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**Before the U.S. Senate Committee on Foreign Relations
January 9, 2014**

“The Situation in South Sudan”

Introduction

Chairman Menendez, Ranking Member Corker, and Members of the Committee, thank you for the opportunity to testify before you today on the fluid situation in South Sudan. It is an honor to appear before the Committee again.

In the space of three short weeks, more than a decade of humanitarian and development progress to improve the lives of the people of South Sudan has been undone due to the outbreak of violence between forces loyal to President Salva Kiir and former Vice President Riek Machar. And the very real potential exists for the tragedy to grow far worse. Over the course of the 1983-2005 civil war, some two million lives were lost, four million were internally displaced, and over 600,000 were forced to flee the country. Much of this human suffering resulted from internecine southern fighting, even more so than it resulted from conflict between north and south. While the full impact cannot yet be fully assessed, the current crisis has easily claimed thousands of lives, displaced hundreds of thousands from their homes, and forced tens of thousands to flee across borders. If not immediately curtailed, the violence could devolve into full-scale civil war with far-ranging implications for regional peace and stability and immense human suffering.

I first visited South Sudan in 1995 while working for the international NGO World Vision. I later had the honor to work on the Sudan and Darfur peace processes for eight years as an official at the U.S. Agency for International Development (USAID), including serving as the first director of the USAID/Sudan mission after 14 years of closure, the first U.S. representative to the international Assessment and Evaluation Commission monitoring implementation of the CPA, and subsequently as assistant administrator for Africa. I will offer a few observations on the current crisis and then make several recommendations both for immediate priorities and for stabilization strategies if and when an interim political settlement is reached, including the role of the United States and other international donors.

Observations

1. The current crisis is neither inevitable nor unstoppable. It is political and ultimately a failure of South Sudanese leadership. The leaders who started the crisis can stop it. South Sudan began its independence in 2011 with both great promise and great peril. Promise from the abundance of its natural resources, the outpouring of international

support, and its uncontested legitimacy, even from the Government of Sudan (GOS) in Khartoum. Peril from its unresolved issues with Khartoum, including over oil and borders; the deep wounds of 22 years of civil war, including trauma from bitter inter-communal fighting; virtually no institutional legacy of self-governance to draw on; extremely limited physical and telecommunications networks to connect the country; and a very youthful and well-armed citizenry.

The existence of these conflict risk factors did not predetermine the current crisis, however. Rather, it is the direct result of the failure of President Salva Kiir and former Vice President Riek Machar to avoid resorting to violence to settle political differences. Ultimately, it is the absence of institutional alternatives in South Sudan to conflict resolution through violence that makes a crisis on this scale possible. While deep ethnic conflict fault lines exist and violence has arisen along some of these lines—whether spontaneously, tacitly, or explicitly at the behest of the embattled leadership remains to be determined—the underlying political dispute is not ethnically-based or motivated. Nor is it the case that the entire country has devolved into political or ethnic violence. Significant areas of the country, in fact, remain peaceful, and government, community, and church leaders in these areas are to be commended for and should be urged to continue their efforts to stem the conflict's spread.

In parts of the country where violence is threatening massive numbers of civilians—in Juba and Jonglei, Unity, and Upper Nile states most especially—it is on the leaders of both sides of the conflict to immediately cease fighting. Irrespective of the grievances regarding undemocratic practices and the usurpation of internal SPLM party processes leveled at President Kiir and of the allegations of an attempted coup leveled at Dr. Machar, recourse to violence resulting in the bloodshed and humanitarian distress that has ensued since December 15 is unjustified and unacceptable. The longer the violence continues, the harder it will be to stop given patterns of retribution among communities in South Sudan.

