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A Western Concept on its Way through South Sudan

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South Sudan is undergoing a process of internationally-supported state building of which decentralisation forms part. For the people, decentralisation is understood as a right to self-rule based on native–stranger dichotomies and as a means of appropriating and incorporating an abstract and distant state into the local context. The South Sudanese government, in contrast, sees decentralisation primarily as a tool for service delivery and development. Conversely, the international community, in its desire to guarantee international stability through the creation of Western-style states all over the world, sees decentralisation as one tool in the state-building toolbox. These different interpretations of decentralization may not only lead to misunderstandings, but different groups and different ways of understanding decentralisation have interacted throughout history, and attempts to impose a particular understanding on other actors continue. Annina Aeberli examines this hybridisation of state 'decentralisation' and argues that the international community and the government cannot and should not try to ignore people's understandings and expectations: a state – in whatever form – always depends on the acceptance of the people.

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Abbreviations

1 CANS – Civil Authority of New Sudan

2 CES – Central Equatoria State

3 COTAL – Council of Tradition Authority Leaders

4 CPA – Comprehensive Peace Agreement 2005

5 EES – Eastern Equatoria State

6 GoSS – Government of South(ern) Sudan

7 GTZ – Deutsche Gesellschaft für Technische Zusammenarbeit

8 ICS – Interim Constitution of Sudan

9 ICSS – Interim Constitution of Southern Sudan

10 LGA – Local Government Act 2009

11 MDGs – Millennium Development Goals

12 OECD – Organisation for Economic Co-operation and Development

13 SPLM/A – Sudan People's Liberation Movement/Army

14 UNDP – United Nations Development Programme

15 USAID – United States Agency for International Development

1. Introduction

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1   "The world's newest country" – this honourable title adorns the newly emerged Republic of South Sudan, born 9 July 2011. For the over 8 million South Sudanese, the declaration of the new state, covering an area of 644,329 km^2, symbolized the end of a long struggle against Northern subjugation (Southern Sudan Centre for Census, Statistics and Evaluation 2010, 1). It also marks the end of the Interim Period that began with the signing of the Comprehensive Peace Agreement between the Sudanese Government and the Sudan People's Liberation Movement/Army (SPLM/A) in 2005 and saw the January 2011 Referendum on Southern independence, which the South Sudanese overwhelmingly voted to support. The Peace Agreement ended a long civil war between the North and the South that started at the time of Sudanese independence from Britain and ceased only for a decade in the 1970s and early 1980s.

2   In spite of these reasons for celebration – obscured by the flare-up of conflicts around the border, between the South and North within the new Sudan and within South Sudan – the huge challenges facing South Sudan cannot be ignored. The government and the people of South Sudan are currently engaged in a unique process of state-construction: state-institutions are being constructed in a context where physical infrastructure is almost inexistent and where the illiteracy rate is over 70 per cent (Southern Sudan Centre for Census, Statistics and Evaluation 2010, 1). South Sudan will face an enormous negotiating burden in forging the social contract – a concept often mentioned in the international discourse referring to the relationship between society and the state. South Sudan is now confronted with processes that other African countries faced during decolonization in the middle of the last century.

3   The South Sudanese are not alone in their efforts to build a state. They are in the position to count on the support of an international community which is more than willing to assist the new country with state-building – a concept highly en vogue. All major development organizations have developed policies for intervention or "best practice" advice for state-building. Most of this literature and these practices are based on an institutional modernization theory that sets the Western nation-state as the ideal for all other countries to emulate, and from which state-building policies are derived. One such concept, which, as we will see, is also desired by South Sudanese, is decentralisation. Decentralisation represents hope for the development and reconciliation that are badly needed in the context of South Sudan. So, the international community is applying a

concept of state from one region of the world outside of its area of origin. This thus raises the question:

4 What happens to a Western concept of state such as decentralisation when introduced into a localized, non-Western context, in this case, South Sudan?

5 This broad question implies several sub-questions:

6 How is decentralisation understood by Western theorists, and the international community, in the wider context of state-building? How is this understanding altered by the members of the international community currently active in South Sudan? How does the South Sudanese government understand decentralisation? How do non-government people interpret decentralisation? For all these groups, we also must ask: What goals, hopes, expectations, and underlying assumptions are connected to their understanding?

7 How have these different ways of understanding emerged historically? What is the nature of their interactions? Who has which tools and powers to influence others' understanding? How is decentralisation used in political debates?

8 On the whole, my research has evolved around an interface. South Sudan may be seen as a physical interface where actors interact. Decentralisation, however, should be perceived as a "social interface", in the sense of Norman Long:

> "Interfaces typically occur at points where different, and often conflicting, lifeworlds or social fields intersect, or more concretely, in social situations or arenas in which interactions become oriented around problems of bridging, accommodating, segregating or contesting social, evaluative and cognitive standpoints" (2001, 65).

9 Long (2001, 50) utilizes the concept of "social interface" to explore "how discrepancies of social interest, cultural interpretation, knowledge and power are mediated and perpetuated or transformed at critical points of linkage or confrontation". Similarly, Hagman and Péclard (2010, 543–544) explain that the state is not given, but forged and remade "through processes of negotiations, contestations and bricolage" by "local, national and transnational actors". This statement also applies to decentralisation in South Sudan.

10 Finally, I want to mention Jean-François Bayart who inspired the title of my thesis with his concept of hybridization and "historicité"[1]. In his famous article on "l'historicité de l'Etat importé"[2] (1996), he refutes the argument that the African state is merely an empty shell imposed by the West. Instead, he describes the process of hybridization and appropriation of the Western model of state by the local population. Central to his analysis is the notion of "trajectoires historiques"[3], which are constituted by the interaction of the "dynamiques du dedans"[4] and the "dynamiques de dehors"[5]. Thus, internal and external dynamics inform the contemporary manifestation of the state. In contrast to Bayart, however, my analysis refers to the *concept* of decentralisation rather than its concrete, material form, though the latter of course strongly influence conceptual constructs.

11 My thesis, therefore, emerges around such an interface, decentralisation, and wants to see what kind of understandings meet there and how the understanding has been hybridized. I want to stress at the outset that I am not examining the actual decentralised structures implemented in South Sudan, but rather how different groups of people think of decentralisation which is of course also influenced by practices and its implementation. I analyze how the concept changes as it travels through different contexts. Specifically, I examine the ways in which different groups have appropriated

the concept of decentralisation over time, and how such processes of hybridization inform today's structure as outlined in the primary decentralisation legal framework, the Local Government Act of 2009. However, a theoretical analysis of how practices influence the abstract, *conceptual* aspect of decentralisation is beyond the scope of this project. It will correspondingly touch only briefly on the different powers of various actors to impose their specific understanding on others.

12 At this point, I would like to parenthetically clarify the usage of the term "tribe" in the context of South Sudan. I use it rather than other terms such as "ethnic group" or "ethnicity" because "tribe" is used by most South Sudanese themselves. I refer to it, therefore, in the sense of a socio-political construction as common within anthropology. "Tribe", as well as other identity categories, should not be interpreted in an essantialized, but rather relational, manner. Tribes emerge out of relationships and, as all forms of identity, are always based on a mixture of self-definition and external perception (Eriksen [1995] 2001, 263). Tribal structures and forms are never fixed, but produced through interactions between different actors (Bocco 1995, 7). Consequently, as asserted by Barth ([1969] 1998) in his pivotal 1969 book, the proper subject of inquiry is the negotiation of these boundaries between different groups, not the cultural differences themselves. Tribes, therefore, are not discrete unities with clear boundaries, but are amorphous and permeable. Furthermore, individuals always possess multiple identities, of which the tribal identity is just one. Consequently, I agree with Schlee's (2006) argument that "tribal conflicts" are not caused by tribal differences, but instead appear around other issues. Fragmentation then emerges around tribal categories. Which category of identity commands the strongest loyalty, and in what context, is dependent on historical issues and their contemporary political instrumentalisation.

13 This project should be seen both within the specific context of South Sudan, a newly emerging country, but also with reference to the international debate on decentralisation and the discourse around state-building. Correspondingly, I will now first present the international understanding of state-building and decentralisation. I will then go on to elaborate on my methodology before outlining the structure of this thesis.

1.1. Reproducing Western states through state-building and decentralisation

14 The connection between decentralisation and state-building may not initially appear compelling if state-building is understood in a narrow sense – as a process only taking place in "conflict-affected" or "fragile states"[6] – because it is often used to describe processes in the so-called developed world, too. If state-building is understood more broadly – as a negotiation between state and society taking place in *all* states – then, decentralisation is undoubtedly part of the process of state-building. Interestingly, in the case of South Sudan, decentralisation is directly coupled with state-building even defined in the narrower sense: a decentralised system of governance is the base for state-building policies in South Sudan.

15 Significantly, I do not provide any additional definitions of either state-building or decentralisation, as the aim of this project is to map the varying uses of each concept, rather than settle concrete definitions. That said, however, I will begin with the international community's understanding of state-building and decentralisation to

provide the theoretical grounding for my preliminary statement that state-building is based on an "institutional modernization theory" and the understanding of decentralisation as a "Western concept of state". Correspondingly, I first present how state-building is commonly understood in the dominant international discourse before turning to the role decentralisation is thought to play within it. I will explain how the international community, the first of several groups in South Sudan I will shed light on, understands decentralisation. The usage of the term "state-building" is analyzed with reference to the three main agencies shaping the international discourse: the World Bank, the UNDP, and the OECD. To analyze the usage of the term "decentralisation" I will refer to a broader spectrum of organizations.

1.1.1 Deconstructing state-building

16   International organizations use a wide range of terms to refer to interventions connected with the state. The broadest of such terms is "governance" which is used by the UNDP, the OECD, and the World Bank. The term, however, is mostly supplemented with other terms such as "public governance" (OECD 2011), "democratic governance" (UNDP 2011b) and "public sector and governance" (World Bank 2011c).

Fragility and conflict as criteria for intervention

17   Whereas programmes of "governance" normally refer to all so-called developing countries, "state-building" mostly appears in the context of fragility and conflict. This corresponds with a common academic definition of state-building provided by Daoudy:

> "State-building falls within the scope of international programmes through which bilateral or multilateral agencies mobilize resources in order to set up or reinforce weakened or non-existent institutions in those states that are considered to be fragile, weak, moving towards failure, or which have already collapsed. The objective is to build peace and promote security through the political, economic, and social development of states either threatened or affected by violent conflicts" (2009, 351).

18   So, state-building takes place or is applied in conflict-affected, weak, fragile, etc. states. The terminology for describing states selected for intervention varies with the organization. The World Bank describes them as "fragile and conflict-affected states" which are characterized by "weak institutional capacity, poor governance, political instability and, frequently, continuing violence or the legacy effects of past severe conflict" (The World Bank Institute 2010, 2). The OECD (2007, 2) also uses the term fragility: "States are fragile when state structures lack political will and/or capacity to provide the basic functions needed for poverty reduction, development and to safeguard the security and human rights of their populations".

19   In contrast to the World Bank, however, this definition focuses only on the functional aspects of states and thereby leaves the conflict component aside. That said, the role of the OECD as provider of policy recommendations, which are often developed by scholars, leads to heterogeneity in definitions. As a result, another report (2008b, 18) explains fragility as occurring "in the absence or insufficiency of political processes for managing changes in the state-society contract" explicitly stresses that even states "with a well-developed political process for matching services to expectations and for generating compliance with state obligations – can be fragile". This definition is clearly an

enlargement of the category of "fragility", the definition of the World Bank and the former of the OECD point only to so-called developing countries whereas the latter is broader and may also include so-called developed countries. A 2008 report of the OECD (2008b, 14) goes even one step further and breaks with the association of state-building with conflict and fragility entirely by stating that state-building "is also ongoing in all states – stable and fragile alike. No state-society relationship is ever permanently fixed".

20 In the case of the UNDP, state-building emerges under the label of "crisis prevention and recovery", which implies that state-building takes place in states in crisis or threatened by crisis. These countries are described as "most vulnerable societies", "damaged by disaster and armed conflict" that "failed to develop effective governance, strong institutions, widespread employment opportunities, and basic services and security for citizens" (UNDP 2008, vi). In this context, the terms "failed state", "failing state", "state failure", and "post-conflict" all appear in the documents of the UNDP (see, for example, UNDP 2008). These terms seem to be preferred to "fragility" and "conflict-affected".

21 Overall, with the exception of certain OECD reports, the descriptions of the countries selected for state-building are highly similar: such states are characterized by weak institutions, violent conflict, and are labelled "failed", "fragile", and "conflict-affected" or "post-conflict".

International stability as rationale for state-building

22 After having analyzed where interventions are thought to take place, the question emerges as to *why* they only occur in this context of fragility and conflict. According to the OECD, functioning states, which are to be constructed through state-building, are necessary for development, peace and stability: "Today it is widely accepted that development, peace, and stability, require effective and legitimate states able to fulfil key international responsibilities and to provide core public goods and services, including security" (2008b, 3). A similar equation is made by Zoellick (2009, 68), president of the World Bank, who believes that the "trauma of fragile states and the interconnections of globalization require our generation to recognise anew the nexus among economics, governance and security". He identifies high poverty rates in fragile states as a reason for intervention, while also pointing to the danger fragile states may affect neighbouring countries, as "fragile states can create fragile regions". Finally, he states that the "disease, outflows of desperate people, criminality, and terrorism that can spawn in the vacuum of fragile states can quickly become global threats". This connection between state-building and security is called "securing development" in World Bank parlance (McKechnie 2009, 4). Consequently, the main rationale for intervention is founded on the assumption of a virtuous circle between effective states, peace, development, and security.

Effective states as aim of state-building

23 Following this explanation of the context and rationale for state-building, we now turn towards the different definitions, and attendant aims, of state-building provided by the selected organizations.

24 The World Bank defines state-building as "creating institutions that are effective in the eyes of their beneficiaries, and which can be self-sustaining within a reasonable timeframe" (McKechnie 2009, 4). The term "effective" is a common theme in World Bank and general international vocabulary, as the establishment of "effective states" is

described as the overall goal of state-building (see, for example, World Bank 2005). Effective states should be capable of delivering public services and goods to their citizens and, in some conceptualizations, they should also be capable of ensuring peace and security, and enabling growth (for example, see the World Bank 2011b; The World Bank 2005, III). In the World Bank's understanding, then, state-building is basically equated with narrow institution-building, without reference to the state-society relationship. This is reflective of an apolitical and technocratic approach to state-building.

25 The UNDP (2011a) defines state-building as: "activities [that] seek to ensure that states emerging from crisis are able to provide services effectively, maintain political stability and peace through inclusive and participatory political processes and are accountable to the populations". "Authority", "legitimacy", and "effectiveness" are identified as the "three critical attributes" of states that must be restored through state-building (UNDP 2011a). The need for recovery intervention is thus traced back to the weakness of at least one of these attributes in post-conflict contexts (UNDP 2008, 146). The UNDP (148) adds another characteristic by stating that "[t]he ultimate measure of an authoritative, legitimate and effective post-conflict state is its success in re-establishing [...] a social contract". "Social contract" in turn is defined as "a reciprocal relationship between state provision of security, justice and economic opportunity, and citizen acceptance of the authority of the state". This leads to the acknowledgment that "even the best-designed and best-resourced technical and financial strategies for improved governance in post-conflict settings can fail to generate the enabling conditions for domestic actors to negotiate a viable social contract" (148). This points to the limitations of technical blueprints.

26 The UNDP commonly prefers the term "post-conflict" or "post-crisis" "governance" or "recovery" to "state-building":

> "The most critical governance and institutional needs for post-conflict recovery are the restoration of the state's capability, including the creation of a professional public administration and civil service; the rebuilding of representative and inclusive political institutions; and the establishment of mechanisms for oversight, accountability and financial controls" (145).

27 In contrast to the earlier stress on "social contract", however, this statement focuses again on state-building (or "governance") as narrowly-focused institution-building.

28 Importantly, the UNDP acknowledges that today's peace- and state-building activities are based on the democratic market model of the West, with the concomitant objectives of "promoting democratization and inclusiveness", "ensuring accountability and responsiveness", "empowering civil society". It qualifies these goals by noting that while this "model may be highly desirable in normative terms", effective states may not depend on the completion of all objectives (153). The implementation of the ideal model may even work at cross-purposes with other goals, such as peace consolidation (153). In sum, although parts of the UNDP's definition resemble the World Bank's understanding of state-building as efficacy-based institution-building, the concept of the "social contract", also emphasized by the OECD, has entered the conversation.

29 The OECD refers to state-building as:

> "an endogenous process to enhance capacity, institutions and legitimacy of the state driven by state-society relations. Positive statebuilding processes involve reciprocal relations between a state that delivers services for its people and social and political groups who constructively engage with their state" (2010, 21).

30   In this case, the goal of state-building is not phrased in absolute terms such as "building effective states", but in relative terms – capacity, institutions, and legitimacy of the state should be "enhanced". Moreover, in contrast to the World Bank's, and to a lesser degree the UNDP's, emphasis on institutions, the OECD believes that the relationship between societal groups and the state is pivotal to successful state-building. The phrasing "endogenous process" points to the limited role of external actors in processes of state-building. It is important to note, however, that the OECD's role in the state-building discourse is slightly different from the other two organizations. Whereas the World Bank and the UNDP actually implement projects; the OECD's activities are restricted to the determination of standards and provision of policy advice. Reports relating to the latter, furthermore, are often written by scholars.

31   In conclusion, the dominant discourse regarding state-building assumes a mutual reinforcement between effective or stable states, development, peace, and security. As a result, the international community believes that it must intervene – in form of state-building in fragile or conflict-affected states – to secure international order and guarantee development. Only effective states, which may be constructed though state-building, often understood as institution-building, are perceived as able to fulfil the internationally-defined goals of poverty reduction, development, and stability.

1.1.2 Deconstructing decentralisation

32   Contrary to "state-building", "decentralisation" is not limited to so-called developing, fragile, or conflict-affected countries, but is also used by Western states to describe processes in their own political systems. The newer, but related, term of "local governance", interestingly remains rather vaguely defined, and is primarily used with reference to so-called developing countries.

The history of decentralisation

33   Briefly, prior to analyzing the contemporary understanding of decentralisation, I want to situate the concept historically in order to explain why I call decentralisation a Western concept of state. An in-depth historical analysis of the emergence of the term, however, is beyond the scope of this project, especially as while much has been written on definitions, aspirations, and problems of decentralisation, there is little literature available on the term's origin. That said, the fact remains that every society has been organized in a more or less centralised or decentralised way – an empirical reality which in and of itself is not connected to the "West" per say. Some, however, may argue that decentralisation is the traditional form of societal organization in South Sudan, at least for the segmentary societies[7]. It is definitely true that segmentary societies are decentralised rather than centralised. Segmentary societies, however, as acephalous societies, lack the central political authority that forms the basis of contemporary processes of decentralisation. Consequently, one needs to distinguish between a decentralised form of societal organization and decentralisation.

34   Conceptually, it is possible to trace back our contemporary understanding of decentralisation to the mid-20th century. It first appeared as a tool of imposed state reformation in post-war Germany. The occupying powers agreed in the Potsdam Agreement of 1945 on the principles of demilitarization, denazification, democratization,

and decentralisation (Farçat 1992, 25). Decentralisation, in this case, referred to not only the political structure but also the economic sphere (Potsdam Agreement 1945). Shortly after "the invention of development"[8], decentralisation became a tool in the repertoire of development interventions outside the West. According to Rondinelli (1981, 595), Henry Maddick (1963) was one of the first to connect decentralisation with economic growth and social modernization using the example of Sudan. Maddick was not the first to discuss the potential advantages of decentralisation; Alexis de Tocqueville and John Stuart Mill argued as early as the 19th century that decentralisation led to greater participation of citizens (Agrawal and Ribot 1999, 498). This goal remains pertinent today, but Maddick's argument transformed decentralisation into a tool for intervention in so-called developing countries – something to be applied abroad. Crucially, Maddick's connection between decentralisation and development allowed decentralisation to become a policy tool of the international community for interventions in so-called developing, fragile, failed, or conflict-affected countries. Later on, Maddick's understanding of decentralisation as tool to bring about economic growth and social modernization in so-called developing countries was enriched with other benefits of decentralisation, such as more participation in the context of development policies. Building upon this understanding, Dennis A. Rondinelli (Rondinelli and Cheema 1983) wrote a book that became a touchstone for the international understanding of decentralisation, and the basis of policy intervention. He developed the now-widely accepted distinction of decentralisation into the three different degrees – deconcentration, delegation and devolution – supplemented by a forth, privatization.

35   Decentralisation as policy tool became popular for so-called developing countries in the context of structural adjustment policies during the 1980s and 1990s, when decentralisation functioned as an antithesis to state. Decentralisation was often, but not exclusively, seen as a way to privatize state enterprises and to support and empower civil society by redistributing powers and competencies to non-state actors (for example, see Nach Mback 2001, 95–96). After a paradigm shift around 2001 away from privatization towards a renewed and stronger role of the state in the context of "good governance" and the "Post-Washington consensus", decentralisation today mainly refers to a redistribution of power and responsibilities or competencies within the state structure to lower levels of government. This is especially the case in South Sudan, where neither the local people nor the international community seems to have privatization in mind when discussing decentralisation. In fact, just the opposite is true, as decentralisation is part of the state-building process where the establishment, not the reduction, of the state is the goal.

36   This historical overview showed that decentralisation has Western roots: it was historically defined by Western countries and then applied abroad in the context of development interventions. In section 2.3, we will see how decentralisation entered the Sudanese context and how the creation of a decentralised system of government based on local governments was inspired by the British state structure.

The international community's understanding of decentralisation

37   This historical overview brings us to today's discourse on decentralisation. The reviewed organizations[9] locate decentralisation generally under "governance" issues, and not specifically under state-building, although there is some cross-over between the two, particularly in the context of "post-conflict". GTZ[10] refers to decentralisation in the

context of its programs on "good governance" (GTZ 2011b). USAID speaks of "democratic decentralisation", which seems to be used synonymously with "democratic local governance", and locates them both within the rubric of "governance" generally (USAID 2000). At the World Bank, one finds decentralisation under "Public Sector Governance" (World Bank 2011a). However, the term "local governance" or "local government" is also quite popular at the World Bank, but refers to a slightly different concept than decentralisation, as will be explained below. The UNDP scarcely uses the term decentralisation, but speaks of "local governance", which is located under "Democratic governance" (UNDP 2011c). The OECD, finally, has produced little on the topic.

