed through a patronage system that rewards service or seduces new clients.<sup>17</sup> Such a framing also means that dependency is an intended consequence of the mode of governance. International actors are locked into a dance with the government wherein the government needs aid to keep constituents appeased but government actors also want that aid to benefit them directly. International aid actors need the government to access their constituencies but want to keep the government from benefiting directly from that assistance. Meanwhile, populations are aware that the provision and distribution of aid is determined in relationship to questions of clientelism and government control.<sup>18</sup>

Unsurprisingly, in the recent civil war context, the government was concerned about the ability of SPLM-IO and local authorities to use humanitarian aid to extend their legitimacy claims – as the SPLM had done in the previous war.<sup>19</sup> However, both sides believed themselves to be the legitimate controlling authority, and both sought to control the flow of humanitarian aid and reject the notion of independent humanitarian aid delivery.<sup>20</sup> Within this, there has been a trend of the government advancing centralised control through various interventions, including legislation and regulation.

However, centralised control of any resources in South Sudan is complicated by the powerful demands of extended kinship networks, challenging geography and economic collapse – as well as years of fragmentation of authority. A key part of aid delivery in South Sudan has become the need to work with and through local interlocutors. This is a practical necessity due to the fragmented and localised forms of authority and the decentralised approach to governance. But it is also an increasingly political decision to focus on local level/subnational engagements due to the perceived risks and limitations of national level engagement. Further, as most aid is delivered at the local level, international actors

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<sup>16</sup> Joshua Craze (2018), *Displacement, Access and Conflict in South Sudan: A Longitudinal Perspective*. Conflict Sensitivity Resource Facility, <https://www.southsudanpeaceportal.com/wp-content/uploads/2018/06/CSRF-Research-Displacement-Access-and-Conflict-in-South-Sudan.pdf>.

<sup>17</sup> *Ibid.*

<sup>18</sup> *Ibid.*

<sup>19</sup> Dan Maxwell, Rachel Gordon, Leben Moro, Martina Santschi, and Philip Dau (2016), *Trajectories of International Engagement with State and Local Actors: Evidence from South Sudan*. Secure Livelihoods Research Consortium, [https://securelivelihoods.org/wp-content/uploads/WP46\\_Trajectories-of-international-engagement-with-state-and-local-actors\\_Evidence-from-South-Sudan.pdf](https://securelivelihoods.org/wp-content/uploads/WP46_Trajectories-of-international-engagement-with-state-and-local-actors_Evidence-from-South-Sudan.pdf).

<sup>20</sup> *Ibid.*

often focus on working in local spaces. However, little consideration is given to the potential for resource capture at local levels and the risks of supporting a system that enables extraction of aid resources at the local level.<sup>21</sup>

This is particularly relevant in the current context of South Sudan where the structures of national and subnational authority are not stable, and much programming attention is being directed at state capitals in government-held areas. Uncertainty about the number and delineation of states further weakens local governance and decentralised service delivery options and is directing programming biases towards working in established towns outside of Juba. There is a programmatic bias towards subnational engagement and a perceived distinction between what can be achieved at subnational and local government levels versus at central government level, with little analysis or ‘theory of change’ linking the impact of local-level interactions on systemic accountability and legitimacy questions and *vice-versa*. There is a risk that too much aid attention becomes clustered around certain towns (like Yambio, Torit, Bor, Wau and Aweil) and options for extending the reach of services are reduced. If the humanitarian community is not to be a part of any military strategy, a fuller commitment to rural distribution of aid is necessary.<sup>22</sup>