2. Institutional development takes decades, and political transitions are inherently messy.

In moments of crisis and catastrophe, there is a great temptation to play the blame game—who is at fault, what could have been done differently to prevent the current developments from coming to pass. In this regard, many have already commented on the governance failures of the Government of the Republic of South Sudan (RSS) since independence and on the inadequacy of the response to those failures by the international community, including the United States. While these debates will continue, it is important to recognize that South Sudan was not afforded self-determination based on its capacity for self-rule; it won self-determination to liberate South Sudanese from oppression and end decades of war. Because of South Sudan's particular history, the process of state formation under way there is arguably unique—it is not a situation of post-colonial independence or of recovering earlier systems and traditions of self-government. It is an exercise in building a new nation and state from the ground up. Empirical evidence on state formation and institution building tells us that it takes decades for institutions of governance to develop and that these institutions cannot simply

be borrowed or imported from elsewhere. South Sudanese must develop them for themselves. It is not reasonable, therefore, to expect political institutions to develop and take root in two years (or even eight, if one counts the six-year interim period) time.

Just as the institutions of accountability and governance are in their earliest stages of development, the political leadership of South Sudan is undergoing an arduous transition from liberation movement to civilian government. Again, experience from democratic transitions elsewhere is clear—in the short term, these transitions are contentious processes as old orders of power and control are challenged and replaced with new ones. No amount of external intervention or influence can smooth out all the bumps of such a transition. So while the messiness of South Sudan's transition is not a surprise—and is, in fact, to be expected—the country is not doomed to years of instability and conflict; progress can be made during the transitional period given responsible leadership.

It is reasonable to expect the young government to demonstrate efforts toward instituting principles of fairness, transparency, inclusiveness, and respect for basic human rights, and for the country's international partners to support and reinforce these principles. Sadly, the government's record of the past 2.5 years since independence is the opposite: one of deliberate undermining and erosion of nascent mechanisms of accountability between state and society by those who hold power. This is the root of the current crisis and the fundamental issue that must be addressed once the fighting ends.

3. The United States has unparalleled influence in South Sudan and therefore a responsibility to intervene diplomatically.

When the political transition becomes violent, a moral imperative to help facilitate a return to non-violent political processes becomes paramount. In this regard, the United States is uniquely positioned to intervene diplomatically to help end the violence and prevent an even worse catastrophe. Having initiated and championed the peace process that led to the Comprehensive Peace Agreement and ultimately the independence of South Sudan, as well as invested billions of dollars in humanitarian, development, and security assistance to support these ends, the United States has deep relationships with the protagonists, a reservoir of goodwill among South Sudanese, an unparalleled degree of influence, and the responsibility to use that influence to broker a return to nonviolent political competition. This is not a time for incremental approaches or sequencing of efforts. While the regional IGAD and AU processes to mediate between the parties are to be supported, the United States must continue to deploy the full weight of its diplomatic capabilities on the parties directly and through the UN Security Council. The tireless efforts of Ambassador Susan Page and Special Envoy Don Booth to respond to the crisis must continue to be supported by the highest levels of the Obama Administration, including continued direct interventions by Secretary of State John Kerry and National Security Adviser Susan Rice, both of whom have important personal relationships with the protagonists.

Immediate Priorities

President Kiir and Dr. Machar both must match their words with actions without any further delay, excuses, or stalling. The United States and the international community should move to impose penalties on both sides if the following actions are not immediately forthcoming:

1. End the fighting.

Utmost pressure must be brought to bear on both parties to end the violence immediately. Specifically, the United States and other international partners must foreclose a military option for either side. The United States and the UN Security Council should explicitly discourage regional actors from directly or indirectly participating in the conflict, including prohibiting the transfer or sale of arms and weaponry that could further fuel it. Inviting Ugandan or other regional forces to intervene will only escalate and prolong the conflict as well as compromise the ability of IGAD to mediate between the parties (especially President Museveni, who could play a valuable role in this regard). If the Government of the Republic of South Sudan needs assistance to secure the capital, Juba, it could request the UN Mission in the Republic of South Sudan (UNMISS) take control of the city's security. The UN Security Council should then ensure that UNMISS has the capacity to do so while holding it accountable for fully exercising its Chapter VII mandate throughout the country. Regardless, the RSS must accept the immediate deployment of additional UNMISS forces without further delay.

2. Release the eleven political detainees to the ICRC.

The RSS should immediately release to the International Committee of the Red Cross (ICRC) the eleven political detainees arrested following the outbreak of fighting in Juba. These eleven individuals are senior members of the SPLM, many of them were key to the negotiations that led to South Sudan's independence, and they have clearly been targeted on the basis of their public dissent over SPLM party deliberations. Their participation in talks on a political arrangement going forward is vital to bridging the divide between President Kiir and Dr. Machar. As well, their release would signal the government's renewed commitment to a genuine political process to manage the country's forthcoming leadership transition.

