

# **PREDICAMENTS OF STATE BUILDING UNDER EX-LIBERATION MOVEMENTS: MAKING SENSE OF THE CURRENT CRISIS IN SOUTH SUDAN**

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## **Abstract**

The tenacity and strength of guerilla movements to wage a protracted armed struggle is almost an empirically proven fact. In Africa and the entire world, there are several instances of guerrilla movements that fought with resilience, strong courage, heroism and an incredible sense of devotion and commitment. However, once they capture political power and preside over the state, the record of these movements in the (re) building of legitimate, democratic and sustainably peaceful states has largely been disappointing. The objective of this study is to shed light up on the challenges of state building in the background of the current crisis in South Sudan. Based on the analysis of primary and secondary data, it argues that the ongoing crisis (civil war) in South Sudan is part of a broader and a recurrent problem of state building under the tutelage of ex- liberation movements; and hence its solutions should be sought in the overall transformation of the SPLM/A into a viable political party.

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**Keywords:** Ex-liberation movements, South Sudan, SPLM, State building

## **Introduction**

Ex-Liberation movements rarely form sustainably peaceful, legitimate and democratic states. In his recent book on liberation movements in Southern Africa, Southall (2013:1) argues that even allowing to the difficult circumstances they had inherited at the time of independence, the performance of liberation movements in Southern Africa has largely been disappointing. Similarly, Melber ( 2003a:xiv-xv;2003b:10), who studied ex- liberation movements in Southern Africa, posits that the post liberation political system established by most movements in Southern Africa is marked by transition from “controlled change to changed control”. According to Melber (2003a: xiv-xv; 2009:452), in the post liberation era the liberators, the victims of the past, has simply turned into perpetrators. In stark contrast to what they have painted themselves – as harbingers of democracy, human rights and good governance – most of them, to a greater and lesser extent, have ended up establishing one party and authoritarian states. This has been the anecdote of most liberation movements in the African continent (Clapham, 2012:5).

The fundamental reason for this failure is that the movements rarely make up as effective governments (Ibid: 3). This in turn is explained by the organizational and cultural background of the movements as well as the human effects of the legacy of the armed struggle. The organization and political culture of the movements that was cultivated during the struggle persists to haunt the post liberation era in many respects. In addition, the feelings of entitlement and compensation by liberation fighters that stems out from their participation in the struggle hedges the effort of state building. In particular, an “immense sense of entitlement”, and “exclusive vision to the state”(c.f Clapham,2012:3) forsake the building of effective and legitimate state on the basis of an all inclusive and effective political process.

As the world's newest state under the tutelage of yet another ex-liberation movement in the region, South Sudan seems to be trapped within this quagmire. The recent crisis (civil war) in the country is just a case in point to this broader and recurring problem in Africa.

In the backdrop of the current crisis in South Sudan, the objective of this paper is to shed light upon the challenges of state building in countries where ex-liberation movements preside over state power.

### **State Building in the Present Environment**

Up until recently, the practice of state building has been dominated by a technical approach to develop the capacity of state institutions on the basis of a Western-Weberian model (cf. Boege et al, 2009) of the state (Gleason, et al, 2011:3; Boege, 2009, 2008). This has been known as the technical approach to state building (Gleason, et al, 2011:4). In this approach, state building is conceived as an objective, technical and apolitical process of developing the capacity of state institutions. This technical approach, however, is impugned for its conceptual and empirical flaws. It was criticized for simply conceiving state building as an objective-technical process; masking its political and contested nature (Hameiri, 2007:127); neglecting the decisive role of domestic actors, and promoting a Western-Weberian model of state (Cf. Boege, et al, 2009), as universal template to state building.

In response to the limits of this approach, recently emerging critical publications have re-conceptualized state building as an essentially political (Hameiri, 2010:5; 2007:122), endogenous (OECD, 2007; 2008), and a process of negotiation between a multitude of formal and informal actors (Didier and Péclard, 2010). One frequently quoted definition in this newly developing strand of knowledge is given by the OECD. The OECD (2008) re-conceptualized state building as “an endogenous process to enhance capacity, institutions and legitimacy of the state driven by state-society relations” (Ibid). This new understanding shifts the focus from a mere emphasis on institutional capacity development towards underlying issues of legitimacy.

