Failure of States, Fragility of States, and the Prospects of Peace in South Sudan

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Abstract
This article discusses the concepts of failure of states, fragility of states, and the prospects of peace in South Sudan. The article focuses specifically on judicial structural deformities in South Sudan under the qualitative and normative research methodologies, with structural functionalism as theoretical framework. Where preceding works had concentrated their South Sudanese peace-building recommendations on power-sharing mechanisms, this contribution emphasizes a long-term postviolence focus on the building of governance structures. The work recommends that while mediating in liberation struggles, it is critical for the intervening international community to consider the structures on ground, under which an envisaged independent state would thrive, as the prospects of enduring peace in the war-torn South Sudan are more dependent on the creation of such mechanisms than attempting to reconcile the defiant fighters.

Keywords
failed state, failure of states, fragility of states, fragile state, enduring peace

Introduction
The two broad dimensions in which a state exists are the empirical and juridical dimensions (Jackson & Roseberg, 1982). The practical aspects of statehood are, therefore, reducible to an enduring population and an effectual administration, which suggests in the tradition of Max Weber, the exercise of unbroken record of organization and possession of the monopolies of power and influence. The juridical attributes are also condensable to the definiteness of location and autonomy, as universally recognized (Brownlie, 1979; Jackson & Roseberg, 1982; Weber, 1964). A given polity may then own all or some of the practical qualifications of statehood, but devoid the juridical features of location and autonomy, it is not a state (Jackson & Roseberg, 1982). Then, on the reverse side of Jackson and Roseberg’s position, an entity that possesses some or all of the juridical qualities of territory and freedom, without the empirical qualifications of statehood, is of uncertain status.

Research Question 1: What therefore is the purpose of a state from the juridical perspective when the empirical viewpoint is impaired?

This is a central research question of this article. Differently framed, can a state recognized in the international system (by the other states and international organizations) be described as a failed state? According to Jackson and Roseberg (1982), juridical features are more significant than practical or empirical statehood in explaining the perseverance of states in sub-Saharan Africa (despite the continuing frailties of such entities). What is the purpose of this juridical statehood? Even beyond the empirical and juridical categorizations, does a state ordinarily exist to satisfy the combattant appetites of its leadership representatives?

Scholars have generally depicted the incapacitated African states, which fail to conform to the least standards of statehood as “failed,” “quasi,” “weak,” “collapsed,” “shadow,” or “inverted” states (Branch & Mampilly, 2005). Further explications are made in these regards in the two sections of the article “Theorizing the State” and “Interrogating the Seeming State Failure in South Sudan: Difference(s) with Fragility.” But there is certainly the concept of fragile states, which Branch and Mampilly did not cover in their categorizations (Hutchinson & Pendle, 2015). This study reintroduces the notion of fragility. The commoner phenomenon in problematic states’ analyses seems to be about fragility. Yet, the failure of states poses more
challenges for continuity and survival ability. Fragility, for instance, presupposes (prima facie) the continuing existence of the currently problematic state. Failure suggests more ominous auguries.

Central to the problems of the study, therefore, is what Rolandsen (2015) denotes as the issue of the feasibility of a sovereign and self-governing South Sudan. States were in earlier times classified either based on number of rulers or normatively as monarchy, aristocracy, polyarchy, or tyranny, oligarchy, democracy. However, modern states are more seamlessly categorized as either democratic or nondemocratic. Under democracies, there are consequently the monarchical state (unitary/federal monarchy) and the republican state (presidential/parliamentary types). Types of nondemocratic states are perhaps more difficult to identify but they include kingship without party (monarchy), rule of one party in a country without opposition party (one party rule), rule of religious people (theocracy), and core dictatorships, devoid of legal rule and only based on rulers’ wishes (Musazai, 2014). But a specific question that reechoes in this study has to do with how to classify South Sudan, an ostensible new state that fell under the leadership of people who are heavily drunk with violence and warfare (Awolich et al., 2017). According to Blanchard (2013) therefore, the potential for the unrelenting crisis in South Sudan was not unforeseen. The crisis was accordingly a case of an accident that was bound to occur. Akol (2014) perceives the warring parties in South Sudan as possessing a fixation on power. They were the same leaders of the liberation movements to whom a brand new state was delivered. It is against this background that the failing state thesis of the study was investigated. There are some prognoses in the work on what may need to be done. The methodology of the work is both qualitative and normative. The contribution is framed on the template of structural functionalism.