3. Allow full and unimpeded access for humanitarian response.

It is of utmost importance that the protagonists compel their forces to respect the delivery of humanitarian aid on the principles of impartiality and neutrality, including providing humanitarian actors full, unimpeded access to all those in need—not just in the protected enclaves of UNMISS bases and compounds and most especially to civilians caught in active conflict zones such as in the cities of Bor and Bentiu. Establishing additional “humanitarian safe zones” would, in my view, be problematic and inadvisable. They would be practically infeasible to establish and defend; they would divert attention from the majority of the displaced and conflict-affected population who are not in or able to make it to these designated areas; their creation would risk encouraging greater population displacement and dependency; and they would cede the logic of a protracted crisis to the protagonists.

The United Nations has moved swiftly and expertly to respond to the tremendous civilian protection and humanitarian needs ensuing from the outbreak of fighting. UN Deputy Special Representative Toby Lanzer and the entire UN, international, and NGO community still present in South Sudan—particularly South Sudanese staff and organizations—are to be commended for their heroic work thus far to meet the escalating needs, often at great personal risk. The United States should continue to support these efforts to its utmost ability. I also commend the United States’ swift establishment of a Disaster Assistance Response Team (DART) in Nairobi and the provision of \$49.8 million in additional humanitarian funding to address the grave and growing humanitarian needs. Going forward, the U.S. government’s ability to respond more effectively will be significantly handicapped without the presence of Americans who have deep knowledge and history of such operations in South Sudan. Understanding the risks involved, U.S. government (USG) humanitarian staff should be allowed (and American implementing partners should be encouraged) to return to South Sudan as quickly as possible to better support these efforts.

4. Accept a UN Commission of Inquiry to document human rights abuses.

The efforts of UNMISS and the UN High Commissioner for Human Rights should be augmented by the establishment of a formal UN Commission of Inquiry to investigate and document allegations of atrocities and human rights abuses. The United States and the international community should demand full access and cooperation with members of the commission and other international human rights monitors as a signal to the people of South Sudan of commitment to stopping atrocities and holding perpetrators of crimes against civilians accountable.

To reinforce these four priorities, the administration should prepare to invoke the president’s authorities in the International Economic Powers Act and National Emergencies Act to institute travel bans and asset freezes on senior leadership on both sides. In addition, the United States should prepare to table a resolution at the UN Security Council establishing a sanctions regime that would further demonstrate the seriousness of its commitment to holding the protagonists accountable. They must clearly understand that the only way to forestall such measures would be an immediate release of the eleven political detainees to the ICRC and simultaneous enactment of a ceasefire to be monitored by UNMISS. Ongoing cooperation with humanitarian response efforts and human rights monitoring should also be made requisite for remaining “off the list.”

Stabilization Priorities After an Interim Political Settlement

While empirical evidence tells us that escaping cycles of violence is hard—one of the greatest predictors of future violence is a history of past violence—it can be done. The World Bank’s 2011 World Development Report captures the experiences of countries that have successfully exited from cycles of violence and provides a framework for prioritizing state building and reconstruction efforts in South Sudan—if and when the immediate fighting ends and an interim political settlement is reached. It finds:

To break cycles of insecurity and reduce the risk of their recurrence, national reformers and their international partners need to build the legitimate institutions that can provide a sustained level of citizen security, justice, and jobs—offering a stake in society to groups that may otherwise receive more respect and recognition from engaging in armed violence than in lawful activities, and punishing infractions capably and fairly. (8)

Such institutional transformation, however, takes time—a best-case scenario is within a generation—and requires first a restoration of confidence and trust in government and across communities. For South Sudan, therefore, it will be imperative to address the underlying issues of political accountability of the executive branch and ruling political party that precipitated the outbreak of fighting and to repair the damage to state-society relations and inter-communal social cohesion that the fighting has caused.