Legitimacy – the acceptance of the authority of the state by citizens – influences the functioning of the state. Legitimacy “provides the basis for rule by consent rather than by coercion” (OECD, 2010:3). A wider acceptance of the authority of the state and a broader engagement of citizens with the state is likely to raise the effectiveness of the state. Lack of legitimacy, on the other hand, is a “major contributor to state fragility” (Ibid). It “undermines the processes of state - society bargaining that are central to the building of state capacity” (Ibid). In addition, it eschews the constructive engagement of citizens with the state (Ibid:13).

In short, present day state building is essentially a political process. At its root lies a political process of contestation and bargaining to negotiate and manage state-society relations. In other words, what drives the very process of state building is state- society interactions and settlements. Positive and mutually reinforcing relations between the state and various groups within society are the very foundations to the emergence of effective, legitimate and resilient states (Gleason, et al, 2011:3).

### **Actors in State Building**

Although the traditional technical approach of state building has predominantly focused on governmental actors, state building is a process that involves a multitude of actors. This is recognized by the burgeoning literature on the state and state building. In his state-in- society model, Joel Migdal(2001) argues that the structure and the functioning of states in the third world is shaped by a process of struggle and accommodation between a wide array of state and non state actors. Similarly, a newly developed framework, the negotiating statehood framework, Didier Péclard and Tobias Hagmann(2010,2011), argue that the state is a field of power made and remade through processes of “negotiation,

contestation and bricolage”(2010: 539). According to them Didier Péclard and Tobias Haggmann, State building is not solely an act of engineering by state leaders or transnational actors, but a complex process of negotiation and contestation between an array of state / non-state, national/ international, formal/informal actors (2011:6). The political, legal and institutional configuration of the state is a reflection of these negotiation processes at various levels

With a due recognition of the fact that former liberation movements or their reformed parties in the post liberation era are not the only actors; this study interrogates the credentials of ex-liberation movements at helm of state power in facilitating the emergence of stable, legitimate and effective states.

### **Challenges of State Building under Ex-Liberation Movements**

In general, we can identify two closely interrelated sets of challenges. The first is associated with the organization and structuring of the movements, while the second one relates to what Clapham (2012:5), has called the “human” effects of the liberation struggle.

#### **Organizational Challenges**

##### **Distinct Contexts; Same organization**

The entire problem with the effort of state building under liberation movements starts with the organizational structure of the movements and the separate context the movements operate in the aftermath of the war. These are not political parties accustomed to politics as usual. They are organizations that are conceived as armed movements. And, as armed movements, their war time organization and structuring is ill suited to the task of governance. Fighting a war and governing a state are two distinct processes that require different organizations and attitudes. Fighting a war is “an enterprise with a single and readily identifiable goal, victory, to which all other considerations must be subordinated.” It calls for a specific form of organization such as unity of purpose, dedication on the part of the fighters and a top- down structure of command and control from the part of the leadership (Clapham, 2012:8). Running a government, especially, in the contemporary world, in contrast, is precisely a different form of exercise. It involves a complex process of agenda setting, a bottom up participatory decision making, accommodating diverse interests, responding to popular needs and interests, and delivering services. These differences in the nature of the two activities, logically, call for a different form of organization, priorities and strategies (Clapham, 2012:7).

The problem, however, is that liberation movements assume political power with their war time organization unchanged. They come to power with their militant, hierarchical, sectarian and internally undemocratic organization in place (Söderberg, 2006). While it is vital for them to undergo structural transformation, many of them fail to successful do so (Söderberg, 2006). Of course, liberation movements are not solely military machineries. They comprise political wings who presumably can discharge administrative responsibilities effectively as well as facilitate the transition of the movement into a fully political organ. However, in many liberation movements the political wings are subordinated to the military wings (Zambakari and Kang, 2013).