38   By comparing the different definitions of decentralisation provided by the selected organizations, it is clear that they are basically identical. A report of the World Bank often cited in the context of decentralisation defines decentralisation as "the transfer of powers and resources from higher to lower levels in a political system" (Crook and Manor 2000, 1).

39   GTZ (2011b), USAID (2009), and the World Bank (2011a) begin by making a distinction between what Rauch (2009, 280–281) calls the three dimensions of decentralisation: political, administrative, and fiscal. Political decentralisation is about decision-making power, and implies that some legislative and executive power is vertically transferred to lower levels of government. Administrative decentralisation concerns the horizontal distribution of responsibilities and competencies to fulfil public duties between different state authorities on different levels. Finally, fiscal decentralisation is about access to financial resources. It concerns the authority to tax and to take out loans as well as financial transfers between different state levels and regional units (Rauch 2009, 280–281).

40   Many organizations also make the distinction between Rondinell's previously-mentioned three degrees of decentralisation. The weakest form of decentralisation is deconcentration, which refers to the transfer of a certain "amount of administrative authority and responsibility to lower levels within central government ministries and agencies" (Rondinelli et al. 1983, 14). In the case of delegation, "managerial responsibility for specifically defined functions" (19) is delegated to semi-autonomous or para-state institutions, while the central state primarily exercises its power indirectly through councils (Rauch 2009, 279–280). The strongest form of decentralisation is devolution, which requires the transfer of legislative and executive functions to independent and popularly elected regional authorities. In this case, the central government no longer has control over the transferred responsibilities and financial resources (Rondinelli et al. 1983, 24–25; Rauch 2009, 279–280).

41   Often, however, the three dimensions and the three degrees of decentralisation are combined. A regularly cited World Bank report (Crook and Manor 2000, 1) – wherein deconcentration or administrative decentralisation takes place "when agents in higher levels of government move to lower levels"; fiscal decentralisation describes the process of transferring "influence over budgets and financial decisions to lower levels"; and devolution or democratic decentralisation means that "resources, power, and often tasks are shifted to lower-level authorities who are somewhat independent of higher authorities, and who are at least somewhat democratic" – is an excellent example of this conceptual blurring. The same report (Crook and Manor 2000, 1) additionally stresses the importance of accountability for successful decentralisation. Similarly, an oft-cited scholarly article (Agrawal and Ribot 1999, 474, 478–479) argues that decentralisation can

only be effective and fulfil its promises if the "empowered local actors are downward accountable" and must justify themselves to the people, in contrast to upward accountability, where representatives justify their actions only to superiors.

42   GTZ (2011b) points to the importance of taking the decision where the problem at hand may best be resolved. This is what Rauch (2009, 287) describes as the principle of subsidiarity: following an analysis of which goals can best be reached at which level and with what resources, decision-making power and responsibilities should be distributed accordingly. GTZ and the World Bank stress that certain services may sometimes also be outsourced to non-state actors, with the World Bank even speaking of "market decentralisation". Correspondingly, privatization may be understood as a form of decentralisation (Rauch 2009, 279; Rondinelli et al. 1983, 28).

43   Whereas GTZ, USAID and the World Bank use the term decentralisation, the UNDP rarely refers to it, preferring instead the concept of "local governance" with which it is often used interchangeably (See, for example, UNDP 2010a, 14). The World Bank also regularly makes use of the term, but not as synonym for decentralisation. Local governance "is defined as the formulation and execution of collective action at the local level" which

> "encompasses the direct and indirect roles of formal institutions of local government and government hierarchies, as well as the roles of informal norms, networks, community organizations, and neighbourhood associations in pursuing collective action by defining the framework for citizen-citizen and citizen-state interactions, collective decision making, and delivery of local public services" (Shah and Shah 2006, 1–2).

44   Additionally, the World Bank stresses that

> "[g]ood local governance is not just about providing a range of local services but also about preserving the life and liberty of residents, creating space for democratic participation and civic dialogue, supporting market-led and environmentally sustainable local development, and facilitating outcomes that enrich the quality of life of residents" (Shah and Shah 2006, 2).

45   Local governance in the World Bank's understanding, therefore, seems to be broader than decentralisation. It seems to me, however, that the World Bank often also blurs the two concepts of decentralisation and local governance. In one report (World Bank 2005, 46), the terms "decentralisation", "devolution", and "local governance" seem to be used randomly, and the description of these processes once again parallels the definition of "decentralisation" as the transfer of "responsibilities, resources, and autonomy to elected local authorities". Interestingly, the term "effective" occurs also in this context: "Effective local governance requires local autonomy and authority, sufficient resources, and an open and accountable local political process; devolution of authority is a means of achieving these ends" (46).

46   Overall, it would seem that decentralisation and local governance are often not clearly distinguished. Some organizations clearly state this, while the World Bank defines local governance more broadly than decentralisation, does not differentiate precisely in all its reports. Thus, decentralisation and local governance are about transferring administrative, political, and fiscal power down to lower levels of government – or in the case of privatization to non-state actors – to varying degrees. The term "local governance" seems significantly vaguer, however, and only appears in the development context, contrary to decentralisation, which refers to political processes all over the world. That said, as the two terms are frequently used interchangeably, the following

discussion regarding the hopes and expectations connected to decentralisation is drawn from statements made with reference to both decentralisation and local governance.

Hopes connected with decentralisation

47 I have grouped the assumed advantages of decentralisation into the following four categories: participation and democracy, economic development, efficiency and transparency – especially in service delivery – and finally, stability and peace.

48 The most common hope associated with decentralisation is that it increases participation and strengthens democracy. In particular, it should allow for greater participation of marginalized or minority groups. The UNDP (2011c) states, for example, that "[i]mportant opportunities for poor people, women and minorities to participate in the development of their communities are to be found in local and regional institutions of governance". This list of marginalized groups that can be integrated into participative processes by decentralising is further expanded by the World Bank (2011a), which refers to decentralisation as allowing for "greater political representation for diverse political, ethnic, religious, and cultural groups in decision-making". USAID (2009, 5) concludes that "[w]hen it [decentralisation] expands the range and quality of the spaces in which citizens can participate and hold government accountable, decentralisation can enhance democracy". Finally, GTZ (2011a) stresses that decentralised state structures are closer to the citizens and therefore, strengthen democracy: "Dezentrale staatliche Strukturen [...] arbeiten näher am Bürger, gehen besser auf deren Bedürfnisse ein und erhöhen die Möglichkeiten zur Beteiligung der Bevölkerung. Dezentralisierung trägt damit zu [...] einer gestärkten Demokratie bei"[11].

49 This proximity to the citizens is intended to allow for the better satisfaction of popular demands, an assumption which brings us to the second and related group of expectations connected with decentralisation: better and more efficient governance through closer control. It is often mentioned that service delivery can be improved through decentralisation. The World Bank (2005, 48) acknowledges that "the shorter distance between voters and politicians is likely to make voters more informed about political responsibilities for public goods provision, and local politicians are more likely to establish credibility with voters through their track record and visible results". As a result, "[d]ecentralisation may lead to more creative, innovative and responsive programs by allowing local 'experimentation'", "can help cut complex bureaucratic procedures and [...] can increase government officials' sensitivity to local conditions and needs" (World Bank 2011a). Consequently, decentralisation improves the "responsiveness and efficiency of service delivery" and enhances "the transparency and accountability of governments to citizens and firms" (World Bank 2005, 46–47). GTZ stresses further that services can be better adapted to local needs through decentralisation: "Dezentralisierung kann staatliche Dienstleistungen besser an lokalen Bedarfen ausrichten"[12] (GTZ 2011b).Finally, the UNDP calls for local governance in order to improve service delivery, as "[m]ost basic services for citizens are provided by local governments. The aim is to improve their ability and capacity to become better administrators, raise revenue and deliver high-quality services to accelerate progress towards the MDGs" (UNDP 2011c).

50 This statement not only calls for decentralisation due to its role in efficient service delivery, but also implies its possible positive impacts for poverty reduction.

Decentralisation is also understood to reduce poverty and foster economic development. USAID (2009, 5) explains that "[w]hen it improves the quality of the decisions over how public resources are deployed, decentralisation can promote economic development and improve citizens' welfare". GTZ adds further that decentralisation may lead to redistribution which in turn can support economic development: "In Ländern mit ausgeprägten sozialen und wirtschaftlichen Ungleichheiten kann Dezentralisierung zur Umverteilung von öffentlichen Mitteln zu Gunsten von benachteiligten Regionen beitragen und somit einen Beitrag zur Entwicklung eines dynamischen Wirtschaftsraumes leisten"[13] (GTZ 2011b).

51 Finally, decentralisation is also thought to support stability and peace. The World Bank (World Bank 2011a), for example, writes that decentralisation "can also increase political stability and national unity by allowing citizens to better control public programs at the local level". The UNDP adds that "[g]overnment can promote peace and reconciliation at the local level. They can build consensus through dialogue, promote trust, and integrate conflict prevention into programmes and services" (UNDP 2011c). Finally, USAID (2009, 5) holds that "when it prevents conflict or reduces the destabilizing effects of those conflicts that occur, decentralisation can improve stability".

52 To conclude, decentralisation is meant to broaden representation and foster participative processes and democracy. This in turn brings the governments closer to the people and makes service delivery more efficient. This again should lead to economic development. Furthermore, decentralisation contributes to further stability and reconciliation[14]. As a result, these points together allow "the State to increase its visibility and establish its legitimacy at the local level" (UNDP 2010b, 41), thus reframing decentralisation as a tool of state-building. However, a significant difference between the two concepts remains: whereas in state-building participation and democracy are a *means* of bringing about effective states, which are then in turn able to secure stability, participation seems to be a *direct* objective of decentralisation.

1.2. Data collection

53 This research is mainly based on data collected during two field trips to South Sudan in 2010 and 2011. I conducted the majority of my almost thirty interviews in 2011[15]. Half of all interviews were conducted with people from different levels of government (interview partners 1–13), a handful with traditional authorities (14–16), and the rest with people from the church, communities, civil society organizations, and so on (17–25). I was also able to speak to the Project Manager of the Local Government Recovery Programme of UNDP (26). My research was complemented by informal talks.

54 Additionally, it should be noted that my data is strongly male biased, as I was only able to do three interviews with South Sudanese women. This is not surprising in light of the fact that in South Sudan, women are literally absent in public spaces. The market, as the only female public area, and the home, seem to be the sole purviews of women. The statistics on literacy support this observation: the literacy rate is 27 per cent in South Sudan, but lies at 40 per cent for men and only at 16 per cent for women (Southern Sudan Centre for Census, Statistics, and Evaluation 2010, 2).

55 Geographically, I focused on four places in Central and Eastern Equatoria: South Sudan's capital Juba located in Central Equatoria, Torit, the centre of Eastern Equatoria, as well as

the Eastern Equatorian village of Magwi and the nearby Iyre communities (a map of South Sudan and Eastern Equatoria can be found in the Annex 7.). By choosing these four places, Juba, Torit, Magwi, and the communities of the Iyire, which are all located in different positions on the urban to rural-spectrum, I aimed to better represent the diversity of living conditions in South Sudan and the different levels of government. Furthermore, I chose Central Equatoria and Eastern Equatoria with security issues in mind, as this region is located far from the conflictual North-South border. The cases were also chosen with respect to time constraints, which restricted the reachable areas in the vast state, and the availability of contacts on hand. Furthermore, Equatoria's ethnic heterogeneity and Juba's status as a place where many different social and tribal groups meet makes them representative of the heterogeneous South Sudan. However, it must be noted that as a result of these choices, I mainly interacted with people of the different tribes of Equatoria involved in subsistence agriculture. Correspondingly, I had less contact with the people of the bigger pastoralist tribes of the North, especially the Dinka and the Nuer, both of whom play an important role in government and society.

56   In addition to the data collected through interviews, I relied on various documents, such as legal texts concerning decentralisation in South Sudan, historical documents of the SPLM/A, and reports of international organizations on state-building and decentralisation.

57   While this introduction already revealed the international understanding of decentralisation, we will now have a closer look at how other groups interacting at the interface interpret decentralisation in order to see whether their understandings correspond. We turn now to an examination of how the government understands decentralisation. First, the current decentralised structure as outlined in the Local Government Act is presented (2.1). I then argue that the government sees decentralisation mainly as a tool for service delivery and development (2.2), and trace the historical roots of this understanding (2.3). Finally, I show how the international community's understanding of decentralisation has been adapted to local realities (2.4). In chapter three, we look at the perspectives of people outside the government. It is shown that although development and service delivery also appear in the people's understanding of decentralisation, their conceptualization is dominated by the idea of self-rule (3.1). This right to self-rule, which is used to justify resource claims based on native-stranger or tribal categories (3.2), also functions as a means of appropriating an abstract and distant state (3.3). Finally, in chapter four I unpack how these different ways of understanding decentralisation interact and form part of a power structure. Consequently, similarities and differences between different interpretations are highlighted (4.1) followed by a discussion of the functions and power of both the international (4.2) and the people's (4.3) discourse. The results of this study are then summarized and synthesized in chapter five.

NOTES

1. "Historicity."

2. Approximate translation by the author: "The historicity of the imported state."

3. Approximate translation by the author: "historical trajectories."

4. Approximate translation by author: "internal dynamics."

5. Approximate translation by author: "external dynamics."

6. I refer to these terms because they reflect a certain language within the international community. They will be questioned and deconstructed throughout this introduction.

7. A segmentary society is an acephalous society, a society without any central political authority, based on politically coequal, multistage groups as their primary form of political organization. These segments are commonly known as clans and lineages (Sigrist [1967] 1979, 30).

8. Development in today's understanding or the "invention of development", respectively, goes back to Truman's "Point Four" speech in 1949 according to Gilbert Rist ([1997] 2002). Arturo Escobar (1995) dates the origin of development back to the same event.

9. In addition to the organizations reviewed in the previous section, I will integrate GTZ and USAID into my analysis at this point as these two organizations are important in the context of decentralisation in South Sudan.

10. GTZ, DED and Inwent merged at the beginning of 2011 and form now GIZ, Deutsche Gesellschaft für Internationale Zusammenarbeit. I continue to refer to GTZ due to the lack of a common appearance which implies that all the information concerning decentralisation is to be found on the website of the GTZ, not GIZ.

11. Approximate translation by author: "Decentralised state structures work closer to the citizens, are more responsive to their needs and increase the possibilities for participation of the population. Decentralisation therefore strengthens democracy."

12. Approximate translation by author: "Decentralisation can better align state services with local needs."

13. Approximate translation by author: "In countries with strong social and economic inequalities, decentralisation can contribute to a redistribution of public funds in favour of discriminated regions and thereby contribute to the development of a dynamic economic area."

14. These organizations are of course aware that there are also obstacles to reaching these goals, but as such concerns are of minor importance for this work, they are not developed here.

15. A list with all the integrated interviews can be found under 9. together with a short description of the background of my interview partners. In order to protect my sources, no names are provided. I refer to my interview partners with a number in brackets.

2. Decentralisation as a tool for service delivery and development

1   In this chapter, I analyse the government's[1] understanding of decentralisation, accompanied by a short discussion of the international community in South Sudan. The Local Government Act of 2009 is the main legal document that reflects the GoSS' current approach to decentralisation. As early as 2003, local government officers or administrators[2], in collaboration with the UNDP and GTZ, began developing the initial framework for the Act. In addition to arguing that decentralisation is mainly understood by the government as a tool for development and service provision (2.2), I also show that decentralisation is not created *ex nihilo*. As the Local Government Act 2009 was drafted by local government officers who have past experience with local governments, the current understanding of decentralisation must be traced back to said officials' experiences in the 1970s, 1980s, and 1990s. These past experiences with local government are particularly relevant with respect to those who developed the legal framework on decentralisation in South Sudan (2.3). In their opinion, local governments must be rebuilt, not built. The South Sudanese government's understanding of decentralisation also influences the international community in South Sudan as they attempt to adapt their state-building objectives to the local context (2.4). Before analysing the various understandings of decentralisation, however, the basic structure of decentralisation in South Sudan must be discussed (2.1).

2.1. The decentralised structure of government

2   The current legal framework on decentralisation effective in South Sudan at the time of writing, the Local Government Act 2009, was developed in the context of the Comprehensive Peace Agreement (CPA), and the Interim Constitution of Sudan (ICS), or of South Sudan (ICSS), in 2005. The CPA, signed by the Government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A), ended the war between the North and the South. It also provided the legal framework for a six year Interim Period, which witnessed a Referendum on Southern independence in January 2011, and ended with the release of the South into their chosen independence on 9 July 2011. As the Interim Constitution of Sudan closely follows the CPA, I discuss them together. Although these

two documents are no longer legally binding, following the foundation of the Republic of South Sudan, they formed the legal framework at the time of my research, and strongly informed the Local Government Act 2009.

2.1.1 The CPA and the Interim Constitutions

3   The CPA not only guarantees an autonomous status for the South by promising that "the people of South Sudan have the right to control and govern affairs in their region" (CPA, The Machakos Protocol, 1.2), but also stresses the general principles of "decentralisation and empowerment of all levels of government" beyond the GoSS (CPA Power Sharing, Preamble). Similarly, the Interim Constitution of Sudan stresses the commitment "to establish a decentralised democratic system of governance in which power shall be peacefully transferred" (ICS, Preamble). Articles 1 and 24 of the same document refer to Sudan as a "decentralised State". The CPA states further that "[t]here should be a decentralised system of government with significant devolution of powers" (1.5.1.1). The CPA (Power Sharing, 1.3.2–1.3.4) and the Interim Constitution of Sudan (Article 24) establish, with almost identical phrasing, four levels of government: the national level of government, the Southern Sudan level of government, the state governments, and local government. Each level of government should respect the others' autonomy and cooperate accordingly (CPA Power Sharing 1.5.1.4; ICS article 26). Local governments are clearly defined as a competency of the state level (ICS and CPA Power Sharing schedule C, 3), which also implies that a certain amount of autonomy is constitutionally guaranteed to states, but not to the local governments.

4   With this understanding of the broader, Sudanese legal framework in mind, we may focus on the situation within South Sudan itself. The Interim Constitution of Southern Sudan frequently stresses the principle of decentralisation as the basis of governance (see, for example, the Preamble and Articles 1, 39, 50, 167, and 179), and establishes in the spirit of the principle of subsidiarity, wherein "[g]overnance in Southern Sudan [...] shall be guided by the principles of decentralisation and devolution of power to the people through the appropriate levels of government where they can best manage and direct their affairs" (Article 39). The Interim Constitution, further, references the same levels of government as the CPA and the Interim Constitution of Sudan (Article 50), but goes further to delineate ten states within the territory of Southern Sudan (Article 1, 167). The ten states are each given the power to adopt their own constitutions (Article 167). Moreover, the executive of each state is headed by a governor, surrounded by ministers (Article 169). The legislative branch of government is referred to as the "State Legislative Assembly" (Article 170).

5   The highest court at the state level is called the "High Court", positioned below both the superior Supreme Court of Southern Sudan and the Court of Appeal, and above the County Courts[3] and other local courts or tribunals such as those relating to customary law (Articles 127 and 171). Finally, the states are given the authority to "promote and empower local government" (Article 168) in form of rural and urban councils (Article 173). Policy guidelines are to be provided by the Local Government Board, which is created by the President (Article 173). The structure of local government consists of three levels – the highest called County, followed by Payam, and finally Boma, the lowest level of local government (Article 173). The Interim Constitution also acknowledges the role of traditional authorities, in accordance with customary law, and transfers the

responsibility for their integration with local government to the states. It calls for the foundation of Councils of Tradition Authority Leaders (COTAL) at the GoSS and state levels (Articles 174 and 175). These traditional authorities form the lowest level of local government – the Boma – exclusively, coexist with administrators on Payam level and share power with the legislative and executive on County level as will be further explained later in this section.

6 The Transitional Constitution of the Republic of South Sudan (GoSS 2011c) entered into force in 2011 in the context of independence. With only one exception, no significant changes, in comparison with previous legislation, have been made with regard to decentralisation – the president is now empowered to remove a state governor or dissolve a state legislative assembly in case of a crisis (Article 101r). Consequently, the power distribution changed to the disadvantage of the lower levels of government. This marks a step away from decentralisation to the opposite process of centralisation.
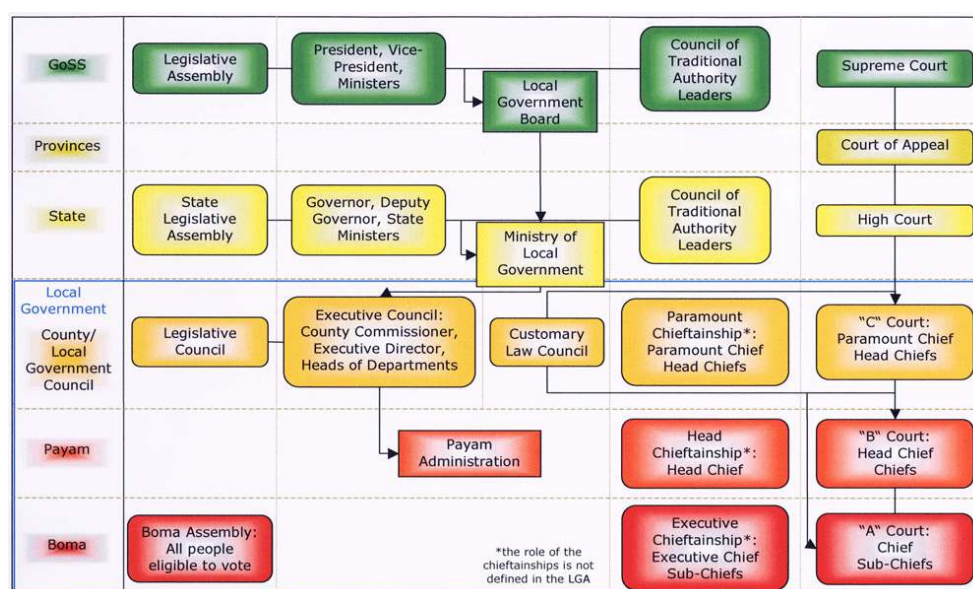
2.1.2 The Local Government Act 2009

7 The Interim Constitution (and the Transitional Constitution) establishes the structures of government at the GoSS and the state level, but, as previously mentioned, the local government level is left to the states for further clarification. That said, the Local Government Act of 2009 was developed by the GoSS-created Local Government Board to provide a framework for the establishment of local governments. Whereas the Interim Constitution classifies all local governments as either urban or rural councils, the Local Government Act adds a third category, the "industrial councils" (Section 16). These, however, play only a minor role in the actual implementation. The dominant form of council, at time of writing, in South Sudan is the rural council. It is also called the "County" and forms the highest level of the three tiers of Local Government, followed by the Payam and the Boma. The urban councils have three forms, City, Municipality or Town, and are followed by Block Councils and Quarter Councils (Section 15). However, one must be conscious of the fact that the first urban council, Juba, was only just being established at the time of my field research in April 2011 (and even then it seemed to be introduced as a level of government below the County, which, if true, would contradict the Act wherein cities are presented as corresponding with the County in urban areas). Due to the nascent and ambiguous status of urban local government, the following explanation will focus on the dominant rural structure. Figure 1 shows the current decentralised nature of government.