#### Juba’s redefined playbook

- ✓ The operating environment is described as an evolved, albeit chaotic, blend of ‘surrender or starve’ counter-insurgency tactics, high-intensity regulatory pressure, and deliberate and sometimes violent intimidation.
- ✓ South Sudan’s complex legal and regulatory landscape presented one of the more significant obstacles to an effective humanitarian response.
- ✓ Aid presents both obstacles and opportunities for the government.
- ✓ Government control of aid funding is seen as an extension of their sovereignty and aid agencies are the instruments of threat to their sovereignty.
- ✓ South Sudan’s governance structures essentially comprise a patronage network of semi-institutionalised resource transfers.
- ✓ The increase in number of states led to pressure on aid actors to move resources to sub-national level.
- ✓ Geographically isolated field staff face an onslaught of requests from local authorities and try to push back against arbitrary procedures and processes, while the RRC tries to extend high-level control over NGOs from national level.
- ✓ As resources become scarcer, competition and jurisdictional challenges between sub-national and national authorities, and between state and national authorities, will likely escalate. Central- and state-level actors compete through imposing redundant processes and applying laws in new and creative ways.

*A Rock and a Hard Place: Operating Challenges for Aid Organizations in South Sudan, April 2017.*

Furthermore, the relationship between the international community and the GRSS is often understood in terms of the humanitarian-development divide. While this is more of a spectrum than a divide, there is an ideological split between humanitarian programming focused on neutrality and impartiality and development programming biased towards longer term stability through institutional strength. However, this purported distinction is misleading in South Sudan as many agencies implement humanitarian and development programming with little fundamental change in their overall approach and because available funding streams largely determine programming choices.

<sup>21</sup> Craze (2018), *op. cit.*

<sup>22</sup> *Ibid.*



From the government's perspective, the focus on humanitarian over development funding from international donors creates a further imperative to exercise increased control over humanitarian resource flows in the absence of development resources being directed closer to the state.

Beginning with the OLS intervention, aid in South Sudan has employed a range of strategies for how organisations, and the resources they provide, interact with government. Within the multiple ways that international aid engages with government, three primary approaches can be identified: working through, with or around the government – each with associated risks and opportunities that are explored below.

### Working through the government

As detailed in previous sections, before December 2013, there were several key efforts to increase aid effectiveness and align government and donor development priorities and outcomes. A large international effort was focused on state functionality with technical advisors embedded across the public sector, and many programmes were explicitly intended to enhance the reach and effectiveness of the state. However, since 2013, there has been a lack of appetite amongst key Western donors for more closely channelling aid through or to government structures due to the scale of violence, levels of corruption and general institutional weakness and most aid programmes targeted at government structures were ended. The provision of aid financing through government structures – as idealised in the New Deal framework – is not a short-term reality in South Sudan. However, there are avenues through which aid is still channelled through or close to the government, most particularly through World Bank, IMF and UN support, as well as support to the health and education sectors and emerging programming on resilience and stabilisation. As support to the National Dialogue process highlighted, while some donors and implementing partners may approach government-led initiatives with caution, there are other actors who are more open to direct support – even if with limited financial contributions.

The Revitalised Agreement for the Resolution of Conflict in South Sudan (RARCISS) signed in September 2018 provides an expectation for donors to support the government in several specific and important forms.<sup>23</sup> Chapter 1 of the agreement establishes the National Pre-Transitional Committee (NPTC) to oversee and coordinate the activities of the eight-month pre-transitional period. This includes creating a budget and work plan for the political activities to be undertaken in this period covering the Technical Border Commission (delineating the 1956 tribal borders within 60 days), Independent Border Commission (delineating state and sub-state boundaries within 90 days) and the Referendum Commission on the Number and Boundaries of States (a national referendum to be held on number and delineation of states by May 2019); formulating a process of national healing and reconciliation; implementing security arrangements; addressing constitutional and legislative amendments required in the agreement; and working on the devolution of power and resources to local level. The NPTC is made up of government and opposition representatives.