**Theorizing the State**

The concept of state is a very complex one (Nnadozie, 2004). The state is a distinctive suit of institutions, possessing the authority to enunciate the rules for administering a society, and claims, as Max Weber posited, a monopoly on the use of lawful physical force within specific territories (Scott & Marshall, 2005). In the viewpoints of Ifesinachi (2011),

The concept of the state developed with the history of social science, epistemologically rooted in the Greek Polis and the contraptions of its philosophers. The vagaries and imperatives of material existence throughout history have tended to determine the contours of the state, and its interpretations. Evidently, objections, suspicion and difficulties, naturally trail the ambiguities and absurdities in the application of the state as a conceptual variable. (p. 3)

The state is an organization that enables the mass of men to realize social good on the largest possible scale, and what the state is and does will be determined by the history it encounters. It does not set out to compass the whole range of human activities. The will of the state is the will of government. (Laski, 2008, pp. 25–26)

The state is almost universally considered an institution of social service, it is that organization in society which attempts to maintain a monopoly of the use of force and violence, in a given territorial area; it is in particular, the only organization in society which obtains its revenue, not by voluntary contribution or payment for services rendered but by coercion. (Rothbard, 2009, pp. 9–11)

Explicating further on the substance and import of the state, Laski (2008) posits,

The state differs from society. It may set the keynote of the social order, but it is not identical with it. The effective source of state action is the small number of men (and women) whose decisions are legally binding upon the community. Our obligation to obey the state is law apart, an obligation dependent upon the degree to which the state achieves its purpose. And the citizens are the judges of the achievements of the state, not the government. The equal interest of men in the results of its working thus implies a responsible state. (pp. 26–28)

According to Ifesinachi (2011), the state and the nation are coterminous, and can only be comprehended in the context of the ancient epoch to which reference is made. Hence, the state can be located in time and space in historical materiality (Ifesinachi, 2011). However, the coterminousness of state and nation as espoused by Ifesinachi (2011) remains relative. State and nation do not mean the same thing. The basic difference(s) in the two concepts become(s) highlighted when it is noted that the “nation” “cannot be precisely defined, as it is a complex and varying constellation of different forms of communities, languages, ethnic groups or religions” (Rothbard, 1994, p. 2). Nations are accordingly, communities of sentiment (Barkin & Cronin, 1994). States are not framed on sentiments. Then, there is the nation–state, definable as an area where the great majority of members share the same culture, is conscious of a common identity, and where the political boundaries match up with the cultural boundaries. However, most contemporary states are multiethnic. It is accordingly likely that no such entities as nation–state currently exist. Nevertheless, the notion of nation–state may also refer to a hybrid, emphasizing a new alliance between nation and state, where ideally nationality binds the citizen to the state (United Nations Educational, Scientific and Cultural Organization, 2017).
Following Ifesinachi (2011), this section of the article identifies the underlined frameworks of analysis in theorizing the state:

- Under the idealist framework, following G.W.E. Hegel, the state is perceived as an ethical community, underpinned by mutual sympathy and universal altruism. Hegelian idealism thus underscores the quest for the public good as the basis of existence for the state (Heywood, 2002; Ifesinachi, 2011).
- The functionalist frame that focuses on the purposes and roles of state institutions.
- The organic theory of the state, associated with Plato and Aristotle, and sees the state as conceived to synchronize the different necessary parts of the population. This school of thought compares the state with a living organism or natural institution, comprising of parts that function together and none can function successfully outside the whole.
- The mechanistic theory associated with John Locke, Jean Jacques Rousseau, and Thomas Hobbes, and sees the state as a humanly contrived machine in the form of a social contract.
- The pluralist theory of the state, which has a liberal lineage and is anchored on the belief that the state is a neutral umpire, referee, or impartial arbiter in society (Ifesinachi, 2011).