The legislative and the executive at County level

8 The Local Government Act establishes a legislative and an executive at the County level, called Legislative Council and Executive Council (Section 22). The Legislative Council consists of thirty-five members that are directly elected out of the voters of a Boma, the lowest level of local government (Section 26). According to the UNDP Project Manager (26), however, the Legislative Councils have just recently begun to be established, thus far in only the three states of Equatoria – Eastern, Western and Central Equatoria – and Jonglei, and based on appointments rather than elections. The Executive Council is headed by the County Commissioner, who is ostensibly elected by the citizens of the County (Section 48). Yet as elections have not taken place, the Commissioner is still appointed in reality. The heads of departments of the Council also hold seats on the

Executive Council, along with the Chief Administrator (Section 46). The Administrator, referred to as the Executive Director on rural councils, is the head of the civil service of the County and is appointed (Section 59–61). Three types of employees work at the Local Government Council: Local Government Administrative Officers, defined as "professional officers of the Civil Service of the States and other institutions of local governance, who shall be recruited by the State and trained into the Local Government Administrative Cadre of Southern Sudan"; Law Enforcement to work in the Local Government Councils (Section 66, 125); and the staff hired by the County itself (Section 68). Significantly, Local Government Administrative Officers may be transferred by the State Ministry of Local Government, and the "State Authorities may also second their departmental staff to the Local Government Councils to manage the corresponding departments of the Councils" (Section 67). There are thus many opportunities for staff to move between the various levels of government.

Figure 1: Decentralised structure of government

Source: own production based on Local Government Act and ICSS.

9   The County is intended to generate resources through "government grants, locally generated revenues, community contributions, grants and donations from organisations and individuals and loans" (Section 73). However, as indicated by the Project Manager of the UNDP (26), there is a need for clarification on the taxation and fee responsibilities and rights of the various state levels. The government grants, which came into being in 2008 (26), have the potential to become an important instrument for distributing oil revenues and building up local administrations in a context where economic productivity, the theoretical basis of taxation, is severely limited. Similarly, the importance of international aid should not be underestimated.

The role of the traditional authorities

10 The executive and the legislative are complemented by a third organ as the traditional authorities also hold executive competencies "determined by local legislation and regulations". The executive bodies of traditional authority are called Chiefdoms in

general and, more precisely, Paramount Chieftainship at the County level, Head Chieftainship at the Payam level, and Executive Chieftainship at the Boma level. Such terms vary depending on local forms of organization, such as Kingdom or Chiefdom, as do the subsidiary structures (e.g. Sub-Chieftaincy and Headmanship) (Sections 112, 115, and 116). Chiefs are meant to be elected according to traditional practices (Section 117). All eligible voters in a Boma form the Boma Assembly (Section 5). The Boma is the only level that is the exclusive domain of the traditional authority: "The Boma shall be the main domain of the traditional authority where traditional leaders perform their administrative and customary functions" (Section 19). The Payam, on the other hand, "exercises delegated powers from the County Executive Council" (Section 5). The governmental administration is headed by the Payam administrator, whom I observed in Juba County, Torit County and Magwi County, though the position is not mentioned in the Local Government Act. There is no legislative or executive body at the Payam level aside from the Head Chieftainship. The role and the competencies of the Chiefdoms, however, are highly unclear. In addition, the Local Government Act further specifies the role of the Council of Traditional Authority Leaders at the GoSS level – it should, *inter alia*, "provide a forum for dialogue [...] on matters of customs and traditions", "intervene to resolve inter-tribal disputes" and "advise all levels of Government on matters of traditions and customs" (Section 121).

11   Traditional authorities have not only executive power in form of chiefdoms, but also form the judiciary on local government level. This customary law applied in the courts of the Bomas, Payams and Counties are meant to be regulated by the Customary law Council. The Local Government Act, further, provides for a Customary Law Council "which shall be the highest Customary Law authority in the County" (Section 93). It consists of the County Paramount Chief as the leader, all Head Chiefs, the Secretary of the Council, three community elders, three women, and one youth representative (Section 94). It is concerned with traditions and customs, and its task is to regulate customary law and recruit the Customary Law Courts' staff (Section 95, 96). In reality, the Customary Law Councils do not yet exist. The Customary Law Courts, on the other hand, function and are given the competency to handle customary disputes, but not criminal cases. The Customary Law Court at the County level is called the "C" Court, and is the highest existing Customary Law Court. It consists of the Head Chiefs of the closest lower court, the "B" Court, and is headed by the Paramount Chief (Section 99). The "B" Court corresponds to the Payam level, and is made up of Chiefs[4], chaired by the Head Chief (Section 100). Finally, the customary court of first instance is found at the Boma level, and is referred to as the "A" Court. It consists of Sub-Chiefs, with the Chief as chair (Section 101). The Head Chiefs are supposed to be elected by the Chiefs and Sub-Chiefs, and the Paramount Chief by the Head Chiefs and Chiefs (Section 105).

12   So, the CPA, the Interim Constitution of Sudan, and that of South Sudan each stress the general principle of decentralisation, define the four levels of government in Sudan, or the three levels of government in South Sudan, respectively, and delegate the responsibility to deal with and develop local governments to the states. The Interim Constitution of Southern Sudan additionally specifies the functions of the state level and sets guidelines for the establishment of local governments. Finally, in the Local Government Act, the structure of the local government level is developed and the various competencies of the different levels of local government – County, Payam and Boma – and organs of the Executive, Legislative, Chiefdoms, and Judiciary, are established.

2.2. Service delivery and development as the primary goal of local governments

13　The first section of this paper has shown that "decentralisation" as understood in South Sudanese and Sudanese legal documents primarily refers to the establishment of different state levels and the devolution of certain powers among them which also corresponds with scholarly definitions of decentralisation as described in the previous chapter. Correspondingly, the principle of subsidiarity is also stressed several times (LGA Section 13, ICS & CPA Schedule F, 3). In the words of local government officers, decentralisation implies "the relinquishing of powers from the centre [...], devolution to allow other levels to function"(3) or "deconcentration or delegation of powers from the centre to the lower structures, so that services are nearer to the people, so that people can easily reach the centre of administration" (4). The two other local government officers (1, 2) do not speak of devolution to lower levels of government, but they also stress the element of "bottom-up and distributing the power down to the people. The latter also call the local government the "government of the people" (2) or state that the "local governments are about the people" (1). My interview partners from different state levels (from GoSS down to the Payam) also emphasize the element of bringing power down to the people via decentralisation and local governments (5 to 11). The Executive Director of Magwi county (9) explains, for example, that the "Local Government is the government of the people, for the people, by the people". Interestingly, one Payam Administrator (10), did not know the term decentralisation, but used the term "local government", which he defined as "a department consisting of local people who form a local government". This statement reinforced my general impression that not all people working in the decentralised structure of South Sudan are familiar with its legal basis. The local government officers, however, definitely are.

14　It is not surprising that decentralisation is described as devolving power downwards, as this is probably quite universal. Responses become more interesting if one asks about the goals and rationale behind decentralisation, what "transferring the power down" actually means, and how the powers and competencies should actually be distributed. This line of questioning reveals a certain mind set behind the legal documents and the people who wrote them. I argue that, in their understanding, decentralisation is closely connected to service delivery and development.

2.2.1 Bringing development and services to the people

15　Before analyzing the main document, the Local Government Act, I will shortly review the CPA, ICS, and ICSS in order to illuminate their underlying logic. The articles that establishes the different levels of government in the CPA (Power Sharing, 1.3), and in the Interim Constitutions of Sudan (Article 24) and Southern Sudan (Article 50), also delegate the provision of public services to the state level, but further specify that they should be delivered through the "level closest to the people", which is in turn identified as the local government. Within the context of these articles, the three legal documents do not mention any other functions of the local government. In addition, all three documents provide schedules which distribute competencies between the different state levels concerning foreign policy, service delivery, security, and so on. Interestingly, although

the GoSS and the state governments (as well as the Government of Sudan) are meant to share the competencies of "Economic and Social Development" and "Delivery of Public Services" (CPA Power Sharing and ICS, Schedule D, 1 and 7), there is some specification of competencies within those fields. The GoSS, for instance, is responsible for planning services and providing norms, standards, and coordination in areas such as health, education, and welfare (Schedule B, 6 and 9), whereas the states are in charge of their actual establishment (Schedule C, for example, 15 and 22). Finally, the principle of subsidiarity is anchored in both documents (Schedule F, 3). In sum, a close reading of these three documents indicates that service delivery is the main function, or goal, of the local government under the supervision of the state. More generally speaking, decentralisation is closely paired with service provision in the understanding of the government that signed these documents. Of course, as many different people, *inter alia* international experts, contributed to these documents, they may not be understood as solely reflecting the GoSS' position, but the latter at least agreed to it.

16   With this established, the balance of my analysis will focus on the local government officers who, as mentioned previously, developed the Local Government Act with the support of international legal experts. Whereas the local government officers seem to share a common understanding of decentralisation that is strongly shaped by their historical experience with the local government system in South Sudan, I cannot identify a clear and common "governmental" understanding of decentralisation. When one considers the different positions these people are in, this follows; I talked to people from the Payam up to the GoSS levels. I was not able, however, to speak with a sufficiently representative number of people from each level or in each function to allow me to distinguish different types of governmental understanding. Most importantly, I could not access the core of the GoSS in Juba, and am thus unable to depict the discourse within that group.

17   My interview material (interviewees 1 to 4) and the Local Government Act provide rich material for understanding some of the core topics in the understanding of local government officers. This is complemented with references to a predecessor of the Local Government Act, "The Local Government Framework for Southern Sudan" of 2006, wherein many features of the succeeding Act were already found, with additional explanations and historical references. The Framework was developed by the Local Government Board and its predecessors. This document thus allows for further conclusions concerning the intentions and motivations behind the current legal framework.

18   The objectives of the locales government, as stated in the Local Government Act (Section 12) and the ICSS (Article 173), as well as the principles mentioned in the former (Section 13) – each virtually identically paraphrasing the Local Government Framework (2.2.2) – establish the main topics for analysis. First of all, the local government should be guided by various principles commonly associated with good governance, such as efficiency and effectiveness, accountability, transparency, and the rule of law. Many of my interview partners (2, 3, and 4) went one step further, saying that local governance should not only be guided by these principles, but that decentralisation actually improves governance or accountability of the government. Another principle (and objective) that arises repeatedly is some variant of participation. On the one hand, participation is a goal in itself, and is named in combination with self-governance. On the other, participation is meant to be used as a tool to provide services based on actual needs of the people, in form

of "responsiveness". Service delivery, supplemented by the objective of economic development, is also a reoccurring term. Finally, peace and reconciliation is another objective mentioned, which seems to be of particular relevance to South Sudan. It is interesting how much the latter of these topics – participation, self-governance, and peace as well as service delivery and development – reveal about the understanding.

Service delivery

19 The Local Government Act establishes concrete responsibilities for the County, but not for the Payam and Boma levels. It says that the primary responsibilities of the Local Government Councils consist of the "maintenance of law and public order", the "provision [...] of services to the people", the "promotion of local development", "land administration and environmental management", and finally, the "protection of the rights of the people" (Section 24).[5] In the preceding Local Government Framework, the only responsibilities mentioned were public order, service provision, and development (7). This strongly indicates that they lie at the core of the local government officers' understanding of decentralisation and, as a result, also of the Local Government Act. The public order function is explained as relating to "the protection of life and property and the maintenance of public order" (7.1). Local government councils are, moreover, referred to as the "leader of development at the level of government nearest the people", which should then "promote economic, infrastructural and social development" (7.3). Finally, service provision is described as "the hallmark of local government, as it is the level of government closest to the people" (7.2).

20 The special importance of the function of service delivery is stressed at various times throughout the preceding Local Government Framework, with greater and lesser degrees of explicitness. In one section of the paper, "Service delivery planning, Programming and implementation" is the only specifically mentioned responsibility of the local government council (1.4). Furthermore, the word "service" occurs 162 times[6] in the 92 page document, compared to only four mentions of "public order" and six of "law and order". Furthermore, it is an? interesting note that the success or failure of past experiences with local governments and decentralisation are exclusively measured by their ability (or not) to provide services.[7] Critiques are also levelled that the only function of the local governments in the time before the second war was "maintenance of law and order", and not service delivery (2.1). In sum, service delivery is clearly the dominant topic in the document, and is perceived as the main function of local governments.

21 The statements of the four local government officers further underline the importance of this topic. All connect service delivery to local government or decentralisation (1, 2, 3, and 4). One officer (1) explains, for example, that the local government needs to provide services to the people in areas of health, education, water, and so on. He judges the non-provision of these services, and the non-implementation of the structures as foreseen in Local Government Act, as the biggest contemporary gaps in local government. All the people working at one of the state levels (5–11) also at least mention service delivery in the context of decentralisation and local government.

"Taking the towns to the people"

22 This component of service delivery is actually closely connected to another objective of local governments – development. The Local Government Framework (2.2.3) cites John

Garang[8] on the vision for Local Government as "[s]elf rule for the people of Southern Sudan, by taking the towns to the people". The latter half of this vision is known throughout South Sudan[9] and is regularly referenced. The GoSS perceives "taking the towns to the people" as synonym for decentralisation; it equates the implementation of decentralisation with this statement on the GoSS official website (GoSS 2011a) and chose this statement as the subtitle for the Local Government Framework[10]. The latter (2.2.3) further specifies the aim of this vision – "The transformation of local government from a rudimentary colonial system of local administration to an integrated viable system of local government authorities that is relevant to meet peoples' aspirations for self rule and basic service delivery needs". In that case, there is a close connection between "taking towns to the people" and "service delivery".

23   The three local government officers with whom I discussed Garang's statement (2, 3, and 4) all equated it to decentralisation, and connected it to development and/or service provision. In their eyes, "taking the towns to the people" means that services such as schools or boreholes, or development more generally, should be taken to the less developed villages. As a result, decentralisation is seen as a tool for service delivery, development, and, importantly, *equitable* development. Most of my interview partners from the various levels of government also equated "taking the towns to the people" with decentralisation (5, 6, 7, and 9). They all (5, 7, 9 and 10) interpret it in the same manner as the local government officers – a way to bring development and/or services to the rural areas. The only exception to this trend was one individual (6) who only expressed that the phrase stands for the "vision of power to the people", and mentioned neither development nor service delivery. As we will see in chapter three, this connection of "taking the towns to the people" with decentralisation and service delivery or development in rural areas is also mostly shared by non-governmental people.

24   To sum up, decentralisation is mainly understood as a way to deliver services to the people and bring development to rural areas, all under the rubric of "taking the towns to the people". As the previous discussion of the underlying principles has revealed, the role of participation in this context is based on the desire to make service delivery responsive to the needs of the people. The Local Government Framework expresses principle in its statement that the local government or decentralisation "allows the people to be involved in the process of service delivery" (2.2.1).

2.2.2 Self-rule for tribes

25   Participation, however, may also have a different meaning, referring to self-rule or self-governance. This brings us back to the first part of Garang's vision of "[s]elf rule for the people of Southern Sudan, by taking the towns to the people". "Self rule" is mentioned as an objective as well as a principle of the Local Government Act (Sections 12 and 13), and is referenced various times in the Local Government Framework[11], wherein local government is described as "the most empowering and democratic tool of self rule" (2.2.3) and a way of "taking power to the people to rule themselves" (2.2.1). The four local government officers did not mentioned self-rule explicitly, but it was an underlying issue which they actually primarily criticized, on the basis of its potential for creating tension – a situation at odds with the understanding of service delivery as the main function of the local government.

26   "Self-rule" is an ambiguous term which may mean anything from superficial participation of the population to full independence. It seems that self-rule as a goal of local government has been incorporated into the legal framework mainly due to demands by the people. The findings of several field studies conducted from 2004 to 2006 by the forerunner of the Local Government Board "pointed to one main demand by the people, that of 'self-rule'" (2.2.4). Another key finding was that the "people resented the loss of power and the mistreatment of their traditional leaders and demanded the reinstatement of the traditional authorities for their self-rule" (2.3.3). The Local Government Act reveals how self-rule is understood by the South Sudanese government: Chiefdoms[12], as "the traditional community authority" should be the platform "through which the people shall rule themselves", and where they can "choose their leaders to administer themselves" (Section 114). This concept of self-rule remains abstract, however, as the "powers, functions and duties" of these chiefdoms "shall be determined by local legislation and regulations" (Section 115). The Act further stresses that "the Boma should be the main domain of the traditional authority where traditional leaders perform their administrative and customary functions" (Section 19). "'Traditional Authority' means the traditional community body with definite traditional administrative jurisdiction within which customary powers are exercised by traditional leaders on behalf of the community" (Section 5). The local government officers thus see the integration of the traditional authorities into the formal government structure as a tool with which to satisfy the people's demand for self-rule.

27   There is potential for tension between the technical understanding of service delivery and the understanding of self-rule via traditional authorities. Traditional authorities and their chiefdoms are based on tribal categories – from tribe over clan down to lineages.[13] The integration of both the technical understanding of the local government officers and the self-rule component of the people into the Local Government Act leads to inherent contradictions within the document. The self-rule component implies that administrative units are based on tribal categories, whereas the local government officers insist on technical criteria. The Local Government Act states that Counties (here, referring to rural councils as the criteria for urban councils differ slightly) should be established on the basis of the "size of the territory", the size of the population, "economic viability", and "administrative convenience and effectiveness". It is further specified that a County should comprise between 70, 000 and 100,000 people; a Boma 5,000 to 10,000 people; and that a Payam should consist of three to four Bomas. A County is intended to consist of three to four Payams. There is also one final criterion mentioned, the "common interest of the communities", which is complemented by "consideration of minority or majority ethnic group cases as may be decided by the Southern Sudan Legislative Assembly" (Section 21, Appendix I, 1).

28   It is conceivable to believe that the initial group of criteria and the last may conflict in practice, as tribal groups of less than 5,000–10,000 or 70,000–100,000 members may wish to form their own Boma or County, respectively, to avoid domination by another tribe or clan. For the government, the latter criterion is intended to be an exception, as it must be approved by the Southern Sudan Legislative Assembly, but it leaves the door open to demands for constructing administrative units based on tribal categories.[14] At this time, all that remains to be said is that the local government officers expressed certain concerns regarding this development, as they understand it as laying the groundwork for a mushrooming of counties based on tribal categories. The Local Government Framework,

as it stands, calls for a limitation of the numbers of councils (1.4.3). The three local government officers with whom I raised the subject (2, 3, and 4) insist that the number of counties should be limited or reduced, and that the current proliferation of counties needs to be stopped. They stress that there are official criteria and that, therefore, not everyone should be allowed to form a county of their own.

29 The opinions of other people working for the government, interestingly, are less clear on the issue. Three persons working at three different state levels (6, 8, 11) also expressed their concern about this development, whereas two (9, 10) remained neutral and one (5) actually stressed the importance of self-rule based on tribal lines, judging that the potential conflicts arising from this principle are normal. At this point, the objective of peace and reconciliation becomes relevant. The expectations in this area go beyond securing public order and security, but include hopes and fears relating to the direct impact of decentralisation on peace and conflict. Out of the four local government officers, one (2) stated that decentralisation will solve conflicts. Another (4), in contrast, noticed that "it tends to divide people" because people keep demanding further division of territory. The third officer (3) combined the hope and the fear in arguing that decentralisation brings peace if services are actually delivered, but it brings conflict if it is interpreted on "ethnic lines".

30 To conclude, the government's and, more specifically, the local government officers' interpretation of decentralisation can be summarized by Garang's famous aphorism of "taking the towns to the people", which implies that services and development should be brought to the rural areas through decentralisation. In that context, participation is understood as a tool to better elaborate the needs of the population. This understanding is quite technical and may even be considered paternalistic, as it sees the state as the benefactor of the people. It also has the potential for conflict with the understanding of decentralisation as self-rule based on tribal identities which, due to the demands of the population, has already been incorporated into the Local Government Act. Prior to turning to the local understanding of self-rule, however, I first anchor the understanding of the government, and/or of the local government officers, in the historical experience of (South) Sudan.

2.3. Tracing the government's understanding of decentralisation in history

31 It is often said of South Sudan that after 2005, a state had to be built "from scratch". Whereas it is undoubtedly true that the war has left its mark, and little exists in terms of infrastructure, South Sudan still has a rich history, characterized by repeated experiences of attempts at decentralisation and local governments[15]. By 2005, though it was only partially implemented, a decentralised state structure existed. As a result, people, and especially the local government officers, already possess an understanding of how local governments have functioned over time, and the reasons for their successes and failures, with which to interpret and evaluate current processes. One member of the Local Government Board (1) expressed this strongly by saying that local governments used to further peace and economic development and many other things, but that they, unfortunately, do not currently have the necessary power and the money anymore to provide these things. This shows clearly that, from the perspective of some interviewees, local governments and decentralisation are not something to be *introduced*, but rather

something to be rebuilt or modified. The Local Government Framework strongly emphasizes the need to learn from past experience in order to build "viable institutions of local government capable of serving and developing the people effectively" (2.1). Various historical events and legal texts have thus shaped the current understanding of decentralisation as presented in the Local Government Act and the images of decentralisation in the minds of the people. It is important to stress at the outset that the concept of decentralisation in South Sudan does not have a single moment of "birth", but rather a continual history with multiple entry points.