The agreement provides that the government and donors will contribute to a fund that the NPTC manages from its own bank account, with monthly reporting to the President of the GRSS and signatories to the RARCISS. The agreement is structured towards government control of funds that are intended to enable the achievement of key political priorities in the short-term transitional period. With the high levels of mistrust, it seems unlikely that donors will channel funds to a government administered account – regardless of the central role that such a fund serves within the transitional agenda. Further, given the critical importance of the issues that the NPTC has to deal with, if donors

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<sup>23</sup> <https://igad.int/programs/115-south-sudan-office/1950-signed-revitalized-agreement-on-the-resolution-of-the-conflict-in-south-sudan>

choose not to channel funds through the government, they are going to find it difficult to support critical peace-making processes outside of the peace deal. The NPTC is structurally flawed in its assumption of donor funds being given to a government-controlled mechanism as well as in its ambition to address deeply political issues of land and reconciliation in unrealistic – and thus largely superficial – time frames.

### Working with the government

Most aid activity in South Sudan works with the government in some way, shape or form. From the most basic levels of engagement for visas and taxation, international actors interact with the government institutions and regulations and for the most part, seek to comply with demands from authorities. However, working with the government is complicated by unclear procedures and attempts to manipulate and direct resource allocation. Part of the challenge of working in South Sudan is the uncertainty of the political environment and having to consistently resist attempts to direct aid – from attempts to dictate staffing to areas of operation and beneficiary selection.

Interviews for this research highlighted that there are competent and committed officials who are trying to continue delivering services and advancing accountable governance in a highly resource-scarce and securitised system, particularly in the health and education sectors. The added legitimacy that international support provides assists less resourced and less politicised parts of the government to continue functioning on a day-to-day basis. In the case of the education sector, this support has enabled the increase in school enrolment rates and an increase in government allocations to the education sector, even within the civil war context.

An important part of the logic of working with government, especially through service delivery sectors, and at local levels, is that systems and processes can be created through joint platforms that can develop into formal government systems and processes in the longer-term. From development-style community-driven development interventions to resilience-based programming focused on the roles of formal and informal institutions, there is an implied logic that international support can be used to develop formal governance capacity and create systems and processes that can become part of the formal apparatus. This is thought to be particularly effective when working at the state, county, *payam* and *boma* levels. Aid workers believe that decentralising aid delivery to the lowest level can help improve service delivery, accountability and transparency from the bottom-up.

### Working around the government

The government's 2013 shift in status to 'warring party' made it considerably more challenging for the international community to pursue political objectives, while struggling to meet increasingly extreme humanitarian needs. Within the country, the need to negotiate with the government over access and bureaucratic impediments has largely fallen on the humanitarian apparatus. However, through negotiation and intense lobbying, there have been visible successes in pushing back on government actions that severely undermine humanitarian goals. For example, while the NGO Act is seen to increase restrictions on NGO independence, collective action has restricted the full application of some of the provisions of the law and prevented further extractive regulations such as the proposed exorbitant work permit and registration fees. Additionally, concerted efforts helped the international community to prevent large-scale famine during 2014-2016. As one interview respondent noted, it is often less a task of negotiation than a task of focused lobbying to influence decision-makers in South Sudan to make choices that enable humanitarian access. Success is also often contingent on the ability of actors to manage and navigate the politics of the aid community and to generate 'good enough' collective action by harnessing diverse interests in pursuit of a common goal. This requires multiple tracks of negotiation and multiple areas of interface. Several interview respondents noted that you



often require someone else to intervene on your behalf. This research highlights that there has also been an accumulation of uncaptured lessons and emerging practices.

However, there are also significant areas where the government has successfully prevented international action and the international community has been unwilling or unable to take collective action. Avoidance, risk aversion and compromise strategies have been widely deployed by international aid actors, some of whom see limited benefit from directly challenging official decisions at state and national level and hold few positive perceptions about the ability of engagement to unlock change.

## Conflict sensitivity implications of engaging with the government

Given the extreme fragility of the political settlement and the high levels of corruption and violence experienced in previous years, there is a great deal of caution about increased engagement with the government in South Sudan. International actors are seeking avenues to ensure that their programming maximises opportunities for peace and does not exacerbate tensions. Within this context, there remains a need for greater patience, better analysis, a more anticipatory approach, and more modest expectations about what international engagement can achieve.<sup>24</sup>

Several key conflict sensitivity questions emerge from discussions on the aid sector's engagement with government in South Sudan.