The functionalist approach is adopted for this study. Functionalism and structural functionalism are accordingly synonymous in this work and usable interchangeably. Meanwhile, in Urry (2000), there is this reference to functionalism and an “organic analogy,” which underlay it (p. 23). In other words, the workings of the social body are seen as analogous to those of the human body. Consequently, (it is assumed) the social body is marked by the interrelatedness of the separate parts, which combine to engender self-regulation. Hence, explaining any specific social institution is achieved by underscoring its contribution to the functioning of the social organism. The functionalist and organic theories (Ifesinachi, 2011) would thus begin to seem unified. This amalgamated perspective is denoted and acknowledged as the classical functionalist theory in this study.

But the theoretical hue of this article differentiates between this organic analogy and structural functionalism, which has been described as “a particular stage in the methodological development of social science” (Kingsbury & Scanzoni, 1993; Parsons, 1977; Urry, 2000). Thus, the state in this study is definable as that set of institutions that upholds order and delivers social stability (Ifesinachi, 2011). Functionalism therefore refers to the maintenance of law, order, and stability by the state, through the instrumentalities of these institutions, otherwise regarded as structures of governance in the study. In the application of structural functionalism to the study therefore, the thesis is that failing and fragile states are characterized by structural deformities. For instance, South Sudan had a defective judiciary at birth. According to the International Commission of Jurists (2013),
Indeed, the unavailability of any buildings suitable for holding hearings in some parts of the country, and lack of centres for judicial training and continuous professional development. In the process, the existing Executive and the army, exercised undue pressures on the judiciary and illegitimately interfered with the exercise of judicial functions in the new state. (p. 3)

Hence, the deformed judiciary was incapacitated in the structural–functional tradition, from participating in upholding order and delivering social stability.

**Interrogating the Seemingly State Failure in South Sudan: Difference(s) With Fragility**

Can a state recognized in the international system by other states and international organizations be described as a failed state? When a new state is born in crises, is enmeshed in crises, and has not actually been able to get its authorities entrenched in its crises-prone systems, and in the structures that may guarantee future good governance, what obtains under these scenarios are akin to a state failure. Furthermore, the concepts of “failing” and “failed” states have truly come to be used in such widely divergent ways that some scholars think they should be jettisoned for alternative concepts and principles of thinking about problematic states (Call, 2008). Yet, some conceptual tendencies (of which failing and failed states are among them) remain analytically relevant despite their detractors’ criticisms. Citing Rotberg (2002) and Eizenstat et al. (2005), Brooks (2005) had highlighted that

Failed states lose control over the means of violence, and cannot create peace or stability for their populations or control their territories. They cannot ensure economic growth or any reasonable distribution of social goods. They are often characterized by massive economic inequities, warlordism, and violent competition for resources. (pp. 1160–1161)

The situation in South Sudan is seemingly reflective of Brooks’ position on failed or failing states. The current South Sudan was the theater of the Anyanya Rebellion also known as Anyanya I (named after the then rebels), a term in the Madi language, which means “snake venom.” It was also the theater of the first Sudanese civil war (1955–1972). The conflict was between the then Southern Sudan region and the Northern part of Sudan. The then Southern Sudanese were demanding representation and further regional freedom from the center. Between 1983 and 2005, the second Sudanese civil war was fought between the Sudan People’s Liberation Army (SPLA) and the central Sudanese government, and was essentially a continuance of the first war. It also began from Southern Sudan and extended to the Blue Nile and the Nuba Mountains. This particular war lasted for 22 years as one of the most protracted civil combats in history, and finally led to South Sudan’s independence in 2011 (LeRiche & Arnold, 2012). The current South Sudanese civil war began in 2013 (2 years after independence) as precipitated by rivalries between belligerent leaders of the new entity. Good governance is not yet the vital issue in South Sudan, it is warfare that reigns. This article identifies the judiciary as a pivotal institution of good governance that its indispositions contributed to the systemic imbalances in South Sudan. The warmongers of South Sudan consequently personify the law as they attempt to symbolize the state.