2.3.1 Sudan's experiences with decentralisation

Historical Sudanese features

32 The historical narrative of the local government officers typically begins with the end of British colonial rule. One of my interview partners (4) dated decentralisation back to a man named Marshall from West Africa who investigated the best system of governance for Sudan, suggesting decentralisation as means of coping with the country's vastness and ethnic heterogeneity. This "Marshall" appears to refer to an Englishman working in Sudan in the early 1900s, and who had a great influence on the establishment of local governments. He wrote a report in 1949, entitled the Marshall Report, wherein he developed a vision of local governments with the aim of democratizing Sudan. Marshall saw the solution as not only in democratizing the existing structures of Sudanese government, but also in the replication of the British system and devolution of powers to a second, autonomous level of government, connected to the central government through a ministry of local government. His report resulted in the Local Government Ordinance of 1951, which called for the establishment of local councils (Woodward 1990, 77 and 120). This is the moment at which two of my interview partners (1, 3) situate the birth of the local government system in Sudan. At the time of independence, Southern Sudan was divided into the regions of Upper Nile, Equatoria, and Bahr-El-Ghazal (Badal 1994, 109). This system of local government designed by Marshall, with only minor modifications, strongly informed the structure of the local government system until 1971 (Woodward 1990, 77, 121). In the Local Government Framework, the local government officers call this period, from 1951 to 1971, the "deconcentration of power", in contrast to the phase of real "devolution of authority" which began in 1971 (1.3.1 and 1.3.2).

33 Both Rondinelli (1981, 599) and Mamdani (2009, 190–192) argue that the "native administration", or the "native authority system/indirect rule", respectively, inherited from the British, providing religious or tribal leaders and influential families with a fairly strong influence on local affairs, persisted largely unchallenged until Nimeiri's socialist coup in 1969. Nimeiri opposed both the power of the traditionally dominant sects in the North and tribal politics, instead searching for technocratic solutions through institution-building (Woodward 1990, 146). Decentralisation was perceived as an important tool for the "government of the masses" as proclaimed by the new group in power (Rondinelli 1981, 600).

34 Nimeiri's People's Local Government Act in 1971 tried to overcome native administration by replacing "the powers of the chiefs with that of bureaucrats" (Mamdani 2009, 190). The new system of government was based on three tiers – a central government, Province Councils, and 4,000 local councils. The Province Councils were headed by a Provincial Commissioner who was not elected by the people but appointed by the government. Local

councils, called "People's Local Councils", were intended to be established by the Province Councils, and were categorized into districts, towns, rural areas, villages, and councils (for nomadic groups) (Rondinelli 1981, 601–603; Woodward 1990, 146). Rondinelli (1981, 604–607) and Woodward (1990, 147), as well as a committee employed by Nimeiri (Rondinelli 1981, 607), however, conclude that a meaningful devolution of power did not occur under the 1971 Local Government Act. Woodward (1990, 147) adds that although the official powers changed from traditional authorities to bureaucrats, this did not imply that traditional authorities actually lost their informal power in rural villages.

Southern Sudanese peculiarities

35　The situation in the South was essentially the same, except that the 1972 Addis Ababa Peace Agreement created a semi-autonomous status for the South as a whole, which resulted in another tier of government between the central government in Khartoum and the Province Councils. For the first time in history, Southerners could govern themselves "in an institutionalised way" (Tvedt 1994, 71). Tvedt (73) describes the difficulty in establishing this new form of government, as "[w]hen the Provisional Government was set up in Juba on 22nd April, it lacked almost everything a government usually takes for granted: administrative personnel, office-buildings and administrative experience". This added an additional challenge to the implementation of the flawed Sudanese local government system for the South. Given this lack of infrastructure and personnel, Tvedt (89 and 99) argues that most of the services began to be provided by NGOs, and not by the local governments, as intended. NGOs thus became substitutes for the state administration in many cases, incidentally hampering the development of a functioning regional government, in addition to local governments, in the South. The Local Government Framework judges the performance of the local governments at that time as limited, locating the cause of the problem in the "over centralisation of authority" in the headquarters of the three provinces, Equatoria, Bahr-El-Ghazal, and Upper Nile. The local governments were only meant to disperse socialist propaganda and did not engage in service delivery (2.3.6). An interview partner (1) also argued that the Commissioner was given too much power, and that his appointment led to a lack of accountability.

36　Things began to change in 1980, with the inception of the Regional Government Act, which created five regions in the North. The idea was to devolve the authority of the central ministries to the regions, but this reform plan was foiled by the resistance of the civil servants working in the ministries (Woodward 1990; Collins 2008, 131). This was also the catalyst for a discussion on "redivision" in the South. During the late 1970s, some Southerners, particularly Equatorians under the leadership of Lagu, a former Anyanya[16] fighter and Southern politician, raised complaints about alleged Dinka domination in the Southern Government, and called for further decentralisation as in the North – or even for the creation of a separate Equatoria Region. This group welcomed the establishment of regions in the North, taking it as an opportunity to demand further regionalization and/or decentralisation in the South. This was the moment when decentralisation entered mainstream discourse in the South. Decentralisation came not only to be seen as a tool with which to fight Dinka domination, but also as one to bring about development (Tvedt 1994, 82; Johnson [2003] 2007, 53–54). One of my interview partners originating from the Equatoria region (3) identified this as the starting point of decentralisation in South Sudan. The two Dinka local government officers, in contrast, see the evolution of this discourse in a negative light.[17] Nimeiri, however, welcomed the demands for

redivision of the South, and intended to replace the South with three regions, in order to neutralize and deprive it of power. Despite resistance to this plan in the South, three regions were introduced, but still under the control of a Southern Government, albeit a weak one. In 1983, Nimeiri finally split the South into three regions and dissolved the Southern government completely. As a result, the three regions had less power than the Southern Government before them (Johnson [2003] 2007, 53–54). Correspondingly, decentralisation as introduced into the South Sudanese discourse was characterized by two interpretations – the devolution of power to lower levels, and the dissolution of the Southern Government in favour of three regional governments (regionalization).

37 While discussions around the redivision took place in the South, Nimeiri introduced a new People's Local Government Act in 1981. It was meant to correct the strong concentration of powers at the provincial level and devolve some power to the next lower level of government, area councils consisting of several former local councils (Tvedt 1994, 83). Two of my interview partners (1, 4), supported by the Local Government Framework (2.3.6), perceive this Act as a key step towards real decentralisation. The councils in Juba, Yei, and Renk are even considered to be "success stories" in terms the exercise of legislative power, popular participation, and the competence of the staff in service delivery (Local Government Framework 2006, 2.3.6). Unfortunately, the new Act was not given much time for implementation, as war broke out in 1983 and large parts of South Sudan came under the control of the SPLM/A.

2.3.2 Decentralisation and traditional authorities under the SPLM/A

38 In the following analysis, I focus on the situation in the South under the SPLM/A to the exclusion of developments in the North, such as the formal declaration of Sudan as a federal state in 1989 under Bashir (Awadalla Ali Gasmelseid 2008, 8–9), as such events had only a minor impact, in comparison to the SPLM/A, on current understandings of decentralisation in South Sudan. The only significant exception to this trend is the 11th Constitutional Decree of 1994, which established state councils (Awadalla Ali Gasmelseid 2008, 8) and thereby created the states in Southern Sudan as they exist today.

Garang's vision and the early 1980s

39 Garang and the SPLM/A's statements in the 1980s mainly focused on the whole of Sudan, and on changing the centre in Khartoum, rather than decentralisation in South Sudan. Garang developed the internationally recognized vision of a "New Sudan" based on secularism, democracy, unity, justice, and equality. Arguably, the SPLM/A, at that time, was not fighting for Southern independence but for a democratic renewal in the whole of Sudan. In his speeches of the 1980s, Garang, in the name of the SPLM/A, clearly calls for the empowerment of the peripheries of Sudan through an autonomous or federal form of government:

> "We stand for *genuine autonomous or federal governments* for the various regions of the Sudan, a form of regionalism that will enable the masses, not the regional elites, to exercise real power for economic and social development and the promotion and development of their cultures. [...] We firmly stand for putting to an end the circumstances and policies that have led to the present uneven development of the Sudan, a state of affairs in which vast regions of the *East, South, West and the far North* find themselves as undeveloped peripheries to the relatively developed central regions of our country." ([1987] 1992, 26)[18]

40   In 1989, he even uses the term "decentralised form of rule" in his prescriptions for Sudan's government (Garang [1987] 1992, 203). Overcoming the unequal development between urban and rural areas is a theme common to his speeches. He criticizes the cities for exploiting the rural areas, advocating for "rural development [...] rather than the fake artificial urban development and its export market orientation" (Garang [1987] 1992, 255–256). The vision of "taking the towns to the people" commonly invoked today is found in a of 1989 speech where he called for "the transfer of cities to the rural areas" which he equated with the agro-industrialization of the rural areas (Garang [1987] 1992, 256).

41   Garang's discourse is clearly influenced by both the centre-periphery/dependency paradigm and communism. It is interesting to observe, however, the continued resonance of his analysis, as it is adapted to fit the new paradigm of decentralisation. To conclude, Garang's diagnosis of developed centre versus underdeveloped periphery across the whole of Sudan has been transferred to the South. Here, it has been used to legitimate a recent form of decentralisation which strongly focuses on the local levels like County, Payam, and Boma, rather than the regions of a unified Sudan as envisioned by Garang. Moreover, the current form of decentralisation also involves traditional authorities, a definitive deviation from Garang's vision of the 1980s. Garang repeatedly stressed that he referred neither to the provincialism of late Nimeiri's "policy of divide and rule" (Garang [1987] 1992, 22 and 27) nor tribalism (Garang [1987] 1992, for example 27, 125 and 246). He ([1987] 1992, 19) ridiculed expressions such as "Dinka Unity", "Great Equatoria", "Bari Speakers", or "Luo Unity". Due to several pressures in the early 1990s, however, his discourse on unity shifted to refocus on South Sudan and the development of a civil administration. Overall, however, for Garang decentralisation, or more precisely, federalism, was not specific to South Sudan, but a tool for achieving equality in a unified Sudan.

42   Before turning to the 1990s and the focus on the South, it is important to briefly discuss the nature of civil administration in the areas controlled by the SPLM/A in the 1980s. De Waal and Rakiya (1995) describe in an African Rights' publication the lack of civil institutions under the SPLM/A and the organization's unwillingness to develop them. Another publication of the same organization (1995, 314–328) states that the Nuba Mountains were the first and only region where the SPLM/A built a civil administration, with even this development occurring in the early 1990s. Kuol (1997), on the other hand, demonstrates the SPLM/A's development of administrative oversight for elections of chiefs and the chiefs' courts in 1984. Following this work, Johnson (1998, 66–67 and [2003] 2007, 105–106) argues that the negative evaluations of the SPLM/A's work in the domain of civil institutions turns a blind eye to their achievements. The SPLM/A managed to subsume existing structures of traditional authority within their civil-military administration. Furthermore, he stresses that it is unreasonable to blame the SPLM/A for failing to develop and provide in times of war what no government had managed to do before them in times of peace.

The changes of the 1990s and the early 2000s

43   Regardless of any tangible achievements concerning civil administration, the official discourse of the SPLM/A and Garang, until the late 1980s, primarily focused on reforming the power structures in Sudan as a whole, and particularly at the centre in Khartoum. Such discourse underwent rapid changes in the early 1990s, when the SPLM/A was forced

to adapt its rhetoric to external pressures. Foreigners, particularly the international aid community, demanded liberalization of the SPLM/A. The loss of Ethiopian support meant that the SPLM/A was more reliant on other partners, resulting in a need to better legitimate its actions and policies (De Waal 1997, 316–317). Within the SPLM/A, the two SPLA commanders Riek Machar and Lam Akol from Upper Nile criticized John Garang for his unaccountable and undemocratic leadership. This provoked the split in the SPLM/A in 1991, and the birth of the Nasir Faction under the two named commanders (Johnson [2003] 2007, 93–94). The liberal rhetoric used by the newly-formed Nasir Faction put further pressure on the SPLM/A to liberalize its structures and to focus more on the situation within the South (De Waal 1997, 316–317).

44   The first event in a series of meetings concerning restructuring of the SPLM/A and the development of a civil administration was the Torit meeting of 1991, during the turmoil following the breakaway of the Nasir Faction. Most Commanders of the Political Military High Command, the highest body of the SPLM/A, attended the meeting, which subsequently resulted in "The SPLM/A Torit Resolution". The Resolution addressed much of the critique levelled by the Nasir Faction concerning the SPLM/A's lack of civilian structures, lack of democratic culture, and unclear decision-making competencies. It marked a clear change in the official discourse of the movement away from militarism and towards civil administration and growing support for Southern independence (Rolandsen 2005, 55–57). Resolution No. 7 on "civil administration", for instance, stressed the need for an "effective civil administration at the grass-roots". It was to be based on "autonomous local government units" consisting of Counties, followed by Payams and Villages. The Payam and Village structures were intended to be completely separate from the army, though the county was to remain under military command as long as it was the site of military operations. With this Resolution, the base for the contemporary structure of decentralisation was laid in South Sudan.

45   The next important event was the 1994 National Convention at Chukudum, Eastern Equatoria, which, attended by people from all over the liberated areas, became a "symbol of reform and liberalisation" of the SPLM/A (Rolandsen 2005, 81, 105–106). The Convention called for the replacement of the Political Military High Command with an elected civil legislature, the National Liberation Council, complemented by a National Executive Council headed by the SPLM/A Chairman. These bodies were to be reproduced at the regional, County, Payam, and village level. The function of traditional authorities was officially recognized in the court structures, supervised by "modern" courts, at the three lowest levels of government. As a result, the traditional authorities were officially introduced into the decentralised system of government, at the cost of subordination to the SPLM/A administration (Rolandsen 2005, 115–117).

46   The Conference on Civil Society and Civil Authority in 1996 further specified the intended structure of the new local government system. The regions (Bahr El Ghazal, Equatoria and Upper Nile within today's South Sudan) were each to be administered by a military governor heading an Executive Council and a Liberation Council (Chol 1996). Similarly, each County and each Payam was intended to be chaired by a Commissioner or a Payam Administrator, respectively, supplemented by a Liberation Council. The village level was to be administered by a chief or a village administrator, supported by a council of elders. At this level, the role of the traditional authorities was thus strengthened. All such structures were subsumed under the umbrella Civil Authority of New Sudan or CANS.

47   Interestingly, the three degrees of decentralisation – delegation, devolution and deconcentration – were also mentioned in the Convention speech, along with typical advantages of decentralisation, such as "greater political participation", "enhanced responsiveness from governmental institutions", and better performance of governments. The accountability of the elected members of the councils was also mentioned. Two subsequently published statements, the 15-Point-Programme, a subsection of the SPLM Vision and Programme of 1998 (2.3), and the "Peace Through Development" of 2000 (Section IV), also briefly touched on the same structures. The lowest level of government, however, formerly called "village", changed to the current term of "Boma". Branch and Mampilly (2005, 8), at the Boma level, witnessed not the presence of *either* a traditional chief or a Boma Administrator as described above, but, the existence of both of them parallel. Interestingly, according to many of my interviewees, the term "Boma" seems to stem from a village in the East of South Sudan that was a stronghold during the war and one of the first places liberated by the SPLA (1, 3, 4, 16, 17, 23, 5, 7 and 9).

48   Theoretically, these outlined structures were the basis of local government in South Sudan until the CPA in 2005. Practical reality, however, is another question entirely. Whereas it is undoubtedly true that most of the existing services during the 1990s and early 2000s were provided by international NGOs and organizations, evaluations of the SPLM/A's civil administration achievements vary. Riehl (2001, 6) identifies a "paradoxical state of affairs where functioning administrative institutions [were] absent or barely in place in a relatively peaceful and secure environment". Johnson ([2003] 2007, 106–107) and Rolandsen (2005, 166–167), on the other hand, identify a lack of change and implementation of the various provisions, conferences, etc., at the Southern and the regional levels of government, but each note advances at the local level. Rolandsen (2005, 167) explains though reforms at the local level were slow and varied widely over the liberated areas, they did indeed exist. In his analysis, the democratic institutions at the local level were not strengthened per say, but over time empowered the chiefs vis-à-vis the military administrators, which reduced abuse of the local population by militaries.

49   Finally, in 2003, a team was appointed to develop a "policy framework for the establishment of a stable Local Government and Civil Administration in Southern Sudan". Supported by the UNDP, the team developed five drafts that were followed by the Local Government Framework of 2006 which was analyzed under 2.2. The process included assessments of existing structures, study tours to other countries, and consultations and workshops with people working in local governments in the field (Local Government Framework 2006, 2.3).

50   To summary, decentralisation was not originally a popular term within the SPLM/A, at least in the context of the South, but rather one it was forced to take up over time. The same is true for the integration of the traditional authorities, which, though in reality have always formed part of the administrative structure, only slowly began to be officially recognized in the 1990s. Additionally, all the terms currently used to describe the decentralised structure – state, County, council, Payam or Boma – in the Local Government Act can be traced back to specific moments in time. Some stem from the British, some from the North, and others were taken up during the time of the SPLM/A. Overall, the government's understanding of decentralisation as a way of promoting development and service delivery, along with associated expectations such as

participation, democracy and better government performance, are rooted in (South) Sudanese history, and are by no means unique to the present.

2.4. Adapting the Western state to the local context

51 The international community in South Sudan has also been involved in the development of the Local Government Act, and at least partly taken over the government's understanding of decentralisation as service delivery and development. This engagement of the international community with decentralisation, however, must be seen in light of the general efforts to construct a (decentralised) state. This aim becomes evident when considering the programmes pursued by the international community – most organizations, such as USAID, the World Bank, and GTZ locate their decentralisation programmes explicitly in the areas of state-building or governance. The UNDP is an exception to this trend, as its programme operates under the mandate of poverty reduction, though their publications also regularly make connections between decentralisation and state-building.[19]

USAID

52 USAID's projects are contained under the label of "local governance", which in turn belongs to the broader programme goal of "good governance". Their "decentralisation program" is meant "to build the capacity of state and local government to strengthen service delivery in states along the fragile north-south border". They stress the importance of democratic governance and public service delivery in fighting "developmental and economic marginalization" (USAID 2011b). This indicates that, just as for the Southern government, decentralisation is closely connected to service delivery for USAID. However, their projects focus mainly on the disputed Abyei, the Nuba Mountains, and Southern Blue Nile,[20] where USAID wants to "improve management and coordination of public service delivery by local government institutions, and support the harmonization of customary law and enhancement of the linkages between customary and civil laws" in order to "mitigate conflict" in (South) Sudan (USAID 2011a).

World Bank

53 The World Bank is involved in South Sudan through the Multi-Donor Trust Fund for Southern Sudan, which is supported by many donor countries. The Trust Fund is intended to address state-building and peace-building simultaneously (The World Bank 2010a, 3). Although the Trust Fund has worked in state-building with a focus on service delivery, until recently decentralisation did not play a major role. The activities of the Trust Fund primarily focused on issues such as infrastructure, water, education, and on capacity building in the GoSS, rather than the state or local government level (The World Bank 2010a, 4–6). A recent report (The World Bank 2010b, 1–3), prepared in collaboration with the GoSS, however, indicates that decentralisation is becoming a priority of the World Bank in the context of a "second phase of reforms". Decentralisation seems to be considered an important tool for the already repeatedly-mentioned "service delivery". Service delivery is seen as an important means of increasing state legitimacy, especially in light of the Sudan's size and diversity. The World Bank acknowledges that states and local governments should play an important role in service delivery in South Sudan, but

that this should be at the expense of the strength of the central government. The World Bank's overall goal is service delivery, provided by whatever mechanisms and institutions are capable of coping with the task. The World Bank hopes that decentralisation may prevent conflict, but fear that it may also hamper service delivery if local governments are not functional.

54 Furthermore, the World Bank is sceptical about the integration of traditional authorities. It acknowledges their traditional importance, but at the same time expresses concern that they could "undermine the evolution of modern democratic systems of local government". Decentralisation seems to be appreciated in so far as it brings South Sudan closer to the overall goal of state-building: a "capable" government able to deliver services, "respond to local needs", and "maintain peace, security, and rule of law across its territory". Or, in other words, decentralisation should "promote the emergence of capable and responsive government at all levels" (The World Bank 2010b, 23–24, 70–72). Thus, the World Bank has only recently integrated decentralisation into its state-building repertoire. It seems to be cautiously supportive of decentralisation policy and hopes that it will contributes to the overall goal of building an effective state capable of delivering services to its citizens.

GTZ

55 The two organizations most closely involved in the development of the Local Government Act and its current implementation are GTZ and UNDP. GTZ operates a project called "Support for Administrative Reform and Decentralisation in Southern Sudan" (GTZ 2011c).[21] The CPA's emphasis on the principle of decentralisation for South Sudan, and goal of "a decentralised, citizen-oriented public administration" with a deeper involvement of civil society, is the basis of GTZ's engagement. The Local Government Act, which GTZ supported by providing "policy advice and support during the drafting and passing of the Act", is considered "one of the most significant milestones" of the programme. Thereafter, the GTZ contributed to the working plan for the implementation of the Act, conducting trainings and promoting the Act in relevant ministries and at state and local government level. Finally, GTZ contributed to the construction of a Local Government House as the seat of the Local Government Board and the centre for trainings (GTZ 2011c).

UNDP

56 Although local governance or decentralisation is commonly referred to as "democratic governance" within the language of the UNDP, in the case of South Sudan, it falls under the label of "Poverty Reduction and Achieving the MDGs". The programme is titled "Local Government Recovery Programme in Southern Sudan". As the name indicates, it is based on the Local Government Board's understanding of decentralisation, which in turn is founded on the experience of rebuilding the local administration in earlier decades (UNDP 2011e). The Project Manager of UNDP (26) supported this point further by noting that although no documents on past procedures exist, the people working in that area have clear pictures in mind on the proper functioning and structure of local governments. The South Sudanese people thus already have experience with decentralisation, meaning that GTZ's programme should help to rebuild and improve the local government system.