### The relationship between aid and legitimacy

There is a complex relationship between resources and legitimacy in South Sudan. There is a general recognition amongst aid actors that aid is a source of legitimacy for leaders and institutions and there is significant focus within aid programmes on preventing the subversion of resources and achieving impact for the most vulnerable people. Local leaders at various levels know the importance of being able to deliver goods and services to their people and aid actors know the importance of working with local leaders to provide good and services to people.

Evidence suggests that since December 2013, both the GRSS and SPLM-IO have made efforts to show that they are providing humanitarian access, with both claiming credit.<sup>25</sup> The RRC and SRRRA represent a recognition of the importance of being able to interface with and attempt to control aid disbursements. International actors have, however, approached formal interaction with opposition structures cautiously and limited high-level engagement on aid issues have been had. On the ground, however, opposition officials have been treated similarly to county commissioners and government officials in other parts of the country as aid workers use the same access tactics – from introductions to permissions, guarantees and partnerships.

At local level, the oppositions are economically strained and attempts at various forms of taxation are common. International aid actors have tried to resist making financial contributions to the 'rebel-held' areas. This is going to remain problematic in the transitional period as the government is 'unified' into areas of *de facto* control; some SRRRA officials have basically become legitimate government officials in their territories, however contested the official number and delineation of territories continues to be. Aid actors should be concerned with how local government has developed in the different parts of the country during the conflict and how local actors have managed and leaders have emerged

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<sup>24</sup> Maxwell et al (2016), *op. cit.*

<sup>25</sup> Maxwell et al (2015), *op. cit.*

within the civil war. The focus needs to be on understanding who local communities define as their legitimate leadership, and then on whether those leaders provide space for inter-group cooperation.

International partners should consider how to work with local government in opposition areas and understand the implications of how they interact with those local officials who are likely to be faced with food scarcity, limited formal disbursements, and the weight of returns and reconstruction within local economies that have been structurally-altered. A peacebuilding approach to local government development would need to ensure a focus on supporting local institutions that can promote inter-communal cooperation, and on inculcating support to such actors with opportunities for inter-group cooperation. A conflict-sensitive approach to local government development needs to be aware of the legitimacy outcomes of such interactions.

#### Lessons on conflict prevention interventions 2005-2010

- ✓ There is a disjuncture between conflict analysis and the assumptions in programme design.
- ✓ The links between delivering services and abating violence are not evidenced in South Sudan; marginalisation and local conflicts are not only caused by resource scarcity but a lack of rights. There has been no visible link between aid resources and violence reduction.
- ✓ Development should be linked to peacebuilding in three ways: (1) recognising the key drivers of conflict; (2) working in areas most prone to violence; and (3) supporting the institutions able to uphold peaceful relations within and between communities.
- ✓ Donor coordination mechanisms tended to focus on information-sharing and not on promoting joint donor approaches.
- ✓ The international community largely failed to strategise for and support decentralised governance; governance programmes have been overly-technical, over-ambitious and focused on formal institutions.
- ✓ Community peacebuilding efforts tended to be isolated events, rarely linked to national initiatives, and beset with problems of poor monitoring and follow-up.
- ✓ The links between gender and violence, and opportunities for gender-sensitive programming, are not fully understood.
- ✓ Too much focus on Juba, and specific elements within Juba, may cause a real sense of marginalisation in other areas.
- ✓ There is no substitute for the continuity and trust built through individuals being on the ground for extended periods of time.

Bennett, J., S. Pantuliano, W. Fenton, A.Vaux, C. Barnett, and E.Bruset (2010), *Aiding the Peace: A Multi-donor Evaluation of Support to Conflict Prevention and Peacebuilding Activities in Southern Sudan 2005-2010*. ITAD Ltd., United Kingdom, <https://www.oecd.org/countries/southsudan/46895095.pdf>.