Personalities who assume authority to make rules to govern the society in South Sudan were essentially neither elected nor even selected, but only appointed on the bases of their capacities to precipitate domestic violence during the previous wars. Laski (2008) highlights that “the performance of the state is significant for each one of us” (p. 27). But it appears as if such performance of the state is only significant for the belligerent South Sudanese leaders. According to Laski (2008),

The limitation in the number of those, upon whom social good is conferred, whose personality, that is to say, finds satisfaction in the working of political institutions, has always meant, in the end, an assault upon the foundations of the state, by those excluded from its direction. For the identity of men’s nature makes them need a common minimum of satisfaction for their wants. The implication of that common minimum is a share in power, that they may protect the fulfillment of their desires. (p. 27)

This “common minimum as a share in power, which the identity of men’s nature makes them need, that they may protect the fulfillment of their desires” is interpreted by the leaders in South Sudan as open to only themselves. The country consequently appears as an emergent state in crises, marked by the possibilities of an irrecoverable implosion and state failure. A body of indigenous jurists of global fame may successfully make pronouncements that set judicial precedents that give hope in a failing state situation. In the case of South Sudan however, there was an intense lack of such judicial building blocks, which would have, in the structural–functional tradition, checkmated the excesses in the national system. There is additionally in South Sudan the absence/necessity for a strong bureaucratic field (Bourdieu et al., 1994). This also extends to the necessity for a robust judicial bureaucracy (Bunjevac, 2017).

De Waal (2014) concisely describes the South Sudanese system as kleptocratic. According to De Waal,

> both in the everyday sense that national leaders use every opportunity to steal public funds, and also in the original social-scientific sense used by Stanislav Andreski, with reference to Nigeria, the essence of kleptocracy is that the functioning of the organs of authority is determined by the mechanisms of supply and demand, rather than laws and regulations. (p. 348)

What has accordingly happened in South Sudan was that from 2005 to 2011,
Brown (2009) contend that mental challenges as best as they can” (p. 1). Stewart and Brown (2009) have also not or cannot deliver on their core purposes to the people, states are considered fragile when their governments will sally accepted conceptualizations of fragility, opining that incapacies in executing these functions, its legitimacy becomes questionable. It becomes a fragile state. But indicate incapacities in executing these functions, its legitimacy is among the central features of the state. Critical to questionable legitimacy. The attribute of unquestionable interim representatives? Fragility is accordingly an allusion to questionable legitimacy. The attribute of unquestionable legitimacy is among the central features of the state. Critical purposes of the state, therefore, revolve round the maintenance of law and order, the provision of mechanisms for the resolution of disputes, and putting provisions in place for the security and welfare of its members. When a state begins to indicate incapacities in executing these functions, its legitimacy becomes questionable. It becomes a fragile state. But according to Grimm et al. (2014),

The definition of “fragile states” is far from stable, despite the attempts by many international institutions to create a more rigorous definition. The term is used by various actors with different agendas to describe dissimilar national contexts of political disruption, institutional weakness and economic collapse. As a result, the concept is subject to a variety of interpretations. (p. 205)

Vallings and Torres (2005) agree that there are no universally accepted conceptualizations of fragility, opining that states are considered fragile when their governments will not or cannot deliver on their core purposes to the people, inclusive of the poor. Stewart and Brown (2009) have also noted “that countries may not like to be called ‘fragile,’ especially where they feel they are managing their developmental challenges as best as they can” (p. 1). Stewart and Brown (2009) contend that while the concept of fragility points to certain vulnerabilities, and consequently to the need for special treatment by the international community, it might be desirable to use a different and less provocative terminology, in referring to such category of countries, and indeed to be less categorical about situations which are uncertain, and where any categorizations may involve a good deal of judgment (p. 1).

But the methodology of this work is essentially normative, and whatever classifications that may lead to state competences are welcome as part of the study’s designs.

Principally, the structural–functional nexus is mortally impaired in a failed state. In South Sudan, what has become of the state is a place that is at odds with itself (Schomerus & Allen, 2010). The location’s continuing claim to functional statehood is based on privatized structures. The kleptocrats in South Sudan have consequently continued to act as personifications of this state and its structures. Rothbard (2009) also asserts that “once a state has been established, the problem of the ruling group or ‘caste’ is how to maintain their rule” (p. 18). Then, in the case of South Sudan, it appears as if no ruling group has ever actually emerged—the South Sudanese state is accordingly probably failing. Worster (2009) submits that

the debate over statehood is further dominated by two competing theories: the declaratory and the constitutive theories. According to the constitutive theory, a state is only a state upon the political act of recognition by other states. Under the declaratory theory, recognition is merely an act of acknowledging the existing statehood and does not confer status. (p. 118)

However, the focus of this work is not on the legality of the South Sudanese state but on its progress and sustainability.

