Naseem Badiey examines the local dynamics of the emerging capital city of Juba, Southern Sudan, during the historically pivotal transition period following the 2005 Comprehensive Peace Agreement (CPA). Focusing on the intersections of land tenure reform and urban development, she challenges the dominant paradigm of ‘post-conflict reconstruction’ and re-conceptualizes state-building as a social process underpinned by negotiation. Badiey explores local resistance to reconstruction programmes, debates over the interpretation of peace settlements, and competing claims to land and resources, not as problems to be solved through interventions but as negotiations of authority which were fundamental to shaping the character of the ‘state’.

While donors and aid agency officials anticipated clashes between the Government of Sudan and the Sudan People’s Liberation Movement (SPLM) in Southern Sudan, they did not anticipate that internal divisions might stymie reconstruction, raising serious questions about the viability of an independent Southern state.

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Cover photograph: Looking north to Jebel Lado from a settlement on the periphery of Juba (© Naseem Badiey, 2008)
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Land, Urban Development & State-building in Juba, Southern Sudan

NASEEM BADIEY
Assistant Professor of International Development & Humanitarian Action, California State University Monterey Bay
To my parents,
Ozi and Mansour Badiey

And for my Shrimp,
with love
*
In memory of Jina
2006–2008
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Acronyms

BCA  Bari Community Association
CANS  Civil Authority for the New Sudan
CCSS  Coordinating Council for the Southern State
CES  Central Equatoria State
CPA  Comprehensive Peace Agreement
GoS  Government of Sudan
GoSS  Government of Southern Sudan
HEC  High Executive Council
ICC  International Criminal Court
ICRC  International Committee for the Red Cross
ICSS  Interim Constitution of Southern Sudan
IDP  Internally Displaced Person
IGAD  Inter-Governmental Authority on Development
JAM  Joint Assessment Mission
LRA  Lord’s Resistance Army
MDTF-SS  Multi Donor Trust Fund – Southern Sudan
NCP  National Congress Party
NIF  National Islamic Front
NGO  Non-Governmental Organization
OLS  Operation Lifeline Sudan
SANU  Sudan African National Union
SAF  Sudan Armed Forces
SPLA  Sudan People’s Liberation Army
SPLM  Sudan People’s Liberation Movement
SPLM/A  Sudan People’s Liberation Movement and Army
SSDF  South Sudan Defence Forces
SSU  Sudan Socialist Union
UNDP  United Nations Development Program
UNHCR  United Nations High Commission for Refugees
UNOCHA  United Nations Office for the Coordination of Humanitarian Affairs
USAID  United States Agency for International Development
Map A Southern Sudan during colonial period
(Based on maps used with permission of the University of Durham Library (SAD/PF 25/2/5–6, and SAD/PF 34/1 – 1951))
Map B Southern Sudan, 2011
(Based on map used with permission of the United Nations (No. 4450 Rev.1))
Introduction:
The Dilemma of ‘Post-conflict Reconstruction’ in South Sudan

‘It is in local struggles over power and authority that states must take root’.  
Jocelyn Alexander, *The Unsettled Land*

Local teacher, Paul Nuduru, waited outside his polling place in Juba all night so that he would be at the head of the line to cast his vote in the January 9, 2011 referendum on the independence of Southern Sudan. He explained to a BBC reporter:

> We watched the light of the sun rise up this morning – the dawn of a new chapter for the south. We are happy to wait for this day of history, because we have waited for more than fifty years for the right to choose our own destiny.¹

For Paul and millions of other citizens of the semi-autonomous territory of Southern Sudan,² the referendum offered the rare opportunity to create a new state, one that after years of conflict and underdevelopment would finally be responsive to the needs of the peoples who inhabit the region. The outcome proved momentous. The result was a near unanimous call for the creation of an independent country, the Republic of South Sudan.³