### The potential of aid resources to advance personal and ethnic biases

Attempts to divert aid resources to benefit certain groups is a global challenge. Organisations are continually adapting and trying more robust systems to prevent aid from unintentionally being used to further narrowly defined personal, political or ethnic interests. Ensuring that aid outputs reach targeted groups is a central concern, often set within competing priorities of timeliness, ease of access, and programming restrictions. Having the time and space to think through and interrogate the relationships between political interlocutors and the wider political, economic and social systems in which they operate is essential to avoiding, and being able to counter, attempts at manipulation. Attempts to redirect aid range from subtle local pressures to regulatory obstacles and direct threats.

This means that organisations need to develop clear criteria for engagement and disengagement and need to be willing to support their decisions with consistent action – regardless if part or the whole of the international community follows suit.

As the economic situation in South Sudan offers few opportunities in the current context, attempts by local leaders to shape the allocation of aid is likely to continue. This could become more complicated for international actors when links between local governance structures and armed groups are considered – especially in areas where local militias have been established and work as part of the community and leadership structures. While there are few peaceful options for community disarmament in the current context, thousands of young men have been mobilised to fight in this war and they will need to be accommodated by their communities. International actors need to think about the array of local militias and how they could impact aid allocations.

Through the national lens, international actors are engaged with accessing all parts of the country and ensuring that resources are not denied to any particular group or provided in a manner that creates unnecessary risk for any group. Aid actors must consciously engage with issues of equity and bias, resist attempts to prevent aid distribution to particular areas or communities, and engage in coordinated action to resolve access restrictions.

### **The potential of aid resources to enable, or mitigate, local conflicts**

The recent conflict has dramatically altered local conflict dynamics and local systems of managing and resolving conflict. International aid can be used to further group claims to resources, especially within the current context of uncertainty about state and local boundaries. As highlighted in a recent study, housing, land and property issues are particularly vulnerable to manipulation for political purposes and any intervention on land (from building a borehole to clearing unexploded ordinance to distributing seeds and tools) inherently changes the value thereof.<sup>26</sup> Aid resources can also bring attention to functioning inter-group mechanisms and, in doing so, expose them to greater security and political risk. The key is to achieve the right balance between supporting local mechanisms for building inter-group cohesion and advancing local conflict resolution without overwhelming them with support and generating unnecessary attention.

The rural-urban divide and the programmatic biases towards ‘stable’ urban areas also has the potential to aggravate local conflicts as people are increasingly drawn into towns to access services, but then struggle to develop successful livelihoods strategies. The geography of aid clustering in key areas also interacts with counter-insurgency and political control strategies that could have long-term implications. If aid is not to be part of any military strategy, a fuller commitment to rural distribution is necessary.<sup>27</sup>

Dealing with returns and relocations in the transitional period has the potential to aggravate existing fault lines and tensions. Experience from the 2005-2010 period indicates that people will be drawn to urban areas where there are more recovery options and will return to areas – when and where return is possible – with fundamentally changed leadership and communal dynamics. Unresolved boundary and land ownership issues add to the potential for conflict. Where and how aid resources are provided could have important impacts for communities embroiled in inter-communal conflicts, especially over land. The ethnic configuration of states means that there are political implications of the location of populations and these are tied to access to economic opportunities. For example, displacement in urban areas has been accompanied by the destruction of homes, as well as the

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<sup>26</sup> Conflict Sensitivity Resource Facility (2018), *Housing, Land and Property, Aid and Conflict in South Sudan*, <https://www.southsudanpeaceportal.com/repository/housing-land-and-property-aid-and-conflict-in-south-sudan/>.