57   The UNDP supports the Local Government Board in implementing the Local Government Act by providing policy advice, training local government officers and other staff, and providing support in county planning and budgeting. Policy frameworks and strong local governments with sustainable financing systems able to provide basic services are the desired outcomes of their work. When I originally examined the website in February 2011, the website also contained an objective section, now omitted, wherein the programme is described as intending "to support the local government in Southern Sudan to play a leadership role in socio-economic development, thereby contributing to democratic governance and sustainable peace in the new era of Southern Sudan" (UNDP 2011d). These objectives clearly reflect the above-mentioned goals connected with decentralisation to a greater, and state-building to a lesser, degree – development, democracy, and peace. The Project Manager (26) stated that the UNDP has seen decentralisation as an important policy tool since the 1990s, and has correspondingly taken these connections for granted, especially that between decentralisation and poverty reduction.[22]

58   The UNDP has been involved in decentralisation and the integration of traditional authorities in South Sudan for over a decade. From 2004 on, it was particularly involved in the different steps of the development of the Local Government Framework. The UNDP highlights the importance of traditional leaders because, as they have been the only constant in local governance, they enjoy certain legitimacy. The UNDP further believes that the GoSS has the opportunity to "create a common Southern identity around a grass-roots peace and democratization process" "by sharing governance responsibility at the local level with traditional authorities". This common identity is hoped to unite the diverse tribes and thereby provide a basis for "successful state-building" (UNDP 2010b, 15, 17 and 21). Interestingly, while the UNDP (2010b, 15) believes the SPLM/A has always recognized the role of the traditional authorities in administration, the World Bank states that the SPLM/A has historically rejected the integration of traditional authorities into modern government (2010b, 24).

59   Another international staffer (informal talk) working in the area of decentralisation and traditional authorities emphasized that the international community does not want to integrate the traditional authorities because it believes them to be great and progressive, but rather because they are accepted by the people. One has to work with what exists, even if it is not compatible with human rights. This observation shows that the international community in South Sudan is willing to adapt its understanding of decentralisation and the state to local conditions in order to create an indigenous form of the state and avoid paternalistic colonialism. That said, the state is still expected to function in the Western way – democratic, effective, capable of service delivery, the provision of law and order, and so on. This ideal of the state must be reached in order to meet the underlying goals of state-building and decentralisation, namely development/poverty reduction and peace and stability.

NOTES

1. The government in South Sudan is almost synonymous with the SPLM/A at the moment as there are only very few alternative parties present which do not (yet?) have any political power.

2. It is important to note that by "local government officers or administrators", I am referring to officials currently working in the decentralised system, primarily for the state ministries of local government (who may also be regularly transferred to local government) (interview partners 3 and 4) and also those who have worked in the local government structures in the past and now work on decentralisation at the national level (interview partner 1 and 2).

3. The County Court is actually called "C" Court in the Local Government Act (please refer to Figure 1 for further details).

4. "Chief" is here a specific legal term referring to a leader above the Sub-chiefs but below the Head Chief in the hierarchy.

5. However, a closer look at the real competencies distributed in the appendix of the document (Appendix II, schedule I) reveals that the protection of rights is a mere fig leaf, as there are few attendant tasks mentioned in that realm (with the exception of the "regulation [...] of working conditions"). Of course, the protection of rights may follow from some of the other responsibilities, such as service delivery which could ideally leads to protection of the rights to water or housing. The other responsibilities, however, are covered (the "provision of basic services", "primary health care" or "primary education institutions" can, for example, be subsumed under "service provision", the "enforcement of the provisions of this Act", "regulation of business trade licenses, working conditions, hours and local holidays" and the "enforcement of By-Laws enacted under the customary law" under "law and public order" and "protection of Land Government Council Land and Natural Resources", "acquisition of land" or "management, leasing and utilization of lands belonging to the Local Government Council" under "land administration and environmental management"). Although local development is also not designated with any specific tasks either, I will argue later on that it may be connected to the service delivery.

6. Whereof this total includes seventeen uses of the phrase of "service delivery", and ten of "service provision"

7. An evaluation conducted in 2004 led to the conclusion that "most local government councils are non- functional, i.e. they do not perform the duties of the local council through which services are delivered to the people" (1.5). Furthermore, the war of 1983–2005 is identified as the cause of the "disintegration of the local government system in Southern Sudan" as it rendered "service provision" "non operational" (2.1).

8. John Garang was the founder of the SPLM/A and its leader during the war. He represented the South during the negotiations that led to the CPA in 2005, and became the first president of the autonomous region of Southern Sudan. He was killed in a helicopter crash in 2005. He was succeeded by Salva Kiir.

9. Despite the popularity of this phrase, I was unable to identify its precise date and source. Everyone I spoke with about this sentence had already heard it, and had an interpretation of its meaning. The general understanding of this statement by non-governmental South Sudanese will be discussed in chapter three.

10. "Take the Towns to the People" is the subtitle of the Local Government Framework for South Sudan.

11. "Self-rule" appears thirteen times in the document (eight times as "self rule" and five times as "self-rule") and "self governance", twice.

12. These chiefdoms take the form of Paramount Chieftainship at the County level, head Chieftainship at the Payam level, and Executive Chieftainship at the Boma level, as explained in section 2.1.

13. This understanding of self-rule will be further elaborated on in chapter three.

14. Making claims based on these categories is very common in South Sudan, as I will explain in chapter three.

15. A chronology of the most important events in the recent history of Sudan is provided in Annex 6. It is intended to help readers understand the events and laws analysed here.

16. Anyanya was the Southern rebel movement during the first civil war where Equatorians – including Lagu – played a more prominent role than they would in the later conflict fought by the SPLA which was led by the Dinka (Branch and Mampilly 2005, 5).

17. The debate around this redivision, often known as "Kokora", will be covered in chapter three.

18. He repeated this several times in his speeches, often in almost identical phrasing (Garang [1987] 1992, 43 and 125).

19. In addition to the above-mentioned organizations, the Swiss Political Division IV also works on decentralisation, but focuses exclusively on the integration of the traditional authorities.

20. Abyei was granted a special administrative status under the CPA, and the people of Abyei were meant to vote on whether they wanted to belong to the North or the South. However, this vote never took place, with the result that Abyei is now claimed by both sides. Though the Nuba Mountains and Southern Blue Nile belong to the North, the SPLM/A has always had a stronghold there.

21. Interestingly, this project is classified under the category of "Governance Programme" on the English section of the website, but as "Programm zur Unterstützung des Staatsaufbaus" in German, which refers to the term of "state-building" (GTZ 2011c).

22. The Project Manager is, of course, aware that there are some studies that question this orientation of the UNDP.

3. Decentralisation as a right to self-rule

1   This chapter aims to illustrate how South Sudanese[1] outside the various government structures understand decentralisation. In the first section (3.1), I present different elements people mention in the context of decentralisation, particularly an exclusionary understanding of self-rule. Then, I show how decentralisation as a right to self-rule is used in political debates (3.2), concluding with of the means by which decentralisation is instrumentalized to appropriate an abstract and distant state by connecting it to the local (3.3).

3.1. The exclusionary character of decentralisation as a form of self-rule

2   "Decentralisation" is not an easy term to investigate in South Sudan, a country of several hundred local languages and dialects, where English is the official language (GoSS 2011c, Article 6), but where Arabic – or more precisely, a simple dialect of Arabic, called "Juba Arabic" – remains the dominant language in everyday communication (GoSS 2011b). As a direct corollary of decentralisation does not exist in many local languages, I had to rely on imperfect substitutes. Even the translation into Arabic was challenging and contested. A South Sudanese friend of mine could not think of a direct translation spontaneously. One interview partner (17) suggested the translation "la-markasia" where "markasia" refers to "central" and "la" means "no". Thus, "la-markasia" literally means "no-centralisation". An informant acting as a translator for another interview, conversely, suggested the approximation of "the way people govern themselves". Correspondingly, "decentralisation", as a specific term, is used virtually exclusively by English-speaking people. That said, not all English speakers know the term (such as, for example, interviewees 14, 15 and 20). The term "local government", on the other hand, seems to be known by everyone. Most people I talked to had strong opinions what a local government is, or should be, or should do.

3   Nevertheless, a two hours ride by boda-boda, as motorcycle taxis are called here, into the bush near Magwi to visit three communities of the Iyre revealed that in remote areas, the distinction between the GoSS, the government of the state, and the local government is blurred. During an interview with the community of the Iyire (22) located in EES, a

teacher stated: "The government in Juba and the one in Torit, they are all our governments. We just need services from them". Over the course of the conversation, it became clear that the people were desperate to finally be provided with services such as schools, hospitals, and clean water. No wonder, the only man-made things I could see there were two boreholes, and some huts, some of them not even covered with a roof or grass, respectively. I was told that one of the huts was a school. The best preserved hut seemed to be the polling station. It became evident that they were really disappointed with the government that seemed to have forgotten them. In one village in particular, I was confronted with noticeable aggressions against the government, of which, in their view, I was a member. They requested to be recorded, so that I could transmit their demands for services to other people in the government. Their demands were mainly directed towards the local government, which seemed to be the most present in their world, but they did not really care who provided these services, grouping all levels of government together. Most people I met, however, made distinctions between the different levels of government. The greater the geographical distance to all types of governments, it seemed, the greater the likelihood of putting all levels into the same category. In such situations, the local government seems to be more visible in comparison with the GoSS. Thus, people generally perceive the local government to be closer to them, and make clear distinctions between the different levels of government. In the case of the outlying Iyire community, however, the remoteness of all levels of government blurs the distinction between them, with the dominant government in their narratives becoming the local government.

3.1.1 The purposes of decentralisation

4   The non-governmental South Sudanese (16, 17, 18, 19, 20, 21, 23 and 25), similar to the previously-discussed government officials, explain decentralisation or local governments as a way to distribute the power down to the people. One (24), however, spoke less about distributing power down, but of "labour division" and the "deconcentration of powers and resources" in general. Decentralisation, furthermore, as the local government officers discovered during the development of the Local Government Framework (see chapter two), is also understood as closely connected to self-rule or self-governance. But what do the people mean when they say that power should be given to the people through decentralisation? What is self-rule about? Do the people share the same understanding of service delivery based on participatory assessments as the government?

5   The aspect of service delivery and development does, in fact, seem to be evident in the people's understanding of decentralisation. As seen above, service provision is the main demand made by the Iyire community of the local government, and/or the government in general. The Iyire community (22) has also demanded to change their affiliation from Magwi County to Torit County. They wish to belong to Torit because they feel that Magwi County does not care about them or provide them with services. They hope that Torit will be capable of delivering schools, health centres, boreholes, agricultural tools, and so on. Similarly, most of my interview partners (15, 16, 19, 21, 23 and 24) state clearly that decentralisation and/or local governments bring development and services. One (16) added that it should bring "equal wealth". Another (19) suggested that the ministries of EES should be spread all over the state, so that people can actually see development. Spreading the ministries would, according to the interviewee, also result in fair distribution of development between the communities.

6   Garang's vision of "take the towns to the people" seems to be known by everyone. All of the interview partners I raised the topic with (16, 17, 19, 20, 21, 23 and 24) connected it closely to decentralisation, with the exception of one Boma Chief (15), who thinks that Garang meant that *peace* should be taken to the people in the villages. All interviewees who connected Garang's phrase to decentralisation also stated, in one way or another, that Garang meant development and/or services should be brought from the towns to the villages through decentralisation. One (16), however, did not mention development, but explained that Garang's statement implies that decentralisation is a way that people in villages, not only in towns, should experience government. Decentralisation, therefore, seems to be understood as a tool with which to bring different things, such as development and services, but also government itself, geographically closer to the people.

7   Some people stated that decentralisation generally improves the quality of governance (15, 21 and 19), with others specifically mentioning that it leads to more participation (16, 20 and 24). One interview partner (21) noted that decentralisation makes people feel represented. Four of my interview partners (16, 17, 24 and 25), furthermore, clearly mentioned the element of self-rule. One (16) went further, in saying that decentralisation is a good system because people can govern themselves. Another (17) stated that "people of a certain place" would be given the space for "self-rule", and equated decentralisation with "self-rule on a small scale level". In his own words: "A group of people in a certain place were given the opportunity to take care of their things and administration on their own, without being dictated much from the centre of government above." Such statements thus raise the question of what, for the interviewees, participation, representation, and self-rule mean.

3.1.2 The "us vs. them" dichotomy

8   Firstly, the integration of traditional authorities seems to be an important factor in the people's sense of representation in the state and self-rule. Many of my interview partners (16, 17, 19, 20, 21 and 24) expressed the importance of the traditional authorities. Several informal discussions conducted with local South Sudanese also indicated that people wish for the integration of the traditional authorities into the local government system. As such, my research supports the conclusions of the studies conducted under the Local Government Framework – the people demand that the traditional authorities are integrated into a decentralised state system. One interview partner (19) justified this position by saying "the chiefs know better" than the government, while another (21) argued that the chiefs are "the eye of the government". Chapter two has previously shown how this demand was slowly been taken up by the SPLM/A during the 1990s, and later with the 2009 Local Government Act. As previously-discussed, such a policy implies the formation of administrative units along tribal lines, as the administrative units must correspond with the chiefdoms installed by the Local Government Act.

9   Johnson ([2003] 2007, 11–12), however, demonstrates that many of these "traditional" authorities are not actually *culturally* traditional, but were created during British colonialism under the label of "Native Administration", or "Devolution", as indirect rule was commonly called in Sudan. Indirect rule held that local administration should be based on indigenous structures of authority and indigenous customs, in so far as such practices were in accordance with the British understanding of justice and government.

Chiefs were thus meant to play an important role. Historically, while such traditional authorities were found in centralised Southern kingdoms, such as the Shilluk or the Azande, the British had difficulty identifying hierarchical authority in most parts of Southern Sudan. This is because the South was predominantly characterized by so-called acephalous[2] societies, such as the Dinka, Nuer, Murle, Toposa, and so on. In the absence of pre-existing hierarchical societal authorities, the British had to create these structures, along with new "customary" laws. The chiefs' courts, active in Southern Sudan from the late 1920s on, trace back not only to indigenous customs, but also to British understandings of government and justice (Johnson [2003] 2007, 11–12). Mamdani (1996) refers to indirect rule as a form of "decentralised despotism", a topic further developed in section 3.3.

10   These structures were further modified under the SPLM/A, which introduced "SPLA chiefs". These chiefs, who acted as intermediaries between the SPLA and the local community, are now contested authorities. As described by Leonardi (2007, 541 and 543), people are debating whether the SPLA chief, or that which fled the war (or was perhaps deposed by the SPLA), is the rightful chief. This discussion serves to question the origins of "traditional" in the term "traditional authority". The legitimacy of these so-called traditional authorities, however, often derives from sources other than their supposedly traditional or indigenous character. As stated above, my interview partners all stressed that they should be given places in the decentralised state structure, suggests that the traditional authorities enjoy legitimacy. Additionally, political representation and participation are strongly based on an "us vs. them" dichotomy. Three interview partners (15, 17 and 24) stated that you must be born in a place, or be a member of a local tribe, in order to be allowed to vote or stand as a candidate in elections. Conversely, three others (14, 19 and 21) believed that you may get the right to vote in an area where you were not born after living there for a long time. Political participation is thus perceived as bound to a person's place of birth. However, when speaking of participation and representation, people often do not stress formal political representation, but rather their people make up the staff of the administration. The Iyire people (22) expressed that they do not feel represented in the government, and in response to a question regarding their ideal form of representation, they answered that "they should take some of the people to work either in the county or the state". Another interview partner (15) stated that only local people should get the opportunity to work in the administration. Some of my interview partners (17 and 19) further observed that non-local people have difficulties getting a job in a local administration, regardless of their level of qualifications. The interviewees felt this was a pity, because there is a potential contradiction between development and the demands to limit administration employment to locals. A man working for the GoSS put it most strongly:

> "It's like you are from Switzerland and then you are asked to work in Norway and then the Norwegians say go back to Switzerland. And then you start hating them, but no. So this is the scenario, this is what is happening. So, you are in Europe [...] no, you cannot work in Norway, but you have to work in your village in Sweden or Denmark. So, what happens, you cannot go to UK [...] then I begin hating the British, this is the problem with decentralisation. Some people think it is tribalistic, but it is not, it is a technic service system [...] people need decentralisation. [...]You'll be in your house, we rule ourselves. If we are naked in our house, we are naked because we chose to be naked. [...] decentralisation is good because this is my tribe, I have my own authority there, so I control myself [...] I am happy that we are controlling ourselves." (5)

11   This person clearly compared South Sudan with the supra-state body of the European Union, which comprises several nations, an analogy he uses to justify the exclusion of people from other tribes in South Sudan from the job market, all under the label of self-rule.

12   Two other statements further specified how self-rule is understood. One interview partner (24) said:

> "Or how do you feel represented in the government? This is a very important question and this is how you can know whether decentralisation is a good model for South Sudan. Every South Sudanese in the streets, even the elites, they will give you a very simple answer. They will say: I will feel as part of the government if one of my community members is part of the government as a post holder. [...] We are not represented by political ideology, but we are represented by individuals of our community. So, society decentralisation is the best model because, one he is represented by the government, he is part of it, if there is a decentralised system, he is involved. We don't believe in political ideology, we believe in ethnic representation. You see what is going on in the media: That people say that the government is Dinka, is a clear call for decentralisation."

13   Representation is thus understood as based not on political parties, but community. The other interviewee (25) stated: "The lifestyle is not the same, people in Kapoeta is not the same with people in Budi. We need our own system that regulates us, so that we don't break the law [...] This is why decentralisation system is far better because people will express themselves better and they will participate in their own government." The belief that different tribes under one government would result in people breaking the law is a clear statement of the perceived incompatibility of different tribes. So, decentralisation is understood as a right to self-rule, which encompasses the segregation of different tribes and lifestyles, making it possible for all to live together in one state.

14   These statements are underscored by an apparent "us and them" dichotomy inherent to local understandings of self-rule. There are two dichotomies represented – that between natives and strangers at the local level, and that between different tribes, particularly the Dinka and others, at the national. The people's opinion as to whether decentralisation brings peace or conflict is also closely connected to this issue. Some (for example, 21 and 24) thought that decentralisation brings peace between the tribes because every tribe can govern itself (and exclude foreigners) and therefore be free of domination by other tribes. Other interviewees, however, (for example, 17 and 23) said that experience shows that decentralisation divides the people of South Sudan exactly because one can exclude people, which then fuels conflict. At this point, it is worth mentioning that in 2009, more than 2,500 people were killed, and more than 350,000 were forced to flee, due to conflicts within the South. This is a greater number of casualties than in Darfur the same year (Oxfam 2010, 2). The situation was calmer before the Referendum, but has since deteriorated.

Natives vs. strangers

15   Before turning to the alleged problem of Dinka domination on the national level, I will further discuss the dichotomy between natives and strangers on the local level. As we saw in the above statements, political participation and, often, administration employment, are understood as dependent upon being indigenous to a certain place. Thus, at the local level, decentralisation is interpreted as a means of guaranteeing the rights of natives over strangers with respect to jobs and political participation.[3] For the case of decentralisation

in Ghana, Lentz (2006, 917) describes how "the institution of the chieftaincy links political rights to the status of 'natives'". While it is too early to reach such a strong conclusion in South Sudan, as these issues are under negotiation and elections on the county level have not taken place, it is possible to identify a similar tendency to exclude strangers from political processes, especially at the Payam and the Boma level. The integration of traditional authorities into the decentralised system, in accordance with the Local Government Act, thus prepares the ground for the exclusion of non-natives in political participation. Moreover, decentralisation requires that boundaries be drawn in order to create administrative units. This often results in conflicts over particular boundaries wherein several groups claim to be the rightful owner of a certain area. As one example among the many taking place across South Sudan, the Payam of the Nyong in Torit County is currently involved in such a dispute with the neighbouring Payams of the Himodongo, the Imurok, the Bur, and, with particular vehemence, the Ifwotu. These conflicts would, of course, also likely occur in a centralised state, but in South Sudan they are currently taking place within the framework of decentralisation, which requires the demarcation of the boundaries between Payams. Such disputes serve to further reinforce the dichotomy between "us and them".

16   It is important to note that this dichotomy is rooted in history. Before the invasions of the Turks and the British, Sudanese tribes had a flexible and permeable organizational structure, wherein individuals could change groups easily (Zain 1996, 524). This correspondingly implies that the categories of "native" and "stranger" mattered little. This form of societal organization was fundamentally altered by the invasion of the Turks in 1821. The newly introduced centralised system was unable to cope with the fluid nature of tribal organization, and thus introduced stable and rigid power centres, curbing the exchange of people between tribes (Zain 1996: 524–525). The trends that emerged under the Turks were further intensified by several policies of British colonial rule (Zain 1996, 525). The British authorities distinguished between "native" and "settler" tribes, wherein native tribes were entitled to customary rights – such as land access, political participation, and appointment to key posts in the administration – which were denied to settler tribes. The tribe, therefore, became the "master identity in the [British] native administration", and resulted in discrimination against settler tribes in comparison with their native counterparts. The passing of time has not reduced the negative implications of the "settler" label (Mamdani 2009, 167). The tribally-determined distinction between natives and strangers thus has a long tradition in South Sudan.[4]

Struggles between tribes

17   At the national level, the dichotomy between natives and strangers manifests as various struggles between tribes. Here, decentralisation is interpreted as a way of avoiding interference by other tribes, particularly the Dinka. This fear of Dinka domination is pervasive in Equatoria. Many of my interview partners (3, 4, 9, 16 and 18) think "Payam" is a Dinka term – one interview partner (18) also thinks that "Boma" is Dinka – indicating a wariness of potential Dinka domination. It is difficult to determine the actual etymology of the term. A Dinka (1) explained that it is a common assumption that "Payam" is Dinka, but contested this, telling me that the root of the confusion may be that there is a similar word in Dinka – "Pan-Yam", which means "New Home". The theories of the origin of Payam vary widely: a new word (10 and 25), a communist term (24), an American (5) or British term (7), or, finally, that it comes from one of the ancient kingdoms of today's

(South) Sudan, such the Merowe (informal talk), Funj (a friend), or the Kush (1), respectively.