The significance of this event to Sudan, the region, and indeed the international community, cannot be overstated. After a two-decade civil war that killed nearly two million people and displaced another four million civilians,⁴ after a deadly conflict in the western province of Darfur that resulted in the indictment of President Bashir on seven counts of crimes against humanity and war crimes, and three counts of genocide by the International Criminal Court, the prospect of peace through separation has monumental implications.⁵ The creation of an independent, demo-

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¹ Peter Martell, ‘Sudan referendum: Carnival in south, concern in north’, BBC, 9 January 2011.
² A note on nomenclature: ‘southern Sudan’ refers to the region prior to the CPA; ‘Southern Sudan’ refers to the semi-autonomous region during the Interim Period; ‘South Sudan’ refers to the independent state following the 2011 referendum.
³ 98.8% voted for independence in a 97.58% voter turnout. South Sudan Referendum Commission.
⁴ ‘Sudan: Nearly 2 million dead as a result of the world’s longest running civil war’, U.S. Committee for Refugees, 2001.
⁵ Marlise Simons, ‘International Court Adds Genocide to Charges Against Sudan Leader’, *New York Times*, 12 July 2010; Mike Pflanz, ‘Sudanese president may face
cratic South Sudanese state, allied with the United States and Western European nations, could help transform a region characterized by extreme underdevelopment, trans-border militia activity, and unceasing conflict. Furthermore, how the new South Sudanese government goes about the process of state-building will inform countless international interventions in post-conflict settings across the world.

The referendum was provided for by the 2005 Comprehensive Peace Agreement (CPA), which ended two decades of civil war between the Government of Sudan (GoS) and the Sudan People’s Liberation Movement and Army (SPLM/A). The Sudanese government, an authoritarian regime headed by President Omar al-Bashir, had come to power in a 1989 military coup, and thereafter pursued an Islamist agenda. The SPLM/A, a guerrilla army comprised of predominantly southern fighters, had been fighting to replace the central government with a democratic and secular regime that would distribute resources and development to the southern region and other marginalized peripheries of the country. The CPA at last resolved the state-building agendas of the two sides: it provided for a power-sharing Government of National Unity based in Khartoum, and it established the semi-autonomous region of Southern Sudan, which would be governed by a new regional government based on a decentralized framework of ten southern states (see Map B). The SPLM/A was given a mandate to establish the Government of Southern Sudan (GoSS) headquartered in the town of Juba (see Map C). During a six-year ‘Interim Period’ between the CPA and the referendum, both sides resolved to ‘make unity attractive’, while building the institutions necessary for a possible future separation. Donor governments pledged $4.5 billion to support reconstruction efforts.

In the period following the CPA, the question of state-building in Southern Sudan was largely framed as a matter of north–south relations by western policy experts. Amidst continued distrust between Bashir’s National Congress Party (NCP) and SPLM leaders, delays in CPA implementation, sporadic fighting between Sudan People’s Liberation Army (SPLA) and militias aligned with the Sudan Armed Forces (SAF), and

(cont.)


Hereafter I use ‘SPLM/A’ to refer to the rebel organization prior to the CPA, and ‘SPLM’ to refer to the organization after the CPA when its transformation into a regional government, regional army, and national political party had begun. ‘SPLA’ refers only to the military arm of the movement.

The Agreed Principles of the Machakos Protocol bind both parties to: ‘Design and implement the Peace Agreement so as to make the unity of the Sudan an attractive option especially to the people of South Sudan’, Part A, 15.5.5 Machakos Protocol.


Among the various militia operating throughout southern Sudan during this period were the Lord’s Resistance Army (LRA) operating in Eastern, Central and
international focus on the conflict in Darfur, the development community’s attention was focused on whether agreements on border demarcation, citizenship and nationality, oil-sharing, and security arrangements between the leaders of GoS and those of the new GoSS could provide the necessary environment for peace-building. There was no disputing the fact that establishing the foundations of constructive relations between the north and south would be critical to building an independent and secure southern state. Positive north-south relations were not, however, sufficient to build a viable and stable state in Southern Sudan. The state being established in South Sudan and the obstacles it faced during the Interim Period were not merely a matter of legal agreements brokered between government leaders. Rather, the premise of this book is that national-level initiatives are interpreted, contested, and adapted at the local level; they are contingent on local dynamics.