##### **“Flawed Organizations”**

On top of the inappropriateness of the organization of the movements to peace time politics and governance, the ontology of the movements is also seen as a problem. According to Southall(2013:327), liberation movements are flawed organizations. They present themselves as harbingers of democracy, human rights, Justice and good governance, yet their actual behavior has been akin to these principles. They declare themselves as democracies,

but their organization and operation has largely been undemocratic. They paint themselves as carriers of human rights, yet they have been guilty of atrocities themselves. Moreover, in contrary to their rhetoric to have stood for gender equality, they are predominantly patriarchal organizations. Noting all this, Southall(2013:327) writes:

*....these were flawed organizations. Where as they have projected unity, they had been at times bitterly divided; they had proclaimed human rights, but had been guilty of terror and atrocities; they incorporated women, yet where overwhelmingly patriarchal; and while declaring themselves democratic, they were in many of their practices deeply authoritarian.*

In the aftermath of the war, the memories and experiences of the liberation are selectively employed to justify the authority and legitimacy of the movements (Melber, 2010:n.p). Often, the struggle is “mystified” and its fighters are lionized. Some of this mystification is carried through liberation struggle music, such as the Chimurenga in Zimbabwe, heroes’ acres and martyrs museums in Zimbabwe, Namibia, Ethiopia, and Eritrea etc. Another means is the choice and declarations of national holidays that tend commemorate the achievements and sacrifices of the movements. On top of this, the leaders of the movements are frequently hailed. All these are selectively used to promote an exclusive vision to power by the liberation movements. The undemocratic practices and atrocities are simply never mentioned at all. This eulogy of movement fighters and their leaders is going to create an imbalance between members of the movements and other political actors precluding a smooth and an inclusive political process.

Therefore, in order to become an effective governing party and be able to facilitate the emergence of legitimate and effective states, former liberation movements need to undergo an organizational transformation. They need to dismantle their hierarchical, militarized and authoritarian structural organization and adopt a party organization. In countries, where these organizational transformations have been actualized, the countries tend to enjoy relative stability and democracy. In others, where such transformation has not genuinely been undertaken or remains incomplete, the countries remain autocratic and fragile. For example, among other things, the stability and democratic politics in South Africa is attributed to the successful transformation of the ANC from an armed organization in to a political party. Likewise, similar organizational transformations of the FMNL in El-Salvador, Renamo in Mozambique have significantly contributed to peace and multiparty democracy (Söderberg, 2004). In contrast, in Zimbabwe, Rwanda, Ethiopia, Eritrea, Liberia, and Uganda, among other things, authoritarianism and fragility – to a larger and lesser extent – is attributed to the fake or incomplete transformation of the movements in to political parties (Söderberg, 2004; McDonough, 2008:358)

## **Human Challenges**

### **“Intense Sense Of Entitlement”**

Immense sense of entitlement to state power and resources by the liberation fighters is one key manifestation of the collective human effect of the legacy of the armed struggle. Liberation fighters perceive themselves as the sole legitimate candidates to state power. According to Clapham (2012:5), this is the most recurrent theme that post liberation states often face. Those who participated in the struggle believe that they have won the right to govern the state through military victory and sacrifice (Dorman, 2006:1097). In particular, having taken their movement to ultimate triumph, movement leaders are convinced of not only the rightness of their causes but also their peculiar and legitimate entitlement to state power (Clapham, 2012:6). Power for them is not a “result simply of a popular vote that may be reversed in a later election, still less of a coup d’état that has to be justified in some way or other, but is instead the culmination of a lifetime mission”(Ibid).

In consequence, former liberation fighters who possess little or no qualification and experience, take control of senior government positions. What is even more intriguing is that their claim for hold on power appears to be permanent than transient. Original leaders of movements are often reluctant to step down and hand over power to next generations (Dorman, 2006:1095). Only in two cases, Namibia and South Africa, has the original liberation leaders peacefully stood down (Clapham, 2012:12). In Ethiopia, the leader, Melez Zenawi, has died in office; and he was replaced by a relatively new comer, Haile-Mariam Desalegn, who has not involved in the liberation struggle (Ibid). In most other cases, elsewhere, the original leaders still remain in office. For instance, 33 years after independence and having passed the mark of 90, Robert Mugabe, is still in power in Zimbabwe. Likewise, Youweri Museveine of Uganda's has been in power for well over 23 years. In Eritrea, President Issaias Afwerki, still remains in office 22 years after independence. Angola's, Jose Eduardo Dos Santos is also one of the longest serving heads of state in Africa, in power since the independence of Angola in 1975(Salih, 2007:670).