<sup>27</sup> Craze (2018), *op. cit.*

reselling of title deeds. Displacement in rural areas has been accompanied by the clearance of villages and towns in key areas that could be central to macro-economic revitalisation, particularly in relation to current and future oil fields and potential reconsideration of the Jonglei canal project.

International aid actors need to more carefully consider the spatial relationships reinforced by resources and look for ways to get resources as widely dispersed as possible in order to avoid resource concentration. Aid has an important potential role to play in disabling local conflicts if used to build spaces for inter-group cohesion, extend the range of options and services available to people, and reduce the need to rely on conflict-generating systems of patronage.

### Freeing up funds for conflict

From a conflict sensitivity perspective, international support for the provision of basic services – as it did from 2005 to 2013 – can free up government resources for other agendas – most particularly for security, reduce service delivery demands from populations, and free government actors from the burden of providing public goods. However, in South Sudan, experience of the government as a provider of social services is limited. As mentioned by interview respondents, the historic role of the government in South Sudan is an entity that comes to take resources from the local level with no expectation from the community of the government giving anything in return. Initial interactions with centralised governance during the colonial period were focused on tax collection, with chiefs established as the extension of the government into the community spaces for extractive purposes. There remains an impression at community level that government structures impose obligations on local actors and that it is a legitimate right for them to extract resources. Conflicts can arise between communities and the government when they resist government efforts to extract resources from them. However, communities and individuals also reject the marginalisation associated with the extractive (and corrupt) governance paradigm and governance grievances have been central motivations for conflict. Marginalisation, in terms of rights and resources, is given substance by the way in which government resources are used to further individual and group interests.

Service delivery has to be understood within this context. If international support to service delivery continues to decline, South Sudanese citizens will be less likely to access education, health care and livelihoods inputs. It is unrealistic to expect the government to step into any funding void in the short run and, at best, international actors can use partnerships to extend the level of government responsibility for service delivery, with limited to incremental progress in the short- to medium-term. This does not imply that there is no hope for government-funded service delivery – for indeed, the government does supply funds towards these functions. But rather that experience from South Sudan and other contexts around the continent should be harnessed to moderate expectations of government behaviour and increase understanding of the conflict-sensitivity implications of reduced support to service delivery.

A central concern for aid actors should be about the way in which predation on aid resources has become a way for officials (including from the security services) to support themselves in the absence of a viable government income stream.<sup>28</sup> Aid actors should prepare for continued predation as the government cannot return to previous revenue levels and getting salaries to officials is likely to remain challenging. Furthermore, it is likely that Juba will continue to favour allocating any public funds available towards service delivery in areas that were loyal to the government, which could further the marginalisation of other areas and create a slow-burn towards conflict again. An additional concern should be the potential humanitarian impact of any potential shocks – such as natural disasters or disease outbreaks – that could be exacerbated by reduced public service capacity.

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<sup>28</sup> Craze (2018), *op. cit.*

Aid will be a central part of stabilising and rebuilding areas that have been directly affected by conflict as government resources to those areas are likely to be limited. A holistic approach is required to inculcate protection, local government development and systematic livelihoods and market extension projects within support to returnees. International actors need to more clearly acknowledge that as long as power and resources remain in the hands of military commanders, participating in violence is one of the most sustainable and realistic livelihoods options.<sup>29</sup> Future stability relies on access to livelihoods and pathways to enrichment that exist outside of violence and ethnic servitude.

### **Aid resources and accountability of government to citizens**

A key conflict sensitivity risk of engagement with government is that international actors can obstruct the social contract and restrict the ability of the population to hold political actors accountable for service delivery and government policies. This is an area where more research is required to unpack the ways in which accountability functions in South Sudan. Due to the weaknesses of the formal institutions, effective formal accountability processes are lacking. However, leaders at various levels are being held accountable to their constituents for a range of actions, including for bringing resources to the area. Aid would not impact legitimacy if there were no means for accountability.