The incredible amount of resources that have been poured into reconstruction since the CPA is a testament to the fact that the success of state-building is a priority for the international community. However, in the dawn of South Sudan’s independence still little is known about the local actors who are charged with building Africa’s newest independent state. Their interests, their differences, and the multiple strategies that are shaping their interactions with the new government, remain poorly understood. In addressing this gap, this book undertakes an analysis of the local dynamics of ‘post-conflict reconstruction’ in Juba, Southern Sudan, during the Interim Period (2005–2011). The insights gained from analysing the post-conflict reconstruction process in the initial period following the CPA will be relevant to analyses of the state-building process in South Sudan in the years to come.

JUBA, SOUTH SUDAN: THE CAPITAL OF AN UNCONSOLIDATED STATE

Nowhere in South Sudan is the contingent nature of state-building more evident than in the capital, Juba. A sprawling town nestled in the valley between the Jaral Marata mountain range and the Bahr el Jebel River (Map C), Juba and its surrounding areas are considered to be within the ancestral homeland of the Bari, a people that number approximately 60–70,000. As an administrative and commercial centre, however, the town has been home to Sudanese from all over the country, as well as communities of foreigners, since its formation in the Anglo-Egyptian colonial period. Since (cont.) Western Equatoria States, remnants of the Southern Sudan Defence Forces (SSDF) led by Gabriel Tang Ginya in Upper Nile, and Lou Nuer gunmen in Jonglei state.

10 Total foreign aid to southern Sudan during the Interim Period amounted to approximately $4 billion. The US, the UK, and Norway were the largest donors (source: www.ifdc.org). US aid to Sudan in 2008 amounted to $666.8 million; $934.1 million in 2009; $427.7 million in 2010; and in 2011 it was $400.2 million (source: Ted Dagne, ‘US Foreign Assistance Issues’, Congressional Research Service, Report for Congress,’ 15 September 2011.
then Juba has been at the centre of complex, and at times competing, forces of social, political, and institutional change that have accompanied the construction of the state in southern Sudan. As a result, the town’s identity has been a source of contention, a question around which debates about land rights, community membership and political jurisdiction continue to orbit.

Juba was the capital of the first Southern Regional Government in the period following the 1972 Addis Ababa Agreement, which ended Sudan’s first civil war (1963–1972). In the eleven years of southern self-government, divisions amongst southern political leaders paved the way for the dissolution of the Southern Regional Government by President Jaafar Nimeiri in 1981, and the re-division of the region into three new states by presidential order in 1983. The subsequent destruction of southern autonomy, in combination with a series of other grievances, including redrawing of the border to incorporate newly-discovered southern oil fields in the north, the Jonglei Canal project, and the imposition of Sharia law throughout the country, led to the emergence of the SPLM/A and the outbreak of the second civil war. During this period (1983–2004), Juba became the key strategic government-controlled garrison town in the south, an isolated northern outpost encircled by rebel-held territory. Many local Equatorian elites became members of the NCP and worked in the institutions of the northern civil service or SAF in the town. As a result, the local question of southern identity was further shaped by Khartoum’s counterinsurgency war and the ambivalent position of local elites in opposition to the SPLM/A’s ‘freedom fighters’.