For this to happen, the current political leadership faces a critical choice: to use the crisis to recommit itself to developing inclusive, accountable institutions by ceasing actions that perpetuate the dominance of the executive branch and the current executive, or to continue to alienate society from the state through the pursuit of what appears increasingly to be cults of indispensability. Neither Salva Kiir nor Riek Machar is indispensable to a stable, peaceful, democratic South Sudan, but either one can doom it to decades more death and destruction. Courageous leadership is required to rise above personal ambitions and animosities to embrace accountability mechanisms¹ and transparent political processes that can generate renewed confidence in the state.

Political leadership that is serious about restoring confidence in the state and ending cycles of violence would dedicate itself to three critical tasks: building inclusive-enough coalitions to support key institutional reforms, expanding space for independent voices so as to enable a national dialogue, and realizing tangible successes to demonstrate the state's responsiveness to citizen expectations, particularly with respect to drafting a permanent constitution, fostering national and local reconciliation, and conducting fair and peaceful elections. I have written more extensively about what these tasks would entail in *Fragility and State-Society Relations in South Sudan*, a research paper available from the Africa Center for Strategic Studies.² A summary of the key points follows.

Inclusive-Enough Coalitions

The state needs to make a more concerted and genuine effort to build collaborative partnerships beyond the class of elites who have dominated South Sudan's political arena

¹ State-based accountability mechanisms include: constitutions, elections, legislatures, courts, political parties, subnational government, a merit-based civil service, and a professional security sector, among others. Society-based accountability mechanisms include: independent media and access to information, civil society, social capital, and external norms and standards. The development of any particular mechanism is less important than the density, or layering, of accountability mechanisms across the state and society.

² <http://africacenter.org/2013/09/fragility-and-state-society-relations-in-south-sudan/>

thus far. The partnership-building process must also transcend societal fault lines and engage youth. By partnering with trusted institutions in society such as churches and nongovernmental and civil society organizations, identifying mutually beneficial priorities and complementary strengths, such a strategy would improve the government's engagements with local communities. Greater engagement with societal actors by the government would simultaneously diminish the justification for violence by communities that feel they have been excluded from the political process. Whether it involves matters of security, political processes, development needs, or other issues, the practice of building inclusive coalitions would make initiatives and reforms more viable, sustainable, and effective while fostering trust for future state-building efforts.

Expanding Space for Independent Voices

Access to independent information is indispensable to establishing accountability mechanisms on which a stable, democratic, developmental state depends. Beyond actively cultivating coalitions and inclusivity, the state must protect space for citizens and communities to express themselves if the processes of a state-society dialogue are to gain traction. Drawing on the experience of other democratic transitions, a massive civic education and public outreach campaign is required to sensitize the population to key democratic values and principles, such as:

- The responsibility of all citizens to participate in political and policy debates so that citizen preferences can be heard
- Tolerance for opposing points of view
- Freedom of speech, media, and assembly
- Equality before the law
- The inalienability of rights for minority groups and parties
- Protection of private property rights

In addition to state actors, this effort should enlist the participation of religious leaders, traditional authorities, civil society, the media, opposition political parties, and international partners. These groups have the trust of various constituencies in society and, collectively, can reach the largest percentage of citizens possible.

Rather than trying to monopolize state-society relations, the RSS and the SPLM should recognize independent civil society actors as representing authentic perspectives of citizens that can contribute to a stronger and more stable South Sudan. Harassing, intimidating, or otherwise inhibiting these voices sends exactly the opposite message—that the state does not want a genuine discussion with its citizens and intends to continue to dominate access to power and wealth. The outcome of such an approach is perpetual resistance and instability.

Media bills to protect freedom of speech should be passed and signed into law. Security services should be prohibited from persecuting the media, civil society, and international human rights monitors. Credible, independent investigations into all cases of intimidation and violence against journalists, human rights activists, and civil society leaders should be conducted and the results made public. The perpetrators should be tried publicly under

due process of law. These are all immediate, consequential, and concrete signals that the government could send of its serious intent to become a government responsive to its citizens.

Since the challenge of building a national consciousness is as much a cultural exercise as it is a political one, efforts to foster a new South Sudanese identity should complement reforms to protect and expand political and civil rights. South Sudan's heterogeneity provides deep reservoirs of culture that, if appreciated and respected for their diversity, can foster a new national identity.