Anatomy of a failing state: South Sudan and the narratives of war. South Sudan was part of the Anglo–Egyptian Sudan, administered under a dual Egyptian–British rule from 1899 to 1955. The main Sudan became independent in 1956. A few months to independence in January 1956, a civil conflict spearheaded by the secessionist Anya Nya group started between Southern and Northern Sudan, while in 1969, a group of Sudanese army officers (under the command of Col. Gaafar Nimeiry) got hold of power and introduced a policy of self-rule for the Southern parts of Sudan. The government finally granted a degree of self-rule for the Southern territories in a peace deal executed in Addis Ababa in 1972 (Johnson, 2016; LeRiche & Arnold, 2012). In 1983, a second civil war however broke out between south and north Sudan. The civil conflict was led by John Garang’s Sudanese People’s Liberation Movement (SPLM), after Nimeiry abolished South Sudan’s existing autonomy. This war lasted from 1983 to 2005 and was only ended by a north–south peace agreement (North/South Comprehensive Peace Agreement [CPA]) in January 2005. The agreement provided for a referendum on independence in 6 years time, to confirm autonomy for the South, a permanent ceasefire, a power-sharing government that includes agitator in Khartoum. In October 2005, an independent government was inaugurated in South Sudan on
the basis of the peace pact of January 2005. But the government was dominated by former insurgents. What was achieved was accordingly describable as fragile peace. John Garang (former Southern rebel leader) was sworn in as the first vice president and a new constitution for Sudan, granting the south a large measure of self-rule, was proclaimed in July 2005. Garang however died in a plane crash in August 2005 and was succeeded by Salva Kiir Maladroit (Johnson, 2016; “South Sudan Profile,” 2018).

In November 2006, hundreds of deaths were recorded in physical conflicts concentrated on the Southern city of Malakal, in the deadliest of such combatant belligerences between the former rebels and Northern Sudanese forces since the 2005 peace pact. March 2008 witnessed the rising of tensions over clashes between an Arab militia and SPLM in the disputed oil-rich Abyei area on the north-south divide. Abyei has been the source of a lingering dispute within Sudan. And in July 2009, Northern and Southern Sudan said they accepted the ruling by the arbitration court in The Hague, shrinking disputed Abyei oil region and placing the major Heglig oil field in the north of Sudan. Leaders of North and South of Sudan reached a deal in December 2009 on the terms of the referendum for independence due in South by 2011. Expected Independence was later backed by 99% of South Sudanese in the 2011 referendum. (Johnson, 2016; “South Sudan Profile,” 2018)

On July 9, 2011, the new state of South Sudan was born but many insurgent scenarios preceded this birth, giving rise to the situation of an enemy within. Hence, the clashes between the security forces and rebels in southern Sudan’s Jonglei state left more than 100 people dead in February 2011. The North occupied the disputed border region of Abyei in May 2011. But in June of the same year, 2011, the governments of north and south signed an accord to demilitarize the disputed Abyei region, and let in an Ethiopian peacekeeping force. (“South Sudan Profile,” 2018; “South Sudan: What Is the Fighting About?” 2014)

In August 2011, the United Nations said about 600 people died in ethnic battles in Jonglei State. After some 100,000 persons fled the conflict zones in January 2012, South Sudan pronounced a disaster in Jonglei State. In September 2012, after days of talks in Ethiopia, the presidents of South Sudan and Sudan reached some agreement on trade, oil, and security issues.