Due to the complex history of the town, in the period leading up to the CPA the question of whether to locate the southern capital in Juba engendered great debate. As a result of its history as a colonial administrative centre and as a focus of northern government in southern Sudan, the town had the most developed infrastructure and the largest number of trained civil service personnel in the region. The SPLM/A leadership was eager to demonstrate that GoSS was the government of all of Southern Sudan – not just of the areas that had already been under SPLM/A control during the war. Yet SPLM/A leaders had reservations about the choice of Juba because of its divided history, concerned that there would be a repeat of the political rivalries of the Addis Ababa period. They considered locating the capital in Ramciel, at the convergence of Upper Nile, Central Equatoria and Jonglei states in the geographic centre of Southern Sudan. Ultimately, however, under pressure from international partners, it was decided that Juba was the optimal choice for the location of the southern capital due to its infrastructure and population. The challenges of building the southern government in a town with a strong regional identity, whose population had lived and worked within the institutions of the northern government, were anticipated, although perhaps not as seriously as they might have been. The focus, rather, was on the massive reconstruction effort that would be required to turn the war-torn town into a capital city.

\[11\] Both the CPA and the Interim Constitution of Southern Sudan declared Juba to be the capital of Southern Sudan.
At the time of the CPA, most of the town’s inhabitants had no access to running water, electricity, or sanitation facilities. The available health centres, supported by churches and Non-Governmental Organizations (NGOs), were inadequate for the town’s population. Due to the unavailability and high cost of building materials, most residents lived in tukuls made of mud brick and grass roofs (Photograph 1). The few permanent structures dated from the colonial period and were in serious disrepair. The town’s underdevelopment was the basis for an ambitious reconstruction agenda, one that envisioned the creation of a ‘modern’ multi-ethnic and inclusive capital city, which could absorb in-migrants from all areas of Southern Sudan and propel the development of the entire region.

By the summer of 2006 the town was on the cusp of dramatic change. The last of the SAF had left, the military curfew had been lifted, and roads had been opened to Uganda and Kenya, allowing new, more affordable produce and manufactured goods into the town for the first time in years. An influx of aid workers, GoSS bureaucrats, former SPLA soldiers, migrant workers and returnees from bordering countries had begun. At the time, estimates of the town’s population ranged from 250,000 to 500,000 inhabitants. Despite the rapid demographic changes, there were few signs of urban development. There were no major utilities or road works. The town’s single paved road was clogged with new automobile traffic, but it was still filled with large pot-holes (Photograph 2). By 2008, the population had doubled, with some NGOs estimating that it had reached 1 million. The existing housing stock and infrastructure could barely accommodate the burgeoning population. Most of the town’s residents still had no electricity, sanitation facilities, or clean water, and continued to use the river to get water for bathing, cooking, and drinking. In all, little progress had been made in realizing the vision of Juba as a ‘modern’ capital. A *Sudan Tribune* article at the time criticized the delays in urban development in Southern Sudan:

Those who visited [the] southern Sudan capital Juba…during the period between January 2006 and March 2007, would notice that Juba and most capitals of the southern Sudan states… have not changed in terms of development…there seems to be no interest among the stakeholders that things should move ahead…. why is [it] that despite the availability of funds in billions since the first budget was approved in 2005, roads are not paved in the main towns, hospitals are not built,

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12 *Tukuls* are traditional mud huts. They are the predominant housing structure in southern Sudan. Building *tukuls* is comparatively inexpensive, as many of the materials, such as twigs, teak wood, grass, and clay, can be gathered from forests and riverbeds.

13 The Juba Assessment Report’s 2005 estimate of Juba’s population is 250,000, of which 163,000 are categorized as ‘residents’ and the remainder as IDPs. The 2006 JICA Study Team estimate range is far higher at 417,800–520,000. The 2009 Census calculated Juba’s population to be 372,413, but the results were challenged by the SPLM. See: Isaac Vuni, ‘South Sudan parliament throw out census results’, *Sudan Tribune*, 8 July 2009.

Introduction

1 Typical housing construction (tukls) in Juba, 2006
(© Naseem Badley)

2 Juba’s single paved road, 2006
(© Naseem Badley)