Tangible Gains Responding to Citizen Priorities

Achieving modest improvements on key popular priorities is a tangible demonstration that the government has the interests of citizens at heart. Beyond the outcomes generated is the process adopted, for this signals how committed a government is to citizen participation and input—and ultimately accountability. Four strategic priorities integral to the state-building process provide focal points for generating confidence in the state so that vital institutional reforms in security, justice, and jobs can proceed.

1. National Constitutional Review. The current transitional constitution gives extraordinary powers to the president with almost no checks afforded to other branches of government. The president cannot be impeached. He can dismiss the national and state assemblies and remove the vice president and state governors from office, as well as any justice or judge. A national constitutional review process was to have been completed by January 2013, leading to a final, permanent constitution soon thereafter. The review process is considerably behind schedule, so much so that the transitional constitution had to be amended to extend the National Constitutional Review Commission (NCRC) mandate for an additional two years to December 2014. Even before the outbreak of fighting, this raised serious questions about the adoption of a new permanent constitution before the current terms of the president and national assembly expire in July 2015.

The national constitutional review process is an opportunity to educate citizens about what a constitution is and solicit views about what kind of checks and balances the people of South Sudan want on their government. Instead, the path provided for in the transitional constitution—a permanent constitution drafted by the NCRC, reviewed by an appointed National Constitutional Conference, and then passed by the National Legislative Assembly for adoption—seems set to replicate the ruling party's vision for how it should govern the country. It also leaves the product forever open to serious challenges to its legitimacy.

In light of the current crisis, the timeline for adopting a new permanent constitution and conducting national elections will need to be revised further. This affords the opportunity to make this process more inclusive, participatory, and transparent. In addition to institutionalizing more consultative engagement with civil society and communities, the draft constitution should be put to a popular referendum to demonstrate societal commitment to this political course while significantly boosting the legitimacy of the new state. An open and legitimate constitutional review process represents the most significant opportunity to lay an enduring foundation for national unity. A closed and

exclusive process, however, will result in extended political grievances and perceptions of injustice. It will also seriously call into question the state leadership's commitment to democracy.

The independence referendum of 2011 was perhaps the most unifying and participatory experience in South Sudan—a compelling demonstration of the capacity and will of the people of South Sudan for political participation. They should be afforded the opportunity to recapture and reinvigorate this citizen participation in governance through a constitutional referendum.

2. National Reconciliation. Although not mandated in the CPA or the transitional constitution, the RSS announced in early 2013 an initiative for a national reconciliation process in recognition of the country's long history of inter-communal fighting and grievances. The further deterioration of inter-communal relations and new grievances spawned by the current outbreak of fighting renders this initiative of utmost importance.

Delayed by early disagreements over the reconciliation committee's mandate and membership, a new Committee for National Healing, Peace and Reconciliation led by church leaders was established in April 2013. Archbishop Daniel Deng of the Episcopal Church of South Sudan chairs the process supported by Archbishop Emeritus Paride Taban of the Catholic Church. As representatives of the most trusted institutions in South Sudanese society, church leaders now have a significant opportunity to lead the country in a process of national healing. Church leaders should be asked to witness the current negotiations as representatives of civil society and they should insist on the inclusion of an integrated process of truth-telling, justice, and reconciliation in any negotiated agreement.³

An integrated process of national reconciliation, truth-telling, and justice holds the potential to help drive progress toward citizen security and justice, two critical sectors highlighted by the 2011 World Development Report. The stakes are high, however, since a poorly managed process will provide further justification for violence to “address” grievances, while delegitimizing future initiatives to address inter-communal differences. Extensive public consultation and communication on why a process is necessary, how it should proceed, and what role state and non-state actors will play will be critical to the success of the initiative. It is imperative that the process be apolitical and managed by independent and trusted nongovernmental institutions given the roles of many of the senior RSS leaders not just in the current crisis but in the long history of south-south violence. Ensuring every community has an opportunity to air its grievances will be vital to the credibility of the process. The difficult question of whether and what forms of justice will be administered in response to the findings of the reconciliation dialogue comprises another significant challenge for the committee, political leadership, and society at large.