The opaque and varied governance architecture makes it difficult to see where and how accountability functions. There is an assumed accountability of proximity wherein local actors are perceived to be more accountable to their people when they live close to and within the community. This, however, obscures the levels of accountability that are exercised through mechanisms, such as tribal elders and senior politicians, for example. International actors need to further consider how accountability functions and ask whether and how we enable greater accountability. One such way is to focus resources and efforts at the lowest possible level where clear mechanisms can be created/supported to ensure that any official engaged with aid delivery can account to their people about their role in the process and outcomes achieved. Transparency and continued consistent messaging are necessary to prevent accountability deficits.

### **International aid and space for dissent and diversity**

Within this civil war, as seen in other liberation movement contexts, systematic measures have been employed by some elements of government to reduce the space for opposition and critical voices, including those of humanitarians. Working with the government can be perceived by other aid actors and communities as acquiescing to their demands and endorsing their overall strategy of political and military domination. International aid actors who develop cooperative relationships with government actors are often referred to negatively by other international actors as being too close to the government. It is recognised that engaging with the government is not the same as supporting the government agenda – but there is not always agreement on where the lines are between the two approaches. When international actors acquiesce to government demands that limit freedoms of speech and movement, there is an overall decline in the relative power of the aid sector to make principled demands, and aid actors are made complicit in the denial of rights to South Sudanese citizens.

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<sup>29</sup> Freddie Carver (2017), “A ‘call to peacebuilding’: rethinking humanitarian and development activity in South Sudan” in *Humanitarian Exchange*. Overseas Development Institute/ Humanitarian Practice Network, <https://odihpn.org/magazine/a-call-to-peacebuilding-rethinking-humanitarian-and-development/> .

## Conceiving options and considering engagement ahead

There is far more continuity than change in the way the international aid apparatus *writ large* engages with authorities in South Sudan. While the 2013 re-emergence of conflict saw a high-level policy shift from discussions about on-budget support to restrictions on national government engagement, for many operational actors in South Sudan, engagement with officials and authorities continued out of necessity. From dealing with government regulations on visas and customs clearances to securing travel and meeting permissions, there are a multitude of daily interactions that depend on, often personal, relationships between the international aid community and the government. This spectrum of interaction has differing levels of risk and across the aid community there are very different risk appetites and calculations.

The September 2018 revitalised political agreement has created pressure for donors to meet the commitments and obligations contained in the agreement. This has created a new incentive for considering how to manage the risks of engagement. There is no golden chalice. Working in South Sudan, and especially working in close relation to government authorities, opens aid resources to the potential for misuse and manipulation. It also creates opportunities for the government to reinforce their legitimacy (as based on the revitalised ARCSS), extend their control and generate funds towards spaces for accommodation. There is an uncomfortable reality that the government that has emerged after the conflict is basically the same government that has been party to the conflict, and most of the critical transformation activities are going to be led by actors who have a range of conflicting interests and motives and have been actively involved in the conflict. There is a further uncomfortable reality that the deal contains the seeds of its own demise with ambitious timeframes set around conflict-generating processes and little donor appetite to commit the level of political and economic resources required to seriously address structural transformation.

However, what this moment has created in South Sudan is the opportunity to breathe and for communities to begin again the long process towards recovery. The depth of need in South Sudan means that almost regardless of the pace of political progress at national level, there will remain immediate (and high levels of) needs. It also provides the international aid community with an opportunity to reassess their programming and strategies, to streamline efforts, and to maximise synergies.

The aid community is likely going to be asked to do more with less from now onwards and this will generate difficult discussions about risk management, impact and partnerships. The aid community would do well to pull together more effectively on difficult issues to explore comparative advantages and generate systemic synergies on topics, such as returns and relocations, the Protection of Civilians sites (and protection work more broadly), reconciliation, security sector reform, livelihoods and community recovery. Further, a consistent focus should be kept on balancing depth of understanding with the need for innovation, the need to learn from previous interventions with the need to adapt to the current context, and the need to measure impact within largely output-driven operational modalities.