It is often true that the movements enjoy a wide legitimacy in the wake of their victory and rise to power (Clapham, 2012:4). However, the popular legitimacy the movements enjoy in the heydays of the liberation cannot always justify their leechlike cling to power. Indeed, as Clapham (Ibid: 12) rightly pointed out, the credit of the liberation is a "finite" one (Ibid: 12). The legitimacy granted to the movements by the war weary population gets "exhausted in the minds of much of the population quite earlier than the leaders recognise."(Ibid: 12). Sooner or later, the moment in which the regime is judged not by "its promises" but by its "performances" arrives (Ibid). Yet, no matter how much their legitimacy deteriorates, the movements hardly quit power. Rather, they employ a range of measures, some more repressive than others, to cling to power. In Namibia, Zimbabwe and Uganda, for instance, there has been an attempt to re-write the constitution and extend the term limits of the president (Dorman, 2006:1095). In other cases, such as Ethiopia and Rwanda, the movements have tried to "reinvent" themselves as "developmental" states to able to extend their stay in power (Clapham, 2012:13).

### **Re-Emerging Power Struggles**

The post war effect of the legacy of the struggle is also felt in re-emerging internal and external power struggles.<sup>42</sup> External struggle pertain to what Clapham (Ibid: 6) has referred the "contest for movement hegemony." During the struggle, various movement groups – formed along ethnic, ideological, generational divides or a combination of all these – often fight each other to become the sole carrier of the struggle, and an ultimate beneficiaries of victory (Dorman, 2006:1093). In Eritrea, for instance, EPLF has carried out a bitter struggle against the Eritrean Liberation Front (ELF), which it has separated from, forcing it out of the field of battle (Dorman, 2012:1093). There has also been bitter struggle and fighting between ZANU and ZAPU in Zimbabwe, MPLA, FNLA and UNITA in Angola, and Frelimo and RENAMO in Mozambique (Clapham, 2012:6).

The important point about these war time struggles is that they tend to return in the post war period to haunt the political process in the post liberation era. Those that were defeated by the hegemonic movement do not totally cease to exist. Instead, they regroup, especially in the Diaspora, and continue to incite popular resistance against the movement in power, their former archetype enemy. Splinter groups of the ELF, for instance, to date continue to agitate opposition against the EPLF government in Eritrea (Dorman, Ibid: 1093).

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<sup>42</sup> According to Dorman (2006:1092), the most lasting impacts of the liberation struggle are found in the re-emerging power struggles. She maintains that, "the most lasting impacts of liberation struggles are found not in post-liberation institution building, but in the relationships and alliances formed during those difficult years"(Ibid).

What is more fatal to an ongoing process of state building, however, is the internal struggles. In spite of their intense rhetoric of unity, liberation movements are far from being unified entities (Southall, 2013:1; Dorman, 2012:1093,). In most part, they are “coalitions of disparate forces” (Dorman, 2012:1093) or “divergent factions and rival leaders within what is nominally the same organization” (Clapham, 2012:6). The factions often reflect “differences between major population groups, on the basis for instance of ethnicity or religion, which constitute permanent elements within the national population...”(Ibid).

When the armed struggle is underway in the bushes, these internal rivalries are set aside for tactical reasons, i.e for the purpose of consolidating military power and winning a common enemy. However, once the war has come to an end and the movement is already in power, the rivalries tend to re-surface again. The major factor that prompts the re-emergence these old animosities is the very process of transition from movement to government itself. In this process of transitioning (in to government), some members of the movement might have gained important executive positions while others “may have failed to achieve the level of prominence that they have expected or to which they felt themselves entitled” (Clapham, 2012:8). More specifically, the power of the top liberation leader gets strengthened at the expense of other senior leaders. He assumes the position of the head of the government, while other former colleagues, who in fact had run the organization in partnership during the struggle, fall in to either subordinate positions or are, dismissed altogether (Clapham, 2012:9; Dorman, 2006:1094). This creates a winnowing situation, and is highly likely to rekindle struggles between those who assumed key executive positions and those who felt that they are marginalized (Clapham, 2012:9).