Beyond the formal process for national reconciliation, promoting a culture of tolerance

³ See <http://africanarguments.org/2014/01/08/an-integrated-response-to-justice-and-reconciliation-in-south-sudan-by-david-deng-and-elizabeth-deng/>.

among youth and community leaders should be priorities. Numerous grassroots and civil society initiatives have attempted to do this during and since the war. However, some have neglected to include youth actors most central to perpetuating specific conflict dynamics, such as with the Murle and Lou Nuer youth in Jonglei state. Unless and until initiatives include stakeholders connected to these actors and familiar with their motives and interests, success in reversing the increasing reliance on violence is unlikely.

3. National Elections. An equitable and transparent electoral process represents an inimitable opportunity to rebuild confidence and foster citizen participation and the legitimization of a governance agenda and will be critical to preventing further instability and violence in South Sudan. The next round of national, state, and local elections should follow a healing period during which agreement on the rules of the game is decided through the constitutional review process and political party reform.

Specifically, how national elections and internal SPLM candidacy issues are handled going forward will determine whether these contests will continue to be seen as winner-take-all competitions that heighten the likelihood of violence. As is currently being demonstrated, how candidates for office are selected and whether the losers in the SPLM chairmanship contest and the presidential election accept the results peacefully will impact profoundly on the state's quest for legitimacy and viability. A key consideration in the lead up to elections for both the SPLM and the RSS will be to guarantee protections and space for the losers in the political process after the elections. A related consideration will be to ensure space for other political parties to develop and compete in electoral contests.

Elections should not proceed without first restoring some confidence in the country's political processes, namely through a credible and participatory process to draft and adopt a new permanent constitution, through the adoption of internal SPLM party reforms to restore democratic procedures and transparent vetting and selection of candidates for office, and through the provision of space for other political parties to organize and develop their capacities. Progress on national reconciliation and healing should also precede elections.

4. Connecting the Country through Roads and Radio. These critical processes—national constitutional review, national reconciliation, and preparations for national, state, and local elections—and all other efforts to repair state-society relations all require the free and regular flow of information to citizens in even the most remote parts of the country. South Sudan's sheer lack of physical infrastructure to enable the movement of people, goods, and services across the vast country, including during rainy seasons, will continue to be a severe obstacle to every political, security, economic, and development objective.⁴ Upon the start of the CPA interim period in July 2005, SPLM founder Dr. John Garang told Deputy Secretary of State Robert Zoellick that his priorities were

⁴ In a territory approximately the size of Afghanistan, there is only one paved highway running roughly 120 miles from Juba to the Ugandan border, constructed by USAID. Huge swathes of the country remain inaccessible by road during rainy seasons, including many of the most conflict-prone regions of the country.

“roads, roads, and roads.” While some effort has been made to build the country’s communications and transportation networks since 2005, roads and radio coverage must be extended to every region of South Sudan as quickly as possible. So long as communities remain cut off from each other and from the government—physically and through the exchange of information—insecurity and political exclusion will persist.

As the current crisis so vividly illustrates, the foundation of the state cannot be an afterthought. Generating renewed confidence in state-society relations through these critical tasks and forthcoming opportunities will provide the social capital needed to build the institutions most central to preventing a recurrence of the current crisis: citizen security, justice, and jobs.

The Role for Donors

The United States is the largest bilateral donor to South Sudan, and it should remain so. At independence in 2011, the United States pledged to continue to stand by the people of South Sudan. The United States should remain resolute in this commitment and not balk in the face of recent developments, however severe they may be. Diplomatic actions should focus on influencing the choices of the political leadership, including, if necessary, targeted sanctions on travel and asset freezes and other punitive actions in the face of ongoing recalcitrance to end the fighting and reach an interim political settlement.

While the size of the United States’ development program affords significant leverage with the government and leadership, it should be used in coordination with other donors to incentivize a return to nonviolent political processes and renewed commitment to meeting the needs of its citizens. Short of the current government being unseated militarily, the United States should not cut off development assistance to South Sudan—doing so will only further harm the people of South Sudan. Needless to say, Dr. Machar should be under no illusions of international donor support or legitimacy if he persists in his pursuit of power militarily.