By March 2013, Sudan and South Sudan agreed to resume pumping oil, after a bitter dispute over fees that saw production shut down for more than a year. They also agreed to withdraw troops from their border area to create a demilitarized zone. In July 2013, President Kiir dismissed his entire cabinet, and Vice-President Riek Machar, in a power struggle within the governing Sudan People’s Liberation Movement. (“South Sudan Profile,” 2018; “South Sudan: What Is the Fighting About?” 2014)

“South Sudan Profile” (2018) further highlights that a civil war erupted in December 2013, as Salva Kiir accused erstwhile Vice President Machar of attempting to topple him. The consequent dissident groups subsequently seized control of numerous provincial towns. Thousands of people were killed and many more fled. Ugandan troops had to intervene in the crises on the side of government. In January 2014, a ceasefire was executed but severally breached over subsequent periods. By April 2014, more than a million people had been displaced as further talks in February failed to bring an end to the continuing violence. In this same month of April 2014, the United Nations said forces loyal to Machar sacked the oil city of Bentiu, with hundreds of people recorded dead. Another peace talk commenced in August 2014, in Addis Ababa, Ethiopia, and lasted for several months, while combatant exchanges persisted in South Sudan. In April 2016, Machar eventually returned to Juba, and was appointed first vice president in a unity government arrangement. He was discharged again in July 2016, following further conflicts, and he retreated into exile. In December 2016, a United Nations’ Commission on Human Rights reported that a process of ethnic purge was feared in different sections of South Sudan. But this claim was denied by President Kiir. In February 2017, famine was declared in different locations of the war-ravaged South Sudan. The United Nations referred to the food shortages and starvation “as a man-made catastrophe, caused by civil war and economic collapse.” According to the United Nations, by August 2017, the number of evacuees escaping to Uganda from the aggression and savagery in South Sudan had risen above the one million mark (“South Sudan Profile,” 2018; “South Sudan: What Is the Fighting About?” 2014).

The South Sudan situation: A summation. The historical context of the South Sudanese problematique has already been provided by different scholars and lay contributors (Awolich et al., 2017; Blanchard, 2013; Johnson, 2014; Rolandsen, 2015; “South Sudan Profile,” 2018; “South Sudan: What Is the Fighting About?” 2014). The lingering crises in the seemingly failing South Sudanese state, initially began as a tussle for political supremacy and relevance between President Kiir and the then Deputy President Machar, before dovetailing into a full-fledged civil war. But there was actually nothing at independence, which suggested that the envisaged new state would not unravel. The Southern part of Sudan (now officially South Sudan) had always been a divided lot, seemingly incapable of standing on its feet, and consequently not destined to do a good job as an independent nation. According to Mutenyo (2011) also, this location probably had “the worst social and economic indicators in the world” at the time of its ill-fated birth.

Prior to independence in 2011, Cropley (2010) noted that Juba’s political leaders (Juba is the South Sudanese capital) and its band of hardy foreign diplomats admitted that the then Southern part of Sudan, faced
a long and bumpy road toward becoming an even vaguely successful independent nation. It was by many yardsticks, the least-developed place on earth, with 70 percent of its people having no access to any form of healthcare, one in five women dying in childbirth, and one in five children failing to make it to their fifth birthday.

It was one of the roughest corners of an infamously rough continent (Cropley, 2010). It was therefore almost self-evident that the new state of South Sudan was deceased on arrival (Cropley, 2010, Thurston, 2011). It was merely concluded that independence would “bring some hope to a place, which had lost over 2 million people and where over 4 million had been displaced during the civil wars of the past two decades” in the Sudan between the North and south (Mutenyo, 2011). Awolich et al. (2017) further highlights, The international community has been quite reprehensible in getting to the nitty-gritty of peace consolidation in South Sudan. There is an apparent degree of frustration and sometimes arrogance that gets in the way of a meaningful, result oriented type of diplomatic engagement. In fact, there is lack of appreciation of the dire situation in which South Sudan is, as futile attempts are made to try and force sense out of leaders who are heavily drunk with violence and warfare. (p. 4)

In Branch and Mampilly (2005), Southern Sudan, which metamorphosed into the seeming failing state of South Sudan (on gaining independence from Sudan), is described as “a politically contested space with no unified Southern Sudanese identity” (pp. 3–4). Branch and Mampilly (2005) highlight that whatever common identity that seemed to exist arose primarily from a common repression of the Southern Sudanese by the government based in Khartoum, which had always abused and exploited the South, and cruelly suppressed resistance to its rule. But more prominent, they argued, were the rifts among the various Southern ethnic blocs. Citing Jok and Hutchinson (1999), Branch and Mampilly contend that

The conflict during the 1990s between the Dinka-dominated mainstream Sudan People’s Liberation Army (SPLA) and various Nuer-dominated SPLA factions produced more bloodshed, and many more civilian deaths, than the battle against the Khartoum government. Many of those who belonged to the smaller Equatorian ethnic groups—the Bari, Zande, Acholi, Madi, Moru, Kuku, and others—viewed the SPLA as a vehicle of Dinka domination and complained bitterly about their treatment at the hands of the SPLA. While the Dinka-Nuer conflict was being addressed by scholars therefore, the conflict between Dinka and Equatorian groups became sidelined (p. 4).