Besides, in the aftermath of the war where the challenges of adjusting to the new reality are immense, intense struggles between the military and the political wing of the liberation movement may also come to the surface (Söderberg, 2004). In Somaliland, for instance, fighting between the more radical and military wing of the SNM, the Alan As, and the civilian wing led by chairman of the movement, Abdurrahman Tuur, was the major factor responsible for the violence and insecurity that hit the country in the first two year of independence, 1991-1993( Farah, 1999:17). In South Sudan, the violence that has erupted between factions of the SPLM/A, led by the president of the republic and the Chairman of the SPLA/M Salvia Kirr, and his deputy, Riek Mechar, in December 2013, has taken the world youngest state back to the violence and carnage reminiscent of the long and deadly war with Sudan.

### **South Sudan’s Experience of State building**

As a state under the leadership of an ex-liberation movement, South Sudan has been experiencing most of these challenges. Organizationally, although the SPLM/A was expected to develop in to a party and national army by the end of Comprehensive Peace Agreement (CPA), progress has largely been limited. Instead, the organization and political culture of the SPLM/A has largely persisted. A year after its much celebrated independence, for instance, Human Right groups, has repeatedly criticized the SPLA for its indiscipline and excessive use of force against civilians (Reporters without Borders, 2012:9). In addition, the SPLM was also criticized for maintaining its old top down and opaque decision making procedures,(ICG,2014:12), as well as, blocking efforts of democratization, particularly, clamping down the opposition and the media (Human Rights Watch,2012:4).

The human challenges of the liberation have also been strong and evident. The sense of entitlement among liberation fighters was immense (ICG, 2014:12; Blacking, 2012: 13). Many senior positions of the government and the army are occupied by former fighters; some of them still maintaining their military ranks (ICG, 2011:11-12). The impact of this has been enormous. According to Blackings (2012:12), the “we liberated you syndrome” and sense of

entitlement that attended it has been at the centre of the governance crisis South Sudan is currently facing. This doctrine has put former combatants and other citizens of the nascent country on a different scale of rights and privileges, precluding an inclusive political process as well as prompting corruption and embezzlement. Moreover, the internal struggles in which liberation movements are typically known for seems to have resurfaced again within the ranks of the SPLM. The very latest struggle is said to be between the president and chairman of SPLM, Salva Kiir and his vice president and vice chairman, Riek Mechar. Reportedly, the struggle commenced with the announcement of the latter to contest for the chairmanship of the party and presidency in the 2015 election (Wassara, 2014). The political wrestling that started between the two individuals soon developed into an armed confrontation in the SPLA, leading into a regrettable level of violence and mayhem reminiscent of the war.

### **The Current Crisis in Context**

The ongoing crisis in South Sudan, this study has argued, is a consequence of a lingering problem of state building under the leadership of ex-liberation movements. The specific factor (challenge) that triggered the crisis was a renewed power struggle within the SPLM, particularly between the chairman and vice chairman of the party. Reportedly, disagreements between the two begun to simmer up after the latter announced his intention to contest for the chairmanship of the party and vie for the presidency. This push by the Deputy president and vice chairman was not liked by the chairman and the president of the republic, Salva Kiir Myriadt, who has the same plan of staying in power, as chairman of the party and president of the republic (Wassara, 2014). This clash of interests between the two further endangered irreconcilable differences over issues of party leadership, elections and constitution (manifesto) (Ibid)

The disagreements got highly tense that they eventually culminated in a decision by Mechar and his supporters to boycott the second day meeting of the National Liberation Council of the SPLM (the highest deliberative organ of the SPLM) on December 15<sup>th</sup>. That same day in the evening violence broke out between Nuer and Dinka soldiers of the presidential guard (Tiger) battalion.<sup>43</sup>

### **The SPLA Factor**

The conflict which first started as a political rift in the SPLM soon developed into an armed confrontation within the ranks of the SPLA. This is evidence to how much the SPLA has remained as a guerrilla force of the past. In spite of efforts to professionalize the army, the SPLA still remains as a deeply divided and an ill disciplined force (Lachar, 2012:5). This happened to be the case not only because of the ontological past of the SPLA, but also due to the amalgamation various militias to the army in the post independence period. As a guerilla force, the SPLA is riven by internal divisions and competing groups (Lachar, 2012:5; ICG, 2014:5). This division among the constituent groups of the SPLA “reflects the bitter internecine history of the liberation struggle” (ICG, 2014:5). In the post independence period, these longstanding divisions within the army became increasingly combustible (ICG, 2014:5).