USAID and other donor partners should nevertheless re-examine their aid programs and delivery modalities in light of the unfolding situation; so long as fighting ensues and the need persists, priority must be given to expediting life-saving humanitarian aid. At the same time, however, development activities in parts of the country that remain peaceful should continue—an abrupt stop to the delivery of services and an interruption in political processes that these activities support will only worsen the national crisis, not alleviate it. Greater use of local systems for delivery of services should be explored in stable areas. A key objective should be to prevent a total return to a parallel system of delivering basic services, such as health, through international humanitarian agencies.

In preparation for an end to the fighting and an interim political settlement, USAID and other donors should re-examine their development programs and strategies against the framework for ending violence and promoting state building provided in the 2011 World Development Report. There cannot be a return to the same development plans that preceded the crisis. Specifically, donors should seek to support South Sudanese-led efforts to restore state-society relations through the critical tasks identified in the previous

section. Giving priority to supporting these confidence-building measures, particularly the political processes needed to restore trust and accountability and the physical infrastructure needed to connect the country, is of utmost importance. This should entail thoughtful support to civil society and other non-state sources of accountability and legitimacy, though with caution not to overwhelm them nor draw the further ire of the state to clamp down on them.

Focusing state building and development efforts on the institutions of security, justice, and economic livelihoods is the next order of priorities. Each of these sectors will require serious re-examination to recalibrate assistance to account for the further challenges wrought by the present crisis. Supporting efforts to build a professional, integrated national army, for instance, and to provide judicial recourse for violent crimes at grassroots as well as national levels, will be particularly important. So, too, will extending the economic benefits of South Sudan's huge natural resource base to the entire population, not just an elite few. A related challenge will be tying the government's revenue base to its citizenry through taxation rather than oil rents or donor assistance.

Throughout, it will be important to recognize that aid cannot substitute for nor drive the political processes or institutional reforms needed to end violence and bring democracy and development to South Sudan. It can support them technically, but they are not for external actors to design, negotiate, or implement. The issues are political, not technical ones of expertise, capacity, or resources, which are secondary challenges. So long as basic human rights are being respected, South Sudanese must be allowed to identify their problems and try out solutions that work best in the South Sudanese context. At the same time, neither should donor support be a blank check. It is reasonable to expect to see evidence of commitment to principles of accountability and efforts to enshrine institutional legitimacy, not cults of indispensability.

USAID missions are predicated on cooperative development partnerships with host governments as legitimate representatives of their people. The recent actions of the political leadership in South Sudan on both sides of the conflict in precipitating and perpetuating the use of violence raise grave doubts as to the legitimacy of the political elite in representing the people of South Sudan. Unless clear actions are taken to uphold principles of accountable, transparent, inclusive, and responsive governance, then even more fundamental changes to the structure and objectives of the aid program to support restoration of these principles will be needed. In this scenario, development assistance should be focused entirely on supporting subnational government, civil society, and the political processes that could restore accountable and responsive governance at the national level. Ultimately aid is a commitment to the people of South Sudan, not the current regime.

On a practical note, an effective aid program requires nuanced contextual knowledge that can only come from presence and relationships. This is rendered even more difficult with the drawdown of USG and implementing partner staff. Even when security permits a return to Juba, USAID and the State Department will both continue to be handicapped with constant staff rotations due to short, one-year tour cycles. If these security

constraints cannot be overcome and tour lengths extended, then expectations for what the USG can accomplish diplomatically or through its economic assistance must be significantly moderated.

Conclusion

Most immediately, the fighting must end, political detainees must be released, humanitarian aid must reach all needy populations, and human rights abuses must be accounted for. The United States and the international community should deploy all diplomatic measures available to them to impress these priorities upon President Kiir and Dr. Machar, both of whom are culpable for the devastation and suffering wrought by the past three weeks of fighting.

Going forward, South Sudan's leadership can set a new course toward legitimacy, stability, and sustained development if it prioritizes above all else building trust, accountability, and social cohesion with and across the South Sudanese citizenry. There is no more essential state building task than this.