De Waal (2014) likened the scenario to “looking for patterns in what sometimes appeared to be pattern-less contestation and conflict” (p. 350). The state of South Sudan was accordingly founded on crumbled structural functionalism. De Waal (2014) hence, earlier posited, South Sudan obtained independence in July 2011 as a kleptocracy—a militarized, corrupt neo-patrimonial system of governance. By the time of independence, the South Sudanese “political marketplace” was so expensive that the country’s comparatively copious revenue was consumed by the military-political patronage system, with almost nothing left for public services, development or institution building. The efforts of national technocrats and foreign donors produced bubbles of institutional integrity but the system as a whole was entirely resistant to reform. (p. 347)

It may indeed seem believable that Sudan possesses sympathies for the rebel side of the subsisting war in South Sudan. Houreld and Dumo (2019) depose that “both sides have previously armed rebels against each other.” It would appear as if the evidence of belligerency on ground made the supposed independence of the Southern Sudanese, a case of the clichéd “good riddance” from the stand point of Khartoum. Who will justifiably blame Khartoum for the cataclysms in the emergent South Sudanese state? It seems now that the Southern Sudanese are always at war with themselves, while peace continues to elude them and their current territory, leading to suggestions that it will take a new generation of leaders to make it a successful state (Vertin, 2019). According to Vinograd (2017), the current war “has already claimed tens of thousands of lives and forced more than 3 million people to flee from their homes.” Hutchinson and Pendle (2015) also underscore that

While the 2005 signing of the Comprehensive Peace Agreement (CPA) marked the formal conclusion to more than two decades of civil war between the government of Sudan in Khartoum and the SPLM–SPLA, it did not bring true peace. Instead, it ushered in a state of suspension between peace and war that ultimately culminated in late 2013 in the political and military implosion of the newly independent government of South Sudan. (p. 416)

Indeed, “for many members of the southern elite, ‘liberation’ was possession of the same opportunities to loot a state as their northern peers had long enjoyed” (De Waal, 2014, p. 367). When De Waal (2014) subsequently suggests that “the potential for explosive change should not be underestimated” (p. 369) in the continuing leadership shenanigans in South Sudan, what this viewpoint alludes to is that new breeds of South Sudanese rulers would still continue to emerge from a political class with historically impaired credentials and greed-blurred visions. Fundamentally, the belligerents in the lingering crises are militarized political actors who do not seem convinced that the running of a modern state requires backgrounds in the formulation of people-oriented dictums and ideologies. It seems that for such political actors, the independence of South Sudan was for the continuity of their
martial arts practices and for the institutionalization of kleptocracy as the culture of public service.

**Ensuring enduring peace in South Sudan.** The truth is that the current generations of South Sudanese leadership members are not peaceful people. They do not also belong to the class of persons who listen to sermons on repentance. United Nations “agencies such as the Food and Agriculture Organization (FAO), the World Food Programme (WFP),” and the United Nations Children’s Fund (UNICEF) have made massive interventions in South Sudan, particularly in the area of arresting the embedded food insecurity, and the accompanying malnutrition and starvation (“South Sudan’s ‘Relentless Conflict’ Leaves Almost 60 Per Cent Suffering Desperate Food Crisis,” 2018). It however appears as if these humanitarian interventions embolden the combatants in South Sudan to continue to fight. The international community must then brace up to the challenge of generically replacing such unpentant deviant actors in one way or another. It is accordingly proposed in this work that the international community brokers an accord of upper age limit for leadership in the executive branch of government in South Sudan. This implies an internationally coordinated retirement for the current warlords. A global fund would be instituted for their life benefits, as they give way to a new generation of leaders in the beleaguered country.