Moreover, in addition to these already existing predicaments, the amnesia and integration of various militia and opposition groups operating in the country to buy stability

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<sup>43</sup> Reportedly, there was an order by the president to disarm the Nuer soldiers of the presidential guard. In the execution of this order, the officers in charge disarmed both Dinka and Nuer soldiers first. Yet the stores were reopened again and Dinka soldiers re-armed. The Nuer soldiers questioned this, and managed to broke the stores and violence ensued. See, Radio Tamazuj(2013) “Nine questions about the South Sudan crisis: a guide for confused for confused observers” <https://radiotamazuj.org/en/article/nine-questions-about-south-sudan-crisis-guide-confused-observers>

has added an extra magnitude to the problem. Although this strategy is a very commendable effort that has had a remarkable outcome in neutralizing some of the militia groups and realizing relative stability, it had also a massive impact on the constitution and nature of the SPLA (ICG, 2011:13). This integration of the militias into the army, without even proper training, has “compromised” the endeavors to professionalize the army (Jok, 2014: 16). Many members of these militias are, in fact, hardly disciplined enough to be part of the national defense force (Ibid). On top of this, the integration of the militias into the army has made the SPLA a much more divided force than before. In the words of ICG, it has made it a “marriage of convenience”(ICG, 2011:13). Those who were brought into the army were in fact former adversaries of the SPLA (ICG, 2011: 13).

In addition, the integration of the militias has also altered the composition of the SPLA. Following the amnesty and integration process, more than half of SPLM troops became Nuer soldiers (ICG, 2014:6).

### **The Way Forward**

The current crisis is very regrettable. Yet, this opportunity should be taken to redress the governance challenges facing South Sudan. In particular, concerted and sustained efforts should be made to transform the SPLM/A from a guerilla movement into a political party. The old hierarchal, militarized and authoritarian structure of the SPLM should be transformed into a much democratic one. There also is a need to strengthen efforts that were aimed at the creation a much more constrained, disciplined and professional army.

So far, the ongoing efforts of conflict resolution have been centered on stopping the violence. To the credit of the mediators, a Cessation of Hostilities Agreement has been signed by the parties. In light of the escalating violence and worsening humanitarian condition, this is a legitimate target to hit. However, the implementation of the agreement has been tenuous. In the short run, thus, the mediators in Addis Ababa should put at most effort towards the enforcement of the agreement on the ground, and its observance overtime. In the long run, the focus should be on the political negotiations to deal with issues of governance and power that led to the conflict in the first place. But still, given the current form the conflict has assumed most recently, this won't be enough. The crisis which started as a political deadlock has developed into an ethnic confrontation between the Nuer and Dinka ethnic groups. There have been immense atrocities done against members of each community since the conflict flared in December 2013. Because of this, community based reconciliation efforts are also essential to heal wounds and achieve sustainable peace. To be sure, as noted above, this is not the first time the two communities find themselves at loggerheads due internal rifts within the SPLM. In 1991, a similar split within the SPLM/A has resulted into the perpetration of massive atrocities against Dinka in Bor. In view of these animosities, therefore, current peace efforts should aim at broader reconciliation efforts to heal the wounds between the two major communities of South Sudan.

### **Conclusion**

The current crisis in the South Sudan did not come out of the blue. Rather, it is part of a broader and recurrent problem of state building under ex-liberation movements. In most frequent cases ex-liberation movements who have taken state power after liberation had struggled to realize legitimate, effective and democratic states. This is primarily because of the organizational and human challenges the movements face following the end of war. Inability to depart from the war time modes operandi and modes vivendi precludes an effective and meaningful transformation in the country. Therefore, the problem South Sudan is currently facing should be seen in this perspective. Although its nascence means it might prove too early to tell, all indications are that South Sudan is undergoing the symptoms of



this broad and recurrent problem. Accordingly, the antidotes to the problem should be sought in efforts to sustainably transform the SPLM/A into a viable ruling political party and a national army.

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