18 A commonly reoccurring topic in the context of decentralisation and Dinka domination is "Kokora". Kokora is a Bari word for "redivision" or "dividing" (1, 3, 18 and 24). Historically, Kokora stands for the redivision of Southern Sudan into three regions by Nimeiri in the early 1980s. Many of my interview partners referred to it, though not all used the term "Kokora". Only one interviewee (20) was unfamiliar with Kokora. Two interview partners (5 and 24) closely connected it to decentralisation, without expressing particularly strong feelings, while all the others have strong opinions. They (1, 2, 3, 17, 25 and 18) primarily associate Kokora with the claim that everyone, particularly the Dinka, should return to their place of birth. My Dinka interviewees (1 and 2), furthermore, referred to Kokora as a strategy of Nimeiri to divide Southerners. For the Dinka, and also for two non-Dinka interviewees (17 and 25), Kokora has a negative connotation. One (25) said that it is like "chasing people". Another (18), on the other hand, saw it more in a positive light, as a way to break with Dinka domination. The last (3) was ambivalent – in his view, Kokora or decentralisation may bring equal development, but it also leads to tribalism.

19 Many of the current arguments for or against decentralisation can be dated back to the discourse preceding Kokora. Before Nimeiri split the South into the three regions in 1983, a robust discussion regarding the advantages and disadvantages of different degrees of regionalization, or decentralisation, for the South took place. The argument for regionalization or decentralisation emerged from the sense that some, especially Equatorians, perceived themselves to be dominated by the Dinka. The Dinka are the largest tribe in South Sudan,[5] followed by the Nuer. Both tribes, in contrast with many of the smaller, subsistence agriculture tribes in Greater Equatoria, are agro-pastoralist. Many Equatorians feared being overrun by the Dinka, and started speaking of "Dinka domination" toward the end of the 1970s (Johnson [2003] 2007, 51). Johnson ([2003] 2007, 52) acknowledges that the number of Dinka in public administration increased from the Addis Ababa Agreement in 1972 on, but at the same time stresses that the Dinka had long been underrepresented. Historical underrepresentation aside, however, there remained a strong perception of Dinka domination on the part of many Equatorians. This led to the publication of a manifesto entitled "decentralisation" by a proponent of this group, Lagu, a former Anyanya fighter and a Southern Sudanese politician. The publication did not focus on commonly-referenced features of decentralisation, such as development or governance, but mainly emphasized alleged Dinka domination in job distribution. As a result, redivision became synonymous with "anti-Dinka" politics (Tvedt 1994, 82), and decentralisation synonymous with regionalization (Johnson [2003] 2007, 54).

20 Badal (1994) summarizes the arguments brought forward in this debate: The pro-side of redivision argued that the Government of Southern Sudan had failed to deliver basic services and developed a corrupt administration. It was thus claimed that redivision would allow for greater competition, forcing the elites closer to the people, leading to more participation, and accelerated development. This would also stem rural-urban migration and halt the purported Dinka domination (1994, 116–120). Those against redivision, on the other hand, questioned the economic viability of three regions in a situation where there was not sufficient money to maintain a unified Southern Government. In addition, they argued that the regionalization would fuel tribal thinking and conflicts. They also rejected the claim of Dinka domination by pointing to the

election of a non-Dinka, Lagu, as president in 1978. Finally, the anti-redivision faction held that regionalization would not only weaken Southern unity, but would lead to the unconstitutional dissolution of the special status granted to the South in the Addis Ababa Peace Agreement (1994, 110–112).

21 This historical overview shows that today's decentralisation discussion is not new, but a repetition of the debates of the early 1980s. People in favour of decentralisation argued, and still argue, that it brings participation, development, services, better governance and, importantly, that it is crucial to forming a nation in a multi-ethnic context. The skeptics, similarly, echo the arguments of the past in stating that not only is it too expensive to maintain a decentralised structure, but also that it would fuel tribal thinking and/or resource disputes.

22 To conclude, although decentralisation – or more commonly, local government – is also closely connected to service delivery and development in the people's understanding, it has connotations beyond these policy objectives. It is interpreted as a right to self-rule without interference from outside, implying an understanding of inclusion and exclusion based on tribal, or native-stranger, lines. How this interpretation is actually used in political struggles is shown in the following section.

3.2. Making use of decentralisation

23 The understanding of decentralisation as a right to self-rule is applied in political struggles. Decentralisation is powerful because most people agree that it is positive and necessary. This section will demonstrate how the right to self-rule is deployed in two political contestations – that regarding the establishment of more counties and the debate around the relocation of the capital.

3.2.1 The role of decentralisation in the proliferation of administrative units

24 A recent report of the London School of Economics (Allen and Schomerus 2010, 9) describes the current proliferation of counties as such: "Decentralisation [sic], while theoretically the best way to govern Southern Sudan, has in reality often become an instrument to entrench 'tribal' lines over competition for resources, manifesting itself in a proliferation of new counties". In the case of Eastern Equatoria, until recently, the state consisted of two districts, Torit and Kapoeta. Kapoeta then split into Kapoeta under the Toposa, and Budi under the Buya-Didinga. Subsequently, Kapoeta split again into Kapoeta North, Kapoeta South, and Kapoeta East. Similarly, Torit dissolved into Magwi of the Acholi and Madi, Ikotos of the Dongotona and Lango, Lafon/Lopa of the Lopit and the Pari, and Torit of the Lotuko. As the Acholi and the Madi, the Lopit and the Pari, and the Buya and the Didinga have each expressed a desire to further divide their counties, it is unlikely that the process of dissolution is complete (Allen and Schomerus 2010, 42). The report thus argues that decentralisation implies both division and land claims levied by local governments spurred by the interests of their own communities. This in turn reduces decentralisation to a matter of the local control of resources, rather than the devolution of real decision-making (Allen and Schomerus 2010, 39).

25 My observations confirm their results. Throughout my interviews, it seemed as though no one wanted to be a minority in any given administrative unit. In situations where this is the case, the demand for a county or a payam of their majority, based on the right to self-rule within a framework of decentralisation, immediately emerges. The Commissioner of Magwi County (8) explains, for instance, that people always want to form their own county or payam, or join another county, if there is no development taking place in their current administrative unit. The creation of a locally-staffed administration of their own is understood to bring access to jobs and resources, and, correspondingly, development. In this context, decentralisation interpreted as the right to self-rule is accompanied by an assumption of the right of every tribe to an administrative unit, with access to state resources.

3.2.2 The role of decentralisation in the capital relocation debate

26 Decentralisation is also referenced in a recent and intense debate surrounding the relocation of the capital from Juba to other places in South Sudan. The importance of this issue is reflected in the fact that the Transitional Constitution has been expanded by one article (GoSS 2011c, Article 50) to allow for the relocation of the capital from Juba to another city. All parties levy several arguments in order to justify their position, and the framing of the debate and means of argumentation are interesting in and of themselves, but would exceed the scope of this paper. Consequently, I focus only on the central concerns of the parties and the arguments connected to decentralisation. The GoSS is clearly in favour of relocating the capital, as they wish to build a "modern" capital city, a plan not possible in Juba. The GoSS wants a "modern capital" based on "a planned community as per international standards and modern urban planning". The goal is to "engineer a planned social revolution led by sustained economic development that would become the hallmark of South Sudan in the next 200 years" (Ajak 2011a, 1–2). Two artist's renderings of how the new capital city is envisioned are provided by Figures 2 and 3.

Figure 2: Outline of the new city with governmental buildings, residential and sports zone

Source: Ajak 2011a, Annex 4.

27   Obviously, such a city cannot realistically be implemented in Juba, where the existing
layout of the city does not align with the planning pattern for the new modern capital.
One of my interview partners (1) made precisely this point, saying that there is a need for
a new capital if South Sudan wants to be modern because Juba is just not modern enough.
Another interview partner (3) called the new planned capital an "electronic city". In any
case, it is difficult to deny that Juba cannot rapidly or easily be reformed to comply with
the envisioned plan. Juba consists of a random mixture of tukuls[6], shanty towns, and run-
down shops combined with elaborate ministries, international compounds and
restaurants. Some roads have been paved, but most are not, meaning that only 4x4 cars
are able to manage. Those that can afford it keep water – which comes from the Nile,
where much of the city's garbage is thrown – in water tanks for daily use. The better-off
also use generators, as most of the city is not connected to the power system, which itself
functions only irregularly[7]. Juba has a strong rural character and lacks "modern"
features, such as multi-storey buildings, sports stadiums, public gardens, and so on, of the
proposed city plan.[8]

Figure 3: Plan of the future governmental zone of the new capital

Source: Ajak 2011a, Annex 4.

28   Furthermore, the GoSS sees the relocation of the capital as necessary to alleviate the existing tension between the GoSS and the Central Equatoria State (CES) regarding the city of Juba (Ajak 2011a, 2–3). A representative of the GoSS Ministry of Regional Cooperation (12) explained that the debate surrounding the relocation of the capital stems from the popular saying that the "land belongs to the people",[9] which contradicts the GoSS' claims to the land. The GoSS asked CES for land, but, according to the GoSS, CES is unwilling to provide the GoSS with sufficient land. Decentralisation is highly relevant to this situation, as Juba cannot be the capital of South Sudan and CES at the same time. Some people (informal talks) stated that in a decentralised state, there is no space for a national capital, state capital, and county capital in the same city.

29   With that in mind, where should the new capital be built? Garang proposed moving the capital to Rumshiel, which lies in the middle of South Sudan. This option, however, has been dismissed following a feasibility study that found the swampy nature of the terrain would be prohibitively challenging and costly for the construction of infrastructure (Ajak 2011a, 4, Annex 2). A recently-proposed area covers 19,000 km^2, and lies partly in Central Equatoria, Eastern Equatoria, Jonglei, and Lakes (Ajak 2011a, 5). The government highlights several advantages of this location, including the economic and social benefits for the over 500,000 members of the indigenous communities. The construction of a new capital in this area would literally bring the towns to the people, envisioned by Garang (Ajak 2011a, 5 and 9). The GoSS has visualized this idea in a PowerPoint presentation (see Figure 4).

Figure 4: Visualization of "take the towns to the people" by the GoSS in the context of the relocation of the capital

Source: Ajak 2011b.

30   Whereas modernization seems to be the driving force behind the government's plans to relocate the capital, the specter of "land grabbing", for the local community, lies at the heart of the debate. The community of the Bari, which has traditionally lived in Juba, deplores the loss of their traditional land to the SPLM/A, GoSS, and/or Dinka, who allegedly illegally appropriated it for especially commercial reasons. Correspondingly, as the Bari wish to reclaim their land, or at least prevent further encroachment on the territory they retain, they support the relocation of the capital. As Bari communities would be affected and possibly further dispossessed of traditional territories by the selection of GoSS' new site, the community is also opposed to the current proposal (Bari Community 2011; Bari Community in Diaspora 2011, informal talks).

31   Arguments connected to decentralisation are utilized by all different parties to bolster demands in different ways. Interestingly, two of my non-Dinka interview partners clearly referenced Kokora in the context of the capital relocation debate. One (24) said that "the relocation of the capital is a renewal of Kokora, it is about fighting domination" while the other one (18) stated that "people say if the capital remains in Juba, the Dinka will come back and will continue to dominate as in the past" before Kokora. Both, a statement by the Bari (2011, 3) and a recent influential newspaper article (Paterno 2011) in which the issue of the capital is raised, extensively reference Kokora. Kokora is always mentioned in the context of Dinka domination, a situation which could assumingly be prevented by relocating the capital. The Bari people then argue that a real devolution of power has not taken place in Juba, as in other parts of the country, due to the presence of the GoSS. They argue that the GoSS interferes in the jurisdictions of the lower levels of government,

especially the CES Government, undermining the authority of the CES (Bari Community 2011, 4–5).

32   Interestingly, the Bari community has adopted Garang's aphorism of "take the towns to the people". They argue that the GoSS should focus on the equitable development of the ten states rather than developing excessive plans for the establishment of a huge and modern – as well as land intensive – capital that will profit only foreign investors. A relocation of the capital guided by the goal of equitable development will thus foster peace and harmony among the people of South Sudan. The Bari community stresses that they support the establishment of a capital in a new central location such that attendant development and investments may be distributed equally among all states (Bari Community 2011, 5–7). As explained by two representatives of Juba County (3 and 7), the County's position on the relocation of the capital is based on the Bari people's demands. The Deputy Governor of CES (13) dismissed the GoSS' statement that CES is unwilling to provide them with land. He stated that CES has offered more land to the GoSS, but that the GoSS did not accept any of the suggestions. In sum, although the government of CES understands the people's wariness of potential land grabbing, its position is that the government of CES and the GoSS should coexist in Juba. According to the government of CES, a compromise needs to be reached in consultations with local communities.

33   Both the proliferation of counties and the capital relocation debate confirm the importance of self-rule along tribal lines to the South Sudanese, demonstrating how decentralisation may be used by the people in ways unintended by the government or the international community. Decentralisation may be interpreted as a right to self-rule – the right for non-interference by the GoSS – and to build an ethnically homogenous administrative unit. Additionally, the use of decentralisation-as-"take the towns to the people" as an argument for the establishment of a new "modern" capital was hardly foreseen by the international community. This shows how terms are adapted locally and that the government, the local population and the international community may not have the same thing in mind when talking about decentralisation.

3.3. Decentralisation as the appropriation of an abstract and distant state

34   Within the broader debate regarding decentralisation in Africa, South Sudan is something of a special case. South Sudan's history of war has prevented the emergence of state institutions that have developed in other African countries since their independence. Thus, Bierschenk and Olivier de Sardan's (2003, 152, 158, and 167) description of the cumulative character of local political institutions, wherein decentralisation simply marks the introduction of one more political institution and facilitates "institution shopping", has only limited explanatory power in the context of South Sudan. Quite simply, there are just fewer political institutions in South Sudan than other African contexts. That said, today's movement towards decentralisation does not exist in a vacuum, but rather a local arena with more or less established actors and, an historical experience of decentralisation. Hahonou's (2004, 70) contention that decentralisation allows for a local redistribution of power is borne out in South Sudan, but through processes connected to the general negotiations and power struggles over the character of the newly established state. The question as to the function of decentralisation within these ongoing negotiations is thus raised.

3.3.1 Legitimating exclusion from access to resouces

35 Mamdani (1996, 26) explains that colonial rule bequeathed newly independent African countries two divisions – that between town and countryside and that between tribes. This bifurcated nature of the colonial state was created through the imposition of two forms of rule, direct and indirect. Direct rule was applied in towns, where, although everyone was subject to law, the "civilized" (non-natives) were granted both civil and political rights. Mamdani refers to this form of rule, based on the exclusion of native people from full citizenship, as "centralised despotism" (1996, 16–17). In contrast, indirect rule, as imposed in the countryside, is termed "decentralised despotism". This practice was characterized by not only political, but civil, inequality, as each tribe was intended to have its own customary law and tribal or traditional leadership, based on either existing or invented authority (Mamdani 1996, 17).[10] Thus, whereas direct rule, or centralised despotism, excluded natives from the "civil freedoms guaranteed to citizens", indirect rule, or decentralised despotism, was thought to integrate natives into "a state-enforced customary order" (Mamdani 1996, 18). Consequently, the colonial powers left Africa not with European-style nation-states, but with a "multicultural and multiethnic state" model (Mamdani 1996, 287).

36 Since then, however, Africa, in general, has wavered between centralisation policies designed to overcome ethnic division that risked exacerbating the urban-rural divide and decentralisation policies aimed at overcoming the urban-rural gap at the cost of further ethnic division. Neither policy, therefore can overcome what Mamdani refers to as the current "despotic" functioning of the state (Mamdani 1996, 26, 291). This observation seems highly applicable to South Sudan, where Garang's vision of "taking the towns to the people", clearly intended to overcome the urban-rural dichotomy, led to the interpretation of decentralisation as a form of self-rule based on tribal identities. Decentralisation is now used to claim resource rights for one's own community at the exclusion of others. At this juncture, I want to emphasize that these disputes over resources and practices of exclusion are not somehow "African", but human. The only difference between Africa and the West is that in the West these mechanisms of exclusion manifest along other forms of identity, such as the nation.

37 Lykes Washburne (2010, 150) reasons that a significant section of South Sudan does not so much demand a representative government as one that is able to feed and educate them. In this way, decentralisation can improve the legitimacy of the government, as long as the local governments are able to paternalistically provide services. To this understanding of South Sudanese behaviour as rather passive, Allen and Schomerus (2010, 39) add that "[m]omentum for increased administrative fragmentation is developing at the same time as decision power is firmly held at the centre, creating a situation in which decentralisation [sic] seems to primarily signify a localised [sic] power grip over resources, rather than localised [sic] political decision-making". In this reading, the South Sudanese are portrayed more actively. They grasp for resources and are, therefore, engaged in political discussions and/or competitions.

38 While my data confirms their observation that, as people attempt to access resources such as jobs, money, and services through decentralisation, exploiting the state is a survival strategy in impoverished economic context, it also invites further conclusions. Although decentralisation has not (yet?) resulted in real local decision-making power, it

still increases the influence of the community over the state. Decentralisation is a way to make the state more accessible, bringing it from the abstract to the concrete through increased connections with both physical localities and the community. Chabal (2009, 26–27), for instance, finds that literature on African politics always refers to ethnicity, but pays little attention to the importance of origin, or "location", in the geographical sense. In the African context, places of birth and burial are of exceptionally strong significance to a person's identity. Location, in terms of land, forms the environment where people grew up and became what they are today. Similarly, peoples' origin myths also reference land and location, understood as the connection between the living and the dead, or ancestors. As a result, a particular geographical location forms the basis of a people's belief system or religion (Chabal 2009, 27–29). For Chabal (2009, 27), "the place of origin is less a marker of ethnic identity than it is a marker of community". This implies that "politics and politicians cannot be dissociated from their link to a concrete physical location, a place of origin to which they belong" (Chabal 2009, 30).

3.3.2 Localizing and personalizing the state

39 To this argument I would add that decentralisation presents a unique opportunity to bind politics and the state to a particular location and community. Chabal (2009, 30) also refers to the relationship between location and community in order to explain the phenomenon of corruption, also known as patronage or clientelism. In short, as identity is so closely connected to location and community, politicians tend to be partial to their home communities. As such, in the context of community and a particular location, clientelism, wherein relationships are based on various forms of (often asymmetrical) reciprocity, has been traditionally understood as a legitimate governance practice. Such reciprocity constituted a way of holding chiefs accountable. Similarly, a chief's behaviour was governed by a common moral framework which, as "[p]olitics and religion were of the same realm" (Chabal 2009, 93), bonded the community. In this context, chiefs personally embodied both power, the potential for coercion, and authority, the "force of persuasion" based on trust and wisdom.

40 This personification of political governance meant that challenges to the chiefs' authority also threatened their ability to exercise coercive power. The British practice of appointing, creating, and replacing chiefs, thus, broke this association between authority and power, as the chiefs' coercive power was now understood as delegated by the colonizer. Communities were now able to bestow only trust and authority, rather than coercive power (Chabal 2009, 40). The form of governance most familiar to the South Sudanese thus traces back to these personal and local ties. A system of democracy and political representation that requires the transfer of power to a person in the absence of a direct reciprocal relationship and shared belief system, or common moral framework, thus often lacks persuasive power in the eyes of the people. Demands for governments to employ community members are a way of humanizing the state and integrating it into local structures. Relationships of reciprocity and social control do not exist with an abstract state, but rather with people whom are known and trusted. Thus, if an individual needs an identity card, for instance, he or she will not turn to the state, but to someone they know, and with whom they may engage in a form of social control via relationships.

41 Chabal (2009, 87) calls this form of participation "partaking", which he defines as to simultaneously "take part in" and "make use of". Partaking is the people's way of dealing

with politics in a context where formal political representation is limited or, I would add, unfamiliar. By referring to Mamdani's (1996) distinction between citizens and subjects, Chabal (2009, 91) sees clientelism as a means of coping with "subjecthood" in a context where options for political representation are limited, as is the case of the, in effect, one party-system of South Sudan. Mamdani (1996, 20) refers to this phenomenon as "patrimonialism", "a form of politics that restored an urban-rural link in the context of a bifurcated state" explaining (289) that "[w]here despotism is presumed, clientelism is the only noncoercive way of linking the rural and the urban". Clientelism is a means of tying political representatives to a particular community and place, such that people may exercise an otherwise-lacking form of control. In many ways, this may be understood as a form of accountability.[11]

42 Clientelism, just as decentralisation, is used as a tool to localize the state. Whereas clientelism binds politics and the state to the local through the officials at the centre being at the same time persons coming from certain locations, however, decentralisation brings the state to the local, where it may then become personalized. Processually, then, decentralisation is the obverse of clientelism. While in the case of centralisation, the state manifests primarily at the centre and is bound to the local through clientelism, decentralisation creates an abundance of smaller state centres in the periphery which can be occupied by the communities at that location. As a result, decentralisation makes the state more accessible for people living far from the centre. Decentralisation is a means of localizing the abstract and distant state – it brings the state geographically closer, which allows the people to take the state over and occupy it physically. In other words, decentralisation is a form of self-rule that allows for a certain amount of control over the state by the people, thus serving to humanize it.

43 So, Garang's famous call to "take the town to the people" may stand for "bringing the state to the local, or community, and making it accessible". Such a framing, however, implies that decentralisation does not change the way the state functions, such as, in this case, on a clientelist basis. Accordingly, if a centralised state does not bring peace and development and is not democratic or efficient, decentralisation is not a cure-all. Decentralisation only works to decentralise existing problems. Thus, when the state functions along clientelist networks, decentralisation will not dissolve them, or bring democratic governance, but act as a means of wresting control of contested resources away from the centre. At the local level, however, the resources will still be distributed on a clientelist base. Consequently, decentralisation does not change the way the state functions, but may provide peripheral areas with more resources. While this may be interpreted as a positive development, local distribution continues to occur according to a clientelist logic, and questions of equity and social justice are ignored. The only factors that change, therefore, are the categories of inclusion and exclusion. Without decentralisation, people would likely simply legitimate in- and exclusions with reference to other identities. Such practices, for instance, may manifest more along Mamdani's rural-urban lines.

44 In summary, decentralisation-as-self-rule may be understood as a particular model for the distribution of resources within the broader negotiations as to the nature of the South Sudanese state. Resource disputes appear along the lines of tribes, communities, or geographic location, underscored by a native-stranger, rather than for example a rural-urban, dichotomy. Furthermore, in a context where political representation is understood as the presence of one's own community members within all posts of the

government from the legislative and executive up to the formal administration, decentralisation should be seen as a means of localizing and personalizing the state, increasing community control over resources. Decentralisation thus makes it possible to integrate a distant and abstract state into the people's local, community reality.