The ex-combatants in these regards will not be on the world’s payroll as retirees, and still be fomenting trouble. Absolute involvement of the international community in perfecting this blueprint is recommended to forestall the boundless consequences of the situation as violated nationals of the possibly failing state spill over to other countries. This article does not recommend an outright forceful intervention that may entail more bloody results in South Sudan. The unpentantly feuding parties in the country have after all given birth to their own combatant acolytes. The list of necessary casualties in an internationally coordinated ruthless removal of the leading South Sudan warriors may thus become interminable. The leaders of the various wars in the country would, however, need to be reminded that as their civilian population troop to neighboring countries as refugees, there would very soon be nobody remaining in their failing state, except disgruntled and starving soldiers on all the warring sides. It will be good to begin to alert the leaders of the South Sudanese combatant factions that they may be charged for war crimes at the end of the bloody day.

Meanwhile, “more than 3.5 million people have currently been displaced in a country of about 12 million, with more than 2 million internally displaced and another 1.5 million having fled to neighboring countries, particularly Kenya, Sudan, and Uganda” (“UN: Refugees From South Sudan Cross 1.5 Million Mark,” 2017). The implication of this (added to the growing number of war casualties) is continuing depopulation, ineffective government, and deficiencies in the empirical attribute of the state. Malakal, South Sudan’s second city, became empty, razed to the ground (described as vanished) in the rage of warfare (Franks, 2015). A new state recognized in the international system by other states and international organizations (juridical statehood) can, therefore, become describable as failing when the empirical attribute is impaired. A long-term approach must be embarked upon at the end of the current hostilities (whenever it ends). And, this requires the massive funding of structures for modern living in the legacy state. There will be need for the funding of education in South Sudan (on massive scales), building of schools, and sending of teachers to the country. In other words, the situation in a new South Sudan will require human capital (re)generation and the rebirth of the nationals. It calls for a focus on education for national rebirth and social reconstruction. The schools would catalyze these progressive conditions. What has continued to happen is that the international community, as mediators in the South Sudan situation, perceived the emergent debacle as having other similarities. Hence the one-size-fits-all mediations, which remained perpetually jeopardized, are likely to be so endangered, except the failing state realities of the situation are recognized.

Some other studies have also concentrated their recommendations on power-sharing mechanisms (for appeasing the current war lords in this failing state). Although such ameliorative conflict resolution mechanisms may have to continue for an extended period (Rolandsen, 2015), the long-term postviolence focus would need to emphasize the building of the structures for a functional state in South Sudan. This contribution of course is not in specificity focused on how the civil war in South Sudan will come to an end. Implicit in the design of the work is the certainty of the crises coming to one form of end or the other—happy end or illusory end. The emergent state and the worldviews of the budding leaders of the new state will need to be demilitarized. At all levels of education in the country, therefore, the primary function of the school should be the implementation of generic curriculum content for the rebirth of the citizens. The new leaders of the revived state are to emerge from this new breed of South Sudanese nationals. Enduring peace is expected to be guaranteed by this novel class of nationals and leaders, not the contemporary unpentant warlords.

**Conclusion**

The tendencies of a failing state are more ominous than the auguries of state fragility. State failure is fundamentally a source of preventable full-blown crisis on the international arena. It is internationally important to always prevent the escalation of the embedded issues in such situations into massacres of worrisome global catastrophe. The principal characters in the ongoing civil war in South Sudan must be persuaded to embrace the path of enduring peace. International peacemaking efforts must also transcend the penchant and claims of the current warriors. The present situation in South Sudan reveals that while mediating
in liberation struggles, it is necessary for the interceding international community to consider the structures on the ground, under which the envisaged independent state would function. Among these structures must be a judiciary of global acclaim consisting partly of reputable nonnative jurists in the initial periods. The judiciary is an instance where it is unnecessary to plead noninterference in a nascent country’s internal affairs, although the focus remains impartiality in jurisprudence and administration of justice. Prospects of enduring peace in the war-torn South Sudan are more dependent on the creation of such structures than attempting to reconcile the defiant fighters. The concept of international community may currently possess divergent connotations, but in this article, it refers to a global coalition of people, organizations, and governments under the direction of the United Nations General Assembly. But never again may global hope be wasted on the combatants of freedom fights to catalyze functionalism in their new states in the absence of valid structures for such functionality.

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