NOTES

1. For this analysis, if it is note explicitly noted otherwise, I refer only to non-governmental interview partners. The sole exceptions to this practice are in the context of Kokora, and of the origin of the term "Payam", where the perceptions are clearly more influenced by tribal affiliation, or perhaps also educational background, than with a governmental position.

2. Actually, these societies are not only acephalous, which refers to the lack of a central political authority (Sigrist [1967] 1979, 30), but also segmentary, as authors such as Lienhardt (1958), Evans-Pritchard (1940), and Sigrist ([1967] 1979) explain. Sigrist ([1967] 1979, 30) defines a segmentary society as a acephalous society based on politically coequal, multistage groups as their primary form of political organization. These segments are commonly known as clans and lineages. This does not imply that there are no authorities, but that no political or public authority could enforce its control through publicly accepted physical sanctions.

3. The same phenomenon also in the context of land, especially concerning internally displaces persons. However, as this topic is not regularly mentioned in the context of decentralisation, it will not be discussed here.

4. This is only a short description of the way in which these flexible identities became rigid and strict. For further information, please see Zain (1996) and Mamdani (2009).

5. It should be noted, however, that it is unclear whether the Dinka actually are one tribe. Lienhardt stresses that the people of the Dinka encompass twenty-five tribal groups, consisting again of several tribes (1958, 102). So, in this reading, the Dinka are not one, but many tribes.

6. Tukuls are huts made from packed mud and straw. To the present, 83 per cent of the total population of South Sudan lives in these traditional huts (Southern Sudan Centre for Census, Statistics and Evaluation 2010, 3).

7. 96 per cent of all South Sudanese use firewood or charcoal as main fuel for cooking (Southern Sudan Centre for Census, Statistics and Evaluation 2010, 3)

8. It is, of course, questionable whether such a city would be feasible anywhere in South Sudan.

9. People commonly refer to their land rights with the phrase: "the land belongs to the people". The Interim Constitution of Southern Sudan provides the following in Article 180(4): "All lands traditionally and historically held or used by local communities or their members shall be defined, held, managed and protected by law in Southern Sudan".

10. For more information on the practice of "inventing tradition", please refer to Section 3.1.

11. This personalization of government in South Sudan, in the context of British colonial rule, has been described at length by Collins and Herzog (1961, 124–125).

4. Questions of understanding, discourses and power

1   Having now mapped the different interpretations of decentralisation; we may now bring them together and compare them. As I have already explained in the introduction, my research has evolved around an interface as defined by Long. It should have become clear up to now that the different understandings of the international community, the South Sudanese government and the South Sudanese communities meet or collide at the interface of the concept of decentralisation in South Sudan. In this chapter, I first shortly compare these different understandings, but then, the research should be taken one step further: These understandings are not static but dynamic as they are influenced by each other and by powers at work at the interface, the point of encounter. The different groups have different powers to impose their interpretation on others. I demonstrate how the powerful state-building discourse translates into practice, but also how the people of South Sudan are able to actively adapt and make use of such discourses for their own ends.

4.1. Comparing the different interpretations of decentralisation

2   At first glance, the different discourses around decentralisation presented in this paper appear similar. The international community, the government, and the non-governmental South Sudanese all stake great hope on decentralisation. It is intended to bring democracy, popular participation in politics, thereby leading to better governance, transparency, accountability, efficiency and responsiveness. Decentralisation is also hoped to facilitate development, improved service delivery, poverty reduction, and contribute to peace and stability.

3   A closer analysis, however, reveals that the various groups understand decentralisation quite differently which bears a great potential for misunderstandings. The global international community has a technical understanding of decentralisation based on the distribution of power and responsibility to lower levels of government in order to create effective, "Western" states. These states should then be able to function according to

international standards and, correspondingly, not threaten international stability or neighbouring countries.

4 Local people, on the other hand, have no care for international stability or the Western ideal of the state. They support, of course, improved service delivery and the transfer of power to local governments, but their understanding and expectations of decentralisation go beyond these technical matters. The local people want to rule themselves. For them, decentralisation is a way to bring the state to their community, often understood as the physical presence of "their people" in political and administrative positions. Decentralisation is thus a means of geographically localizing the state, making it possible to occupy or, humanize and personalize the state by filling it with community members. Significantly, the "self" in self-rule is strongly influenced by locational and tribal identities which determine whether someone is foreign or native. People in all, or at least most, positions in government must be native – differently defined on different levels – in their understanding of decentralisation. Additionally, administrative borders must conform with local identities – though often conflicting and contested – otherwise "real" decentralisation, in form of self-rule, would be stymied.

5 The South Sudanese Government and the international community in South Sudan's understanding of decentralisation moves between those of these two poles, the local people and the international community writ large. The government is committed to at least part of the international definition of "state" quite seriously – local governments are expected to bring development and services to the people, as indicated by Garang's famous statement "take the towns to the people". Conversely, the GoSS is also aware of the people's demand for self-rule, integrating it into the Local Government Act as acknowledgment of traditional authorities. In their understanding, however, self-rule is limited to participation in determining local needs. The government's understanding of decentralisation is therefore quite paternalistic – a fatherly state that feeds its children.

6 Finally, the international organizations working in South Sudan pursue the goal of creating an effective Western-style state but, at the same time, they want to avoid colonialist imposition, and are willing to integrate traditional authorities into the new state. In doing so, they seek to indigenize the Western ideal of state through respect for the demands and traditions of the people, thus legitimating the state-building process. They also took up the government and Local Government Board's emphasis on service delivery. Of course, this is simply logical in the context of South Sudan where, in the absence of established institutions, it is too early to focus on principles of good governance, such as transparency or efficiency which are other mentioned goals of decentralisation.

7 This summary illustrates the hybridization of the concept of decentralisation as it moves through time and space. Hybridization implies that one can never be sure that different people have the same understanding of any word, especially of the buzzwords nowadays used in the area of state-building or development as their connotations may vary widely. As a result, one should always clarify what one talks about and not assume the own understanding as given. This is the only way to escape dangerous misunderstandings and misled development interventions.

8 Of course, these processes of negotiation and hybridization do not take place in a power vacuum. Different actors employ different tools and exercise various powers in order to get, or to impose, what they want. That said, it should be noted that it is facile to distinguish between the powerful and the powerless within these negotiations. According

to Foucault (1977, 93-94), power is ubiquitous, not because it subjugates everything, but because it comes from everywhere. It is embedded in everyday relationships, and is therefore under constant renegotiation. This further implies that dominant power structures are not fixed, but, as advocated by proponents of the actor-oriented approach, may be changed by people. Scott (1985, 42) states that "the economic givens are crucial; they define much, but not all, of the situation that human actors face; they place limits on the responses that are possible, imaginable. But those limits are wide and, within them, human actors fashion their own response, their own experience of class, their own history". Long (2001, 13) explains that "it is theoretically unsatisfactory to base one's analysis on the concept of external determination". He endorses a perspective similar to Scott, arguing that to account for "the central role played by human action and consciousness", one needs to analyze the interaction(s) between internal and external factors. In this understanding, people are transformed from passive puppets to actors.

9 Consequently these processes of hybridization around decentralisation are strongly influenced by existing power structures, as different actors utilize different resources in influencing the outcome of hybridization. I will now demonstrate how the international state-building and decentralisation discourse "works", prior to an examination of the means of the people to get what they want.

4.2. The power of the state-building discourse

10 This section illustrates how the international state-building discourse translates into practice. Escobar (1995, 5), an authority on power and discourse, with reference to Foucault, argues that discourse "produces permissible modes of being and thinking while disqualifying and even making others impossible". Thus, a dominant discourse shapes people's reality by determining what can be said and thought and, therefore, what finds its way into practice. He also cites Foucault in observing:

> "Discourse is not just words and that words are not 'wind, an external whisper, a beating of wings that one has difficulty in hearing in the serious matter of history'. Discourse is not the expression of thought; it is a practice with conditions, rules, and historical transformations" (Foucault 1972, 209; cited in Escobar 1995, 216).

11 Consequently, if we talk about discourses it is important to keep in mind that they shape reality. This is also the case with the international state-building discourse. I now want to explain how this discourse translates into the level of the actual practices which means policy interventions in so-called developing or fragile countries.

4.2.1 Mechanisms at play in legitimating interventions

12 There are basically two discursive mechanisms at play in legitimating interventions. In the first, superiority of the so-called developed countries is established through the use of labels such as "ethnic", or "fragile", imposed by the international community on the so-called developing world. The second mechanism, in connecting peace, stability, development, and poverty reduction with "efficient [Western-model] states", implicitly calls for social engineering and intervention.

13 The first technique – labelling – has been explained by Escobar (1995, 109), who notes that "[l]abels are by no means neutral" and "embody concrete relationships of power and influence the categories with which we think and act". Labels reduce a complex situation

to one of its constituent aspects; thus, a country such as South Sudan is reduced to one of its characteristics, namely "post-conflict". Such characteristics, furthermore, are presented as rational categories, obscuring their political character (Escobar 1995, 110). In the context of state-building, the labels are based on a Western measurement scale – non-Western states are evaluated and categorized according to their proximity to the ideal of the Western nation and welfare state. As a result, states that do not conform to the ideal are called "fragile", "failed", and so forth (Hagmann and Hoehne 2009, 45). To return to Escobar, these labels are not neutral, but based on a normative conception of the world that elevates the Western state to a "good" to be reached by everyone, implicitly creating a clear hierarchy. The West, which has already reached the ideal stage of political development, is superior to the rest of the world as it struggles to reach this goal.

14   As purported superiority per se, however, is not an acceptable reason for intervention, the secondary construction of the Western state as indispensable is crucial. The foregoing analysis has demonstrated the presumed mutual reinforcement between the state, security, peace, and development, in the international state-building discourse. Duffield (2001, 16) refers to this as "the merging of development and security" because "achieving one is now regarded as essential for securing the other". It is commonly believed that fragile states are not only obstacles to development and poverty reduction, but also havens for terrorism and international crime (Brabant 2010a, 2). Underdevelopment is now perceived as not only undesirable, but dangerous (Duffield 2001, 16). As a result, societies must be altered in order to avoid such problems (2001, 15).

15   I want to briefly argue, however, that this mutual reinforcement between peace, security, state, and development should be questioned. Brabant (2010a, 7; 2010b, 7-8), for example, stresses that, as processes of state formation are inherently conflict-inducing, tensions exist between state-building and peace-building. He (2010b, 8-9) also calls attention to the potential for tension between development and peace-building, as economic growth may lead to new inequalities. The same logic is true of decentralisation – there is a range of empirical evidence that should at least give pause to those asserting that decentralisation actually leads to poverty reduction and fewer conflicts (see, for example, Crawford and Hartmann 2008).

16   Importantly, the second mechanism of linking peace, development, and security to the state would not be possible without wide international consensus as to the nature of the ideal state. Chandler (2006, 475-477) shows that this consensus is a recent phenomenon. The Cold War period was characterized by national self-interest and a formal understanding of sovereign equality underscored by the principle of non-intervention. The geopolitical division between the Soviet Union and the United States prevented the emergence of one model of state, of governance or of domestic policy commonly agreed on. Furthermore, the context of decolonization strongly encouraged the United Nations to defend the formal equality of all states independent of their capacities and policies. The consensus regarding the one right state model, the Western nation and welfare state, emerged later and was further strengthened by 9/11 when security issues became predominant (Chandler 2006, 475-477).

17   In sum, fragile and post-conflict states are perceived as a danger to development and poverty reduction, as well as peace and international security. This danger requires intervention in form of state-building – with decentralisation as a primary tool – which aims to impose the purportedly sole model of the state able to guarantee these goals: the

Western welfare (nation) state. These two mechanisms together create a formula for automated intervention: labels cement Western hierarchical superiority, which, in combination with the demonization of the non-West as risk for international stability, serve to justify intervention.

4.2.2 The Western state as ideal

18   The Western state model, whether in the guise of the "welfare state"," nation-state", or "modern state", is the goal to which all states should aspire in the common Western perspective. Paris (1997, 56) refers to this paradigm guiding international interventions as "liberal internationalism". Under this label, it is assumed that Western capitalist democracy is the solution for all states. This sets a "liberal democratic polity", or democracy and a "market-oriented economy", as universal development goals. Similarly, Barnett (2006, 88) observes that these objectives are based on "the belief that, to have legitimacy, the state must be organized around liberal-democratic principles, and that because liberal democracies are respectful of their societies and peaceful towards their neighbours, they are the foundation of a stable international order". Decentralisation, particularly in the context of Africa, is an important aspect of the current international consensus on the nature of the state. Decentralisation is thus a tool in the modern, Western state-building project.

19   As illustrated thus far, state-building and decentralisation are legitimized by the desire for international security and stability. Stability, in turn, is desirable because it preserves a particular world order that profits certain actors. Duffield (2005) and Donini (2010) explain that development and humanitarian aid are instruments of a form of global governance that aims at reaching ostensibly ungoverned spaces. This seems to be even more the case of state-building as an overarching policy. Western actors – though increasingly also non-Western actors, such as China or Brazil – access regions of previously-marginal international influence through state-building interventions. State-building, in combination with humanitarian aid and development, prepares the ground for resource extraction and the opening of new markets to international trade and finance. It also makes a transfer of values possible. A world of unitary states, as foreseen by state-building missions, therefore protects a particular world order, a particular power hierarchy and, in turn, the interests of certain actors.

20   It would be fallacious, however, to reduce the motives underlying state-building to simple economic interests. The international community's belief in their obligation to "save" the local people also plays an important part. As Wesley (2008, 374) explains, the construction of Western values and conceptions of the state as universal "goods" leads to a general belief that transforming fragile states into Western states improves the lives of many people. Similarly, Rist ([1997] 2002) describes development as modern faith. He compares development with religion, as despite the fact development is often demonstrated to be ineffective, it cannot be abandoned. Scott (1998, 342) describes the same phenomenon as the replacement of a belief in order and harmony under a unitary God with "a similar faith in the idea of progress vouchsafed by scientists, engineers, and planners".

4.3. The power of the people

21 The previous section demonstrated the power of the international state-building discourse, of which decentralisation is a part, and how such discourse facilitates intervention. In this section, I argue, however, that regardless of the power of international discourse, people always have the means to adapt and hybridize, as well as appropriate hegemonic discourses. This section is thus based on the Foucauldian understanding of power as diffusive and circulatory. In the context of state-building discourse, I further reference Foucault (1977, 96), who states that power always implies resistance, which is never located outside but inside power. A discourse is always subject to transformations (1977, 99). Resistance, the dominant discourse, and other associated discourses therefore influence each other, forming a network of power. Foucault's phrasing may be understood as a guide to this section:

> "Il faut admettre un jeu complexe et instable où le discours peut être à la fois instrument et effet de pouvoir, mais aussi obstacle, butée, point de résistance et départ pour une stratégie opposée. Le discours véhicule et produit du pouvoir ; il le renforce mais aussi le mine, l'expose, le rend fragile et permet de le barrer" (1976, 133).[1]

22 Starting from the power of the international discourse, I want to show now how Foucault's understanding comes in in South Sudan: the people use the international discourse to get what they want in ways unintended by the international community and by the GOSS.

4.3.1 Making use of the international discourse

23 The mechanisms to legitimize interventions, as described above, are highly applicable to South Sudan. South Sudan is rarely referred to as fragile or failed yet as such labels would, of course, be rather nonsensical at the birth of a new state. It is, on the other hand, regularly referred to as "post-conflict" or "conflict-affected". South Sudan has thus been appropriately labelled for international involvement in the name of development and regional stability.

24 That said, it would be overly-simplistic to assume that the current state-building efforts in South Sudan are uniformly perceived as a forceful imposition of the international community. Certain people, particularly in the Government, welcome the international community, as in contrast to the hostile Northern government, it is perceived as a good friend. This is not to say that the question of whether the majority of South Sudanese actually wish for a commitment by the international community is unimportant, but that it should be recognized, that at least some people support international state-building.

25 As South Sudan is categorized as "post-conflict", the door is opened for significant international aid. If people manage to present their country or community as having many attributes such as poverty, or recent experience of conflict, then money channels can be accessed. Thus, local actors can also make use of the international discourse by instrumentally deploying certain buzzwords that trigger a "helping" response. In a sense, this supports Escobar's argument (1995, 111) that these labels, invented by the "top", force the people on the ground to reproduce them – which is undoubtedly true – but such practices could also be read as creating local benefits and opportunities through the

strategic appropriation of language. That said, as some are better than others at making use of the international community through adaptation to their vocabulary, one should be attentive to the potential for inequality (de Sardan 2005, 183).

4.3.2 Power struggles and the historical aims pursued with decentralisation

26   The "ethnic" label described by Chandler figures prominently in the description of South Sudan. Here, decentralisation enters as the proclaimed solution to tribal conflict, thus promoting reconciliation and, as often mentioned in informal talks conducted during my field work, building a nation out of such a diverse country. Of course, for the UNDP, which classifies its Local Government Recovery Programme as poverty reduction, decentralisation is also framed as a means of development and the solution to "poverty". However, while decentralisation-as-state-building is a recent international discursive construction, the discourse surrounding decentralisation in South Sudan per se originated long before the current intervention. By this, I refer to Bayart's notion of historicity and the historic hybridization that took place as different actors contributed to the current understanding of decentralisation in South Sudan.

27   The structure and discourse of the current model of decentralisation, based on three tiers of government, central, state, and local, and the further subdivision of the local government into County, Payam, and Boma, is the result of a long process of negotiation spanning South Sudanese history.[2] It contains elements stemming from British and Northern rule, as well as aspects that emerged under the SPLM/A as was shown earlier on. Interestingly, the system became increasingly differentiated and complex over time, as it seems that once a new level of government was introduced, it was impossible to later dissolve. This demonstrates South Sudan's present decentralised structure is not arbitrary, but the product of context and history. It is a system birthed by South Sudanese context and history, forged by various actors out of the Western concept of decentralisation.

28   Whereas decentralisation in form of local government became a topic in Sudan at the time of independence, with the publishing of the Marshall Report (chapter 2.3), it entered the official discussion much later in South Sudan, namely, the 1980s. Awareness of decentralisation in the South occurred as Nimeiri raised the topic in the North, with the aim of forming governments of the masses. Similarly, this corresponds to the increasingly popularity of the term within the international community. It should be stressed, however, that certain actors consciously introduced decentralisation into the South Sudanese debate. They believed that if they framed their efforts to curtail Dinka domination within the rubric of an internationally-accepted concept, such as decentralisation, their claims would be more likely to be heard and accepted. It was therefore clearly in the interest of certain actors to propose decentralisation as a model for South Sudan. Whereas, in the early 1980s, decentralisation advocates hoped to resolve tribal conflicts by dividing the tribes, the Nimeiri regime implemented decentralisation with the aim of reducing the influence of ethnic leaders and sects by organizing the country along bureaucratic lines. Decentralisation was also part of his broader programme to increase popular participation through socialist reform. The second Local Government Act (1981) under Nimeiri seems to be the experience that most strongly informs the local government officers' understanding of decentralisation. For them, this

was the moment when real power was transferred to lower levels of government, but the official power of traditional authorities was diminished.

29   The non-integration of traditional authorities also corresponds with the position of the SPLM/A and its former leader, Garang, who, like Nimeiri, had a communist background. At the time, however, Garang was not speaking of decentralisation in the context of the South. Garang's primary aim was the establishment of a federal system capable of addressing the differences in development between the centre Khartoum and the periphery. He also clearly legitimized his demands with reference to international discourses of that time such as dependency theory or communism. Despite this original focus, however, Garang's idea of "taking the towns to the people" became synonymous in the South with decentralisation and equal development opportunities for all tribes. Thus, in accordance with popular demand, over the course of a decade, the SPLM/A's policy regarding traditional authorities changed from one of unofficial, localized collaboration to their official incorporation in the current Local Government Act.

30   In sum, decentralisation was consciously introduced by specific actors who hoped to further their own agendas and greater goals. These different past aspirations form now the current understanding of decentralisation: democracy goes back to Marshall; participation to Nimeiri; development to Garang and Lagu; and peace between tribes goes back to Lagu and his campaign against Dinka domination. Good governance, transparency, and other associated principles also have historical roots, but many of the more specific terms, such as effectiveness, seem to represent a newer vocabulary introduced in 2005 with the arrival of the international state-building community. The integration of traditional authorities, conversely, stems from the constant demand for their acceptance from the side of the people who wanted to have their life reality recognized.

31   The Local Government Act reflects this hybridized understanding of decentralisation as developed across history and is therefore not the sole result of the powerful current international discourse. The interests and goals of different actors have led to the integration of different aspects of the concept. The local government officers and, to a lesser degree, the international community in South Sudan, defined service delivery as the main function of local government, with the international community also achieving general acceptance of the principles of good governance. The people, similarly, managed to gain institutional recognition of the principle of self-governance, and the significance of traditional authorities, via judicial reform and the creation of governmental administrative units in accordance with tribal organization. South Sudan's history of decentralisation therefore reminds us not to underestimate the power of the people to influence discourses and the practices connected.

32   It will be future developments, however, that reveal who is most able to influence the popular understanding of decentralisation in today's South Sudan und who will be mentioned in which way in future historical summaries about Decentralisation in South Sudan. The struggle over the imposition of certain understandings of decentralisation in the current "state-building" context has just begun, and the outcome is uncertain. The GoSS, through the authority of law, has the power to create facts and thus impose a particular understanding, while the international community can influence the definition of decentralisation through its project selection. Together, moreover, the GoSS and the international community decide on implementation priorities, and shape the various bureaucratic staffs' perception of decentralisation through policy training. The people

however, have their own weapons. Based on the aforementioned loophole in the Local Government Act, they call for the creation of new counties in accordance with tribal preferences. Similarly, the people also frequently deploy the principle of tribe-based self-rule in political debates, such as that regarding the relocation of the capital.

4.3.3 Experts vs. people or blueprints vs. political disputes

33 The hybridization of the concept of decentralisation in the case of South Sudan also indicates that we should question whether all states are converging upon a single, dominant state model, as do Hagmann and Hoehne (2009) with reference to Somalia. The global norm of single, unitary, sovereign states has only been achieved by the twin processes of colonialism and decolonization (Duffield 2007, 234; Clapham 2002, 777). Blueprints and ideal state types will always be adapted, appropriated, and hybridized in local contexts as they enter a specific and contextual "trajectoire historique" with existing power structures and actors. Activities unintended or planned within a certain project always arise and, as Scott (1998, 347, 353) observes, "any high-modernist plan will be utterly remade by popular practice". State-building interventions generally attempt "to keep politics out of it". The state-building practitioners believe that through the use of "tools [that] are neutral, desirable, and universally applicable", a perfect technical solution for every problem may be found, making "dirty" politics superfluous (Escobar 1995, 26).

34 Chandler (2006 and 2010) correctly observes that it is actually highly anti-liberal to think of state-building as a merely technical enterprise wherein experts develop plans and solutions for the people, socially engineering the "right" state model. Before the end of the Cold War, it was commonly believed that political processes play a pivotal role in creating viable states. Today, however, the opposite is the case – politics is seen as an *obstacle* to successful state-building, which is the proper purview of international experts. It is unimaginable for international state-builders that local actors may actually be better suited to develop the state than themselves (Chandler 2006, 478 and 480). It is thought that "states and citizens can be socially-engineered by correct practices of external regulation" and "that international experts and bureaucrats can better govern a country than politicians accountable to the people who have to live with the consequences of their policymaking" (2006, 482 and 491). However, the international actors who design these technical solutions cannot be hold accountable by the local population (Chandler 2006, 488). It is assumed that democracy is the "right" model for the (developed and civilized) West, but that paternalism, in form of international expertise, is better for fragile or conflict-affected states (Chandler 2006, 482). The classical liberal understanding of politics is based on the assumption of the autonomy of each individual person as rational being capable of expressing his or her will. This autonomy then provides the basis for government. The state-building paradigm, however, inverts the relationship between autonomy and institutions, as autonomy becomes the source of the problem which is to be managed by the "right" institutions (Chandler 2010, 2-3). This understanding elides the political processes and contests necessary to building the relationships between different parts of society that are the foundation of a functioning state (Chandler 2006, 481).

35 In a nutshell, the state-building enterprise is highly depoliticized as politics has been replaced by technical expertise, and politicians by experts. If the goal of state-building is

to create liberal states, the people should have the opportunity to participate in the process of state construction. This implies politics. Interestingly, the reality of South Sudan demonstrates that technical expertise aside, political struggles are inevitable. There is no way to circumvent them. The people have the power to make themselves heard, albeit through unconventional mechanisms.

36 Coming back to Foucault's statement preceding this section, the case of South Sudan proves that a powerful international discourse – here state-building – can form the base for local resistance and reinterpretation which envisiones another way of life than originally intended. Decentralisation has been used by the people of South Sudan in a way not intended by the international community and the government.

NOTES

1. Approximate translation by the author: "One has to admit to a complex and instable game where the discourse can be an instrument and an effect of power, but also an obstacle, attack, point of resistance and start for an opposed strategy at the same time. The discourse conveys and produces power; it reinforces power but also erodes and exposes it, it makes it fragile and allows for blocking it."

2. For a detailed description of this process, please refer to Section 2.3.

5. Conclusion

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1   To return to the central question of this ePaper, what happens when a Western concept of the state, such as decentralisation, is introduced to a local, non-Western context, in this case South Sudan?

2   The example of South Sudan suggests that such concepts are locally appropriated, reinterpreted and hybridized. This hybridization has two components: the horizontal/ geographical and the vertical/ historical. In other words, the concept of decentralisation changes as it moves through time and space. The ways of understanding are formed over history and differ with each other. The historical perspective shows how the list of aspirations associated with decentralisation in South Sudan has expanded over time from democracy, participation, peace between tribes or self-governance, service delivery and development up to more effectiveness and transparency. In spite of an accumulation of all these attributes, as for example in the legal framework on decentralisation, the Local Government Act, the understanding of decentralisation is by no means homogenous which leads us to the vertical aspect of hybridization. Different groups have different images of decentralisation in mind. This bears a great potential for misunderstandings between the South Sudanese, their government and the international community. The South Sudanese communities' understanding of decentralisation-as-self-rule involves a clear distinction between "us and them", functioning as a means of accessing state resources and integrating an abstract and distant state into everyday, community life through appropriation and personalization. The South Sudanese government, in contrast, imagines decentralisation as a technical tool to bring about service delivery and development in all of South Sudan as expressed by Garang as "taking the towns to the villages". The international community understands decentralisation as a means to make states more effective and more similar to the Western-style states which in turn should guarantee international stability.

3   These diverging understandings need to be dealt with carefully as they bear a potential for misunderstandings, conflicts and frustration. All actors active in South Sudan, but especially the international community and the South Sudanese government, should be aware that they only have one possible understanding of decentralisation which may not be shared by all people involved in a political discussion, state-building programme and so on and which should therefore not be taken for granted. Decentralisation, and other terms or concepts, may not only be understood differently by the people, but also used in

ways unintended by the government or the international community with unexpected outcomes as the current proliferation of the counties against the will of the government and the international community shows.

4   Hybridization and the associated power struggles over the power of defining and applying will continue. While the international community and the government are backed by powerful international discursive structures, and associated financial resources with which to develop programmes and set priorities, the people have the power to inform decentralisation through everyday practice and political struggles. Even without a full scale revolutionary spring as witnessed in the Arab world, people have the tools to influence the understanding and structures of the decentralised system and, more broadly, the form of the newly emerging South Sudanese state.

5   Of course, one cannot discuss the future of South Sudan without mentioning Sudan and the relationship between the two states, which remain highly interwoven. Out of the many challenges between the North and the South such as border demarcation, the South economic dependence on the North or the question of citizenship for Northerners living in the South and Southerners living in the North, I want to mention the distribution of the oil revenues. A stable solution guaranteeing steady income for the South is of great importance, as oil is the primary source of revenue for the new state. Implementation of "take the towns to the people" will be highly dependent on the financial situation of the GoSS. However, the GoSS will also need to find other sources of revenue in order to reduce their vulnerability to potential power manoeuvring by the North and fluctuating international markets. Such financial stability will require the establishment of a functioning economy, a particular challenge given the virtual lack of current economic production in South Sudan.

6   The history of the South within Sudan should teach the new country – or rather, the two new countries – a lesson. The lack of respect for diversity in Sudan or, more precisely, the marginalization of the South and disregard of demands for greater autonomy, led to the secession of the South on 9 July 2011. Neither the North nor the South became homogenous following secession, and both sides need to find a way to deal with diversity – be it cultural, political, or religious. The initial actions of Bashir after secession point to a repetition of history: the same disregard for diversity seems to have materialized in the new Sudan, provoking yet another civil war. Whether South Sudan will manage to solve the existing tensions concerning diversity still remains to be seen too. Thus, regardless of whether decentralisation actually brings democracy, development, and peace, ignoring the people's demands for decentralisation as a means of accommodating diversity has historically led to war. The people's understanding of decentralisation as self-rule, therefore, should be taken seriously by the government and the international community. Ignoring such demands and imposing a narrowly technical model will inevitably lead to frustration and conflict.

7   This does not imply, however, that the people's understanding should be adopted uncritically. It is, of course, questionable whether the proliferation of administrative units will lead to success, as the complex identities such subdivisions are meant to address are near infinite, meaning that some groups will always feel neglected. What is more important, then, is to understand why people advocate for such measures. For the people, decentralisation stands for a way of dealing with diversity, and its attendant goals, such as peace, equitable development, and the equal distribution of resources.

Decentralisation should enhance participation and brings an abstract and distant state to the community and geographic locality.

8   Obviously, decentralisation must be supplemented by other policies in order to satisfy these demands associated with decentralisation. Firstly, other mechanisms of dealing with diversity other than decentralisation must be developed. Secondly, new ways of connecting people to their state, rather than reliance on the creation of new administrative units, should be found. There is a need for social innovation and experiments based on discussions with the people, as they know their society best. Therefore, discursive space needs to be opened up and ideas should be openly discussed for example in workshops and dialogue platforms.

9   This of course moves in the direction of nation-building, and establishing the mysterious state-society relationship. At the same time, however, the focus should partially shift from strict state-building to the development of alternative economic opportunities, reducing the incentive to patrimonially exploit the state. Agriculture and craft should constitute the primary focuses of such efforts, as this would also decrease dependency on foreign imports. Creating alternative opportunities, moreover, in a context where possessing a gun and using violence is the accustomed means of survival, would also decrease conflict and promote stability. Overall, the South Sudanese state should be built with the people, not without them. Such a process requires politics, rather than international experts, as cohesion emerges only from interaction and political struggle.

10 In sum, the processes of local hybridization and appropriation of Western state concepts result in a high diversity of images about what the state is or what it should be. This needs to be taken into account in order to escape misunderstandings and wrongly led interventions in the area of state-building or development more general. This also implies that decisions on the ideal design for a state cannot be left to the experts as they have a specific, often very technical, understanding of the state which does not forcefully correspond with local images and desires. The state must comply with the local, not international, expectations, as the local people are the ones living there and carrying it. Consequently, only political disputes can lead to a success, technical designs by experts, on the other hand, only lead to frustration of the people which will not react in the planned way which in turn will lead to frustration with the international experts.

6. Annex I: Chronology

1   1820 – Turco-Egyptian invasion of what is now Sudan and South Sudan

2   1881 – Al-Mahdi's revolt leads to the withdrawal of the Turco-Egyptians

3   1898 – Anglo-Egyptians recapture Sudan

4   1930 – "Southern Policy", intended to culturally separate North and South, implemented

5   1949 – Marshall Report presents a vision of local governments, with aim of democratizing Sudan

6   1951 – Local Government Ordinance establishes local councils

7   1953 – First national elections

8   1955 – Violent conflict breaks out between North and South

9   1956 – Independence of Sudan

10 1962 – Full-scale civil war breaks out; South is led by the Anyanya guerilla

11 1969 – Nimeiri comes into power via military coup

12 1971 – People's Local Government Act introduces three tiers of government

13 1972 – Addis Ababa Peace Agreement gives the South autonomous status

14 1980 – Regional Government Act creates five regions in the North, starting discussion of redivisioning the South into three regions

15 1981 – People's Local Government Act devolves power to lower levels

16 1983 – Southern Government is dissolved into three regions; Sharia is imposed on South, resulting in renewed violence by SPLM/A, which soon controls large parts of the Southern territory

17 1985 – Nimeiri overthrown by protests in Khartoum

18 1989 – Bashir comes to power via military coup

19 1991 – Nasir Faction splits off from SPLM/A

20 1991 – Torit Resolution stresses need for civil administration in South

21 1994 – National convention at Chukudum specified structures of civil administration under SPLM/A

22 1994 – 11th Constitutional Decree establishes the states in Sudan

23 1996 – At Conference on Civil Society and Civil Authority, structure of Civil Authority of New Sudan (CANS) is further developed

24 2005 – Government of Sudan and SPLM/A sign the CPA

25 2006 – Juba Declaration incorporates Southern militias into SPLA

26 2009 – Local Government Act is signed by the president of Southern Sudan

27 2010 – National elections

28 2011 – Referendum on independence is held in January, leads to birth of the Republic of South Sudan on 9 July

7. Annex II: Maps

Map 1: States of South Sudan
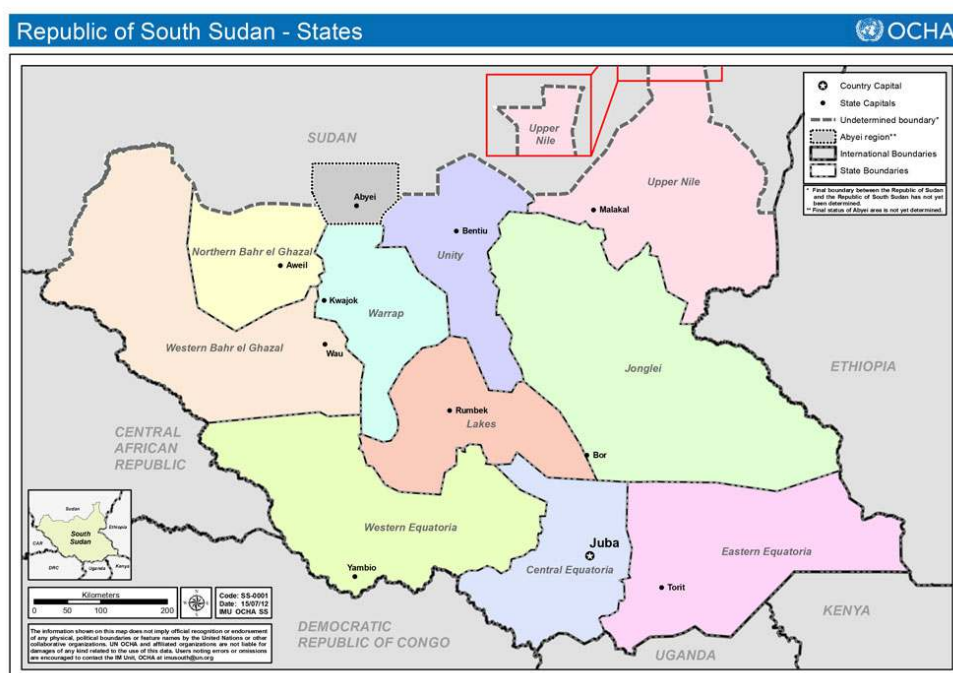
UN OCHA (2012) Republic of South Sudan – States, as of 15 July 2012, Reliefweb http://reliefweb.int/map/south-sudan-republic/republic-south-sudan-states-15-july-2012-reference-map, accessed 31 July 2012.

Map 2: Counties of South Sudan
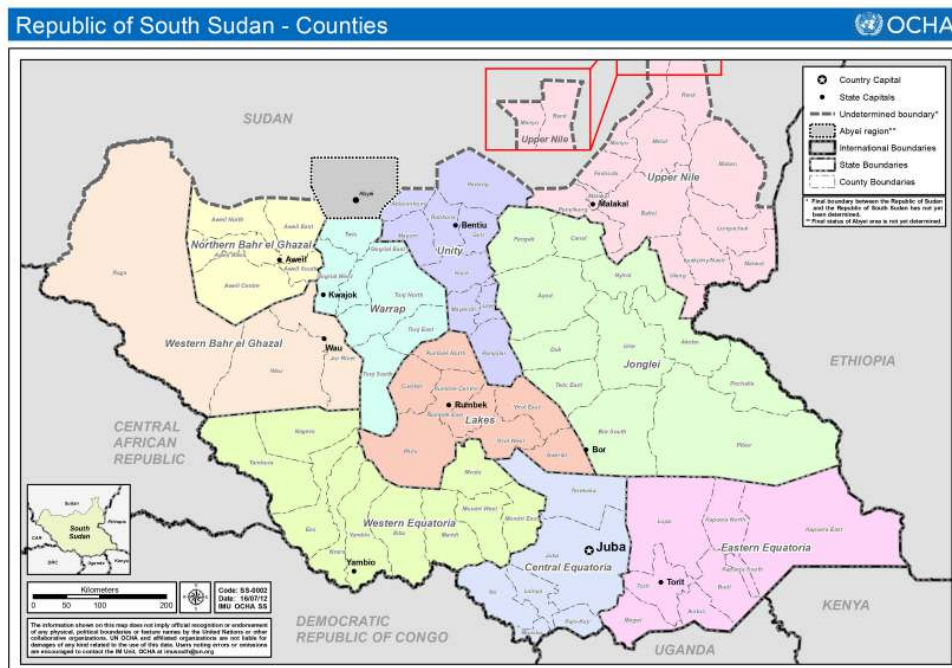
UN OCHA (2012) Republic of South Sudan – Counties, as of 16 July 2012, Reliefweb http://reliefweb.int/map/south-sudan-republic/republic-south-sudan-counties-16-july-2012-reference-map, accessed 31 July 2012.

Map 3: Eastern Equatoria State
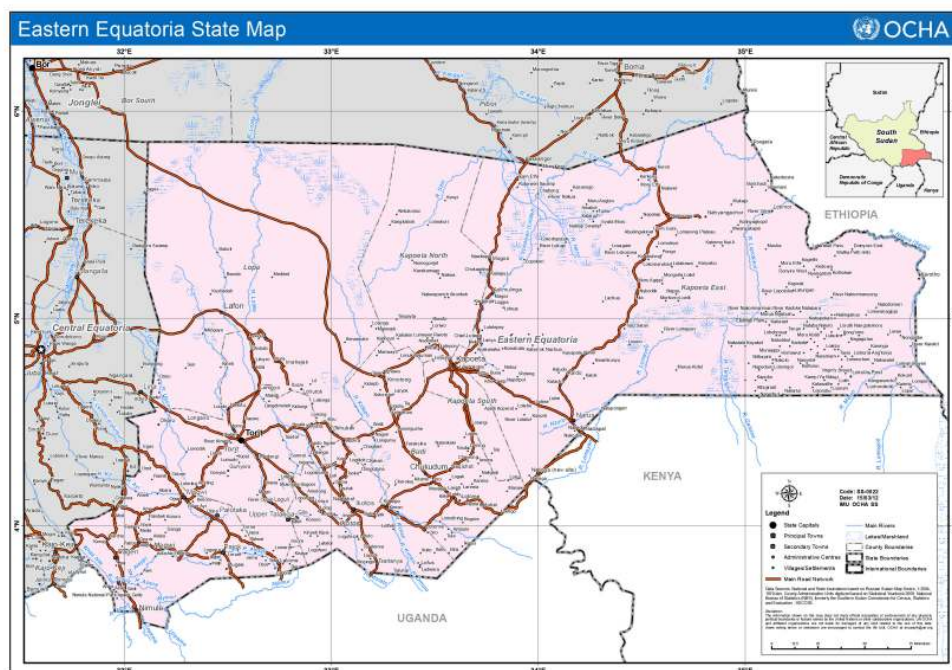
Source: UN OCHA (2012) Eastern Equatoria State Map, as of 15 March 2012, Reliefweb http://
reliefweb.int/map/south-sudan-republic/south-sudan-eastern-equatoria-state-map-15-mar-2012-
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8.2. Literature

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9. Interviews

1 All interviews have been done between 14 March and 13 April 2011, with two exceptions: 11 gave me the interview in early August 2010 and 8 gave me two interviews, one early August 2010 and the other within the mentioned time period in 2011. They all took place in or around Juba, Torit or Magwi.

2 **1 – A member of the Local Government Board**
He is a Dinka coming from Bahr-El-Ghazal. He fought in both wars and became a local government officer in 1972. He participated in the drafting of the Local Government Act.

3 **2 – A Member of the Local Government Board**
He is a Dinka from Bor and participated in the development of the Local Government Act.

4 **3 – Assistant Executive Director Juba**
He is from Equatoria and has been working for the government since 1979. Since 1983 he has been in Juba, first working for the Northern Government during the war and now as Assistant Executive Director in charge of NGOs and sent from the Ministry of Local Government in CES.

5 **4 – Director for Administration and Finance of Ministry of Local Government**
He is from Ikotos and is of the Ketebo tribe. He worked as a local government administrator in Juba and in Maridi (Western Equatoria – before the war. When the war broke out, he joined the SPLA. Since 2007, he has been working in the Ministry of Local Government in Torit.

6 **5 – A man working for planning and budgeting in Education Management Information System of the GoSS**
He is from Yei. He did a master in Oslo and wrote his master thesis on decentralization in the area of education in South Sudan.

7 **6 – A woman working for UNDP and Ministry of Local Government and Law Enforcement EES**

8 **7 – Executive Director Juba County**
He is Bari and started his career within the government 30 years ago.

9 **8 – Commissioner Magwi County**
He is Acholi.

10   **9 – Acting Executive Director Magwi County**

He is Lopit from Lopa County. He partly fought with the SPLA in the war and spent also some time in Northern Sudan and in Ethiopia.

11   **10 – Payam Administrator of Nyong**

He is Lotuko and returned to South Sudan in 2009 from Egypt where he spent 6 years.

12   **11 – Payam Administrator of Magwi**

He is Acholi from Magwi and has been Payam Administrator since 2007.

13   **12 – Director for Inter governmental Organization of the Directorate of Multi Lateral Relations**

He is Lotuko from Torit. He spent most of the time of war in Norway and other places in Europe.

14   **13 – Deputy Governor of Central Equatoria State**

15   **14 – Paramount chief of Torit County**

He is a Lotuko from Torit where he also spent his whole life, also during the war.

16   **15 – Acting Chief of Nyong Boma**

He is a Lotuko from Torit. He left Torit in 1989 for Uganda where he stayed until 2008 when he decided to come back to Torit.

17   **16 – Chairwoman of COTAL Eastern Equatoria State**

She is Lopit from Lopa County. She spent most her life in Torit, but during the war she was in Juba.

18   **17 – A Father working for the development office of the Church**

His family is originally from Jonglei state but has been living and working in another part of South Sudan for his whole life.

19   **18 – Lecturer and Head Department of Development Communication University of Juba**

He is Kuku from Kajokaji CES. During the first war he was mostly in Uganda and in 1990 he fled to Australia where he studied. He came back to South Sudan in 2010.

20   **19 – Teacher**

He is from Western Equatoria. He lived in several places in South Sudan and Africa and spent two years in Europe.

21   **20 – A young woman working in a grassroots project**

She is from Western Equatoria and stayed in Greater Equatoria during the war. She has recently spent some years in Uganda for study purposes.

22   **21 – Youth Representative of Torit**

He is Lotuko and studied in Uganda during the war. He came back to South Sudan in 2005.

23   **22 – The Iyire community-group discussion in three villages**

The Iyire live between Torit and Magwi: there is a shabby road going to the different villages of the Iyire leaving from the main road between Magwi and Torit into the bush. They are originally Lotuko, but partly mixed up with the Acholi, so their language is a mix. They have been fighting to change from the Magwi County to the Torit County and are also involved in a conflict over land with the Obbo, belonging to the Acholi.

24   **23 – Youth Representative of Ifwotu Community, and Chairperson of Ifwotu Community**

They are both Lotuko from EES and are from the community of the Ifwotu. The Youth

Representative spent his whole life in or around Torit. The Chairperson has been working for the Southern Sudan Referendum Commission.

25 **24 – Coordinator of SuNDE (Sudanese Network for Democratic Elections)**

He is Bari from Yei. He had worked all over Sudan,, especially for UNDP, before joining SuNDE.

26 **25 – Parish Priest of Palotaka Parish**

He is Madi from EES. He spent the time of the war in Khartoum.

27 **26 – Project Manager 'Local Government Recovery Programme' UNDP**